



# **HARNETT COUNTY PERSONNEL ORDINANCE**

**Effective: July 1, 2015**

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## The Harnett County Motto

Strong Roots. New Growth.

## The Harnett County Mission Statement & Vision

It is the mission of Harnett County Government, led and supported by its County Manager, Board of Commissioners, and all of its employees, to ensure the continued prosperity, well-being, physical quality, and economic growth of this County through service to its residents, businesses, and industries by providing the necessary and essential services that will produce a community that is safe, healthy, convenient, pleasant, and full of educational and economic opportunities.

By committing itself to this mission, Harnett County Government hopes to make this County a place where people are self-sufficient, enrich the lives of one another, respect the environment, appreciate their heritage, participate in government, and plan for a better tomorrow. With the help and participation of all Harnett County employees and citizens, this hope and vision will become a reality and Harnett County will be a great place to live, work, learn, and play for generations to come.

## Harnett County Values

The values of Harnett County are as follows:

- **Fiscal and Personal Responsibility:** Harnett County government will practice fiscal and personal responsibility in order to provide sound and frugal leadership that will maintain the funds and avoid unnecessary spending.
- **Ethical Behavior:** Harnett County government will at all times be ethical in its behavior to maintain the public trust and to preserve integrity internally and with County citizens.
- **Openness and Approachability:** Harnett County government will remain an open and approachable body to any Harnett County citizen who wishes to express his or her thoughts, concerns, or suggestions.
- **Conservation and Preservation:** Harnett County government will continue to conserve and preserve any County resources or historical landmarks.
- **History & Heritage:** Harnett County government will do everything in its power to ensure that the rich history and heritage of Harnett County is not lost.

## Harnett County Goals

The goals of Harnett County are as follows:

- To ensure the continued prosperity, well-being, physical quality, and economic growth of Harnett County.
- To provide quality services in a cost-effective manner to all Harnett County citizens.
- To cultivate and produce a community that is safe, healthy, convenient, pleasant, and full of educational and economic opportunities.
- To enhance the County's overall communication and innovation.
- To be pro-active in planning for change and overall County growth.
- To encourage and foster problem prevention strategies.
- To address and meet head on the future population growth and diversity of Harnett County.
- To preserve the long-standing heritage of Harnett County and continue its tradition.

# ARTICLE I. ORGANIZATION OF THE PERSONNEL SYSTEM

## Section 1. Purpose

The purpose of this policy is to establish a personnel system which will promote a fair and effective means to recruit, select, develop, and maintain an effective and responsible work force, and provide the means for removal of unsatisfactory employees. This policy is established under the authority of North Carolina General Statute ("NCGS") §153A-5 and §126.

## Section 2. Coverage

This policy will cover all Harnett County employees excepting the following:

- A. The Harnett County Board of Commissioners ("BOC"), who are, however, subject to the following:
  - 1. Article III, Section 16
  - 2. Article VII, Sections 1 and 9
  - 3. Article XII
  - 4. Article XI
  - 5. Article XIV
- B. The County Manager, who is, however, subject to the following:
  - 1. Article I
  - 2. Article V
  - 3. Article VI
  - 4. Article VII
  - 5. Article XI
  - 6. Article XII
  - 7. Article XIV
- C. The Sheriff and Register of Deeds, who are, however, subject to the following:
  - 1. Article I
  - 2. Article II
  - 3. Article III
  - 4. Article VI
  - 5. Article VII
  - 6. Article XII
  - 7. Article XIV
- D. Employees of the North Carolina Agriculture Extension Service, who are, however, subject to the following:
  - 1. Article V
  - 2. Article VI, Sections 2, 8, 9, 12, and 13
  - 3. Article XII
  - 4. Article XIV
- E. The Director of Elections, who is, however, subject to the following:
  - 1. Article I
  - 2. Article II
  - 3. Article III
  - 4. Article IV, Sections 1-5
  - 5. Article V
  - 6. Article VI
  - 7. Article VII
  - 8. Article XII
  - 9. Article XIV

F. Employees and members of the Harnett County Board of Education

This policy will cover all Harnett County employees, however:

- A. Employees of the Register of Deeds and Sheriff's Office are exempt from Article IX and Article X.
- B. Employees of the Social Services Department are exempt from Article X.
- C. Employees governed by the North Carolina State Personnel Act are exempt from Article II.

### Section 3. Definitions (Listed Alphabetically)

The following definitions shall be applied to the entirety of this policy wherever such words are used. The definitions found below shall be binding on all Harnett County employees without exception.

**Adverse Action:** Any action taken by Harnett County to discipline a County employee including, but not limited to: an oral or written warning, suspension, demotion, dismissal, involuntary resignation, or termination.

**Adverse Weather:** Any weather condition that adversely impacts an employee's commute to and from work or adversely impacts the County's ability to continue normal operations.

**Anniversary Date:** An employee's original date of employment with the County.

**Appointing Authority:** Any individual or board who has the responsibility to assign or place a person into a position.

**Covered Active Duty:** For members of the Regular Armed Forces this term means, duty during deployment of the member with the Armed Forces. For members of the Armed Forces Reserve this term means, duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.

**Class:** Positions or groups of positions having similar duties and responsibilities requiring similar qualifications, which can be properly designated by one title indicative of the nature of work performed, and which carry the same salary range.

**Cost of Living Increase:** An annual adjustment to all pay ranges that may be made by the BOC. Such an adjustment would become effective on July 1 of each year.

**Daughter:** A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability. The onset of a disability may occur at any age for purposes of this policy.

**Death:** The permanent ending of vital processes of any County employee.

**Disability:** Any physical or mental condition that limits movement, senses, or activities to such a degree that the employee is unable to complete his essential job duties and is considered temporarily or permanently disabled.



Dismissal: The act of Harnett County excusing an employee from service because the employee's current job performance, personal conduct, or other behavior is unsatisfactory or contrary to the mission and policies of Harnett County. This word shall be considered as a synonym for an involuntarily resignation or a termination.

Employee:

A. Full-Time Employee:

1. Permanent: A person appointed to a particular position, designated as full-time by the BOC, to perform duties and responsibilities required on a continuous and probably annually recurring basis. Such an employee's average work week will total 40 hours. Such an employee will have completed a probationary period to the satisfaction of the Supervisor or Department head and is entitled to all appeal rights and benefits afforded to them under this policy proportionate with the number of hours worked.
2. Limited Service: Any employee whose service is intended to be of limited duration but who work a normal workweek, not to exceed 12 months or in the case of a grant, the grant period. This definition excludes individuals supplied under contract by an outside agency. Such an employee is ineligible for any County benefits except holiday leave and retains no appeal rights under this policy, but may have those employee benefits mandated by federal or state law.

B. Part-Time Employee:

1. Permanent: Any employee who is appointed to a particular position for which the average work schedule is less than 29 hours per week or not more than 129 hours per month. Such an employee is ineligible for any County benefits (including no health benefits nor holiday pay) and retains no appeal rights under this policy, but may have those employee benefits mandated by federal or state law.
2. Limited Service: Any employee who is appointed to a particular position and whose service is intended to be of limited duration and who work less than the normal workweek. Paid interns who are employed for a limited duration fall under this category. Such an employee is ineligible for any County benefits (including no health benefits nor holiday pay) and retains no appeal rights under this policy, but may have those employee benefits mandated by federal or state law.

C. Probationary Employee: A person appointed to a particular position, designated as full-time by the BOC, to perform duties and responsibilities required on a continuous and probably annually recurring basis who has not completed the probationary period. Such employees do not have appeal rights.

Amended November 21, 2016

Essential Personnel: Employees who are required to work during adverse weather because they have been designated by a Department Head or County Manager.

Essential Operations: Services that have been determined to be essential by the County Manager and therefore, shall be continued during adverse weather.

Grievance: A specific, formal notice of a full-time permanent County employee's dissatisfaction based upon an event or condition which affects the circumstances under which an employee works expressed through the appropriate grievance procedures. The particular dissatisfaction complained of should be reasonable to the average person and may not be frivolous, but may include: (1) any acts of discrimination against an employee because of age, sex, race, religion, color, national origin, visible or

nonvisible handicaps, or pregnancy; (2) any adverse action executed under the Disciplinary Action Policy addressed in Article XI; or (3) any unfair application, misinterpretation, or lack of established County policy.

**Hiring Rate:** The initial salary or hourly rate paid an employee when hired into the county's service. This is normally the first step in the employee's salary range.

**Immediate Family:** This term includes the following familial relationships: wife, husband, mother, father, brother, sister, daughter, son, grandmother, grandfather, grandson, granddaughter, aunts, and uncles. Included within this term are the step-, half-, in-law, and loco parentis relationships. Those individuals living within the same household may also fall within the confines of this term.

**In Loco Parentis:** Federal law defines loco parentis as including those with day-to-day responsibilities to care for or financially support a child. Employees who have no biological or legal relationships with a child may, nonetheless, stand in loco parentis to the child and are entitled to some federal leave benefits, however, those employees seeking to claim such federal leave benefits may be asked to prove their status.

**Incomplete:** A form, certification, or other important document to be delivered to the County will be considered incomplete if one or more of the applicable entries on the form, certification, or document have not been completed.

**Insufficient:** A form, certification, or other important document to be delivered to the County will be considered insufficient if the information provided is vague, unclear, or non-responsive. Failure to sign a form, certification, or document will also result in it being considered insufficient.

**Investigatory Suspension:** The act of Harnett County temporarily separating an employee from his or her service to the County with pay in order to provide the County with more time to thoroughly investigate a situation or to provide more time for a Department Head or the County Manager to reach a decision concerning an employee's status.

**Involuntary Demotion:** The act of Harnett County reassigning an employee to a position or classification having a lower salary range than the employee's current position or classification because the employee's current job performance, personal conduct, or other behavior is unsatisfactory or contrary to the mission and policies of Harnett County.

**Involuntary Resignation:** The act of Harnett County forcing an employee to involuntarily resign from his or her position due to the employee's current job performance, personal conduct, or other behavior that is unsatisfactory or contrary to the mission and policies of Harnett County. This word shall be considered as a synonym for a dismissal or termination.

**Job Rate:** The median salary or hourly rate an employee may receive when hired, promoted, or receiving a raise.

**Maximum Salary Rate:** The maximum salary authorized for an employee within an assigned salary grade by the Harnett County Pay Plan.

**Maximum Hourly Rate:** The maximum hourly rate authorized for an employee within an assigned hourly grade by the Harnett County Pay Plan.

**Mental/Physical Disability:** A mental or physical impairment that substantially limits one or more of the major life activities of an individual. Major life activities include, but are not limited to, activities such as caring for oneself, performing manual tasks, seeing, eating, standing, reaching, breathing, communicating, and interacting with others, as well as major bodily functions, such as brain function, immune system, or normal cell growth. Conditions that are episodic or remission are considered disabilities if the condition would substantially limit a major life activity when active.

**Next of Kin:** The nearest blood relative in the following order of priority: (1) a blood relative who has been designated in writing by the person in question as their next of kin, (2) blood relative who has been granted legal custody of the person in question, (3) brothers and sisters, (4) grandparents, (5) aunts and uncles, (6) first cousins. If a person has been designated in writing as the person's next of kin, they are to be considered that person's only next of kin. However, if there are multiple family members with the same level of relationship to the person, all such family members are considered to be the person's next of kin.

**Non-Essential Personnel:** Employees who may be approved for administrative leave during adverse weather because their positions have been designated as such by their Department Head or the County Manager.

**Non-Essential Operations:** Services that have been determined non-essential by the County Manager and therefore may be suspended during adverse weather.

**Outside Employment:** Outside employment is considered any and all employment or self-employment for salaries, wages, tips, or commissions other than the position currently held by the employee with Harnett County.

**Parent:** A biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. This term does not include parent's in-law.

**Pay Plan:** A schedule of pay ranges arranged by minimum, job rate, and maximum salary rates for each class assigned to the salary range.

**Performance Review:** An annual review in which an employee's overall job performance is evaluated. This is designed to enhance communications between employees and supervisors and to facilitate employee growth.

**Position:** The employees appointed classification which describes the duties and responsibilities to be fulfilled by that employee.

**Probationary Period:** A continuous period of 6 months (12 months for law enforcement) where an employee is evaluated on job performance. Any employee serving a probationary period may be dismissed at any time without a right to appeal.

**Promotion:** The reassignment of an employee to an existing position or classification that has a higher salary range than the position or classification from which the reassignment is made.

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

**Reduction in Force:** A separation from employment with the County due to lack of funds, lack of work, or redesign or elimination of position(s), with no likelihood or expectation that the employee will be recalled to County service.

**Reinstatement:** The act of the County re-establishing a separated employee who voluntarily resigned or was separated due to a reduction in force to his or her position.

**Retirement:** The act of an employee voluntarily resigning from his or her position with the County and drawing his or her retirement benefits from the County, LGERS, the supplemental retirement income plan, or Social Security.

**Salary Grading System:** A grading system used by the County to organize all positions into manageable grades. All positions in any single grade are sufficiently comparable to warrant one range of pay rates.

**Salary Plan Revision:** The uniform raising or lowering of the salary ranges of every grade within the salary range.

**Salary Range:** The minimum, job rate, and maximum salary levels for a given salary grade for hiring purposes.

**Salary Range Revision:** The raising and lowering of the salary range for one or more specific classes of positions within the Harnett County Pay Plan.

**School:** Any public school, private church school, church or religious charter school, or nonpublic school that regularly provides a course of grade school instruction. School may also include any preschool or child care facility.

**Serious Health Condition:** Any medical condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or any medical condition which requires continuing care by a licensed health care provider. This policy shall cover any illness of a serious and long-term nature resulting in recurring or lengthy absences. Any chronic or long term health condition resulting in a period of incapacity longer than three (3) days is to be considered a serious health condition.

**Son:** A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because a mental or physical disability. The onset of a disability may occur at any age for purposes of this policy.

**Special Salary Adjustment:** An increase in salary within the range based on department head recommendation.

**Spouse:** A husband or wife as defined and recognized under North Carolina law for the purposes of marriage in this state, including common law marriage.

**Suspension:** The act of Harnett County temporarily separating an employee from his or her service to the County with or without pay because of the employee's current job performance, personal conduct, or other behavior that is unsatisfactory or contrary to the mission and policies of Harnett County.

Termination: The act of Harnett County terminating an employee due to the employee's current job performance, personal conduct, or other behavior that is unsatisfactory or contrary to the mission and policies of Harnett County. This word shall be considered as a synonym for an involuntarily resignation or a dismissal.

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

Voluntary Demotion: The act of an employee voluntarily, without any undue force, pressure, or outside influence, stepping down to accept a County position with less complex job duties and responsibilities.

Voluntary Resignation: The act of an employee voluntarily, without any undue force, pressure, or outside influence, permanently stepping down from his or her current position with the County. This word shall be considered as a synonym for the act of an employee quitting his or her position.

#### Section 4. Merit Principle

All appointments, promotions, and other personnel transactions shall be made solely on the basis of merit and the ability/fitness of the employee. The knowledge, skill, and education of the employee may be taken into consideration for such determinations.

#### Section 5. Responsibilities of the Board of Commissioners

The BOC are responsible for establishing all personnel policies, rules, and regulations pertaining to employee conduct, including the Salary Grading System and Pay Plan for employee positions.

The BOC are responsible for making and confirming any appointments specified by law, including the following:

- A. The Clerk to the BOC in accordance with NCGS §153 A-111
- B. The Harnett County Attorney in accordance with NCGS §153A-114.
- C. The Harnett County Deputy Tax Collector in accordance with NCGS §105-349 (f)
- D. The Harnett County Tax Collector in accordance with NCGS §105-349.
- E. The Harnett County Tax Supervisor in accordance with NCGS §105-294.
- F. The Harnett County Finance Officer in accordance with NCGS §159-24.

The BOC are responsible for making and confirming any appointments specified by law, however, this power is limited in the following instances:

- A. The Harnett County Sheriff is not to be appointed, but must be popularly elected in accordance with Article VII, of the Constitution of North Carolina provides that the Sheriff shall be popularly elected.
- B. The Register of Deeds is not to be appointed, but must be popularly elected every four years in accordance with NCGS §161-2.
- C. The Harnett County Board of Health, after consultation with the NC State Health Director and the BOC, is to appoint the Harnett County Health Director in accordance with NCGS §130A-40.
- D. The Harnett County Health Director has the power to appoint all employees of the Harnett County Health Department in accordance with the North Carolina Human Resources Act (NCGS §126) and NCGS §130A-41.

- E. The Board of Social Services is to appoint the Social Services Director, who has power to appoint all social service employees in accordance with NCGS §108A-12,14.
- F. Agricultural Extension Director must be jointly appointed by the BOC and the NC State Extension Service.
- G. The Harnett County Board of Elections has the power to appoint or remove a Director of Elections and all registrars, judges, assistants, and other officers of elections in accordance with NCGS §163-33, 35

#### Section 6. Responsibilities of the County Manager

The County Manager is responsible for the administration and execution of all personnel policies, rules, and regulation pertaining to employee conduct.

The County Manager shall appoint, suspend, or remove any and all County officers and employees, in accordance with NCGS §153A-82,103 and Articles IV, V, VII, and IX of this policy, except those popularly elected or whose appointments are otherwise provided for by law.

The County Manager shall:

- A. Recommend any pertinent and appropriate additions and/or revisions of this personnel ordinance including, but not limited to, changes to the Salary Grading System and the Harnett County Pay Plan to the BOC for consideration.
- B. Determine which employees shall be subject to the overtime provisions as provided for in Article III, Section 12.
- C. Establish and maintain a roster of all persons in the County's service, setting forth each officer and employee, class title/position, salary, and changes in class title and status, and such data as may be deemed desirable or useful.
- D. Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the County.
- E. Develop and coordinate training and educational programs for employees.
- F. Periodically investigate the operation and effect of this policy on County Employees and annually report such findings to the BOC.
- G. Perform such other duties as may be assigned by the BOC.

#### Section 7. Responsibilities of the Human Resources Director

The Human Resources Director shall assist the County Manager in the preparation and maintenance of the Salary Grading System and the Pay Plan along with such duties as the County Manager shall require.

### ARTICLE II. SALARY GRADING SYSTEM

#### Section 1. Adoption

The Salary Grading System, as set forth in this policy, is hereby adopted for Harnett County and is provided for employee reference at [www.harnett.org](http://www.harnett.org).

#### Section 2. Allocation of Positions

The County Manager shall allocate each position covered by the Salary Grading System to its appropriate grade in the plan.

### Section 3. Administration of the Salary Grading System

The County Manager is responsible for the administration, execution, and maintenance of the Salary Grading Plan so that it will accurately reflect the duties and responsibilities of employees in the grade to which their positions are allocated.

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

New positions are only to be established with the approval of the BOC after which the County Manager shall either (1) allocate the new position to the appropriate grade within the existing Salary Grading System, or (2) recommend that the BOC amend the Salary Grading System to establish a new grade for the new position.

When the County Manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the County Manager shall (1) direct that the existing grade specification be revised, (2) reallocate the position to the appropriate grade within the existing Salary Grading System, or (3) recommend that the BOC amend the Salary Grading System to establish a new grade for the position.

### Section 4. Amendment of the Salary Grading System

New grades may be added to and/or deleted from the Salary Grading System by the BOC based on the recommendation of the County Manager.

## ARTICLE III. THE PAY PLAN

### Section 1. Adoption

The schedule of salary ranges and grades assigned to those salary ranges, as set forth in this policy, is hereby adopted as the Harnett County Pay Plan.

### Section 2. Purpose of the Pay Plan

The Harnett County Pay Plan is intended to provide equitable compensation for all positions by reflecting apparent differences in duties and responsibilities, the rates of pay for comparable positions in the private and public sector, changes in the cost of living, the financial conditions of the County, and any other appropriate factors.

### Section 3. Maintenance of the Pay Plan

The County Manager is responsible for the administration, execution, and maintenance of the Pay Plan.

The County Manager shall, from time to time, make comparative studies of all factors affecting the level of salary ranges and shall recommend to the BOC such changes in salary ranges as appear to be warranted.

#### Section 4. Use of Salary Ranges

The minimum rate established for the grade is the normal hiring rate, except in those cases where unusual circumstances warrant appointment at a higher rate.

Appointment above the minimum step may be made on the recommendation of the Supervisor or Department Head with the approval of the County Manager when deemed necessary. Such appointments will be based on factors, including, but not limited to, a shortage of qualified applicants and/or the applicants above average qualifications, education, and training.

#### Section 5. Payment at a Listed Rate

All employees covered by this Pay Plan shall be paid at a listed rate within the salary ranges established for the grade in which their respective position falls. Employees whose present salary or hourly wage is above the established maximum rate following transition to the new Pay Plan are exempt.

#### Section 6. The Pay Plan

##### 6.1 The Pay Plan

The purpose of the 3/5 plan is to give County employees a way in which to gain and look forward to pre-determined pay increases after they have been in service to the County for 3 and 5 years.

**Three Year Pay Increase:** When an employee has been in the service of the County for a total of 3 years, taking into account demotions, promotions, transfers, reclassifications, or any other type of separation from service, the salary of the employee is to be increased to the half-way amount between his or her current salary grade and the job rate of the employee's current salary grade.

**Five Year Pay Increase:** When an employee has been in the service of the County for a total of 5 years, taking into account demotions, promotions, transfers, or any other type of separation from service, the salary of the employee is to be increased to the job rate of the current grade of the employee's current salary grade.

Employees hired after January 1, 2016, section A through C does not apply. The normal 3/5 plan will apply based on the position in the grade following the promotion.

**Special Circumstances Involving Promotions:** To ensure that an employee is not penalized for taking a promotion or receiving a reclassification, his or her current salary should be higher than if he or she had remained in the old position or the old grade.

Therefore, the new salary for a promoted or reclassified employee should be at least \$500 more if a 3/5 salary increase was due. For example:

- A. John is currently in a grade 60 position with 5 years of County service and a salary of \$40,999. The grade 60 job rate is \$42,746. John is due for a 5-year



salary increase that would move his salary to \$42,746. Before this increase takes effect, however, John gets promoted to a grade 65 position with a new salary of \$43,622. This new salary is \$500 greater than what John's salary would have been had he not taken the promotion, therefore, John does not receive a 5-year salary increase and his salary remains at \$43,622 with the promotion.

- B. Mary was hired in February 2003 in a grade 63 position. She was promoted to a grade 64 position in June 2008 and her current salary is \$43,734. If she had remained in her old grade 63 position she would have been eligible for a 5-year salary increase to the grade 63 job rate of \$45,956. Because Mary's current salary is less than the grade 63 job rate and she was due for a 5-year salary increase, her salary will be adjusted to the grade 63 job rate of \$45,956, plus \$500 for a new salary of \$46,456.
- C. If, in the above example, Mary would have been eligible for a 3-year salary increase instead of a 5-year salary increase, the County would determine what her salary would have been if she had not taken the promotion. If this salary is greater than her current salary, the County would correct her salary as in the above example, minus the additional \$500 increase.

## Section 6.2 The Performance Pay Plan

The purpose of the Performance Pay Plan is to give Harnett County employees a way in which to earn additional pay increases following the 3/5 plan throughout their career in Harnett County. This plan is intended to serve as a tool that will increase the County's ability to hire and retain qualified employees by allowing employees to earn higher wages after their fifth year of employment with Harnett County, provided they receive satisfactory performance reviews.

At the conclusion of the 3/5 plan for their current position, employees will be eligible to earn a percent increase every three years based on their annual performance reviews during that period. Earned increases will be given every three years after year 5 (so after years 8, 11, 14, 17, 20, 23, 26, 29, 32, 35, etc.). These years will be known as "Performance Pay Plan Milestones."

An employee's performance review for each year of the three-year cycle will account for a third of the overall increase. Employees who receive an overall score on their annual performance review of "Meets Expectations" or above will receive the increase amount for that year while employees who receive a score lower than "Meets Expectations" will not receive the increase amount for that year.

In cases where, at plan implementation, an employee is between two Performance Pay Plan Milestones, they will receive credit for any performance reviews within their current three-year cycle which would have taken place prior to their current year. For any years left in the current three-year cycle when the plan is implemented, whether or not an employee receives the increase will depend on their annual performance reviews.

Earned increases will be effective on the employee's anniversary (hire) date every third year after their fifth year in their current position. Employees will receive the increase beginning on the next full pay period. Employees will only receive any increase they earn during a three-year cycle at the corresponding Performance Pay Plan Milestone.

Employees must be active on the County's payroll on the payout date to receive an increase. If an employee quits, is terminated or retires prior to the scheduled payout date, the County is not obligated to pay any portion of the increase.

The amount of the three-year increase will be proposed by the County Manager and approved by the Board of Commissioners as part of the budgeting process. The amount must be set for a three-year cycle with each year's performance review constituting a third of the overall increase.

When the Performance Pay Plan goes into effect, current employees will fall into the plan based on their years of employment with Harnett County in their current position.

**Eligibility for Annual Increase:** For employees who have 26 or more years of employment with Harnett County when the Performance Pay Plan goes into effect, they will be eligible to receive a 1.5 percent annual increase based on their annual performance review during the first three years of implementation. Employees who receive an overall score on their annual performance review of "Meets Expectations" or above, will receive the increase amount for that year while employees who receive a score lower than "Meets Expectations" will not receive the increase amount for that year. Earned increases will be effective on their employment anniversary date following the performance review for which they are receiving the increase. After three years, these employees will return to the three-year cycle.

- Eligibility will be determined based on an employee's date of hire with Harnett County. Work experience outside of Harnett County shall not count toward eligibility.
- This does not apply to employees who reach year 26 after the date of implementation.
- If an employee meets the other qualifications to receive the annual increase, they will remain eligible, even if they have been promoted and are within a 3/5 plan for their current position.
- For sworn Law Enforcement Officers in the Harnett County Sheriff's Office, employees who have 21 or more years of employment with Harnett County when the Performance Pay Plan goes into effect will be eligible for the 1.5 percent annual increase based on their annual performance review during the first three years of implementation. The guidelines are the same for these employees as they are for other employees who are eligible for the annual increase at plan implementation.

**New Hires and Promotions:** For employees who are hired or who receive a promotion following implementation of the Performance Pay Plan, they will receive an "Experience Date" based on qualified and relevant experience which will determine where they fall into the Performance Pay Plan schedule. The Experience Date will determine when an employee will be eligible for their next increase.

In cases where a newly hired or promoted employee is given an experience date that falls between two Performance Pay Plan milestones, they will receive credit for any performance reviews within their current three-year cycle which would have taken place prior to their current year. For any years left in the current three-year cycle when the plan is implemented, whether or not an employee receives the increase will depend on their annual performance reviews.

For example, an employee is eligible for an increase under the Performance Pay Plan after years 11 and 14. If a newly hired or promoted employee is given an experience date of 12 years, they will be brought in at the salary that corresponds to an 11-year employee, but would be eligible to receive their next increase after two years. For the next increase, the employee would automatically receive credit for one of the three years due to their experience date. Credit for the remaining two years would be based on their performance reviews for those years.

In cases where a newly hired or promoted employee's salary, based on their experience date, is higher than that of an existing employee with the same amount of experience, the County Manager may address the issue on an individual basis.

Any situation that arises and is not covered by this policy will be reviewed by the Harnett County Pay Plan Committee, which will make a recommendation to the County Manager.

Amended October 17, 2016

#### Section 7. Salary of Trainee

A newly hired or promoted employee who does not meet all the established requirements of their new position, may be compensated for their services at a pay rate below the minimum pay rate established for that position in the Pay Plan.

An employee will be considered a trainee and continue at this pay rate until the Supervisor or Department Head certifies, and the County Manager approves, that the trainee is qualified to assume the full duties and responsibilities of their new position. The Supervisor or Department Head shall review the progress of each employee in a trainee status every six (6) months or more frequently as necessary to determine when the trainee is qualified to assume the full responsibilities of the new position.

#### Section 8. Salary Compression

The annual salary of Supervisors may be at least \$500.00 more than the highest paid employee supervised. This pay rate is subject to the request of the Department Head and at the discretion of the County Manager.

#### Section 9. Promotions, Demotions, Transfers, Reclassifications, & Revisions

At the beginning of the fiscal year, any promotions, salary adjustments, reclassifications, or revisions will be applied before any cost of living adjustments.

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

Promotion: Any employee who receives a promotion will receive a minimum of a 5% increase but not to exceed 10% ( between 6% and 10% the department head must provide written justification unless that percentage is the beginning of the new grade) or the beginning of the new grade, whichever is higher. Movement within the same salary grade is considered lateral and there will not be a salary change.

**Interim Promotion:** Any employee who is promoted to an interim position in a higher pay grade will receive a pay increase of 5% or the beginning of the interim position pay grade, whichever is greater while performing the interim duties; however, if the position is a Department Head position or higher, he or she shall receive a 10% pay increase while performing the interim duties or the beginning position grade whichever is higher. An interim assignment shall not exceed six months. At the conclusion, if the employee returns to his or her former position they will return to his or her former salary before the interim assignment.

**Demoted:** An employee who is voluntarily or involuntarily demoted shall have his or her salary or hourly wage left the same, reduced five percent (5%) or reduced to anywhere in the lower grade pay range, depending on the circumstances of the demotion and Department Head recommendation.

**Transfers:** An employee who transfers from a position in one grade to a position in another grade assigned to the same pay range shall continue to receive the same salary or hourly wage.

**Reclassifications/Revisions:**

- A. Any employee who is currently at the minimum pay rate of their current position and the position is then reclassified to a grade having a higher salary or hourly pay range, that employee shall receive a five percent (5%) pay increase or an increase to the minimum pay rate of the new pay range, whichever is higher.
- B. Any employee who is currently at the job rate of their current position and the position is then reclassified to a grade having a higher salary or hourly pay range, that employee shall receive a five percent (5%) pay increase or an increase to the job rate of the new pay range, whichever is higher.
- C. Any employee who is currently above the job rate of their current position and the position is then reclassified to a grade having a higher salary or hourly pay range, that employee's salary or hourly wage shall be appropriately adjusted to the same point in the new pay range.
- D. If a position is reclassified to a grade having a lower salary or hourly pay range than that position's current grade, any employee's salary or hourly wage that is above the maximum rate of the newly established pay range shall remain the same.
- E. In the event a reclassification results in the downgrade of a position, the County Manager has the authority to reclassify that position without the Board of Commissioner's approval.

Section 10. Cost of Living Adjustments

If the BOC approve a Cost of Living Adjustment, the increase will be effective July 1 of each year. The amount of this adjustment, if any, may vary from year to year.

When a Cost of Living Adjustment is approved, regular employees will receive a \$500 minimum increase to their annual pay.

Section 11. Special Raises

A special raise may be given to an employee upon written recommendation of the County Manager and approval by the BOC for very unusual circumstance in which an

employee does exceptional work and/or additional money is needed to retain the employee.

## Section 12. Overtime / Compensatory Time

Definition: Overtime work or work that will result in the accumulation of compensatory time shall be considered (1) any hours worked greater than 40 hours in a normal work week, or (2) work performed by any County employee at the direction, instruction, or knowledge of a Supervisor, Department Head, or authorized managerial representative, which exceeds the normal work week or work period of the employee.

Planning to avoid overtime: It is the policy of Harnett County that overtime or the accumulation of compensatory time be avoided at all times. Therefore, Supervisors or Department Heads should arrange their employee work schedules so as to avoid overtime by accomplishing the required work within the hours of a normal workweek.

Authorization: All overtime must be duly authorized by a Supervisor or Department Head before payment for such services are rendered.

Exempt Employees: Exempt employees, as defined by the Fair Labor Standards Act ("FLSA"), are (1) provided a salary for the completion of their occupational duties and responsibilities that does not change from pay period to pay period based on variations in quality or quantity of work, (2) earn at least \$455 per week, and (3) are designated employees in executive, administrative, or professional positions, within the meaning of those terms as set forth in the United States Department of Labor Regulations. Such employees are exempt from earning any overtime pay in accordance with the FLSA, but, if required to work overtime, shall receive compensatory time off at a rate of one (1) hour for each hour of overtime worked.

- A. Such employees will be paid at their regular pay rate for all overtime hours or accrued compensatory time in excess of 80 hours.
- B. All overtime hours or accrued compensatory time in excess of forty (40) hours as of June 15 of each year shall be converted to annual leave. Each two-hour period of compensatory time, or fraction thereof, shall be converted into one-quarter (1/4) day of annual leave.

Amended January 2016

- C. In the event that a salaried employee is terminated, they shall be paid for accrued compensatory time up to two hundred and forty (240) hours at the regular rate.
- D. In special circumstances, the BOC reserves the right to compensate salaried employees for any overtime worked with monies earned.

Non-exempt employees: Designated employees in other areas of employment for the County are entitled to overtime pay in accordance with the FLSA. Two types of non-exempt employees exist: (1) regular work schedule employees and (2) irregular work schedule employees.

- A. Regular work schedule employees, required to work overtime, shall receive compensatory time off. The compensatory time shall be computed at one and one-half (1 and 1/2) hours for each hour of overtime worked.
  - 1. Regular work schedule employees who accrue compensatory time in excess of 80 hours shall be paid overtime pay.
  - 2. In the event that a regular work schedule employee accrues compensatory time in excess of two hundred and forty (240) hours or four hundred and eighty (480) as appropriate, they shall be paid overtime pay.

In this case, overtime pay shall be computed on an hour-for-hour basis for each hour of excess compensatory time.

- B. Irregular work schedule employees, shall not accrue compensatory time off because the granting of such time would unduly disrupt the work schedules of such positions.
1. Such employees shall be paid overtime pay at one and one-half (1 and ½) times their regular pay rate for each hour worked in excess of their designated work schedule.
  2. The County Manager shall designate those class of employees entitled to overtime pay in lieu of compensatory time.

Law Enforcement Officers: Sworn law enforcement officers shall only receive overtime pay at the rate of one and one-half (1 and ½) times their regular rate of pay for any hours worked over the first 171 hours worked in a 28-day cycle.

Use: In accordance with County policy and the Harnett County Finance Office Departmental Guidelines, compensatory time must always be exhausted prior to expending vacation time.

Termination: Any employee who has accrued compensatory time off, upon complete termination, shall be paid for all unused compensatory time at a rate of compensation not less than: (1) the average regular rate received by such employee during the last three (3) years of the employee's employment; or (2) the final regular rate received for such an employee, whichever is higher.

#### Section 13. Time Sheets

Any time sheets required by County policy shall accurately reflect the hours worked by employees. Such time sheets shall be signed and certified by the employee and Supervisor prior to submission to Payroll.

#### Section 14. Other Forms of Time

Unauthorized Work: Hours worked by an employee without permission from the Supervisor, Department Head, or authorized managerial representative shall not be considered time worked. Employees who are guilty of unauthorized work are subject to any adverse actions as addressed in Article IX.

Travel time: County employees shall be credited for all time spent travelling while in furtherance of their service to the County, not including travel to and from work.

#### Section 15. Call Back Pay

Any eligible County employee, who has been called back to work outside of normal operating hours for the County, is guaranteed a minimum of two hours paid for their services.

To receive such pay an employee must physically leave his or her home and physically return to work for the County.

## Section 16. Payroll Deductions

Those payroll deductions mandated or authorized by Federal, State, or County law shall be deducted from an employee's pay without his or her permission.

Other payroll deductions may be made at the request and authorization of the employee, but such deductions are subject to the approval of the Harnett County Finance Officer.

## Section 17. Longevity Pay

All County employees hired on or after July 1<sup>st</sup>, 2015, or those employees who leave the employment of the County and return to work with the County on or after July 1<sup>st</sup>, 2015, shall not be eligible to receive longevity pay.

Full-time County employees of record as of June 30<sup>th</sup>, 2015 shall continue to be eligible to receive longevity pay as defined below until such time as their employment with the County is terminated.

Time of Service: Employees with five (5) years of consecutive Harnett County Service by November 15 of each calendar year are eligible for longevity pay.  
Amended January 2016

Payment of Longevity: The amount of longevity an employee receives shall be based on the employee's salary as of November 15 of each calendar year and paid annually in a lump sum the first week in December of the same year. This amount shall increase depending on the employee's years of services as outlined in the chart below. A longevity payment, however, shall not be made part of the employee's base salary.  
Amended January 2016

Time of Service	Percentage of Annual Salary
5 Years – 9 Years	1.00%
10 Years – 14 Years	1.50%
15 Years – 19 Years	2.25%
20 Years – 24 Years	3.25%
25 Years and up	4.50%

## Section 18. Overpayment, Underpayment, or Lack of Compensation

Harnett County Human Resources and Payroll Departments should make every effort to ensure that employees are paid correctly and that authorized payroll deductions are deducted properly. If an error occurs in the payment process it is the responsibility of the Human Resources and Payroll Departments to discuss the error with the effected employee and determine the amount to be corrected by the County or the employee.

All County employees are responsible for examining each of their paychecks or direct deposit stubs to ensure that proper payment and deductions have been made. If any employee believes an improper payment or deduction has been made, he or she should immediately contact his or her Supervisor or Department Head, along with the Harnett County Human Resources and Payroll Departments, and inform them of the situation.

The County, in all cases mentioned below, reserves the right to pursue collection of remaining overpayments through court proceedings if recovery efforts fail.

If a mistake of some sort is made in the payment or compensation of County employees the following instructions should be followed depending on the situation:

Overpayment: In any case of overpayment, regardless of fault, County employees are expected to promptly repay the County the full amount of the overpayment.

- A. For purposes of this policy, overpayments may include wage and salary payments, voluntary and involuntary payroll deductions, or other authorized payments or deductions.
- B. If an overpayment occurs, the Human Resources Department is to determine whether the error is nominal or significant.
  1. Nominal Overpayment: Any erroneous overpayment that is one hundred dollars (\$100.00) or less. Such an amount may be deducted from the employees next payroll check to remedy the error.
  2. Significant Overpayment: Any erroneous overpayment that is greater than one hundred dollars (\$100.00). Such an amount may only be repaid through a written repayment plan pursuant to a signed Repayment Agreement drafted by the County attorney.
- C. Any repayment deductions are not to be greater than 15% of the gross wages earned in that current pay period and shall not reduce the gross wages paid to a rate less than the minimum wage as defined by law.
- D. All repayment deductions are to be made after the County has made all permitted or required deductions from an employee's payroll check.
- E. If an employee under a Repayment Agreement enters into an unpaid status, a notice letter will be sent to collect the remaining payments or to setup a new repayment plan. If the employee fails to respond, a second notice letter will be sent to inform the employee that he or she has two (2) weeks to remit payment to avoid the collection of monies owed through court proceedings.
- F. Termination
  1. If an employee under a Repayment Agreement voluntarily leaves their position or is terminated before repayment is made in full, the remaining amount owed to the County by the employee may be deducted from any amounts owed to the employee by the County.
  2. If a terminated employee is overpaid, the Human Resources Department shall notify the former employee in writing: (1) that an overpayment has occurred, (2) the total amount owed by the employee to the County, and (3) that payment is to be received within 30 days unless a Repayment Agreement is put in place. If payment is not received within 30 days or the Repayment Agreement is not followed, a notice letter will be sent to inform the employee that he or she has two (2) weeks to remit payment to avoid the collection of monies owed through court proceedings.

Underpayment/Lack of Compensation: If an employee was underpaid or not paid at all, the Supervisor, Department Head, or County Manager may request that a special check be issued; otherwise the employee shall receive payment on their next check.

#### Section 19. Emergency Operations Compensation



In the event of a major emergency or natural disaster, Harnett County seeks to provide shelter and comfort to those adversely affected by creating and following a detailed Emergency Response Plan.

In accordance with the Emergency Response Plan, and the instructions of the Emergency Operations Center Director, Harnett County employees may be required to carry out specific emergency response tasks to ensure the safety and continued prosperity of the County. Such employees, who work under the direction of the Emergency Operation Center Director during such an emergency or natural disaster, will be compensated according to this policy.

County Offices Remain Open: If the emergency or natural disaster requires the activation of the Emergency Operations Center and County offices are open as regularly scheduled, employees required to work under the direction of the Emergency Operations Center Director will be compensated as described below:

- A. Nonexempt employees, as defined above in Article III, Section 12 and in the FLSA, will be paid one and one-half (1 and ½) times their regular rate of pay for actual hours worked beyond the regular 40 hour workweek.
- B. Exempt employees, as defined above in Article III, Section 12 and in the FLSA, will be paid one (1) time their regular rate of pay for actual hours worked beyond the regular 40 hour workweek.
- C. In the event a holiday occurs within this period, both nonexempt and exempt employees, as defined above in Article III, Section 12 and in the FLSA, will be paid one and one-half (1 and ½) times their regular rate of pay for each hour worked that day in addition to the normal holiday pay.

County Offices Are Closed: If the emergency or natural disaster requires the activation of the Emergency Operations Center and County offices are closed, employees required to work under the direction of the Emergency Operations Center Director will be compensated as described below:

- A. Nonexempt employees, as defined above in Article III, Section 12 and in the FLSA, will be paid one and one-half (1 and ½) times their regular rate of pay for actual hours worked beyond the regular 40 hour workweek. This compensation will be in addition to any other compensation the employee is entitled to.
- B. Exempt employees, as defined above in Article III, Section 12 and in the FLSA, will be paid one (1) time their regular rate of pay for actual hours worked beyond the regular 40 hour workweek.
- C. In the event a holiday occurs within this period, both nonexempt and exempt employees, as defined above in Article III, Section 12 and in the FLSA, will be paid one and one-half (1 and ½) times their regular rate of pay for each hour worked that day in addition to the normal holiday pay.

In the event employees are required to work long and continuous hours, the County Manager may grant time off with pay/administrative leave for rest and recuperation to ensure safe working conditions.

## ARTICLE IV. RECRUITMENT AND EMPLOYMENT

### Section 1. Statement of Equal Employment Opportunity Policy (“EEO”)

All applicants and employees of Harnett County shall be given an equal opportunity for employment without regard to race, religion, color, creed, national origin, sex, age, or physical disability, except where specific age, sex, and physical requirements constitute bona fide occupational qualifications necessary for the proper and efficient administration of specific occupational duties and responsibilities.

Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline, wage increases, wage reductions, or any other term or condition of employment because of race, religion, color, creed, or national origin is hereby prohibited. Prior approval must be obtained from the United States Department of Labor before establishing any age, sex, or physical requirements.

#### Section 2. Implementation of EEO Policy

All Harnett County employees responsible for recruitment and employment shall implement this personnel policy through procedures that will assure equal employment opportunity based on reasonable performance-related job requirements. Notices with regard to equal employment matters shall be posted in conspicuous places where notices are customarily posted and viewed. Each employee and the County are governed by the Equal Employment Opportunity Act of 1972 without exception.

#### Section 3. Recruitment & Advertisement

When new or vacant full time positions are to be filled within the County, Supervisors or Department Heads shall notify the Human Resources Department and provide them a complete Position Overview. Such an overview is to include the appropriate salary, grade, qualifications, and description of the new or vacant position.

The Human Resources Department shall publicize full time opportunities for employment with the County by posting the provided Position Overviews along with instructions for submitting applications and assurances of equal employment and non-discriminatory practices in the Human Resources Department and on the internet at [www.Harnett.org](http://www.Harnett.org).

In some instances the Department Head may request that the position be initially posted for only internal candidates. If no internal candidates are selected, then the position may become open to the public.

Amended October 3, 2016

Information on job openings and hiring practices shall also be provided to recruitment sources including the Employment Security Commission (“ESC”) and other organizations, news media, job websites, and other sources as deemed appropriate by the Human Resources Department.

#### Section 4. Submitting Applications for Employment

All persons expressing interest in employment with the County shall be given the opportunity to file an application for employment directly through the Harnett County Website at [www.Harnett.org](http://www.Harnett.org) or by applying with the ESC. A separate application must be submitted for each position an individual seeks to apply for.

After the application process has been completed, each applicant shall be directly informed of the availability of current job openings that they may or do qualify for.

Applications, either directly submitted to the County or referred to the County by the ESC, shall be kept for a period of two (2) years, in accordance with Equal Employment Opportunity Commission guidelines. Once submitted and filed, all applications become the property of the County.

#### Section 5. Qualification Standards

For an applicant to be considered for hire and for a County employee to retain their current position with the County, they must meet the employment standards established by the Salary Grading System and such other reasonable minimum standards of character, aptitude, ability, and any physical conditions as recommended by the Supervisor or Department Head in the Position Overview.

All qualification standards shall be reviewed periodically to ensure that the requirements remain fair and conform to the actual job duties and responsibilities.

The County may employ an applicant in a trainee capacity who does not meet all the minimum qualifications for a particular job if the deficiencies can be eliminated through orientation, formal courses, and/or on-the-job training.

#### Section 6. Selection

All applications will initially come through the Human Resources Department by way of the Harnett County website, but will be forwarded to the appropriate Supervisor or Department Head for consideration for any currently vacant positions.

The Supervisor or Department Head will then consider all applicants for the position without any preference to race, creed, religion, sex, or age. The Supervisor or Department Head is responsible for conducting interviews of only those applicants meeting the qualification standards as set forth in the Position Overview and then selecting an acceptable candidate for hire.

Once the Supervisor or Department Head has selected a candidate, the applicant's original application, the Supervisor or Department Heads rationale for selecting this candidate, a recommended starting salary (with justification), the desired start date of the employee, and any additional information secured during the interview process, will be returned to the Human Resources Department for further consideration.

The Human Resources Department will then conduct a reference check, criminal background check, driving record check, and any other appropriate checks as deemed necessary by the Human Resources Director. If issues with the selected candidate are discovered, the recommending Supervisor or Department Head will be informed and must decide, with the approval of the County Manager, if the employment process is ok to continue or another applicant should be selected.

The County Manager has final approval or disapproval of any selected candidate regardless of that applicant's current position in the selection process.

After selection has been made and the new or vacant position has been filled, it shall be the responsibility of the Human Resources Department to inform all applicants that the sought after position has been filled and they may apply again for another position with the County in hopes of being hired.

#### Section 7. Appointments

It is the policy of Harnett County to create and foster career opportunities for its current employees when possible. Therefore when a current employee, applying for a vacant position within the County, possesses the overall best qualifications, training, and education over all other applicants, that employee shall be appointed to the vacant position. Before any commitment is made to such an applicant, the County Manager shall approve or reject this appointment.

In accordance with NCGS §153A-103, the BOC must approve any appointments by the Sheriff or Register of deeds of a blood relative, a relative by marriage, any relative nearer than first cousin, or a person convicted of a crime of moral turpitude.

#### Section 8. Probationary Period of Employment

A probationary period is a continuous period of 6 months (12 months for law enforcement officers) where an employee is evaluated on job performance. Any probationary employee may be dismissed at any time without appeal rights.

A full-time employee serving a probationary period following a promotion shall be demoted, in accordance with Article III, Section 9 and Article IV, Sections 10, if unable to satisfactorily perform the newly assigned duties and responsibilities.

Before completion of the probationary period, Supervisors or Department Heads must indicate in writing to the County Manager the following:

- A. That the employee has been informed of his or her progress and growth during the probationary period, including the employee's accomplishments, strengths, weaknesses, and areas of improvement.
- B. That the employee is or is not performing satisfactory work.
- C. Whether the probationary period should be extended, as long as an extension would not cause the probation to go beyond a year.
- D. Whether the employee should be retained in the present position or should be released, transferred, or demoted.

Employees subject to the North Carolina Human Resources Act (NCGS §126) may not be on probation longer than nine (9) months.

#### Section 9. Promotion

Candidates for promotion may only be current County employees with the appropriate qualifications, education, and training to adequately fill the vacant position and complete the required duties and responsibilities.

County employees hoping to be considered for a promotion to a vacant position must complete an application and submit said application online at [www.Harnett.org](http://www.Harnett.org).

Candidates shall only be chosen on the basis of their qualifications, work record, and past performance appraisals, without regard to a candidate's age, sex, race, color, creed, religion, political affiliation, national origin, or physical handicap.

See Article III, Section 9 for information on pay increases when promotion occurs.

#### Section 10. Involuntary Demotion

Any County employee whose current job performance, personal conduct, or other behavior is unsatisfactory or contrary to the mission and policies of Harnett County may be demoted to a lesser position, provided the employee shows promise of becoming a satisfactory employee in the future through his or her performance in a lesser position.

If a demotion occurs because of an employee's failure in the performance of job duties or unbecoming personal conduct, the employee shall be provided with a written notice citing the recommended effective date and reasons for demotion.

If the demoted employee fails to improve the unsatisfactory job performance, personal conduct, or other behavior, he or she may be open to other adverse actions in accordance with Article IX of this policy.

All full-time employees who are demoted may, however, appeal their demotion in accordance with the appeal rights addressed in Article X of this policy.

See Article III, Section 9 for information on pay decreases when an involuntary demotion occurs.

#### Section 11. Voluntary Demotion

Any employee who wishes to accept a position with less complex job duties and responsibilities may be voluntarily demoted for reasons other than those expressed above. Such an employee must apply for the desired position, compete the interview process, and be selected by the Supervisor or Department Head to fill the position.

See Article III, Section 9 for information on pay decreases when a voluntary demotion occurs.

#### Section 12. Transfer

If a vacancy occurs in any County Department and a current County employee in another County Department who has completed their original probationary period wishes to be hired for the vacant position he or she must apply, complete the interview process, and be selected to fill the position. Such an employee should be adequately qualified to complete and exceed the job duties and responsibilities of their newly desired position.

Supervisors or Department Heads may, however, interdepartmentally transfer employees to another equally graded position to meet the requirements of the current job. Any full-time employee transferred in this manner may appeal the transfer in accordance with the appeal rights addressed in Article X of this policy.

See Article III, Section 9 for information on pay increases or decreases when a transfer occurs.

#### Section 13. Employment of Convicted Felons

The following shall constitute the policy of Harnett County when any applicant for a position with the County has a felony conviction or a plea of no contest to a felony. In general, those persons who have either been convicted of a felony or have entered a plea of no contest to a felony charge shall be prohibited from serving in any Department of Harnett County. However, after thorough examination and investigation by a Department Head or a Human Resources employee, such an applicant may be employed in a position with the County subject to the approval of the County Manager and if the following criteria are present:

- A. The applicant has been fully and completely rehabilitated.
- B. The applicant has exemplified honesty and integrity for several years following his conviction or no contest plea.
- C. The applicant has maintained good relations within the community in which he or she lives.
- D. The applicant's record does not include more than one instance of a felony conviction or no contest plea.
- E. The applicant's record while in custody of the Department of Corrections or other law enforcement agency was exemplary and without problem.

#### Section 14. Driving Record Verification

A license check of applicants shall be performed by the Human Resources Department prior to any offer of employment to a position requiring a valid state driver's license. An employee should submit to this verification through the submission of a Driver Disclosure Form found in Appendix A of this Ordinance.

#### Section 15. Veterans Preference

Those departments under the guidelines of the Office of State Human Resources shall follow the State Personnel Act provisions for veterans preference in employment actions, as well as those departments which have federal contracts as set out in NCGS §128-15.

### ARTICLE V. CONDITIONS OF EMPLOYMENT

#### Section 1. Attendance

Employees are hired with the understanding that they are responsible for reporting to work on time for every regularly scheduled workday and any additional instances they may be needed by the County. It is essential for the accomplishment of the County mission that all employees do their part.

Failure by a County employee to give notification or adequate excuse for an absence, frequent tardiness, and/or excessive absenteeism will be viewed as a lack of interest in their job and an indication that they are unable to meet the duties and responsibilities of their current position.

Harnett County understands that employees may need to be out occasionally for various medical or personal reasons, with this in mind approved leaves of absences are covered in Article VI of this policy.

Any violation of this section shall subject such employees to any disciplinary actions addressed in Article IX of this policy.

### Section 2. Work Week

The established work week for Harnett County consists of a seven-day period beginning on Sunday and ending on Saturday. The normal work week for the County offices, however, shall be Monday-Friday from 8:00 a.m. – 5:00 p.m.

All full-time County employees should be held to a Monday-Friday work week consisting of five eight-hour days (8:00 a.m. – 5:00 p.m.) with a one (1) hour lunch break.

All part-time County employees may work any number of hours during the normal Sunday - Saturday work week as long as such employees do not exceed no more than 129 hours per month.

The County has, however, established flexible work weeks and hours in several County departments, based on mission needs and Supervisor or Department Head request. Supervisors or Department Heads shall use these hours in their discretion to assure the satisfactory performance of their current job.

All hours are subject to change depending on the needs of the County.

### Section 3. Gifts and Favors

No County employee or elected official shall accept a gift, favor, bribe, service, or other thing of value that may tend or could be perceived to influence that employee or elected official in the discharge of their responsibilities and duties.

No County employee or elected official shall give, award, or grant, in the discharge of their responsibilities and duties in that position, any improper gift, favor, bribe, service, or other thing of value.

Any violation of this section shall subject such employees to any disciplinary actions addressed in Article IX of this policy.

### Section 4. Restrictions on Political Activity

Each employee has a civic responsibility and duty to support good government by every available means and in every appropriate manner.

In accordance with the United States Constitution, the North Carolina Constitution, and federal state, and local laws, each County employee has the right to (1) join or affiliate with civic organizations of a partisan or political nature, (2) attend political meetings, (3) advocate and support the principles or policies of civic or political organizations, and (4) support partisan or non-partisan candidates of their choice.

However, no employee, while on duty for the County, may (1) engage in any political or partisan activity, (2) use official authority or influence for the purpose of interfering with the outcome of an election or nomination for political office, (3) contribute County funds for political or partisan purposes, (4) coerce or compel another employee of the County to contribute funds for political or partisan purposes, or (5) use any supplies or equipment of the County for political or partisan purposes.

Competitive service employees and employees in certain federally-aided programs are subject to the Hatch Act. The Hatch Act also prohibits employees from seeking candidacy for elective office in a partisan election.

Any violation of this section shall subject such employees to any disciplinary actions addressed in Article IX of this policy.

#### Section 5. Outside Employment Policy

All County employees should understand that the work and overall mission of Harnett County is to take priority over all other employment interests. Therefore, Harnett County reserves to the right to restrict outside employment so as to prevent interference with the County's work and overall mission.

All employees, in hopes to provide the most efficient and hardworking staff, are subject to the following policy pertaining to any and all outside employment.

The purpose of this policy is to determine that secondary work does not have an adverse effect upon County work, is not controversial to County policies, and does not create an appearance of impropriety to the citizens of Harnett County.

#### Policy Procedures:

- A. Any County employee desiring outside employment must complete and submit an Outside Employment Request form to the appropriate Supervisor or Department Head. This form may be found in Appendix B of this Ordinance.
- B. The Supervisor or Department Head must review any and all requests for outside employment submitted to them. The Supervisor or Department Head, however, must grant all requests for outside employment, unless it appears that the outside employment is likely to prevent the County employee from efficiently discharging their current job duties and responsibilities or is incompatible with their current work schedule as a County employee.
- C. If the Supervisor or Department Head determines that conflict exists between the outside employment and the employee's current County employment, the request will be denied and the employee must be notified in writing. If a conflict does not exist and the request is approved, the Supervisor or Department Head should notify the employee and endorse the request by filing it with the Human Resources Department.
- D. If an employee's request is denied, he or she may be asked by the Supervisor, Department Head, or County Manager to terminate their outside employment or face disciplinary actions in accordance with Article IX.

Regardless of an employee's request, the following types of outside employment will not be allowed:



- A. Any outside employment inconsistent with the Harnett County Mission, this policy, or the professional code of ethics.
- B. Any outside employment that is or appears to be a conflict of interest.
- C. Any outside employment that is performed for any person in the employee's supervisory chain.
- D. Any outside employment performed by the employee while in a FMLA status.

#### Section 6. The Employment of Relatives

The employment of members of the same immediate family within the same County department is discouraged and should be avoided when at all possible. Such relationships put a strain on the work environment for the related employees and those working with and around them.

As an exception to this general rule, members of the same immediate family may be considered for employment within the same County department where two (2) current County employees marry or if significant recruiting problems exist.

However, regardless of this exception, a member of the immediate family will no longer be employed by the County if employment would result in one member supervising the other or one occupying a position which could influence the other's employment.

#### Section 7. Unlawful Harassment Policy

Notes: The policy expressed below is a summary of the policies and procedures found within the Harnett County Workplace Violence Prevention Policy. This policy, in its entirety may be found in Appendix B of this Ordinance.

Harnett County promotes a work environment free of unlawful workplace harassment and will not tolerate any employee who fails to follow this policy. Therefore, unlawful workplace harassment, in any of its many forms, is strictly prohibited. This prohibition, and the Unlawful Harassment Policy of Harnett County as explained below, applies to all County employees regardless of rank or position with the County.

Unlawful Workplace Harassment may be defined as unwelcome or unsolicited speech or conduct based upon race, color, gender, religion, national origin, age or disability status that creates a hostile work environment or circumstance.

Sexual Harassment: Sexual harassment is a form of unlawful workplace harassment. Sexual harassment includes, but is not limited to, unwelcome statements or conduct based on a person's gender that creates a hostile working environment, such as gender-based jokes or negative gender-based remarks. It also may include sexual advances, requests for sexual favors, propositions, inappropriate touching, and other verbal or physical conduct of a sexual nature.

Policy Procedures:

- A. Any employee, who witnesses or is the subject of an instance of unlawful workplace harassment, is encouraged to report the situation and/or complaint without fear of retaliation, orally or in writing, to his or her Supervisor or Department Head or directly to Human Resources. If a Supervisor or Department Head is notified of an instance of unlawful workplace harassment, he or she must

- inform Human Resources within three (3) working days through the use of the Workplace Violence Incident Report provided in Appendix B of this Ordinance.
- B. Once the report or complaint is received, along with any supporting evidence and/or documentation, the Human Resources Department shall, if necessary and without investigation, take immediate action to stop and/or remedy the inappropriate conduct. If immediate action is not necessary, the Human Resources Department shall notify all concerned parties that a complaint has been filed and begin an investigation into the matter.
  - C. The investigation may, if necessary, consist of interviewing the concerned parties, the alleged offender(s) and witnesses, along with gathering any relevant evidence or documentation not already available. The investigation should be completed and a report given to the County Manager within fifteen (15) working days of the receipt of the complaint. An extension, however, may be granted by an agreement between the Human Resources Director and the County Manager.
  - D. All concerned parties, employees, and departments should be completely cooperative during the investigation. Failure to do so may result in immediate disciplinary action in accordance with Article IX.
  - E. Once a thorough investigation of the complaint is complete, the Human Resources Department shall inform the concerned parties, the appropriate Supervisor or Department Head, and the County Manager of the outcome of the investigation. Once this has been completed, the Human Resources Department, along with the County Manager, shall ensure that all appropriate actions are taken to remedy the situation and to reprimand the perpetrator.
  - F. After the investigation, all complaints, investigatory files, and other pertinent documents will be held as confidential unless these documents must be released because of federal, state, or local law.
  - G. Retaliatory actions, not sanctioned by the Human Resources Department or County Manager, against any of the concerned parties, the alleged offender(s), witnesses, or those conducting the investigation will not be tolerated and is against Harnett County Policy.

Any County employee, Supervisor, Department Head, Administrator, County Manager, or member of the BOC found in violation of this policy is subject to disciplinary actions in accordance with Article IX of this policy, along with any and all penalties under federal, state, or local law.

#### Section 8. Drug-Free Work Place Policy

Harnett County seeks to provide a safe and secure workplace and community free from the debilitating effects of any drugs, alcohol, or other illegal substances. The County also hopes to promote a high standard of employee and community health and wellbeing. Therefore, to take every reasonable effort to keep drugs, alcohol, and other illegal substances out of the County work force and community, and in accordance with the Drug-Free Work Place Act of 1988, Harnett County hereby implements the following Drug-Free Work Place Policy.

It is the policy of Harnett County that no employee shall possess, use, or distribute illicit drugs, alcohol, or other illegal substances on any property or facilities used, owned, or occupied by the County or while representing the County at any professional or social function. If, however, a county employee recognizes that a problem exists and initiates action to seek help, the County will work with the employee to resolve the situation.

In accordance with the previous policy, rules and regulations of the U.S. Department of Transportation, and the Omnibus Transportation Employee Testing Act of 1991, Harnett County has established a separate Drug and Alcohol Testing Policy for all employees, including commercial drivers, safety sensitive positions, and the Harnett Area Transit System Drivers. This policy, in its entirety may be found in Appendix B of this Ordinance.

Any County employee, Supervisor, Department Head, Administrator, County Manager, or member of the BOC found in violation of this policy is subject to disciplinary actions in accordance with Article IX, along with any penalties under federal, state, or local law.

#### Section 9. Internet Access Policy

**Purpose:** The purpose of the Harnett County Technology Use and Internet Access Policy is to set certain acceptable parameters for employees who have access to technology and to place such employees on notice that misuse of the County technology carries certain penalties.

**Ownership:** It should be understood by all Harnett County employees that all County technology devices and all data stored in such devices are the property of Harnett County and may be accessed, shared, stored, moved, and deleted at any time.

**Policy:** It is the policy of Harnett County that all employees who have access to technology do not misuse such a privilege and use such access for acceptable and legitimate purposes. Therefore, the County provides the following guidelines for all users of Harnett County computers:

- A. Use of County resources for accessing the internet and other public networks is primarily for work-related purposes.
- B. Employees must act responsibly when participating in discussion groups on any public network.
- C. Employees will not download any unapproved software from the internet without prior approval from the IT Department.
- D. Employees will not use Real Player, I-Tunes, Spotify, or any other online music software while on Harnett County time.
- E. Employees shall not abuse their internet privilege by using this access to express his or her political views, showcase his or her opinions on controversial issues, or act in any other way that would tend to reflect negatively on the County.
- F. Employees will not send or display any obscene or disruptive messages, files, or images that may contain explicit language, excessive violence, nudity, or any other form of indecent content.
- G. Employees will only share confidential or personally identifiable information through approved secure communication options.

**Monitoring Responsibilities:**

- A. It shall be the responsibility of the immediate Supervisor or Department Head to remind his or her employees on an as needed basis of this policy and the importance of adhering to its mandates. In addition, Supervisors or Department Heads must also monitor an employee's internet access in order to avoid violations.
- B. The IT Department shall monitor all internet traffic of all County employees to ensure that this policy is followed and adhered to.

Violations: Any violation of this policy shall subject an employee to any number of adverse actions as described in Article IX depending on the number, nature, and severity of the offense.

#### Section 10. Cell Phone Use Policy

Some Harnett County employees may be provided with a County-maintained cell phone. Such devices are County property and are provided to improve customer service and to enhance business efficiency.

County cell phones should never be used while operating any motorized vehicle or any other piece of mechanical equipment unless absolutely necessary. If an employee must use his or her phone while operating a motorized vehicle or piece of mechanical equipment, conversations should be kept brief or the employee should stop and take the call.

#### Employee Responsibilities:

- A. Employees shall learn, know, and understand the various functions his or her cell phone is capable of.
- B. Employees shall keep County-provided cell phones on his or her person while in service to the County.
- C. Employees should bear in mind that cell phone calls can be intercepted and should take proper precautions when discussing confidential information.
- D. Employees shall only use County-provided cell phones for County business, therefore, these devices should not be used for personal benefit and should not become the employee's primary mode of personal communication.
- E. Employees shall do their best to maintain the cell phone they have been given. If a repair or replacement is needed, an employee should return the phone to their Supervisor or Department Head who will contact the Harnett County IT Department for further instruction.

Personal Calls: Employees should avoid receiving or making any personal phone calls on County-provided cell phones unless reasonably necessary.

#### Section 11. Emergency Operations

In the event of natural or man-made disaster, the County Manager and the BOC reserves the right to close all County offices, but still require County employees, essential and non-essential, to report to work to assist with any necessary emergency operations.

Those employees required to work during a natural or man-made disaster will be compensated in accordance with Article III, Section 19 of this policy.

#### Section 12. Performance Reviews

A performance review is an annual review in which an employee's overall job performance is evaluated by his or her Supervisor and/or Department Head. Each County employee should undergo a formal performance review conducted by his or her Supervisor and/or Department Head on at least an annual basis. This review should be conducted around the employee's yearly anniversary date of the current position.

All performance reviews should be completed with impartiality and are to be based around the merit principle.

The purpose of the performance review is to provide a mechanism for communication between Supervisors, Department Heads, and employees, to evaluate strengths and weaknesses, and to set future goals.

Performance reviews may be used as evidence to support an employee's raise or promotion or to justify an adverse action being taken against the employee. Completed reviews should be placed in the employee's personnel file and are subject to the rules and regulations addressed in Article XII of this policy.

## ARTICLE VI. LEAVES OF ABSENCE

### Section 1. Introduction

Harnett County wishes to provide County citizens and employees with a safe, efficient, and productive County. In order to provide such a service, the County offers the following leaves of absence for use by County employees, as long as activities conducted during any leave of absence are not directly contrary to the County mission.

County employees are, however, cautioned not to retain excess accumulations of leave time in hopes to use these accumulations late in the calendar year. Even during holiday season the County must remain open, to allow multiple employees leave for extended periods of time during this busy season will not suit this end.

All leave granted to employees by the County is given with the understanding that this leave is not a right, but a privilege that may only be used with permission. All employees should submit any form of leave they wish to take to the appropriate authority for consideration no later than 1 workday before a leave is to be taken. In emergency situations an employee should submit any form of leave they wish to take no later than 2 hours before the start of the workday.

### Section 2. Holidays

The following days, and any others that the BOC may designate, are considered holidays with pay for any full-time County employees or Administrator working within the confines of the established Harnett County workweek. The amount to be paid to each employee for every holiday is described below. Whatever day the holiday falls on shall be observed as a paid holiday off by the County. When, however, a holiday (other than Christmas Day) falls on a weekend, Friday shall be the County's observed holiday.

Holiday	Number of Days Off
New Year's Day	1
Martin Luther King, Jr.'s Birthday	1
Good Friday	1
Memorial Day	1
Independence Day	1
Labor Day	1
Veterans Day	1
Thanksgiving	2
Christmas	3

Christmas Holiday Schedule: When Christmas Day falls on any of the following days of the week, the County shall observe the following:

Christmas Day Falls On:	Days Off Include:
Monday	Monday, Tuesday, & Wednesday
Tuesday	Monday, Tuesday, & Wednesday
Wednesday	Tuesday, Wednesday, & Thursday
Thursday	Wednesday, Thursday, & Friday
Friday	Wednesday, Thursday, & Friday
Saturday	Friday, Monday, & Tuesday
Sunday	Friday, Monday, & Tuesday

Religious Observances: Harnett County, in reverence of citizens' First Amendment rights, shall make every reasonable effort to accommodate an employee's request to be away from work for certain religious holiday observances; however, nothing shall obligate the County to make accommodations if, in accommodating the request, it would result in undue hardship on the County or other County employees. Such a request will not be granted if it (1) creates a risk to the health and safety of other employees, (2) causes undue expense to the County, (3) causes hardship on the scheduling and work of other County employees, and (4) creates an unnecessary division among employees.

Termination: Any County employee that is terminating, is terminated, or resigns on a holiday will not be paid for that holiday, unless they physically work the holiday.

Effects on Other Types of Paid Leave: Holidays which occur during an employee's use of any amount of their accumulated leave shall not be charged against them as part of that accumulated leave.

Compensation for Holidays:

- A. Full-time employees, who work a regular 40 hour workweek, will be compensated eight (8) hours of paid time for each day off for any of the holidays above.
- B. Full-time employees on the four day – 10 hour per day – workweek will be compensated eight (8) hours of paid time for each day off for any of the holidays above. To recover the missing two (2) hours, such an employee must take two (2) hours of their accumulated leave.
- C. Full-time employees who work on rotating shifts will be compensated eight (8) hours of paid time for any of the holidays above.
- D. Full time employees who work a nine (9) hour rotation shift will be off the recognized County holiday and will be compensated eight (8) hours of paid time. To recover the missing one (1) hour, such an employee must take one (1) hour of their accumulated leave.

Compensation for Holidays Worked:

- A. Full-time employees, who work a regular 40 hour workweek, that are required to work on a regularly scheduled holiday will earn eight (8) hours of time for each day off for any of the holidays above, along with compensatory time off equal to the hours worked based on their status under the FLSA and in accordance with Article III, Section 9 of this policy.
- B. Full-time employees on the four day – 10 hour per day – workweek that are required to work on a regularly scheduled holiday will earn eight (8) hours of

time for each day off for any of the holidays above, along with compensatory time off equal to the hours worked based on their status under the FLSA.

- C. Full-time employees who work on rotating shifts which work on a recognized County holiday, regardless of what day said holiday falls on, will be compensated eight (8) hours of paid time for any of the holidays above in addition to their regular shift compensation.
- D. If time off cannot be provided, the County Manager may approve monetary compensation for any holiday(s) worked.
- E. Full time employees who work a nine (9) hour rotation shift on the recognized County holiday will be paid the standard eight (8) hours of holiday pay and paid for any hours worked.

Termination. Any employee who has accumulated holiday leave, upon complete termination, shall be paid for all unused holiday time.

Section 3. Vacation Leave

Use for Full Time Employees: Vacation leave may be used at any time by any employee as earned with the approval of the appropriate Supervisor, Department Head, or County Manager. However, certain Supervisors, Department Heads, or County employees, as designated by the County Manager, must take at least five (5) consecutive workdays of accrued vacation leave per calendar year.

Use for Probationary Employees Those employees under a probationary period may not use their accumulated vacation time until the probationary period is over unless special circumstances exist and an exception is approved.

Manner of Accumulation: The following charts details the manner in which vacation leave shall be accumulated by all full-time County employees. Years of service with other North Carolina governmental agencies and North Carolina counties, may be considered and may be transferred from the employee’s last place of employment immediately prior to their employment with the County.

**Full-Time 40 Hour Workweek Employees**

Years of Service	Hours Accrued Monthly	Days Accrued Annual
Less than 2	6.67	10
At least 2 but less than 5	8.00	12
At least 5 but less than 10	10.00	15
At least 10 but less than 15	12.00	18
At least 15 but less than 20	14.00	21
20 or more	16.00	24

**Sheriffs (42.75 Employees)**

Years of Service	Hours Accrued Monthly	Hours Accrued Annual
Less than 2	7.13	85.6
At least 2 but less than 5	8.56	102.72
At least 5 but less than 10	10.70	128.4
At least 10 but less than 15	12.84	154.08

At least 15 but less than 20	14.98	179.76
20 or more	17.12	205.44

#### Emergency Services (24 Hour Shift Employees)

Years of Service	Hours Accrued Monthly	Hours Accrued Annual
Less than 2	8.87	106.4
At least 2 but less than 5	10.64	127.68
At least 5 but less than 10	13.30	159.6
At least 10 but less than 15	15.96	191.52
At least 15 but less than 20	18.62	223.44
20 or more	21.28	255.36

#### EMS (9 Hour Shift Employees)

Years of Service	Hours Accrued Monthly	Hours Accrued Annual
Less than 2	7.50	90.05
At least 2 but less than 5	9.00	108.00
At least 5 but less than 10	11.25	135.00
At least 10 but less than 15	13.50	162.00
At least 15 but less than 20	15.75	189.00
20 or more	18.00	216.00

**Maximum Accumulation:** There is no limit to the amount of vacation leave an employee may accumulate before June 15 of each fiscal year. On June 15, however, any employee with more than 240 hours of accumulated leave shall have the excess amount transferred to sick leave. The remaining 240 hours of vacation time will transfer over beginning on July 1. Also an employee who retires (who wish to do so) may roll all accrued vacation in excess of 240 hours into sick leave on their last day of employment, regardless of the month in which they retire.

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**Repayment of Vacation Leave—Voluntary Departure:** Any employee who retires or otherwise voluntarily ceases his or her service to the County without failure in the performance of his or her job duties or unsatisfactory personal conduct shall be paid for his or her accumulated vacation leave not to exceed 240 hours.

**Repayment of Vacation Leave—Involuntary Departure:** Any employee who is involuntarily dismissed from their position with the County or otherwise quits because of his or her failure in the performance of his or her job duties and responsibilities or unsatisfactory personal conduct, in the discretion of the County Manager, shall or shall not be reimbursed for their accumulated vacation leave.

**Repayment of Vacation Leave—Upon Employee's Death:** The estate of a County employee who dies while in the service of the County shall be entitled to repayment for



all of his or her accumulated vacation leave at the time of death except for those hours donated by other employees under the County's Shared Leave Policy as expressed in Article VI, Section 7.

#### Section 4. Sick Leave

Use: Sick leave shall be used and granted to County employees for:

- A. Any absence that is approved as a qualifying event under the Family and Medical Leave Act ("FMLA")
- B. Employee sickness or bodily injury
- C. Exposure to or infection with a contagious disease.
- D. Required physical, dental, or mental examination or treatment
- E. An illness or medical appointment of an employee's spouse, child, parent, or parent-in-law that requires the presence of the employee
- F. Death in the employee's immediate family. Such leave, however, may not exceed three (3) days for any one occurrence, except by permission.

Physician Certification: A Supervisor, Department Head, or County Manager may require an employee to provide a physician's certificate concerning the nature of the illness and the employee's physical capacity to resume duties for each occasion on which an employee uses sick leave.

Manner of Accumulation: The following charts details the manner in which sick leave shall be accumulated by all full-time County employees. An employee may transfer sick leave from other North Carolina governmental agencies, and North Carolina counties, provided that verification of that accumulated sick leave is received from the previous employer and that the employee was not reimbursed for these days. However, sick leave may only be transferred from the employee's last place of employment immediately prior to their employment with the County.

Sick Hours Accrual Month/Year

Type of Employee (Workweek)	Hours Accrued Monthly	Hours Accrued Annual
Regular (40 Hour)	8.00	96.00
Sheriff (42.75)	8.56	102.72
Emergency Services (24 Hour Shift)	10.64	127.68
EMS (9 Hour Shift)	9.00	108.00

Maximum Accumulation: There is no limit to the amount of sick leave an employee may accumulate while in the service of the County.

Repayment of Sick Leave—Involuntary Departure: If an employee is dismissed, terminated, or involuntarily resigns, any sick leave owed to the County shall be deducted from the employee's final compensation.

Repayment of Sick Leave—Voluntary Departure: Any employee who voluntarily ceases his or her service to the County without failure in the performance of his or her job duties and responsibilities is entitled to have their accrued sick leave transferred to their

next place of employment or retained in the Harnett County Human Resources system for up to three years in case an employee returns to the service of the County.

**Repayment of Sick Leave—Retirement:** Any employee who retires from their employment with the County and is a member of the North Carolina Local Government Employee's Retirement System shall have their accrued unused sick leave transferred into months of retirement credit. For each twenty (20) days an employee has accrued of sick leave they shall receive one (1) month of retirement credit.

**Repayment of Sick Leave—Death:** Any employee who dies while in service to the County is not entitled to repayment for his or her accumulated sick leave, however, hours donated by other employees under the County's Shared Leave Policy, as expressed in Article VI, Section 7, shall be returned to the donating employees.

#### Section 5. Petty Leave

All full-time County employees shall be allowed fourteen (14) hours per year of petty leave with pay beginning February 1 of each calendar year. If an employee is hired after January 1 they will receive petty leave on a prorated basis. These fourteen (14) hours are over and above any other leave an employee may accrue while in the service of the County. Petty Leave, therefore, may be used in conjunction with any other type of leave, but may only be used in increments of fifteen (15) minutes up to a maximum of three (3) hours at one time.

Petty leave may only be taken with the approval of a Supervisor, Department Head, or County Manager and must be used before December 15 of each calendar year. After December 15 any petty leave an employee may have will be terminated and will not roll over to the next year.

#### Section 6. Leave Without Pay

**Use:** Any full-time County employee may be granted leave without pay for up to one (1) year by the appropriate Supervisor, Department Head, or the County Manager through the use of the Leave Without Pay Form found in Appendix C of this Ordinance. Such leave may be used for reasons of prolonged personal illness, prolonged illness of an immediate family member, personal disability, after all other forms of accrued leave have been exhausted, educational needs, special work or ongoing classes that will benefit the County, or for other reasons deemed appropriate.

**Returning to Work:** Any employee who is granted leave without pay is obligated to return to duty within, or at the end of, the time determined appropriate by the granting Supervisor, Department Head, or County Manager, unless an extension has been requested and approved. Upon returning, the employee shall be entitled to return to the same position he or she held at the time leave was granted or to one of like classification, seniority and pay.

**Failure to Return to Work:** Failure of an employee to report to work once their leave has expired shall be considered a resignation and the employee's position shall be filled following the selection processes in Article IV, Section 6.

**Retention and Continuation of Benefits:** Any employee who takes leave without pay ceases to accrue any form of leave addressed in Article VI of this policy. The

employee, however, may continue to be eligible for benefits under the County's group insurance plans, but such benefits are subject to any regulations adopted by the BOC, the FMLA, and any regulations of the respective insurance carriers. However, an employee must work at least half the month to accrue leave.

#### Section 7. Shared Leave Policy

**Purpose:** The Harnett County Shared Leave Policy provides an opportunity for County employees to assist one another in times of need when an employee may have to be absent from work for a prolonged period of time resulting in loss of income due to a lack of accumulated leave. This policy, therefore, allows any full-time County employee to donate a specified number of hours from their accrued leave to help another employee who has exhausted all forms of his or her accumulated leave.

**Eligibility:** Any full-time County employee is eligible to donate leave, request donative leave, or receive donated leave. Any employee receiving leave, however, is required to apply and follow the procedures of the FMLA and must be unable to work due to an accident, chronic illness or major medical condition of themselves or that of an immediate family member.

**Ineligibility:** Part-time County employees are not eligible to donate leave, request donative leave, or receive donated leave. Also, any employee experiencing, undergoing, or receiving the following is ineligible to participate:

- A. Short term or sporadic conditions or illnesses
- B. Elective Surgery
- C. Normal Pregnancy
- D. Worker's Compensation benefits

#### **The Application Process:**

- A. Any full-time employee who wishes to request leave through the Shared Leave Policy must submit an Application to Receive Shared Leave Form provided by the Human Resources Department at [www.Harnett.org](http://www.Harnett.org) or found in Appendix C of this Ordinance. This form should be accompanied by, if not already filled out and submitted by the employee, a Comprehensive Information Release Form found in Appendix E of this Ordinance.
- B. These forms must be submitted to the appropriate Supervisor or Department Head who shall review the merits of the request and forward it to the Human Resources Department with a recommendation for approval or disapproval.
- C. The Human Resources Department will further review the request with an Employee Shared Leave Committee. The Committee and Human Resources Director will make a recommendation to the County Manager.
- D. The County Manager shall approve or deny all requests for receipt of shared leave and shall determine the length of the leave, not to exceed the employee's or family member's period of treatment and recovery.
- E. Once approved, the Human Resources Department shall advise all county employees regarding the request for shared leave.
- F. Direct solicitation of employees for shared leave donations by the employee requesting shared leave is not permitted under any circumstances.

#### **The Donation Process:**

- A. Any employee who wishes to donate a specified number of hours from their vacation leave to an employee requesting shared leave must complete the

Shared Leave Donation Form provided by the Human Resources Department at [www.Harnett.org](http://www.Harnett.org) or found in Appendix C of this Ordinance.

- B. This form must be submitted to his or her Department Head who shall forward it to the Human Resources Department within the time period specified.
- C. Any employee donating leave may elect to donate a minimum of four (4) hours of their accrued leave up to any amount that would not drop his or her total accrued leave balance below 80 hours. A donating employee, however, may not donate more leave than he or she could earn in a year.
- D. Any donated leave will convert into sick leave for the employee requesting shared leave, is taxable, and will be added to the recipients W-2 as income.
- E. Once leave is donated and transferred to the receiving employee, any leave not used shall be returned to all donating employees on a pro-rata basis.

Limitations & Restrictions:

- A. The donated amount of shared leave will only be utilized after all other sources of the recipient's own leave have been completely exhausted.
- B. A donating employee may not receive any form of compensation for the donation of leave from the County or the employee requesting shared leave. Acceptance of remuneration for donated leave shall be grounds for disciplinary action as addressed in Article IX.
- C. No employee may directly or indirectly intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other employee for the purpose of interfering with any right a County employee may have with respect to donating, receiving, or using leave under this program. Such action shall be grounds for disciplinary action as addressed in Article IX.
- D. County employees may not donate to or receive leave from family members employed in other local governments or State agencies, institutions, community colleges, or technical institutes.
- E. Employees requesting shared leave may only receive a maximum of 480 hours of donated leave each calendar year.
- F. Shared Leave may not be used to extend an employee's time in leave status beyond one year from their last date worked or beyond the time necessary for an employee or family member to be treated and recover.
- G. Individual employee leave records are confidential and are subject to the regulations found in Article XII.
- H. County employees should not reveal their donated leave amounts to the recipient of shared leave or to other employees.
- I. Donated leave shall not be claimed for reimbursement under current subrogation law. The County of Harnett shall not report paid donated leave as reimbursable to an attorney representing a County employee in a third party subrogation claim.

Retention and Continuation of Benefits: Any employee who receives shared leave continues to accrue any form of leave addressed in Article VI, receives any salary increases or bonuses for which he or she would have otherwise been eligible, and may continue to be eligible for benefits under the County's group insurance plans.

Accounting and Usage Procedures: The Human Resources Department is responsible for the establishment and maintenance of a system of leave accountability that will accurately record leave donations and recipient's use. Such accounts shall provide a clear and accurate record for financial and management audit purposes. Such a system should include the following:

- A. Maintaining a list of all donating employees and the hours donated by each

- B. Adequate and prompt notification of any donated leave, the amounts of that donated leave, and when leave is granted to the recipient and the Finance Department
- C. Notification of actual leave deductions to the donating employees and the Finance Department.

Section 8. Workers' Compensation Leave

Note: The following section is covered by the North Carolina Workers Compensation Act ("NCWCA") found at NCGS §97. If any discrepancies between this section and the NCWCA should surface, the NCWCA shall control.

Any full-time County employee absent from duty because of sickness or disability covered by the NCWCA may receive worker's compensation benefits and elect to use their accumulated leave as a supplemental payment for the difference between their regular salary and the payments received under the NCWCA.

Employee Instructions: To ensure that a sick, injured, or disabled employee will receive all their available benefits, the following instructions should be followed.

A. Emergency Situation:

1. If an injury occurs while on the job and said injury results in an emergency situation, 911 should be contacted for medical assistance and transport to the nearest medical facility. The employee, however, is still responsible for notifying the appropriate Supervisor or Department Head and completing a Workers' Compensation Leave Form & Employee Injury Report provided by the Human Resources Department at [www.Harnett.org](http://www.Harnett.org) or found in Appendix C of this Ordinance.
2. If treatment is required at the emergency care provider, the injured employee should not provide his or her current County health insurance card. The employee instead should inform his or her caretakers that his or her injury should be filed to workers' compensation.
3. If the injury occurs after normal County hours as explained above in Article V, Section 2, the employee's social security number will be used as a temporary claim number until Human Resources can file a workers' compensation claim and receive an appropriate claim number.

B. Non-Emergency Situation:

1. If an injury occurs while on the job and said injury does not result in an emergency situation, but medical treatment is still required, an employee should seek treatment from:

Lillington Family Medical Center  
7 East Duncan St.  
Lillington, NC 27546  
(910)893-2641

2. If, for any reason other than a medical emergency, an employee is unable to receive treatment at the Lillington Family Medical Center, he or she should contact the Risk Management and Safety Coordinator.
3. Despite injury the employee is still responsible for notifying the appropriate Supervisor or Department Head and completing a Workers' Compensation Leave Form & Employee Injury Report.

C. Prescriptions:

1. If, after treatment, release, and the completion of a Workers' Compensation Leave Form & Employee Injury Report, an employee needs a medical prescription filled, the employee may go to any major pharmacy including, but not limited to, the following: CVS, Rite-Aid, Walgreens, Wal-Mart, Giant Eagle, Kroger, Meijer, Costco, and Target.
  2. The employee should inform the pharmacy that he or she is covered through the NCWCA. The pharmacy should be able to electronically get approval for the prescription.
  3. If the pharmacy is unable to fill the prescription or electronically get approval to fill the prescription, the employee should purchase the medicine with his or her own funds and then submit any receipts to the Risk Management and Safety Coordinator for processing and refund.
- D. Mileage:
1. If any injured employee travels more than twenty (20) miles on their personal vehicle to an authorized doctor's appointment following an injury filed as workers' compensation, he or she may submit mileage for reimbursement through the use of the appropriate travel form.
- E. Work Release Forms
1. Work release forms should be obtained by an injured employee at each doctor visit and given to the appropriate Department Head.
  2. Such forms should be used by the Department Head to determine the amount, type, and frequency of work an employee may do.
  3. If an employee is written out of work by a licensed physician or light duty is unavailable for the employee, he or she may be entitled to workers' compensation lost wage benefits. Such a situation is addressed below.
- F. Lost Wage Benefits
1. To be eligible for any lost wage benefits under the NCWCA an employee must: (1) be injured while in the service of their employer, (2) be written out of work by a licensed physician, and (3) be out of work for an initial seven (7) days. The day of injury is not included in the 7 days.
  2. Once the initial seven (7) day period has passed, an employee will be eligible for lost wage benefits as long as he or she has already completed the Workers' Compensation Leave Form & Employee Injury Report.
  3. If an injured employee is eligible for lost wage benefits, that employee will begin receiving workers' compensation checks to cover two-thirds (2/3) of his or her salary.
  4. The remaining one-third (1/3) of an employee's salary will be recouped by using the employee's accrued leave until all the employee's leave is exhausted. This will result in an employee using one (1) entire day of leave for every three (3) days an employee remains on workers' compensation.
- G. Other Information:
1. If an employee receives one day of lost wage benefits, that employee's retirement benefits will be inactive for the entirety of that month.
  2. While on workers' compensation leave an employee will continue to accrue all forms of leave as addressed in Article VI. Any leave accrued, therefore, will instantly be used and paid out to the employee if he or she has exhausted all accrued leave while on workers' compensation.
  3. FMLA leave will run concurrently with any employee's workers' compensation leave.

## Section 9. Military Leave

Note: The following section is covered the Uniformed Services Employment and Reemployment Rights Act (“USERRA”) found at 38 United States Code Chapter 4301-4335 and 20 Code of Federal Regulations Part 1002. If any discrepancies between this section and the USERRA should surface, the USERRA shall control.

Purpose: Harnett County, in accordance with federal law, seeks to ensure that County employees who serve or have served in the Armed Forces, Reserves, National Guard, or other uniformed services: (1) are not disadvantaged in their careers with the County because of their service, (2) are promptly reemployed in their County jobs upon their return from duty, and (3) are not discriminated against in employment based on past, present, or future military service. Harnett County, along with the federal government, wishes to encourage uniformed service so that the United States can enjoy the protection of those services, staffed by qualified people, while maintaining a balance with the needs of the County who also depends on these same individuals. With this mind the County puts into effect the following policy pertaining to military leave for all full-time County employees.

Policy:

- A. Any full-time County employee who is a member of the Armed Forces, Reserves, National Guard, or other uniformed services will be allowed 96 hours annually (adjusted for employees having a work week with greater or fewer hours than a basic 40 hour workweek, refer to sick schedule) to be used for any military training that an employee may be mandated to undergo as part of their service.
- B. If compensation provided such an employee by the United States while on military leave is less than the normal salary such an employee would have earned working his or her typical work schedule, the employee shall receive partial compensation from the County equal to the difference in the two amounts. Every effort will be made by the County to maintain the employee’s normal salary during such an employee’s period of military leave. Employee has the option to use leave without pay or accrued time.
- C. If a County employee’s military duty is required beyond the allotted hours, the employee shall be allowed to recoup the loss wages through the use of his or her accumulated leave. If the employee, however, does not have any accumulated leave or his or her accumulated leave runs out, the employee shall be given leave without pay status as addressed in Article VI, Section 6.
- D. Regardless of other portions of this policy and the employee’s pay status, while taking military leave an employee’s leave credits and other benefits shall continue to accrue as normal.
- E. Any time spent in military leave will not run concurrently with FMLA leave.

## Section 10. Civil Leave

When any full-time County employee is called for jury duty or as a court witness for the federal or state governments or a subdivision thereof, they shall receive leave with pay from the County, along with any payments or travel allowances received for such civic duties, without need to use any of their accumulated leave.

While on civil leave, all benefits and forms of leave shall continue to accrue as normal.

## Section 11. Educational Leave

Any full-time County employee may request and have granted a leave of absence in order to take one (1) educational course during or after regular County working hours as described in Article V, Section 2. Such an employee must complete and submit the Education Leave Request Form to the appropriate Supervisor or Department Head. This form is provided by the Human Resources Department at [www.Harnett.org](http://www.Harnett.org) or found in Appendix C of this Ordinance.

Such educational leave will only be granted if the educational course to be taken benefits the County by better equipping the employee to perform his or her assigned job duties and responsibilities.

## Section 12. Family and Medical Leave

Note: The following section is covered by the Family and Medical Leave Act (“FMLA”) found at 29 United States Code Chapter 28 and 29 Code of Federal Regulations Note 825. If any discrepancies between this section and the FMLA should surface, the FMLA shall control. Also, any employee seeking additional information on the FMLA may visit [www.dol.gov](http://www.dol.gov).

Purpose: In accordance with the FMLA, Harnett County seeks to provide a working environment that: (1) facilitates the development of children and the family unit, (2) prevents County employees from having to choose between job security and parenting, (3) allows adequate job security for employees who have serious health conditions that prevent them from working for temporary periods, and (4) balances the demands of the County with the needs of the families. With this in mind the County establishes the following policy.

Eligibility: Only eligible employees are allowed to take FMLA leave. An eligible employee is one who:

- A. Works for the County,
- B. Has worked for the County for at least twelve (12) months,
  - 1. Note: The twelve (12) months of service do not have to be continuous or consecutive. This means that any time previously worked for the County may be used to meet the twelve (12) month requirement. If, however, the employee has a break in service that lasted longer than seven (7) years, the time worked prior to the break will not count unless the break is due to service covered by the USERRA addressed in Article VI, Section 9.
- C. Has at least 1,250 total hours of service to the County during the twelve (12) month period immediately preceding the leave, and
- D. Works at a location where the County has at least fifty (50) employees within a seventy-five (75) mile radius.

Policy:

- A. Leave for Qualified Reasons: Harnett County will hereby grant all eligible County employees a total of twelve (12) workweeks of job-protected family and medical leave within a single twelve-month period for one or more of the following qualified reasons:



1. Birth & Bonding Leave: Leave may be granted for the birth of a son or daughter.
  - i. Restrictions and Limitations:
    - a) Entitlement to this form of leave expires 12 months after the date of birth.
    - b) Both mothers and fathers employed by the County have a right to take this form of leave.
    - c) This form of leave must be taken as a continuous block unless the employee obtains approval for intermittent leave by a Supervisor or Department Head.
    - d) An employee who actually has day-to-day responsibility for caring for a child may be entitled to this form of leave even if the employee does not have a biological or legal relationship to the child as long as such an employee can prove they stand in loco parentis to the child.
    - e) The fact that a child has a biological parent in the home, or has both parents, does not prevent an employee from standing in loco parentis to that child. The FMLA does not restrict the number of parents a child may have.
2. Adoption & Bonding Leave: Leave may be granted for the placement of a son or daughter with the employee for adoption or foster care.
  - i. Restrictions and Limitations:
    - a) An employee's entitlement to this form of leave expires 12 months after the date of adoption or placement.
    - b) Both mothers and fathers employed by the County have a right to take this form of leave.
    - c) This form of leave may be taken before the actual placement or adoption of a child takes place if an absence from work is required. Such situations may include counseling sessions, mandated court appearances, attorney or birth parent consultations, and for necessary travel to complete an adoption.
    - d) This form of leave must be taken as a continuous block unless the employee obtains approval for intermittent leave by a Supervisor or Department Head.
3. Serious Health Condition Leave (Employee): Leave may be granted for an employee to seek treatment and recover from his or her own serious health condition that makes the employee unable to work.
  - i. Restrictions and Limitations:
    - a) An employee is considered unable to work where a licensed physician finds that the employee is: (1) unable to work at all or (2) unable to perform any of the essential functions of the employee's position.
    - b) To utilize this form of leave an employee must submit the Employee Medical Certification Form provided by the Human Resources Department at [www.harnett.org](http://www.harnett.org) or at [www.dol.gov](http://www.dol.gov) to his or her Supervisor or Department Head in accordance with Article VI, Section 12, Subsection D-3 of this Personnel Ordinance.
    - c) Before returning from work after this form of leave is taken, the employee must provide the County with a Fitness-for-Duty Certification signed and dated by a licensed physician that is qualified to make the determination that

the employee is fit to return to work and perform their previous job duties and responsibilities.

4. Serious Health Condition Leave (Relative): Leave may be granted for the employee to care for a spouse, son, daughter, or parent who has a serious health condition.

- i. Restrictions and Limitations:

- a) To utilize this form of leave an employee must be needed to provide care for his or her spouse, son, daughter, or parent because of the family member's serious documented health condition.
    - b) An employee may take this form of leave to care for a person who, although having no legal or biological relationship to the employee when the employee was a child, stood in loco parentis to the employee when the employee was a child.
    - c) An employee who actually has day-to-day responsibility for a child may be entitled to take this form of leave even if the employee does not have a biological or legal relationship to the child as long as such an employee can prove they stand in loco parentis to the child.
    - d) The fact that a child has a biological parent in the home, or has both parents, does not prevent an employee from standing in loco parentis to that child. The FMLA does not restrict the number of parents a child may have.
    - e) To utilize this form of leave an employee must submit the Family Member Medical Certification Form provided by the Human Resources Department at [www.harnett.org](http://www.harnett.org) or at [www.dol.gov](http://www.dol.gov) to his or her Supervisor or Department Head in accordance with Article VI, Section 12, Subsection D-3.
5. Military Exigency Leave: Leave may be granted for any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or called to active duty status.

- i. Restrictions and Limitations:

- a) The definition of "son" and "daughter" provided in Article I, Section 3, does not apply to this section in so far as the 18 years or younger restriction is concerned.
    - b) Qualifying exigencies are situations arising from the military deployment of an employee's spouse, son, daughter, or parent to a foreign country. Such exigencies for which an employee may take this form of leave include:
      1. Making alternative child care arrangements for a child of the military member when deployment necessitates a change in the existing arrangements.
      2. Attending certain military ceremonies and briefings.
      3. Taking leave to spend time with a military member on Rest and Recuperation leave during deployment.
      4. Making financial or legal arrangements to address a covered military member's absence.
      5. Certain activities related to care of the parent of the military member while the military member is on covered active duty.
      6. Deployment of service member with seven or fewer days' notice.

7. Post-deployment activities for a period of ninety days after the termination of the service member's active duty status.
  - c) An employee who actually has day-to-day responsibility for a child may be entitled to this form of leave even if the employee does not have a biological or legal relationship to the child as long as such an employee can prove they stand in loco parentis to the child.
  - d) The fact that a child has a biological parent in the home, or has both parents, does not prevent an employee from standing in loco parentis to that child. The FMLA does not restrict the number of parents a child may have.
  - e) To utilize this form of leave an employee must submit the Qualifying Exigency Certification Form provided by the Human Resources Department at [www.harnett.org](http://www.harnett.org) or at [www.dol.gov](http://www.dol.gov) to his or her Supervisor or Department Head in accordance with Article VI, Section 12, Subsection D-3.
6. Military Caregiver Leave: An extended period of up to twenty-six (26) workweeks of leave may be granted for an employee to care for a covered service member with a serious injury or illness, as long as the employee is the spouse, son, daughter, parent, or next of kin of the service member.
- i. Restrictions and Limitations:
    - a) Any eligible employee is limited to a *combined* total of 26 workweeks of leave for any FMLA qualifying reasons during a single 12-month period.
    - b) This form of leave is available to any eligible employee once per service member, per serious injury or illness. However, an eligible employee may take an additional 26 weeks of leave in a different 12-month period to care for the same service member if he or she has another serious injury or illness.
    - c) A covered service member under this policy includes: (1) a current member of the Armed Forces who is undergoing medical treatment, recuperation, or therapy, is in outpatient statute, or is on the temporary disability retired list, for a serious injury or illness or (2) a veteran of the Armed Forces discharged within the five-year period before the family member first takes Military Caregiver Leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a qualifying serious injury or illness.
    - d) A veteran who was dishonorably discharged is not considered a covered service member.
    - e) To utilize this form of leave an employee must submit the Current Service Member Serious Injury or Illness Certification Form or the Veteran Serious Injury or Illness Certification Form provided by the Human Resources Department at [www.harnett.org](http://www.harnett.org) or at [www.dol.gov](http://www.dol.gov) to his or her Supervisor or Department Head in accordance with Article VI, Section 12, Subsection D-3.

B. Calculation of the Single 12-Month Period:

1. The single 12-month period for all of the foregoing qualified reasons will be measured forward from the first date an employee takes FMLA leave.
    - i. Example: Ann's FMLA leave begins on November 6, 2012 so her 12-month period is November 6, 2012 - November 5, 2013.
  2. The single 12-month period for Military Caregiver Leave, however, begins on the first day the employee takes this form of leave and ends exactly 12 months later regardless of Harnett County policy.
- C. Increments, Calculation, & Payment of Leave:
1. Increments of Leave: Any form of FMLA leave may be taken in periods of whole weeks, single days, hours, or 15 minutes intervals.
  2. Calculation of Leave:
    - i. Only the amount of leave actually taken may be counted against an employee's FMLA leave entitlement of 12-26 weeks.
    - ii. Where an employee takes FMLA leave for less than a full workweek, the amount of FMLA leave used is determined as a proportion of the employee's actual workweek and will be converted into hours.
      - a) Example: Ann normally works 30 hours a week but works only 20 hours in a week because of FMLA leave. Therefore, she would use one-third (1/3) of a week of FMLA leave or, converted, 10 hours of FMLA leave time.
    - iii. Time that an employee is not scheduled to report to work or may not report to work because the County has ceased operations shall not be counted against the employee as FMLA leave.
    - iv. When a holiday falls during a week in which an employee is taking the full week of FMLA leave, the entire week is counted as FMLA leave. However, when a holiday falls during a week when an employee is taking less than the full week of FMLA leave, the holiday is not counted as FMLA leave, unless the employee was scheduled and expected to work on the holiday and used FMLA leave for that day.
  3. Payment of Leave: FMLA leave in any normal circumstance is unpaid leave, however, Harnett County requires that County Employees take any and all of their accrued leave when using any form of FMLA leave.
- D. Employee Notice Requirements:
1. Timing (Leave that is Foreseeable)
    - i. In general, an employee must give the County at least 30 days advanced notice of the need to take FMLA leave when he or she knows about the need for the leave in advanced.
  2. Timing (Leave that is Unforeseeable)
    - i. When the need for leave is unexpected, an employee must provide notice to the County as soon as possible and practical.
  3. Certifications:
    - i. Any employee who wishes to utilize FMLA leave for a serious health condition or a military exigency must supply his or her Supervisor or Department Head with the appropriate certification form within 15 calendar days after he or she has submitted their completed FMLA Leave Request Form that may be found in Appendix C of this Ordinance. Medical certification forms should be updated by the employee every 30 days unless the form indicates that the minimum duration of the serious health condition is more than 30 days. If this is the case the form should be updated at the expiration of that minimum duration.

- ii. The employee is responsible for paying for the cost of the certification and for making sure the certification form is delivered to the Supervisor or Department Head.
  - iii. If the certification form is incomplete or insufficient, the County will provide the employee with a written notice stating what information is needed to make the form complete and sufficient.
  - iv. The employee must provide the necessary information to the County within seven (7) calendar days.
  - v. If the employee does not provide the requested certification form within the time required or fails to provide a complete and sufficient form despite the opportunity to cure any deficiencies, the County shall deny the employee's request for FMLA leave.
  - vi. If the County has received a completed medical certification form, but has a reason to doubt the validity of such a certification, the County reserves the right to obtain a second certification from a licensed physician of the County's choosing. The County will pay for such a recertification.
- E. Employee Protections Under the FMLA:
- 1. All County employees utilizing FMLA leave are entitled to the continuation of the County's group health insurance and any benefits therein on the same terms as if he or she had continued to work. However, if the employee fails to return to work the County may recover any premiums paid.
  - 2. All County employees utilizing FMLA leave are entitled to the continued accrual of any form of leave given to an employee by the County.
  - 3. When any County employee utilizes FMLA leave and returns from that leave, he or she will be restored to the same job or equivalent job. An equivalent job is one that is virtually identical to the original job in terms of pay, benefits, and other employment terms and conditions.
- F. Protections for Individuals: The FMLA prohibits the following actions to be made by Harnett County:
- 1. Interfering with, restraining, or denying the exercise of, or the attempt to exercise any FMLA right.
  - 2. Discriminating or retaliating against an employee or prospective employee for having exercised or attempted to exercise any FMLA right.
  - 3. Discharging or in any other way discriminating against any person, whether or not an employee, for opposing or complaining about any unlawful practice under the FMLA.
  - 4. Discharging or in any other way discriminating against any person, whether or not an employee, because that person has:
    - i. Filed any charge, has instituted, or caused to be instituted, any proceeding under or related to the FMLA;
    - ii. Given, or is about to give, any information in connection with an inquiry or proceeding relating to any right under the FMLA; or
    - iii. Testified, or is about to testify, in any inquiry or proceeding relating to a right under the FMLA.

### Section 13. Adverse Weather Policy (Administrative Leave)

Purpose: Harnett County must ensure the delivery of services to citizens and businesses even during times of adverse weather. Considering the varied geographic locations and diverse populous of this County, it is the intent of this Adverse Weather

Policy to establish a uniform Countywide plan regarding how operations will be affected during times of adverse weather and to establish guidelines for accounting for time and for releasing non-essential personnel from work when: (1) adverse weather prohibits or adversely impacts the ability of non-essential personnel to report to work or to remain at work, or (2) adverse weather necessitates the suspension of non-essential operations.

Note: All County employees are to presume, unless otherwise notified, that County operations will continue as normal and they are expected to report to work regardless of any weather or other emergency conditions that may develop. The Harnett County Adverse Weather Policy will not go into effect until the County Manager has determined that normal operations at all Harnett County facilities is jeopardized by the existence of adverse weather that may put lives or property in danger. Such a determination will be forwarded to all major news and radio outlets across the County, distributed via Harnett County e-mail, and posted on [www.harnett.org](http://www.harnett.org).

Designation of Essential & Non-Essential Personnel: All County employees shall be designated as essential or non-essential personnel by the appropriate Department Head or the County Manager. Non-essential personnel shall be designated in writing through an e-mail or memorandum. This e-mail or memorandum shall act as an employee's recognition of his or her status as a non-essential personnel. Essential personnel shall be designated in writing through a formal memorandum and each essential employee shall acknowledge this designation in writing.

Duties of Essential Personnel:

- A. Essential personnel who are required to work during adverse weather because their positions have been designated as such by their Department Heads or the County Manager and should perform to the best of their abilities during this time.
- B. Those essential personnel who cannot report to work because of driving conditions will notify their immediate Supervisor or Department Head so that County transportation can be dispatched to pick them up.
- C. If an essential employee refuses to report to work, remain at work, or be carried to work by County transportation once this policy has been activated the employee will not be granted administrative leave and will be charged absent.
- D. Essential employees are not allowed to take a day off at such future time to compensate for working during an emergency. Any compensation received by such employees for working during an emergency is governed by the Emergency Operations Compensation policy addressed in Article III, Section 19.

Non-Essential Personnel & Administrative Leave:

- A. Non-essential personnel are those employees who may be approved for administrative leave during adverse weather because their positions have been designated as such by their Department Head or the County Manager.
- B. Once this policy has been activated, administrative leave for nonessential personnel may be granted in the discretion of the County Manager to administratively excuse all non-essential personnel.
- C. Administrative Leave will be granted to employees in the amount of hours the employee is scheduled to work, not to exceed 10 hours.
- D. Entitlement to administrative leave depends on the non-essential employee's status at the time of the announcement, when the adverse weather develops, and how it affects County operations.
  - a) During Normal County Operating Hours: If adverse weather develops during normal County operating hours and the County Manager so chooses to cease all County operations the following shall apply:

- i. If the employee was on duty and was scheduled to depart early through the use of his or her accrued leave after official word was received but before the time for dismissal, leave is charged only from the time the employee departed until the dismissal time.
  - ii. If the employee was scheduled to return to duty after an initial period of leave and dismissal is given before the employee can physically report to work, leave is charged until time for dismissal.
- b) Outside of Normal County Operating Hours: If adverse weather develops outside of normal County operating hours but there is no significant curtailment of county activities the following applies:
  - i. Regardless of road and weather conditions essential and non-essential employees are expected to be at work on time. Employee tardiness caused by treacherous driving conditions may be excused on a case-by-case basis, but failure to report to work will result in the employee being charged absent.
  - ii. The County Manager, in his discretion, may delay opening the County for a period of the workday. In the event he or she chooses to do so, non-essential personnel will be administratively excused for the delay period, but this does not excuse an employee from being absent once the delay period has passed.
- c) Outside of Normal County Operating Hours: If adverse weather develops outside of normal County operating hours but there is a significant curtailment of County activities the following applies:
  - i. If the County Manager, in his discretion, chooses to cease all non-essential operations for the entirety of the day, the day will be considered a non-work day and non-essential personnel will be administratively excused.

Note: The chart below details the previous information and is a complete summary of the same.

Event	Employee Action	Non-Essential (Non-exempt)	Non-Essential (Exempt)	Essential Employees
Late Opening	Does not report	Paid administrative leave from regular start time to County opening time. Employees may use any of his or her accrued leave time to receive full compensation for the remainder of the work day.		<p>All essential personnel, regardless of exemption statutes, must report to work during an adverse weather situation and will be compensated in accordance with this Ordinance.</p> <p><i>(This requirement does not apply to those County employees in an approved leave without pay status)</i></p>
	Reports to work	Employee is paid for his or her actual time worked & receives administrative leave from regular start time to County opening time.	Receives full day pay.	
	Reports later than announced opening	Employee is paid for his or her actual time worked & receives administrative leave from regular start time to time County opening time &, if necessary, may use any accrued leave to receive compensation equal to a full standard work day.		
	Has scheduled use of accrued leave time.	Paid administrative leave for time County offices are closed, but accrued leave time is used to receive full compensation for the remainder of the work day.		
	Any Leave without Pay status	Leave without pay is still charged		
Closed	Is scheduled to work	Awarded administrative leave for the day.		
	Has scheduled use of accrued leave time.	Awarded administrative leave will not be granted.		
	Any Leave without Pay status (FMLA, Military Leave)	Leave without pay is still charged.		
Early Closing	Does not report	Paid administrative leave for time County offices are closed. Employees may use any of his or her accrued leave time to receive full compensation for the remainder of the work day.		
	Reports to work	Employee is paid for his or her actual time worked & receives administrative leave from County closing time to regular quitting time to receive full compensation for the remainder of the work day.	Gets full day pay	
	Leaves work earlier	Employee is paid for his or her actual time worked & receives administrative leave from County closing time to regular quitting time &, if necessary, may use any accrued leave to receive compensation equal to a full standard work day.		
	Has scheduled use of accrued leave time.	Paid administrative leave for time County offices are closed, but accrued leave time is used to receive full compensation for the remainder of the work day.		
	Any Leave without Pay status	Leave without pay is still charged		



## Section 14. Volunteer Leave

Harnett County seeks to foster a workforce that cares for the surrounding community and offers support to those individuals throughout the County that may need support. With this in mind the County allows all full-time County employees one and one-half (1 ½) hours of administrative leave each week to perform volunteer work at any Harnett County school or any Harnett County non-profit organization.

This leave may be used in conjunction with an employee's lunch break or any other form of accrued leave an employee may have.

This leave will not accumulate and shall not be carried over from week to week.

To utilize this form of a leave an employee must receive advanced approval (at least 48 hours) from his or her Supervisor, Department Head, or the County Manager.

Once such volunteer leave has been utilized, an employee must provide his or her Supervisor or Department Head with some form of evidence or documentation that the volunteer service was actually completed.

## Section 15. Parent Involvement Leave

Note: The following section is covered by the Leave for Parent Involvement in Schools Act found at NCGS §95-28.3. If any discrepancies between this section and the Leave for Parent Involvement in School Act should surface, the act shall control.

Policy: Harnett County believes that parent involvement is an essential component of school success and positive student outcomes. Therefore, Harnett County shall grant four (4) hours per year of leave to any full-time County employee who is a parent, guardian, or person standing in loco parentis of a school-aged child so that the employee may attend or otherwise be involved at that child's school.

Restrictions, Limitations, and Conditions:

- A. This leave may be used in conjunction with any other form of accrued leave an employee may have.
- B. This leave will not accumulate and shall not be carried over from year to year.
- C. To utilize this form of leave an employee must receive advanced approval (at least 48 hours) from his or her Supervisor, Department Head, or the County Manager.

Once such leave has been utilized, a Supervisor, Department Head, or County Manager may require some form of documentation for the employee's school involvement.

Example: An employee may use this leave to attend a parent teacher conference, or chaperon a school trip.

## ARTICLE VII. EMPLOYEE BENEFITS

### Section 1. Insurance Benefits

Revised Insurance Benefits Policy: All full-time employees hired on or after July 1<sup>st</sup>, 2015, or those employees who leave the employment of the County and return to work on or after July 1<sup>st</sup>, 2015, shall be eligible for insurance benefits in accordance with the following policy.

- A. The County will provide individual hospitalization to all full-time employees. All full-time employees shall be enrolled in the program in accordance with the provisions of the County's insurance contracts on the first day of the month following a thirty (30) day waiting period.
- B. Any full-time County employee may so choose to have money deducted from his or her check to provide dental insurance for him or herself and to provide hospitalization and dental insurance for any dependents he or she may have in accordance with the provisions of the County's insurance contracts.
- C. Retirement health benefits are provided on a pro-rated basis for years of service as listed below. Employees who are not eligible for the benefits as outlined below will not be allowed to remain on the County's health insurance plan beyond any rights granted by the Consolidated Omnibus Budget Reconciliation Act (COBRA).
- D. Individuals must be County employees at the time of retirement to be eligible.
- E. Standard amount of supplement is to be determined by the BOC.

Retirement Health Benefits (Employees less than 65 not Medicare eligible)	
Minimum Years of Consecutive Harnett County Service for Eligibility	Percentage of Cost Paid by County Until Age 65 or Medicare Eligible
20 Years	50%
25 Years	75%
30 Years	100%

Retirement Health Benefits (Employees older than 65 and/or Medicare eligible)	
Minimum Years of Consecutive Harnett County Service for Eligibility	Percentage of Cost Paid by County After Age 65 or Medicare Eligible
20 Years	50%
25 Years	75%
30 Years	100%

Grandfathered Insurance Benefits Policy: Full-time employees as of June 30<sup>th</sup>, 2015 shall continue to be eligible to receive insurance benefits as defined below.

- A. The County will provide hospitalization to all full-time employees. All full-time employees shall be enrolled in the program on the first day of the month following a thirty (30) day waiting period.
- B. Any full-time County employee may so choose to have money deducted from his or her check to provide dental insurance for him or herself and to provide hospitalization and dental insurance for any dependents he or she may have in accordance with the provisions of the County's insurance contracts.

- C. Retirement health benefits are provided on a pro-rated basis for years of service as listed below. Employees who are not eligible for the benefits as outlined below will not be allowed to remain on the County's health insurance plan beyond any rights granted by the Consolidated Omnibus Budget Reconciliation Act (COBRA).
- D. Individuals must be County employees at the time of retirement to be eligible.
- E. Standard amount of supplement is to be determined by the BOC.

Retirement Health Benefits (Employees less than 65 not Medicare eligible)	
Minimum Years of Consecutive Harnett County Service for Eligibility	Percentage of Cost Paid by County Until Age 65 or Medicare Eligible
10 Years of Harnett County Service Plus an additional 20 Years of Local Government Service	50%
15 Years	50%
16 Years	55%
17 Years	60%
18 Years	65%
19 Years	70%
20 years	75%
21 Years	77%
22 Years	79%
23 Years	81%
24 Years	83%
25 Years	85%
26 Years	88%
27 Years	91%
28 Years	94%
29 years	96%
30 Years	100%

Retirement Health Benefits (Employees older than 65 and/or Medicare eligible)	
Minimum Years of Consecutive Harnett County Service for Eligibility	Percentage of Cost Paid by County After Age 65 or Medicare Eligible
15 Years	50%
16 Years	55%
17 Years	60%
18 Years	65%
19 Years	70%
20 years	75%
21 Years	77%
22 Years	79%
23 Years	81%
24 Years	83%
25 Years	85%
26 Years	88%
27 Years	91%
28 Years	94%
29 years	96%

30 Years	100%
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## Section 2. Unemployment Compensation

County employees who are laid off, dismissed, or terminated from their current position with the County may apply for unemployment compensation through the local Employment Security Commission office.

Eligibility for unemployment compensation will be determined by the Employment Security Commission.

## Section 3. Social Security

In accordance with the Social Security Act of 1935, the federal Social Security program provides monthly benefits upon retirement to those individuals who contribute monthly to the program through the Social Security Administration.

Harnett County in an attempt to provide its employees with a happy and healthy life after retirement shall, to the extent of its lawful authority and power, extend Social Security benefits to all eligible employees in accordance with federal law.

Employees will be compensated by their contributions to the Social Security system once they retire and reach the federally recognized retirement age through the federally operated program.

## Section 4. Local Governmental Employees' Retirement System ("LGERS")

About LGERS: The Local Governmental Employees' Retirement System is a defined benefit plan qualified under §401(a) of the Internal Revenue Code. Harnett County is a mandatory member and participant in this program, therefore County employees, the County itself, and the investment earnings on total contributions pay the cost of providing an employee's retirement benefits.

### Membership, Eligibility, and Vesting in LGERS:

- A. Membership: All County employees serving in a position that requires more than 1,000 hours per year of service automatically become members of the LGERS.
- B. Eligibility: All County employees will remain eligible to participate in the LGERS program unless they are convicted of certain state or federal offenses involving public corruption or are convicted of a felony directly related to their employment.
- C. Vesting: All employees become vested in LGERS once they have completed a minimum of 5 years of service to the County. This means that an employee is eligible to apply for lifetime monthly retirement benefits based on the retirement formula in effect at the time of his or her retirement, if any money is withdrawn from his or her LGERS contributions, and the age and service requirements described below.

Employee Contributions: Any eligible vested County employee will contribute to LGERS six percent (6%) of their gross salary each month through payroll deductions. Contributions made to this program are invested by the Department of State Treasurer and these funds are protected by the Constitution of North Carolina from being used for any purpose other than retirement system benefits and expenses.

Employer Contributions: Harnett County, in accordance with LGERS, will contribute an actuarially-determined percentage of the gross payroll of employee members each month to LGERS for benefits.

Age and Service Requirements:

- A. Service Retirement: An employee may retire under LGERS with unreduced service retirement benefits after he or she:
  - 1. Reaches age 65 and completes 5 years of service.
  - 2. Reaches age 60 and completes 25 years of service.
  - 3. Reaches any age and completes 30 years of service.
- B. Early Retirement: An employee may retire under LGERS with reduced retirement benefits after he or she:
  - 1. Reaches age 50 and completes 20 years of service.
  - 2. Reaches age 60 (age 55 for Law Enforcement Officers – LEO) and completes 5 years of service.

Vested Deferred Benefits: If an employee leaves LGERS for any reason other than retirement or death, an employee can either:

- A. Receive a refund of his or her contributions and interest
- B. Leave his or her contributions in LGERS and keep all County service earned up to that date.

Disability Retirement: A County employee will become eligible to apply for disability retirement benefits after 5 years of County service if the employee becomes totally and permanently disabled from completing his or her essential job duties.

Refund of Contributions: If an employee leaves the service of the County and LGERS before he or she has 5 years of service, the only payment such an employee can receive is a refund of his or her contributions and interest. To receive a refund of contributions an employee must complete the appropriate form available at [www.nctreasurer.com/Retirement-and-Savings](http://www.nctreasurer.com/Retirement-and-Savings).

Calculation of Service Retirement Benefits: The LGERS uses a formula to calculate monthly retirement benefits once eligibility requirements have been met. This formula and additional information on the calculation of service retirement benefits may be found at [www.nctreasurer.com/Retirement-and-Savings](http://www.nctreasurer.com/Retirement-and-Savings). The basic formula is:

$$\text{Employee's Annual Benefit} = 1.85\% \text{ of average final compensation} \times \text{Years \& Months of County Service}$$

Calculation of Early Retirement Benefits:

- A. If an employee is between ages 60 and 65, with less than 25 years of County service, his or her early service retirement benefits will be reduced in accordance with the following chart:

Employees Age When Payment Starts	Percentage of Benefits Received
64	97%
63	94%
62	91%
61	88%
60	85%

- B. If an employee is between ages 50 and 59, with fewer than 30 years of County service, his or her early service retirement benefits will be reduced in accordance with the following chart:

Age	Years of County Service									
	29	28	27	26	25	24	23	22	21	20
59	95%	90%	85%	80%	80%	80%	80%	80%	80%	80%
58	95%	90%	85%	80%	75%	75%	75%	75%	75%	75%
57	95%	90%	85%	80%	75%	70%	70%	70%	70%	70%
56	95%	90%	85%	80%	75%	70%	65%	65%	65%	65%
55	95%	90%	85%	80%	75%	70%	65%	60%	60%	60%
54	95%	90%	85%	80%	75%	70%	65%	60%	55%	55%
53	95%	90%	85%	80%	75%	70%	65%	60%	55%	52%
52	95%	90%	85%	80%	75%	70%	65%	60%	55%	50%
51	95%	90%	85%	80%	75%	70%	65%	60%	55%	50%
50	95%	90%	85%	80%	75%	70%	65%	60%	55%	50%

Employee Benefit Payment Options: At retirement, an employee must elect one of the payment options described below. This payment option cannot be changed once an employee has cashed his or her first retirement check or after the 25<sup>th</sup> of the month following the month the first retirement check is mailed (whichever is earlier), unless an employee selects Options 2, 3, 6-2, or 6-3 or if the employee is rehired in a LGERS covered position and contributes to a new LGERS account for at least 3 years.

- A. Option 1 (Maximum Allowance): Under this option an employee will receive his or her maximum allowance for as long as the employee shall live. All monthly payments, however, will stop once the employee dies.
- B. Option 2 (100% Joint & Survivor): Under this option an employee will received reduced monthly payments for life, and, after the employee dies, his or her monthly survivor beneficiary will receive the same amount monthly for life.
- C. Option 3 (50% Joint & Survivor): Under this option an employee will receive larger monthly payments than would be allowed until he or she turns 62. Beginning the month after the employee turns 62, the employee's monthly benefits will be reduced to an amount that is less than what he or she would have otherwise been entitled too. Nevertheless, the employee's reduced retirement payments after age 62, plus the employee's allowance from the Social Security Administration, should be approximately the same amount as the inflated payment that was received by the employee before turning 62. All monthly payments, however, will stop once the employee dies.
- D. Option 6-2 (Modified Joint & Survivor): Under this option an employee will receive reduced monthly payments for life, but after the employee dies his or her monthly survivor beneficiary will receive the same amount monthly for life. However, if the employee's beneficiary dies before the employee does, his or her monthly payments will increase to the maximum allowed payment.
- E. Option 6-3 (Modified Joint & Survivor): Under this option an employee will receive reduced monthly payments for life, but after the employee dies his or her monthly survivor beneficiary will receive ½ the amount monthly for life. However, if the employee's beneficiary dies before the employee does, his or her monthly payments will increase to the maximum allowed payment.

Beneficiaries: Under options 2, 3, 6-2, and 6-3 an employee may only name one beneficiary to receive a monthly survivor benefit after his or her death. This beneficiary may not be changed after the employee retires except under one of the following circumstances:

- A. If the employee names his or her spouse as a survivor beneficiary at the time of retirement and later becomes divorced from that spouse.
- B. If the employee is rehired in a LGERS covered position and contributes to a new LGERS account for at least 3 years.
- C. If the employee chooses Option 2 or 3 at retirement and designates his or her spouse as a survivor beneficiary and this spouse dies before the employee, and the employee remarries.

Guaranteed Refund: All LGERS retirement benefits comes with a guaranteed refund. This means that should the employee and his or her monthly survivor beneficiary (if any) both die before the total of all monthly payments equals the amount of his or her contributions and interest, the balance of his or her contributions and interest will be paid in one lump sum to another beneficiary(ies).

Note: An employee may view their personal account information, download retirement forms, and access any other retirement resources 24 hours a day, 7 days a week by logging on to their personal OR-BIT account by clicking the link provided on [www.myncretirement.com](http://www.myncretirement.com). Any additional information on this program is provided by the Department of State Treasurer at [www.nctreasurer.com](http://www.nctreasurer.com).

#### Section 5. Death Benefits under LGERS

If a County employee, who is an eligible vested member of LGERS, dies while in active service to the County with at least one (1) year as a contributing member of LGERS, the employee's beneficiary will receive a lump sum payment equal to the employee's highest salary for twelve (12) consecutive months during the twenty-four (24) months preceding death. The lump sum payment must be at least \$25,000 but not more than \$50,000.

#### Section 6. Life Insurance & Accidental Death and Dismemberment ("ADD")

Harnett County shall provide life insurance and ADD coverage to all full-time County employees. Eligible employees shall be enrolled in the program in accordance with the insurance carrier's provisions. Any payouts that may become necessary will be in accordance with amounts set by the BOC.

#### Section 7. Law Enforcement Officers' Separation Allowance

Harnett County shall provide a special separation allowance to all qualified law enforcement officers who leave service early and meet all of the following qualifications:

- A. The law enforcement officer must have completed thirty (30) years or more of County service or have attained fifty-five (55) years of age and completed five (5) or more years of County service.
- B. The law enforcement officer must not yet be sixty-two (62).
- C. The law enforcement officer must have completed at least five (5) years of continuous service as a law enforcement officer immediately before retirement.

Payment of the separation allowance will cease if the officer reaches age 62 or dies.  
Section 8. Supplemental Retirement Income Plan

Harnett County offers all Full-time County employees a voluntary County 401(k) Supplemental Retirement Income Plan. In accordance with this Policy, Employees may deposit up to the maximum percentage authorized by the Internal Revenue Service into their 401(k)'s, however, Harnett County will only match up to 2% of the total amount deposited, except sworn Law Enforcement Officers.

In accordance with NCGS §143-166.50, Harnett County shall contribute 5% of a sworn Law Enforcement Officers monthly compensation to their Supplemental Retirement Income Plan 401(k). However, there will not be any additional County match over the mandated 5%.

#### Section 9. Direct Deposit

Employees are required to electronically deposit all paychecks from the County to a federally recognized bank or credit union. This direct deposit of an employee funds reduces the amount of time the employee has to spend at the bank and is typically safer than manually cashing checks.

To take full advantage of the direct deposit program an employee should complete and submit the Harnett County Direct Deposit Form found in Appendix D of this Ordinance.

### ARTICLE VIII. SEPARATIONS, DEPARTURES, & REINSTATEMENTS

#### Section 1. Types of Separations & Departures

Any separations or departures that occur between County employees and the County shall be designated as one of the following types as defined in Article I, Section 3 and shall follow the prescribed procedures as described below:

##### A. Suspension:

1. Any County employee may be temporarily separated from his or her service to the County with or without pay due to the employee's current job performance, personal conduct, or other behavior that is unsatisfactory or contrary to the mission and policies of Harnett County.
2. Any employee separated in this manner shall be provided by his or her Department Head with a Disciplinary Action Report detailing his or her suspension, whether this suspension is with or without pay, the reasons for the suspension, duration of the suspension, and what must be done by the employee upon returning to work. The Department Head executing the suspension shall notify the Human Resources Department and the County Manager immediately. The Disciplinary Action Report shall then be delivered to the employee by certified mail, filed in the employee's personnel file, and also filed with the County Manager. This form may be found in Appendix D of this Ordinance.
3. Any employee separated from the County in this manner will be allowed his or her appeal rights as addressed in Article X.



B. Investigatory Suspension:

1. Any County employee may be temporarily separated from his or her service to the County with pay in order to provide the County with more time to thoroughly investigate a situation or to reach a decision concerning an employee's status. Such separation may also be utilized to avoid undue disruption or to protect County employees and property.
2. Any separation in this manner shall not exceed forty-five (45) calendar days. If no action has been taken against the employee by the end of the forty-five (45) day period, one of the following must occur:
  - i. The employee shall be reinstated to his or her current position.
  - ii. The employee will be subjected to appropriate disciplinary actions based on the results of the investigation in accordance with the disciplinary policy as addressed in Article IX.

C. Voluntary Resignation / Quitting:

1. Any County employee who wishes to voluntarily resign or quit his or her position with the County should give the immediate Supervisor and Department Head a minimum of two (2) weeks oral or written notice. Once the employee's two (2) weeks are up, and the employee has not informed the County otherwise, the employee shall be considered resigned from the position and the position may be filled in the discretion of the County.
2. Any County employee who fails to report to work without giving written or verbal notice to his or her Supervisor or Department Head for a period of at least three (3) days will be considered to have voluntarily resigned the position. Separation or departure in this manner will not occur until the employee's Department Head and/or the Human Resources Director has made all reasonable efforts to contact the employee by calling the employee's last known telephone number or sending the employee a certified, return receipt requested letter to the employee's address.
3. If an employee voluntarily resigns or quits his or her position with the County in the above described manners, the employee will have no appeal rights as addressed in Article X.

D. Dismissal / Involuntary Resignation / Termination:

1. Any County employee may be dismissed from duty, forced to involuntarily resign their position, or terminated by the County in accordance with the disciplinary policy addressed in Article IX.
2. Before a full-time permanent County employee may be dismissed, terminated, or asked to resign from his or her position, the following must occur unless the sound and considered judgment of the County Manager or Department Head executing the dismissal believes immediate action is warranted because of the number, nature, and severity of the offense causing the dismissal, termination, or involuntary resignation.
  - i. The Supervisor or Department Head recommending dismissal should discuss the recommendation with, and receive approval of, the Human Resources Director and the County Manager.
  - ii. After approval is received a dismissal conference shall be held between the Supervisor, Department Head, Human Resources Director, the employee, and a witness or security personnel, if necessary. The Supervisor or Department Head recommending dismissal shall present the employee with the specific reason(s) for the proposed dismissal along with a brief summary of any

information that supports the dismissal. The employee has a right to respond with any information or documentation that he or she believes does not warrant his or her dismissal.

- iii. If, at the end of this dismissal conference, the Department Head determines that dismissal is still justified, he or she must present the employee with a completed Disciplinary Action Report that explains the specific reasons for dismissal and the employee's appeal rights if any exist. However, if the Department Head believes that dismissal is not warranted based on the information presented by the employee, he or she may elect to defer the dismissal. The Disciplinary Action Report may be found in Appendix D of this Ordinance.
  - iv. Upon dismissal on the basis of unsatisfactory job performance as addressed in Article IX, Section 7, Subsection B, an employee may be given up to two weeks' notice before he or she is permanently dismissed from service to the County. In exceptional circumstances, and with the approval of the County Manager, payment of up to two weeks salary may be given in lieu of a notice.
3. Any employee separated from the County in this manner will be allowed his or her appeal rights as addressed in Article X.

#### E. Reduction in Force

1. In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's past work performance, current work ethic, experience, and substantive training. Department needs and seniority will also be taken into consideration, but the primary information will come from an employee's past performance reviews.
2. Any employees who are scheduled to be laid off shall be given at least two (2) weeks' notice. No full-time permanent employees shall be separated while there are temporary employees serving in the same class in the department, unless the full-time permanent employee is not willing to transfer to the position held by the temporary employee.
3. Any employee separated from the County in this manner will be allowed his or her appeal rights as addressed in Article X.

#### F. Disability

1. Any County employee may be separated or depart from service to the County due to any physical or mental condition that limits movement, senses, or activities to such a degree that the County employee is unable to complete his or her essential job duties.
2. Separation in this manner may be initiated by the employee or the County, but in all cases must be supported by medical evidence from a physician.
3. Separation in this manner is subject to the certification requirements addressed in Article VI, Section 12, Subsection D-3.
4. Before an employee is separated due to disability, a reasonable effort shall be made to locate alternative positions within the County for which the employee may be suited.
5. Any employee separated from the County in this manner will be allowed his or her appeal rights as addressed in Article X, as long as the employee did not initiate the separation.

G. Retirement: Any County employee may be voluntarily separated or depart from service to the County by any means of retirement. This includes resigning from

his or her position and drawing his or her retirement benefits from the County, LGERS, the supplemental retirement income plan, or Social Security.

H. Death: Separation in this manner entitles the estate of the employee to all compensation addressed in Article VI, Sections 3 & 4, and Article VII, Section 5.

If a County employee voluntary resigns, quits, is dismissed, is involuntary forced to resign, or is terminated the employee's Supervisor or Department Head should inform the employee that out-processing is necessary and the employee should visit the Harnett County Human Resources Department. The Human Resources Department will then coordinate with the employee concerning distribution of retirement funds, 401(k) contributions, continuation of medical benefits under the Consolidated Omnibus Budget Reconciliation Act (COBRA), conversion of life insurance plans, and a change of address, if necessary.

### Section 2. Reinstatements

Any separated employee who voluntarily resigned in good standing or was separated from his or her service to the County due to a reduction in force may be reinstated to his or her position within three (3) years from the date of separation.

Any reinstatement will require the approval of the Department Head and the County Manager, but those employees who are reinstated shall be credited with all previous years of County service, any previously accrued sick leave, and will receive all benefits provided in accordance with this policy, federal law, and state law.

The salary paid a reinstated employee shall be as close as reasonably possible to the salary previously paid to the employee, given the circumstances of each employee's case and the employee's newly acquired position.

Any employee who enters extended active duty with the Armed Forces of the United States, the Public Health Service, or with the Armed Forces Reserves will be granted reinstatement rights in accordance with USERRA and Article VI, Section 9 of this policy.

## ARTICLE IX. Disciplinary Action Policy

### Section 1. Policy Coverage

The following disciplinary actions policy covers only those full-time permanent employees in the service of the County. Any Harnett County employees who are part-time or on a probationary period are not covered by this policy and do not enjoy or retain any of the rights found within this Article. Any part-time or probationary employee are considered at-will employees and may be separated from their service to the County without justification or warning.

### Section 2. Adverse Actions

An adverse action is considered to be anything done by Harnett County to discipline a County employee including, but not limited to: an oral or written warning, suspension, demotion, dismissal, involuntary resignation, or termination.

The type of adverse action taken shall be based upon the sound and considered judgment of the County Manager or Department Head executing the action and may depend on the number, nature, and severity of the offense.

### Section 3. Responsibilities of the County Manager

The County Manager is responsible for maintaining the proper conduct and discipline of all County employees. He or she must be prepared to discipline those employees who fail to meet expectations and fall far below the standards mandated by the County. Therefore, when an employee's current job performance, personal conduct, or other behavior is unsatisfactory or contrary to the mission and policies of Harnett County, the County Manager may use any adverse action sanctioned by the County to discipline the employee depending on the number, nature, and severity of the offense.

### Section 4. Responsibilities of Department Heads

Department Heads are responsible for maintaining the proper conduct and discipline of employees under their supervision. They must be prepared to discipline those employees who fail to meet expectations and fall far below the standards mandated by the County. Therefore, when an employee's current job performance, personal conduct, or other behavior is unsatisfactory or contrary to the mission and policies of Harnett County, a Department Head may use any adverse action sanctioned by the County to discipline the employee depending on the number, nature, and severity of the offense.

### Section 5. Review of Disciplinary Documents

All written documents pertaining to any disciplinary actions covered under this policy, whether prepared by a Department Head or the County Manager, must be reviewed by the Human Resources Director prior to being provided to a County employee who is to be disciplined.

### Section 6. Disciplinary Conferences

After a Department Head or the County Manager has decided to take any form of adverse action against a County employee for unsatisfactory job performance or unsatisfactory or contrary personal conduct, the executing Department Head or County Manager shall provide the employee with a disciplinary conference. At this conference the employee may present any response to the proposed adverse action to be taken to the Department Head or County Manager. The Department Head or County Manager will consider the employee's response, if any, to the proposed adverse action, and will notify the employee in writing of his or her final decision. This final written notice shall include the nature of the adverse action being taken, its recommended effective date, and the reason(s) the action is being taken against the employee.

### Section 7. Reasons for Discipline

#### A. Discipline for Just Cause

1. Discipline for just cause refers to any situation where the County Manager or a Department Head executes some form of adverse action in order to discipline an employee for some justified reason.

2. Any adverse action sanctioned by the County may be used to discipline any County employee for just cause.
  3. Any discipline executed by a Department Head or the County Manager for just cause does not require any sort of warning or other written notice.
- B. Discipline for Unsatisfactory Job Performance
1. Three Warning Rule: Any County employee who is subject to discipline for unsatisfactory job performance shall receive at least three (3) warnings before an adverse action is taken. Such warnings shall be issued to the employee at a disciplinary conference and shall include the nature of the proposed action, its recommended effective date, and the reason(s) for the action. These warnings, along with employee discussion notes and any other documents pertaining to such warnings, are to be placed in the employee's personnel file and are subject to Article XII.
    - i. First Offense: For the first offense, at least one (1) oral warning detailing the employee's unsatisfactory job performance must be issued by the employee's Supervisor or Department Head.
    - ii. Second Offense: For the second offense, at least one (1) written warning must be issued by the employee's Supervisor or Department Head notifying the employee in writing of how he or she is performing unsatisfactorily and what must be done for the employee to achieve satisfactory performance.
    - iii. Third Offense: For the third offense, a final written warning must be issued by the employee's Department head. A final written warning serves as a notice to the employee that he or she continues to have unsatisfactory job performance, that any steps taken to correct such unsatisfactory performance have failed, and that some form of adverse action is forthcoming.
  2. In the sound and considered judgment of the County Manager or Department Head executing the action, taking into consideration the number, nature, and severity of the offense, determines that immediate action is warranted, the Three Warning Rule may be disregarded.
  3. The following actions or conditions relating to unsatisfactory job performance are representative of those actions or conditions considered to be adequate grounds for discipline in accordance with this policy:
    - i. Inefficiency, incompetence, or any other deficiency of an employee in the performance of his or her job duties.
    - ii. An employee's careless or improper use of County property or equipment.
    - iii. An employee's physical or mental incapacity to perform the essential duties of his or her position with the County.
    - iv. An employee's discourteous treatment of the public or any other County employees.
    - v. An employee's absence from work without notice or leave.
    - vi. An employee's habitual improper use of leave privileges.
    - vii. An employee's habitual pattern of failure to report for duty at the assigned time and place.
- C. Discipline for Unsatisfactory or Contrary Personal Conduct
1. In accordance with this policy, County employees who personally act, engage in, or otherwise condone personal conduct or other behavior that is unsatisfactory or contrary to the mission and policies of Harnett County may be subject to any form of adverse action sanctioned by the County. Such behavior is unbecoming of a County employee and any adverse

consequences from such unsatisfactory or contrary conduct will reflect poorly on the entirety of Harnett County.

2. Any adverse actions taken under this policy will be determined by the sound and considered judgment of the County Manager or Department Head executing the action, taking into consideration the number, nature, and severity of the offense.
3. The following actions relating to unsatisfactory or contrary personal conduct are representative of those actions considered to be adequate grounds for discipline in accordance with this policy:
  - i. Personal conduct or other behavior unbecoming a public officer or County employee.
  - ii. The conviction of an employee for a felony or misdemeanor that would adversely affect performance of job duties.
  - iii. An employee's no contest plea to a felony or misdemeanor charge.
  - iv. The direct misappropriation of County funds or property by a County employee or his or her help in the cover up of such a misappropriation of County funds or property.
  - v. Falsification of County records by a County employee.
  - vi. An employee reporting to work under the influence of alcohol or illicit drugs or partaking of such substances while on or off duty. Prescribed medications, however, may be taken within the limits set by a licensed physician.
  - vii. An employee's willful damage or destruction of public or personal property.
  - viii. An employee's willful acts that endanger or will endanger the lives and property of other employees or other members of the County.
  - ix. Acceptance of gifts in exchange for favors or influence.
  - x. An employee's incompatible employment or conflict of interest that disrupts his or her job performance.
  - xi. Any violation of the political activity restrictions placed on County employees.

## ARTICLE X. GRIEVANCE & APPEAL POLICY

### Section 1. Purpose

In order to maintain a harmonious and cooperative relationship between the County and its employees, it is the policy of Harnett County to provide a just and fair procedure for the presentation, consideration, and disposition of any employee grievances. The purpose of this section is to implement this policy and to assure all full-time employees that their grievances will be answered and decided fairly, quickly, and without interference, coercion, restraint, discrimination, penalty, or reprisal.

The following policy, therefore, provides grievance and appeal procedures for all full-time employees of Harnett County who: (1) feel they have been discriminated against because of age, sex, race, religion, color, national origin, visible or nonvisible handicaps, or pregnancy, (2) have been the subject of any adverse action executed under the Disciplinary Action Policy addressed in Article IX, or (3) have a genuine non-frivolous grievance with the County, its employees, or any implementation of County policy.

## Section 2. Covered Employees

This policy covers only those full-time employees in the service of Harnett County. Such full-time County employees shall have the uninhibited right to present a grievance in accordance with the following grievance procedures, with or without a representative, free from interference, coercion, restraint, discrimination, penalty, or reprisal.

Any Harnett County employees who are part-time or on a probationary period are, however, not covered by this policy and do not enjoy or retain any of the rights found within this Article. Any part-time or probationary employee are considered at-will employees and may be separated from their service to the County without justification or warning and may not appeal or file a grievance pertaining to such separation.

## Section 3. Grievance Defined

A grievance is defined as a specific, formal notice of a full-time County employee's dissatisfaction, based upon an event or condition which affects the circumstances under which an employee works, and that is expressed through the appropriate grievance procedures. The particular dissatisfaction complained of should be reasonable to the average person and may not be frivolous, but may include: (1) any acts of discrimination against an employee because of age, sex, race, religion, color, national origin, visible or nonvisible handicaps, or pregnancy; (2) any adverse action executed under the Disciplinary Action Policy addressed in Article IX; or (3) any unfair application, misinterpretation, or lack of established County policy.

## Section 4. Grievance Procedures

Note: Before initiating any steps of the following grievance procedures, employees are strongly encouraged to seek informal resolution of disputes communication with the individual(s) involved or with a Supervisor. If all efforts for informal resolution fail, the employee should follow the below procedures to seek formal resolution.

Step One: Any full-time employee may file a written grievance with his or her Supervisor or Department Head or with the Human Resources Director within thirty (30) calendar days of the date of the incident giving rise to the grievance. The written grievance shall state concisely the basis for the grievance and, if based on alleged discrimination, whether the alleged discrimination was based on race, color, religion, sex, national origin, political affiliation, non-disqualifying handicap, or age.

Step Two: Whoever receives the grievance, whether the Supervisor, Department Head or Human Resources Director, shall meet with the employee and issue a written response within five (5) calendar days of receipt of the grievance. To prepare this written response the Supervisor, Department Head, or Human Resources Director may contact and consult any other County employees he or she deems necessary to reach a correct, impartial, and equitable determination concerning the grievance. The employee shall sign and date the written determination as an acknowledgement of the Supervisor, Department Head, or Human Resources Director's decision.

Step Three: If the employee is unsatisfied with the determination of the Supervisor, Department Head, or Human Resources Director, he or she may appeal this determination by preparing and submitting an Appeal Packet to the County Manager within thirty (30) calendar days after receipt of the Supervisor, Department Head, or Human Resources Director's written determination. This Appeal Packet shall consist of the employee's first written grievance, the written determination of the Supervisor, Department Head, or Human Resources Director, and any other documentation he or she feels is necessary.

Step Four: Once this Appeal Packet has been received, the County Manager, in conjunction with the Human Resources Department, may, if the situation warrants, create a Grievance Committee within thirty (30) calendar days of receipt of the Appeal Packet. This Grievance Committee may consist of four (4) employees selected by the County Manager, Human Resources Department, and the County Attorney.

Step Five: The gathered Grievance Committee, if appointed, will hear all parties involved and, after careful consideration of the submitted documents, shall render a written determination to the County Manager within five (5) working days.

Step Six: After receipt of the written determination of the Grievance Committee, the County Manager and the Human Resources Department shall notify the employee of the Grievance Committee's determination and inform him or her of the final decision in writing. The employee shall then sign this written final decision acknowledging that his or her grievance has been fully heard and his or her appeal rights concerning this issue have now been fully invoked under this policy.

Note (Step Seven): Employees subject to the jurisdiction of the North Carolina Personnel Commission shall have the right to appeal to the State Personnel Commission through the Office of Administrative Hearings no later than thirty (30) days after receipt of the written final decision, provided the employee has obtained permanent status in accordance with the rules and regulations of the State Personnel Commission. The decisions of the state Personnel Commission shall be binding in appeals of local employees subject to the State Personnel Act if the commission finds that the employee has been subjected to discrimination or if a binding decision is required by applicable federal standards. However, in all other local employee appeals, the decision of the State Personnel Commission shall be advisory to the local appointing authority.

#### Section 5. Grievance Records

All written grievances, compiled Appeal Packets, documents, records, and reports will be retained on record by Harnett County for a minimum of three (3) years. Such records shall be held by the Human Resources Director.

#### Section 6. Other Remedies

The existence of the grievance procedures herein addressed does not preclude any individual from pursuing any other remedies available to him or her under local, state, or federal law.



## ARTICLE XI. WHISTLEBLOWER POLICY

### Section 1. Purpose

Harnett County is committed to the highest standards of moral and ethical behavior by its employees, administrators, and elected officials. With this in mind, the County prohibits any fraudulent, criminal, or otherwise improper activities by any County employees, Supervisors, Department Heads, Administrators, and/or elected officials. By implementing this policy, Harnett County seeks to prohibit dishonest acts and/or fraudulent activity and to advise employees, Supervisors, Department Heads, Administrators, and elected officials of their responsibility to report suspected fraudulent, criminal, or otherwise improper activities.

The purpose of this policy is to encourage all Harnett County employees to report, verbally or in writing, evidence of any fraudulent, criminal, or otherwise improper activity by any County employee, Supervisor, Department Head, Administrator, or elected official. In addition, this policy seeks to assign responsibility to the BOC for the development and implementation of adequate internal controls, appropriate safeguards, and performance of investigations relating to any and all suspected and/or confirmed fraudulent, criminal, or otherwise improper activities.

### Section 2. Scope of Policy

This policy applies to any and all fraudulent, criminal, or otherwise improper activities involving County employees, Supervisors, Department Heads, Administrators, and elected officials, as well as consultants, vendors, contractors, outside agencies, and/or any other parties having a business relationship with the County. This policy also applies to employees of boards, agencies and commissions over which the BOC has authority.

### Section 3. Reportable Actions

As used in this policy, the terms "fraudulent, criminal, or otherwise improper" includes, but is not limited to, the following:

- A. Any violation of local, state, or federal law, rule, or regulation.
- B. Any violation of this policy.
- C. Any dishonest or fraudulent act.
- D. Any forgery or alteration of a check, bank draft, or other financial document.
- E. Misappropriation of funds, securities, supplies, or other assets.
- F. Impropriety in the handling or reporting of money or financial transactions.
- G. Accepting or seeking anything of material value from vendors, contractors, or other persons providing services/materials to the County.
- H. Using County funds to make unauthorized purchases.
- I. Authorizing or receiving compensation for hours not worked.
- J. Gross mismanagement, gross waste of monies, or gross abuse of authority.
- K. Any similar or related inappropriate conduct.

### Section 4. Whistleblower Defined

As used in this policy, the term "whistleblower" includes any County employee who reports or otherwise brings to the attention of the appropriate authority any information

relating to the perpetration of any of the above activities by any County employee, Supervisor, Department Head, Administrator, or elected official.

Insofar as possible, the confidentiality of the whistleblower will be maintained unless the whistleblower waives his or her confidentiality in writing. Identity, however, may have to be disclosed to conduct a thorough investigation, comply with state or federal law, or to provide accused individuals their legal right of defense.

Whistleblowers reporting suspected fraudulent, criminal, or otherwise improper activities should refrain from confrontation with the suspect and should not discuss the matter unless specifically asked to do so by the County Attorney.

#### Section 5. Retaliation

Harnett County will not, in any capacity, retaliate against a whistleblower no matter the person being accused or the allegation being made. Therefore, no County employee or elected official shall:

- A. Dismiss, or threaten to dismiss, any employee.
- B. Discipline, suspend, or threaten to discipline or suspend an employee.
- C. Impose any penalty upon an employee.
- D. Intimidate or coerce an employee because the employee has acted in accordance with the requirements of this policy.

#### Section 6. Responsibilities & Reporting Procedures

All County employees and elected officials are responsible for complying with the entirety of this policy along with all local, state, and federal laws.

All County employees and elected officials are responsible for the prevention and detection of any and all fraudulent, criminal, or otherwise improper activities.

Any County employee or elected official who has a reasonable basis for believing any improper activity has occurred, or is occurring, has a responsibility to notify the appropriate Supervisor, Department Head, or Administrator.

Supervisors, Department Heads, and Administrators have a responsibility to immediately notify the County Attorney of all fraudulent, criminal, or otherwise improper activities reported.

Reporting options are as follows:

- A. Via confidential internet reporting link available at [www.harnett.org](http://www.harnett.org).
- B. By spoken word to the appropriate Supervisor, Department Head, or Administrator followed by a written statement signed by the whistleblower.
- C. Through a written notice, sent to the attention of the County Attorney, signed by the whistleblower.

#### Section 7. Investigative Procedures

Once a report has been documented, the County Human Resources Director, Finance Director, and County Attorney will conduct an objective and impartial investigation into the suspected unlawful activity.

The County Human Resources Director, Finance Director, and County Attorney have the primary responsibility for investigating the reported fraudulent, criminal, or otherwise improper activities; however, other individuals may be selected to assist in the investigative process.

Members of the investigative team will have:

- A. Free and unrestricted access to all County records and premises, whether owned or rented, as permitted by law; AND
- B. The authority to examine, copy, and /or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent of any individual who may use or have custody of any such items or facilities when it is within the scope of their investigation.

In an instance where the investigation indicates possible criminal activity, the investigation will be turned over to the appropriate law enforcement agency.

Details and results of the investigation will not be disclosed or discussed with anyone other than those who have a legitimate need to know, in order to protect the reputations of persons suspected of the improper activity but subsequently found innocent of wrongdoing and to protect the County from potential civil liability.

The details and results of the investigation will be communicated in writing to the County Manager, the audit firm engaged to perform Harnett County's annual audit, and any other appropriate designated personnel.

#### Section 8. Violation

A County employee or elected official shall be in violation of this policy if any retaliation is had against a whistleblower.

Any participant in an investigation under this policy that willfully, purposefully, or negligently releases any details and/or results of any investigation shall be in violation of this policy.

A whistleblower may be in violation of this policy if a baseless allegation is made with reckless disregard for truth and that is intended to be disruptive or to cause harm to another individual.

Any employee and/or Whistleblower in violation of this policy will be subject to the full extent of local, state, and/or federal law, along with any appropriate disciplinary actions by the County as addressed in Article IX and any other civil remedies allowed by law.

#### Section 9. Media Issues

County employees, Supervisors, Department Heads, Administrators, or elected officials shall not discuss any ongoing investigations with any media news outlets. Only the County Attorney or County Manager may disclose information to a media source.

#### Section 10. Sanctions

Any County employees, Supervisors, Department Heads, Administrators, or elected officials suspected of participating in any improper activities may be suspended without pay during the course of the investigation.

Any County employees or elected officials found to have engaged and participated in any improper activities are subject to the full extent of local, state, and/or federal law, along with any appropriate disciplinary actions by the County addressed in Article IX and any other civil remedies allowed by law.

Any County employees or elected officials found to have knowledge of any improper activities and who knowingly failed to report the activities will be subject to disciplinary actions as addressed in Article IX.

The relationship of individuals or entities associated with Harnett County, such as consultants, vendors, contractors, outside agencies, and/or any other parties having a business relationship with the County, found to have participated in any fraudulent, criminal, or otherwise improper activities will be subject to review, with the possible consequence of modification or termination of the relationship.

If any form of disciplinary action by the County is warranted, such action will be taken after consultation of the County Manager, the Human Resources Director, the County Attorney, and other offices as deemed necessary and/or appropriate.

## ARTICLE XII. PERSONNEL RECORDS

### Section 1. Personnel Record Retention & Storage

Such personnel records as are necessary for the proper administration of the personnel system will be maintained and stored with the Human Resources Department.

### Section 2. Updating Personnel Records

County employees, in order to provide the County with the most up-to-date information, must report any changes to their personal information to their immediate Supervisor, Department head, or the Human Resources Department.

If a County employee changes his or her marital status, has a child, or experiences the death of an immediate family member, he or she should contact the Human Resources Department immediately for important time-sensitive insurance reasons.

### Section 3. Public Access to Personnel Records

As required by NCGS §153A-98, any person may have access to the information listed below for the purpose of inspection, examination, and copying during regular County business hours, however, each individual requesting access to such information will be required to submit satisfactory proof of identification and a record shall be made of each disclosure and placed in the employee's file. Such requests are also subject to any rules and regulations the BOC may adopt. Any person denied access to any record containing the information listed below shall have the right to compel compliance by application to a court for a writ of mandamus or other appropriate relief.

The following information on each current or former County employee is public information that may be requested, viewed, and seen by all persons:

- A. Employee Name and age
- B. Original employment or appointment date
- C. Current position and title

- D. Current salary
- E. Date and amount of most recent change in salary, whether increase or decrease.
- F. Date of most recent promotion, demotion, transfer, suspension, or any other change in position classification.
- G. Harnett County Department or Office to which the employee is currently assigned.

All other information contained in a County employee's personnel file will be maintained as confidential in accordance with the requirements of NCGS §153A-98 and shall be open to public inspection only in the following instances:

- A. The employee or his duly authorized agent may examine all portions of his or her personnel file, except: (1) letters of reference solicited prior to employment, and (2) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.
- B. A licensed physician designated in writing by the employee may examine all portions of his or her personnel file pertaining to his or her medical conditions or medical history.
- C. Supervisors, Department Heads, the Human Resources Director, and the County Manager may examine all material in any employee's personnel file that he or she has authority over.
- D. Any person may examine all material in an employee's personnel file by the order of a court with competent jurisdiction.
- E. Any agency official of the State or Federal government, or any political subdivision of the State, may inspect any portion of an employee's personnel file when such information is deemed necessary and essential to the pursuance of a proper function of the inspecting agency by the Human Resources Director. No information, however, shall be divulged to such agency officials 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.

Any public official or County employee who knowingly and willfully permits any person to have unauthorized access to any confidential information contained in an employee's personnel file is guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed five hundred dollars (\$500.00) and may face disciplinary actions addressed in Article IX.

#### Section 4. Remedies of Employees Objecting to Material in File

Any full-time permanent County employee who objects to any material in his or her file may place in his or her file a statement relating to the material he or she considers to be inaccurate or misleading. The employee, if he or she so chooses, may seek the removal of such material in accordance with established Grievance policy addressed in Article X.

#### Section 5. Destruction or Removal of Records

No public official or County employee may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with NCGS §121-5(b), without the consent of the State Department of Cultural Resources.

Whoever unlawfully removes a public record from the Human Resources office where it is usually kept, or whoever alters, defaces, mutilates, or destroys it, will be guilty of a misdemeanor and upon conviction will be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) as provided in NCGS §132-3.

## ARTICLE XIII. IMPLEMENTATION OF POLICY

### Section 1. Conflicting Policies Repealed

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

### Section 2. Severability

If any provision of this policy is held invalid, the remainder of this policy will not be affected by the invalidation.

### Section 3. Policy Violations

Any employee found in violation of this policy shall be subject to any adverse actions discussed in Article IX, in addition to any civil or criminal penalty that may be imposed for the violation of the same under local, state, or federal law.

### Section 4. Effective Date

This ordinance shall become effective January 1, 2016 and was duly adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

HARNETT COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Jim Burgin, Chairman

ATTEST:

\_\_\_\_\_  
Margaret Regina Wheeler, Clerk

This Ordinance has been prepared as an overview of the personnel ordinance, and contains general statements on the United States and North Carolina General Statutes, Supreme Court Decisions and other Acts that apply to Personnel Management within Harnett County. Since this ordinance cannot provide all the specific details on any given subject, you should contact your supervisor, manager or the Human Resources Department about any sections for which you may need clarification. Changes may be made from time to time by the Federal, State and Local Governments, Supreme Court Decisions and will be provided as they occur. However, where differences occur, official policies, procedures, or benefits plans are the governing documents.

## APPENDICES

The following appendices are grouped under the article in which they appear in the Personnel Ordinance. Therefore, all forms, reviews, certifications, or other policies that are found within Article III will appear in Appendix A: Article III.



APPENDIX B: ARTICLE V FORMS



Outside Employment Request Form

Request Date: \_\_\_ / \_\_\_ / \_\_\_

Employee Name: \_\_\_\_\_  
Last First Middle

Social Security Number: \_\_\_ -- \_\_\_ -- \_\_\_\_\_ Date of Birth: \_\_\_ / \_\_\_ / \_\_\_

Outside employment is defined in the Harnett County Personnel Ordinance as any and all employment or self-employment for salaries, wages, tips, or commissions other than the position currently held by the employee with Harnett County.

All County employees should understand that the work and overall mission of Harnett County is to take priority over all other employment interests. Therefore, Harnett County reserves to the right to restrict outside employment so as to prevent interference with County work.

All employees, in hopes to provide the most efficient and hardworking staff, are subject to the Outside Employment Policy found in the Harnett County Personnel Ordinance and must understand that any secondary work must not have an adverse effect upon County work, cannot be contrary to County policies, and cannot create an appearance of impropriety.

Secondary Employer Information:

Employer Name: \_\_\_\_\_

Employer Address: \_\_\_\_\_  
Street City State Zip

Employer Phone Number: (\_\_\_ \_\_\_) \_\_\_ -- \_\_\_\_\_ Hours to be worked: \_\_\_\_\_

Employee's Secondary Position Title: \_\_\_\_\_

Employee's Secondary Position Duties: \_\_\_\_\_

Certification

I \_\_\_\_\_ request approval to obtain outside employment as described above. I have read and understand the Outside Employment Policy as written in the Harnett County Personnel Ordinance at Article V, Section 5, and my outside employment will in no way conflict, interfere, or otherwise hinder my employment with Harnett County. I understand that this authorization may be revoked if the outside employment adversely affects my performance with Harnett County.

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

As the Department Head of \_\_\_\_\_ Department, I have reviewed your request for outside employment your request is hereby: \_\_\_\_\_ Approved \_\_\_\_\_ Denied

Department Head/Director Signature \_\_\_\_\_ Date \_\_\_\_\_





## Workplace Violence Prevention Policy

### Section I. Purpose

Harnett County recognizes that employees are its most important asset, and that a place of employment reasonably safe from violence is fundamental to the well-being, health and productivity of our employees and citizens. Therefore, Harnett County shall use all reasonable efforts to deter the threat of workplace violence and to provide a safe workplace for employees and citizens.

With this in mind, Harnett County adopts this policy to: (1) define prohibited acts of violence or threats of violence, (2) to give guidance to Supervisors and Department Heads in recognizing and reacting to violence or threats of violence, (3) to provide procedures to deal with violence or threats of violence that may occur during business hours or on County property, and (4) to provide for review and evaluation of incidents which may occur.

The County encourages employees to bring their disputes or differences with other employees to the attention of their Supervisors, Department Heads, or the Human Resources Director before the situation escalates into potential violence. The County is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

### Section II. Policy Coverage

This policy applies to all Harnett County employees while in any place related to County employment or anywhere an employee may conduct County business.

### Section III. Violation

Failure to comply with this policy shall be a direct violation of Harnett County policy and any employee found in violation of this policy shall be subject to disciplinary actions as addressed in Article IX of the Personnel Ordinance and any other civil or criminal penalty that may be imposed.

### Section IV. Definitions

Workplace violence: Any assaultive act within the workplace including intentional harassment, physical attack, communicating threats, and/or verbal or written threats of such acts, as well as actions that are perceived as violent or threatening and which investigation confirms were reasonably interpreted to be violent. Workplace violence may include, without limitation, stalking, threatening communications, shoving, kicking, spitting or violation of restraining orders. Workplace violence may be:

- A. Violence against an employee where a stranger to the workplace threatens or commits violence.
- B. Violence against an employee where a client or customer threatens or commits violence.
- C. Violence between employees, including against a Supervisor or Department Head.
- D. Any form of domestic violence involving employees. This may include spouses or domestic partners coming to the work site.

Threatened violence: The legally unjustified threat of imminent or future force, or of imminent or future physical injury on another, under circumstances where the intention or ability to carry out the threat appears reasonably credible or reasonably puts a person of reasonable fortitude in fear of imminent harm.

Threat: An avowed or apparent present determination or intent to injure presently or in the future, whether or not subject to a contingency under the maker's control.

Violence Incident Report: A form used by the County that is to be completed for all reported occurrences of violence and/or threats of violence within the scope of this policy.

Incident Assessment Team: A team that consists of the County Manager, the Human Resources Director, the Risk Management & Safety Coordinator, and the Staff Attorney.

Employer Workplace Violence Restraining Order: An order obtained pursuant to the provisions of NCGS §95-23.

#### Section V. Violence Prevention Strategies

Each County agency or department shall familiarize all employees with this policy by prominently displaying it within each County agency or department.

Each County agency or department shall periodically review or, alternatively, request the Sheriff's Office to review, security measures for work areas and any incident reports of threatened or actual violence.

The Incident Assessment Team shall be appropriately trained to handle and deal with any acts of violence or threats of violence they come before it. They also shall determine the proper intervention for each reported threat.

Harnett County shall provide Supervisors and Department Heads with training in violence prevention and employment techniques.

Harnett County will provide all County employees with an initial orientation to this policy.

Supervisors and Department Heads shall promptly report any valid threat to the Incident Assessment Team.

Nothing in this section shall deter any employee from immediately notifying law enforcement to protect lives and property.

If a Supervisor or Department Head becomes aware of a threat of imminent danger of violence toward an employee, he or she shall immediately notify that employee of the potential danger and do everything in his power to keep the employee from injury.

The Incident Assessment Team shall manage the response from the time of notification until the threat no longer exists.

The Incident Assessment Team shall consider various levels of response, which may include, but not be limited to, no response, giving the target an administrative day off or otherwise removing the target from work site, altering the predictable routines of the target, reducing possible interactions with the suspect, trespassing the suspect from the work site, seeking an employer workplace violence restraining order, referral to law enforcement for investigative follow-up, and/or referral to law enforcement for incident response and intervention ( including possibly for arrest and charge of a criminal offense).

## Section VI. Responsibilities of Supervisors, Department Heads, & Administrators

All Supervisors, Department Heads, and Administrators shall:

- A. Support the County's Workplace Violence Prevention Policy and encourage work environments that are reasonably safe from violence, threats of violence, or harassing/aggressive behavior.
- B. Inform employees on a periodic basis of the County's workplace violence prevention policies and procedures.
- C. Be responsible for anticipating or detecting imminent acts or threats of violence.
- D. Determine if patterns or changes in an employee's behavior appear to be threatening or have a potential for violence, and, if so, should address such a matter in private, constructive, and supportive counseling sessions with the employee. If appropriate, referral may be made to the Human Resources Director for acts which appear to threaten workplace violence.
- E. Refer any cases of frequent displays of intense anger resulting in recurrent suicide threats, recurrent physical confrontations and/or fights, destruction of property, or use of weapons to harm others to the Human Resources Director immediately.
- F. Upon receiving a complaint or notice of workplace violence, or upon reasonably believing that such acts or behaviors are occurring, promptly notify the Incident Assessment Team. If the threat is immediate, proper law enforcement and security authorities should be notified.
- G. Take all threats seriously until otherwise proved.

## Section VII. Employee Reporting Procedures

Any employee who experiences or witnesses any acts, conduct, behavior or communication in violation of this policy must first secure his or her own safety and then immediately contact his or her Supervisor or Department Head. If the Supervisor or Department Head is alleged to have committed the reported act, the report shall be made to the Human Resources Director. If the threat of violence is imminent, law enforcement shall be contacted.

A County employee should not place him or herself in peril or danger. If he or she sees or hears a commotion or disturbance near a workstation, he or she should not try to intercede or handle the violent or potentially violent situation.

Any individual that: (1) was reported to have threatened or committed a violent act, (2) has committed a violent act, or (3) made direct threats of a future violent act may be removed from the County work site until an investigation has been completed. At the end of the investigation, the Incident Assessment Team shall determine the County's official response. In the interim, the County may take measures and respond as appropriate under the circumstances to maintain the continuity of County operations and assure workplace safety.

Harnett County will not retaliate against an employee for good faith reporting of instances of workplace violence.

Employees who reasonably are aware of or have information pertinent to workplace violence but do not report it as provided in this policy may be subject to disciplinary actions as addressed in Article XI of the Personnel Ordinance.

## Section VIII. Post-Incident Procedures

After an act of violence or threat of violence has occurred, the Supervisor or Department Head shall complete a Workplace Violence Incident Report describing the threats and/or acts of violence, and shall include the names and telephone numbers of any employees involved as well as physical descriptions of anyone who engaged in threatening and or violent conduct. The Workplace Violence Incident Report shall be filed with the Human Resources Director, with copies sent to the County Manager and the County Staff Attorney.

The Incident Assessment Team may, as appropriate, offer debriefing sessions to all personnel affected. Additionally, other specialized resources, such as Community mental health programs, should be used as appropriate.

#### Section IX. Media Issues

Requests by the media for information regarding an act or threat of violence should be directed to the County Manager. Such requests should not be directed to or responded to by any other employee.

#### Section X. Training

The best defense to workplace violence is employees who are well trained and educated. Training on workplace violence prevention shall be offered periodically for all Supervisors, Department Heads, and Administrators during normal working hours. Such training should include a review and definition of workplace violence, an explanation and description of the County program, techniques for recognizing potential violence, policies and work environment arrangements to reduce risk to employees, appropriate responses to violence incidents, obtaining emergency assistance, and procedures for reporting and investigating incidents.



Workplace Violence Incident Report

This form is to be completed by the designated employee investigating the incident and filed immediately with Human Resources. Any victim, assailant, or witness statements, along with any other pertinent documents to the investigation, should be attached.

Please print legibly, provide all the information requested below, and complete the entire form.

Investigating Employee: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_ Department: \_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Date of Incident: \_\_\_\_/\_\_\_\_/\_\_\_\_

Time: \_\_\_\_:\_\_\_\_

Location of Incident: \_\_\_\_\_  
Street City State Zip

Type of Incident Reported (Check all that apply):

\_\_\_ Harassment \_\_\_ Physical/Verbal Abuse \_\_\_ Stalking \_\_\_ violating a Restraining Order

\_\_\_ Threatening Communications (Written) \_\_\_ Threatening Communications (Verbal)

\_\_\_ Domestic Violence \_\_\_ Fighting \_\_\_ Use of a deadly weapon or item as a weapon

\_\_\_ Engaging in activities that are intended to frighten, coerce, or induce duress

\_\_\_ Other (Explain) \_\_\_\_\_

Reason for Incident (Check all that apply):

\_\_\_ Conflict with current or former co-worker(s) \_\_\_ Alcohol or drug related \_\_\_ Mental Health

\_\_\_ Conflict with Supervisor or Department Head \_\_\_ Hostile response to an Adverse Action

\_\_\_ Reaction to a demotion, reduction in force, or other form of termination

\_\_\_ Family/domestic dispute \_\_\_ Receiving a poor performance appraisal \_\_\_ Racial tension

\_\_\_ Resisting Arrest \_\_\_ Other (Explain) \_\_\_\_\_

Injuries (Check all that apply): \_\_\_ Physical Injury \_\_\_ Trauma/Emotional Injury \_\_\_ Death

Brief Description of Incident: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Victim Information: Information should be gathered by the investigating employee from the victim. The victim should record a brief description of the incident in the space provided below.

Victim Name: \_\_\_\_\_  
Last First Middle

Department of Victim: \_\_\_\_\_ Title of Victim: \_\_\_\_\_

Victim's Phone Number: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Address of Victim: \_\_\_\_\_  
Street City State Zip

Relationship to Assailant: \_\_\_ Co-worker/former employee \_\_\_ Customer/Client \_\_\_ Supervisor  
\_\_\_ Person In Custody \_\_\_ Stranger \_\_\_ Spouse \_\_\_ Family Member \_\_\_ Other

Victim's Brief Description of Incident: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

Assailant Information: Information should be gathered by the investigating employee from the assailant. The assailant should record a brief description of the incident in the space provided.

Assailant's Name: \_\_\_\_\_  
Last First Middle

Department of Assailant: \_\_\_\_\_ Title of Assailant: \_\_\_\_\_

Assailant's Phone Number: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Address of Assailant: \_\_\_\_\_  
Street City State Zip

Relationship to Victim: \_\_\_ Co-worker/former employee \_\_\_ Customer/Client \_\_\_ Supervisor  
\_\_\_ Person In Custody \_\_\_ Stranger \_\_\_ Spouse \_\_\_ Family Member \_\_\_ Other

Assailant's Brief Description of Incident: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

Witness Account: If a witness is discovered or comes forward, he or she should complete this section of the form and provide a brief description of what he or she heard, saw, and felt.

Name: \_\_\_\_\_  
Last First Middle

Date of Incident: \_\_\_ / \_\_\_ / \_\_\_ Reported Date: \_\_\_ / \_\_\_ / \_\_\_

Department: \_\_\_\_\_ Title: \_\_\_\_\_

Witness Phone Number: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Address of Witness: \_\_\_\_\_  
Street City State Zip

Brief Description of Incident: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## Drug & Alcohol Testing Policy

### Section I. Federal Mandate

The following policy is implemented pursuant to and in compliance with multiple federal agencies, statutes, and regulations including, but not limited to, the United States Federal Government passing the Drug-Free Workplace Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991, the Federal Transit Administration publishing 49 CFR Part 655, and the U.S. Department of Transportation publishing 49 CFR Part 40. If any discrepancies between this policy and those previously mentioned statutes and regulations becomes apparent, the federal statutes and regulations shall control.

### Section II. Purpose

Harnett County has a strong commitment to provide a safe and secure workplace, and to promote high standards of employee health and wellbeing. To this end, every effort will be made to provide a safe and drug-free work environment for our citizens and our employees. In addition, Harnett County is dedicated to providing safe, dependable, and economical transportation services to the inhabitants of Harnett County by ensuring the safe operation of all vehicles operated under the Harnett Area Transit System ("HARTS) and those that require the possession of a Commercial Driver's License (CDL).

In meeting these goals, it is the policy of the County to: (1) ensure that employees are not impaired in their ability to perform their assigned duties in a safe, productive, and healthy manner; (2) create a work environment free from the adverse effects of drug and alcohol abuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) to encourage employees to seek professional assistance anytime personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

Harnett County is dedicated to a fair and equitable application of this substance abuse policy. Therefore, Supervisors and Department Heads are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any Supervisor or Department Head who knowingly disregards the requirements of this policy, or who is found to deliberately misuse this policy, shall be subject to any disciplinary actions addressed in Article IX of the Harnett County Personnel Ordinance.

With all of this in mind, it is the purpose of this policy is to ensure that all County employees are fit for duty and to protect County employees, passengers, and the public at large from the risks posed by the misuse and abuse of alcohol or illicit drugs. This policy is also intended to provide proper procedures that follow all applicable federal regulations for conducting drug screenings of any applicants who are seeking such positions with the County and any current County employees who hold such positions.

### Section III. Policy Coverage

The following policy shall cover all Harnett County employees, including those employees holding positions that require a commercial driver's license, safety sensitive positions, and any employee of the Harnett Area Transit System.

## Section IV. Definitions

**Accident:** An occurrence associated with the operation of a vehicle, even when not in County service, that results in: (1) an individual dying, (2) an individual suffering a bodily injury and receiving medical treatment, or (3) one or more vehicles incurring disabling damage as the result of the occurrence and are transported away from the scene by a tow truck or other vehicle.

**Adulterated Specimen:** A specimen containing a substance that is not expected to be in human urine, or is expected to be in human urine but not at such high concentrations.

**Alcohol Test/Screening:** A test for the presence of alcohol in the body of a County employee as determined through the use of a breath alcohol test, evidential breathalyzer test, saliva swab test, or blood screening.

**Alcohol Confirmation Test:** A second test, following an initial alcohol test that showed a prohibited level of alcohol. This test is used to provide quantitative data on an employee's actual alcohol concentration.

**Alcohol:** An agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

**Canceled:** A drug or alcohol test that has a problem identified that cannot be or has not been corrected is considered canceled. A canceled test is neither positive nor negative.

**Collector:** A person who instructs and assists employees during any assortment of alcohol or drug testing. Such a person receives and makes an initial inspection of the specimen provided by employees undergoing testing and initiates and completes the Custody and Control Form (CCF).

**Commercial Motor Vehicle:** Any motor vehicle or combination of motor vehicles used in commerce to transport passengers or property. Such motor vehicles may: (1) have a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds, (2) have a gross vehicle weight rating of 26,001 or more pounds, (3) be designed to transport 16 or more passengers including the driver, or (4) be of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and that requires the motor vehicle to be placarded under the Hazardous Materials Regulations.

**Conviction:** A finding of guilt (including a plea of no contest) or imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.

**Criminal Drug Statute:** A criminal statute relating to the manufacture, distribution, dispensing, use or possession of any drug.

**Dilute Specimen:** A specimen with values that are lower than expected for human urine.

**Dilute Negative:** A test result received by the MRO that is labeled negative and dilute. Such a result will be treated as a negative.

**Dilute Positive:** A test result received by the MRO that is labeled positive and dilute. Such a result will be treated as a verified positive.



Direct Observation: In an effort to make it more difficult to adulterate or substitute specimens, federal regulations require that specimens be collected under direct observation any time there is a specific reason to believe that any employee may be attempting to thwart the regulations or has sufficient reason(s) to evade the testing process. The employee who is being observed will be required to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show the collector, by turning around that they do not have a prosthetic device. The observer must be the same gender as the employee. Failure of the employee to permit any part of the direct observation procedure is a refusal to test. The reason why the direct observation testing is being conducted must be explained to the employee. Direct Observed collections are required in the following circumstances:

- A. All return-to-duty tests.
- B. All follow-up tests.
- C. Anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the accepted temperature range of 90°F - 100°F.
- D. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with.
- E. Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen.
- F. Anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid and the MRO determined that there was not an adequate medical explanation for the result.
- G. Anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed.

Disabling Damage: Damage which precludes departure of any vehicle from the scene of an accident in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which may be temporarily repaired at the scene of the accident, tire disablement, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Drug: A controlled substance as listed in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) or Chapter 90, Section 87(5) of the NCGS or a metabolite thereof.

Drug Test/Screening: A test conducted to determine if the tested employee has any prohibited substance, drug or drug metabolites, in his or her urine or blood.

Drug Confirmation Test: A second analytical procedure to identify the presence of a specific drug or metabolite that is independent of and uses a different technique and chemical than that of the initial test/screening in order to ensure reliability and accuracy.

Evidential Breath Testing Device (EBT): All alcohol breath tests shall be conducted on an approved evidential breath testing device (EBT) by a trained breath alcohol technician. EBT's shall be able to distinguish alcohol from acetone at the 0.02% alcohol concentration level and shall be capable of testing an air blank prior to each collection of breath and performing an external calibration check.

Gas Chromatography/Mass Spectrometry (GC/MS): Self-contained urinalysis drug tests that detects the presence of drug metabolites in urine within minutes.

**Medical Review Officer (MRO):** A licensed physician with specific training in the area of substance abuse. The MRO not only has knowledge of substance abuse disorders, but also has been trained to interpret and evaluate laboratory test results in conjunction with an employee's medical history. The MRO verifies a positive drug test result by reviewing a laboratory report and an employee's unique medical history to determine whether the result was caused by the use of prohibited drugs or by an employee's medical condition.

**Negative:** A test result that does not show the presence of drugs at a level specified to be a positive test or a test that does not show an employee's blood alcohol content to be more than 0.04. Any alcohol test that is negative with a blood alcohol concentration of 0.02-0.039 is not considered a positive test result, but will require the employee be removed from the performance of safety-sensitive functions for at least 8 hours.

**On-call:** An employee is on-call if he or she is subject to receiving a call that will require him or her to immediately report to work for Harnett County.

**On Duty:** An employee is considered on-duty whenever he or she is physical present at his or her normal workplace and is performing his or her job duties. During the period that an employee is on-call or during any other period of time for which he or she is entitled to receive pay from Harnett County, the employee is considered to be on duty.

**Other Substance:** Includes any substance that has the potential to impair noticeably the mental or physical function of a person who does not have an unusual or extraordinary reaction to such substance.

**Passing Test:** A passing test is any test that results in a negative outcome. This means that the test either: (1) showed no evidence or insufficient evidence of a prohibited drug, drug metabolite, or alcohol, or (2) Showed evidence of a prohibited drug or drug metabolite, but there was a legitimate medical explanation for the result as determined by a certified MRO.

**Positive:** A test result that does show the presence of drugs at a level specified to be a positive test or a test that shows an employee's blood alcohol content to be more than 0.04.

**Random Test:** Any testing conducted on an employee assigned to a safety-sensitive position and is chosen by a method that provides an equal probability that any employee from a group of employees will be selected by a scientifically valid method.

**Reasonable Suspicion:** A reasonable suspicion may exist when a supervisor, who has received the required training in detecting the signs and symptoms of probable drug use and/or alcohol misuse, obtains specific contemporaneous, articulable observations concerning appearance, behavior, speech, or body odor or other physical indicators of probable drug or alcohol use.

**Refusal:** The following behaviors constitute a refusal to test:

- A. Failure to appear for any test (except for pre-employment) within a reasonable time, as determined by the employer.
- B. Failure to remain at the testing site until the testing process is complete.
- C. Failure to provide a urine or breath specimen for any required drug or alcohol test.
- D. Failure to permit the observation or monitoring of the specimen collection when required to do so.
- E. Failure to provide a sufficient amount of urine or breathe when directed and there is no adequate medical explanation for the failure.
- F. Failure to take a second test when directed to do so by the employer or collector.
- G. Failure to undergo a medical examination when directed to do so by the MRO or employer.

- H. Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).
- I. Failure or refusal to sign Step 2 of the alcohol testing form.
- J. Failure to follow the observer's instructions during direct observation collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
- K. Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process.
- L. Admitting to the collector or MRO that you adulterated or substituted the specimen.

**Safety-Sensitive Position:** A position will be designated safety-sensitive only where Harnett County has a compelling need, on the basis of safety concerns, to ascertain on-the-job impairment on the part of employees who hold the position. Such a compelling need may arise where the duties of the position create, or are accompanied by, such a great risk of injury to the other persons or to property of such magnitude that even a momentary lapse of attention, judgment or dexterity could have disastrous consequences. Examples of these positions include:

- A. Positions (full or part time) requiring the use of weapons (or potential use of weapons) or the operation of vehicles, machinery, or equipment as a primary task (does not include routine office equipment).
- B. Positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees, or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace.
- C. Other positions as determined on a case-by-case basis by the Human Resources Director.
- D. Any of the following activities defined as safety-sensitive by the Federal Highway Administration, Federal Transit Administration, and the Department of Transportation:
  1. Driving.
  2. Inspecting, servicing, or conditioning any commercial motor vehicle.
  3. Waiting to be dispatched at a carrier or shipper plant, terminal, facility, or other public property.
  4. Performing all other functions in or upon any commercial motor vehicle except resting in a sleeper berth.
  5. Loading or unloading a vehicle, supervising or assisting in the loading or unloading of a vehicle, attending a vehicle being loaded or unloaded.
  6. Remaining in readiness to operate a vehicle, or giving or receiving receipts for shipments being loaded or unloaded.
  7. Performing driver requirements, relating to accidents.
  8. Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
  9. Carrying a firearm for security reasons.

**Substituted Specimen:** A specimen with values so diminished or different that they are not consistent with human urine.

**Substance Abuse Professional:** A licensed or certified physician, psychologist, social worker, employee assistance professional, state-licensed marriage and family therapist, or drug and alcohol counselor.

**Unannounced Follow-Up Testing:** Testing conducted on an employee on a periodic, unannounced basis, following his or her return to work from an approved drug or alcohol rehabilitation program. All unannounced, follow-up testing will be conducted by direct observation.

Workplace: The location or facility where an employee may be expected to perform any task related to the requirements of his or her job. This includes break rooms, restrooms, outdoor worksites, Harnett County or personal vehicles (while personal vehicle is being used for Harnett County business), computer work stations, conference rooms, hallways, private offices, open/partitioned work areas, public contact/customer service/medical services areas, parking lots, and any other location or facility for which he or she is entitled to receive pay from Harnett County.

#### Section V. Drug & Alcohol Testing Policy for Safety-Sensitive Employees

Coverage: This section applies to all safety-sensitive employees, contractors, and vendors anytime they are in the service of Harnett County, are on Harnett County property, or when any of the above are performing any transit-related safety-sensitive business. This policy also applies to off-site lunch periods or breaks when an employee is scheduled to return to work.

Policy:

- A. Safety-sensitive Employees are prohibited from:
  1. Engaging in the unlawful manufacture, distribution, dispensing, possession or use of prohibited substances on Harnett County premises, in vehicles, in uniform, or while on Harnett County Business.
  2. Reporting for duty or remaining on duty when his/her ability to perform assigned safety-sensitive functions is adversely affected by alcohol or when his/her breathe alcohol concentration is 0.00 or greater.
  3. Using alcohol or prohibited drugs while on duty, in uniform, while performing safety-sensitive functions, nor just before or just after performing a safety-sensitive function.
  4. Using alcohol within four (4) hours prior to performing a safety-sensitive function, or during hours that they are on-call.
- B. Post-Employment Testing:
  1. All safety-sensitive employees will be subject to urine drug testing and alcohol testing as a condition of employment. Such tests can be performed any time a safety-sensitive employee is on duty, however, a reasonable suspicion or random test can only be performed when the safety-sensitive employee is actually performing a safety-sensitive duty or just before or just after the performance of such a duty.
  2. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and their employment terminated.
  3. Any safety-sensitive employee who is suspected of providing false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo direct observation collection. Verification of these falsifying actions will result in the employee's removal from duty and their employment terminated.
  4. During normal duty hours, employees will be sent to the facility designated by Harnett County and approved for testing. After duty hours, when offices are closed or unable to perform the test(s), employees will be referred to a facility specified by the Drug and Alcohol Program Manager.
- C. Pre-Employment/Pre-Transfer Testing:
  1. Applicants determined to be final candidates for a safety-sensitive position or are transferring to a safety-sensitive position shall undergo a drug and alcohol screening and will have information gathered from their previous employers that pertains to any drug and alcohol tests performed. Applicants and transfers, however, must give permission for such tests. If the applicant or transfer refuses to give consent he/she will not be hired or transferred into the safety-sensitive position.

2. Any applicants or transfers will also be asked whether he or she has tested positive, or refused to test, on any pre-employment/pre-transfer drug or alcohol test administered by an employer to which the candidate applied, but did not obtain employment with. If the applicant admits that he or she had a positive test or a refusal to test, the applicant will not be allowed to perform safety-sensitive function, until and unless the applicant documents successful complete of the return-to-duty process described in this policy.
3. Receipt of a verified negative drug test result is required prior to offer of employment or performance of safety-sensitive duties.
4. A pre-employment/pre-transfer test will also be performed anytime an employee's status changes from an inactive status in a safety-sensitive position to an active status in a safety-sensitive position.

D. Post-Accident Testing:

1. All safety-sensitive employees will be required to undergo drug and alcohol testing if they are involved in an accident as defined above.
2. The Supervisor or Department Head shall ensure that any safety-sensitive employee involved in an accident is tested no longer than eight (8) hours after the accident for alcohol, and no longer than 32 hours after for drugs.
3. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.
4. An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
5. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
6. In the rare event that Harnett County is unable to perform a drug and alcohol test, Harnett County may use drug and alcohol post-accident test results administered by local law enforcement officials. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

E. Reasonable Suspicion Testing:

1. All safety-sensitive employees are subject to reasonable suspicion drug and/or alcohol testing when the employer has reasonable suspicion to believe that the employee has used a prohibited drug and/or engaged in alcohol misuse.
2. Reasonable suspicion means that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor, which are consistent with possible drug use and/or alcohol misuse.
3. Reasonable suspicion referrals must be made by the employees immediate Supervisor or Department Head who is trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse.
4. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function.
5. A reasonable suspicion drug test can be performed any time the covered employee is on duty.

- F. Random Testing:
1. Safety-sensitive employees may be tested on an unannounced basis throughout the year. Such tests can be conducted at any time during an employee's shift.
  2. The selection of safety-sensitive employees for random testing will be made using a scientifically valid method that ensures each covered employee that they will have an equal chance of being selected each time selections are made.
  3. The random tests will be unannounced and spread throughout the year.
  4. Employees are required to proceed immediately to the collection site upon notification of their random selection.
- G. Returning to Duty: All safety-sensitive employees who previously tested positive on a drug or alcohol test will be subject to disciplinary actions as addressed in Article IX of the Personnel Ordinance and any other civil or criminal penalty that may be imposed. However, in the rare event an employee is reinstated with court order or other action beyond the control of the county, the employee must complete the below return-to-duty process prior to the performance of safety-sensitive functions.
1. All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work.
  2. For an initial positive drug test a Return-to-Duty drug test is required and an alcohol test is allowed. For an initial positive alcohol test a Return-to-Duty alcohol test is required and a drug test is allowed.
  3. Following the initial assessment, the Substance Abuse Professional will recommend a course of rehabilitation unique to the individual.
  4. The Substance Abuse Professional will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undo concerns for public safety.
- H. Follow-Up Testing:
1. Safety-sensitive employees that have returned to duty following a positive or refused testing will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty test.
  2. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year.
  3. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the Substance Abuse Professional reflecting his or her assessment of the employee's unique situation and recovery progress.
  4. Follow-up testing should be frequent enough to deter and/or detect a relapse.
  5. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.
- I. Violation:
1. Any safety-sensitive employees found to be under the influence of prohibited substance or who fail to pass a drug or alcohol test shall be removed from duty and shall be in violation of this policy.
  2. Any Employee in violation of this policy, regardless of the manner in which violation occurs, will be subject to disciplinary action as addressed in Article IX of the Personnel Ordinance and any other civil or criminal penalty that may be imposed.
- J. Note: Every applicant and employee will be given a copy of "Rights and Responsibilities under the North Carolina Controlled Substance Examination Act" prior to being tested.

## Section VI. Drug & Alcohol Testing Policy for All Other Employees

Coverage: This section applies to all Harnett County employees anytime they are in the service of Harnett County or are on Harnett County property. This policy also applies to off-site lunch periods or breaks when an employee is scheduled to return to work.

Covered Substances: The substances addressed by this policy include, but are not limited to, the following: alcohol, marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration.

### Prescription Drugs:

- A. The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited, however, the use of any substance that carries a warning label that indicates that mental functions, motor skills, or judgment may be adversely affected, must be reported to the employee's supervisor.
- B. The employee must obtain a written release from the attending physician releasing the person to perform their job duties any time they obtain a performance-altering prescription.
- C. A legally prescribed drug means that individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment.
- D. The misuse or abuse of legal drugs while performing Harnett County business is prohibited.

### Policy:

- A. All Harnett County Employees are prohibited from:
  1. Engaging in the unlawful manufacture, distribution, dispensing, possession or use of prohibited substances on Harnett County premises, in vehicles, in uniform, or while on Harnett County Business.
  2. Reporting for duty or remaining on duty when his/her ability to perform assigned safety-sensitive functions is adversely affected by alcohol or when his/her alcohol concentration is 0.02 or greater.
  3. Using alcohol within four (4) hours prior to reporting to work, performing his or her job duties, or during hours that they are on-call.
- B. Pre-Employment/Pre-Transfer Testing:
  1. Applicants determined to be final candidates for a County position or are transferring to a County position shall undergo a drug and alcohol screening and will have information gathered from their previous employers that pertains to any drug and alcohol tests performed. Applicants and transfers, however, must give permission for such tests. If the applicant or transfer refuses to give consent he/she will not be hired or transferred into the position.
  2. A pre-employment/pre-transfer test will also be performed anytime an employee's status changes from an inactive status to an active status.
- C. Post-Accident Testing:
  1. All County employees will be required to undergo drug and alcohol testing if they are involved in an accident as defined above.
  2. The Supervisor or Department Head shall ensure that any employee involved in an accident is tested no longer than eight (8) hours after the accident for alcohol, and no longer than 32 hours after for drugs.
  3. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.
  4. An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a Supervisor or Department Head of

- his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
5. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
  6. In the rare event that Harnett County is unable to perform a drug and alcohol test, Harnett County may use drug and alcohol post-accident test results administered by local law enforcement officials. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.
- D. Reasonable Suspicion Testing:
1. All County employees are subject to reasonable suspicion drug and/or alcohol testing when the employer has reasonable suspicion to believe that the employee has used a prohibited drug and/or engaged in alcohol misuse.
  2. Reasonable suspicion means that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor, which are consistent with possible drug use and/or alcohol misuse.
  3. Reasonable suspicion referrals must be made by the employees immediate Supervisor or Department Head who is trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse.
  4. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of an employee's job duties.
  5. A reasonable suspicion drug test can be performed any time the covered employee is on duty.
- E. Violation:
1. Any employees found to be under the influence of prohibited substance or who fail to pass a drug or alcohol test shall be removed from duty and shall be in violation of this policy.
  2. Any Employee in violation of this policy, regardless of the manner in which violation occurs, will be subject to disciplinary action as addressed in Article IX of the Personnel Ordinance and any other civil or criminal penalty that may be imposed.
- F. Note: Every applicant and employee will be given a copy of "Rights and Responsibilities under the North Carolina Controlled Substance Examination Act" prior to being tested.

## Section VII. Testing Records & Other Documents

Drug/alcohol testing records shall be maintained by the Harnett County Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.

### Release of Records:

- A. The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Employees also have the right to gain access to any pertinent records such as equipment calibration records and records of laboratory certifications.
- B. Any records pertaining to the administration of any drug and alcohol testing done by or on behalf of Harnett County may be released to:
  1. The Drug and Alcohol Program Manager and any other pertinent personnel on a need to know basis.
  2. A subsequent employer only upon receipt of a written request from the employee.



3. The adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the test. The records will be released to the decision maker in the preceding.
4. The National Transportation Safety Board during an accident investigation.
5. A court of competent jurisdiction if the court determines that the drug or alcohol test information is relevant to a criminal or civil action and the court issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
6. The DOT or any DOT agency with regulatory authority over the employer or any of its employees.
7. A Federal, state, or local safety agency with regulatory authority over Harnett County or the employee.

### Section VIII. Supervisor & Department Head Responsibilities

Every Supervisor and Department Head shall:

- A. Consistently apply this policy to all employees under his or her supervision. A Supervisor or Department Head who fails to apply this policy when he or she believes, or reasonably should believe, that an employee under his or her supervision has committed a violation, will be subject to disciplinary action as addressed in Article IX of the Personnel Ordinance.
- B. Initiate the process for having an employee drug or alcohol tested if there is reasonable suspicion that an employee under his or her supervision, when such employee is on duty, has an illegal drug or alcohol in his or her system or is using any legal drug in a manner other than it was intended.
- C. Insure that employees he or she supervises are aware of the requirements and consequences of this policy.
- D. Follow the procedure established by the department director assuring that an employee who is to be tested for alcohol or other drugs is transported to the designated test site, and that those employees for whom there is reasonable suspicion of substance abuse or who have had an alcohol test result of greater than 0.00 are transported home—either by personal family/friends or by arranged transportation.
- E. Receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicator of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behaviors, speech, and performance indicators of probably alcohol misuse.

### Section IX. Employee Responsibilities

Every employee shall:

- A. Abide by this policy as a condition of employment.
- B. Comply with all applicable laws regulating the manufacture, distribution, dispensing, use or possession of illegal drugs, alcohol, or prescription drugs.
- C. Assure that his or her ability to perform his or her job duties is not negatively affected due to the use of drugs or alcohol when scheduled to report to work or when on “on call” status. Should any employee be requested to report to work earlier than his or her normal or previously assigned time, it is the employee’s responsibility to advise his or her Supervisor or Department Head of an inability to perform his or her job duties or that he or she has consumed alcohol within the last four (4) hours prior to reporting for duty. If the employee had received prior notice that he or she might be called back into work, the employee shall be considered AWOL if he or she is unable to report to duty.
- D. Submit immediately to a drug or alcohol test when directed by his or her Supervisor or Department Head.
- E. Notify his or her Supervisor or Department Head if convicted of a violation of a criminal drug statute and such violation occurred while the employee was on duty, within five days after such conviction.

- F. Notify his or her Supervisor or Department Head, if arrested off the job for Driving While Impaired (DWI) or Driving under the Influence (DUI) or for the use, sale, or possession of a controlled dangerous substance, within forty-eight (48) hours of the incident. The Supervisor or Department Head shall investigate the incident and, if it is found to have a direct relationship to the employee's job duties and responsibilities, appropriate action may be taken.
- G. Undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training must also include manifestations and behavioral clues that may indicate prohibited drug use.



Personal Cell Phone Use Employee Reimbursement Form

A County employee who has not been assigned a cell phone and uses his or her personal cell phone for County business may seek reimbursement from the County. To receive reimbursement, the employee must complete this form and attach a copy of his her cell phone call log that denotes all calls that related to County business.

Please print legibly, provide all the information requested below, and sign the bottom.

Employee name: \_\_\_\_\_ (\_\_\_\_\_)  
Last First Middle (Maiden)

Social Security Number: \_\_\_\_ -- \_\_\_\_ -- \_\_\_\_ Date of Birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Street Address: \_\_\_\_\_  
Street City State Zip

Phone: (\_\_\_\_) \_\_\_\_ - \_\_\_\_ Alternate Phone: (\_\_\_\_) \_\_\_\_ - \_\_\_\_

By signing below you acknowledge that all the information contained on this form, and any information found in attachments to this form, is a true and correct representation and you are not, nor will you ever, provide the County with false information.

\_\_\_\_\_  
Employee Signature Date

APPENDIX C: ARTICLE VI FORMS



Leave Without Pay Form

In accordance with Article VI, Section 6 of the Harnett County Personnel Ordinance, I, as an employee of Harnett County, hereby request that my employment status be changed to a Leave Without Pay status for the period of \_\_\_\_\_ through \_\_\_\_\_. I understand that if my request is approved I will cease to accrue any form of leave, but may continue to be eligible for benefits under the County's group insurance plan.

I have been advised and understand that I must return to work once my Leave Without Pay period has ended and I am entitled to return to the same position I held at the time leave was granted or to one of like classification, seniority, and pay. I understand that if I fail to return to work at the allotted time my employment with the County will be immediately terminated.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Dept. Head/Supervisor Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



Application to Receive Shared Leave

Any employee who wishes to receive leave that has been given to them by other generous employees must complete and submit this form to the Human Resources Department. A Family Member or Employee Medical Certification Form should be attached to this form so as to document the need to receive and use shared leave during an extended absence.

Employee name: \_\_\_\_\_ (\_\_\_\_\_)
Last First Middle (Maiden)
Social Security Number: \_\_\_\_ -- \_\_\_\_ -- \_\_\_\_ Date of Birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_
Street Address: \_\_\_\_\_
Street City State Zip
Phone: (\_\_\_\_) \_\_\_\_ - \_\_\_\_ - \_\_\_\_ Alternate Phone: (\_\_\_\_) \_\_\_\_ - \_\_\_\_ - \_\_\_\_
Department: \_\_\_\_\_ Title: \_\_\_\_\_
Number of Leave Hours Requested (May not exceed 480 hours): \_\_\_\_\_

Employee Statement:

I, as an employee of Harnett County, hereby request to participate in the Harnett County Shared Leave Program. I and/or a member of my immediate family has a serious medical condition that has been certified as such by a licensed physician and will require me to be absence from work for a prolonged period of time that has exhausted all of my leave.

This serious medical condition is not an elective surgery, normal pregnancy, or other uncovered medical illness. I am not receiving Worker's Compensation benefits nor do I plan to seek subrogation from a third party for the leave time. All of my accrued leave has already been exhausted and I am requesting donated Shared Leave hours as specified above.

\_\_\_ I hereby authorize Harnett County to release information indicating that I, or a member of my immediate family, has a serious medical condition which would otherwise be confidential personnel record information and that I desire Shared Leave donations.

\_\_\_ I do not authorize Harnett County to release information indicating that I, or a member of my immediate family, has a serious medical condition. I understand that in refusing to share this information I reduce the willingness of my co-workers to donate leave.

By signing below I acknowledge that all the information contained on this form, and any information found in attachments to this form, is a true and correct representation and I am not, nor will I ever, provide the County with false information.

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Department Head Signature \_\_\_\_\_ Date \_\_\_\_\_



Shared Leave Donation Form

Any employee who wishes to donate a specified number of hours from their vacation leave to an employee requesting shared leave must complete and submit the following form to his or her Department Head who shall forward it to the Human Resources Department.

Any employee donating leave may elect to donate a minimum of 4 hours of their accrued leave up to any amount that would not drop his or her total accrued leave balance below 80 hours. A donating employee, however, may not donate more leave than he or she could earn in a year. Once this amount of leave is donated and transferred to the receiving employee, any leave not used may be returned to all donating employees on a pro-rata basis.

Employee name: \_\_\_\_\_ (\_\_\_\_\_)
Last First Middle (Maiden)

Social Security Number: \_\_\_-\_\_\_-\_\_\_ Date of Birth: \_\_\_/\_\_\_/\_\_\_

Street Address: \_\_\_\_\_
Street City State Zip

Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Alternate Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Department: \_\_\_\_\_ Title: \_\_\_\_\_

Number of Leave Hours Donated (Must be in 4 hour increments): \_\_\_\_\_

If the employee requesting shared leave has approved the release of his/her name and condition, or the name and condition of his or her affected family member, you may designate the employee below. If the employee has not approved the release of his or her name, you are donating to an anonymous beneficiary.

Employee to Receive Shared Leave: \_\_\_\_\_
Last First Middle

Employee Statement:

I, as an employee of Harnett County, would like to donate the specified amount of hours above to the employee listed above, or to the anonymous employee, who so needs my leave. I meet all the above specified shared leave donation requirements and understand those requirements, restrictions, and limitations placed on me by the Harnett County Personnel Ordinance. I give up any right of ownership to the leave I am donating, but understand that repayment of my leave is not guaranteed and even if my donated leave is not used I may only receive a portion of my leave back. I further understand that the leave I donate will be transferred to the employee in need beginning on the 1st pay period after receipt of this authorization form.

By signing below I acknowledge that all the information contained on this form is a true and correct representation and I am not, nor will I ever, provide the County with false information.

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Department Head Signature \_\_\_\_\_ Date \_\_\_\_\_



Workers Compensation Leave Form and Employee Injury Report

Any full-time County employee absent from duty because of sickness or disability covered by the North Carolina Workers Compensation Act ("NCWCA") may receive workers' compensation benefits and will use their accumulated leave as a supplemental payment for the difference between his regular salary and the payments received under the NCWCA.

To be eligible for any lost wage benefits under the NCWCA an employee must: (1) be injured while in the service of their employer, (2) be written out of work by a licensed physician, and (3) be out of work for an initial seven day period.

Once the initial seven day period has passed an employee will be eligible for lost wage benefits, but must complete and submit the following form. Submission of this form will allow the employee to begin receiving workers' compensation checks to cover two-third (2/3) of his her salary. The remaining 1/3 will be recouped by using the employee's accrued leave until all the employee's leave is exhausted. This will result in an employee using one (1) entire day of leave for every three (3) days an employee remains on workers' compensation.

While on workers' compensation leave an employee will continue to accrue all forms of leave as addressed in Article IV of the Harnett County Personnel Ordinance.

FMLA leave will run concurrently with any employee's workers' compensation leave and will count against that employee's allotted 12 weeks of FMLA leave.

Additional information on workers' compensation may be found in the Harnett County Personnel Ordinance at Article VI, Section 8.

Employee name: \_\_\_\_\_ (\_\_\_\_\_)  
Last First Middle (Maiden)

Social Security Number: \_\_\_ -- \_\_\_ -- \_\_\_ Date of Birth: \_\_\_ / \_\_\_ / \_\_\_

Street Address: \_\_\_\_\_  
Street City State Zip

Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Alternate Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Department: \_\_\_\_\_ Title: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Accident Date: \_\_\_ / \_\_\_ / \_\_\_ Shift Start Time: \_\_\_ : \_\_\_ Accident Time: \_\_\_ : \_\_\_

Reported Date: \_\_\_ / \_\_\_ / \_\_\_ Reported Time: \_\_\_ : \_\_\_

Person(s) Notified of Accident: \_\_\_\_\_

Current Work Status: \_\_\_ Out of Work (Last Day Worked: \_\_\_ / \_\_\_ / \_\_\_)  
\_\_\_ Working With Restrictions (Restrictions: \_\_\_\_\_)  
\_\_\_ Working Without Restrictions

Brief Description of Illness/Injury: \_\_\_\_\_

---

---

Treatment Information:  Treated at Lillington Family Medical Center  
 Treated at other facility (\_\_\_\_\_)  
 Taken to Hospital by Ambulance

By signing below I acknowledge that all the information contained on this form is a true and correct representation and I am not, nor will I ever, provide the County with false information.

---

Employee Signature Date

---

Supervisor/Department Head Signature Date



APPENDIX C: ARTICLE VI FORMS



Educational Leave Request Form

Any full-time County employee may request and have granted a leave of absence in order to take one (1) educational course during or after regular County working hours as described in Article V, Section 2. Such an employee must complete and submit the Education Leave Request Form to the appropriate Supervisor or Department Head. This form is provided by the Human Resources Department at [www.Harnett.org](http://www.Harnett.org) or found in Appendix C of this Ordinance.

Such educational leave will only be granted if the educational course to be taken benefits the County by better equipping the employee to perform his or her assigned job duties and responsibilities.

Please print legibly, provide all the information requested below, and sign the bottom.

Employee name: \_\_\_\_\_ (\_\_\_\_\_)  
Last First Middle (Maiden)

Social Security Number: \_\_\_ -- \_\_\_ -- \_\_\_ Date of Birth: \_\_\_/\_\_\_/\_\_\_

Street Address: \_\_\_\_\_  
City State Zip

Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Alternate Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Department: \_\_\_\_\_ Title: \_\_\_\_\_ Years of Service: \_\_\_\_\_

Highest Level of Education Completed: \_\_\_ High School or GED \_\_\_ Year Earned  
\_\_\_ College \_\_\_ Degree \_\_\_ Year Earned  
\_\_\_ Graduate \_\_\_ Degree \_\_\_ Year Earned

Course Title: \_\_\_\_\_ Credit Hours: \_\_\_ Dates: \_\_\_/\_\_\_/\_\_\_ - \_\_\_/\_\_\_/\_\_\_

Institution Name & Address: \_\_\_\_\_  
Name Street City State Zip

Brief statement showing relationship between current job duties and educational course to be taken along with a brief summary of how this course may benefit the County.

\_\_\_\_\_  
\_\_\_\_\_

By signing below I acknowledge that all the information contained on this form is a true and correct representation and I am not, nor will I ever, provide the County with false information.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

---

Department Head Signature

Date

---

Human Resources Director Signature

Date

---

County Manager Signature

Date



FMLA Leave Request Form

In accordance with the FMLA, Harnett County seeks to provide a working environment that: (1) facilitates the development of children and the family unit, (2) prevents County employees from having to choose between job security and parenting, (3) allows adequate job security for employees who have serious health conditions that prevent them from working for temporary periods, and (4) balances the demands of the County with the needs of the families.

Only eligible employees are allowed to take FMLA leave. An eligible employee is one who: (1) works for the County, (2) has worked for the County for at least twelve months, (3) has at least 1,250 total hours of service to the County during the twelve month period immediately preceding the leave, and (4) works at a location where the County has at least fifty employees within a seventy-five mile radius.

Harnett County will hereby grant all eligible County employees a total of twelve (12) workweeks of job-protected family and medical leave within a single twelve-month period for one or more of the following qualified reasons: (1) birth & bonding leave, (2) adoption and bonding leave, (3) employee serious health condition leave, (4) relative serious health condition leave, (5) military exigency leave, and (6) military caregiver leave.

Along with the completion of this form, every form of FMLA leave mentioned above has its own federally mandated form that must be completed and submitted before FMLA leave will be granted to an employee. If an employee fails to complete the FMLA Leave Request Form and any other federally mandated form their leave will be denied.

Further instructions, restrictions, and limitations on FMLA leave are addressed in Article VI, Section 12 of the Harnett County Personnel Ordinance. Failure to follow all other instructions, restrictions, and/or limitations will result in an employee's request to be denied.

Please print legibly, provide all the information requested below, and sign the bottom.

Date of Request: \_\_\_/\_\_\_/\_\_\_ Reason for Request: \_\_\_\_\_

FMLA Leave Begin Date: \_\_\_/\_\_\_/\_\_\_ FMLA Leave End Date: \_\_\_/\_\_\_/\_\_\_

Type of FMLA Leave Requested: \_\_\_ Birth & Bonding Leave \_\_\_ Adoption & Bonding Leave  
\_\_\_ Employee/Relative Serious Health Condition Leave  
\_\_\_ Military Exigency Leave \_\_\_ Military Caregiver Leave

Employee name: \_\_\_\_\_ (\_\_\_\_\_)  
Last First Middle (Maiden)

Social Security Number: \_\_\_-\_\_\_-\_\_\_ Date of Birth: \_\_\_/\_\_\_/\_\_\_

Street Address: \_\_\_\_\_  
City State Zip

Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Alternate Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Department: \_\_\_\_\_ Title: \_\_\_\_\_ Years of Service: \_\_\_\_\_

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Employee Signature Date

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Department Head Signature Date

---

Human Resources Director Signature Date

---

County Manager Signature Date





By signing this form, you confirm, acknowledge, and understand the information in this disciplinary action report. You also confirm, acknowledge, and understand that you and your Supervisor or Department Head have discussed the adverse action to be taken against you and the reasons it is being taken. You also know that you are expected to improve based on the plan for improvement provided and the consequences that will occur if you fail to improve or this offense occurs again. Signing this form, however, does not necessarily indicate that you agree with this adverse action, nor does it suspend any appeal rights you may have under the Harnett County Personnel Ordinance.

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Employee Signature Date

---

Supervisor/Department Head Signature Date

---

Witness Signature (If employee refuses to sign) Date

---

Human Resources Director Signature Date

APPENDIX E: MISCELLANEOUS FORMS



Employee Information Form

The following information is necessary for employment and shall be retained by Harnett County in an employee's personnel file. Any necessary changes that may need to be made to the information provided below should immediately be brought to the attention of a Supervisor, Department Head, or the Human Resources Department.

Please print legibly and provide all information requested.

Employee name: \_\_\_\_\_  
Last First Middle

Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_

Highest Level of Education Completed: \_\_\_\_ High School or GED \_\_\_\_ Year Earned  
\_\_\_\_ College \_\_\_\_ Degree \_\_\_\_ Year Earned  
\_\_\_\_ Graduate \_\_\_\_ Degree \_\_\_\_ Year Earned

Street Address: \_\_\_\_\_  
City State Zip

Mailing Address (If Different): \_\_\_\_\_  
City State Zip

Email Address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_ -- \_\_\_\_\_  
Alternate: (\_\_\_\_) \_\_\_\_\_ -- \_\_\_\_\_

Emergency Contact Information:  
Contact #1: \_\_\_\_\_  
Name Relationship Phone

Contact #2: \_\_\_\_\_  
Name Relationship Phone

Have you worked for Harnett County before? \_\_\_\_ Yes \_\_\_\_ No  
If Yes, what year(s)? \_\_\_\_\_ Former Name (If Different): \_\_\_\_\_

By signing below you acknowledge that all the information above is a true and correct representation and you are not, nor will you ever, provide the County with false information.

\_\_\_\_\_  
Employee Signature Date





New Employee Policies Form

The following information is critical for all County employees to read and understand. As an employee of Harnett County you are expected to review policies that govern the conditions of your employment located in the Personnel Ordinance. This form is in no way the complete list of policies that governs an employee's service. Employee access to the complete Personnel Ordinance can be found at [www.harnett.org](http://www.harnett.org).

PLEASE INITIAL BY EACH TOPIC AND SIGN AT THE BOTTOM.

Probation/Performance Reviews  Initial

A probationary period is a continuous period of 6 months (12 months for law enforcement officers) where an employee is evaluated on job performance. Any probationary employee may be dismissed at any time without appeal rights.

A full-time employee serving a probationary period following a promotion shall be demoted, in accordance with Article III, Section 9 and Article IV, Sections 10 of the Personnel Ordinance, if unable to satisfactorily perform the newly assigned duties and responsibilities.

Before completion of the probationary period, Supervisors or Department Heads must indicate in writing to the County Manager the following: (1) That the employee has been informed of his or her progress and growth during the probationary period, including the employee's accomplishments, strengths, weaknesses, and areas of improvement, (2) that the employee is or is not performing satisfactory work, (3) whether the probationary period should be extended, as long as an extension would not cause the probation to go beyond a year, and (4) whether the employee should be retained in the present position or should be released, transferred, or demoted.

Employees subject to the North Carolina Human Resources Act may not be on probation longer than nine (9) months.

Attendance & Work Week  Initial

Employees are hired with the understanding that they are responsible for reporting to work on time for every regularly scheduled workday and any additional instances they may be needed by the County.

The established work week for Harnett County consists of a seven-day period beginning on Sunday and ending on Saturday. The normal work week for the County offices, however, shall be Monday-Friday from 8:00 – 5:00.

All full-time County employees should be held to a Monday-Friday work week consisting of five eight-hour days (8:00 a.m. – 5:00 p.m.) with a one hour lunch break.

All part-time County employees may work any number of hours between 8:00 and 5:00 as long as such employees do not exceed 29 hours per week or 129 hours per month.

All hours are subject to change depending on the needs of the County.

Political Activity Restricted  Initial

Each employee has a civic responsibility and duty to support good government by every available means and in every appropriate manner.

In accordance with the United States Constitution, the North Carolina Constitution, and federal state, and local laws, each County employee has the right to (1) join or affiliate with civic organizations of a partisan or political nature, (2) attend political meetings, (3) advocate and support the principles or policies of civic or political organizations, and (4) support partisan or non-partisan candidates of their choice.

However, no employee, while on duty for the County, may (1) engage in any political or partisan activity, (2) use official authority or influence for the purpose of interfering with the outcome of an election or nomination for political office, (3) contribute County funds for political or partisan purposes, (4) coerce or compel another employee of the County to contribute funds for political or partisan purposes, or (5) use any supplies or equipment of the County for political or partisan purposes.

Any violation of this section shall subject such employees to any disciplinary actions addressed in Article IX of the Personnel Ordinance.

Outside Employment  Initial

Outside employment may be restricted to prevent interference with efficient County service.

Any employee desiring outside employment must make a written request to the Department Head. The Department Head will review the request for possible incompatibility and conflict of interest. If the Department Head requests that the employee terminate the outside employment, and the employee refuses; the employee will be subject to disciplinary actions as addressed in Article IX of the Personnel Ordinance.

No employee will perform outside employment which is inconsistent with a professional code of ethics or appears to present a conflict of interest.

Employees will not be approved to perform outside employment for any person in their supervisory chain.

Employees will not be approved to perform outside work while in a Family Medical Leave status.

Any violation of this section shall subject such employees to any disciplinary actions addressed in Article IX of the Personnel Ordinance.

Unlawful Harassment  Initial

Harnett County promotes a work environment free of unlawful workplace harassment and will not tolerate any employee who fails to follow this policy. Therefore, unlawful workplace harassment, in any of its many forms, is strictly prohibited. This prohibition, and the Unlawful Harassment Policy of Harnett County as explained below, applies to all County employees regardless of rank or position with the County.

Unlawful Workplace Harassment may be defined as unwelcome or unsolicited speech or conduct based upon race, color, gender, religion, national origin, age or disability status that creates a hostile work environment or circumstance.

Sexual harassment is a form of unlawful workplace harassment. Sexual harassment includes, but is not limited to, unwelcome statements or conduct based on a person's gender that creates a hostile working environment, such as gender-based jokes or negative gender-based remarks. It also may include sexual advances, requests for sexual favors, propositions, inappropriate touching, and other verbal or physical conduct of a sexual nature.

Any employee, who witnesses or is the subject of an instance of unlawful workplace harassment, is encouraged to report the situation and/or complaint without fear of retaliation, orally or in writing, to his or her Supervisor or Department Head or directly to Human Resource.

Any violation of this section shall subject such employees to any adverse action addressed in Article IX of the Personnel Ordinance, along with any penalties under law.

Emergency Operations  Initial

In the event of natural or man-made disaster the County Manager and the BOC reserves the right to close all County offices, but still require County employees, essential and non-essential, to report to work to assist with any necessary emergency operations. However, those employees required to work will be compensated.

Gifts & Favors  Initial

No official or employee shall accept any gift, favor or thing of value that may tend or could be perceived to influence that employee in the discharge of their duties, or grant, in the discharge of duties, any improper favor, service, or thing of value.

Any violation of this section shall subject such employees to any disciplinary actions addressed in Article IX of the Personnel Ordinance.

COBRA  Initial

Under the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985, Harnett County offers employees and their eligible dependents the opportunity for temporary extension of continuous insurance coverage in instances where coverage under the plan would otherwise end. Eligible employees have sixty days from the date of the notice to elect COBRA coverage.

Tobacco Use Policy  Initial

The use of tobacco products are prohibited in: (1) any building owned, leased, or occupied by the County, (2) on any grounds that are owned, leased or occupied by the County, and (3) within fifty (50) feet of buildings owned, leased or occupied by the County.

Equal Opportunity  Initial

Harnett County does not discriminate in recruiting, employment or the delivery of services/benefits with regard to race, creed, color, national origin, religion, political affiliation, gender, age, handicap or sexual preference. Individual employees are expected to maintain this philosophy throughout their tenure of employment with the County.

Drug-Free Work Place Policy  Initial

Harnett County seeks to provide a safe and secure workplace and community free from the debilitating effects of any drugs, alcohol, or other illegal substances. The County also hopes to promote a high standard of employee and community health and wellbeing. Therefore, to take every reasonable effort to keep drugs, alcohol, and other illegal substances out of the County work force and community, and in accordance with the Drug-Free Work Place Act of 1988, Harnett County has established a Drug-Free Work Place Policy.

It is the policy of Harnett County that no employee shall possess, use, or distribute illicit drugs, alcohol, or other illegal substances on any property or facilities used, owned, or occupied by the County or while representing the County at any professional or social function. If, however, a county employee recognizes that a problem exists and initiates action to seek help, the County will work with the employee to resolve the situation.

Any violation of this section shall subject such employees to any adverse action addressed in Article IX of the Personnel Ordinance, along with lawful penalties.

Approved Use of Computers  Initial

The purpose of the Harnett County Internet Access Policy is to set certain acceptable parameters for employees who have internet access and to place such employees on notice that misuse of the County internet carries certain penalties.

It should be understood by all Harnett County employees that all County computers and all data stored in such machines are the property of Harnett County and may be accessed, shared, stored, moved, and deleted at any time.

It is the policy of Harnett County that all employees who have internet access do not misuse such a privilege and use such access for acceptable and legitimate purposes. Therefore: (1) employees must act responsibly when participating in discussion groups on any public network; (2) employees will not download any software or screen savers from the internet without prior approval from the MIS Department, (3) employees will not use Real Player, I-Tunes, Spotify, or any other online music software while on Harnett County time; (4) employees shall not abuse their internet privilege by using this access to express his or her political views, showcase his or her opinions on controversial issues, or act in any other way that would tend to reflect negatively on the County; (5) employees will not send or display any obscene or disruptive messages, files, or images that may contain explicit language, excessive violence, nudity, or any other form of indecent content.

### Family Medical Leave Act Initial

The Family Medical Leave Act (FMLA) of 1993 provides an employee with a right to Leave Without Pay (LWOP) for up to 12 weeks under specific circumstances, but an employee must have worked 12 months and 1250 hours.

Leave under the FMLA may be based on multiple qualified reasons including: (1) the birth or adoption of a child, (2) the serious health condition of themselves or another immediate family member, (3) military exigency, or (4) to care for a injured military service member or veteran.

A request for leave under the FMLA must be submitted in accordance with the procedures outlined in the Harnett County Personnel Ordinance.

Harnett County uses the 12-month period measured forward from the date the employee's first FMLA leave begins to assess employee eligibility for FMLA leave.

FMLA leave runs concurrently with any accrued forms of leave and with absences taken in connection with worker's comp claims.

### Flexible Benefits Initial

Harnett County offers a flexible benefits program, which includes medical and dental insurance, life and dependent life insurance, vision insurance, voluntary insurance options such as disability and cancer, and flexible spending accounts (FSAs) for employees who anticipate out-of-pocket medical and/or dependent day care expenses. The program is designed to allow eligible employees the opportunity to choose benefit coverage that best suits their needs. Benefit premiums through payroll deduction can be made with pre-tax dollars which provides significant tax savings.

New employees are offered the opportunity to enroll in health, dental, and life insurance during new employee orientation and may enroll in the voluntary and flex benefits during open enrollment.

During open enrollment, all employees have the opportunity to review their benefits and make changes as necessary. The open enrollment occurs in May and new selections are effective the following July 1.

In accordance with IRS regulations, changes outside the open enrollment period are allowed only when the employee experiences a qualifying life event change. In these situations, an employee has 30 days from the life event change to notify Human Resources. A qualifying life event has occurred if the event falls into one of the following categories: Change in legal marital status; change in number of dependents, change in spouse's or employee's employment status, a dependent satisfies (or ceases to satisfy) eligibility requirements, a judgment, decree, or order; or Medicare or Medicaid eligibility. The election change must be consistent with the status change and may result in a premium change for you.

### Promotional Opportunities Initial

All vacant positions are posted at [www.harnett.org](http://www.harnett.org). These announcements provide information about the position such as: duties, salary, qualifications requirement, and deadline for submission of applications.

All Harnett County employees are encouraged to apply for any vacant position that they believe they are qualified.

There are no time restrictions on how long after initial employment or promotion an employee must wait before they may apply for other positions in the County.

### Grievance Procedure Initial

In order to maintain a harmonious and cooperative relationship between the County and its employees, it is the policy of Harnett County to provide a just and fair procedure for the presentation, consideration, and disposition of any employee grievances. The County's purpose is to implement a grievance procedure that assures all full-time permanent employees that their grievances will be answered and decided fairly, quickly, and without interference, coercion, restraint, discrimination, penalty, or reprisal.

The grievance policy, therefore, provides grievance and appeal procedures for all full-time permanent employees of Harnett County who: (1) feel they have been discriminated against because of age, sex, race, religion, color, national origin, visible or nonvisible handicaps, or pregnancy, (2) have been the subject of any adverse action executed under the Disciplinary Action Policy addressed in Article IX, or (3) have a genuine non-frivolous grievance with the County, its employees, or any implementation of County policy.

### Uniform Policy Initial

If you are occupying a position that requires the wearing of a Harnett County furnished uniform, the County will clean and maintain the uniforms through a contract service. However, employees are responsible for turning in soiled uniforms and getting the equivalent quantity and type (shirts and trousers) back from the vendor as that turned in. Employees are responsible for inspecting all uniforms cleaned by the vendor and if the vendor shorts or damages assigned uniform, supervisors are to be notified immediately.

Upon termination or a change to position that does not require uniforms; employees must turn in all assigned uniforms. Damages beyond normal fair wear and tear, as determined by your supervisor, and shortages will be charged to you at the cost of replacement items. If not paid for beforehand, all shortages or damages will be collected from the employee's paycheck.

### Pay Periods/Direct Deposit Initial

Employees are paid on the last working day of the month and are required to directly deposit all paychecks from the County to a federally recognized bank or credit union. This direct deposit of an employee funds reduces the amount of time the employee has to spend at the bank and is safer than manual deposit.

To take full advantage of this program an employee should complete the Harnett County Direct Deposit form, however, employees will receive a paper check the first month after enrolling or making a change in their direct deposit preferences.

3/5 Salary Adjustment  Initial

The purpose of the 3/5 plan is to give County employees a way in which to gain and look forward to pre-determined pay increases after they have been in service to the County for 3 and 5 years.

When an employee has been in the service of the County for a total of 3 years, taking into account demotions, promotions, transfers, reclassifications, or any other type of separation from service, the salary of the employee is to be increased to the half-way amount between his or her current salary and the job rate of the employee's current position.

When an employee has been in the service of the County for a total of 5 years, taking into account demotions, promotions, transfers, or any other type of separation from service, the salary of the employee is to be increased to the job rate of the employee's current position.

To ensure that an employee is not penalized for taking a promotion or receiving a reclassification, his or her current salary should be higher than if he or she had remained in the old position or the old grade. Therefore, the new salary for a promoted or reclassified employee should be at least \$500 more if a 3/5 salary increase was due.

Overtime/Compensatory Time  Initial

Overtime work or work that will result in the accumulation of compensatory time shall be considered (1) any hours worked greater than 40 hours in a normal work week, or (2) work performed by any County employee at the direction, instruction, or knowledge of a Supervisor, Department Head, or authorized managerial representative, which exceeds the normal work week or work period of the employee.

It is the policy of Harnett County that overtime or the accumulation of compensatory time be avoided at all times. Therefore, Supervisors or Department Heads should arrange their employee work schedules so as to avoid overtime by accomplishing the required work within the hours of a normal workweek. Any overtime, however, must be duly authorized by a Supervisor or Department Head before payment for such services are rendered.

Exempt employees, as defined by the Fair Labor Standards Act ("FLSA"), are exempt from earning any overtime pay in accordance with the FLSA, but, if required to work overtime, shall receive compensatory time off at a rate of one (1) hour for each hour of overtime worked.

Non-exempt employees, as defined by the Fair Labor Standards Act ("FLSA"), are entitled to overtime pay in accordance with the FLSA. Two types of non-exempt employees exist: (1) regular work schedule employees and (2) irregular work schedule employees.

Sworn law enforcement officers shall only receive overtime pay at the rate of one and one-half (1 and 1/2) times their regular rate of pay for any hours worked over the first 171 hours worked in a 28-day cycle.

Holidays  Initial

The following days, and any others that the BOC may designate, are considered holidays with pay for any full-time County employees or Administrator working within the confines of the established Harnett County workweek. The amount to be paid to each employee for every holiday is described in the Harnett County Personnel Ordinance. Whatever day the holiday falls on shall be observed as a paid holiday off by the County. When, however, a holiday (other than Christmas Day) falls on a weekend, Friday shall be the County's observed holiday.

Holiday	Number of Days Off
New Year's Day	1
Martin Luther King, Jr Day	1
Good Friday	1
Memorial Day	1
Independence Day	1
Labor Day	1
Veterans Day	1
Thanksgiving	2
Christmas	3

Vacation  Initial

Vacation leave may be used at any time by any employee as earned with the approval of the appropriate Supervisor, Department Head, or County Manager, however, certain Supervisors, Department Heads, or County employees, as designated by the County Manager, must take at least five (5) consecutive workdays of accrued vacation leave per calendar year. Those employees under a probationary period may not use their accumulated vacation time until the probationary period is over unless special circumstances exist and an exception is approved.

Charts found within the Harnett County Personnel Ordinance describe the manner of accumulation of vacation time in detail.

Years of service with other North Carolina governmental agencies, North Carolina counties, and the North Carolina State government, along with years of service with other EMS or Sheriff/Police Departments may be considered when calculating vacation leave accrual amounts provided that verification of that accumulated sick leave is received from the previous employer and that the employee was not reimbursed for these days. Years of service, however, may only be transferred from the employee's last place of employment immediately prior to their employment with the County.

Petty Leave  Initial

All full-time County employees shall be allowed fourteen (14) hours per year of petty leave with pay beginning January 1 of each calendar year. These fourteen (14) hours are over and above any other leave an employee may accrue. Petty Leave, therefore, may be used in conjunction with any other type of leave, but may only be used in increments of fifteen (15) minutes up to a maximum of three (3) hours at one time.

Sick Leave  Initial

Sick leave shall be used and granted to County employees for: (1) any absence that is approved as a qualifying event under the Family and Medical Leave Act (“FMLA”), (2) employee sickness or bodily injury, (3) exposure to or infection with a contagious disease, (4) required physical, dental, or mental examination or treatment, (5) an illness or medical appointment of an employee’s spouse, child, parent, or parent-in-law that requires the presence of the employee, or (6) death in the employee’s immediate family.

A Supervisor, Department Head, or County Manager may require an employee to provide a physician’s certificate concerning the nature of the illness and the employee’s physical capacity to resume duties for each occasion on which an employee uses sick leave.

Charts found within the Harnett County Personnel Ordinance describe the manner of accumulation for sick leave in detail.

Years of service with other North Carolina governmental agencies, North Carolina counties, and the North Carolina State government, along with years of service with other EMS or Sheriff/Police Departments may be considered when calculating sick leave accrual amounts provided that verification of that accumulated sick leave is received from the previous employer and that the employee was not reimbursed for these days. Years of service, however, may only be transferred from the employee’s last place of employment.

Leave Without Pay  Initial

Any full-time County employee may be granted leave without pay for up to one (1) year by the appropriate Supervisor, Department Head, or the County Manager. Such leave may be used for reasons of prolonged personal illness, prolonged illness of an immediate family member, personal disability, after all other forms of accrued leave have been exhausted, educational needs, special work or ongoing classes, or for other reasons deemed appropriate.

Shared Leave Policy  Initial

The Harnett County Shared Leave Policy provides an opportunity for County employees to assist one another in times of need when an employee may have to be absent from work for a prolonged period of time resulting in loss of income due to a lack of accumulated leave. This policy, therefore, allows any full-time County employee to donate a specified number of hours from their accrued leave to help another employee who has exhausted all forms of his or her accumulated leave. Employees may donate leave or apply to receive leave in accordance with the Personnel Ordinance.

Workers Compensation Leave  Initial

Any full-time County employee absent from duty because of sickness or disability covered by the North Carolina Workers Compensation Act may receive worker’s compensation benefits and elect to use their accumulated leave as a supplemental payment for the difference between his regular salary and the payments received under the NCWCA.

Workers Compensation Leave  Initial

Any full-time County employee absent from duty because of sickness or disability covered by the North Carolina Workers Compensation Act (“NCWCA”) may receive worker’s compensation benefits and elect to use their accumulated leave as a supplemental payment for the difference between his regular salary and the payments received under the NCWCA.

Military Leave  Initial

Any full-time County employee who is a member of the Armed Forces, Reserves, National Guard, or other uninformed services will be allowed 96 hours annually (127.68 hours annually for EMS and Sherriff Department employees) to be used for any military training that an employee may be mandated to undergo.

If compensation provided such an employee by the United States while on military leave is less than the normal salary such an employee would have earned working his or her typical work schedule, the employee shall receive partial compensation from the County equal to the difference in the two amounts. Every effort will be made by the County to maintain the employee’s normal salary during such an employee’s period of military leave.

If a County employee’s military duty is required beyond the allotted 96 or 127.68 hours, the employee shall be allowed to recoup the loss wages through the use of his or her accumulated leave. If the employee, however, does not have any accumulated leave or his or her accumulated leave runs out, the employee shall be in a leave without pay status.

Regardless of other portions of this policy and the employees pay status, while taking military leave an employee’s leave credits and other benefits shall continue to accrue as normal and any time spent in military leave will not run concurrently with FMLA leave.

Civil Leave  Initial

When any full-time County employee is called for jury duty or as a court witness for the federal or state governments or a subdivision thereof, they shall receive leave with pay from the County, along with any payments or travel allowances received for such civic duties, without need to use any of their accumulated leave.

While on civil leave, all benefits and forms of leave shall continue to accrue as normal.

Adverse Weather Policy  Initial

Harnett County must ensure the delivery of services to citizens and business even during times of adverse weather. Considering the varied geographic locations and diverse populous of this County, it is the intent of this Adverse Weather Policy to establish a uniform Countywide plan regarding how operations will be affected during times of adverse weather and to establish guidelines for accounting for time and for releasing non-essential personnel from work when: (1) adverse weather prohibits or adversely impacts the ability of non-essential personnel to report to work or to remain at work, or (2) adverse weather necessitates the suspension of non-essential operations.

This policy will not go into effect until the County Manager has determined that normal operations at all Harnett County facilities is jeopardized by the existence of adverse weather that may put lives or property in danger.

Essential personnel are those employees who are required to work during adverse weather. Essential personnel are required to report to or remain at work during any adverse weather conditions. They are to continue to perform their job duties and responsibilities during the adverse weather to the best of their abilities. If an essential employee refuses to report to work, remain at work, or be carried to work by County transportation once this policy has been activated the employee will not be granted administrative leave and will be charged absent. Essential employees are not allowed to take a day off at such future time to compensate for working during an emergency. Any compensation received by such employees for working during an emergency is governed by the Emergency Operations Compensation policy found in the Personnel Ordinance.

Non-essential personnel are those employees who may be approved for administrative leave during adverse weather. Once this policy has been activated administrative leave for nonessential personnel may be granted in the discretion of the County Manager to administratively excuse all non-essential personnel. Administrative Leave will be granted to employees in the amount of hours the employee is scheduled to work, not to exceed 10 hours. Entitlement to administrative leave depends on the non-essential employee's status at the time of the announcement, when the adverse weather develops, and how it affects County operations.

Volunteer Leave  Initial

Harnett County seeks to foster a workforce that cares for the surrounding community and offers support to those individuals throughout the County that may need support. With this in mind the County allows all full-time County employees one and one-half (1 ½) hours of administrative leave each week to perform volunteer work at any Harnett County school, any school in which an employee has a child, or any Harnett County non-profit organization.

This leave may be used in conjunction with an employee's lunch break or any other form of accrued leave an employee may have, but will not accumulate and shall not be carried over from week to week.

To utilize this form of a leave an employee must receive advanced approval (at least 48 hours) from his or her Supervisor, Department Head, or the County Manager. Once such volunteer leave has been utilized, an employee must provide his or her Supervisor or Department Head with some form of evidence or documentation that the volunteer service was actually completed.

Parent Involvement Leave  Initial

Harnett County believes that parent involvement is an essential component of school success and positive student outcomes. Therefore, Harnett County shall grant four (4) hours per year of leave to any full-time County employee who is a parent, guardian, or person standing in loco parentis of a school-aged child so that the employee may attend or otherwise be involved at that child's school.

This leave may be used in conjunction with any other form of accrued leave an employee may have, but may not accumulate and shall not be carried over from year to year.

To utilize this form of a leave an employee must receive advanced approval (at least 48 hours) from his or her Supervisor, Department Head, or the County Manager. Once such leave has been utilized, a Supervisor, Department Head, or County Manager may require some form of documentation for the employee's school involvement.

All the information stated above is critical for all County employees to read and understand. As an employee of Harnett County you are expected to review policies that govern the conditions of your employment located in the Personnel Ordinance. This form is in no way the complete list of policies that governs an employee's service with the County. Employee access to the complete Harnett County Personnel Ordinance, which includes policies governing all County employees, can be found at [www.harnett.org](http://www.harnett.org). By signing below you acknowledge that you have read and agree to abide by the policies and conditions of employment found on this form and any found within the Harnett County Personnel Ordinance.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

