



# **HARNETT COUNTY PERSONNEL ORDINANCE**

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## **The Harnett County Motto**

Strong Roots. New Growth.

## **The Harnett County Vision**

Harnett County is a unified, safe, healthy, and engaged community that is culturally vibrant, well-planned with a thriving economy and a high-quality educational system, in harmony with its environment and beautiful natural resources, and with strong leadership ensuring equitable services so that all citizens will prosper.

## **Harnett County Mission**

Harnett County will effectively and efficiently deliver high quality County services and public infrastructure with smart growth strategies and through a responsive Board and workforce who are committed to excellence and ensuring the public trust with dedication, leadership and governance.

## **Harnett County Values**

Our Core Values inform how we will make decisions and fulfill our mission to serve the public. They define our standards of behavior. Harnett County employees are public servants whose purpose is to create a better Harnett County.

- Customer Service – Seeking to provide citizens and coworkers with the highest level of service possible, taking the time to listen and respond to their needs, and engaging in problem-solving.
- Respect – Valuing other people’s beliefs and treating them with kindness and courtesy.
- Ethical and Fair Treatment – Doing what’s right even when nobody’s watching, having concern for others, and serving with integrity, honesty and consistency.
- Accountability – Recognizing your actions and behaviors reflect on the organization, taking responsibility when things don’t go as planned, doing what you say you will do, and being good stewards of the public trust.
- Teamwork – Working together to get the job done, communicating clearly and proactively, engaging community partners and stakeholders, and recognizing the benefits of diverse views and opinions in decision-making.
- Excellence – Committing to making processes more efficient and effective, asking how can we make things better, and seeking continued professional development.

## **Harnett County Strategic Goals**

Harnett County’s Strategic Plan is designed to provide a clear vision for the future along with direction for turning that vision into a reality. The Plan includes five Strategic Goals:

- Superior Education
- Organizational Excellence
- Healthy and Safe Community
- Economic Strength
- Informed and Engaged Citizens.

These goals reflect the County's priorities for the next three years.

## 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 XIII
- 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 XIII
- 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 XIII
- 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 XIII
- E. Employees of the Board of Elections, who are, 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 XIII

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. The Director of Local Public Health is exempt from Article IX and X.
- C. The Director of Social Services is exempt from Article IX and X.
- D. Employees of the Social Services Department are exempt from Article X.
- E. Employees governed by the North Carolina State Personnel Act are exempt from Article II.
- F. Board of Elections employees are exempt from Article IX and Article X.
- G. The Tax Administrator position is exempt from Articles VIII, IX and X. All other articles are applicable to this position.

### 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 disciplinary action taken by Harnett County which directly results in an employee's suspension (not including investigatory suspension), involuntary 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 the first pay period that begins immediately following the start of the fiscal year or as otherwise directed by the adopted budget ordinance for that fiscal 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.

Disciplinary Action: Any corrective measure taken by the County to improve or address an employee's job performance, personal conduct, or other behavior that is unsatisfactory or contrary to the mission and policies of Harnett County.

Dismissal: The act of Harnett County permanently removing 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.

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 IX; (3) have been separated from employment due to a reduction in force or disability addressed in Article VIII; or (4) 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. At times, this may be adjusted based on education and experience.

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 *in 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 *in 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 removing 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.

Irregular Work Schedule Employee: Any employee who, on a regular, rotating, or intermittent basis, works an evening or night who maintains a work schedule beyond the day shift or any employee who works a day shift whose work schedule is subject to change on a regular, rotating, or intermittent basis.

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

Key Position: A position whose decision-making authority and related responsibilities significantly influence organizational policies, strategic goals, business operations, or mission-critical projects. A key position can be a department head or a supervisor or a position that requires specialized knowledge, expertise, or skills.

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 parents 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 nature of the position, level of duties and responsibilities, business needs, working conditions, shifts in organizational structure, or other operational factors.

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.

Regular Work Schedule Employee: Any employee who typically works a set schedule which consists of an average of 40 hours a week or 2080 hours per year.

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 of 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 removing 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 Administrator, as the Tax Collector and Tax Assessor, in accordance with NCGS 105-349 and NCGS 105-294.
- E. 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 the Director of Elections and to recommend to the Executive Director of the State Board of Elections the termination of the Director of Elections in accordance with NCGS §163-35.
- H. The Harnett County Board of Elections has the power to appoint or remove all Board of Elections employees, registrars, judges, assistances, and other officers of elections in accordance with NCGS §163-33.

## Section 6. Responsibilities of the County Manager

The County Manager is responsible for the administration and execution of all personnel policies, rules, and regulations 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, VIII, 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 11.
- 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 a position, duties, responsibilities, business needs, working conditions, shifts in organizational structure, or other operational 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 material change has occurred in the nature of the position, level of the job duties and responsibilities, business needs, working conditions, shifts in organizational structure, or other operational factors, the County Manager shall (1) direct that the existing grade specification be revised, (2) reclassify the position to a higher or lower grade within the existing Salary Grading System that is appropriate for the position, 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. No employee may receive a salary increase above the maximum for their assigned salary grade.

## Section 6. The Performance Pay Plan

Harnett County seeks to provide the best service possible to the county's residents. A highly skilled and competent workforce is an essential aspect of providing high quality, efficient customer-driven service in an organization. Equitable compensation is necessary to attract and retain such a workforce.

The Performance Pay Plan described in this section is intended to provide Harnett County employees with a path for advancement through their assigned salary grade over the course of their career with the County based on their performance reviews. The Performance Pay Plan is intended to serve as a tool that will allow the County to hire and retain well-qualified employees and provide equitable compensation to employees throughout their careers provided they receive satisfactory performance reviews.

Full-time and eligible part-time employees will be eligible to earn a percentage salary increase each year based on their annual performance review. An employee who receives an overall score on their annual performance review of "Meets Expectations" or above will receive the designated increase for that year while an employee who receives a score lower than "Meets Expectations" will not receive the increase for that year.

Any earned increase related to the Performance Pay Plan will be effective at the start of the pay period immediately following the employee's anniversary date with the County. If an employee's anniversary date falls on the first day of a new pay period, they will receive an earned increase beginning with that pay period. In the event of a work status change (promotion, demotion, lateral transfer, etc.) that happens at the same time as a Performance Pay Plan increase, the work status change will be effective the day after the Performance Pay Plan increase. If an employee who has been terminated from the County for any reason is rehired by the County, their most recent date of hire will be used to establish their anniversary date related to this Performance Pay Plan. Additionally, if an employee changes from full-time to part-time, or part-time to full-time status, the employee's original hire date will be used to establish the date of the performance evaluation and the Performance Pay Plan increase.

The County Manager will set the amount or range of the annual increase each year as part of the budget process. The adopted increase amount or range will be effective from July 1 to June 30 of the following year, coinciding with the County's fiscal year. The percent of the annual increase may vary from year to year based on projected revenue and expenditures.

The County Manager shall establish appropriate systems and guidelines for implementation, maintenance, and responsible administration of the above Performance Pay Plan. Any situation that arises related to the above Performance Pay Plan and is not covered by this ordinance will be left to the discretion of the County Manager.

Performance Pay Plan Eligibility: Any full-time or part-time employee is eligible for the Performance Pay Plan effective July 1, 2020, based on their annual performance reviews. To be eligible for the Performance Pay Plan, part-time employees must maintain uninterrupted employment with the County for 12 months preceding the employee's anniversary date. Election workers, interns, and any other part-time employee who must be rehired each year are not eligible for the Performance Pay Plan.

Additional Eligibility Guidelines:

- Employees in Work Against status will not be eligible for the above Performance Pay Plan until they complete work against status or meet all of the qualifications for the position. Sworn Law Enforcement Officers will not be eligible for the above Performance Pay Plan until they complete the Tier system.
- To receive an earned increase, an employee must work at least 6 months during an annual evaluation period in order to be effectively evaluated by their supervisor. This will not apply to a leave of absence that is protected by federal or state law.
- An employee who is promoted during an evaluation period must have been in the new position for at least 6 months on their anniversary date to receive an earned performance increase based on their salary following the promotion. Promoted employees who have been in the new position for less than 6 months on their anniversary date are eligible for an earned increase based on their salary prior to the promotion.
- An employee who is demoted during an evaluation period, whether voluntarily or involuntarily, who qualifies for a performance increase upon their next anniversary date based on their performance evaluation, will receive an increase based on their salary following the demotion.

Section 7. Work Against Status

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 to be in a work against status and continue at this pay rate until the Supervisor or Department Head certifies, and the County Manager approves, that the employee 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 work against status every six (6) months or more frequently as necessary to determine when the employee is qualified to assume the full responsibilities of the new position.

Section 8. 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 five percent (5%) increase but not to exceed ten percent (10%). For any increase between six percent (6%) and ten percent (10%), the Department Head must provide written justification unless that percentage is the beginning of the new grade. In some special instances such as the employee's professional experience, training, certifications, complexity of the job duties of the new position, tenure, and other job-related factors and/or to ensure the salary is competitive in comparable job markets, the County Manager has authority to approve a salary increase of up to twenty percent (20%) with written justification from the Department Head.

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.

Demotion: 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 above 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's salary or hourly wage shall be appropriately adjusted to the same percentage above the minimum pay rate in the new pay range.
- C. 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.

Retention Increase: The County Manager has authority to approve a salary increase of up to fifteen percent (15%) for non-probationary employees for retention purposes for key positions when the County may be in danger of losing talented staff members. However, an employee's salary shall not exceed the maximum rate for that pay grade and an employee shall not receive more than a fifteen percent (15%) retention salary increase every two years. When determining appropriate salary adjustments, the County Manager shall take into consideration relevant factors including salaries paid in

comparable and competitive job market and the impact of losing the employee on the organization.

Section 9. Cost of Living Adjustments

If the BOC approve a Cost of Living Adjustment, the increase will be effective the first pay period that begins immediately following the start of the fiscal year or as otherwise directed by the adopted budget ordinance for that fiscal 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 10. Certifications and Degrees

Harnett County encourages and promotes professional development by obtaining professional certifications or post-secondary degrees that substantially enhance the employee's ability to perform the job or are related to the employee's current or future job duties and responsibilities. Full time, non-probationary employees may be eligible for a salary increase for obtaining certain certifications or post-secondary degrees during the course of their employment with the County in accordance with this policy. If an employee does not meet all the established requirements for the position and is placed in work against status until they obtain a required certification or degree, the employee will not be eligible for a salary increase under this policy.

Certifications: An employee may be eligible for a salary increase not to exceed 5% for obtaining certifications that are required for the position, preferred for the position, substantially enhance the employee's ability to perform the job, or are related to the employee's current or future job duties and responsibilities.

- A. If a position requires specific job-related certifications as a pre-requisite for employment in order to perform the essential duties of the position, the employee must obtain such certifications prior to their date of hire and will not be eligible for a salary increase. If the position requires specific job related certifications, but such certifications may be obtained within an established period of time after their date of hire, the employee may be eligible for a salary increase.
- B. If a particular certification is preferred for the position, but is not required, the employee's supervisor or department head may make a written recommendation to the County Manager for approval for a salary increase.
- C. If a particular certification either substantially enhances the employee's ability to perform the job or is related to the employee's current or future job duties and responsibilities, the employee may submit a written request to their supervisor or department head to obtain the certification. The supervisor or department head shall review the request and make a written recommendation to the County Manager for approval of a salary increase.

The salary increase percentage shall be determined in accordance with the list of certifications and degrees that shall be approved by the County Manager. The list of approved certifications and degrees and salary increase percentages may be updated by the County Manager from time to time based on the department head recommendations and the needs of the County. If an employee obtains a certification not included on the approved list but that enhances the employee's ability to perform

the job or is related to the employee's current or future job duties and responsibilities, the County Manager, upon written recommendation by the employee's department head, may approve a salary increase not to exceed 5%. If the employee's department head and County Manager recommend a salary increase in excess of 5% for a certification, the Board of Commissioners must approve the increase.

An employee must obtain the certification within the period required by the certification course or the deadline set by employee's supervisor or department head. If an employee fails to obtain the certification within the required timeframe, the employee must obtain department head and County Manager approval for an extension. Employees must provide a certificate or other official documentation to their supervisor or department head upon successful completion of the certification course in order to receive a salary increase.

If the employee's certification requires periodic renewals or continuing education to remain active, the employee shall be solely responsible for maintaining an active certification. Should the certification expire, the employee shall have their salary reduced by the percentage received for the certification. If the certification is required for the position and the employee fails to obtain or maintain an active certification, the employee may be subject to demotion or disciplinary action, up to and including, termination.

Post-Secondary Degrees: An employee may be eligible for a salary increase not to exceed 3% for an associate's degree, 5% for a bachelor's degree, and 7% for a master's or doctorate degree if such a degree is required for the position, preferred for the position, substantially enhances the employee's ability to perform the job, or is related to the employee's current or future job duties and responsibilities.

- A. If a position requires a specific degree as a pre-requisite for employment in order to perform the essential duties of the position, the employee must obtain such a degree prior to their date of hire and will not be eligible for a salary increase. If the position requires specific degree, but such a degree may be obtained within an established period of time after their date of hire, the employee may be eligible for a salary increase.
- B. If a particular degree is preferred for the position, but is not required, the employee's supervisor or department head may make a written recommendation to the County Manager for approval.
- C. If a particular degree either substantially enhances the employee's ability to perform the job or is related to the employee's current or future job duties and responsibilities, the employee may submit a written request to their supervisor or department head to obtain the degree. The supervisor or department head shall review the request and make a written recommendation to the County Manager for approval.

The employee's department head shall submit a written recommendation of the salary increase percentage to the County Manager for approval. If the employee's department head and County Manager recommend a salary increase in excess of the salary increase cap for that type of degree, the Board of Commissioners must approve the increase.

An employee must obtain the degree within the period required by the curriculum or the deadline set by the employee's supervisor or department head. If an employee fails to

obtain the degree within the required timeframe, the employee must obtain department head and County Manger approval for an extension. Employees must provide a copy of the degree or other official documentation to their supervisor or department head upon successful completion of the degree in order to receive a salary increase. If the degree is required for the position and the employee fails to obtain the degree, the employee may be subject to demotion or disciplinary action, up to and including, termination.

#### Section 11. 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 work week.

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 or above the minimum wage established by FLSA, 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. In the event that a salaried employee is terminated, they shall be paid for accrued compensatory time up to eighty (80) hours at the regular rate.
- C. 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 ½) 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.
- 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 the final regular rate received for that employee.

### Section 12. Time Sheets

Any time sheets required by County policy shall accurately reflect the hours worked by employees. However, work schedules can be adjusted in some circumstances to provide the flexibility needed to address situations that require employees to work more than their regular work week without significant additional costs.

In order to adhere to Article III, Section 11 of the Harnett County Personnel Ordinance, "Planning to avoid overtime," employees should adjust their time sheets within the work week to avoid overtime or the accumulation of compensatory time whenever possible.

Even though an employee may work more than their regular schedule in a given workday, their work schedule shall be adjusted so that they do not work more than their regular schedule in a given work week, thereby avoiding overtime or the accumulation of compensatory time.

There may be situations in which an employee must physically work more than their regular work week and overtime or the accumulation of compensatory time is unavoidable, however whenever possible, overtime or the accumulation of compensatory time should be avoided. Adjustments of time within the same work week should be the first recourse of supervisors, who are charged with managing and controlling overtime or the accumulation of compensatory time.

Time sheets shall be approved and certified by the employee and Supervisor prior to submission to Payroll. Approving the timesheet is an indication the supervisor agrees with the time as recorded by the employee and is an authorization to pay the employee according to recorded time.

### Section 13. 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 disciplinary action 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 14. 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 15. 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 16. 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.

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.

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 17. 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 and shall not reduce the gross wages paid to a rate less than the minimum wage as defined by law.

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.

Work Week: For the Purposes of this Ordinance, Harnett County considers the work week to be from Sunday through the following Saturday.

#### Section 18. Emergency Operations Compensation

In the event of a major emergency or natural or man-made 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 County's 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. These tasks may be carried out at the Emergency Operations Center or at the other sites necessary for emergency response. Such employees, who work under the direction of the Emergency Operation Center Director during such an emergency or natural or man-made 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 11 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 employee's regular 40-hour work week schedule, except as described below.
  - a. For employees who have a regular work week other than 40 hours, they will be paid one and half (1 and ½) times their regular rate of pay for actual hours worked beyond their regular work week.
- B. Exempt employees, as defined above in Article III, Section 11 and in the FLSA, will be paid one (1) time their regular rate of pay for actual hours worked beyond the employee's regular 40-hour work week schedule, except as described below.
  - a. For employees who have a regular work week other than 40 hours, they will be paid one (1) time their regular rate of pay for actual hours worked beyond their regular work week.

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 11 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 employee's regular 40-hour work week schedule, except as described below. This compensation will be in addition to any other compensation to which the employee is entitled
  - a. For employees who have a regular work week other than 40 hours, they will be paid one and a half (1 and ½) times their regular rate of pay for actual hours worked beyond their regular work week.
- B. Exempt employees, as defined above in Article III, Section 11 and in the FLSA, will be paid one (1) time their regular rate of pay for actual hours worked beyond the employee's regular 40-hour work week schedule, except as described below.
  - a. For employees who have a regular work week other than 40 hours, they will be paid one (1) time their regular rate of pay for actual hours worked beyond their regular work week.
- C. In the event a holiday occurs within this period, both nonexempt and exempt employees, as defined above in Article III, Section 11 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.
- D. For full-time employees who work on rotating shifts, with the regular shift falling on the holiday, these employees will be compensated in accordance with Article VI. Section 2 on this ordinance, and will not receive pay at one and one-half times their regular rate for their regular shift.
- E. When the County Manager provides Administrative Leave as a result of County offices being closed, employees required to work under the direction of the Emergency Operations Center Director will receive Administrative Leave in addition to any compensation they earn during the event. For nonexempt employees, as defined above in Article III, Section 11 and in the FLSA, any Administrative Leave will not count towards the time needed to earn one and one-half (1 and ½) times their regular rate of pay.

For the purpose of payroll, event timesheets should cover only the period during which the County's Emergency Operations Center is activated.

Employees required to work under the direction of the Emergency Operations Center Director will not be compensated for the time required to report to the Emergency Operations Center or their designated location if elsewhere.

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.

In order to ensure the safety of the County's personnel, citizens, and continued operations of emergency response tasks, employees required to work under the direction of the Emergency Operations Center Director will be required to take a break of at least eight hours within a 24-hours period.

## ARTICLE IV. RECRUITMENT AND EMPLOYMENT

### Section 1. Statement of Equal Employment Opportunity (“EEO”) and Anti-Discrimination

The County is an equal opportunity employer. In accordance with anti-discrimination law, it is the purpose of this policy to effectuate these principles and mandates. The County prohibits discrimination and harassment of any type and affords equal employment opportunities to employees and applicants without regard to race, color, religion, sex, sexual orientation, gender identity or expression, pregnancy, age, national origin, disability status, genetic information, protected veteran status, or any other characteristic protected by law. All County employees are prohibited from engaging in unlawful discrimination.

The policy of equal employment opportunity (EEO) and anti-discrimination applies to all aspects of the relationship between Harnett County and its employees, including:

- Recruitment
- Employment
- Promotion
- Transfer
- Demotion
- Discipline
- Training
- Working conditions
- Wages and salary administration
- Employee benefits and application of policies

Harnett County complies with the Americans with Disabilities Act (ADA), as amended by the ADA Amendments Act, and all applicable state laws prohibiting disability discrimination. Consistent with those requirements, the County will reasonably accommodate qualified individuals with a disability if such accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship. The County will also, where appropriate, provide reasonable accommodations for an employee’s religious beliefs or practices. If an employee believes they need an accommodation, they should contact the Human Resources Department pursuant to the Reasonable Accommodation Policy.

Harnett County complies with the Pregnant Workers Fairness Act and will provide reasonable accommodations to qualified job applicants and employees to accommodate the individual’s known limitations related to pregnancy, childbirth, or related medical conditions, unless doing so would create an undue hardship. If an employee believes they need a pregnancy-related accommodation, they should contact the Human Resources Department pursuant to the Reasonable Accommodation Policy.

### 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.

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). A separate application must be submitted for each position an individual seeks to apply for.

Applications submitted to the County, 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 job description and such other reasonable minimum standards of character, aptitude, ability, and any physical conditions as recommended by the Supervisor or Department Head.

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 or work against status 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 in accordance with the EEO Policy. The Supervisor or Department Head is responsible for conducting interviews of only those applicants meeting the qualification standards as set forth in the job description 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 (which may include an SBI 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 will continue or another applicant should be selected.

The County Manager reserves the right for 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 newly promoted employee will serve a probationary period of six months. If a promoted employee is unable to satisfactorily perform the newly assigned duties and responsibilities, they shall be demoted, in accordance with Article III, Section 8 and Article IV, Section 10.

Before completion of the probationary period, Supervisors or Department Heads must document and provide the following to the Human Resources Department:

- 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.

Full-time employees serving a probationary period following a promotion shall not be prohibited from using any previously accrued leave during the probationary period.

#### 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 discrimination in accordance with the EEO Policy.

There is no time restrictions on how long after initial employment or promotion an employee must wait before he/she may apply for other positions in the County.

See Article III, Section 8 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 disciplinary action 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 8 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 8 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 8 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.

#### 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 of North Carolina driver's license. **Exception:** A nonresident military spouse with a valid driver's license issued to him/her in his/her home state so long as the employee can provide written documentation of being a nonresident military spouse and maintains nonresident status while retaining the out-of-state license. Nonresident military spouses with an out-of-state license shall immediately report any violations, suspensions, revocations, and changes in status of their license to their Supervisor and the Human Resources Manager.

An employee should submit to this verification through the submission of a Driver Disclosure Form which is completed electronically through the onboarding process.

#### 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. Department Head has the authority to grant an adjusted lunch schedule as it aligns to the operations of the Department.

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

### Section 3. 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 4. 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 A 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 5. Anti-Nepotism Policy

The purpose of this Anti-Nepotism Policy is to ensure that all hiring, promotion, and other employment-related decisions within the County are made based on merit, qualifications, and the best interests of the county. This policy aims to prevent conflicts of interest, favoritism, and any appearance of impropriety in county employment practices. 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.

Members of the same immediate family may not be considered for employment within the same County department.

For the purposes of this policy, a relative (immediate family member) includes three levels of a family relationship whether by blood, marriage or adoption.

#### Hiring, Employment and Promotions and Transfers:

- No employee or official of the County shall participate in the hiring process or employment decision-making for a position for which a relative has applied.

- Relatives of current employees or officials may be considered for employment, provided they meet all qualifications and are selected through the standard competitive hiring process.
- Under no circumstances shall a relative be hired into a position where they would directly or indirectly supervise or be supervised by another relative.
- Relatives may apply for promotions or transfers within the county, but the same restrictions on supervision and influence apply. Employees may not be promoted or transferred into a position where they would directly or indirectly supervise or be supervised by a relative.

Employees and officials must disclose any potential nepotism situation to the Human Resources Department immediately upon becoming aware of it by completing an Anti-Nepotism Exception Form. Any exception to this policy must be approved by the County Manager before the relative may be hired.

#### Section 6. Unlawful Harassment Policy

Harnett County prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker, or any person working for or on behalf of the County.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's national origin, race, color, religion, age, sex, sexual orientation, pregnancy, appearance, disability, gender identity or expression, marital status or other protected status, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital status or other protected status.

Sexual Harassment: Sexual harassment is a specific type of unlawful workplace harassment defined by federal guidelines as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made, either explicitly or implicitly, as a condition of the employee's employment;
- Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting such employee; or
- Such conduct has the purpose or the effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

There are varieties of prohibited acts of sexual harassment that can take range from subtle pressure to physical assault. Some examples of this type of conduct, by definition, include, but are not limited to:

- Threats of sexual relations or sexual contact that is not freely or mutually agreeable to both parties; continual or repeated verbal abuse of a sexual nature (graphic commentaries on the person's body, sexually suggestive objects or pictures placed in the work area that may embarrass or offend the employee, sexually degrading words to describe the person, or propositions of a sexual nature)
- Threats or insinuations that the employee's employment, wages, promotional opportunities, job assignments, or other conditions of employment may be adversely affected by not submitting to sexual advances
- Unwelcome statements or conduct based on a person's gender such as gender-based jokes or negative gender-based remarks
- Physical conduct such as unwanted touching hugging, kissing, intentional brushing up against the employee's body, or repeated sexual flirtations and propositions
- Any unwelcome verbal comments or physical advances of a sexual nature or hostile or physically aggressive behavior directed to an employee, which either affects the employee's conditions of employment, interferes with their ability to perform their job, or creates an intimidating or hostile work environment

#### Reporting 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 the Human Resources Director. Upon notification of a situation or complaint, the Supervisor, Department Head, or Human Resources Director shall direct the alleged victim to complete the Unlawful Workplace Harassment Form provided in Appendix A of this Ordinance. The Unlawful Harassment Form shall be turned into their Supervisor, Department Head, or Human Resources Director. If a Supervisor or Department Head receives the completed form, he or she must forward it to the Human Resources Director within three (3) working days of completion of the form. If the Human Resources Director is the alleged offender, the alleged event and Unlawful Workplace Harassment Form shall be provided to the Legal Department.
- B. Once the report or complaint is received, along with any supporting evidence and/or documentation, the Human Resources Director 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 Director shall notify all concerned parties that a complaint has been filed and an investigation will be conducted by the Human Resources Department, the Legal Department, or retained outside legal counsel. If the Human Resources Director is the alleged offender, all actions shall be taken by the Legal Department or legal counsel retained to investigate the matter.
- C. The investigation may 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 of not more than 30 days, however, may be granted upon request by the County Manager. If the County Manager is the alleged offender, the report shall be provided to the Board of Commissioners and any extension of the investigation shall be granted upon request by the Board.

- 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 completed, the Human Resources Director, or, if the Human Resources Director is the alleged offender, the Legal Department or legal counsel retained to investigate the matter, shall inform the concerned parties, the appropriate Supervisor or Department Head, and the County Manager of the outcome of the investigation. Following the notification of the results, the Human Resources Director, along with the County Manager, shall ensure that all appropriate actions are taken to remedy the situation and to reprimand the perpetrator. If the County Manager is the alleged offender, results of the investigation shall be reported to the Board of Commissioners and the Board, along with the Human Resources Director, Legal Department, or outside counsel retained to investigate the matter, shall ensure that all appropriate actions are taken.
- F. After the investigation, all complaints, investigatory files, and other pertinent documents will remain confidential unless these documents must be released because of federal, state, or local law.

Retaliation: Retaliation means any adverse action taken against an individual for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit related to discriminatory employment practices based on a person's national origin, race, color, religion, age, sex, sexual orientation, pregnancy, appearance, disability, gender identity or expression, marital status or other protected status, including epithets, slurs, negative stereotyping, political affiliation or genetic information; or because of opposition to employment practices in violation of this Policy. Retaliation against any of the concerned parties, the alleged offender(s), witnesses, or those conducting the investigation will not be tolerated and shall be subject to disciplinary action.

#### Section 7. Drug-Free Work Place Policy (General Class of Employees)

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.

Any County employee, Supervisor, Department Head, Administrator, or County Manager 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 8. Drug and Alcohol Testing Policy (Employees with a CDL, HARTS and Safety Sensitive Positions)

In accordance with the 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.

Purpose: The Harnett Area Rural Transit System provides public transit and paratransit services for the residents of Harnett County Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, Harnett Area Rural Transit System declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.

Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. Covered employees shall abide by the terms of this policy statement as a condition of employment. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates drug and alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result, or a refusal to test. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of specimens for drug and alcohol testing.

Any provisions set forth in this policy that are included under the sole authority of Harnett Area Rural Transit System and are not provided under the authority of the above named Federal regulations are underlined. Tests conducted under the sole authority of Harnett Area Rural Transit System will be performed on non-USDOT forms and will be separate from USDOT testing in all respects.

Applicability: This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing safety sensitive duties. See Attachment A for a list of employees and the authority under which they are included.

A safety-sensitive function is operation of public transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, persons controlling the dispatch or movement of revenue service vehicles and any transit employee who operates a non-revenue service vehicle that requires a Commercial Driver's License to operate. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions who perform one or more of the above mentioned duties is maintained by the Human Resources Department. Supervisors are only safety sensitive if they perform one of the above functions.

Volunteers are considered safety sensitive and subject to testing if they are required to hold a CDL, or receive remuneration for service in excess of actual expense.

Definitions:

*Accident:* An occurrence associated with the operation of a vehicle even when not in revenue service, if as a result:

- An individual dies;
- An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence 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 can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

*Adulterated specimen:* A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

*Alcohol:* The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

*Alcohol Concentration:* Expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under 49 CFR Part 40.

*Aliquot:* A fractional part of a specimen used for testing, it is taken as a sample representing the whole specimen.

*Alternate specimen:* An authorized specimen, other than the type of specimen previously collected or attempted to be collected.

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

*Collection Site:* A place selected by the employer where employees present themselves for the purpose of providing a specimen for a drug test.

*Confirmatory Drug Test:* A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify a specific drug or drug metabolite.

*Confirmatory Validity Test:* A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

*Covered Employee Under FTA Authority:* An employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function (See Attachment A for a list of covered employees).

*Cutoff:* The analytical value (e.g., drug or drug metabolite concentration) used as the decision point to determine a result (e.g., negative, positive, adulterated, invalid, or substituted) or the need for further testing.

*Designated Employer Representative (DER):* An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

*DOT, The Department, DOT Agency:* These terms encompass all DOT agencies, including, but not limited to, the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Office of the Secretary (OST). For purposes of 49 CFR Part 40, the United States Coast Guard (USCG), in the Department of Homeland Security, is considered to be a DOT agency for drug testing purposes. These terms include any designee of a DOT agency.

*Dilute specimen:* A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

*Disabling damage:* Damage which precludes departure of any vehicle from the scene of the occurrence 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 can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

*Employee:* Any person who is designated in a DOT agency regulation as subject to drug testing and/or alcohol testing. The term includes individuals currently performing safety-sensitive functions designated in DOT agency regulations and applicants for employment subject to pre-employment testing. For purposes of drug testing under 49 CFR Part 40, the term employee has the same meaning as the term “donor” as found on CCF and related guidance materials produced by the Department of Health and Human Services.

*Evidential Breath Testing Device (EBT):* A device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations, and appears on ODAPC’s Web page for “Approved Evidential Breath Measurement Devices” because it conforms with the model specifications available from NHTSA.

*Initial Drug Test:* The first test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

*Initial Specimen Validity Test:* The first test used to determine if a specimen is adulterated, diluted, substituted, or invalid

*Invalid Result:* The result reported by an HHS-certified laboratory in accordance with the criteria established by the HHS when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

*Laboratory:* Any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of HHS; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under 49 CFR Part 40.

*Limit of Detection (LOD):* The lowest concentration at which the analyte (e.g., drug or drug metabolite) can be identified.

*Limit of Quantification (LOQ):* For quantitative assays, the lowest concentration at which the identity and concentration of the analyte (e.g., drug or drug metabolite) can be accurately established.

*Medical Review Officer (MRO):* A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

*Negative Dilute:* A drug test result which is negative for the five drug/drug metabolites but has creatinine and specific gravity values that are lower than expected for human urine.

*Negative result:* The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen. An alcohol concentration of less than 0.02 BAC is a negative test result.

*Non-negative specimen:* A specimen that is reported as adulterated, substituted, positive (for drug(s) or drug metabolite(s)), or invalid.

*Oral Fluid Specimen:* A specimen that is collected from an employee's oral cavity and is a combination of physiological fluids produced primarily by the salivary glands. An oral fluid specimen is considered to be a direct observation collection for all purposes of 49 CFR Part 40, as amended.

*Oxidizing Adulterant:* A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects the reagents in either the initial or confirmatory drug test.

*Performing (a safety-sensitive function):* A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

*Positive result:* The result reported by an HHS- Certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.

*Primary specimen:* In drug testing, the specimen bottle that is opened and tested by a first laboratory to determine whether the employee has a drug or drug metabolite in his or her system; and for the purpose of specimen validity testing. The primary specimen is the portion of the donor's subdivided specimen designated as the primary ("A") specimen by the collector to distinguish it from the split ("B") specimen, as defined in 49 CFR Part 40, as amended.

*Prohibited drug:* Identified as marijuana, cocaine, opioids, amphetamines, or phencyclidine as specified in 49 CFR Part 40, as amended.

*Reconfirmed:* The result reported for a split (Bottle B) specimen when the second HHS-certified laboratory corroborates the original result reported for the primary (Bottle A) specimen.

*Rejected for Testing:* The result reported by an HHS- Certified laboratory when no tests are performed for specimen because of a fatal flaw or a correctable flaw that has not been corrected.

*Revenue Service Vehicles:* All transit vehicles that are used for passenger transportation service.

*Safety-sensitive functions:* Employee duties identified as:

- A. The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.
- B. The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL).
- C. Maintaining a revenue service vehicle or equipment used in revenue service.
- D. Controlling dispatch or movement of a revenue service vehicle and
- E. Carrying a firearm for security purposes.

*Specimen:* Fluid, breath, or other material collected from an employee at the collection site for the purpose of a drug or alcohol test.

*Specimen Bottle:* The bottle that, after being sealed and labeled according to the procedures in 49 CFR Part 40, is used to hold a primary ("A") or split ("B") specimen during the transportation to the laboratory. In the context of oral fluid testing, it may be referred to as a "vial," "tube," or "bottle."

*Split Specimen:* In drug testing, the specimen that is sent to a first laboratory and stored with its original seal intact, and which is transported to a second laboratory for retesting at the employee's request following MRO verification of the primary specimen as positive, adulterated or substituted.

*Split specimen collection:* A collection in which the single specimen collected is divided into two separate specimen bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

*Substance Abuse Professional (SAP):* A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

*Substituted specimen:* An employee's specimen not consistent with a normal human specimen, as determined by HHS (e.g., a urine specimen, with creatinine and specific gravity values that are so diminished, or so divergent that they are not consistent with normal human urine).

*Test Refusal:* The following are considered a refusal to test if the employee:

- A. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
- B. Fail to remain at the collection site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- C. Fail to attempt to provide a specimen. An employee who does not provide a specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- D. In the case of a directly-observed or monitored urine collection in a drug test, fail to permit monitoring or observation of your provision of a specimen.
- E. Fail to provide a sufficient quantity of specimen without a valid medical explanation.
- F. Fail or decline to take an additional test as directed by the collector or the employer for drug testing.
- G. Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
- H. Fail to cooperate with any part of the testing process.
- I. Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed urine collection .
- J. Possess or wear a prosthetic or other device used to tamper with the collection process.
- K. Admit to the adulteration or substitution of a specimen to the collector or MRO.
- L. Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- M. Fail to remain readily available following an accident.
- N. As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

*Undiluted (neat) oral fluid:* An oral fluid specimen to which no other solid or liquid has been added. For example: A collection device that uses a diluent (or other component, process, or method that modifies the volume of the testable specimen) must collect at least 1 mL of undiluted (neat) oral fluid.

*Urine specimen:* Urine collected from an employee at the collection site for the purpose of a drug test.

*Vehicle:* A bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A public transit vehicle is a vehicle used for public transportation or for ancillary services.

*Verified negative test:* A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use at or above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

*Verified positive test:* A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use at or above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

*Validity testing:* The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all specimens provided for testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the specimen, if the specimen was diluted, or if the specimen was altered.

Education and Training: Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will 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 also includes manifestations and behavioral cues that may indicate prohibited drug use.

All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

Prohibited Substances:

Prohibited substances addressed by this policy include the following.

- Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1308.11 through 1308.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opioids, 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. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. It is important to note that the use of marijuana in any circumstances remains completely prohibited for any safety-sensitive employee subject to drug testing under USDOT regulations. The use of marijuana in any circumstance (including under state recreational and/or medical marijuana laws) by a safety-sensitive employee is a violation of this policy and a violation of the USDOT regulation 49 CFR Part 40, as amended.

- Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all employees covered under FTA authority be tested for marijuana, cocaine, amphetamines, opioids, and phencyclidine as described in this policy. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.
- Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a Harnett Area Rural Transit System supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.
- Alcohol: The use of beverages containing alcohol (including mouthwash, medication, food, candy) or any other substances containing alcohol in a manner which violates the conduct listed in this policy is prohibited.

Prohibited Conduct:

Illegal use of the drugs listed in this policy and as defined in 49 CFR Part 40, as amended is prohibited at all times. All covered employees are prohibited from reporting for duty or remaining on duty if they have used a prohibited drug as defined in 49 CFR Part 40, as amended. Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline for not fulfilling his/her on-call responsibilities.

The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol

- A. Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed.
  - a. An employee with a breath alcohol concentration which measures 0.02-0.039 is not considered to have violated the USDOT-FTA drug and alcohol regulations, provided the employee hasn't consumed the alcohol within four (4) hours of performing a safety-sensitive duty. However, if a safety-sensitive employee has a breath alcohol concentration of 0.02-0.039, USDOT-FTA regulations require the employee to be removed from the performance of safety-sensitive duties until:
    - i. The employee's alcohol concentration measures less than 0.02; or
    - ii. The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.

- B. No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
- C. No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
- D. Harnett Area Rural Transit System, under its own authority, also prohibits the consumption of alcohol at all times the employee is on duty, or anytime the employee is in uniform.
- E. Consistent with the Drug-free Workplace Act of 1988, all Harnett Area Rural Transit System employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

Drug Statute Conviction: Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify the Harnett Area Rural Transit System management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in this policy.

Testing Requirements:

- A. Drug testing and alcohol testing will be conducted as required by 49 CFR Part 40 as amended. All employees covered under FTA authority shall be subject to testing prior to performing safety-sensitive duty, for reasonable suspicion, following an accident, and random as defined in this policy, and return to duty/follow-up.
- B. A drug test can be performed any time a covered employee is on duty. A reasonable suspicion, random, or follow-up alcohol test can only be performed just before, during, or after the performance of a safety-sensitive job function. Under Harnett Area Rural Transit System authority, a non-DOT alcohol test can be performed any time a covered employee is on duty.

All covered employees will be subject to drug testing and alcohol testing as a condition of ongoing employment with Harnett Area Rural Transit System. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in this policy.

Drug Testing Procedures:

- A. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.
- B. The drugs that will be tested for include marijuana, cocaine, opioids, amphetamines, and phencyclidine. After the identity of the donor is checked

using picture identification, a urine and/or oral fluid specimen will be collected as described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary specimen. For those specimens that are not negative, a confirmatory test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the confirmatory test are at or above the minimum thresholds established in 49 CFR Part 40, as amended.

- C. The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to Harnett Area Rural Transit System. If a legitimate explanation is found, the MRO will report the test result as negative.
- D. If the test is invalid without a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.
- E. Any covered employee who questions the results of a required drug test may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. Harnett Area Rural Transit System will ensure that the cost for the split specimen analysis is covered in order for a timely analysis of the sample, however Harnett Area Rural Transit System will seek reimbursement for the split sample test from the employee.
- F. If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled.
- G. Observed collections

- a. Consistent with 49 CFR Part 40, as amended, collection under direct observation with no advance notice will occur if:
  - i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to Harnett Area Rural Transit System that there was not an adequate medical explanation for the result;
  - ii. The MRO reports to Harnett Area Rural Transit System that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
  - iii. The laboratory reported to the MRO that the urine specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the urine specimen as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1)).
  - iv. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
  - v. The temperature on the original urine specimen was out of range (See §40.65(b)(5));
  - vi. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with (See §40.65(c)(1)).
  - vii. All follow-up-tests; or
  - viii. All return-to-duty tests

H. Urine collections that are required to be directly observed will be conducted by a person of the same gender as the donor as required by 49 CFR Part 40.67.

#### Alcohol Testing Procedures:

- A. Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). A list of approved EBTs can be found on ODAPC's Web page for "Approved Evidential Breath Measurement Devices". Alcohol screening tests may be performed using a non-evidential testing device (alcohol screening device (ASD)) which is also approved by NHTSA. A list of approved ASDs can be found on ODAPC's Web page for "Approved Screening Devices to Measure Alcohol in Bodily Fluids". If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted no sooner than fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential

identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

- B. A confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences described in this policy. An alcohol concentration of less than 0.02 will be considered a negative test.
- C. Harnett Area Rural Transit System affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.
- D. The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

#### Pre-Employment Testing:

All applicants for covered transit positions shall undergo drug testing prior to performance of a safety-sensitive function.

- A. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant will not be allowed to perform safety-sensitive functions unless the applicant takes a drug test with verified negative results.
- B. An employee shall not be placed, transferred or promoted into a position covered under FTA authority or company authority until the employee takes a drug test with verified negative results.
- C. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded and the applicant will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least one year. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
- D. When an employee being placed, transferred, or promoted from a non-covered position to a position covered under FTA authority or company authority submits

a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with this policy.

- E. If a pre-employment test is canceled, Harnett Area Rural Transit System will require the applicant to take and pass another pre-employment drug test.
- F. In instances where a FTA covered employee does not perform a safety-sensitive function for a period of 90 consecutive days or more regardless of reason, and during that period is not in the random testing pool the employee will be required to take a pre-employment drug test under 49 CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions.
- G. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- H. Applicants are required (even if ultimately not hired) to provide *Harnett Area Rural Transit System* with signed written releases requesting USDOT drug and alcohol records from all previous, USDOT-covered, employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. *Harnett Area Rural Transit System* is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a USDOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a USDOT covered employer, the applicant must provide Harnett Area Rural Transit System proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

Reasonable Suspicion Testing:

- A. All Harnett Area Rural Transit System FTA covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are 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. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under Harnett Area Rural Transit System' authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.
- B. Harnett Area Rural Transit System shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those

present. The employee shall be placed on administrative leave pending disciplinary action described in this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in this policy.

- C. A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to the Harnett Area Rural Transit System
- D. When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred for assessment and treatment consistent with this policy. Harnett Area Rural Transit System shall place the employee on administrative leave in accordance with the provisions set forth under this policy. Testing in this circumstance would be performed under the direct authority of the Harnett Area Rural Transit System. Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority. However, self-referral does not exempt the covered employee from testing under Federal authority as specified in this policy or the associated consequences.

#### Post-Accident Testing:

- A. Fatal Accidents – A covered employee will be required to undergo drug and alcohol testing if they are involved in an accident with a transit vehicle, whether or not the vehicle is in revenue service at the time of the accident, that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.
- B. Non-Fatal Accidents – A post-accident test of the employee operating the public transportation vehicle will be conducted if an accident occurs and at least one of the following conditions is met:
  - a. The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident.
  - b. One or more vehicles incurs disabling damage as a result of the occurrence and must be transported away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, will be tested.

As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the

transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.

The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and no longer than 32 hours for drugs. 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.

Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test.

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.

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.

In the rare event that Harnett Area Rural Transit System is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), Harnett Area Rural Transit System may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

#### Random Testing:

- A. All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees. Individuals who may be covered under company authority will be selected from a pool of non-DOT-covered individuals.
- B. The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- C. The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates set each year by the FTA administrator. The current year testing rates can be viewed online at <https://www.transportation.gov/odapc/random-testing-rates>.
- D. Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.

- E. Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of non-safety-sensitive employees that are included solely under Harnett Area Rural Transit System authority.
- F. Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can only be performed just before, during, or just after the performance of a safety sensitive duty. However, under Harnett Area Rural Transit System' authority, a non-DOT random alcohol test may be performed any time the covered employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.
- G. Employees are required to proceed immediately to the collection site upon notification of their random selection.

#### Return to Duty Testing:

Harnett Area Rural Transit System will terminate the employment of any employee that tests positive or refuses a test as specified in this policy. However, in the rare event an employee is reinstated with court order or other action beyond the control of the transit system, the employee must complete the return-to-duty process prior to the performance of safety-sensitive functions. 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. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP 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 undue concerns for public safety. The SAP will determine whether the employee returning to duty will require a return-to-duty drug test, alcohol test, or both.

#### Follow Up Testing:

Covered employees that have returned to duty following a positive or refused test will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty test. 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. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

In the instance of a self-referral or a management referral, the employee will be subject to non-USDOT follow-up tests and follow-up testing plans modeled using the process described in 49 CFR Part 40. However, all non-USDOT follow-up tests and all paperwork associated with an employee's return-to-work agreement that was not precipitated by a positive test result (or refusal to test) does not constitute a violation of the Federal regulations will be conducted under company authority and will be performed using non-DOT testing forms.

#### Result of Drug/Alcohol Test:

- A. Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be immediately removed from his/her safety-sensitive position,

informed of educational and rehabilitation programs available, and will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals (SAP) for assessment, and will be terminated.

- B. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- C. Refusal to submit to a drug/alcohol test shall be considered equivalent to a positive test result and a direct act of insubordination and shall result in termination and referral to a list of USDOT qualified SAPs. A test refusal is defined as any of the following circumstances:
  - a. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
  - b. Fail to remain at the collection site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
  - c. Fail to attempt to provide a specimen. An employee who does not provide a specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
  - d. In the case of a directly-observed or monitored urine collection in a drug test, fail to permit monitoring or observation of your provision of a specimen.
  - e. Fail to provide a sufficient quantity of specimen without a valid medical explanation.
  - f. Fail or decline to take an additional test as directed by the collector or the employer for drug testing.
  - g. Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
  - h. Fail to cooperate with any part of the testing process.
  - i. Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly observed urine collection.
  - j. Possess or wear a prosthetic or other device used to tamper with the collection process.
  - k. Admit to the adulteration or substitution of a specimen to the collector or MRO.
  - l. Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
  - m. Fail to remain readily available following an accident.
  - n. As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.
- D. An alcohol test result of  $\geq 0.02$  to  $\leq 0.039$  BAC shall result in the removal of the employee from duty for eight hours or the remainder of the work day whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to a NONDOT alcohol test with a result of less than 0.02 BAC.
- E. In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:
  - a. Mandatory referral for an assessment by an employer approved counseling professional for assessment, formulation of a treatment plan, and execution of a return-to-work agreement;

- b. Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from Harnett Area Rural Transit System employment.
    - i. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; the employee is cooperating with his/her recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as described in this policy; however, all follow-up testing performed as part of a return-to-work agreement required under this policy is under the sole authority of Harnett Area Rural Transit System and will be performed using non-DOT testing forms.
  - c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination. All tests conducted as part of the return-to-work agreement will be conducted under company authority and will be performed using non-DOT testing forms.
  - d. A self-referral or management referral to the employer's counseling professional that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in this policy.
  - e. Periodic unannounced follow-up drug/alcohol testing conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in this policy.
  - f. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with Harnett Area Rural Transit System.
  - g. A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.
- F. Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

Grievance and Appeal:

The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test refusal is not subject to arbitration.

Proper Application of The Policy:

Harnett Area Rural Transit System is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

Information Disclosure:

- A. Drug/alcohol testing records shall be maintained by the Harnett Area Rural Transit System 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.
- B. 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. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.

- C. Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and other transit system management personnel on a need-to-know basis.
- D. Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- E. Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding.
- F. Records will be released to the National Transportation Safety Board during an accident investigation.
- G. Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and 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.
- H. Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- I. Records will be released if requested by a Federal, state or local safety agency with regulatory authority over Harnett Area Rural Transit System or the employee.
- J. If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken.
- K. In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

## Section 9. 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, 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 that comes 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 IX 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.

#### Section 10. Emergency Operations

In the event of a 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 VI, Section 14 of this policy.

Any employees who are required to work under the direction of the Emergency Operations Center Director during an emergency or natural disaster will be compensated in accordance with Article III, Section 18 of this policy.

#### Section 11. Performance Evaluations

A performance evaluation 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 evaluation conducted by his or her Supervisor and/or Department Head on at least an annual basis. This evaluation should be conducted around the employee's yearly anniversary date based on the employee's most recent date of employment with the County.

The purpose of the performance evaluation is to provide a mechanism for communication between Supervisors, Department Heads, and employees, to evaluate strengths and weaknesses, and to set future goals. All performance evaluations should be completed with impartiality.

Performance evaluations 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 evaluations should be submitted to Human Resources and placed in the employee's personnel file, and are subject to the rules and regulations addressed in Article XII of this policy.

Performance evaluations should be completed in a timely manner with any resulting salary increases submitted via the Personnel Action process as soon as possible following the employee's anniversary date. In no situation should a performance evaluation be completed or resulting salary increase be submitted more than six months after an employee's corresponding anniversary date unless the employee is not present to be reviewed. The timely completion of performance evaluations and submittal of salary increases is the responsibility of an evaluated employee's Supervisor and ultimately of the Department Head. Failure to complete performance evaluations and submit resulting salary increases in a timely manner should be reflected in the performance evaluation of the Supervisor completing the evaluation and the Department Head.

## Section 12. Tobacco Use Policy

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.

## Section 13. Uniform Policy

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 that are 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 or returned beforehand, all shortages or damages will be charged to the employee.

## Section 14. Reasonable Accommodation Policy

It is the policy of Harnett County to provide equal opportunity in all aspects of employment for qualified individuals with disabilities, pregnancy, childbirth, or related medical conditions, and sincerely held religious beliefs and practices consistent with all federal and state laws. This is in accordance with the Americans with Disabilities Act (ADA), as amended by the ADA Amendments Act, the Pregnant Workers Fairness Act, Title VII of the Civil Rights Act, and all other applicable federal and state laws.

Consistent with this commitment, the County provides reasonable accommodations in employment to qualified applicants and employees if the reasonable accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship.

Requesting a Reasonable Accommodation: If any employee believes they need an accommodation, they are responsible for requesting a reasonable accommodation from the Human Resources Department. The request may be made orally or in writing. The County encourages employees to make their request in writing and should include relevant information, such as:

- A description of the accommodation.
- The reason for the accommodation.
- How the accommodation will help the employee perform the essential functions of their job.

The County will keep confidential any medical information obtained in connection with the request for a reasonable accommodation. After receiving the oral or written request, the County will engage in an interactive dialogue with the employee to determine the precise limitations and explore potential reasonable accommodations that could overcome those limitations. The County encourages employees to suggest specific

reasonable accommodations that they believe would allow them to perform their job. However, the County is not required to make the specific accommodation requested and may provide an alternative effective accommodation, to the extent any reasonable accommodation can be made without imposing an undue hardship on the County.

No Retaliation: Individuals will not be retaliated against for requesting an accommodation in good faith. The County expressly prohibits any form of discipline, reprisal, intimidation, or retaliation against any individual for requesting an accommodation in good faith. If employees or applicants feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately to the Human Resources Department.

#### Section 15. Light Duty Policy

The purpose of this policy is to establish guidelines for temporary light duty assignments for employees who are unable to perform the essential functions of their regular position due to a **non-work-related injury, illness or psychological condition**. "Light duty" is temporary, non-strenuous work or work which requires limited or reduced physical activity that is different from the employee's regular assignment. Light duty assignments are intended to support employees in returning to full duty when medically appropriate, while ensuring operational needs of the County are met. Light duty assignments shall not exceed ninety (90) days unless an extension is approved by the County Manager. Light duty assignments are not an entitlement, do not constitute reasonable accommodations, and are not required by the Americans with Disabilities Act. An employee eligible for FMLA may voluntarily request light duty assignments, but shall not be obligated to accept any such assignments while on FMLA. Any approval of light duty arrangements is at the sole discretion of the Department Head upon consultation with the Human Resources Department and the Legal and Risk Management Department. Employees must provide a current medical provider's note outlining the restrictions and expected duration. Employees must submit updated medical provider's note every thirty (30) days while on light duty (or as requested). Before an employee returns to full duty, an employee must provide a medical provider's note releasing them to full duty without restrictions. A fitness for duty medical examination may also be required.

The County reserves the right to require any additional documentation sufficient to determine whether the employee is able to safely perform the proposed modified duties. Additionally, the County reserves the right to modify or end a light duty assignment at any time.

This policy does not apply to injuries or illnesses covered under Workers' Compensation. Light duty determinations for Workers' Compensation cases will follow applicable state law and County procedures.

#### Section 16. Lactation Break Policy

All employees who are nursing are eligible to take reasonable breaks under this policy to express breast milk for up to one year after the birth of a child. Harnett County encourages all eligible employees who intend to take breaks under this policy to notify a Supervisor, Department Head, or the Human Resources Department of their intent, for example, when they are discussing their return to work following leave relating to the birth of a child or related medical conditions to the birth of a child.

Lactation Breaks: Eligible employees may take a reasonable amount of break time to accommodate the employee's need to express breast milk for the employee's nursing child. Eligible employees should notify their Supervisor or their Department Head of the frequency, timing, and duration of lactation breaks they need to take. Eligible employees will be provided with a private place, other than a bathroom, that is shielded from view and free from intrusion from other employees and the public. Employees should contact their Supervisor, Department Head, or the Human Resources Department for information about the designated location for lactation breaks in closest proximity to their work area.

Compensation During Breaks: Lactation breaks under this policy are unpaid unless an employee uses paid break time that is granted to other employees in the department. Employees who use their paid break time to express breast milk should let their Supervisor or the Department Head know and will be compensated accordingly.

Employees who are required to record time must accurately record the start and end of lactation breaks on their time sheets or clock in and out for their lactation breaks in accordance with their department's timekeeping policy when they are taking unpaid lactation breaks to express breast milk. Uninterrupted lactation breaks do not count as hours worked. If an employee takes an unpaid break, the employee may use accrued sick, vacation, petty leave, or compensatory time or may make up the time as negotiated with their Supervisor or Department Head.

Administration of This Policy: The Human Resources Department is responsible for the administration of this policy. For any questions regarding this policy or questions about lactation breaks that are not addressed in this policy, please contact the Human Resources Department.

Employees who believe they have been subjected to any conduct that violates this policy should promptly contact the Human Resources Department, who will ensure that a prompt investigation is conducted and take prompt corrective action, if appropriate.

No Retaliation: The County expressly prohibits any form of discipline, reprisal, intimidation, retaliation, or discrimination against any individual for requesting or taking lactation breaks, or filing a complaint for violations of this policy, the Fair Labor Standards Act, or applicable state law. Harnett County is committed to enforcing this policy and prohibiting retaliation against employees who request or take break time under this policy, or who file a related complaint. If employees feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately to the Human Resources Department.

## 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. During the

holiday season, the County must remain open, so the County may not allow multiple employees leave for extended periods of time during this busy season.

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
Juneteenth	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.
- E. Employees who are on approved Leave Without Pay (LWOP) or suspended without pay in accordance with Article VIII Section 1 will not be compensated for a holiday that takes place during this type of leave or suspension.

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.
- 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. However, employees serving a probationary period following a promotion may use any previously accrued vacation leave during the probationary period with the approval of the appropriate Supervisor, Department Head, or County Manager.

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 July 15 of each fiscal year. On July 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 August 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.

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 8.

#### 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

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 8, 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 each calendar year. Employees may only use this leave beginning with the February 16<sup>th</sup> payroll through December 15<sup>th</sup> 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.

#### Section 6. Bereavement Leave

The Bereavement Leave Policy, effective 7/1/19, establishes uniform guidelines for providing paid time off to employees for absences related to the death of immediate family members and fellow employees or retirees of Harnett County.

All full-time, active employees are eligible for benefits under this policy. This leave will be available on a calendar year basis from January through December. This leave will not carry forward from year to year and therefore is not payable upon termination of employment if not used.

An employee who wishes to take time off due to the death of an immediate family member should notify his or her supervisor as soon as possible prior to using bereavement leave. At the discretion of the employee's supervisor or department head, verification for use of bereavement leave may be required.

Paid bereavement leave will be granted according to the following schedule:

- Employees may use a maximum of three consecutive workdays of bereavement leave per loss for the death of an immediate family member; which includes wife, husband, mother, father, brother, sister, daughter, son, grandmother, grandfather, grandson, granddaughter, aunts and uncles. Also included are step-, half-, in-law, and loco parentis relationships.
- Bereavement leave will be capped at six workdays per calendar year. Additionally, an employee may use any available leave for additional time off as necessary, with their supervisor's approval.
- Employees will be allowed up to four hours of bereavement leave to attend the funeral of a fellow regular employee or retiree of the County, provided such absence from duty will not interfere with normal operations of the department.

#### Section 7. 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 B 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, personal educational needs, special work or ongoing classes that will benefit the County, or for other reasons deemed appropriate by the County Manager.

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.

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. However, an employee must work at least half of the employee's regular monthly schedule to accrue leave. For all non-FMLA leave without pay, employee health and dental insurance benefits will be paid by the County while the employee is on leave if the employee works at least half of their regular monthly schedule. If an employee works less than half of their regular monthly schedule, then the employee shall be responsible for their health and dental insurance premiums. Regardless of the amount of time worked during the month, an employee will be responsible for all other policies and dependent coverage premiums while on leave without pay. Employee responsible premiums will be deducted from the employee's pay or, if no pay is received, billed to the employee. If the employee is billed, the employee shall be responsible for paying their premiums by the due date on the invoice. Employees who do not pay their premiums by the due date shall have their coverage canceled. If health and dental coverage of the affected employee is canceled for non-payment, coverage will be reinstated upon returning to work. Unpaid premiums will be deducted, unless the employee pays all outstanding premiums in full upon returning to work. If any policies, other than the employee's health and dental coverage, and dependent coverage are canceled for non-payment, the employee will be eligible to re-enroll during the next open enrollment period.

#### Section 8. 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. Therefore, any full-time County employee may donate accrued leave, as outlined in this section, to an employee who has been approved to receive voluntary shared leave due to a medical condition of the employee or of a member of the employee's immediate family that causes an employee to exhaust all paid leave and compensatory time and will require the employee's absence for a prolonged period of time. The Shared Leave program is not a right but a privilege offered by the County and is subject to denial. Denial of

participation in the Shared Leave program is not a grievable or appealable occurrence.

Covered Employees: Any full-time County employee who has completed their new-hire probationary period is eligible to donate leave or receive donated leave. Temporary and part-time employees are not eligible for shared leave.

Qualifying to Receive Leave: In order to receive shared leave, a covered employee must have complied with existing leave rules and:

- A. Have a prolonged medical condition that results in an absence from work for 20 consecutive days or more or have an immediate family member that has a medical condition that requires an employee's absence from work for 20 consecutive days or more. Prolonged medical condition includes pregnancy complications or delivery complications where the complication results in an absence from work for 20 consecutive days or more,
- B. Apply for and follow procedures for FMLA,
- C. Apply for Shared Leave,
- D. Produce medical evidence to support the need for leave beyond the available accumulated leave, and
- E. Upon review of the Shared Leave Application and accompanying medical evidence, be approved by the County to participate in the program.

Non-qualifying Reasons: Any employee or immediate family member experiencing, undergoing, or receiving the following is ineligible to participate:

- A. Short term or sporadic conditions or illnesses that require an absence from work for less than 20 consecutive days,
- B. Elective Surgery,
- C. Pregnancy and childbirth where there are no complications that require a covered employee to be absent from work for 20 consecutive days or more, or
- D. Worker's Compensation benefits.

The Application Process:

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 B of this Ordinance.

- A. This form 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.
- B. 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.
- C. 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.
- D. Once approved, the Human Resources Department shall advise all county employees regarding the request for shared leave.
- E. 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 or compensatory time 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 B 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 vacation leave or compensatory time 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. Full-time employees who regularly work a 40 hour workweek or ten (10) hour shifts may receive a maximum of 480 hours of donated leave. Full-time employees who regularly work nine (9) hour or twelve (12) hour shifts shall be eligible to receive a maximum of 540 hours of donated leave. Full-time employees who regularly work 24 hour shifts shall be eligible to receive a maximum of 720 hours of donated leave. All maximums outlined in this subsection shall apply to the 12-month period following approval of an employee's participation in the shared leave program.
- 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.
- D. A donating employee will receive their pro rata share of any unused donated leave upon a qualifying employee's return to work.

#### Section 9. 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 workers' 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 & Injury Investigation Report Form provided by the Legal and Risk Management Department at [www.Harnett.org](http://www.Harnett.org) or found in Appendix B 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 the Legal and Risk Management Department 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 Medical Services  
7 East Duncan St.

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 Safety and Risk Manager.
  3. Despite injury the employee is still responsible for notifying the appropriate Supervisor or Department Head and completing a Workers' Compensation Leave Form & Injury Investigation Report Form.
- C. Prescriptions:
1. If, after treatment, release, and the completion of a Workers' Compensation Leave Form & Injury Investigation Report Form, 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 Safety and Risk Manager 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 & Injury Investigation Report Form.
  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. FMLA leave will run concurrently with any employee's workers' compensation leave.
3. Employee health and dental insurance benefits will be paid by the County while the employee is on workers' compensation leave. All other policies and dependent coverage premiums will be deducted out of the employee's pay or, if no pay is received, billed to the employee. If the employee is billed, the employee shall be responsible for paying the premiums by the due date on the invoice. Employees who do not pay the premiums by the due date shall have their coverage canceled. If coverage is canceled for non-payment, the employee will be eligible to re-enroll during the next open enrollment period.

Section 10. 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 7.
- 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 11. 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 12. 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 B 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 13. Family 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 10.
- 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 requires incapacity for a period of more than **three calendar days** away from work that also involves continuing treatment (or under the supervision of) a health care provider.
  - 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 13, 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, child, or parent who has a serious health condition that requires a period of incapacity requiring absence of more than **three calendar days** from work, school, or other regular daily activities that also involves continuing treatment (or under the supervision of) a health care provider.
  - 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.

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.
    - b) 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.
    - c) 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.
    - d) 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 13, 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 13, 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 status, 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 13, 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 B 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 and dental insurance on the same terms as if he or she had continued work. All other policies and dependent coverage premiums will be deducted out of the employee's pay or, if no pay is received, billed to the employee. If the employee is billed, the employee shall be responsible for paying the premiums by the due date on the invoice. Employees who do not pay the premiums by the due date shall have their coverage canceled. If coverage is canceled for non-payment, the employee will be eligible to re-enroll during the next open enrollment period.

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.
- G. Spouses who work for the County:
1. Spouses who work for the County will share a total of 12 workweeks of FMLA leave per year for
    - i. The birth of a child,
    - ii. Placement of child with employee for adoption or foster care, or
    - iii. Care of a parent with serious health condition.
  2. Spouses who both work for the County will share a total of 26 workweeks of FMLA to care for a military family member with a serious injury or illness.
  3. Spouses who work for the County may each use a total of 12 workweeks of FMLA leave in a leave year for
    - i. Their own serious health condition,
    - ii. To care for a spouse or child with a serious health condition, or
    - iii. Due to a qualifying exigency.

#### Section 14. Adverse Weather Policy (Inclement Weather 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) and designated County Social media platforms.

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 non-essential personnel. Essential personnel shall be designated in writing through a formal memorandum and each essential employee shall acknowledge this designation in writing. This designation and acknowledgement will be included in each employees' personnel file.

While not all County department heads and/or their assistant directors may be considered essential personnel, all department heads and/or their assistant directors should make themselves available to the County Manager via an agreed upon method of communication should they be needed during times of adverse weather.

Some County departments may, in their discretion, assign employees to shifts in order to maintain essential County operations. In these situations, employees may be deemed essential or non-essential in accordance with their respective shift.

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 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 inclement weather 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 18.

Non-Essential Personnel & Inclement Weather Leave:

- A. Non-essential personnel are those employees who may be approved for inclement weather 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, inclement weather leave for nonessential personnel may be granted in the discretion of the County Manager to administratively excuse all non-essential personnel.
- C. Inclement Weather 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 inclement weather leave depends on a variety of factors, including but not limited to 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 by their department head or the County Manager, but failure to report to work will result in the employee being charged absent.
    - ii. The County Manager, in his or her 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 or her 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.
- E. Non-essential employees are not authorized to work when the County Manager deems that their service is not required for continued County operations

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

Event	Employee Action	Non-Essential (Exempt and Non-exempt)	Essential Employees	
Late Opening	Does not report	Paid inclement weather 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>Some County departments may, in their discretion, assign employees to shifts in order to maintain essential County operations. In these situations, employees may be deemed essential or non-essential in accordance with their shift.</p>	
	Reports to work	Employee is paid for his or her actual time worked & receives inclement weather leave from regular start time to County opening time.		
	Reports later than announced opening	Employee is paid for his or her actual time worked & receives inclement weather 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 inclement weather 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 inclement weather leave for the day for their scheduled work day, up to 10 hours	<p><i>(This requirement does not apply to those County employees in an approved leave without pay status)</i></p>	
	Has scheduled use of accrued leave time.	Awarded inclement weather leave will be granted.		
	Any Leave without Pay status (FMLA, Military Leave)	Leave without pay is still charged.		
Early Closing	Does not report	Paid inclement weather 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 inclement weather leave from County closing time to regular quitting time to receive full compensation for the remainder of the work day.		
	Leaves work earlier	Employee is paid for his or her actual time worked & receives inclement weather 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 inclement weather 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 15. 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 volunteer leave each week or a lump sum total of six (6) hours per month to perform volunteer work at any Harnett County school, any Harnett County non-profit organization, or any non-profit organization that has an event in Harnett County.

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 or month to month.

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 16. 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

All full-time employees shall be eligible for insurance benefits in accordance with the following policy.

- A. The County will provide individual medical insurance 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 and vision insurance for him or herself and to provide health insurance, dental and vision insurance for any dependents he or she may have in accordance with the provisions of the County's insurance contracts.
- C. Health benefits in retirement 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. If an eligible employee declines retirement health benefits at the time of retirement, the employee will not be eligible for the benefits at a later date.
- E. For employees retiring on or after December 16, 2019, an eligible employee must elect or decline the Medicare supplement at the time of retirement to receive the supplement upon turning 65 years of age or becoming Medicare eligible. If an eligible employee declines the Medicare supplement, the employee will not be eligible for the supplement at a later date.
- F. For retirements on or after January 1, 2025, an eligible employee that elects the Medicare supplement will receive a stipend equivalent to their retirement benefit. Any employee that retired prior to January 1, 2025 and elected the Medicare supplement will have the option to continue receiving the supplement in the form of a reimbursement or change to a stipend. Once a retired employee chooses the stipend option, the employee will not be permitted to change back to a reimbursement. For any retired employee that continues to receive the supplement as a reimbursement, the County will not reimburse the employee for receipts received for any prior years that the employee is eligible for the supplement. The standard amount of supplement is to be determined by the BOC, which will be included in the annual budget ordinance.
- G. For those retired employees receiving the Medicare supplement as a stipend, the Medicare supplement will begin upon turning 65 years of age or becoming Medicare eligible. For those receiving the Medicare supplement as a reimbursement, the supplement will commence upon the retired employee's submittal of receipts for reimbursement for that fiscal year. To remain eligible for the supplement, retired employees must complete an annual certification during open enrollment period to verify current contact and banking information. If a retired employee fails to update such information and the supplement is terminated, the employee shall not be eligible for the supplement until the next open enrollment period.
- H. During retirement, health benefits premium payments are due by the first day of the month that coverage is effective. The premium payment deadline (hereinafter referred to as the "grace period") ends thirty (30) days after the due date. Retired employees who do not pay their premiums in full or who do not have sufficient funds in their account for authorized bank drafts by the final day of the grace period will have their coverage canceled. If the unpaid premium amount due is only for dependent coverage, then only the dependent coverage will be canceled. However, if the unpaid premium amount due is for the retired employee and dependent coverage, then the retired employee and all dependents will have their coverage canceled. Such retired employees and/or dependents who have their coverage canceled for non-payment cannot be reinstated. However, if the premium payment is received after the coverage has been canceled due to non-payment, but the postmark date is on or before the last day of the grace period, then coverage will be reinstated.
- I. COBRA - 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.

The Following chart applies to 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,

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	100%

The following chart applies to all full-time employees hired on or before June 30<sup>th</sup>, 2015.

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	100%

\*Minimum Years of Consecutive Harnett County Service is defined as the period of an employee’s continuous and interrupted employment with the County commencing on his or her most recent hire date through his or her retirement date.

Employees who are affected by a reduction in force or layoff who return to work when called back to work at the County within one (1) year of their departure will be considered as having continuous service as it relates to continuing medical benefits into retirement.

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.

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:

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

For further explanation of LGERS requirements, calculation of benefits, benefit payment options, beneficiaries, and other information regarding LGERS, please review the LGERS Handbook which can be found at the North Carolina State Treasurers Retirement System Division website at [www.myncretirement.com](http://www.myncretirement.com)

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 ORBIT 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 as set forth in the LGERS Handbook which can be found at the North Carolina State Treasurers Retirement System Division website at [www.myncretirement.com](http://www.myncretirement.com).

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

Harnett County shall provide life insurance and AD&D 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. NC 401(k) Plan and NC 457 Plan

Harnett County offers all LGERS-enrolled County employees a voluntary NC 401(k) Plan. In accordance with this Policy, employees may deposit up to the maximum percentage authorized by the Internal Revenue Service into their NC 401(k) Plan. Harnett County, regardless of employee participation, shall contribute 2% of an employee's monthly compensation to their NC 401(k) Plan; however, there will not be any additional County match over the 2% contribution except as provided below for 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 NC 401(k) Plan. However, there will not be any additional County match over the mandated 5%.

In addition to the NC 401(k) Plan, all employees, regardless of LGERS eligibility, are also allowed to contribute to the NC 457 Plan.

#### 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 C 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:

- a. Any County employee may be suspended 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. Suspensions without pay shall not exceed thirty (30) calendar days. In situations of suspension without pay, employees are not permitted to use compensatory, vacation or sick time nor will he or she receive holiday pay.
- b. The suspended employee's Department Head shall provide 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 in person and filed in the employee's personnel file in the Human Resources Department. The Disciplinary Action Report may be found in Appendix C of this Ordinance.
- c. An employee suspended for the reasons stated above may appeal his or her suspension in accordance with the Grievance and Appeal Policy as addressed in Article X.

#### B. Investigatory Suspension:

- a. Any County employee may be placed on investigatory suspension 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.
- b. Any investigatory suspension 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 Action Policy as addressed in Article IX.

#### C. Voluntary Resignation / Quitting:

- a. 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 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. If a

- resignation has been accepted by the County, it shall be the County's sole discretion whether to allow an employee to rescind the resignation.
- b. The County reserves the right to provide an employee with up to two weeks' pay in lieu of notice in situations where job or business needs warrant.
  - c. 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.
  - d. 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:
- a. Any County employee may be dismissed from duty, forced to involuntarily resign their position, or terminated by the County in accordance with the Disciplinary Action Policy addressed in Article IX.
  - b. 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
- a. 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.
  - b. 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.
  - c. Any employee separated from the County in this manner will be allowed his or her appeal rights as addressed in Article X.
- F. Disability
- c. 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.
  - d. 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.
  - e. Separation in this manner is subject to the certification requirements addressed in the Family Medical Leave Act section of this Ordinance.
  - f. 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.
  - g. 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 voluntarily resigns, quits, is dismissed, is involuntarily 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 10 of this policy.

## ARTICLE IX. DISCIPLINARY ACTION POLICY

### Section 1. Policy Coverage

The following disciplinary action 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 employees are considered at-will employees and may be separated from their service to the County without justification or warning.

### Section 2. Disciplinary Actions

Any County employee, regardless of occupation, position, or profession may be subject to disciplinary action.

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

The Deputy County Manager, Assistant County Manager, and Directors (Department Heads) are not subject to the Three Warning Rule as outlined in Section 6(B) of this

Article and may be subject to adverse action without prior written warning or other written notice in the employee's personnel file; however, there shall be an action or condition relating to unsatisfactory job performance as outlined in Section 6(B)(c) to take any form of adverse action against any of these employees. These employees are not subject to the Grievance Policy as outlined in Article X; however, affected employees may appeal an adverse action to the BOC. If an affected employee is terminated or involuntarily resigns pursuant to Section 6(B) of this Article, the employee shall receive a severance of a minimum of three (3) months' with a maximum of six (6) months' of their then existing salary as determined by the County Manager. The severance package shall also include all other benefits of the regular payroll schedule including health insurance. These employees shall not be eligible for severance if the adverse action is for just cause or unsatisfactory or contrary personal conduct as outlined in Sections 6(A) and 6(C) of this Article.

### 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 disciplinary 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, Supervisors, Assistant County Manager, and Deputy County Manager

Department Heads, Supervisors, Assistant County Manager, and Deputy County Manager 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, Supervisor, Assistant County Manager, or Deputy County Manager may use any disciplinary action sanctioned by the County to discipline the employee depending on the number, nature, and severity of the offense. However, Supervisors are not authorized to use any formal disciplinary action without the approval of the Department Head.

### Section 5. Review of Disciplinary Documents

All written documents pertaining to any disciplinary actions covered under this policy, whether prepared by a Department Head, Supervisor, Assistant County Manager, Deputy County Manager, 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. If the Human Resources Director is the subject of disciplinary action, the Legal Department or legal counsel retained for the disciplinary matter shall review the disciplinary documents.

## Section 6. Reasons for Discipline

### A. Discipline for Just Cause

- a. Discipline for just cause refers to any situation where the County Manager, Deputy County Manager, Assistant County Manager, Supervisor or a Department Head executes some form of disciplinary action in order to discipline an employee for some justified reason.
- b. Any disciplinary action sanctioned by the County may be used to discipline any County employee for just cause.
- c. Any adverse action executed by a Department Head, Assistant County Manager, Deputy County Manager or the County Manager for just cause does not require any sort of warning or other written notice.

### B. Discipline for Unsatisfactory Job Performance

- a. 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 and shall include the nature of the proposed action, its 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) documented 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 or Supervisor. 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.
- b. In the sound and considered judgment of the County Manager, Deputy County Manager, Assistant 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.
- c. Actions or conditions relating to unsatisfactory job performance that are adequate grounds for discipline in accordance with this policy include, but are not limited to:
  - 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
- a. 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 disciplinary 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.
  - b. Any disciplinary actions taken under this policy will be determined by the sound and considered judgment of the County Manager, Deputy County Manager, Assistant County Manager, or Department Head executing the action, taking into consideration the number, nature, and severity of the offense.
  - c. Actions relating to unsatisfactory or contrary personal conduct that are considered grounds for disciplinary action in accordance with this policy include, but are not limited to:
    - 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 so long as the employee complies with requirements set forth in the Harnett County Drug and Alcohol Policy.
    - 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/or 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.
    - xii. Insubordination.
    - xiii. The willful violation of known or written policies, rules, or procedures.

#### Section 7. Adverse Action Conferences

After a Department Head, Assistant County Manager, Deputy County Manager, 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, Assistant County Manager, Deputy County Manager, or County Manager shall provide the employee with a written notice to attend an adverse action conference. The notice shall outline the unsatisfactory job performance or unsatisfactory or contrary personal conduct to be discussed. At this conference, the employee may present any response to the proposed adverse action to be taken to the Department Head, Assistant County Manager, Deputy County Manager, or County Manager. The Department Head, Assistant County Manager, Deputy County Manager, 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. An employee may be immediately terminated and shall not be entitled to an adverse action conference if the County Manager determines that an employee's conduct endangers or will endanger the lives and/or property of other employees or other members of the County or engages in any other gross misconduct which necessitates the immediate termination of the employee.

## 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, genetic information, political affiliation, disability, or pregnancy; (2) have been the subject of any adverse action executed under the Disciplinary Action Policy addressed in Article IX; (3) have been separated from employment due to a reduction in force or disability addressed in Article VIII; or (4) 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. Part-time or probationary employees 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, genetic information, political affiliation, disability, or pregnancy; (2) any adverse action executed under the Disciplinary Action Policy addressed in Article IX; (3) separation from employment due to a reduction in force or disability addressed in Article VIII; or (4) 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 through 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 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, genetic information, disability, pregnancy, or age. If the grievance is related to any alleged acts by the Human Resources Director, the employee shall file the written grievance with the Deputy County Manager or Assistant County Manager designated by the County Manager. If the grievance is related to any alleged acts by the County Manager, the employee shall file the written grievance with the County Attorney or counsel retained to review the matter.

Step Two: The Human Resources Director, shall meet with the employee and issue a written response within ten (10) business days of receipt of the grievance. To prepare this written response, the 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. If the grievance is related to any alleged acts by the Human Resources Director, the Deputy County Manager or Assistant County Manager designated by the County Manager shall meet with the employee and issue the written response. If the grievance is related to any alleged acts by the County Manager, the County Attorney, or counsel retained to review the matter, shall meet with the employee and issue the written response.

Step Three: If the employee is unsatisfied with the determination of the Human Resources Director, Deputy County Manager, or Assistant County Manager, 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 or Human Resources Director's, Deputy County Manager's or Assistant County Manager's written determination. This Appeal Packet shall consist of the employee's first written grievance, the written determination of the Human Resources Director, Deputy County

Manager, or Assistant County Manager, and any other documentation he or she feels is necessary. If the grievance is related to any alleged acts by the County Manager, the Appeal Packet shall be submitted to the Chairman of the Harnett County Board of Commissioners.

Step Four: The County Manager will hear from all parties involved and, after careful consideration of the submitted documents, shall render a written determination within ten (10) business days of receipt of the Appeal Packet. If the grievance is related to any alleged acts of the County Manager, the Harnett County Board of Commissioners shall hear the appeal and render a written determination.

Step Five: The County Manager and the Human Resources Department shall notify the employee of the final decision in writing. If the Chairman of the Board of Commissioners renders a written decision, the County Attorney, or counsel retained for the matter, shall notify the employee of the Board'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 Six): Employees subject to the jurisdiction of the North Carolina Office of State Human Resources shall have the right to appeal to the Office of State Human Resources 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 Office of State Human Resources shall be binding in appeals of local employees subject to the State Personnel Act if the Office of State Human Resources 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 Office of State Human Resources 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:

- Any violation of local, state, or federal law, rule, or regulation.
- Any violation of this policy.
- Any dishonest or fraudulent act.
- Any forgery or alteration of a check, bank draft, or other financial document.
- Misappropriation of funds, securities, supplies, or other assets.
- Impropriety in the handling or reporting of money or financial transactions.
- Accepting or seeking anything of material value from vendors, contractors, or other persons providing services/materials to the County.
- Using County funds to make unauthorized purchases.
- Authorizing or receiving compensation for hours not worked.
- Gross mismanagement, gross waste of monies, or gross abuse of authority.
- 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 and type of each promotion, demotion, transfer, suspension, or any other change in position classification.
- G. Date and general description of the reasons for each promotion.

- H. Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the County. If the disciplinary action is a dismissal, a copy of the written notice of the final decision setting forth the specific acts or omissions that are the basis for the dismissal.
- I. 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 & Appeal 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 disciplinary 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 be in effect from and after January 1, 2016.

Amended June 6, 2022

Amended June 17, 2024

Amended December 15, 2025

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 V will appear in Appendix A.



Outside Employment Request Form

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

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

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

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 4, 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 \_\_\_\_\_

APPENDIX A. ARTICLE V FORMS



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 Disciplinary 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's 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: \_\_\_\_\_

\_\_\_\_\_



Unlawful Workplace Harassment Form

This form must be completed and signed by the complainant and turned into their supervisor, department head, or Human Resources Director. If the supervisor or department head receives the complaint, it must be forwarded to the Human Resources Director within three (3) days of completion of this form.

Please print legibly, provide all the information requested below, attach all pertinent documents and statements in support of your complaint, and sign upon completion.

Date: \_\_\_\_\_

Employee Name: \_\_\_\_\_

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

Job Title: \_\_\_\_\_

Name of your supervisor: \_\_\_\_\_

**COMPLAINT INFORMATION**

1. Individual(s) who allegedly committed act of harassment against you:

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

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

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

2. Date(s) of alleged harassment:

3. Location(s) of alleged harassment:

4. Please describe in detail the alleged harassment committed by each identified individual: *(if more space is necessary, attach additional sheets)*

5. Please identify all employees or others who witnessed and/or have any knowledge of the alleged harassment, describing what was witnessed and/or the nature of such knowledge:

6. Please Answer the Following Questions:	Yes	No
i. Are there any documents supporting your complaint? <i>(if yes, please attach to this form)</i>	_____	_____
ii. Is there any physical evidence which supports your claim?	_____	_____

*(If yes, please describe):*

- iii. Have you missed any work time as a result of this incident? \_\_\_\_\_
- iv. Is the alleged harassment continuing? \_\_\_\_\_
- v. Have you previously complained about this or related incidents to your supervisor, department head, or any other County employee? *(if yes, answer the next question)* \_\_\_\_\_
- vi. Please identify the person(s) to whom you complained, date(s), and nature of complaint: \_\_\_\_\_

7. What action do you believe is necessary to prevent the alleged incident from occurring in the future?

The information provided in this complaint is true and correct to the best of my knowledge. I am willing to cooperate fully in the investigation of my complaint and provide whatever evidence the County deems relevant.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date



## Anti-Nepotism Exception Form

**Instructions:** This form is to be completed by any employee or official seeking an exception to the Anti-Nepotism Policy. The completed form should be submitted to the Human Resources Department for review. All requests for exceptions must be approved by the County Manager.

### I. Employee/Official Information

- **Name:** \_\_\_\_\_
- **Title:** \_\_\_\_\_
- **Department:** \_\_\_\_\_
- **Phone Number:** \_\_\_\_\_
- **Email Address:** \_\_\_\_\_

### II. Relative Information

- **Name of Relative:** \_\_\_\_\_
- **Relationship to Employee/Official:** \_\_\_\_\_
- **Title of Relative:** \_\_\_\_\_
- **Department of Relative:** \_\_\_\_\_

### III. Request for Exception

1. **Description of Relationship:**

- Provide a detailed description of your relationship with the relative and the nature of their role within Harnett County.

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2. **Reason for Exception:**

- Explain why you are requesting an exception to the Anti-Nepotism Policy. Include details on how this exception is in the best interest of the county.

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3. **Potential Impact:**

- Describe the potential impact of this exception on the workplace, including any steps that will be taken to mitigate conflicts of interest.

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**4. Safeguards and Mitigation Measures:**

- Outline any safeguards or measures that will be implemented to ensure compliance with county policies and to prevent conflicts of interest.

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**IV. Acknowledgment**

I acknowledge that I have read and understood the Harnett County Anti-Nepotism Policy. I certify that the information provided in this form is true and complete to the best of my knowledge. I understand that any false statements or omissions may result in disciplinary action.

**Employee/Official Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

---

**V. Department Head Review**

**Comments and Recommendations:**

---

---

---

**Department Head Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**VI. Final Decision by County Manager**

- **Approved:**  Yes  No
- **Conditions of Approval (if any):**

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**Comments:**

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**VII. Notification**

- **Employee/Official Notified on:** \_\_\_\_\_
- **Notification Method:**  Email  Phone  In-person  Other: \_\_\_\_\_

**HR Representative Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

APPENDIX B: ARTICLE VI FORMS



Leave Without Pay Form

In accordance with Article VI, Section 7 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

\_\_\_\_\_  
County Manager Signature

\_\_\_\_\_  
Date

APPENDIX B: ARTICLE VI FORMS



Application to Receive Shared Leave

*Instructions: Please complete the information below and submit to the Human Resources Department. Also, attach a Family and Medical Leave Certification from your physician documenting the need for leave and the period of absence.*

Employee Name \_\_\_\_\_

Department \_\_\_\_\_

Annual Leave Balance \_\_\_\_\_ As of Date: \_\_\_\_\_

Sick Leave Balance \_\_\_\_\_ As of Date: \_\_\_\_\_

TOTAL NUMBER OF LEAVE HOURS REQUESTED \_\_\_\_\_  
(Maximum of 480 hours of Shared Leave per Calendar Year)

Employee Statement:

"This is to request participation in the County of Harnett's Shared Leave Program. I and/or a member of my immediate family have a medical condition as specified in the attached physician's statement that is resulting in my absence from work. This is not an elective surgery nor am I receiving Worker's Compensation benefits. All of my Sick Leave and Annual Leave has been exhausted and I am requesting donated Shared Leave hours as specified above."

\_\_\_\_ I authorize the Human Resources Department to release information indicating that I or a member of my immediate family have a serious medical condition which would otherwise be confidential personnel record information and that I desire Shared Leave donations.

\_\_\_\_ I do not authorize the Human Resources Department to release my name or medical information indicating that I have a serious medical condition. I understand that although I may be eligible for Shared Leave, by limiting the information that is released, willingness of my co-workers to donate leave to a blind request may be reduced.

\_\_\_\_\_  
Employee's Signature and Date

Department Head Comments:

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

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



Voluntary Shared Leave Donation Form

*Instructions: Please complete the information below and submit to the Human Resources Department.*

**Donor Information:**

Employee Name \_\_\_\_\_

Employee Department \_\_\_\_\_

Annual Leave Balance \_\_\_\_\_ Sick Leave Balance \_\_\_\_\_ As of Date \_\_\_\_\_

**NUMBER OF ANNUAL LEAVE HOURS TO BE DONATED** \_\_\_\_\_

*(Donations must be in four (4) hour increments)*

*(You must have a balance of eighty (80) hours of combined leave after donation)*

***If the Employee requesting Shared Leave has approved release of his/her name and condition, you may designate the employee to receive the leave if not you are donating Annual Leave to an anonymous beneficiary.***

**Employee to Receive Shared Leave**

Employee Name \_\_\_\_\_

Department Name \_\_\_\_\_

I meet all policy requirements for being a Shared Leave Donor and would like to donate the stated hours of Annual Leave to the employee listed above. I understand that the leave I donate will be transferred effective the beginning of the 1st pay period after receipt of this authorization form. I understand that once this donated Annual Leave is transferred to an eligible County employee, it will not be returned to me under any circumstances and I give up any and all rights of ownership.

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

***Please submit this completed form through your supervisor to the department payroll coordinator. They will forward to Human Resources on your behalf. Thank you.***

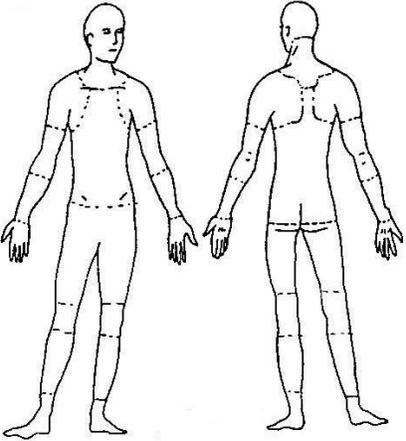
HR Use Only: Date received _____ Entered by _____ Hours transferred _____ Effective date for transfer of Annual Leave _____
---



Injury Investigation Report

Complete this form as soon as possible after an incident that results in an injury or illness.  
 (Please also use to investigate a minor injury or near miss that *could have resulted in a serious injury or illness.*)

This is a report of a: <input type="checkbox"/> Death <input type="checkbox"/> Lost Time <input type="checkbox"/> Dr. Visit Only <input type="checkbox"/> First Aid Only <input type="checkbox"/> Near Miss	
Date of incident:	Report is made by: <input type="checkbox"/> Employee <input type="checkbox"/> Supervisor <input type="checkbox"/> Team <input type="checkbox"/> Other
If report is completed by anyone other than employee, please provide name of the person completing the form along with reason why employee is not completing the form below.	

Step 1: Injured employee (complete this part for each injured employee)		
Name:	Date:	
Department:	Job title at time of incident:	
Part of body affected: (shade all that apply) 	Nature of injury: (check all that apply) <input type="checkbox"/> Abrasion, scrapes <input type="checkbox"/> Amputation <input type="checkbox"/> Broken bone <input type="checkbox"/> Bruise <input type="checkbox"/> Burn (heat) <input type="checkbox"/> Burn (chemical) <input type="checkbox"/> Concussion (head) <input type="checkbox"/> Crushing Injury <input type="checkbox"/> Cut, laceration, puncture <input type="checkbox"/> Hernia <input type="checkbox"/> Illness <input type="checkbox"/> Sprain, strain <input type="checkbox"/> Damage to a body system <input type="checkbox"/> Other: _____ _____ _____	This employee works: <input type="checkbox"/> Regular full time <input type="checkbox"/> Regular part time <input type="checkbox"/> Seasonal <input type="checkbox"/> Temporary

Have you suffered a prior injury(s) or received treatment(s) for the body parts listed above? If yes, provide date, type of injury and treating physician or practice group.

**Step 2: Describe the incident**

Exact location of the incident:	Exact time:
During what part of employee's workday? <input type="checkbox"/> Entering or leaving work <input type="checkbox"/> Doing normal work activities <input type="checkbox"/> During meal period <input type="checkbox"/> During break <input type="checkbox"/> Working overtime <input type="checkbox"/> Other _____	
Names and contact information of witnesses (if any): Name; _____ Phone or Email _____ ÷ Name; _____ Phone or Email _____ ÷ Name; _____ Phone or Email _____ ÷ Name; _____ Phone or Email _____ ÷	

<b>Number of attachments:</b>	Written witness statements:	Photographs:	Maps / drawings:
What personal protective equipment was being used (if any)?			

Describe, step-by-step the events that led up to the injury. Include names of any machines, parts, objects, tools, materials and other important details. Please take pictures of the area and machinery involved (Do not take pictures of the injury or injured person)

Description continued on attached sheets:

### Step 3: Why did the incident happen?

Unsafe workplace conditions: (Check all that apply)

- Inadequate guard
- Unguarded hazard
- Safety device is defective
- Tool or equipment defective
- Workstation layout is hazardous
- Unsafe lighting
- Unsafe ventilation
- Lack of needed personal protective equipment
- Lack of appropriate equipment / tools
- Unsafe clothing
- No training or insufficient training
- Other: \_\_\_\_\_

Unsafe acts by people: (Check all that apply)

- Operating without permission
- Operating at unsafe speed
- Servicing equipment that has power to it
- Making a safety device inoperative
- Using defective equipment
- Using equipment in an unapproved way
- Unsafe lifting
- Taking an unsafe position or posture
- Distraction, teasing, horseplay
- Failure to wear personal protective equipment
- Failure to use the available equipment / tools
- Other: \_\_\_\_\_

Why did the unsafe conditions exist?

Why did the unsafe acts occur?

Is there a reward (such as “the job can be done more quickly”, or “the product is less likely to be damaged”) that may have encouraged the unsafe conditions or acts?

Yes  No If yes, describe:

Were the unsafe acts or conditions reported prior to the incident?

Yes  No

Have there been similar incidents or near misses prior to this one?

Yes  No

**Step 4: How can future incidents be prevented?**

**What changes do you suggest to prevent this incident/near miss from happening again?**

- Stop this activity       Guard the hazard       Train the employee(s)       Train the supervisor(s)
- Redesign task steps       Redesign work station       Write a new policy/rule       Enforce existing policy
- Routinely inspect for the hazard       Personal Protective Equipment       Other:  
\_\_\_\_\_

What should be (or has been) done to carry out the suggestion(s) checked above?

**Step 5: Affirmation**

My signature below certifies that the information I have provided is true and accurate. If I did not complete this form, I have reviewed it in its entirety and agree that it is a true and accurate description of the incident. I understand that any inaccurate or false statements may result in delay in process of this claim. I further understand that this information may be used to determine whether the claim will be paid or denied.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Individual Completing the Form if not Employee

\_\_\_\_\_  
Date

Received By: \_\_\_\_\_

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

Reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_

**Please read this section carefully and cross out the box that is not signed**

**Please fill out the one section that applies. A or B**

**Section A**

I \_\_\_\_\_ do hereby **agree** to be treated by a worker's compensation doctor chosen by the County of Harnett or its designee as outlined in North Carolina state law.

Signed This \_\_\_\_\_ day of \_\_\_\_\_ 20

Signature: \_\_\_\_\_

**Section B**

I \_\_\_\_\_ do hereby **refuse** to be treated for my workplace injury at this time. I reported the injury but do not feel I need medical attention. I understand that I have a small window to request treatment and if I fail to do so within that window, I will lose the right to my workers compensation for this injury.

Signed This \_\_\_\_\_ day of \_\_\_\_\_ 20

Signature: \_\_\_\_\_

APPENDIX B: ARTICLE VI FORMS



Educational Leave Request Form

In accordance with Article VI, Section 12 of the Personnel Ordinance, Full-time, non-probationary employees may be eligible for educational leave to take up to one five-hour course, which shall not include travel time to attend the course. Probationary employees are not entitled to educational leave unless as a condition of their employment, the employee is required to take a course during their probationary period.

An employee must complete and submit this form to their immediate Supervisor or Department Head prior to registering for the course.

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

Employee name:

\_\_\_\_\_

Last/First/Middle

Street Address:

\_\_\_\_\_ City/State/Zip

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

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

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

Course Title: \_\_\_\_\_ Credit Hours: \_\_\_\_

Dates of Course: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ thru \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Degree Being Pursued: \_\_\_\_\_

Institution Name & Address:

\_\_\_\_\_

Name

\_\_\_\_\_

Street/City/State/Zip

Brief statement describing why the course and degree is required for the position, preferred for the position or how it will substantially enhance your ability to perform your job, or how it is related to your current or future job duties and responsibilities. (attach additional documentation/statement if needed)

\_\_\_\_\_

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By signing below, I certify that this course is not being offered at any time outside my work hours and 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

**\*Please attach supporting document, including a printout of the course description and course schedule.**

For Department Head Use:

Please provide a brief recommendation as to whether the above employee should be granted educational leave.

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

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

Approved  Denied

\_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_ County Manager

APPENDIX B: ARTICLE VI FORMS



**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 13 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.

**THIS FORM MUST BE RETURNED TO HR 3 DAYS FROM DATE OF REQUEST**

**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:** \_\_\_\_

---

**Employee Signature** **Date**

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**Department Head Signature** **Date**

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**Human Resources Director Signature** **Date**

**\*\*\*\*\*All Federal Mandated Forms Must Be Attached\*\*\*\*\***



Direct Deposit Form

Harnett County employee's paychecks will be automatically deposited at the financial institution of their choice. The advantages to Direct Deposit include:

- Automatic deposits are safer, the money is in the bank and you don't have the opportunity to lose it.
- On payday you don't have to make arrangements to get the check to the bank (especially banks which are a distance from the work location) or sign leave to take it yourself.
- If you are on vacation, on a trip, out sick or on business out of town; you do not have to make arrangements to have someone get your check for you.
- Automatically deposited monies are in the bank payday morning.

**Important Note:**

ALL NEW OR CHANGED DIRECT DEPOSIT INFORMATION IS PRENOTED SO THAT ACCOUNT INFORMATION CAN BE SENT TO AND VERIFIED BY YOUR BANK. **YOU WILL RECEIVE A PAYCHECK THE MONTH YOU BEGIN OR CHANGE YOUR NET PAY ELECTION!!** YOUR NET PAY AND/OR DEDUCTION(S) WILL BE DIRECT DEPOSITED AFTER YOU HAVE SUCCESSFULLY COMPLETED THE PRENOTE PROCESS.

Please print legibly and provide all information requested:

**Name:** \_\_\_\_\_ **Dept.** \_\_\_\_\_ **Daytime Phone:** \_\_\_\_\_

BOX 1 DIRECT DEPOSIT OF NET PAY

**CHECKING**  New  Change  Cancel **OR SAVINGS**  New  Change  Cancel

BANK NAME: \_\_\_\_\_

Account Number: \_\_\_\_\_

Bank Routing Number: \_\_\_\_\_

**NOTE: When changing net pay, the old net pay direct deposit will automatically be cancelled.**

BOX 2 DIRECT DEPOSIT DEDUCTION(S)

**CHECKING**  New  Change  Cancel **SAVINGS**  New  Change  Cancel

\$ Amount Change Only  \$ Amount Change Only

BANK NAME: \_\_\_\_\_ BANK NAME: \_\_\_\_\_

Account Number: \_\_\_\_\_ Account Number: \_\_\_\_\_

Bank Routing Number: \_\_\_\_\_ Bank Routing Number: \_\_\_\_\_

Deduction Amount: \$ \_\_\_\_\_ Deduction Amount: \$ \_\_\_\_\_

**NOTE: You may have up to one checking and one savings deduction. If you elect to change from a savings deduction to a checking deduction, or vice versa, you must cancel the first one; otherwise, the second one will prenote as a "New" deduction in addition to the other current deduction.**

**ATTACH VOIDED CHECK OR LETER FROM THE BANK WITH ACCOUNT AND BANK ROUTING NUMBERS**  
**Letter must be attached for Savings Account**

Example:



(Bank Routing Number): (Account Number)

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_



Consequences Should Offense Occur Again: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 disciplinary 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 disciplinary action, nor does it suspend any appeal rights you may have under the Harnett County Personnel Ordinance.

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

\_\_\_\_\_  
Supervisor Signature Date

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

\_\_\_\_\_  
Witness Signature (If employee refuses to sign) Date

\_\_\_\_\_  
Human Resources Director Signature Date



## Personnel Ordinance and Policies Acknowledgement

I, \_\_\_\_\_, an employee of Harnett County in the \_\_\_\_\_ Department, have had an opportunity to review the Harnett County Personnel Ordinance and Manual. I have read it in its entirety and have had an opportunity to ask questions about it. Furthermore, I fully understand and agree to comply with ALL policies within. I also accept that it is my responsibility to seek clarification from my supervisor or Human Resources staff if at any time I am unclear about any policies. I fully understand that failure to comply with any policies within the Harnett County Personnel Ordinance and Manual could result in disciplinary action, up to and including dismissal.

I understand that the County may change, modify, suspend, interpret or cancel, in whole or part, any of the published or unpublished policies and procedures, with or without notice, at its sole discretion, without giving cause or justification to any employee. Such revised information may supersede, modify or eliminate existing policies.

\_\_\_\_\_  
Employee's (Legal) Printed Name

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date