

## GATES COUNTY

### PERSONNEL ORDINANCE

Approved: August 7, 2006  
Amended: November 6, 2006  
Amended: March 15, 2010  
Amended: June 2, 2010  
Amended: September 1, 2010  
Amended: February 2, 2011  
Amended: March 21, 2011  
Amended: November 2, 2011  
Amended: March 7, 2012  
Amended: February 6, 2013  
Amended: May 7, 2014  
Amended: July 21, 2014  
Amended: February 4, 2015  
Amended: June 3, 2015

## Amendment Details:

May 7, 2014 (Note: was voted on and passed but a public hearing wasn't held until 2/4/15)

- Veterans Day was added as an approved Holiday in Section 6.1
- The three days observed for the Christmas Holiday were outlined in Section 6.1
- Flex Time Earned in Addendum 1

July 21, 2014

- Section 11.6 North Carolina Local Government Employee's Retirement System Contributions
- Section 11.7 North Carolina Local Government Employee's Retirement System Benefits

February 4, 2015

- Section 1.6 (b) Full Time Employee: work hours were adjusted to thirty seven and a half.
- Section 1.6 (c ) Part Time: definition was changed to an employee that works less than 1000 hours in a fiscal year and are not entitled to benefits.
- Section 3.2.1 Acting Capacity was added
- Section 4.2 Recruitment Sources: NC Employment Security Commission was changed to NC Department of Commerce
- Section 5.1 Work Schedule: the standard work week was adjusted to thirty seven and one half
- Section 6.1 Holidays: Veterans Day was added, Floating Holiday was combined into Petty Leave, Thanksgiving holiday was defined.
- Section 6.2 Vacation Leave: removed notations that part time employees could accrue vacation leave and adjusted the hours per month earned chart.
- Section 6.3 Sick Leave: removed notation of part time employees
- Section 6.4 Miscellaneous Leave was renamed to Petty Leave. It was explained that petty leave is credited at the beginning of the year and must be used by the end of the year.
- 11.1 Employment Benefits General: Removed reference of part time benefited employees
- 11.2 Medical Insurance Benefits: Removed reference of part time benefited employees
- 11.4 Unemployment Compensation Benefits: NC Employment Security Commission was changed to NC Department of Commerce
- Section 11.11 Employee Assistance Program was removed
- 11.12 401-K and 457(b) Supplemental Retirement Program: 457 (b) was added
- 11.14 Direct Deposit: Direct Deposit was made mandatory for all employees hired after January 1, 2015

June 3, 2015

- Addendum 1: Compensatory time shall not be earned in any week during which an employee works less than 37.5 hours (including holidays).
- Section 6.5.1 Leave Without Pay: Leave without pay may not be used until all other leave is exhausted. Leave without pay will not be allowed without County Manager approval.
- Section 6.10 Family and Medical Leave: FMLA will begin on the 3<sup>rd</sup> consecutive work day missed.
- Section 5.2.1 Inclement Weather is clarified to state full time employees.

## TABLE OF CONTENTS

	Article 1. General Conditions	
1.1	Purpose	1
1.2	Civil Service Commission	1
1.3	Implementation of Policy	1
1.4	Employees Subject to this Ordinance	1
1.5	Employee Definitions	2
1.6	Employment of Minors and Work Permits	3
1.7	Establishment of Minimum Standards for Job Performance	3
1.8	Examination of Applicants for Positions	3
1.9	Jury Duty	3
1.10	Release of Information on Employee Files	3
1.11	Employees Serving on Boards, Committees, Etc	4
1.12	Employment Eligibility Verification	4
	Article II: Position Classification Plan	
2.1	Classification Plan	4
2.2	Adjustments to the Plan	4
	Article III: Pay Plan	
3.1	Pay Plan	5
3.2	Adjustment to Salary	5
3.2.1	Acting Capacity	5
3.3	Cost of Living Adjustment	6
	Article IV: Recruitment and Employment	
4.1	Equal Employment Opportunity	6
4.2	Recruitment Sources	6
4.3	Job Advertisements	7
4.4	Appointments	7
4.5	Selection of Applicants	7
4.6	Report of Appointments	7
4.7	Probationary Period of Employment	7
4.8	Promotion	8
4.9	Demotion	8
4.10	Transfer	9
	Article V: Conditions of Employment	
5.1	Work Schedule	9
5.2	Work Schedule in the Event of a Natural Disaster/County Emergency	9
5.2.1	Inclement Weather Policy	9
5.3	Gifts and Favors	10
5.4	Political Activity	11
5.5	County-Assigned Equipment	11

5.6	Outside (Secondary) Employment	12
5.7	Employment of Relatives	12
	Article VI. Leave	
6.1	Holidays	12
6.2	Vacation (Annual) Leave	13
6.3	Sick Leave	15
6.4	Petty Leave	17
6.5	Leave of Absence	17
6.5.1	Leave Without Pay	18
6.6	Continuing Education Leave	18
6.7	Volunteer Service to the Community	18
6.8	Shared Leave Policy	18
6.9	Parental Leave	19
6.10	Family and Medical Leave	19
6.11	Military Leave	19
6.12	Court Ordered Leave	20
6.13	Recognition of Service	20
	Article VII: Sexual Harassment	
7.1	Policy	21
	Article VIII: Dismissal, Suspension and Demotion	
8.1	General	22
8.1.1	Status Notification Requirement	22
8.2	Appeals	22
8.3	Report of Dismissals	22
8.4	Action Taken for Job Performance	22
8.5	Action Taken for Personal Conduct	24
8.6	Suspensions	25
8.7	Reduction in Force and Recall	25
8.8	Demotion	26
	Article IX: Regulation of Conduct	
9.1	Employee Performance Standards	26
	Article X: Technology Use Policy	
10.0	General	28
10.1	General	28
10.2	Information Access and Ownership	28
10.3	Application Development	28
10.4	Personal Use	28
10.5	Security	29
10.6	Appropriate Use	29
	Article XI: Employment Benefits	
11.1	General	30

11.2	Medical Insurance Benefits	30
11.3	Dental Insurance Benefits	30
11.4	Unemployment Compensation Benefits	30
11.5	Old Age and Survivors Insurance (Social Security)	30
11.6	North Carolina Local Government Employees' Retirement System Contributions	30
11.7	North Carolina Local Government Employees' Retirement System Benefits	31
11.8	Law Enforcement Officers' Separation Allowance	31
11.9	Supplemental Retirement Income Plan for Law Enforcement Officers	31
11.10	Worker's Compensation Program	31
11.11	401-K and 457(b) Supplemental Retirement Program	31
11.12	Other Insurance Programs	32
11.13	Direct Deposit	32
	 Article XII: Drug and Alcohol Testing Policy	
12.1	General	32
12.2	Special Policies and Procedures for GITS and Utilities Department	32
12.3	Safety Sensitive Positions	32
12.4	Drug and Alcohol Testing Policy	33
	 Article XIII: Gates County Personnel Board	
13.1	Establishment of Personnel Board	34
13.2	Responsibilities	34
13.3	Rules of Order and Operations	34
13.4	Board Duties and Functions	35
	 Addendum 1 Compensatory Time	36
	Gates County Compensatory Time Form: 28 Day Cycle Employees	39
	Gates County Compensatory Time Form: Elections Social Services Register of Deeds	40
	Gates County Compensatory Time Form: Departments Other Than Elections Social Services Register of Deeds Sheriff Emergency Management Director	41
	Acknowledgement of Receipt of Employee Personnel Policy	

## **ARTICLE I. GENERAL CONDITIONS**

### **1.1 PURPOSE**

It is in the best interest of Gates County to establish a centralized human resources system under the County Manager by which matters relating to personnel shall be administered. It is the intent of the Board of County Commissioners to establish an equitable and uniform system of human resources administration, to place employment on a merit basis to the end that the best-qualified persons available shall constitute the County service.

### **1.2 CIVIL SERVICE COMMISSION**

It should be recognized that no Gates County policy or procedure shall supersede the rules and regulations adopted by the Civil Service Commission or other body established by the laws of the State of North Carolina, when such laws involve such bodies in formulating rules and regulations for any portion of County employees and in event of a conflict between same, the rules and regulations adopted by such body shall control over County policy.

### **1.3 IMPLEMENTATION OF POLICY**

All policies, ordinances or resolutions that conflict with the provisions of this ordinance are repealed. This human resources ordinance shall supersede all other ordinances, policies, and procedures established by the County.

### **1.4 EMPLOYEES SUBJECT TO THIS ORDINANCE**

- a) The provisions of the ordinance shall apply to County employees not herein exempt, except Section 8.1.1 which applies to all County employees.
- b) The provisions of this ordinance shall not apply to the County Manager and elected officials unless expressly stated in limited locations of this ordinance, i.e. to apply to County Manager or Executive Officer, the position must be clearly defined.
- c) Article IV, Recruitment and Selection and Article VIII, Dismissal, Suspension and Demotion: These provisions shall not apply to the Tax Assessor/Collector, Clerk to the Board, employees of the Sheriff's Office, employees of the Board of Elections, and employees of the Register of Deeds Office.
- d) Employees of the North Carolina Cooperative Extension Services are exempt from all Articles except Article V, Conditions of Employment and Article IV.1, Equal Employment Opportunity.
- e) All employees are subject to the Gates County Personnel Ordinance unless the Department is governed by the State Personnel Act. When the Gates County Personnel Ordinance and the State Personnel Act conflict these Departments will be governed by the State Personnel Act.

## 1.5 EMPLOYEE DEFINITIONS

- a) Probationary employee: A person appointed to a full-time position who has not yet completed the six-month probationary period.
- b) Full time: A full time employee is a person employed on a continuous year-round basis for a period of time which exceeds more than six (6) months and who is regularly scheduled to work (including vacation and holidays) an average of at least thirty-seven and a half (37.5) hours per week. An employee in this classification is entitled to employee benefits.
- c) Part time: An employee that works less than 1000 hours in a fiscal year and are not entitled to benefits.
- d) Temporary: A temporary employee is one employed for a specific period of time which will not exceed six (6) months or six (6) pay periods for a fiscal year. Employees in this capacity are normally identified as "seasonal" personnel. Benefits for employees who are temporary will only include Social Security, Workers' Compensation, and Unemployment Compensation. For an employee's work time to exceed more than six (6) months over a twelve-month period of time in a temporary capacity without accruing full benefits would constitute a discriminatory practice. Therefore, positions for temporary employees will be limited to six (6) months for the fiscal year, and the Department Director is responsible for the status of these employees. It should be recognized that the six (6) pay periods do not have to be consecutive.
- e) Non-Exempt: An employee who is eligible to receive compensatory time in accordance with the U.S. Department of Labor regulations. (See Addendum I)
- f) Exempt: An employee who is not eligible to receive compensatory time in accordance with the U.S. Department of Labor regulations. (See Addendum 1)
- g) Completed Year: A period of twelve (12) calendar months in which the employee is in active pay status or is receiving Workmen's compensation payments while on leave without pay.
- h) Completed Month: Any month in which an employee works at least one half of the workdays.
- i) Appointing Authority: Any position with the legislated or delegated authority (Director of Elections and Director of Department of Social Services) to make hiring decisions, the County Manager, Sheriff, and Register of Deeds.
- j) Grievance: A claim or complaint based upon an event or condition that affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.
- k) Adverse Action: A demotion, suspension, dismissal, reduction in pay, transfer or lay-off.

## **1.6 EMPLOYMENT OF MINORS AND WORK PERMITS**

The County will employ no one under the age of sixteen (16) in any capacity. Applicants at least sixteen (16), but less than eighteen (18) years of age, may be employed within the limits of state and federal laws, as to the hours and areas. Persons employed under federal grants are excluded from the age restriction of sixteen (16) and may be employed as young as fourteen (14) years of age.

Any candidate for employment less than eighteen (18) years of age must secure a work permit from the Department of Social Services before beginning work with the County.

## **1.7 ESTABLISHMENT OF MINIMUM STANDARDS FOR JOB PERFORMANCE**

The County Manager, with the approval of the Board of Commissioners, shall establish reasonable minimum standards for employees as to character, intelligence, ability to meet the public, physical condition and necessary ability for satisfactory job performance. County Manager or department supervisor will review standards and requirements with the employee within 30 days of being hired.

## **1.8 EXAMINATION OF APPLICANTS FOR POSITIONS**

Applicants for positions with the County may be required to pass appropriate non-discriminatory competitive written, oral, physical, psychological, criminal background, and drug tests to determine whether they meet established minimum standards. These examinations shall be prepared and given under the direction of the County Manager.

## **1.9 JURY DUTY**

The County recognizes that every employee has an obligation to perform the functions of citizenship, such as voting, military service, jury service, etc. The County Manager will not, therefore, seek to have employees excused from jury duty unless their job duties cannot be temporarily delegated to someone else and their absences would adversely affect the services rendered. The decision to ask that the employee be excused from jury duty for working related reasons will be based on a written request from the Department Director and will be approved by the County Manager. Requests for excuses will then be forwarded to the appropriate court for its approval.

Employees who serve official jury duty are allowed leave with pay for the duration of the duty period and may keep any compensation paid by the courts to jurors who serve in this capacity.

## **1.10 RELEASE OF INFORMATION ON EMPLOYEE FILES**

It is the policy of the County not to release personal and/or confidential information without prior written consent from the employee unless otherwise directed by law. This information will only be released by the County Manager or designee.

## **1.11 EMPLOYEES SERVING ON BOARDS, COMMITTEES, ETC.**

Any citizen of Gates County is eligible to serve on the appointed boards or commissions of the County where such appointment is not prohibited by state statute. All appointments will be made according to the applicable statute, ordinance, resolution or policy that created the board or commission. Discretion will be used when considering County employees for membership on any of the boards or commissions.

## **1.12 EMPLOYMENT ELIGIBILITY VERIFICATION**

The County Manager will be responsible for ensuring that Gates County employs only United States citizens and aliens authorized to work in the United States in conjunction with the Immigration Reform and Control Act of 1986.

## **ARTICLE II. POSITION CLASSIFICATION PLAN**

### **2.1 CLASSIFICATION PLAN**

Gates County shall develop and maintain a description for each position that is approved by the Board of Commissioners.

The description shall include the general and specific duties for each position. Job descriptions will be reviewed from time to time as necessary to maintain the most accurate description of the duties for the position.

It is recognized that a position duties may change in accordance with the County or Department's efforts to deliver services. The Department Director is responsible for a periodic evaluation of each position under his/her supervision. All requests for modifications in the duties of a position must be submitted for review and approval to the Personnel Board.

Upon modification of a position's responsibilities, a review of the current position classification will be performed. Adjustments may be considered if the specific duties and responsibilities change, either as an increase or decrease in responsibilities.

### **2.2 ADJUSTMENTS TO THE PLAN**

In the event that a position changes in its responsibilities, Gates County will make the appropriate adjustment to its classification plan. The Board may adjust a position to a higher or lower classification without making a reduction to the employee's salary. Any reclassification will be made to the nearest step of the new pay grade, but not less than the employee's current pay.

## **ARTICLE III. PAY PLAN**

### **3.1 PAY PLAN**

Gates County shall develop and maintain a plan to compensate its employees based upon their duties and responsibilities. The plan will establish a range of salary from a minimum beginning salary to a maximum salary for each position. The minimum salary will be based on a rate of pay for an employee who possesses the minimum qualifications, including education, training and experience deemed necessary to adequately perform the duties that are outlined in the specific job description contained in the County's classification plan.

Gates County may from time to time, adjust the approved pay plan in accordance with the annual cost-of-living, market studies of comparable compensation, of other factors.

Each position authorized by the Board of Commissioners will be assigned a specific salary grade in accordance with the position's responsibilities. From time to time, the Board may adjust a position's salary grade if the responsibilities change or are modified according to the specific needs of the County.

### **3.2 ADJUSTMENT TO SALARY**

Employees may be awarded adjustments in their compensation in accordance with the specific salary grade based on action taken by the Board of Commissioners. Adjustments may include an increase based on meritorious performance, as identified in the employee's annual evaluation, special recognition of outstanding accomplishment, or other reasons approved by the Board of Commissioners.

Within each annual Gates County budget the Commissioners will set the step increase as related to employees' cumulative evaluation grade. Commissioners will set the step increase associated with each ranking (outstanding, above standard, standard, needs improvement and unsatisfactory) that will be used for evaluations served during that budget year.

Employees hired on or after January 1<sup>st</sup> of any given year will not be considered for salary adjustments for meritorious performance at the beginning of the next fiscal year (July 1<sup>st</sup>).

#### **3.2.1 ACTING CAPACITY**

- a) When an employee is assigned to work in the capacity of a higher-level position, due to an anticipated or unanticipated absence, such employee shall be paid the minimum of the range for the position or five (5) percent of their current salary, whichever is greater, for assuming higher-level responsibilities. The rate of payment will be determined by the County Manager
- b) Requests for "acting pay" shall be made in writing by the Department Head and submitted to the County Manager for approval.
- c) Once the position is filled or the employee holding it resumes their regular duties, the employee in the acting capacity shall be returned to their salary prior to serving in an acting capacity.

d) Retroactive requests shall not be considered.

### **3.3 COST OF LIVING ADJUSTMENT**

All employees shall be considered for any approved cost-of-living adjustment approved by the Board of County Commissioners, regardless of their employment status. The annual cost of living adjustment will be based on generally accepted standards, i.e. CIP, State of NC statistics and/or federal statistics.

## **ARTICLE IV. RECRUITMENT AND EMPLOYMENT**

### **4.1 EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of Gates County to foster, maintain, and promote equal employment opportunity. The County shall select employees on the basis of applicant qualifications and without regard to age, sex, disability, race, color, creed, religion, veteran status, political affiliation or national origin except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary for job performance. It will be the responsibility of the County Manager to enforce and monitor this policy.

All personnel programs such as compensation, benefits, transfers, reduction in forces and county-sponsored training will be administered without regard to age, sex, disability, race, color, creed, religion, veteran status, political affiliation or nation origin, or any other area protected by applicable state law or local ordinance.

Gates County prohibits any retaliatory action of any kind taken by any County employee against any other employee or applicant because that person made a charge, testified, assisted or participated in any manner in a hearing, proceeding or investigation of employment discrimination.

### **4.2 RECRUITMENT SOURCES**

Gates County's policy is to seek and secured the best, overall applicants for positions with Gates County. Thus, the County will be responsible for publicizing opportunities for employment including salary ranges and employment qualifications for positions to be filled. Individuals shall be recruited from a geographic area as wide as is necessary to insure that well qualified applicants are obtained for County service. It is the policy of the County to encourage promotions within county government, utilizing current employees who possess the education, skills and interest in advancing themselves in Gates County. Applications will be accepted from current employees when such an opportunity becomes available. It is the policy to advertise open positions for a minimum period of two (2) weeks prior to reaching a decision of hiring, unless prior approval is granted by the County Manager. Such advertisement, in addition to being advertised internally, will be submitted to the local newspaper(s) and the North Carolina Department of Commerce Division of Workforce Solutions and other advertising media to ensure the best pool of qualified applicants for the position.

Structured interviews will be conducted with a designated number of qualified applicants deemed

qualified for the position by the Department Director. Applicants will be evaluated and rated based on uniformed criteria. Previous job references, criminal background checks and other sources will be made. Employment advertisements shall contain assurances of equal employment opportunity and shall comply with federal and state statutes regarding discrimination in employment matters.

#### **4.3 JOB ADVERTISEMENTS**

Gates County will utilize reasonable methods and measures to ensure that vacancies in Gates County Government are made available to the widest range of possible interested candidates. Advertisements may vary dependent upon the level of the vacancy within a department. The Department Director will determine the extent of advertisements to be utilized.

When a vacancy occurs, every effort should be utilized to inform all county departments that a vacancy has occurred and the recruitment process that will be followed. Gates County encourages and supports (but does not require) promotions from within Gates County Government when the employee/applicant is qualified for the position.

#### **4.4 APPOINTMENTS**

The County Manager shall appoint subordinate officers, agents, and employees for the general administration of County affairs, the positions having been established by the Board of County Commissioners, except such officers as are required to be elected by popular vote or whose appointment is otherwise provided for by the law or actions taken by the Board of County Commissioners. State law reference - Similar provisions, G.S. Para 153A-82(1)

#### **4.5 SELECTION OF APPLICANTS**

The selection of applicants for appointments will be based upon a relative consideration of their qualifications for the position to be filled. Advantage will be given to applicants determined to be best qualified and the Department Director will reasonably document hiring decisions to verify this advantage was granted and explain their basis for selection.

#### **4.6 REPORT OF APPOINTMENTS**

The County Manager shall report appointment to positions with County government monthly at a meeting of the Board of County Commissioners. State law reference - Authority to require report of appointments, G.S. 153A-82(1); except Section 8.1.1 which applies to all County employees.

#### **4.7 PROBATIONARY PERIOD OF EMPLOYMENT**

New employees hired into a full-time position will serve a minimum of a six (6) month probationary period, except those individuals who are excluded due to Full Reinstatement as determined by the Department Director and County Manager. Part-time employees without benefits and temporary/seasonal employees do not serve a probationary period.

New employees hired into a full-time position cannot be reclassified into regular status until after a six (6) month probationary period. Probationary employees may be dismissed any time during the probationary period as outlined in Section 8.1 of the Gates County Personnel Policy.

A Department may request to provide a probationary period of employment that is different than the six (6) month period if the duties of the position require specialized training or skills that cannot be determined in the six (6) month period. Such requests are to be made to the Board of County Commissioners for approval. Such actions shall be documented in the official minutes of the Board and included as an addendum to this ordinance.

Employees who score satisfactory on their six (6) months' performance review will be considered a regular employee. Employees who do not score satisfactory on their six (6) months' performance review will either have their probationary period extended an additional ninety (90) days or be recommended for dismissal at the discretion of the Department Director; dismissal will be at the discretion of the appointing authority, if warranted. No employee shall remain on probation for more than nine (9) months.

Employees who have successfully completed a probationary period and are classified as a regular employee shall not serve another probationary period.

#### **4.8 PROMOTION**

Recognizing the need of employees to fulfill their potential and what this means in terms of maximum efficiency, the County utilizes a "promote from within" policy whenever possible. When job vacancies occur, an effort will be made to promote from within the County if qualified employees are available. Employees may inquire about job vacancies at the County Manager's Office, or they may review vacancies that are posted on the bulletin boards and the County's website. The responsibility for applying for a vacancy which may constitute a promotion lies with the employee, and the Department Director is obligated to consider all qualified candidates who have applied for consideration.

An employee applying for a promotion to another job will be given equal consideration with other applicants, and if that person has superior or equal qualifications, he/she will be granted the promotion, contingent upon acceptable work performance. A promotion may be defined in the job classification system as moving from one position in a particular job class to a position in another job class having a higher rate of pay.

There will be no lateral transfers from department to department unless they are in the best interest of Gates County. Lateral transfers can be defined within the job classification system as those positions that are in the same job category and skill level (same minimum and maximum salary).

#### **4.9 DEMOTION**

Job changes that constitute a demotion (moving from one position in a particular job classification to a position in another job classification having a lower rate of pay) will not be permitted unless there is documentation which indicates that the person could perform better in one job as opposed to another except in the instances of reduction in force. In those instances of reduction in force, salary and

classification reductions will be determined through administrative procedures that are approved by the Personnel Board.

#### **4.10 TRANSFER**

An employee who has successfully completed a probationary period may be transferred to the same or similar class in a different department without serving another probationary period. An employee desiring to be transferred should make the request to the County Manager.

### **ARTICLE V. CONDITIONS OF EMPLOYMENT**

#### **5.1 WORK SCHEDULE**

The standard workweek for County government is thirty-seven and a half (37.5) hours except for the following:

- a) Cooperative Extension Service at forty (40) hours and
- b) Sheriff's Office at FLSA 7K exemption provisions

The normal daily work schedule provides for a one-hour lunch period. Employees in administrative, professional or managerial positions shall work the number of hours necessary to assure the satisfactory performance of their duties.

When activities of a particular department require some other schedule to meet work needs, the County Manager may authorize a deviation from the normal schedule.

#### **5.2 WORK SCHEDULE IN THE EVENT OF A NATURAL DISASTER/COUNTY EMERGENCY**

In the event of a natural disaster or county emergency, the County Manager shall have the authority in conjunction with the County Emergency Services Director and the Sheriff to require Gates County employees assigned to any county department to report and work in other tasks and duties deemed necessary and critical to the safeguarding and recovery of Gates County as well as the delivery of emergency services to the residents. Such time worked shall be without regard to the normal work schedule and compensation shall be made to such employees authorized under these conditions.

##### **5.2.1 INCLEMENT WEATHER POLICY**

Gates County strives to provide services to its citizens, regardless of weather. Some services become even more essential during times of inclement weather. However, the administration of Gates County must balance the providing of services with the welfare of our employees. Both the desire to provide services and the welfare of our employees are paramount.

For the purpose of this section inclement weather includes, but is not limited to snow, sleet, flooding,

freezing temperatures, heavy winds, etc.

It is the policy of Gates County that all departments and offices operate on a normal schedule, regardless of weather conditions or circumstances. In the event of inclement weather, County employees are to make every attempt to safely report to work as usual.

In the event that a weather event is on such a scale that the County Manager or his designee, in conference with the Chairman of the Board of Commissioners or his designee, determines that the welfare of employees is likely to be compromised by attempting to report to work, County offices will be closed. Full time employees will be given three (3) Inclement Weather Leave days per calendar year that can be used exclusively for time missed due to County Offices being closed. Only when County Offices are closed by the County Manager, or his designee, may this time be used. This time expires at the end of each calendar year and has no monetary value if service is ended before its usage. Once a full time employee has exhausted his/her three (3) Inclement Weather Leave days, any and all additional time missed will require the usage of vacation, compensatory time, petty leave, or leave without pay for the remainder of the calendar year.

When a weather event occurs after the work day has begun, the decision to close the County Offices will be made by the County Manager or his designee. Inclement Weather Leave may be used in hourly increments by full time employees who report to work and miss time due to early closure.

If it is determined that a later start to the workday will reduce the likelihood of compromising the safety of the employees the County Manager will authorize a delayed opening. The County Manger will communicate the time that County Offices will open for the day of the weather event to employees and citizens. Inclement Weather Leave may be used in hourly increments by full time employees who report to work and miss time due to delayed opening.

Full time employees that were scheduled to be off, whether due to the use of sick, vacation, compensatory time, petty leave and/or regularly scheduled day off, on the day of a weather event will not be eligible to use Inclement Weather Leave for time missed from work. Any deviation from this policy in any way will only be on the authority of the County Manager or his designee.

### **5.3 GIFTS AND FAVORS**

Receiving or giving gifts or favors is not in the best interest of Gates County. Therefore, no officials or employees of the County shall:

- a) Accept any gift, favor or thing of value that may tend to influence them in the discharge of their duties; or
- b) Grant, in the discharge of their duty, any improper favor, service or thing of value.  
This section does not include incidental small gifts, typically including fruit baskets, cookies, cakes, snacks, etc. that a Department may receive from outside vendors, contractors and individuals when the gift is made available to all employees within the Department for some special occasion.

## **5.4 POLITICAL ACTIVITY**

Employees of the County have a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations or a political organization in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States of America. However, no employees shall:

- a) Engage in political activity while on duty or within any period of time during which they are expected to render services for which they receive compensation from the County;
- b) Be required, as a duty of their office or employment, or as a condition for employment, promotion or tenure of office, to contribute funds for political or partisan purposes;
- c) Solicit, or act as custodian of, funds for political or partisan purposes while on duty as an employee of the County;
- d) Coerce or compel contributions for political or partisan purposes by any other employee of the governmental unit;
- e) Use any supplies or equipment of the governmental unit for political purposes. Constitutional and elected officers are exempt from this entire section; however they are not to use public funds, goods, supplies, equipment or materials for partisan political purposes.

Any employee may file for public office of his/her choice without having to resign his/her position. However, no formal or informal campaign efforts may be performed during the operating hours as established by the County. Employees who are subject to the Hatch Act must adhere to all provisions of that Act.

The employee may be allowed to take up to two weeks leave without pay before the primary and before the general election. If the employee has accumulated vacation leave, he/she may use vacation leave in lieu of leave without pay. Any violation of this section shall subject the employee to dismissal or other disciplinary action.

Elected officials must return all County equipment that was used in their duties of their office at the completion of their term.

## **5.5 COUNTY-ASSIGNED EQUIPMENT**

During the employment of a County employee or during the term of office for an elected official of Gates County, equipment, vehicles and materials may be assigned to designated individuals for the purpose of carrying out the duties of the job. At the end of such employment or term of office, all equipment, vehicles and materials shall be returned to the appropriate office prior to the release of the employee/elected official's final pay check.

**5.6 OUTSIDE (SECONDARY) EMPLOYMENT**

Employment with County government will take precedence over other occupational interest of employees. Outside employment for salaries, wages or commission and self-employment must be approved by the employee's supervisor and Department Director. The Director will review such employment for possible conflict of interest. Employees are prohibited from having business dealings with companies affiliated with, or acting as major customers or suppliers of, the governmental unit; transactions with officials of the governmental unit are adequately controlled and disclosed in the records; and such transactions occur only in the normal course of business and are legally authorized. Conflicting outside employment will be grounds for disciplinary action up to and including dismissal.

**5.7 EMPLOYMENT OF RELATIVES**

It is not advisable for two or more members of an immediate family to be employed within the same department or unit. The term "immediate family" shall be understood to refer to that degree of closeness or relationship, which would suggest that problems might be created within the work unit, or that the public's philosophy of fair pay in providing equal opportunity for employment to qualified individuals would be violated. This term is defined as wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson, granddaughter, stepmother, and stepfather. It also includes others living within the same household or otherwise closely identified with each other as to suggest that difficulty might develop.

Due to the size of Gates County as well as the prior employment of individuals who later marry, exceptions to this section may be granted where it is in the opinion of the Department Director or Elected Official that such employment will not deter or affect the performance of all employees in that Department or Office. Such approval may then be granted by the County Manager with a report to the Board of Commissioners.

**ARTICLE VI. LEAVE**

**6.1 HOLIDAYS**

The following days and such other days as the commissioners may designate are holidays with pay for full time and part time benefited employees:

- |                        |                                    |
|------------------------|------------------------------------|
| New Years Day          | Martin Luther King, Jr.'s Birthday |
| Easter (Good Friday)   | Memorial Day                       |
| Independence Day       | Labor Day                          |
| Veterans Day           | Thanksgiving (two days)            |
| Christmas (three days) |                                    |

Thanksgiving holidays include Thanksgiving Day and the Friday after. When a holiday, other than Christmas Day falls on Sunday, Monday shall be observed as a holiday. If a holiday, as designated by the County Personnel Ordinance, falls on a day other than Monday and is nationally designated to be observed on a Monday, then the County policy is amended to observe that holiday on a Monday.

The three days allowed for the Christmas Holiday shall be as follows:

Day of Christmas	Days Off
Monday	Monday, Tuesday, Wednesday
Tuesday	Monday, Tuesday, Wednesday
Wednesday	Tuesday, Wednesday, Thursday
Thursday	Wednesday, Thursday, Friday
Friday	Wednesday, Thursday, Friday
Saturday	Thursday, Friday, Monday
Sunday	Friday, Monday, Tuesday

Part time and temporary employees are not eligible for paid holidays.

The policy that governs the use of holiday time is as follows:

- a) There is no waiting period for holidays.
- b) When staffing permits, holidays may be taken on the day of the holiday. Employees who are required to work on the County holidays to ensure delivery of service will receive another day off in the place of that day and additional pay equal to one-half of their regular hourly wage. The employee will not lose the holiday. Holidays must be taken on or within a period of time agreeable to the department director and employee.
- c) A holiday occurring during the vacation of an employee will be paid and recorded as a holiday.
- d) In computing wages, holiday pay will be computed at regular pay and will be excluded from calculating overtime.
- e) Unauthorized absence on a holiday will not be paid.
- f) If employees have an excused absence for illness (paid leave) during a period in which the holiday falls, they will receive the holiday pay.

## 6.2 VACATION (ANNUAL) LEAVE

Vacation with pay is granted to full time employees with benefits. Part time and Temporary employees are not eligible for vacation benefits.

- a) Full time employees accrue vacation on a monthly basis determined by the number of hours the employee works in the pay period and by the length of Gates County service. Vacation leave does not accrue while an employee is on leave without pay (LWOP) for any reason.

Vacation leave may be used for:

- Vacation
- Other periods of absence for personal reasons

Absences due to adverse weather conditions  
 Personal illness (in lieu of sick leave) Illness  
 in the immediate family  
 Time lost for reporting late to work

An employee must submit a request for vacation time to his/her supervisor or the designated official in the Department in sufficient time that staffing and program needs can be satisfactorily met. While every reasonable effort will be made to accommodate requests for vacation leave, it will be at the discretion of the Department Director whether or not to grant the request.

The annual leave policy will provide vacation leave to regular employees with benefits at an incremental rate based on the years of service to Gates County beginning with ten (10) days per year for new employees and escalating to twenty-one (21) days per year for employees with at least fifteen (15) years of service to Gates County. All employees currently covered under the existing vacation leave policy shall be grandfathered and shall continue to receive the fifteen (15) days per year until they have reached the ten years of service; thereafter. Those employees will receive the leave as reflected on the following chart.

Length of Service	Days Per Year	Hours per Month
Less than 2 years	10	6.25
2 but less than 5 years	12	7.50
5 but less than 10 years	15	9.38
10 but less than 15 years	18	11.25
15 or more years	21	13.13

Notation: Hours calculated in above chart are rounded.

Employees begin earning vacation leave from the effective date of employment. Although an employee may be classified as probationary, the employee may request the use of any vacation leave that has been earned to date.

b) In addition, Gates County Annual (Vacation) Leave Policy provides that:

1. Pay in lieu of annual/vacation will not be allowed.
2. Total accrued annual/vacation time shall not exceed thirty (30) days of accrued benefit for the purpose of carrying from December 31 to the next calendar year.
3. Vacation credits may be taken in units of fifteen (15) minutes.
4. Upon written request, an employee may elect to use earned vacation days for illness.
5. If an employee is on vacation and becomes injured or ill, that person may exercise the option to use sick time; the Department Director may request medical verification.

6. An employee going on an approved leave of absence may request to be paid for vacation days accrued.
7. Employees who leave the County's employment will be paid for accumulated vacation days or the County will transfer any unused vacation leave in lieu of paying it out at the request of the terminating employee.
8. Holiday during vacation - When a paid holiday falls during a scheduled vacation, the employee is not charged vacation time for that holiday.
9. Employees transferring between departments do not have their accrual rates and accrued vacation time affected.
10. In computing wages, vacation time will be computed at regular pay and will be excluded from calculating overtime.
11. Department Directors, may advance vacation leave (to vested employees having three years of service with Gates County) not to exceed the amount an employee can accumulate during the current calendar year.
12. At the end of each calendar year on December 31, a County employee with accrued annual vacation leave in excess of thirty (30) days may have this leave converted to sick leave. This converted sick leave may be counted toward creditable service at retirement up to a maximum of twelve (12) total sick leave days per year of service.
13. Gates County will accept a transfer of unused vacation leave (30-day maximum) from another local or state government employer as long as the unused balance is no more than 3 years old. A letter must be received from the previous employer stating the amount of vacation leave to be transferred.

### **6.3 SICK LEAVE**

Sick leave with pay is not a right which an employee may demand, but a privilege granted by the Commissioners for the benefit of the employee when sick.

- a) Full time employees accrue one day for regular hours worked on a monthly basis. Employees will accrue 12 days per year based upon hours worked.
- b) There is no maximum accrual for the sick leave benefit.
- c) Department Directors may advance sick leave to vested employees having three years of service with Gates County not to exceed the amount an employee can accumulate during the current calendar year.
- d) To be paid for sick leave, employees must notify their supervisors of illness no later than thirty (30) minutes after they are scheduled to begin work, or as directed by the Department Director.

If employees cannot call, they should have someone else call for them so that arrangements can be made to cover their job. However, the responsibility of calling lies with the employee.

- e) If employees are sick, they are responsible for keeping their supervisor informed on a daily basis unless other arrangements have been made with the supervisors. They should also inform their supervisors of the approximate date they expect to return to work. Department Directors may require a note from the Doctor for extended illnesses, or in cases where the employee is suspected of abusing leave.
- f) Regularly scheduled days off cannot be used as paid sick leave.
- g) Sick leave may be used for:
  - Illness or injury
  - Medical appointments
  - Temporary disability due to childbirth
  - To care for a member of the immediate family
  - Adoption of a child
  - Medical appointments
  - Illness of a member of the immediate family. (The family is defined as a spouse, parents, children, mother-in-law, and father-in-law.) Utilization of this type of leave may require verification from a doctor that the employee's presence is needed to care for the family member.
  - Death in the immediate family, maximum of five days. (For this purpose immediate family is defined as spouse, parents, children, brother, sister, grandparents and grandchildren. Also included are the step, half and in-law relationships.)
- h) Sick leave may not be used to augment workers compensation payments, except for the first seven days an employee is out due to a work-related injury or illness.
- i) Attendance records are reviewed periodically to determine the extent of absences due to illness. An employee with excessive absences will be interviewed by the individual's Department Director, who may request a doctor's statement verifying the employee's state of health. A person whose health prevents that individual from fulfilling the requirements of one's job may be placed on leave of absence until the individual's health improves, or may be transferred to a job that person is able to perform.
- j) Employees should report to their Department Director if they become ill on the job. If it is necessary for employees to go home, they must advise their Department Director or his/her designee before leaving. Failure to do so may result in leave without pay instead of deductions from accrued sick leave.
- k) In computing wages, sick leave time will be computed at regular pay and will be excluded from calculating overtime.
- l) At the time of an employee's separation, any sick leave owed to the County shall be deducted from the employee's final compensation.

- m) One (1) month of retirement credit is allowed for each twenty (20) days accrued in an employee's sick leave account at the time of retirement to employees who are members of the North Carolina Local Governmental Employee's Retirement System or Law Enforcement Benefits and Retirement Fund.
- n) Gates County will accept a transfer of unused sick leave from another local or state government employer as long as the unused balance is not more than 3 years old. We will accept all unused sick leave, which was not paid to the employee. A letter must be received from the previous employer stating the amount of sick leave to be transferred.
- o) Gates County will transfer any unused sick leave to another employer who will accept the transfer, as requested by the employee terminating employment, within 3 years of separation from employment.
- p) Employees begin earning sick leave from the effective date of employment. Although an employee may be classified as probationary, the employee may request the use of any sick leave that has been earned to date.
- q) Sick leave may be taken in units of fifteen (15) minute increments.

Upon written request, an employee may elect to use earned annual (vacation) leave for illnesses.

#### **6.4 PETTY LEAVE**

Gates County recognizes that employees wish to participate in school activities with their children as well as volunteering in their community. In addition, there are occasions where an employee needs to be away from his/her work place that doesn't qualify for annual or sick leave. In this event, Gates County provides each regular full-time employee an annual allocation of three (3) days (hours dependent of assigned hours to work) to be used in increments of fifteen (15) minutes for any purpose that the employee desires undertake. Petty leave is credited January 1 of each year and must be used by December 31 of the same year. Unused petty leave shall not carry forward to the next year. Unused petty leave will not be paid out upon termination of employment.

Such activities may include (but not be limited to) the following:

- School activities
- Civic organization activities
- Church activities
- Bereavement events (for non-immediate family members)
- Fundraising activities
- Blood drives

#### **6.5 LEAVE OF ABSENCE**

As a regular procedure, leave may be granted for medical, family, and military reasons. In unusual circumstances, unpaid leave may be granted for compelling personal reasons or for educational purposes. Procedural matters concerning leave of absence are at the discretion of the County Manager. With the

exception of Military leave employees desiring to use leave without pay must exhaust their vacation and sick leave balance prior to being placed on a leave of absence status for an illness. Employees desiring to use leave of absence pay status for other than illnesses must exhaust their vacation leave balance and compensatory time balance prior to being placed on a leave of absence status. Exceptions to this policy must receive approval from the County Manager or designee. The requirements of notification outlined in 8.1.1 are applicable to leave without pay.

### **6.5.1 LEAVE WITHOUT PAY**

Leave without pay will not be allowed without County Manager approval. Leave without pay may not be used until all other leave is exhausted. Insurance benefits during leave without pay for 30 calendar days or less will continue. Insurance benefits during leave without pay for more than 30 calendar days will be suspended until regular employment status is resumed. During periods of leave without pay vacation, sick and holiday leave will not accumulate.

### **6.6 CONTINUING EDUCATION LEAVE**

The Board of Commissioners encourages County personnel to avail themselves of training or education that would further their careers or prepare them better for their current or future jobs with the County or elsewhere.

Mandatory attendance of County personnel at required work-related educational or training programs outside normal working hours shall be constituted as involuntary enrollment on the part of the employee, and said employees shall receive compensation and shall there by be required to affirm such in writing to the Department Director before time of enrollment.

### **6.7 VOLUNTEER SERVICE TO THE COMMUNITY**

Gates County encourages its employees to actively participate in activities that strengthen the communities of the County. Department Directors have the discretion to allow employees to participate in civic and community events and activities as representatives of Gates County Government when such involvement does not prevent the employee from performing his/her duties.

### **6.8 SHARED LEAVE POLICY**

Gates County recognizes that there will be employees who for unforeseen medical conditions, will have exhausted all of their earned sick and vacation leave and be forced to be placed on leave without pay. As a result, these employees could be faced with living without an income until they are able to return to work. It is also recognized that other employees of Gates County may wish to voluntarily donate some of their vacation leave to provide assistance to a fellow employee.

It is the policy of Gates County to adhere to the Voluntary Share Leave Program approved by the State of North Carolina (effective July 1, 1995 and subsequently amended), except that Gates County allows the transfer of sick leave in addition to vacation leave to eligible employees. Minutes from the Board of Commissioners, dated November 7, 2005 reflect the action taken by the Board as follows:

“In cases of a prolonged medical condition an employee may apply for or be nominated to become a recipient of leave transferred from the vacation leave or sick leave account of another employee within this agency”.

## **6.9 PARENTAL LEAVE**

Gates County shall provide a policy whereby eligible employees, both males and females, shall have the option of requesting parental leave. Such leave without pay must be requested in writing and normally would begin on the first business day following the placement or birth of the child.

## **6.10 FAMILY AND MEDICAL LEAVE**

An employee for Gates County will be entitled to this leave benefit for the following reasons:

1. Birth or Adoption of a child into the employee's home
2. Serious health condition of the employee
3. Serious health condition of the employee's spouse, child, or parent for which the employee is needed for their care.

FMLA will begin on the 3rd consecutive work day missed. The employee will have job protection for 12 weeks or the exhaustion of accumulated sick leave, whichever is greater.

The employee is entitled to 12 weeks of job-protected leave while utilizing leave under the Family and Medical Leave Act. The employee's health benefits during the leave period (12 weeks) will be at the same level and conditions as if the employee was continuing to work. If the employee chooses not to return to work for reasons other than a continued serious health condition, the County may recover from the employee the premium paid for the employee's health coverage.

## **6.11 MILITARY LEAVE**

Gates County complies with the provisions of the Uniformed Services Employment and Re-employment Act (USERRA) of 1994, which protects employees in the U.S. military including the National Guard and Armed Forces Reserves. Full-time and Part-time benefited employees who are members of the National Guard or Armed Forces Reserve will be allowed 80 hours (10 days) military training leave per calendar year. If such military duty is required beyond this 80 hours (10 days) period, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status. While taking military leave without pay, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the County during this period. Employees may continue health insurance for their family by paying the current employee rate for such coverage. When employees are activated in the event of a national emergency, they may request the utilization of their accrued vacation and sick leave credits. The intent of this policy is to ensure that the employee's family is compensated as close as possible, to their standard of living. Each case will be reviewed by the County Manager or designee for approval/disapproval. The Department Director will submit his/her recommendation to the County Manager for approval/disapproval.

Employees who are called for “active duty” have re-employment rights if they:

- a) Give advance notice either verbally or in writing;
- b) Are absent for five years or less;
- c) Separate from military service under honorable conditions; and
- d) Report for re-employment within certain time periods designated under USERRA.

The County will re-employ employees meeting the above criteria in the same position and with the same seniority and other rights and benefits that they had on their last day of work and any additional rights or benefits to which they would have been entitled had they not been on military leave.

To be covered by the re-employment rights under USERRA, the employee must report back to work following their return from military service as follows:

If away 30 days or less, they must report to work on the next workday following completion of service and arrival home.

If away more than 30 days but less than 181 days, they must report no longer than 14 days after completing service.

If away greater than 180 days, they must report within 90 days of service completion. Employees who are hospitalized or recovering from an injury or illness that occurred during military service have up to two years or longer (in special circumstances) to return to work.

In addition, USERRA gives employees who have served in the armed forces limited protection from termination for a brief period following their return to work. These stipulations include:

If the employee was away for more than 180 days, they cannot be terminated from employment for a period of one year following their return except for cause.

If the employee was away for more than 30 days but less than 180 days, they cannot be terminated for 180 days after their return except for cause.

## **6.12 COURT ORDERED LEAVE**

An employee who is subpoenaed by the courts to testify in a capacity of an expert witness or to provide the courts with testimony as part of his/her position with Gates County, such leave shall be granted as administrative paid leave.

## **6.13 RECOGNITION OF SERVICE**

Employees who transfer to Gates County or have credible previous experience from another county or entity belonging to the Local Government Employees Retirement System are eligible to transfer their years of service for the purpose of earning vacation leave and longevity. This is effective January 1, 2013.

## **ARTICLE VII. SEXUAL HARASSMENT**

### **7.1 POLICY**

It is the policy of Gates County that no employee may engage in conduct that falls under the definition of sexual harassment as indicated below. No personnel decisions shall be made on the basis of granting or denying sexual favors. All employees are guaranteed the right to work in an environment free from sexual harassment.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;

Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual; or

Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive working or educational environment.

This policy prohibits behavior that an employee does not welcome and finds personally offensive. Other examples of prohibited behavior include:

- a) Repeated sexual flirtations, advances or propositions
- b) Continued or repeated verbal abuse of a sexual nature
- c) Sexually related comments, jokes or graphics;
- d) Degrading comments about an employee's appearance;
- e) The display of sexually suggestive objects or pictures, including any that may be obtained through the Internet or computer software programs; or
- f) Any uninvited physical contact or touching.
- g) Sexual harassment does not include personal compliments welcomed by the recipient or social interaction or relationships freely entered into by employees or prospective employees.

Upon receipt of a complaint alleging sexual harassment, an immediate and thorough investigation will be initiated to ascertain the facts of the complaint. Any employee determined to have engaged in conduct defined as sexual harassment may be terminated immediately for reasons of unacceptable personal conduct.

All employees, not just victims of sexual harassment, are encouraged to report all incidents of sexual harassment to any member of management, the department director, or if appropriate, the County Manager.

No employee will be retaliated against, in any fashion, for reporting, in good faith, any incident of sexual harassment.

## **ARTICLE VIII. DISMISSAL, SUSPENSION AND DEMOTION**

### **8.1 GENERAL**

Any employee of Gates County with regular or probationary status may be warned, demoted, suspended or dismissed by the appointing authority regardless of position, length of service, or past performance. The degree or type is based on the sound and considered judgment of the appointing authority. Temporary or part-time employees are not included in this policy ---- they may be dismissed immediately for any cause or reason not prohibited by law.

The basis for any disciplinary action taken in accordance with this policy falls into one of two categories --- (1) job performance and (2) personal conduct.

The County Manager may remove such officers, agents, and employees as the Manager may appoint. [State law reference: G.S. 153A-82(1)]

The Department of Social Services must operate under the provisions of G.S. 126A.

#### **8.1.1 STATUS NOTIFICATION REQUIREMENT**

Each department director is required to notify the County Manager and Finance Office within one (1) business day of receiving notification of status change of any employee, to include but not limited to hiring, resignation, termination, transfer, etc.

### **8.2 APPEALS**

The employee has the right of appeal to the County Manager and Gates County Personnel Board. The appeal process will not exceed fifteen (15) calendar days before any of these actions become final. The dismissed person does not earn pay or benefits during the appeal process. Every employee shall have the right to present his/her appeal free from interference, coercion, restraint, discrimination or reprisal.

### **8.3 REPORT OF DISMISSALS**

Upon the dismissal or removal of any officer, employee or agent, the County Manager shall report the same, monthly at a meeting of the Board of County Commissioners. [State law reference: G.S. 153A-82(1)]

### **8.4 ACTION TAKEN FOR JOB PERFORMANCE**

Regular employees whose work is not satisfactory over a period of time shall be notified in what way their work is deficient and what they must do if their work is to be satisfactory. If the employee continues to be negligent or fails to perform work up to the standard of the classification held, the Department Director shall recommend to the Manager that the employee be demoted or dismissed.

“Job Performance” covers performance-related inadequacies and may consist of, but are not limited to

the following:

- a) Inefficiency, incompetence, negligence, or physical or mental incapacity in the performance of assigned duties.
- b) Careless, negligent, or improper use of government property or equipment.
- c) Failure to maintain satisfactory and harmonious working relationships with the public and fellow employees.
- d) Unapproved absences, abuse of sick leave, and/or habitual failure to report for duty at the assigned time and place.
- e) Failure to maintain required license or certification.

Failure or inability to perform duties of the position including hours of operations. The following steps or procedures will be followed:

Oral Warning --- In a private discussion, the employee will be advised that this is a warning. The supervisor will provide the basis for the warning including specific performance deficiencies. Furthermore, the supervisor will provide specific improvements that must be made and the time frame in which to make them. Some type of acknowledgement must be made in the employee's personnel file to document that the meeting took place. The employee must have the opportunity to respond with all dates and proposed actions documented.

Written warning --- In a private discussion, the supervisor will follow the same steps as in the oral warning with additional steps. The supervisor will provide the employee with a written statement covering the reasons for warning and conference. The employee will acknowledge that the notice was received.

Final Written Warning --- In a private discussion, the supervisor will provide the employee with a final written warning that states specific reasons for the warning. The employee will be given the opportunity to discuss reasons for the disciplinary action, necessary improvements that must be made and the time frame to make them. The supervisor will inform the employee that failure to accomplish the improvements will result in dismissal and give the employee appeal rights' information.

Pre-dismissal Conference --- In a private informal discussion, the supervisor will give the employee a written notice of the reasons for the action and an oral or written summary of supporting documentation. The employee has the right to an opportunity to present why the proposed dismissal should not be taken and the right to challenge mistaken decisions.

Neither the employee nor the employee is permitted to have an attorney or representative at this conference. However, the employer may have witnesses or security personnel present if necessary.

Dismissal --- The employee will be given a written notice citing reasons for the dismissal. The supervisor must explain the right of appeal to the employee. The employee may or may not be given two weeks' notice of the termination.

## 8.5 ACTION TAKEN FOR PERSONAL CONDUCT

This category covers areas of unacceptable personal conduct that include, but are not limited to the following:

- a) Insubordination;
- b) Gross misconduct or immoral conduct unbecoming a public employee; Conviction of a felony or criminal act;
- c) Misuse of government funds, willful damage or destruction of public property;
- d) Any act that would seriously disrupt or disturb the normal operation of the county or department;
- e) Trespassing or harassing any public official or employee;
- f) Falsified information on job application, time records or other agency documents; Refusal to accept reasonable and proper assignment;
- g) Reporting to work under the influence of alcohol or drugs; Acceptance of gifts in exchange for favors or influence;
- h) Violation of the County's confidentiality policy;
- i) Violation of the Hatch Act or serving conflicting interests;
- j) Abusive, threatening, profane, coercive, or harassing language or conduct to or in the presence of a supervisor, co-worker, participant or visitor;
- k) Indecent, lewd or offensive sexually suggestive behavior;
- l) Taking, selling, distributing or possessing drugs, narcotics, or alcoholic beverages while on county business or on county property at any time. Being under the influence of such substances while in the performance of one's duties;
- m) Theft of county, customer or co-worker property or proprietary information; Willful violation or disregard of safety rules;
- n) Negligence in the performance of duties resulting in damaged equipment, personal injury to others;
- o) The use of county equipment, material or time for personal work without permission; Obtaining or attempting to obtain authorization of any kind of absence under false pretenses; Unauthorized leaving of the facility during working time;
- p) Failure to report a personal work-related injury on the day that it occurs to his/her supervisor; Habitually reporting late to work;
- q) Being absent from work three consecutive scheduled work days without notifying your supervisor;
- r) Inefficiency or lack of application to your job;
- s) Failure to receive authorization from the appropriate supervisor prior to working overtime;
- t) Abuse of lunch or break periods;
- u) Possessing a weapon and/or objects used for injuring and intimidating while on county or client property and/or county business;
- v) Failure to report for work at the end of a leave of absence.

Insubordination occurs when an employee willfully disobeys or disregards a superior's legitimate directive. Abusive language by employees toward supervisors and others may also be considered insubordination.

If an employee is found in violation of this policy of personal conflict, he/she will receive a written notice of the violation, the action to be taken and the reasons for the action. The supervisor will

hold a pre-dismissal conference with the employee to give the opportunity for the employee to state his/her case and advise the employee of the appeal rights. Dismissal, demotion, or suspension may result without prior warning for unacceptable personal conduct.

## **8.6 SUSPENSIONS**

An employee may be suspended in certain instances in order to investigate circumstances or as a disciplinary action. Investigation status is used to temporarily remove an employee from work status. Placement on suspension for investigation with pay does not constitute a disciplinary action. An investigatory placement with pay may last no longer than forty-five (45) calendar days without written notice of extensions by the County Manager. It is not permissible to use placement on investigation status for the purpose of delaying an administrative decision on an employee's work status pending the resolution of a civil or criminal court matter involving the employee. It is permissible to place an employee on an investigation status with pay under the following circumstances;

To investigate allegations of performance or conduct deficiency would constitute just cause for disciplinary action; To provide time within which to schedule and conduct a pre-disciplinary conference; To avoid disruption of the work place and/or to protect the safety of persons and property. At the conclusion of the investigation status, one of the following actions must occur: Reinstatement with full back pay if employee was suspended without pay; Disciplinary action based on the results of the investigation; Reinstatement

An employee may be suspended without pay in the event that the County Manager and Board of Commissioners have reason to believe that the investigation upon conclusion will result in a finding of probable justification for dismissal. An employee who has been suspended without pay must be furnished with a written statement giving the specific acts or omissions. The employee must also be advised in writing of his/her appeal rights.

## **8.7 REDUCTION IN FORCE AND RECALL**

Separation of employees through reduction in force should not occur until management has evaluated alternatives. Therefore, a reduction-in-force decision should be reached only after measures such as a hiring freeze on vacant positions, limits on purchasing and travel, retirement options, job sharing, and work schedule alternatives have proven insufficient.

A reduction in force necessarily compels a thorough evaluation of the accomplishments of specific programs, and the need for particular positions so that a department can provide the highest level of service possible with a reduced work force. The determination as to the retention or separation of a particular employee should include an evaluation of the relative skills, performance appraisals, experience, knowledge and productivity of the employee in the comparison to the services necessary to give the above factors more weight than other considerations, such as length of service.

Any right to recall established by this policy shall not extend for more than six (6) months from the date of reduction in force.

## **8.8 DEMOTION**

An employee may be demoted as a result of disciplinary measure for job performance or personal conflict. As a result of unsatisfactory job performance, the employee must receive at least two prior warnings, one of which must be in writing.

As a result of unacceptable personal conduct, no prior warnings are required. The employee must receive written notice of the reasons for the demotion and his/her appeal rights.

## **ARTICLE IX. REGULATION OF CONDUCT**

### **9.1 EMPLOYEE PERFORMANCE STANDARDS**

- a) Employees must perform their duties in a satisfactory manner which would reflect credit upon themselves and Gates County.
- b) Personal Affairs: The private and personal affairs of an employee are the concern of the County only when they reflect discredit on the County or impair the employee's job performance. Employees must not use work time or facilities to conduct personal business or affairs.
- c) Each employee is responsible for seeking ways to improve the kind and quality of services rendered by Gates County. Each worker should not only carry out his/her duties properly, but continually be alert for and seek new methods and means to perform these duties better.
- d) Supervisory employees must constantly evaluate the performance of each employee under their direction and keep employees advised of the status of the evaluation. Employees have a right to know how well they are performing and they must be told. Both good and poor performance requires constant evaluation and appropriate comments or counsel from the supervisor. Employees must perform their jobs in accordance with County organizational lines. Organizational structure is not designed to stifle individual initiative or freedom of expression, but rather to assign responsibility, aid in communication, and increase efficiency.
- e) Employees are responsible for ensuring that they do nothing to conceal deliberately any inadequacy in the performance of any other employee.
- f) Each employee is responsible for helping to maintain a safe and healthy work environment. Gates County is required to provide such an environment. Therefore, it is the individual responsibility of each employee to use safe work methods for the protection of oneself and others. Employees should report any health or safety hazard to their supervisor immediately.
- g) Employees must consider themselves "on call" for Gates County during times of community disaster or other emergency situations. When each employee is hired, that person, in effect, agrees to be "on call" as requested by the Department or County Manager to assist the community if the need should arise.
- h) Supervisory personnel represent Gates County on a twenty-four (24) hour basis regardless of

whether they are on or off duty. Therefore, the County has a right to expect loyalty in carrying out their job-related responsibilities.

- i) **Courtesy:** The very nature of working in the public sector brings most employees into daily contact with many different people. Employees are expected to display the utmost courtesy and tact in their dealing with visitors and fellow employees. Employees may not use derogatory language or profanity when addressing the public or fellow staff members.
- j) **Unauthorized Release of Confidential Information:** Any inquiries for materials that are considered by state and federal laws to be privileged or confidential information should be referred to the Department Director for disposition.
- k) **Gates County recognizes that the manner in which staff presents themselves reflects how the community perceives County employees and also sets the tone for inter-departmental relations. To this end, all staff must appear neat, clean and appropriately dressed at all times for the type of work being performed.**

Department directors, supervisors and all staff are expected to project a professional image. Dress attire that works well for the beach, yard work, dance clubs, exercise sessions and sports contests may not be appropriate for a professional, appearance at work. In a casual business work setting, employees should wear clothing that is comfortable and practical for work, but not distracting, offensive or provocative to others. Consideration is taken for department's specific job tasks and the functionality of their attire as it relates to these tasks.

No dress code can cover all contingencies so employees must exert a certain amount of judgment in their choice of clothing to wear to work.

If clothing fails to meet these standards the employee will be informed not to wear the inappropriate item to work again. If the problem persists, the employee may be sent home to change clothes and will receive a verbal warning for the first offense in which all disciplinary actions for job performance will apply as outlined under Section 8.4 or 8.5 of the Gates County Personnel Ordinance. Department Directors, Supervisors or County Manager will enforce this policy.

The following has been deemed inappropriate for Gates County staff:

1. Inappropriately sized clothing (excessively loose, drooping or tight clothing)
2. Ill-fitting clothing (excessively short or revealing normally unexposed body parts)
3. Lettering or messages that are lewd, abusive, offensive or profane
4. Shorts, casual tank tops, low-cut shirts, bare midriiffs, short skirts or clothes with overtly revealing tears or holes in them

While the above listed prohibited items are extensive, it is not all inclusive.

## **ARTICLE X. TECHNOLOGY USE POLICY**

### **10.1 GENERAL**

This policy covers the use of all technology resources belonging to Gates County. It includes, but is not limited to pagers, radios, computer systems of any size and functions and their attached peripherals, phones, cellular phones, faxes, voice mail systems, e-mail systems, network resources, digital cameras and Internet resources. Technology resources owned by Gates County are in place to enable the County to provide its services in a timely and efficient manner and any activity or action that interferes with this purpose is prohibited. Because technology systems are constantly evolving, Gates County requires its employees to use a common sense approach to the rules set forth below, complying not only with the letter, but also the spirit, of this policy.

### **10.2 INFORMATION ACCESS AND OWNERSHIP**

Technology resources and information transmitted by, received from, or stored on Gates County systems are the property of Gates County and as such, are subject to inspection by County officials. The County reserves the right for business purposes to enter, review and monitor the information on systems, including voice mail, electronic mail and information stored on computer systems or media, without advance notice. This may include investigating theft, unauthorized disclosure of confidential business or proprietary information, personal abuse of the systems or monitoring workflow and productivity.

If Gates County determines that an employee has used technology resources in a manner that violates this policy or other County policies, the County will take appropriate disciplinary action up to and including dismissal.

### **10.3 APPLICATION DEVELOPMENT**

Any and all development of applications shall be approved in advance. Excluded from this section is the development of simple spreadsheets, forms and mail merge type documents for use in word processing, etc.

### **10.4 PERSONAL USE**

Personal use of a county-owned technology resource by employees is allowed with the following restrictions:

There must be no cost to Gates County.

Use must be conducted on an employee's own time. However, personal telephone calls on non-cellular phones or personal use of e-mail on an occasional basis may be permitted provided that they do not interfere with a County employee's obligation to carry out county duties in a timely and efficient manner.

Any long-distance calls made on county telephones must be identified, logged and reported to his/her

supervisor in accordance with Department rules and instructions.

Use must not interfere with other employees performing their jobs or undermine the use of County resources for official purposes. Use of the County's technology resources for operating a personal business or soliciting of any kind is prohibited. Some technology resources such as cellular telephones are billed from the first minute of use (both local and long distance) and are not allowed to be used for personal use except in an emergency. In the event that a cellular telephone contains a pre-set limit of available minutes for one price, all Department Directors should approve pre-set packages in accordance with the employee's job requirements. Personal use of a County resource by an employee neither expresses nor implies sponsorship or endorsement by Gates County.

Employees should be aware that personal use of a County-owned technology resource is subject to all of the rules in this policy including inspection and monitoring.

## **10.5 SECURITY**

Each employee is responsible for all actions taken while using their user profile, password, or access code. Therefore, none of these are allowed to be shared with anyone else (including other employees of Gates County) at any time. The use of another person's user profile, password, or access code is also strictly prohibited.

Except as provided by Departmental approval, the examination, modification, copying, or deletion of files or data belonging to other employees is prohibited.

Each employee using County-owned technology resources is responsible for the prevention of the spread of viruses. Application software copyright laws must be followed.

## **10.6 APPROPRIATE USE**

When an employee is using Gates County technology resources, he/she is representing the County. Employees are expected to use them responsibly and professionally. They shall make no intentional use of these resources in an illegal, malicious, inappropriate or obscene manner.

When sending or forwarding E-mail, either internally or externally, employees shall identify themselves clearly and accurately. Anonymous posting is expressly forbidden.

Employees have a responsibility to make sure that public information disseminated via the Internet is accurate. All e-mails and other transmitted information are public records under the Public Records Act and must be provided to any party who makes the appropriate request.

**ARTICLE XI. EMPLOYMENT BENEFITS**

**11.1 GENERAL**

Gates County offers a package of benefits to its regular employees.

**11.2 MEDICAL INSURANCE BENEFITS**

Gates County provides medical insurance coverage to its full-time employees under a group health plan.

Coverage will begin on the first date of employment and will cease on the last day of employment with the employee being provided possible extension of coverage under Federal COBRApolicies.

The County will pay the premium cost for coverage for the employee while providing coverage under various provisions of child, children, spouse, and family coverage upon enrollment and payment of the assigned premium costs by the employee.

**11.3 DENTAL INSURANCE BENEFITS**

Gates County offers its employees the opportunity for dental insurance which is provided under the same coverage plan as medical insurance.

**11.4 UNEMPLOYMENT COMPENSATION BENEFITS**

County employees who are laid off or dismissed from county service may apply for unemployment compensation through the local office of the North Carolina Department of Commerce-Division of Employment Security. Eligibility will be determined in accordance with the State's criteria.

**11.5 OLD AGE AND SURVIVORS INSURANCE (SOCIAL SECURITY)**

Gates County, to the extent of its lawful authority and power, shall extend Social Security benefits for its eligible employees in accordance with the provisions of the Social Security Act.

**11.6 NORTH CAROLINA LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM CONTRIBUTIONS**

North Carolina Local Government Employees' Retirement System (NCLGERS) eligible employees will contribute the individual's required percentage, as set forth by the North Carolina Retirement System. The County contributes an actuarially determined percentage, also set forth by the North Carolina Retirement System.

If an employee separates from service, a refund of his/her contribution, from the North Carolina Retirement System may be available, in accordance with the rules contained in the North Carolina Retirement System.

## **11.7 NORTH CAROLINA LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM BENEFITS**

All North Carolina Local Government Employees' Retirement System (NCLGERS) benefits, including death benefits, are determined in accordance with rules and regulations established and paid by the State of North Carolina, Office of Treasurer. Please refer to the latest Local Government Retirement System (LGERS) handbook or contact the North Carolina Retirement System directly for retirement benefits information.

## **11.8 LAW ENFORCEMENT OFFICERS' SEPARATION ALLOWANCE**

Gates County shall provide a special separation allowance to qualified officers who retire early or who leave service early and who meet all of the following qualifications:

The officer must have completed thirty (30) years or more of creditable service or have attained fifty-five (55) years of age and completed five or more years of creditable service;

The officer must not yet be sixty-two (62) years of age;

The officer must have completed at least five (5) years of continuous service as a law enforcement officer immediately prior to service retirement.

Payment of the separation allowance will cease if the officer (1) reaches sixty-two (62) years of age, (2) dies, or (3) is re-employed in any capacity by the State of North Carolina or any of its political subdivisions.

## **11.9 SUPPLEMENTAL RETIREMENT INCOME PLAN FOR LAW ENFORCEMENT OFFICERS**

All sworn law enforcement officers automatically become a member of the State Supplemental Retirement Income Plan on the date of hire. Gates County contributes the sum of five percent (5%) of the officer's gross pay into a special individual account that is administered by the State of North Carolina's 401-K Supplemental Retirement Program.

## **11.10 WORKER'S COMPENSATION PROGRAM**

Gates County provides coverage to all employees under the North Carolina Association of County Commissioners' Insurance Program for worker's compensation. This program provides assistance to employees in the event that an employee is injured while performing work-related activities. In the event of a covered injury, the program pays hospital and medical charges with a cash benefit to assist the employee while he/she is out-of-work and unable to return to work. Employees are required to immediately notify their supervisor in the event of an accident regardless of the severity of any injury.

## **11.11 401-K AND 457(b) SUPPLEMENTAL RETIREMENT PROGRAM**

Gates County participates in the NC401(k) and 457(b) Supplemental Retirement Program administered through the North Carolina State Treasurer. Employees may elect to participate in the program and designate a portion of their salary into the program. Payroll deduction is available for this process.

## **11.12 OTHER INSURANCE PROGRAMS**

Currently, Gates County provides employees the opportunity to choose several optional insurance benefit plans at the employee's cost including cancer, short-term disability, accidental and life insurance through an independent carrier.

## **11.13 DIRECT DEPOSIT**

Direct Deposit of payroll checks is mandatory for all new hires as of January 1, 2015. Direct Deposit will not be mandatory for employees hired before January 1, 2015.

## **ARTICLE XII. DRUG AND ALCOHOL TESTING POLICY**

### **12.1 GENERAL**

Gates County is committed to maintain a drug and alcohol free workplace and to provide procedures for conducting screenings of job applicants and employees for the use of illegal drugs and the improper use of prescription medications.

Employees with substance-abuse problems are encouraged to voluntarily seek help from the employee assistance program. However, employees who fail drug or alcohol testing may be disciplined, up to and including termination.

All testing will be conducted in a manner that will protect the rights of employees and applicants subject to testing. Therefore, Gates County will take all necessary steps to safeguard the dignity and self-esteem of those being tested, and will ensure adherence to all procedures pertaining to the implementation of this policy. The County will adhere strictly to all standards of confidentiality and will assure all employees that testing records and results will be released only to those authorized to receive such information.

### **12.2 SPECIAL POLICIES AND PROCEDURES FOR GITS & UTILITIES DEPARTMENT**

Due to the special requirements of positions associated with the Gates County Inter-regional Transportation System (GITS) and the Gates County Utilities Department, each department may have rules and regulations that exceed the provisions outlined in this section. Employees with these two departments shall adhere to the additional rules and procedures at all times.

### **12.3 SAFETY SENSITIVE POSITIONS**

Gates County employs individuals who may be designated "safety sensitive" due to their duties. For the purpose of this section, "safety-sensitive" shall include the following employee position classifications:

Public Safety  
Emergency Management

Telecommunications  
Sheriff's Department



to be offered the position will be required to take the test. Failure of the test will result in the County's rejection to extend an offer of employment. Once informed of the provision, the candidate will have twenty-four hours to visit the designated location for administration of the test.

An employee, who refuses to submit to, tampers with, or fails to follow through with a drug or alcohol test when testing is required by this policy will be terminated. However, before proceeding with disciplinary action, the employee's Department Director must assure that facts of the case are reviewed by the County Manager and County Personnel Board.

If an employee alleges that, because of medical reasons, he/she is unable to provide a sufficient amount of breath to permit a valid breath test or sufficient volume of urine for a test, the employee will be directed to obtain, as soon as practicable after the attempted provision of breath, an evaluation from a licensed physician acceptable to the County addressing the employee's medical ability to provide the adequate amount of breath or sufficient urine. If there is not a medical reason provided, the employee will be considered to have refused the request to submit to the alcohol test and will be disciplined in accordance to the policy.

An employee who does not pass the drug or alcohol test and is terminated will not be considered for re-employment for a two-year period following the date of the test and then will be considered only when (a) he/she provides documentary proof of successful completion of a drug and/or alcohol abuse treatment or rehabilitation program and (b) he/she passes a pre- placement drug and/or alcohol test.

## **ARTICLE XIII. GATES COUNTY PERSONNEL BOARD**

### **13.1 ESTABLISHMENT OF PERSONNEL BOARD**

The Board of County Commissioners hereby establishes the Gates County Personnel Board to be composed of two Commissioners and County Manager. The two Commissioners shall be the acting Chairman and one Commissioner designated by the majority members of the Board by a vote. Terms on the Personnel Board shall be one year with the Board of Commissioners choosing membership at its regular January meeting.

### **13.2 RESPONSIBILITIES**

It shall be the responsibility of the Personnel Board to consider issues and recommend action to the Board of Commissioners for final approval.

### **13.3 RULES OF ORDER AND OPERATIONS**

The Personnel Board shall keep minutes of its meetings and shall operate under the same rules of operations as required by either local ordinance or state statute. Meetings may be informal.

Minutes shall be submitted to all members of the Board of Commissioners for information and request for actions at the next regular meeting of the Board of Commissioners.

## **13.4 BOARD DUTIES AND FUNCTIONS**

The Personnel Board shall have the following duties:

- (a) Recommend reclassifications of positions presented by Departments or Manager.
- (b) Recommend salary adjustment for employees.
- (c) Recommend the employment of new staff where the beginning salary exceeds the normal starting salary for that position.
- (d) Review and consider new and existing personnel policies.
- (e) Hear grievances and appeals from employees who file an appeal due to some action taken by the Department Director under the provisions of the Gates County Personnel Ordinance.
- (f) Consider other issues that may from time to time be presented.

## **ADDENDUM 1 COMPENSATORY TIME**

**PURPOSE:** The purpose of this Operating Instruction is to ensure that employees are advised of their rights under the FAIR LABOR and STANDARDS ACT (FLSA) of 1938, 29 U.S.C. 201-219. Additionally, this Operating Instruction is to provide clarity to supervisors as to the appropriate use of compensatory time and the methodology of its application.

The FLSA ensures, among other things, that employers recognize the minimum wage and develop a system of compensating employees for overtime work. Gates County will continue to follow all requirements under this Act and will utilize the definitions in the Act including, but not limited to, the definition for exempt and non-exempt employees, hours worked and overtime.

It is the position of the Gates County Board of Commissioners that employees, as a general rule, will not be paid, in monetary terms, for overtime that is accumulated. Any monetarily paid overtime must have preapproval by the County Manager. Gates County employees that are non-exempt will receive compensatory time in lieu of paid overtime. Compensatory time shall not be earned in any week during which an employee works less than 37.5 hours including holidays. Gates County will recognize, and allow to be used, compensatory time for employees at a time of the employee's choosing; as long as the time off use does not place an undue burden on the staffing levels per department. Each Department Head will be allowed to determine the staffing needs of their department and determine if an employee will be allowed to use compensatory time. However, if the use of Compensatory Time is denied, the Department Head will immediately make every reasonable effort to determine a mutually beneficial time off for the employee. The burden will be on the Department Head to justify any refusal to allow an employee to use their compensatory time.

According to the FLSA local government entities may allow their employees to accumulate or "bank" up to 240 hours. Employees in departments that are public safety in nature are allowed to accumulate or "bank" up to 480 hours. It is the policy of Gates County that department heads are responsible for monitoring their employees' compensatory time levels to ensure that they fall within the 240 or 480 hour limits, whichever is applicable to their department. It is the policy of Gates County that all compensatory time that is over the 240 or 480 limits will be paid to the employee at the end of each pay period. It will be the decision of the County Manager as to the line item that the payment will come out of for each department. Although FLSA allows employees to accumulate compensatory time up to 240 or 480 hours (depending on their position) it is the policy of Gates County that employees will not accumulate more than 150 hours (non-law enforcement) and 300 hours (law enforcement). Department heads will be held responsible for ensuring that their employees' accumulated compensatory time follows the mandates of this policy.

The FLSA recognizes that all employees fall into one of two distinct categories, exempt (not eligible for compensatory time) and non-exempt (eligible for compensatory time). It is assumed that each employee is non-exempt and the onus is on the employer to prove that an employee is exempt. Gates County will use the three prong test as outlined in FLSA to determine the exemption status of each position within the County's control. The Three Prong Test is as follows:

The employee is salaried. (Salaried being defined as no change from pay period to pay period based on variations in quality or quantity of work [salary test]).

AND

The employee earns at least \$455 per week (threshold test).

AND

The employee performs tasks that are executive, administrative, or professional in nature as these terms are defined in FLSA (duties test).

If an employee is deemed to be exempt by meeting each of the three above listed criteria then he/she is not entitled to any compensatory time at all. Each employee that does not meet each of the three criteria is entitled to compensatory time under this policy and the FLSA.

The following positions have been deemed as exempt (based upon the above outlined Three Prong Test set out in the FLSA) by the County Manager:

- County Manager (Executive Exemption)
- Tax Administrator (Executive Exemption)
- Director of GITS (Executive Exemption)
- Director of the Department of Social Services (Executive Exemption)
- Director of Water Department (Executive Exemption)
- Register of Deeds (Elected Official not covered by FLSA, Exempted)
- Sheriff (Elected Official not covered by FLSA, Exempted)

Any other Department Head or position that meets the exemption criteria not listed above beginning on or before the implementation date of this policy all employees will be required to use the attached form to document their earning of compensatory time. The form must be completely filled out and obtain the appropriate signatures for the time to be recognized as earned.

For a complete explanation of the FLSA and the definitions of its terms you can go to [www.dol.gov/esa](http://www.dol.gov/esa) or see your Department Head. All issues not resolved at the Department Head level should be brought to the County Manager for resolution.

Employees that are technically exempt from the FLSA have been accumulating Compensatory Time, although they are not entitled to accrue same. Therefore, due to their lack of designation as exempt their current accrued Compensatory Time on record will be honored except as noted below. However, there will be no further Compensatory Time honored for these exempt employees after the date of this amended ordinance. Exempt employees will be able to use "Flex-Time". Flex-Time are hours that if the exempt employee had been deemed as non-exempt would be counted as compensatory time. Exempt employees will not be able to bank these hours and/or carry them forward from one pay period to the next and will not be recognized by the County as a benefit. Any flex-time that is acquired must also be utilized by the end of the pay period following the month it was earned. Department heads are responsible for documenting and tracking all flex-time that they and their employees acquire and utilize.

NOTE 1: Elected officials have never been eligible for Compensatory Time and any and all accrued time for elected officials is retroactively being eliminated, Ref. 29 U.S.C. Statute 203(e)(2)C(ii)(II).

This policy has been drafted by the Gates County Manager and approved by the Gates County Board of Commissioners. This policy will go into effect on March 15, 2010.

## GATES COUNTY COMPENSATORY TIME FORM

(For use by 28 day cycle employees only)

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

First day of 28 day cycle (Date) \_\_\_\_\_

Hours worked in excess of regular schedule and justification:

Date	Hours	Justification

\*\*If additional lines are needed, please attach another sheet.\*\*

Total hours scheduled for period: \_\_\_\_\_ Total hours worked for period: \_\_\_\_\_

Hours earned at straight time: \_\_\_\_\_ Hours earned at time and a half: \_\_\_\_\_

Total Comp. Time hours earned for period:           0.00          

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

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

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

Finance Department Signature \_\_\_\_\_ Date \_\_\_\_\_

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

THIS FORM MUST BE COMPLETELY FILLED OUT AND SIGNED BY THE EMPLOYEE, SUPERVISOR, AND DEPARTMENT HEAD  
AND THEN FORWARDED TO THE FINANCE OFFICE BEFORE THE COMPENSATORY TIME WILL BE RECOGNIZED.

(Created 11/9/08, Revised 6/29/2012)

**GATES COUNTY COMPENSATORY TIME FORM**  
 (Elections, Social Services, and Register of Deeds)

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

First day of work week (Date) \_\_\_\_\_

Hours worked in excess of regular schedule and justification:

Monday	Hrs:	Justification:
Tuesday	Hrs:	Justification:
Wednesday	Hrs:	Justification:
Thursday	Hrs:	Justification:
Friday	Hrs:	Justification:
Saturday	Hrs:	Justification:
Sunday	Hrs:	Justification:

Total hours scheduled for week: \_\_\_\_\_

Total hours worked for week: \_\_\_\_\_

Hours earned at straight time: \_\_\_\_\_

Hours earned at time and a half: \_\_\_\_\_

Total Comp. Time hours earned for week:           0.00          

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

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

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

Finance Department Signature \_\_\_\_\_ Date \_\_\_\_\_

THIS FORM MUST BE COMPLETELY FILLED OUT AND SIGNED BY THE EMPLOYEE, SUPERVISOR, AND DEPARTMENT HEAD  
 AND THEN FORWARDED TO THE FINANCE OFFICE BEFORE THE COMPENSATORY TIME WILL BE RECOGNIZED.

(Created 11/9/08, Revised 6/29/2012)

## GATES COUNTY COMPENSATORY TIME FORM

(Departments other than Elections, Social Services, Register of Deeds,  
Sheriff, and Emergency Management Director)

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

First day of work week (Date) \_\_\_\_\_

Hours worked in excess of regular schedule and justification:

Monday	Hrs:	Justification:
Tuesday	Hrs:	Justification:
Wednesday	Hrs:	Justification:
Thursday	Hrs:	Justification:
Friday	Hrs:	Justification:
Saturday	Hrs:	Justification:
Sunday	Hrs:	Justification:

Total hours scheduled for week: \_\_\_\_\_ Total hours worked for week: \_\_\_\_\_

Hours earned at straight time: \_\_\_\_\_ Hours earned at time and a half: \_\_\_\_\_

Total Comp. Time hours earned for week:           0.00          

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

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

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

Finance Department Signature \_\_\_\_\_ Date \_\_\_\_\_

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

THIS FORM MUST BE COMPLETELY FILLED OUT AND SIGNED BY THE EMPLOYEE, SUPERVISOR, AND DEPARTMENT HEAD AND THEN  
FORWARDED TO THE FINANCE OFFICE BEFORE THE COMPENSATORY TIME WILL BE RECOGNIZED.

(Created 11/9/08, Revised 6/29/2012)

## Acknowledgement of Receipt of Employee Personnel Policy

The statements contained in the Personnel Policy are intended to provide only general information about the current existing policies and practices of employment. Nothing contained herein is intended to create, or shall be construed as creating, an express or implied contract or guarantee of employment for a definite or indefinite term.

Gates County retains the right at any time, in its own discretion, to delete, add to, alter and amend any and all information, statements, employee benefits, or terms and conditions of employment contained herein.

Upon termination I agree to return all property to my Supervisor and any money owed to Gates County will be deducted from my last paycheck.

My signature below represents that I have received the Personnel Policy with the most current revision date as reflected on the cover sheet and agree to abide by the guidelines.

Print Full Name: \_\_\_\_\_

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

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