



Gaston County Personnel Policy

Prepared By: Gaston County Human Resources Department

Personnel Policy Version Control









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Note The content of a manual does not constitute nor should it be construed as a promise of employment or as a contract between Gaston County and any of its employees.



Gaston County at its option, may change, delete, suspend, or discontinue parts or the policy in its entirety, at any time without prior notice.








Procedures are defined in a separate document called "Gaston County Administrative Procedures Manual." **Policies in this document which have a corresponding procedure are annotated with this symbol: ▣.**

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





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1 OVERVIEW

The purpose of this policy is to establish a personnel system designed to recruit, select, develop, and maintain an effective and responsible work force. This policy is established under the authority of Chapter 153-A, Article 5 - Part 4 and Chapter 126 of the General Statutes of North Carolina.

1.1 Mission Statement, Beliefs, and Vision

Gaston County seeks to be among the finest counties in North Carolina. It will provide effective, efficient and affordable services leading to a safe, secure and healthy community, an environment for growth, and promote a favorable quality of life.

BELIEFS

We will act with honesty and responsibility as stewards of the resources of Gaston County.

We value the thoughts of our citizens and employees and commit to listen and respond appropriately to their concerns and ideas.

We believe it is our obligation to make informed decisions by carefully studying the issues and seeking to understand relevant information.

We have confidence in the employees of Gaston County. We will provide them with clear direction and accountable authority to deliver quality services.

We believe it is in the best interest of our citizens to work cooperatively with local municipalities and other governing bodies.

As representatives, we believe that it is incumbent upon us to act as ambassadors to and for our citizens, building pride in Gaston County.

We believe, in order to serve the best long term interest of our citizens, we must clearly articulate a vision for the future of Gaston County.

VISION

Fostered by a sense of community and a solid foundation for economic growth and prosperity, our citizens enjoy a quality of life that ranks Gaston County as a preferred community.

Our family oriented neighborhoods reflect our commitment to the safety, health, and quality of life of our citizens. In a spirit of community, our citizens are pro-active partners in building an environment rich in culture, history, and opportunity.

Our investment in systems and policies to attract business development compatible with our resources, environment, and vision contributes to our economic vitality and the corporate commitment to our county.

Our educated workforce is positioned to participate in the success and take advantage of the opportunities of our thriving community.

1.2 Organization

Gaston County is governed by a seven member Board of Commissioners. The Commissioners shall approve all personnel policies, and shall make and confirm appointments pursuant to the General Statutes of North Carolina. The County Manager reports directly to the Board of Commissioners and is responsible for the general administration of the personnel policies. The County Manager shall appoint, suspend, and discharge all Department Directors, in accordance with the provisions of these policies, except for those who are elected by the people or whose appointment is otherwise provided for by law. Department Directors shall be responsible for implementing these policies for all employees within their departments: Administrators and Supervisors will share in the responsibility of implementing these policies with the final concurrence of their Department Directors.

1.3 Changes in Policy

This manual supersedes all previous employee manuals and memos.

While every effort is made to keep the contents of this document current, Gaston County reserves the right to modify, suspend, or terminate any of the policies, procedures, and/or benefits described in the manual with or without prior notice to employees.

2 SPECIAL PROVISIONS

2.1 Exceptions

Merit System personnel (Department of Social Services, Health Department, and Emergency Management) are subject to State Personnel Commission regulations with respect to some disciplinary matters. These employees may appeal disciplinary matters to the State Personnel Commission, in accordance with NCGS 126 – 4.

Cooperative Extension employees are employed by the State and are subject to the rules of the State Personnel Commission, in accordance with NCGS 126 – 4.

The Gaston County Police Department was created by local legislation known as the Civil Service Act. Wherever provisions of the Civil Service Act conflict with the Gaston County Personnel Policy Manual, the Civil Service Act shall take precedence. Otherwise, the County Personnel Policy is applicable.

The Sheriff, Register of Deeds and Board of Elections are granted the exclusive right to hire, discharge, and supervise employees on an at-will basis by the North Carolina General Statutes. These Departments are encouraged to adopt the Gaston County Personnel Policy Manual, but are not required to do so.

Any individual, regardless of the exceptions above, are governed by any and all County policies regarding use of County equipment, property, or vehicles.

3 ETHICS

The proper provision of government services requires public employees to be independent, impartial and responsible to those they serve. Public employment must not be used for personal gain. The public must have confidence in the integrity of its government and its officials. This Code of Ethics establishes ethical standards of conduct for County employees and defines employee actions that are incompatible with the best interests of the County.

This Code of Ethics interprets and clarifies, but does not supplant other Personnel Policies as previously adopted by resolution of the County Commission. While this Code of Ethics is intended for general application to County employees, it is recognized that unique circumstances may require consideration on a case by case basis to resolve conflicts with this Code. Final resolution of such unique ethical conflicts, as determined by the Department Director, may require employees to remove any direct or indirect interests in conflicting business entities. Such consideration shall be initiated by Department Directors, reviewed by the County Attorney, and approved by the County Manager. Any consideration of unique circumstances specifically related to the County Manager shall be initiated by the County Attorney and approved by the County Commission.

3.1 Definitions

3.1.1 Business Entity

Any business, proprietorship, firm, partnership, association, venture, trust, or corporation; whether it is organized for financial gain or profit, or operates as a non-profit corporation or entity.

3.1.2 County Employee

The County Manager and all other persons who are employed for pay on a full- or part-time basis by Gaston County, with the exception of elected officials and members of appointed boards and commissions. (The County Commission has adopted a separate code of ethics governing its members.).

3.1.3 Immediate Family

A County employee's spouse, mother, father, guardian, child, sister, brother, grandparent, grandchild, and all combinations of half, step, in-law and adopted relationships.

3.1.4 Interest

The direct or indirect monetary or material benefit accruing to a County employee as a result of a contract or transaction that is or may be subject to an official act or action by or with the County. A County employee shall be deemed to have an interest in the affairs of:

- Any person in his immediate family
- Any business entity from which a County employee or their immediate family derives or may derive material or financial benefit.

3.1.5 Official Act or Action

Any legislative, administrative, appointive or discretionary act of: the County Commission; any board or committee appointed by the County Commission; any County employee; or any County department.

3.2 Standards of Conduct

All County employees are expected to uphold the integrity of Gaston County Government and shall be subject to and abide by the standards of conduct outlined below (see also [Misconduct](#) and [Gross Inefficiency](#)).

3.2.1 Interest in Contracts or Agreements

With the exception of transactions specifically allowed by law, County employees may not acquire or maintain an interest in any contract or agreement with the County if the employee or their immediate family will privately benefit or profit from the contract or undertaking.

3.2.2 Use of Position

County employees may not use their position for personal gain. County employees shall not appear before or represent any private person, group or interest before any department, agency, or board of the County except in matters of purely civic or public concern. Employees shall not use their position to influence an official act or action taken by the County or its employees with regard to any matter or concern from which they or their immediate family may directly or indirectly derive personal gain.

3.2.3 Disclosure of Information

County employees shall not use or disclose any information gained in the course of employment for purposes of advancing any of the following:

- The employee's financial or personal interest, or;
- The financial interest of a business entity of which the employee is an owner (in part or in whole), an officer, or director, or from which the employee derives or may derive financial benefit, or;
- The financial or personal interest of a member of the employee's immediate family, or;
- The financial or personal interest of any other person, unless such disclosure is required in the performance of their official duties.

3.2.4 Gifts and Favors

No employee or direct family member shall accept any gift, favor, or thing of value that may influence the proper discharge of their duties.

- No employee or direct family member shall accept any gift, favor, or thing of value from any person or group of persons in return for, or in appreciation of, the performance of their official duties.
- Employees may accept gifts on behalf of a County department or division provided such gifts are of general benefit to, or will be available for consumption by, all employees of the department or division.

- This section is not intended to prevent the gift and receipt of awards or honorariums for participating in meetings, advertising items or items of nominal value, or meals furnished at banquets.

3.2.5 Special Treatment

No County employee shall grant any special consideration, treatment or advantage to any citizen beyond that available to every other citizen. Department Directors may establish more stringent standards within their departments should they determine that more stringent standards are necessary. A copy of the standards must be reviewed by the County Attorney and filed with the Human Resources Director.

3.2.6 Protection of County Property

County employees are responsible for County property. Gaston County reserves the right to recover cost in cases where employees have been responsible for the damage or loss of County property.

3.3 Disclosure of Financial Interest

County employees having official duties that are directly or indirectly related to enforcement of federal, state or local statutes, regulations, or ordinances shall disclose any financial interest in, or compensation derived from, any activity over which they may have enforcement or regulatory authority and shall totally remove themselves from any act or actions taken by the County with regard to such interest. Following review by the County Attorney, department directors may impose additional requirements that they deem necessary to remove any real or apparent conflict of interest among employees of their departments. Such additional requirements must be filed with the Human Resources Director.

3.4 Investigations

Any person who believes that a violation of this Code of Ethics has occurred may file a written complaint specifying the nature of the alleged violation. Complaints alleging violation by any County employee other than the County Manager shall be filed with the Human Resources Director who shall conduct a proper investigation. In the event the complaint alleges violation of this Code of Ethics by the Human Resources Director the complaint shall be filed with the County Manager who shall direct the County Attorney, or other appropriate authorities having jurisdiction in the matter, to conduct a proper investigation. In the event the complaint alleges violation of this Code of Ethics by the County manager the complaint shall be filed with the County Commission. In any event, findings of such investigations shall be reported directly to the County Commission. Any County employee who is found to have violated any portion of this Code of Ethics will be subject to further disciplinary action, up to and including termination, in accordance with provisions of the County Personnel Policy.

4 POSITION CLASSIFICATION AND PAY PLAN

4.1 Policy

The primary objective of the *Gaston County Pay Plan* is to ensure that wages paid to County employees are externally competitive, internally equitable, and are linked to the County's goals and objectives. Wages are based on the County's financial resources and may be amended annually by the Board of Commissioners as a portion of the Budget Ordinance. Gaston County is also required to comply with the Fair Labor Standards Act (FLSA). County policies are intended to supplement or enhance FLSA; if the County Policy and FLSA are not in agreement, the FLSA will take precedence over County policy. In order to maintain internal equity, jobs substantially similar as to difficulty, complexity, and responsibility of work are grouped into classes and position. Each class and position is given a descriptive title and allocated to an appropriate pay grade. Pay grades are listed in the *Gaston County Pay Plan*. The County Manager, as provided in General Statute 153a-92(c), shall be responsible for administering and maintaining the Pay Plan.

4.2 New Positions ▢

Department Directors must submit requests for all new full-time and part-time positions to the Human Resources Director for review and subsequent approval by the Board of Commissioners.

4.3 Reclassification ▢

A re-classification is an action which may increase, decrease, or otherwise change a position's pay grade, classification title, and/or duties and responsibilities. A Department Director, the County Manager or Human Resources Director may initiate a re-classification. The Department Director must submit in writing a request to the Human Resources Director for a review of the position to be re-classified.

5 HIRING

5.1 Diversity and Equal Opportunity Employment Statement ▯

Gaston County Government recognizes that its continued success in meeting the needs of its citizens requires the full and active participation of talented and committed individuals, regardless of their gender, age, race, color, creed, religion, national origin, disability, or political affiliation. It is the policy of the County to foster, maintain, and promote equal employment opportunity. The County shall select employees on the basis of applicants' qualifications without regard to race, color, creed, religion, national origin, disability, or political affiliation. Discrimination on the basis of age or sex is prohibited except where age or sex constitutes a bona fide occupational qualification necessary for job performance. Applicants with disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not present an unreasonable barrier to satisfactory performance of duties, or in which reasonable accommodations to their disabilities will remove such barriers. Notices addressing equal employment matters shall be conspicuously posted in all county government buildings where notices are customarily posted.

This Policy shall be examined by the Gaston County Human Resources Department at least on an annual basis.

5.1.1 Equal Employment Opportunity Plan (EEOP)

In addition to the commitment to Diversity and Equal Employment as described in this Section, Gaston County is committed to promulgating an Equal Employment Opportunity Plan, as required by the United States Department of Justice Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, and described in 28 C.F.R. 42.301 et. seq. As required by regulation, Gaston County shall create data for the EEOP Utilization Report. The goal of the EEOP shall be to ensure that policies established concerning equal opportunity are fully implemented.

Data produced in accordance with this subsection shall be reviewed on an annual basis.

5.2 Residency Requirements

It is the intention of the County for all department directors and police officers to reside within the County. It is recognized that Gaston County is in a major metropolitan area, and competition for jobs is keen. The County seeks the most qualified applicants, therefore the County Manager is authorized to make an exception to the residency requirements only for directors whose primary work is the internal functioning of the County operations. Every effort should be made to select candidates who would reside in Gaston County. Jobs must have been advertised and unfilled for at least 90 days and a clear distinction in qualifications must exist before the manager can use this exception. In the event this exception provision is used, the County Manager shall furnish each Commissioner with an explanation of why a candidate was selected who required the use of the exception rather than candidates who would not require an exception. This policy shall also apply to any current employee who meets these criteria.

5.3 Announcing Vacancies

5.3.1 Internal Posting

At Department Director discretion, vacant positions may be posted internally. If an internal candidate is not identified and hired, the vacancy will be posted to the public.

5.3.2 Public Posting

The general public shall be notified of job vacancies through the posting of job announcements on the public bulletin board outside the Human Resources Department and by the listing these positions with the NC Employment Security Commission and on the County website (www.co.gaston.nc.us).

Department Directors are required to ensure all employees have access to both internal and public job announcements and opportunities to apply.

Recruiting to fill vacant positions shall continue through a specific closing date. All applications postmarked by this closing date will be accepted. In the event that an insufficient number of applications are available to form a reasonable selection pool, the closing date may be extended at the discretion of a Department Director. All eligible applications shall be considered before a final hiring decision is made.

5.4 Filing Applications

All applications must be made on forms provided by the Human Resources Department and must be received by 5:00 pm on the closing date specified in the announcement. All applications shall be signed by the applicant attesting to the truth of all statements contained in the application forms.

5.5 Processing Applications

The County will accept applications for employment only when funded positions are funded and approved in accordance with the section [Qualifications](#). Applications, whether accepted or rejected for current vacant positions, shall remain on file for 1 year and shall not be returned to the applicant.

5.6 Citizenship Requirements

Pursuant to the provisions of the Immigration Reform and Control Act of 1986, Gaston County hires only U.S. citizens and lawfully authorized alien workers. Applicants for employment shall be required to provide documentation of United States citizenship, or application for documentation demonstrating United States citizenship, or documentation of authorized alien worker status within 3 working days from date of employment.

5.7 Job Offers

Job offers must be in writing and must contain the job title, starting salary, or hourly pay, start date, a copy of the job description and any contingencies to hire including drug testing, background checks, and proof of education.

5.8 Contract Employees

Departments must receive approval from the Human Resources Director prior to hiring an employee as a contractor.

5.9 Nepotism

Relatives of County employees may be employed in any position in any department provided neither employee will be under the direct or indirect supervision of the other. A related employee is an employee's spouse, mother, father, guardian, child, sister, brother, grandparent, grandchild, and all combinations of half, step, in-law, and adopted relationships.

In the event of employees marrying, or of a promotion resulting in the direct or indirect supervision of a County employee by another employee to whom they are related, one of the employees shall be transferred to another position within the County service within ninety days of the appointment of the supervisory employee. At the end of the 90 days, if a suitable position within the County is not secured, one of the employees may be discharged.

6 APPOINTMENTS

6.1 Definitions

- Part-time Status: The appointment of an employee to a position which, on a continuing schedule, requires the employee to work less than forty hours per week or 2,080 hours per year.
- Permanent Status: The appointment of a full-time or part-time employee who has successfully completed their probationary period. As the term implies, a permanent appointment is of indefinite duration, depending upon: termination for just cause, funding for the position, or a Reduction in Force. A permanent employee is one who has completed probation and been granted permanent status.
- Probationary Status: The initial appointment of all County employees with the exception of those appointed to a temporary position, as defined below.
- Trainee Status: The appointment of an employee to a position conditioned upon their completion of an approved training plan. (See [Trainee Status](#) section.)
- Temporary Status: The appointment of an employee to a position of limited duration.

6.2 Qualifications ▢

Individuals shall be appointed and promoted on the basis of job-related education, experience, knowledge, skills, ability, quality of past performance, and general suitability to perform required work. Selecting applicants for appointment shall be based on their qualifications for the position to be filled. The same selection process will be used with all applicants for the same job vacancies.

6.3 Trainee Status

Trainees may be appointed with salaries below the minimum of the pay range, contingent upon the development of recognized and approved trainee programs in selected classifications. Salary increases necessary to advance the trainee to the minimum of the pay range shall be based on defined performance and training criteria and specific time intervals. No employee shall remain in trainee status for longer than the approved trainee program for that position. All trainee programs and appointments must have the prior approval of the Human Resources Director.

6.4 Temporary Status ▢

Temporary appointments may be made or extended only in consultation with the Human Resources Director. Contract employees may fill positions of limited employment, either through a commercial employment service, by direct contract with an individual, or by contract with a college or university for an internship. The Human Resources Director must authorize contract employment.

6.5 Armed Forces Reinstatement (USERRA)

An employee who enters extended active duty with the armed forces will be granted reinstatement rights commensurate with the Uniformed Services Employment and Reemployment Rights Act (USERRA) as well as other applicable State and Federal Law. An employee who is reinstated shall be credited with previous service and previously accrued sick leave.

7 CONDITIONS OF EMPLOYMENT

It is imperative for every County employee to maintain good character and ethical practices to ensure efficient and effective government. The purpose of this Policy is to set forth rules that promote the retention of capable, diligent, and honest career employees.

7.1 Work Week

Full-time employees normally work five 8-hour days per workweek and are subject to the overtime provisions of the FLSA, except for employees who are determined to be exempt from the FLSA by the Human Resources Department. When the activities of a particular department require another schedule, Department Directors may authorize a deviation from the normal schedule. The work schedules of public safety officers shall be adjusted as authorized by the FLSA. All work schedules shall comply with the provisions set forth in the FLSA.

7.2 Non-exempt Employees

County overtime policy is applicable only to employees of Gaston County who are not exempt from the overtime provisions of the FLSA. The County will properly record all applicable overtime accrued for each covered employee. Non-exempt employees are subject to the overtime provisions of the FLSA and receive hourly compensation on the basis of a 40-hour workweek. With the exception of public safety employees, any hours worked by non-exempt employees in excess of 40 hours during a pay week require overtime pay or, compensatory time off per the section [Compensatory Time Off](#).

Public safety employees may work varied schedules totaling no more than 86 hours per pay period. Public safety employees who work in excess of 86 hours per pay period will be compensated by overtime pay or, compensatory time off per the section [Compensatory Time Off](#).

For the purpose of defining and computing overtime, authorized or unauthorized absences from duty shall not be considered as time worked. Actual time worked, including actual time spent on jury duty, in accordance with the employees regularly scheduled hours, is considered as time worked.

For all non-exempt employees, the calculation of overtime hours worked, or portions of hours worked, shall be in accordance with prevailing FLSA requirements. It is the policy of the County, in agreement with its employees, that non-exempt employees receive compensatory time off at a rate of one-and-one-half hours for each hour of overtime worked or, overtime pay at a rate of one-and-one-half times their regular rate of pay for each hour of work performed based on their workweek.

7.3 Exempt Employees

Exempt employees are not eligible for overtime pay or compensatory time.

7.4 Paycheck Deductions

Pursuant to NCGS 95-25.8(2) employees must provide a written authorization for deductions or withholdings (other than taxes or other amounts empowered by law). If the deduction is for the benefit of the employer, then the employer cannot bring the employee below the minimum wage for the first 40 hours in a workweek. Repayment of wage advances or unpaid loans is not a deduction and do not require written authorization from the employee.

7.4.1 Final Paycheck Deductions

Employees' final paycheck is subject to deductions allowable by law. This may include garnishments, payment in arrears, and deductions for equipment/clothing that was issued but not returned or damaged beyond use. Pursuant to NCGS 95-25.11(a) an employee's wages can be held without written authorization if criminal process has been issued against an employee, if the employee has been indicted, or if the employee has been arrested pursuant to NCGS Article 17, 20, and 32 of Chapter 15A for a charge incident to a cash shortage, inventory shortage, or damage to an employee's property. If the amount in dispute is equal to or more than the employee's final pay the employer may withhold all of the employee's wages.

7.5 Political Activity

In order to support good government, each employee may join or affiliate with civic organizations of a partisan political nature, may attend political meetings, and may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the United States of America. However, no employee shall, while on duty:

- Engage in any partisan political activity;
- Use official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office;
- Be required as a duty of employment or as a condition for employment, promotion, or tenure of office to contribute funds, time, or any other thing of value for partisan or non-partisan political purposes;
- Coerce or compel contributions for political or partisan purposes from another employee of the County;
- Use any supplies or equipment of the County for any partisan or non-partisan political purposes. Any violation of this Policy will be grounds for corrective or disciplinary action up to and including discharge.

7.6 Outside Employment

County employment takes precedence over other employment in which full-time County employees may be involved. All outside employment for salaries, wages, commission, or self-employment, must be reported to the employee's Supervisor and, in turn, to the Department Director on the Notification of Outside Employment Form HR517, during the hiring process or before a position is taken.

The Department Director will determine if there is a possible conflict of interest, such as but not limited to conflicting hours, hazardous duty, and inadequate insurance coverage, and will advise the Human Resources Department of their findings. Conflicting outside

employment, will be grounds for corrective or disciplinary action up to and including discharge.

The Notification of Outside Employment Form is available from the Human Resources Department and should be returned to the Human Resources Department through the employee's immediate Supervisor and Department Director and placed in the employee's personnel records.

Employees engaged in any outside employment or in any other service not specifically related to their employment with Gaston County, must conduct such activities outside their scheduled working hours.

Employees shall not use any County equipment or resources (including but not limited to telephones, computers, email, the Internet, fax machines, copiers, or office supplies) in the execution of any outside employment or service.

County employees will be deemed to have a conflict of interest if their (or other immediate family members) business entity or activity interests require any element of County government to regularly exercise discretionary authority over any aspect of such business entities or activities. County employees determined to have such conflicts of interests will be given ample time, as determined by the County Manager, to divest themselves of all conflicting interests in such business entities or activities.

7.7 Solicitations

No employee shall solicit pledges, contributions, or promote sales for any cause during working hours without the prior approval of their Department Director. Vendors may not solicit from employees during working hours. County-wide solicitations must receive prior approval from the County Manager.

7.8 Safety

To help ensure every employee's safety and the security of the work environment, the County has established a Safety Program under the supervision of the Human Resources Director. This program provides a framework for providing a safe workplace and is incorporated by reference into this Personnel Policy Manual.

7.8.1 Employee Responsibility

Each employee is responsible for following good, safe work habits and for complying with safety and health regulations. Safety and health are to be placed first in importance in the performance of work duties. The protection of employees and the public on County property is a shared responsibility of every employee. Employees are responsible for notifying their immediate Supervisors of violations or deficiencies in safe and healthful working conditions. This responsibility includes recommending corrective measures.

7.8.2 Safety Incidents Notifications

Employees shall immediately notify their immediate Supervisors of every injury or accident regardless of their scope or severity. Failure to follow required procedures, directives, policies, rules, supervisory orders, or safe work habits will result in corrective or disciplinary action up to and including discharge.

7.8.3 Blood Borne Pathogens

In order to comply with OSHA regulations regarding blood borne pathogens, Gaston County has adopted a model Exposure Control Plan which is included by reference into this Personnel Policy Manual. Each County Department shall implement the exposure control plan and take necessary measures to reduce exposure to blood borne pathogens.

7.9 Breaks

There are no federal or state laws requiring breaks. Each employee may receive one 15-minute break for each 4-hour period of work (morning and afternoon equivalent period for shift work). Department Directors may set break times and Supervisors have the discretion to change or eliminate breaks. Break time is not cumulative, shall not be combined with lunch breaks, and cannot be used during the first or last hour of the workday.

7.10 Taxes

Each employee is expected to pay Federal, State, and County taxes as a condition of employment.

7.11 Fraternalization

Fraternalization is defined as dating or having sexual relations with subordinates, and is a violation of county policy. Additionally, the County Manager, Assistant County Manager, County Attorney, Human Resources Director and Clerk to the Board are prohibited from dating or having sexual relations with any employee.

Violations of the Fraternalization Policy will be investigated by the Human Resources Director or a designee of the County Manager. Violations of the Fraternalization Policy may be considered misconduct, and thereby are subject to corrective and disciplinary action up to and including discharge.

7.12 Direct Deposit

All County employees will be required to enroll in Payroll Direct Deposit.

7.13 Employee Identification

All County employees while on duty shall be identified by either an official Gaston County uniform, a shirt that contains the Gaston County seal or the logo of the department, or a Gaston County issued ID badge. (Exception: Special Unit law enforcement.)

8 PROBATIONARY PERIOD

8.1 Definition

A period of 9 months of service in a position to which an employee has been appointed shall constitute the probationary period. For Law Enforcement Officers, Tele-communicators, Building Inspectors, and employees of Gaston Emergency Medical Services, this period will be 1 year. The probationary period may be extended for any employee whose training requires a greater than 9 month period provided they are notified of the probationary period at the time of hire.

8.2 Purpose, Nature, and Duration

The probationary period shall be regarded as an integral part of the selection process and shall be used to closely observe employees' work, to secure the most effective adjustment of new employees, and to reject employees whose performance or conduct is not satisfactory. Each person selected for appointment shall be made aware of the requirements for the probationary period and the conditions of probationary status.

8.3 Discharge During Probationary Status

At any time during the probationary period the appointing authority can determine the services of an employee have been unsatisfactory, that employee may be discharged from their position without the right of appeal or hearing. The appointing authority shall notify the employee in writing as to the effective date of discharge.

8.4 Probation Period Extension

With the approval of the Human Resources Director, Probationary status may be extended up to three additional months at intervals of at least one month.

9 PROMOTIONS AND DEMOTIONS

9.1 Promotions

A promotion is a personnel action which results in an increase in pay when a pre-defined qualification for the increase has been met such as certification, education or experience. All other movement is subject to either the re-classification or hiring policy. Promotions do not require a new probationary period.

9.2 Demotions

Demotion is the appointment of an employee to a new position with decreased pay-grade, responsibility, and pay.

Employees who are demoted one grade will have a reduction in salary of a minimum of 3.3%. Greater reductions must be approved by the Human Resources Director. If a demotion results in a greater than one grade change, the new salary must be approved by the Human Resources Director.

9.2.1 Voluntary Demotion

Voluntary demotions can only occur in the converse of promotions (e.g. Master Police Officer to Police Officer). All other movement is subject to either the re-classification or hiring policy. Voluntary demotions do not require a new probationary period.

9.2.2 Involuntary Demotion

Involuntary demotion may be prescribed by a Department Director when an employee exhibits unsatisfactory work performance or misconduct, but shows promise of becoming a valued employee in another position. Employees affected by involuntary demotion shall be provided written notice citing the effective date, and reasons for, the demotion and shall be apprised of their rights of appeal per the [Grievances and Complaints](#) policy.

10 EMPLOYEE BENEFITS

10.1 Insurance

The County makes group life, group health, and dental insurance available for all permanent employees who are scheduled to work at least 30 hours per week. The County may make other group insurance plans available for its employees or make other changes in insurance coverage upon authorization of the Commissioners.

10.2 Social Security

The County, to the extent of its lawful authority and power, has extended social security benefits for its eligible employees.

10.3 Retirement

The County provides retirement benefits through the North Carolina Local Governmental Employees' Retirement System for its employees who are scheduled to work more than 19 hours a week, or exceeds 999 hours in a calendar year. Participation in the program is mandated by the State of North Carolina.

10.4 Worker's Compensation

County employees are covered by the North Carolina Worker's Compensation Act. Employees are required to report all injuries which arise out of or occur in the course of employment to their supervisor immediately. Employees who fail to follow notice procedures established under Chapter 97 of the North Carolina General Statute (Worker's Compensation Act) may lose their ability to obtain benefits.

10.5 Credit Union

County employees may choose to participate in either the State Employees' Credit Union or the North Carolina Local Government Federal Credit Union. An employee cannot belong to both.

10.6 Deferred Compensation and Supplemental Retirement

County employees may participate in deferred compensation plans sponsored by the National Association of Counties (457 plan) and the State of North Carolina 401-K plan. Participation in either or both plans is voluntary. Both plans allow employees to make pretax contributions until the employee separates employment or reaches age 70½. Taxes on these investments are deferred until the employee withdraws these funds.

10.7 Flexible Benefits Account

Employees may choose to contribute a portion of their earnings into a flexible benefits account for the purpose of medical or child care expenses. These contributions must be spent by the employee from the plan administrator during the plan year. Funds not spent at the conclusion of the plan year will be relinquished by the employee.

10.8 Employee Assistance Program

The County provides an Employee Assistance Program (EAP) for employees who need help resolving work-related or personal difficulties. In order to encourage employees to use the EAP, the County provides the first five sessions at no charge unless the EAP program determines that a longer treatment period is necessary. In that case the County's medical insurance can be utilized for treatment. The content of EAP sessions is confidential, even in cases where Supervisors require employees to attend the EAP.

10.9 Educational Assistance

With the approval of their Department Director, employees may receive educational assistance for a course of study related to the employee's job. The assistance, at the discretion of the Department Director, may or may not include, tuition, fees, books, and paid time off (classes during work hours only).

Educational Assistance will only be provided when an employee: (1) makes a written request in advance, (2) receives prior approval from the Department Director, and (3) earns a grade of "C" or better. Tuition reimbursement for non-state supported schools, out-of-state schools, or employees who live out-of-state and attend an in-state school, shall be limited to the cost of in-state tuition for a similar course of study in an institution supported by the State of North Carolina.

10.9.1 Reimbursement

Upon receiving grades from completed coursework, the employee shall submit to the Department Director a request for reimbursement or a reconciliation of the advance, including receipts for tuition, fees, and books and documentation that a grade of "C" or better was earned.

10.9.2 Repayment

Employees who receive educational assistance must sign a written agreement, Form HR505, which defines their plan of study and specifies the expected date of completion. The agreement shall also state that, following completion of their course of study, or at the expected date of completion, the employee will remain in County employment for at least 2 years. The agreement shall further state that the employee agrees to repay received educational reimbursement if they leave County employment before completing the provisions of the agreement. Repayment will be on a pro-rated schedule for each respective reimbursement or reconciliation of advance (e.g. employee receives \$2,000 reimbursement January 2008, and second \$2000 in January 2009, then terminates July 2009 – 75% of the January 2009 reimbursement would be owed back to the County, and 25% would owed back from the January 2008 reimbursement – had there been

reimbursements prior to July 2007, nothing would be owed from those reimbursements). All pro-rations will be calculated on a monthly basis.

10.10 Law Enforcement Special Separation Allowance

Certified Gaston County Law Enforcement Officers who retire with 30 years creditable service in the NC Local Government Employees Retirement System (NCLGERS) at any age, or; with 5 years creditable service at age 55 are entitled to a special separation allowance as defined in NCGS §143.166.41(a). The term of this benefit will be provided from the date of retirement until the month following the retiree's 62nd birthday.

10.11 Provision of Assurances Regarding the Smallpox Response Program

In response to the Federal Homeland Security initiative, a Smallpox Response Program has been initiated. The voluntary vaccination of first responders and health care workers against smallpox is an integral part of this program. There are certain short-term health risks associated with the vaccine. Vaccinated persons may experience flu-like symptoms for several days. The vaccine may also cause more significant long-term health risks. The County appreciates those who volunteer to be vaccinated and provides them the following assurances against personal financial loss resulting from their vaccination.

Any illness resulting from an employee's vaccination in conjunction with the Smallpox Response Program will be considered a work-related injury. The cost of medical care will be borne by the County's employee health insurance in combination with Workers' Compensation insurance. The employee shall bear no out-of-pocket expense related to health conditions resulting from the vaccination.

Vaccinated employees will not be required to take sick leave or annual leave to receive compensation for absences due to short or long-term health conditions resulting from their vaccination. Employees will continue to receive full compensation during such absences.

10.12 Adoption Reimbursement

To assist employees who are adopting children, this policy has been developed to provide eligible employees with a financial reimbursement adoption benefit.

10.12.1 Eligibility

Effective January 1, 2014 all full-time employees are eligible for adoption benefits following completion of their probationary period. If an employee and his/her spouse are both Gaston County employees, only one employee can utilize the financial benefit. The employee must be actively employed at the time any financial reimbursement is made.

Adopted children, to be considered for this benefit, must be under the age of eighteen. They may be a relative of the employee but not a stepchild.

10.12.2 Reimbursement

Eligible adoption-related expenses will be reimbursed to a maximum of \$8,000 per adopted child. Most expenses directly related to the adoption are reimbursable. These include:

- Application fees

- Home studies
- Agency and placement fees
- Legal fees and court costs
- Immigration, immunization and translation fees
- Transportation, meals and lodging
- Parent, child and family adoption counseling

Requests for reimbursement must be made on HR Form HR Benefits 200, the *Adoption Financial Reimbursement Form*. Itemized receipts for expenses must accompany the form. Employees should refer to Internal Revenue Service instructions entitled *Qualified Adoption Expenses* regarding taxation of financial benefits, tax credits and tax exclusions.

Reimbursements will be made as expenses are incurred.

10.12.3 Adoption Leave of Absence

Absences due to adoption will be administered in accordance with FMLA. Employees shall request time off from their Department Director as early as possible.



11 LEAVES OF ABSENCE

11.1 Holidays

The following days are holidays with pay for permanent and probationary full-time County employees in pay status (actively working, or utilizing paid leave time).

(When a holiday falls on a weekend we will make every effort to have our calendar coincide with the Gaston County Public School calendar even if it is a deviation from our policy.)

Holiday	When Observed	
New Year's Day	January 1, or the following Monday if the 1 st falls on a weekend.	
Martin Luther King	Third Monday of January.	
Easter	The Friday before Easter.	
Memorial Day	The last Monday in May.	
Independence Day	July 4, or the following Monday if the 4 th falls on a weekend.	
Labor Day	The first Monday in September.	
Veteran's Day	November 11, or the following Monday if the 11 th falls on a weekend.	
Thanksgiving	The last Thursday and Friday in November.	
Christmas	If December 25th is:	Then:
	Sunday	Monday and Tuesday
	Monday	Monday and Tuesday
	Tuesday	Monday, Tuesday, and Wednesday
	Wednesday	Tuesday, Wednesday, and Thursday
	Thursday	Wednesday, Thursday, and Friday
	Friday	Thursday and Friday
Saturday	Friday and Monday	

Employees in unpaid status at any time during the week in which the holiday occurs, are not eligible for holiday pay. Holidays shall be compensated on the basis of the employee's standard work day up to a maximum of eight hours.

Holiday Leave for employees scheduled to work less than 40 hours a week shall be determined according to the formula described in [Calculating Leave for Permanent Part-Time Employees](#).

Permanent employees required to work on regularly scheduled holidays shall receive additional compensation equivalent to eight hours multiplied by their hourly rate.

11.2 Annual Leave

Annual Leave is earned by permanent employees for vacations or other personal reasons not specified under other leave categories. It is earned beginning with each employee's hire date and throughout probation. Employees are not eligible to use Annual Leave until successfully completing the first 6 months of their probationary period. Permanent part-time employees earn Annual Leave on a pro-rata basis according to the formula described in [Calculating Leave for Permanent Part-Time Employees](#).

11.2.1 Accumulation

Annual Leave is earned by permanent employees who are in pay status during any regularly scheduled work day in any pay period. The rate is based on the length of total covered service to Gaston County and is computed as follows (in hundredths of an hour):

Years of Service	Hours/Pay Period	Hours/Year	Equivalent days (8 hr. work day)
Less than 2	3.70	96.20	12 days
More than 2, less than 5	4.30	111.80	14 days
More than 5, less than 10	5.24	136.24	17 days
More than 10, less than 15	6.16	160.16	20 days
More than 15, less than 20	7.08	184.08	23 days
More than 20	8.00	208.00	26 days

Any accumulated Annual Leave in excess of 240 hours (30 days) will be converted to Sick Leave at the beginning of the first complete pay period following the last work day in December.

11.2.2 Approval of Leave

Annual Leave shall only be taken with the approval of the employee's immediate supervisor. Approval of Annual Leave shall be based on the needs of the department and, insofar as possible, the request of the employee.

11.2.3 Use of Leave

Annual Leave shall be taken in units of 30 minutes or more. Only scheduled work days shall be counted in calculating the amount of leave used.

Available leave balances shall be considered those that appear on the employees pay stub.

11.2.4 Payment for Accumulated Leave at Separation

An employee shall be paid in a lump sum for accumulated Annual Leave when they are separated because of resignation, discharge, reduction in force, or service retirement. The date of separation will be the last day worked by the employee. After the date of separation, the employee ceases to accumulate any leave. At the time of separation, an employee will be paid for all accumulated Annual Leave, up to a maximum of 30 days.

11.3 Sick Leave

Sick Leave is a leave of absence due to illness, injury, disability, sick care, or preventive health care for an employee. Sick Leave may be used in the event of the sickness for an employee's first degree relative (parent, child, spouse) or dependent. Sick Leave may be used in the event of the death of an immediate family member (spouse, parents, grand parents, children, grand children, siblings, in-laws and steps) or dependent.

11.3.1 Accumulation

An employee who is in pay status for any regularly scheduled work days in any pay period shall earn sick leave at the rate of 3.70 hours (3 hours, 42 minutes) per pay period. A part-time employee shall earn Sick Leave on a pro-rata basis in accordance with the formula set forth in [Calculating Leave for Permanent Part-Time Employees](#).

Sick Leave shall accumulate without limit for the duration of each eligible employee's continuous service to the County.

11.3.2 Verification

Department Directors may require a written statement from a physician when employees are unable to report for work.

11.3.3 Use

Sick Leave can be taken in 30-minute increments. Employees shall notify their Supervisors at least 1 hour before their scheduled work time when they are unable to report to work due to sickness. An employee calling in sick without sick leave available may be considered to be on [Unauthorized Leave](#).

Available leave balances shall be considered those that appear on the employees pay stub.

11.3.4 Retirement Credit for Accumulated Sick Leave

Employees who are members of the North Carolina Local Governmental Employee's Retirement System will receive credit for accrued Sick Leave at the time of retirement as established by the retirement system.

11.4 Calculating Leave for Part-Time Employees

Holiday Leave, Annual Leave, and Sick Leave earned by permanent employees scheduled to work at least 20 hours a week, or 1,040 hours a year, and less than 40 hours a week, or 2,080 hours a year, shall be determined on a pro-rated basis in accordance with the following calculation:

- 1) The number of hours scheduled to be worked by such employees shall be divided by the number of hours in the basic workweek;
- 2) The number obtained in Step One shall be multiplied by the number of hours of leave earned annually by employees working the basic workweek; and,
- 3) The number of hours obtained in Step Two, after rounding to the nearest hour, shall be the amount of leave earned annually by the employees concerned.

Part-time employees who work less than 20 hours per week receive no leave benefit.

11.5 Authorized Leave without Pay

Authorized leave without pay permits employees to continue their employment status with the County although no services are provided by the employee and no compensation is provided by the County. Authorized leave without pay may be granted at the discretion of the employee's Department Director.

11.5.1 Insurance

Employees on authorized leave without pay may continue to participate in the County's group insurance provided they pay the employee cost of insurance premiums, subject to any laws or regulations regarding group health insurance and the regulations of the insurance carriers.

11.6 Unauthorized Leave

Employees will be considered to be on Unauthorized Leave if they are absent at any time during their regularly scheduled work day, and do not have approved leave by the authorizing party. Unauthorized Leave is considered voluntary resignation and grounds for discharge.

11.7 Family and Medical Leave (FMLA)

11.7.1 Eligibility

Pursuant to the provisions of the Family and Medical Leave Act (FMLA), employees who have worked for Gaston County for at least 12 months and at least 1,250 hours during the prior 12 months may take unpaid leave for the following reasons:

- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" **or**
- Twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).

Eligible employees may take a total of 12 workweeks of FMLA based on a 12-month rolling calendar.

Use of FMLA for the birth, adoption, or placement of a child must be completed within 12 months after the birth, adoption, or placement. If both parents are employed by Gaston County, they are allowed twelve weeks each.

11.7.2 Serious Health Condition

Gaston County shall charge any work absences due to a serious health condition against an employee's FMLA entitlement. FMLA leave is not available for colds, stomach viruses, the flu or similar conditions unless they require inpatient care or continuing treatment by a health care provider. A serious health condition means an illness, injury, or impairment, or physical or mental condition that involves any period of incapacity:

- Any period of incapacity requiring the absence of more than three full, consecutive calendar days that also involves continuing treatment by a health care provider (Continuing treatment means one in-person visit to a health care provider within the first 7 days of incapacity and either a second visit within the first thirty days or a regimen of continuing treatment under the supervision of a health care provider).
- Any period of incapacity or treatment connected with inpatient care;
- Any period of incapacity due to pregnancy;
- Any period of incapacity or treatment due to a chronic health condition;
- Any period of incapacity that is long-term or permanent due to a condition for which treatment may not be effective (e.g., cancer, AIDS)
- Any absence to receive multiple treatments (and to recover from the treatments) for a condition that would likely result in an incapacity for more than three consecutive days if left untreated (e.g., physical therapy, chemotherapy, dialysis).

11.7.3 Use of Leave with FMLA

Employees are required to use available Sick Leave, Compensatory time, and Annual Leave, in this order, concurrently with FMLA. Worker's Compensation will always run concurrently with FMLA.

11.7.4 Notice

Employees must provide sufficient information for their supervisor to determine if the leave may qualify for FMLA, and the anticipated timing and duration of the leave.

When the need for leave is foreseeable employees must provide the County at least 30 days notice of their intent to take leave.

When the need for leave is unforeseeable, the employee must give notice as soon as possible.

11.7.5 Beginning Date

The County shall determine the beginning date of FMLA in accordance with Federal Law.

11.7.6 Intermittent Leave

FMLA may be taken intermittently. When an employee requests FMLA on an intermittent basis, the County may, at its sole discretion, require the employee to temporarily transfer to an alternative position for which the employee is qualified. During this time, the employee will receive pay and benefits equivalent to their regular job. At the conclusion of FMLA, the employee will be returned to their regular position, as specified in [Return to Duty](#).

11.7.7 Health Provider's Certification

Any FMLA leave request based on a serious health condition of an employee or their family member must be supported by certification from a health care provider. The employee must provide a completed copy of the certification on Department of Labor Form WH-380 within 15 calendar days of submitting the request.

If a certification is returned incomplete or insufficient, the employee will have 7 days to provide the required information.

The County may obtain a second opinion on an employee's condition. The selection and payment of the physician for a second opinion shall be the County's responsibility. If the second opinion does not agree with the employee's health care provider then a third opinion may be obtained and is binding. The selection of the physician for a third opinion is made jointly at the County's expense.

Employees who do not return the certification within 15 days lose their right to FMLA leave and to return to the same or a substantially equivalent job.

11.7.8 Insurance and Benefit Accrual

During FMLA, the County and affected employees will continue to pay their portions of health insurance premiums. Failure of the employee to pay their share of the health insurance premium may result in loss of coverage; loss of coverage may be averted if the employee notifies the Director, Human Resources and establishes a repayment schedule based on their ability to pay. If the employee does not return to work after the expiration of FMLA, they will be required to reimburse the County for payments of health insurance premiums during leave, and the County may institute legal action to collect these payments. The employee may be required to sign a promissory note in favor of the County for the amount to be reimbursed.

Employees who are in concurrent pay status during a period of FMLA shall continue to accrue paid leaves of absence (Sick Leave, Vacation Leave, Compensatory Time Off, and Holidays), provided they are in pay status for at least 40 hours during the pay period in which leave accrues. Employment benefits accrued by the employee up to the day FMLA begins, and not taken by the employee during the leave period, will not be lost.

11.7.9 Outside Employment While On FMLA

The County prohibits outside employment while on FMLA leave.

11.7.10 Employee Reporting and Recertification

The County may require an employee on FMLA to report periodically on their status and intent to return to work. The County also may require periodic recertification of the employee's medical condition.

11.7.11 Return to Duty

When applicable, employees returning from FMLA are required to provide a fitness for duty release from their physician.

Employees who return to work from FMLA, prior to or on the business day following the expiration of said leave, are entitled to return to their job, or an equivalent position, without loss of benefits or pay.

Employees who are unable to return to duty at the conclusion of their FMLA may:

- Use any remaining sick leave or annual leave accrual, or
- request additional FMLA if they have not exhausted their FMLA entitlement.

If an employee has exhausted all leave and fails to return to work, the absence will be considered unauthorized, and the employee may be discharged.

11.8 Qualifying Exigency Leave

Qualifying Exigency Leave allows up to 12 weeks of leave for employees to deal with some of the informational, financial and child-related issues that arise when a family member (spouse, child of any age or parent) is called to or on federal active duty in support of a contingency operation of the Reserve or National Guard.

Qualifying Exigency Leave may be taken on an intermittent or reduced schedule.

11.8.1 Eligibility

Qualifying Exigency Leave can be used for the following events:

- Deployment of a service member with seven or fewer days notice;
- Military ceremonies and events, as well as support, family-assistance or informational programs related to a service member's active duty call to active duty status;
- Providing urgent, immediate childcare or arranging for alternative childcare for the children of the service member called to active duty;
- Attending school or daycare meetings relating to the child of a service member on or called to active duty;
- Making financial or legal arrangements related to a service member's active duty status or call to active duty; or
- Post-deployment activities for a period of 90 days after the termination of the service member's active duty status.

If both spouses are County employees they are limited to a combined total of 12 weeks.

11.8.2 Notice

Notice of the need for qualifying exigency leave must be as soon as possible.

11.8.3 Certification

Employees requesting qualifying exigency leave must:

- fill out form WH-384 and return it to their supervisor within 15 days; and
- Provide a copy of the military member's active duty orders or other documentation issued by the military indicating that the military member is on or called to active duty in support of a contingency operation and the dates of active duty.

11.9 Military Caregiver Leave

Eligible employees may take up to 26 weeks of leave within a single 12 month period (to begin the first day the employee takes leave) to care for a family member (spouse, child or next of kin) who has been injured or become ill while serving in the armed forces. Military Caregiver Leave is limited to one-time per covered service member per injury.

Military Caregiver leave may be taken on an intermittent or reduced schedule.

11.9.1 Eligibility

Military Caregiver leave can be used for family members in the following branches of service:

- Members of the regular Armed Forces
- Members of the National Guard or Reserves, and
- Members of the regular Armed Forces or National Guard or Reserves who are on the temporary disability retired list.

To qualify for Military Caregiver Leave, a family member must have a serious injury or illness incurred in the line of duty or active duty that renders them medically unfit to perform the duties of his or her office, grade or rating, and for which:

- the service member is undergoing medical treatment, recuperation or therapy,
- is otherwise in outpatient status or
- is otherwise on the temporary disability status list.

Employees may not take military caregiver leave to care for former or retired members of the regular Armed Forces, National Guard or Reserves or for members on the permanent disability retired list.

If both spouses are County employees they are limited to a combined total of 26 weeks.

11.9.2 Notice

Employees requesting military caregiver leave must provide 30 days notice when the leave is foreseeable or as soon as possible when it is not foreseeable.

11.9.3 Certification

Employees requesting military caregiver leave must fill out form WH-385 and return it to their supervisor within 15 days. Invitational Travel Orders will be accepted in lieu of Form WH-385.

11.10 Worker's Compensation Leave

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may receive Workers' Compensation benefits and elect to use accumulated Annual and Sick Leave as a supplemental payment for the difference between their regular salary and the payments received under the Workers' Compensation Act.

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

Worker's Compensation is not hours worked and does not contribute to the calculation of overtime.

The North Carolina Workers' Compensation Act provides an employee no compensation for the days scheduled to work in the first 7 work days of disability unless the disability continues for more than 21 work days. After disability has continued more than 21 work days, the employee is entitled to receive compensation for the first seven work days.

Temporary employees will be placed in Leave Without Pay status and will receive all benefits for which they may be determined eligible under the Workers' Compensation Act.

11.11 Military Leave

Permanent employees who are members of the National Guard or Armed Forces Reserves will be allowed 15 work days of Military Leave with pay each calendar year, with a maximum of eight hours per day. If more than 15 days of military duty is required during a calendar year, the employee shall be eligible to take accumulated Annual Leave or Leave Without Pay. Employees shall submit a copy of their orders to their Supervisors and the Human Resources Department when military obligations require them to be absent from County employment. Employees who are unable to provide their orders before taking Military Leave are required to submit them, via fax or mail, to their Supervisors and the Human Resources Department as soon as they are available.

While taking Military Leave, the employee's leave credits and other benefits shall continue to accrue. Permanent employees who are in the National Guard or Armed Forces Reserves have all job rights specified in the Veterans' Readjustment Assistance Act and the Uniformed Services Employment Reemployment Rights Act (USERRA). Employees who are called to extended active duty (in excess of 15 days in a calendar year) may continue to participate in the County's group health insurance plan to the same extent as prior to call-up, subject to periodic plan changes as might be imposed on other County employees. Employees who choose to continue under the County plan must inform the County of their desire to do so within 30 days following call-up.

11.12 Jury Duty/Civil Leave

County employees called for jury duty shall be paid their regular rate of pay for scheduled hours (maximum eight hours per day) during the required absence. An employee who is a party to or is testifying in private litigation or is subpoenaed in a private matter not related to Gaston County business is not eligible to receive Civil Leave, but may take Annual Leave or Leave Without Pay.

County employees subpoenaed as witnesses in civil or criminal legal proceedings as agents of Gaston County shall be paid their regular rate of pay for scheduled hours (maximum eight hours per day) during the required absence under the following circumstances:

- When in connection with official duties; and,
- When subpoenaed or directed by proper authority to appear as a witness on behalf of Gaston County for the federal government, state government, or a political subdivision

thereof.

11.13 Donation of Leave ▢

When an employee is in need of sick leave due to exhaustion of all leave while on FMLA, other employees may donate sick leave to the employee in need. Sick leave may be donated when a serious illness/injury has occurred. Shared Sick Leave will not be allowed for pregnancy and delivery without complications. The Shared Sick Leave Form must be used to donate sick leave. Receipt and donation of shared leave is subject to the following provisions:

- Regular full-time employees donating sick or annual leave must have a minimum combined total of 160 sick leave and/or annual leave hours remaining after the donation.
- Part-time employees must have a minimum of 80 sick or annual leave hours remaining after the donation.
- An employee may not donate more than 24 hours per pay period per recipient.
- An employee may not donate more hours than are needed by a recipient.
- Donated leave will be deducted from the donating employees sick leave balance and added to the receiving employees sick leave balance. Unused donated leave will not be deducted from the donating employee's leave.
- If an employee exhausts their benefit accrual and receives a subsequent sick leave donation, they will be returned to pay status on a current basis.

Employees wishing to donate sick leave to another employee should first gain written approval from their Department Director. The name of the donor will not be released to the recipient without the written approval of the donor.

11.14 Leave for Parental Involvement in Schools

Employees shall be granted four hours of leave per year to attend or otherwise be involved at their child's school in accordance with North Carolina General Statute 95-28.3. This includes any employee who is a parent, guardian, or person standing in loco parentis of a school-aged child. Any leave under this section is subject to the following conditions:

- The leave shall be at a mutually agreed upon time between the supervisor and the employee.
- The employees must provide a request for Parental Involvement at least 48 hours before the time desired for the leave.
- Supervisors may require that the employee furnish written verification from the child's school that the employee was involved at that school during the time of the leave.

For the purpose of this section, "school" means any public school, private church school, or nonpublic school that regularly provides a course of grade school instruction, preschool, or child care facility.

Leave for Parental Involvement in Schools is unpaid leave unless the employee chooses to use annual leave to cover the absence. If annual leave is not used, it will be recorded as Authorized Leave without Pay on the timesheet.

12 ACCOMODATION

Gaston County is committed to the fair and equal employment of people with disabilities. It is the policy of Gaston County to accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship or a direct threat to the health or safety of the employee or others in the workplace. Accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants and employees.

12.1 Definitions

12.1.1 Disability

For purposes of determining eligibility for accommodation, a person with a disability is one who has a physical or mental impairment that materially or substantially limits one or more major life activity, has a record of such impairment, or is regarded as having an impairment.

12.1.2 Accommodation

An accommodation is a modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to perform the essential functions of the job and/or enjoy an equal employment opportunity. Depending on circumstances, examples of accommodations may include but not be limited to: acquiring or modifying equipment or devices; modifying training materials; making facilities readily accessible; modifying work schedules; and re-assignment to a vacant position.

12.1.3 Undue Hardship

"Undue hardship" means significant difficulty or expense and focuses on the resources and circumstances of the particular employer in relationship to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of Gaston County

12.2 Requests for Accommodation

Requests for accommodation will be processed as quickly as reasonably practicable under the circumstances. Any individual requesting an accommodation is required to fully cooperate in the process, including providing relevant information and providing any required HIPAA consent in order for Gaston County to contact and obtain information from the individual's health care provider, if applicable.

12.2.1 Employee Procedures

Employees should submit accommodation requests to the Human Resources Department by informing the ADA Coordinator of the need for an accommodation using HR form 601, and providing any requested documentation of the individual's functional limitation to support the request. (All medical documentation will remain confidential.)

12.3 Reasonable Accommodation Process

When a qualified individual with a disability has requested an accommodation, the employer shall, in consultation with the individual:

- a. Discuss the purpose and essential functions of the particular job involved. Completion of a job analysis questionnaire may be necessary.
- b. Determine the precise job-related limitation.
- c. Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.
- d. Select and implement the accommodation that is the most appropriate for both the individual and the employer. While an individual's preference will be given consideration, Gaston County is free to choose among equally effective accommodations.
- e. The ADA Coordinator will work with the employee to obtain technical assistance as needed.

The ADA Coordinator will respond to the employee within 5 working days of receipt of the request.

If there is no reasonable accommodation that would enable the employee to perform the essential job functions, the employee and the ADA Coordinator shall work together to determine whether reassignment may be an appropriate accommodation. The ADA Coordinator will provide a decision to the employee within 20 days.

13 COMPENSATORY TIME OFF

13.1 Agreement ▣

Gaston County may not unilaterally impose compensatory time in lieu of paid overtime. Employees must individually agree in writing to be compensated for overtime through compensatory time-off. The Department of Human Resources shall disseminate agreements to interested employees through their respective departments.

13.2 Accrual Caps

Employees may accrue a maximum of 240 hours of compensatory time (160 hours of actual overtime). Department Directors may implement lower limits for their employees provided such lower limits are applied uniformly to all affected employees.

13.3 Use of Compensatory Time

Employees who wish to receive compensatory time instead of overtime must sign a waiver which will be in force for a minimum of 13 pay periods.

An employee who has accrued compensatory time and requests use of the time must be permitted to use the time within a reasonable period after making the request, provided this does not unduly disrupt the provision of public services. Employees must use available compensatory in lieu of annual leave. Employees may use available compensatory time in lieu of sick leave. Employees may not use compensatory time on a paid holiday.

The Department may require the use of compensatory time when an employee has accrued 75 percent of maximum compensatory hours, or such use is otherwise judged to be in the best interest of the County.

Gaston County may freely substitute paid overtime, in whole or in part, for compensatory time should this be judged in the best interest of the County.

13.4 Payment for Unused Compensatory Time

At separation of employment or employee status change from non-exempt to exempt an employee must be paid for unused compensatory time off. Such compensation shall be computed at the average regular hourly rate received by the employee during the last three years of continuous employment, or the employee's final regular hourly rate, whichever is higher.

14 INCLEMENT WEATHER AND OFFICE CLOSINGS

The diversity of County services and programs makes it impossible to apply a uniform county-wide policy on how operations will be affected in times of inclement weather or other circumstances requiring office closure. The County Manager, or their designee, shall determine which operations may be suspended or temporarily closed. In order to serve the citizens, some functions of County government, such as public safety, must never close, and will remain open during all adverse weather and other circumstances requiring office closure.

14.1 Office Closures

There may be instances in which the County Manager or their designee deems it necessary to evacuate a County building, or suspend or close operations due to inclement weather or other circumstances requiring office closure. Closings will be announced on local TV and radio stations, including the Government Access Channel, and are available by calling the Gaston County employee information line at: 704-866-3333. Each employee is responsible for obtaining accurate and updated information during times of inclement weather.

14.2 Exceptions

Employees working in the following departments are essential personnel. These offices are considered to be open at all times and are exempt from all policies regarding office closings.

- Police
- 911 Telecommunications
- Animal Control
- GEMS
- Sheriff
- Emergency Management
- Fire Marshal's Office

Any Department Director may at their discretion identify other essential personnel who may be required to report to work during a closing. These employees shall receive prior notice of their status.

14.3 Administrative Leave

When offices have been declared closed, employees (full-time or part-time) scheduled to work on that day will be compensated for scheduled work time with Administrative Leave (up to eight hours).

Employees already scheduled for leave of any type on that day will not be compensated with Administrative Leave.

Employees who work during a closing will not be compensated with Administrative Leave to be used at a later date.

14.4 Offices Open

When offices have not been declared closed per policies described above, it is the responsibility of employees to make a good faith effort to come to work during times of inclement weather conditions without putting themselves at undue risk of injury.

Absences under these circumstances require the use of compensatory time, annual leave, or leave without pay if annual leave is not available.

15 DRUG POLICY

It is the County's intent and obligation to provide a healthful, safe, and secure work environment. Gaston County is concerned about the effects of certain substances upon the health and safety of its employees, and the potential of these substances to impair employee work performance. Employees are expected and required to report to work on time and in appropriate mental and physical condition for work.

15.1 Scope and Application

Examples of substances that fall under this policy include illegal drugs, prescription drugs, non-prescription drugs, alcohol, and any other items having the ability to cause impairment. Gaston County recognizes that substance use and abuse, on or off duty, leads to increased accidents, injuries, illnesses, and medical claims and can lead to the deterioration of employees' health and adversely affect their family lives.

The County has a program of drug and alcohol testing, voluntary referral for counseling and rehabilitation, and appropriate discipline, including termination for violations of this Policy.

It is to be stressed that this policy covers much more than illegal drugs; impairment as defined herein can result from the use, abuse, or misuse of both illegal drugs, prescription drugs, non-prescription drugs, and alcohol.

15.2 Definitions

15.2.1 Applicant

Any person whose offer of employment is contingent upon the production of a negative drug test. It shall also refer to any employee who applies for and is extended an offer of a promotion or transfer to another position while in Gaston County government.

15.2.2 Impaired

Detrimentially impacted by any intoxicant, illegal drug, prescription drug, over the counter drug, or any physical or mind-altering substance that may cause an individual to lose control of his bodily or mental faculties to such an extent that there is an appreciable and noticeable change in such individual's bodily or mental faculties.

15.2.3 Positive Drug Test

Positive result from an initial drug test which may be confirmed by a second confirmation test utilizing a gas chromatography/mass spectrometry testing method.

15.2.4 Self-medication

Taking a prescription medication without a prescription (e.g. "borrowing" medication), taking a prescribed medication for a purpose other than for which it was prescribed, or taking a medication under a prescription that has expired.

15.2.5 Reasonable Suspicion

An expressible belief based upon specific, objective facts, and rational inferences drawn from such facts, that an employee is impaired or has an impairment. Circumstances which may constitute a “reasonable suspicion” may include, but are not limited to the following:

- a. Observable occurrences of drug or alcohol use and/or the physical symptoms of being impaired;
- b. A pattern of excessive absenteeism or tardiness, a deterioration of work performance, abnormal conduct, or erratic behavior at work;
- c. A verbal or written report or complaint by a reliable and credible source of drug or alcohol abuse by an employee;
- d. A pattern of unexplained, preventable accidents that occurred while conducting county business;
- e. Evidence that the employee is involved in the unauthorized and/or illegal possession, sale, manufacture, solicitation, transfer or offer of drugs or alcohol while at work or while performing, or purporting to perform County business on or off County premises.
- f. A positive drug test within the previous twelve months.
- g. Irregular or inconsistent events associated with employees who manage controlled substances.

15.2.6 Safety and Security Sensitive Position

Any job classification or position that has been determined by the Human Resources Director to be of such a critical nature in terms of public services or public safety or the safety of co-workers that random drug testing is necessary to uphold public safety and workplace safety. Such positions shall be enumerated by the Human Resources Director, shall be identified on all job vacancy announcements, and shall include, but are not limited to, the following positions:

- law enforcement officers
- heavy vehicle operators
- emergency service personnel
- transit workers
- positions with access to medications or prescription drug pads

15.3 Pre-employment Drug Testing

All applicants selected for employment with Gaston County are to be tested for drug use. No applicant shall be permitted to work until negative results have been obtained. Applicants who refuse to be tested or produce a positive test will not be hired.

15.4 Random Testing

Pursuant to 49 CFR 382, all employees who are required to possess a North Carolina Commercial Drivers License (CDL) will be randomly tested throughout the year. Selections are done on a periodic basis by way of a computer generated list without regard to bias or prejudice. In addition, all employees in a [Safety and Security Sensitive](#)

[Position](#) will be randomly tested throughout the year. Employees who receive notice of a random drug test shall report for the drug test immediately.

15.5 Post-accident Testing

In the event of an auto accident while an employee is on County business that involves damage to a vehicle (county, personal, or other person's car) of over two thousand dollars (\$2,000) employees will be required to immediately undergo a drug and/or alcohol test, unless the accident investigation clearly indicates that the accident was a result of unavoidable circumstances (e.g. deer runs in front of vehicle, boulder rolls off hill, etc.). In the event of an auto accident involving bodily injury (requiring medical treatment other than first aid), employees will be required to undergo a drug and/or alcohol test. Notwithstanding the monetary thresholds depicted herein, one can be involved in an accident and must take a drug test if there is reasonable suspicion to believe that the individual might be impaired.

15.6 Reasonable Suspicion Testing

All employees of Gaston County must submit to a drug and/or alcohol test, if in the opinion of a supervisor within the employee's chain of command, reasonable individualized suspicion exists that an employee is impaired.

15.7 Testing Subsequent to Arrest Concerning Controlled Substance

All employees are responsible for notifying their immediate supervisor or other department supervisory personnel of their arrest or conviction of any misdemeanor or felony criminal drug statute not later than one (1) working day after such arrest or conviction. It is understood that such notification shall constitute a reasonable suspicion for such employee to undergo a required drug test.

15.8 Consent

If an employee who is required by the County to be tested refuses to consent to such test or submits an adulterated or fraudulent sample, the employee is subject to disciplinary action, including discharge.

15.9 Impairment

No employee shall come to work [impaired](#).

15.10 Disciplinary Action

Disciplinary action, up to and including termination of employment, will be taken against any employee for violation of any act of the following, but not limited to: a) testing positive on a drug or alcohol test; b) refusing to submit to a drug or alcohol test; c) refusing to execute a release/consent form for such test; d) adulterating or attempting to adulterate a

specimen for testing; e) failing to cooperate with an investigation or search; f) working Impaired; g) self-medication.

The employee's supervisor may recommend or require EAP counseling.

15.11 Confirming Positive Drug Tests

Following a positive result on an initial drug test, the employee has 90 days to request a confirming otest of the same sample at th lab of their choice. The employee will remain on Administrative Leave (with pay) while waiting for results of a confirming drug test.

15.12 Drug-free Workplace

As a public employer, Gaston County is entrusted with the health and safety of its employees. In keeping with this obligation, the policy herein provides for the testing of County employees and job applicants for drug use or drug abuse in order to maintain a drug-free work place. It is the County's intent to provide a drug-free, healthful, safe, and secure work environment pursuant to this policy. Employee's are expected and required to report to work on time and in an appropriate mental and physical condition to work. The County recognizes drug dependency as a, health, safety, and security problem.

16 Social Media Policy

For the purpose of this section, the phrase “Social Media” or “Social Networking” or “Social Networking Site” shall mean blogs, networking sites (such as myspace, linkedin and facebook), photo sharing, dating websites, online internet fora, chat rooms, video sharing, microblogging, podcasts, twitter, and other similar websites, webpages, programs, apps, computer applications, computer programs that are intended for one person to communicate with others. The absence of, or lack of specific or explicit reference to a particular site does not limit the extent of the application of this policy.

For the purpose of this section, the phrase “Posting” or “Post” shall mean disseminating information or data through Social Media regardless of the method of dissemination.

16.1 Guidelines and Restrictions

- Employees who participate in Social Networking shall not represent their opinions or comments as that of Gaston County. If an employee posts something work related that is not prohibited as cited herein, the employee shall issue a disclaimer such as the following: “The postings on this site are my own and don’t necessarily represent the County’s positions or opinions.”
- Employees are prohibited from Posting photographs, reports, incidents, video, audio, or other similar information concerning an accident, information on assignments, service calls, case files, training, projects, activities, and investigations. Information classified as confidential as a matter of law (such as, but not limited to, HIPAA, social security numbers, case files on minors) shall never be Posted.
- Employees are prohibited from posting badges, patches, marked patrol or service vehicles, or other similar information absent written approval from the Department Director.
- Employees shall not cite vendors, suppliers, clients, citizens, co-workers, or other third parties without their approval.
- Employees shall not Post any material that brings discredit to or which could impair the effective delivery of public service or seriously disturb or disrupt the normal operation of any branch of County government.
- Employees are prohibited from using Social Media to harass, or belittle any person in any manner, or to criticize employees of Gaston County or any agency or entity with which the County regularly conducts business or engages in the performance of its work.

17 Travel Policy

Employees are expected to use discretion and good judgment in spending County funds.

17.1 Definitions

17.1.1 Authorizing Party

An individual authorized to approve or disapprove travel requests, cash advance requests, travel reimbursement requests as designated by the Department Director. Department heads are the authorizing party for all out-of-state travel. The authorizing party for department directors is the County Manager or his/her designee.

17.1.2 Form GC-100

The County form used to request and authorize travel, cash advances, and travel reimbursements.

17.1.3 Requesting Party

A County employee who will be advanced or reimbursed for travel costs incurred while conducting County business.

17.1.4 Transportation

Costs incurred for travel by automobile, taxi, rental car, bus, train, plane, or other public transportation, inclusive of tolls, parking fees, and tips.

17.1.5 Travel Day

A twenty-four hour period beginning with the time of departure.

17.2 Out of County Travel

17.2.1 Requests and Authorization

The requesting party will submit the Form GC-100 to the authorizing party. The requesting party must provide a reasonable estimate of the cost of travel. The authorizing party will review the request to determine the necessity for travel and to ensure sufficient funds remain in the departmental travel account to cover anticipated travel costs.

All arrangements for travel must be approved by the authorizing party before the date of travel.

17.2.2 Advances

Following approval, the authorizing party shall submit the request for a travel advance to the Finance Department on Form GC-100 no later than ten days prior to travel.

Advances will not be authorized for amounts less than the sum of a full day meal per diem. Travel advances will be issued by the Finance Department no sooner than one working day prior to the travel date, except in situations where an

earlier issuance will result in cost savings to the County (the reservation of airline tickets, for example), or otherwise approved by the County Finance Director. Travel advances must be reconciled by the requesting party, approved by the authorizing party, and submitted to the Finance Department for settlement no later than ten working days following the date of return. To reconcile travel advances, the requesting party must complete the original Form GC-100. In the event the authorized cost of travel exceeds the amount of the advance, the County will issue reimbursement to the requesting party. If the authorized cost of travel is less than the amount of the advance, the requesting party shall reimburse the difference to the County when they submit the completed Form GC-100. If travel advances are not reconciled within ten working days following the completion of travel, the amount of the travel advance may be deducted from the employee's pay.

17.3 In-County Travel

Employees will be reimbursed for the use of their personal vehicles on County business within Gaston County at the prevailing mileage reimbursement rate. Documentation of the purpose of travel and actual miles traveled, supported by odometer readings, must be provided on Form GC-100. Employees who receive an Administrative Auto Allowance are not eligible for additional in-county mileage reimbursement. Requesting parties are not eligible to receive reimbursement for lodging or meal expenses incurred while traveling in Gaston County.

17.4 Out-of-State Travel

Department heads are the authorizing party for all out-of-state travel. The authorizing party for department directors is the County Manager or his/her designee.

17.5 Transportation

17.5.1 Public Transportation

All necessary bus, train, and air transportation will be obtained at the most economical rate available. Reimbursement will be made for actual costs that are receipt supported. The cost of travel to and from the requesting party's normal job location and the point of departure/arrival is also reimbursable including the cost of taxi service and parking fees.

17.5.2 Personal Vehicles

Requesting parties who use their personal vehicles to travel to out of county locations shall be reimbursed at the prevailing mileage reimbursement rate, on the basis of actual round-trip mileage to and from the requesting party's principle work station (or home if the distance is shorter) and the travel destination, plus necessary incidental mileage. Employees must provide odometer documentation of actual miles traveled when requesting mileage reimbursement.

17.5.3 County Vehicles

A requesting party using a County vehicle will be reimbursed for gasoline and related auto expenses incurred during the course of travel which are not covered by the driver's Fuelman card. Reimbursement will be based on actual costs incurred and must be receipt supported. County vehicles can be used only for official business.

17.5.4 Rental Vehicles

Auto rental costs will be reimbursed when they are necessary and more cost effective than public conveyances, county vehicles, or personal vehicles. Rental vehicles shall be used for business purposes only. Reimbursement will be based on actual costs incurred and must be receipt supported.

17.6 Lodging

Lodging costs will be advanced on the basis of estimated costs to be incurred and reimbursed on the basis of actual costs incurred. Lodging costs must be receipt supported. Employees must be judicious in choosing accommodations and shall use government rates when available.

17.7 Subsistence

Meal costs will be advanced or reimbursed at the per diem rate. Per diem will not be allowed for any meals which are included as part of the registration fee or program. Reimbursement for meals when there is no overnight stay is taxable income and will be reported on W2's.

17.7.1 Per Diem Rates

For travel destinations nationwide, the County shall utilize Meals and Incidental Expenses (M&IE) rates furnished by the General Services Administration (GSA).

The authorizing party will determine which meals are allowed to be covered by per diem based on the travel itinerary departure and return times.

17.8 Reimbursement

Requesting parties seeking reimbursement for County-related travel must complete Form GC-100, attach any required receipts or other documentation of travel, and submit them to the authorizing party for approval. If a travel advance has not been received, the request for reimbursement must be received by the Finance Department no later than ten working days following the completion of travel. If a travel advance has been received, it must be reconciled within ten working days of the completion of travel.

17.9 Unauthorized Expenses

Any receipt supported reimbursement shall be exclusive of alcoholic beverages and personal expenses not related to the purpose of travel.

17.10 Penalty for Abuse of Travel Privileges

Employees who abuse travel privileges shall be subject to disciplinary action as deemed appropriate by the Department Director. Abuse of travel privileges includes, but is not limited to the following:

- Falsification of travel documentation or requests for reimbursement.
- Submission of requests for reimbursement of expenses not determined to be related to the purpose of travel.
- Use of County vehicles for transportation not related to the purpose of travel.
- Personal misconduct during the course of travel, as defined in the Gaston County Personnel Policy Manual.

17.11 County-related Travel Paid by Third Party

When a third party pays for County-related travel it is not reimbursable by the County. Such travel must be approved by the authorizing party.

18 VEHICLE USE

18.1 General Regulations

All employees driving a County vehicle or private vehicle on County business shall drive in a courteous manner and remain knowledgeable of and comply with all Federal, State, and County motor vehicle laws and regulations.

No employee shall operate a county vehicle or personal vehicle on County business while [impaired](#).

Vehicles shall not be left unattended while the engine is running with the exception of public safety vehicles.

No alcoholic beverages may be carried in County vehicles at any time except where law enforcement agencies may be required to transport evidence in criminal investigations.

Smoking is not permitted in County vehicles.

Firearms are not allowed in County vehicles unless required in the performance of job duties.

Any employee whose job duties involve the operation of a vehicle has the responsibility to maintain a valid driver's license (or CDL if required) and is required to notify their supervisor if that driver's license is suspended or revoked.

Personal trailers, including boats and recreational vehicles are not to be pulled with County Vehicles.

Personal vehicles shall not be used to tow County-owned trailers.

18.2 Personal Use

NCGS 14-247, "It shall be unlawful for any officer, agent, or employee of the State of North Carolina, or of any county or of any institution or agency of the State, to use for any private purpose whatsoever any motor vehicle of any type or description whatsoever belonging to the State, or to any county, or to any institution or agency of the State."

18.3 Vehicle Maintenance

Unless approved by the County Manager or his designee, all vehicle maintenance will be performed by Gaston County Fleet Maintenance.

18.4 Commercial Driver's License (CDL)

Employees who are required to obtain a CDL as part of their job will be allowed the opportunity to test for the CDL twice. Employees who are unable to obtain the CDL on their second test shall be considered unable to perform their essential job duties and

shall be subject to discharge. Such persons will be eligible for re-hire for subsequent job openings only after they have obtained a CDL.

19 PERFORMANCE EVALUATIONS

Gaston County requires permanent employees to receive a “satisfactory” performance evaluation in order to be eligible for a salary increase. In the event an employee is rated “unsatisfactory,” the supervisor shall develop a written Corrective Action Plan outlining performance deficiencies and measures to be taken to correct these deficiencies. A deadline for correcting these deficiencies shall also be set on or before the next performance review date. If the employee meets the requirements of the Corrective Action Plan, on or before the deadline date, they will then be eligible for the salary increase, effective with the date of compliance. In no event will the salary increase be made retroactive. If the employee’s performance does not improve to a satisfactory standard by the deadline date, the salary increase will continue to be withheld and the supervisor will initiate such corrective or disciplinary action as deemed necessary. The employee’s performance evaluation is an integral part of the County’s Performance Management System, and is required as a means of identifying and planning individual goals, objectives, standards, and for evaluating how well the employee and organization achieved or exceeded them.

19.1 Performance Evaluation Date

The performance evaluation date is established as the most recent date of hire.

20 GRIEVANCES AND COMPLAINTS

At Gaston County, there are five distinct types of grievances, each of which follows a different procedure for investigation and resolution. They consist of: a) Sexual/ Workplace Harassment; b) Discrimination; c) Adverse Action; d) conditions of employment regarding employee health and safety, privacy of employee records and the Americans with Disabilities Act; e) generalized complaints about work conditions.

20.1 Definitions

20.1.1 Adverse Action

The suspension, involuntary demotion, or discharge of an employee.

20.1.2 Discrimination

Prejudicial conduct by an individual against another person because of sex, age, race, color, creed, religion, national origin, disability, military leave or political affiliation.

20.1.3 Hostile Work Environment

Conduct resulting from Workplace Harassment or Discrimination that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. Absent Workplace Harassment or Discrimination, mere disputes between two co-workers or a superior and subordinate does not constitute a Hostile Work Environment.

20.1.4 Quid Pro Quo Harassment

Quid Pro Quo harassment means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when: 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

20.1.5 Retaliation

A negative action taken against an employee because the employee filed a harassment or discrimination complaint.

20.1.6 Sexual Harassment

Harassment based on sex including, but not limited to the following: unwelcome verbal conduct such as comments, suggestions, jokes or derogatory remarks based upon sex; physical conduct such as inappropriate or offensive touching; visual harassment such as posting suggestive or derogatory pictures, cartoons, or drawings, including those posted at one's own workstation; unwanted sexual advances, pressure for sexual favors; basing employment decisions (such as an employee's performance evaluations, work assignments, or advancement) upon the employee's acquiescence to sexually harassing conduct in the workplace.

20.1.7 Workplace Harassment

Unsolicited and unwelcome speech or conduct based upon race, sex, creed, religion, national origin, military leave, age, color, or disabling condition as defined by G.S. 168A-3 that creates a Hostile Work Environment or circumstances involving Quid Pro Quo harassment.

20.2 Sexual/Workplace Harassment

It is the policy of Gaston County that County employees may not engage in conduct that falls under the definition of Sexual or Workplace Harassment. No personnel decisions shall be made on the basis of sex, age, race, color, religion, national origin, military leave, or disabling condition as defined in G.S.168A-3.

All employees are guaranteed the right to work in an environment free from Sexual or Workplace Harassment and Retaliation, and this section constitutes the Gaston County sexual and workplace harassment prevention plan.

It is expected that employees of Gaston County will act responsibly to maintain a professional working environment, free of Discrimination, allowing each employee to perform to his or her maximum potential. Gaston County encourages any employee to bring questions he or she may have regarding any type of harassment to the Human Resources Director. Disciplinary actions for conduct determined to constitute Harassment will be implemented on a case by case basis on the facts of each complaint. Internal interference, coercion, restraint or reprisal against any person complaining of alleged Sexual or Workplace Harassment is strictly prohibited.

20.2.1 Employee Procedures

Any employee who is aware of instances of Harassment should report the alleged act immediately to a member of his or her management team in writing on HR Form 522. If the employee is uncomfortable discussing the matter with his or her management team, the employee should report the alleged act immediately to the Human Resources Director, or if the Human Resources Director is named in the complaint, to the County Manager.

20.3 Discrimination

It is the policy of Gaston County that County employees may not engage in conduct that falls under the definition of Discrimination. No personnel decisions shall be made on the basis of sex, age, race, color, creed, religion, national origin, military leave, political affiliation or disabling condition as defined in G.S. 168A-3.

All employees are guaranteed the right to work in an environment free from Discrimination.

It is expected that employees of Gaston County will act responsibly to maintain a professional working environment, free of discrimination, allowing each employee to perform to his or her maximum potential. Gaston County encourages any employee to bring questions he or she may have regarding any type of harassment to the Human Relations Director. Disciplinary actions for conduct determined to constitute harassment will be implemented on a case by case basis on the facts of each complaint. Internal

interference, coercion, restraint or reprisal against any person complaining of alleged Discrimination is strictly prohibited.

20.3.1 Employee Procedures

Any employee who is aware of instances of Discrimination should report the alleged act immediately to a member of his or her management team in writing on HR Form 522. If the employee is uncomfortable discussing the matter with his or her management team, the employee should report the alleged act immediately to the Human Resources Director, or if the Human Resources Director is named in the complaint, to the County Manager.

20.4 Adverse Action

20.4.1 Employee Procedures

The employee has three business days to notify their Department Director in writing of intent to appeal. The notification must include the basis for appeal. Employees who are qualified for appeal rights with the Office of State Personnel, or Civil Service may appeal directly to the appropriate agencies, but have no right to appeal to the Gaston County Personnel Commission.

Employees must sign a waiver to release information in their personnel file necessary for the appeal process, or lose their right to appeal.

An appeal may not be made to the Personnel Commission in situations where litigation is already pending.

20.5 Health, Safety, Privacy, ADA

20.5.1 Employee Procedures

Issues concerning conditions of employment regarding employee health and safety, privacy of employee records, and the Americans with Disabilities Act shall be reported to a member of his or her management team. If the employee is uncomfortable discussing the matter with his or her management team, the employee should report the alleged act immediately to the Human Resources Director, or if the Human Resources Director is named in the complaint, to the County Manager.

20.6 Other Complaints

All other complaints about work conditions, including general complaints about their supervisor, problems with co-workers, or anything else not covered in the previous subsections, shall be reported to a member of that employee's management team. If a solution cannot be reached, then the employee may request a three-party meeting with the employee, Department Director, and Human Resources Director. The Human Resource Director does not have the authority to compel any department director to take any specific course of action, and instead, acts as a facilitator to resolve the outstanding dispute between the employee and his or her supervisor.

21 WORKPLACE VIOLENCE

Gaston County is committed to providing a workplace that is safe, secure and free of harassment, threats, intimidation and violence for all employees. To ensure a safe workplace and to reduce the risk of violence, all employees should review and understand the provisions of this Workplace Violence Policy. Consistent with this Policy, threats or acts of physical violence, including intimidation, harassment, and/or coercion which involve or affects employees on county property or during work will not be tolerated.

21.1 Definitions

21.1.1 Threat or Threatening

The expression of intent to cause physical or mental harm that is sufficiently severe, offensive, or intimidating to alter the conditions of employment, or to create a hostile, abusive, or intimidating work environment for anyone within the workplace. Intent to carry out the threat or the ability to carry out such threat is irrelevant.

21.1.2 Workplace

Any location where an employee performs any work-related duty. This includes, but is not limited to, the buildings and surrounding perimeters, including parking lots, field locations, alternative work locations, and travel to and from work assignments

21.1.3 Workplace Violence

Includes, but is not limited to, intimidation, bullying, stalking, threats, physical attack or property damage and includes acts of violence committed by any individual against any other individual or group within the workplace.

21.2 Prohibited Conduct

The following list of behaviors, while not all inclusive, is intended to provide examples of prohibited conduct:

- aggressive or hostile behavior that creates an objective reasonable fear of injury to another person or subjects another individual to emotional distress;
- intentionally damaging County property or property of another employee;
- threatening to harm an individual or his or her family, friends, associates or their property (assault);
- hitting or shoving an individual (battery);
- making harassing or threatening telephone calls or electronic communications;
- intimidating or attempting to coerce an employee to engage in wrongful or illegal acts;
- stalking another individual

As described in this policy, such behavior is inappropriate and will not be tolerated by Gaston County and is subject to disciplinary action up to and including discharge.

21.3 Reporting

While Gaston County employees are not expected to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform the Human Resources Director or a supervisor up the employee's chain of command if any individual within the workplace exhibits signs of potentially dangerous or violent behavior. If the incident is in a building which is patrolled by a law enforcement officer, the law enforcement officer should be advised of the potential problem.

21.4 Imminent Harm

If there is fear of imminent bodily harm, all affected employees should attempt to enter a lockable room and contact a law enforcement officer.

22 CORRECTIVE ACTIONS

The purpose of corrective action is to promote employee commitment, encourage supervisors and employees to clarify performance expectations, provide an equitable system for supervisors to discuss performance/conduct problems and needed improvements with employees, and to properly document employee performance problems should it be necessary to implement disciplinary action.

Employees are expected to satisfactorily meet job requirements as specified in job descriptions, work plans, or as specified by Supervisors. Employees who fail to do so are subject to corrective action.

The County's approach to corrective action emphasizes problem-solving, behavior change, and encouraging employees to take responsibility for correcting their performance and behavior problems before more serious action becomes necessary. This process is not designed to punish employees.

Corrective action is a tool for a supervisor to use, however supervisors may move directly to [Disciplinary Action](#).

22.1 Coaching

When unsatisfactory behavior or job performance is first observed, the Supervisor may coach the employee to prevent a problem from becoming a more serious issue. Coaching is an impromptu conversation, or a series of conversations, in which a Supervisor identifies an employee's problem behaviors and helps them to correct their deficiencies. If an employee's behavior or job performance problems continue, the Supervisor may conduct a verbal reminder, or move to disciplinary action.

22.2 Verbal Reminder

Verbal reminder is a formal conversation between an employee and their Supervisor in which the Supervisor reviews their coaching conversations, the employee's continuing performance and/or behavior problems, and establishes a schedule for the employee to achieve specific performance goals. It places responsibility for corrective action(s) on the employee and is intended to remind them of County expectations. The verbal reminder may be issued by the Supervisor without consulting with the Department Director. If coaching and verbal reminders are not sufficient to improve the employee's performance or correct behavior deficiencies, disciplinary action is the next course of action.

22.3 Employee Assistance Program

A Department Director or his or her designee may recommend or require an employee to successfully complete a counseling program with the [Employee Assistance Program](#) (EAP) to accompany a corrective action. The Department Director shall require EAP counseling in a written statement and shall forward copies to the employee, the Supervisor, and to the EAP. The number and length of EAP sessions will be determined by the EAP counselor. The content of EAP sessions is confidential and will not be divulged to the Department Director, Supervisor, or other County officials.

EAP is an option for a supervisor during the corrective action process; it is not a step of corrective action.

23 DISCIPLINARY ACTIONS

The purpose of disciplinary action is to provide supervisors with the means to address performance and conduct issues while providing due process for the affected employee. Disciplinary actions will be implemented for gross inefficiency, unsatisfactory work performance, and misconduct.

The steps involved in the disciplinary process are a written warning, suspension without pay, and, if necessary, discharge. In serious cases, an employee may be suspended, receive a written warning, or be discharged without any prior corrective or disciplinary action. While supervisory personnel shall initiate and be responsible for documenting corrective actions, only a Department Director may suspend or discharge an employee.

At any point during the disciplinary action process, employees may provide written statements concerning the action taken. These statements shall be included in the employee's personnel file.

Documentation regarding disciplinary actions will be recorded in the employee's personnel file.

23.1 Categories

23.1.1 Unsatisfactory Work Performance

Unsatisfactory work performance is the failure of employees to meet job requirements as specified in job descriptions, work plans, or directives by Supervisors. The following acts comprise a representative, but not exhaustive, list of unsatisfactory work performance for which corrective action or disciplinary procedures shall be implemented:

- Being absent without authorized leave (see [Unauthorized Leave](#)), or being absent without properly notifying one's Supervisor for any scheduled work day (may be considered a voluntary resignation resulting in immediate dismissal requiring no prior notice);
- An overall appraisal of "unsatisfactory" on a performance evaluation;
- Refusing to obey reasonable instructions from a Supervisor or Department Director;
- Work performance deficiencies, such as inattention or negligence in the performance of one's job duties, failing to maintain regular hours, or other deficiencies as determined by the employee's Supervisor;
- Conducting personal work or other outside activities on County time.

23.1.2 Misconduct

Misconduct is mismanagement, intentional wrongdoing, or any deliberate violation of laws, regulations, policies, or procedures. Examples of misconduct include but are not limited to:

- Fraud in securing employment or appointment;
- Dishonesty;
- Claiming paid sick leave for situations not authorized in the section [Sick Leave](#) in this policy.
- Using or possessing illegal narcotics or non-prescribed habit-forming drugs.
- Reporting to work while [impaired](#);
- Being convicted of a felony or a misdemeanor involving conduct that is considered contrary to community standards of justice, honesty, or good

- morals (moral turpitude);
- Treating the public or other employees discourteously;
- Misusing public property including County computer hardware and software;
- Behavior or activities during or outside duty hours which could impair the effective delivery of public service including activities on social media. See Section 15 of the Personnel Policy;
- Falsifying records;
- Unauthorized access, duplication, or release of confidential records;
- Participating in an action which could, in any way, seriously disturb or disrupt the normal operation of any branch of County government, or impair the integrity or trust of County Government;
- Possessing unauthorized firearms or dangerous weapons on the job;
- Refusing to accept or failing to carry out reasonable and proper assignments from an authorized Supervisor (insubordination);
- Accepting gifts or gratuities in exchange for favors or influence;
- Disclosing confidential information from official records;
- Engaging in incompatible outside employment or other conflict of interest;
- Taking part in [prohibited political activities](#); and,
- Sexually harassing employees, clients, or public patrons.

23.1.3 Gross Inefficiency

Gross inefficiency includes behavior which:

- Results in the death or serious bodily injury of an employee, client, or member of the public;
- Endangers employees, clients, or members of the public, or,
- Causes the potential or actual loss of County funds or damage to County property.

23.2 Disciplinary Actions

23.2.1 Written Warning

The written warning describes employee performance and/or behavior which is below expected standards and establishes a schedule for achieving specific performance goals. It is given to the employee by their Supervisor following their discussion of the employee's performance and/or behavior deficiencies. It places responsibility for corrective action(s) on the employee and is intended to provide formal notice of the County's expectations. The written warning must be approved by the Department Director. Employees may provide a written response to written warnings, which will be included in their personnel files. If the employee does not improve their performance or behavior to a satisfactory level within the schedule imposed by the written warning, the Supervisor may recommend further disciplinary action to the Department Director.

23.2.2 Suspension Without Pay

Suspension is the temporary removal of an employee from duty without pay, by the Department Director.

Prior to Suspension without Pay, employees will have a pre-disciplinary conference. Employees will receive written notice of the reason for the conference prior to the conference. Employees will have an opportunity to

respond to the contents of the written notice during the conference. No attorneys or other third parties may be present to represent supervisory staff or the employee. Security personnel may be present when, in the opinion of the person conducting the conference, a need for security exists.

If an employee is subject to the overtime compensation provisions of the FLSA (FLSA), disciplinary suspension must be for at least 1 full work day, but not more than 2 workweeks. If an employee is exempt from the overtime compensation provisions of the FLSA, disciplinary suspension must be for at least 1 full workweek, but not more than 2 full workweeks.

The employee must be notified of their rights to [appeal a suspension without pay](#).

23.2.3 Discharge

Discharges may only be made by Department Directors, in consultation with Human Resources and the County Attorney.

Prior to Discharge, employees will have a pre-disciplinary conference. Employees will receive written notice of the reason for the conference prior to the conference. Employees will have an opportunity to respond to the contents of the written notice during the conference. No attorneys or other third parties may be present to represent supervisory staff or the employee. Security personnel may be present when, in the opinion of the person conducting the conference, a need for security exists.

The employee must be notified of their rights to [appeal a discharge](#).

23.2.4 Employee Appeal for Suspensions, Demotions, and Discharges

The employee has three business days to notify their Department Director in writing of intent to appeal. The notification must include the basis for appeal. Employees who are qualified for appeal rights with the Office of State Human Resources (Office of Administrative Hearings) or Civil Service may appeal directly to the appropriate agencies, but have no right to appeal to the Gaston County Personnel Commission.

Employees must sign a waiver to release information in their personnel file necessary for the appeal process, or lose their right to appeal.

An appeal may not be made to the Personnel Commission in situations where litigation is already pending.

23.3 Investigation Status with Pay

Investigation Status with Pay is used to temporarily remove an employee from work status and is not a disciplinary action.

It is permissible to place an employee in Investigation Status with Pay only under the following circumstances:

- To investigate allegations of performance or conduct deficiencies that would constitute just cause for disciplinary action;
- To provide time within which to schedule and conduct a pre-disciplinary conference; or,
- To avoid disrupting the work place and to protect the safety of persons or property.

The Department Director must notify the affected employee, in writing, of the reasons for being placed on Investigation Status with Pay not later than the second scheduled work day after the beginning of the placement.

Investigation Status with Pay may last no longer than 7 calendar days without a written request for an extension by the Department Director and the approval of the Human Resources Director. When an extension is required, the Department Director must advise the employee in writing of the extension, the length of the extension, and the specific reasons for the extension.

At the conclusion of the investigation, the Department Director must either take appropriate disciplinary action on the basis of the investigation findings or return the employee to active work status.

23.4 Employee Assistance Program

A Department Director or his or her designee may recommend or require an employee to successfully complete a counseling program with the [Employee Assistance Program](#) (EAP) to accompany a disciplinary action. The Department Director shall require EAP counseling in a written statement and shall forward copies to the employee, the Supervisor, the Human Resources Department, and to the EAP. The number and length of EAP sessions will be determined by the EAP counselor. The content of EAP sessions is confidential and will not be divulged to the Department Director, Supervisor, or other County officials.

EAP is an option for a supervisor during the disciplinary action process; it is not a step of disciplinary action.

24 SEPARATION

24.1 Voluntary Separation

Employees are encouraged to provide a written notice of resignation at least two weeks before their last day of work. This notice should be given to the Department Director, or the County Manager in the case of Department Directors, and a copy should be forwarded to the Human Resources Department.

24.1.1 Unauthorized Leave

Unauthorized Leave is grounds for discharge as outlined in the section [Discharge](#) in this policy. An employee on unauthorized leave for any scheduled work day may be considered to have voluntarily resigned.

24.2 Involuntary Separation

24.2.1 Death

All compensation due in accordance with the provisions of this policy will be paid to the estate of a deceased employee. The date of death shall serve as the separation date for computing compensation due.

24.2.2 Disability

Employees who cannot perform their essential duties because of a physical or mental disability may be separated. This action may be initiated by the employee or the County, and in all cases it must be supported by medical evidence as certified by a physician. The County may require an examination at its expense, performed by a physician of its choice. Before an employee is separated the County shall determine whether reasonable accommodations in accordance with ADA are available which will make the employee able to perform the required elements of the position and continue their employment. If such accommodations are available, the County shall provide them.

24.2.3 Discharge

See the policy [Discharge](#).

24.2.4 Reduction In Force

See the policy [Reduction In Force](#).

24.3 Separation Benefits

Upon separation, all permanent employees are entitled to all earned, unpaid salary and shall be paid for accrued and unused annual leave not to exceed 30 days.

24.4 Exit Interview

The Human Resources Department shall conduct an exit interview with the separating employee to determine the reason for separation and to clarify the current status of all benefits to which the employee is entitled and to inform the employee how they can secure those benefits. The separated employee shall be provided an opportunity to complete an exit questionnaire and make comments regarding their perception of County services, management, and operations. Comments may be provided to the affected Department Director.

25 PERSONNEL COMMISSION

The Personnel Commission shall hold hearings on employee appeals regarding discrimination, sexual harassment, adverse action, suspension, involuntary demotion and discharge. The Personnel Commission may also meet on an as-needed basis to review personnel procedures.

25.1 Composition

The Personnel Commission shall be composed of five Gaston County citizens of which at least three shall be recognized as being knowledgeable in personnel and related management fields. Hereafter in this section, the term "Board" shall refer to the Board of County Commissioners, and the term "Commission" shall refer to the County Personnel Commission.

25.2 Terms of Membership

Members of the Commission shall be appointed by the Board and shall serve terms of 3 years each and until their successors are named. The Commission shall elect one member to serve as chairperson each year. No member of the Commission shall be currently employed by any City or County, nor shall they have held political office, or have been a salaried employee of any City or County during the 12 months preceding their appointment.

25.3 Meetings

All meetings will be held in a County office building and are subject to the provisions of the Open Meetings Law of the State of North Carolina. The dates and times of any meeting will be determined by the Chairperson or the Human Resources Director, and will occur after required public notice is given.

Special meetings of the Commission may be called by any three members of the Commission, the Chairperson, or the Human Resources Director by providing written notice, to each member of the Commission, the Human Resources Director, Department Directors, and others as required by law, at least 3 days before the scheduled meeting date.

Members of the Commission and all persons serving as non-voting staff members (ex officio) shall receive a written notice of each Commission meeting and a proposed meeting agenda. Members of the Commission and all persons serving in an ex officio capacity shall have the right to submit agenda items to the Commission. The Human Resources Director shall be responsible for preparing and disseminating all meeting notices and proposed agendas.

25.4 Conduct of Meetings

The Commission shall adopt procedures to assure the orderly conduct of its meetings. Meetings may be informal, subject to rules of order established by the Chairperson.

25.5 Quorum

Three members of the Commission shall constitute a quorum for the official transaction of business. Routine meetings may be held with less than a quorum present, for informational purposes only, but no official action can be taken. A quorum must always be present for the conduct of hearings of employee appeals and grievances and for taking other official action.

25.6 Record of Proceedings

The Personnel Commission shall keep an accurate record of all its proceedings, findings, and recommendations.

25.7 Procedure

Personnel Commission hearings are not matters of public record and are not subject to open meeting requirements. Personnel Commission hearings are subject to the provisions of the Personnel Privacy Act. The Personnel Commission shall issue findings of fact and render a decision in writing for each grievance being reviewed. All decisions of the Personnel Commission are final.

The Chairperson of the Personnel Commission shall issue the Commission's decision in an appeal or grievance within 20 days after the appeal or grievance hearing ends. For good cause shown, the Chairperson may extend the 20 day time limit for issuing a decision.

A decision shall be based exclusively on:

- Competent evidence and arguments presented during the hearing and made a part of the official record -- petitioners may be represented by counsel and may present witnesses and documentary evidence to the Commission;
- Stipulations of fact;
- Matters officially noticed; and,
- Any proposed findings of fact and written arguments submitted by the parties.

A decision shall fully dispose of all issues required to resolve the case and shall contain:

- The appearance of the parties;
- A statement of the issues;
- References to specific statutes or rules at issue;
- Findings of fact;
- Conclusions of law based on the findings of fact and applicable constitutional principles, statutes, rules, or federal regulations; and,
- In the discretion of the Chairperson, a memorandum giving reasons for the Commission's findings of fact and conclusions of law.

26 USE OF INFORMATION TECHNOLOGY RESOURCES

26.1 Scope and Ownership

This policy applies to all Gaston County technology systems (hardware, software, voice/data networks, user accounts, and associated processes/services) owned, leased, or otherwise operated by Gaston County. The scope of the policy also includes all personnel who have access to Gaston County systems (employed by the County or not).

Systems containing Gaston County data which are hosted by third parties outside of the Gaston County network, and the personnel with access to those systems are also subject to this policy.

All technology resources defined in this section, along with all information transmitted by, received from, and stored upon said systems are considered to be possessed by, and/or the property of Gaston County.

26.2 Policy violation

When a policy violation occurs, aside from disciplinary action (see [Corrective and Disciplinary Actions](#) section), system access may be revoked in whole or in part if deemed to be in the interest of Gaston County system security and/or availability.

26.3 Personal Use

Gaston County systems are intended for business use. Any personal use must adhere to the following:

- must not violate applicable laws or regulations
- must not violate contractual agreements or intellectual property rights
- must not violate Gaston County personnel policies
- must not incur security risk to the County
- must not incur any additional cost to the County
- must not interfere with work duties
- must not be used for personal gain
- must not be used for solicitation

26.4 Monitoring and Privacy

Gaston County has the right to monitor, audit, and/or inspect any and all aspects of the County's electronic technology resources without advance notice to any users. Failure to monitor in any specific situation does not constitute a waiver of the County's right to monitor.

Personnel within scope of this policy are advised that they have no privacy rights and that there is no reasonable expectation of privacy when using County systems.

26.4.1 Monitoring, Auditing, and Inspection Activities

At the written request of a Department Director for one of their respective employees, or upon authorization by the County Manager or Human Resources Director, the Chief Information Officer or designee has the authority to monitor and/or inspect any Gaston County system without notice to users.

For security and network maintenance purposes, authorized individuals within Gaston County's Information Technology Department may monitor equipment, systems, data and network traffic at any time.

26.4.2 Privacy expectations

Gaston County does not guarantee the confidentiality of user information stored on any network, computer, or communications device belonging to Gaston County.

Gaston County's users should be aware that the data they create on County technology or communications systems remains the property of Gaston County and is not private (unless the data is protected by privacy or confidentiality laws).

Information that is stored on or transmitted to or from County systems, including phones and cell phones, may be subject to disclosure pursuant to the North Carolina Public Records Law.

26.5 Security

Gaston County technology use is subject to various Federal, State, and Local laws (e.g. Sarbanes-Oxley, HIPAA, Red Flag, PCI DSS, etc.).

Gaston County system security must be maintained at all times. Users must take all reasonable precautions, including but not limited to: safeguarding passwords, maintaining reasonable physical security around Gaston County equipment, and locking or logging off unattended workstations.

A user who is actively logged on to a Gaston County system is responsible for any activity that occurs whether or not they are present.

26.5.1 Administrative Privileges

For security reasons, administrator-level network, server, and PC access, is limited to Information Technology support staff and/or their designees.

Administrator privileges will not be extended to users in order for software to operate – software vendors are responsible for providing software that will operate without administrator privileges.

26.5.2 Passwords and User System Access

The Gaston County Information Technology Department is responsible for creation, assignment, and deletion of all user accounts for Gaston County systems. The level of access to the network, servers, applications, and personal computers will be administered by the Information Technology Department based upon the job tasks for the individual user.

Users are responsible for protecting their passwords and access to assigned accounts (network, systems, applications, etc.) at all times.

PASSWORD AND ACCOUNT DO'S

- Passwords must be changed at least every 90 days.
- Create strong passwords (greater than eight characters, mixed case, mix letters numbers and symbols, use long phrases when possible).
- Log off unused systems, and/or utilize password protected screen savers.
- Compromised passwords/accounts must be reported to the Information Technology Department.
- Refer anyone who asks for your password to this policy.

PASSWORD AND ACCOUNT DON'TS

- Do not use weak passwords (simple words, names, personal dates, all alpha, all same case, predictable patterns, e.g. 12345, zyxw, asdf, etc.).
- Do not give your password to anyone verbally, or electronically, for any reason. Your password belongs to you, and only you.
- Do not use personal, non-County system passwords (e.g. home email, home Internet, eBay, etc.) as passwords for County systems.
- When possible, do not reuse the same password for multiple systems.
- Do not store written passwords in any area accessible by others.
- Do not store passwords electronically unless they are encrypted and inaccessible to others.

26.5.3 Physical Security

Shared Gaston County systems (network, servers, systems, etc.) will be physically secured by the Information Technology Department.

- Access to the server room, disaster recovery site, phone switches, and other key infrastructure is limited by lock with access granted to authorized personnel only.
- Media, such as daily and monthly backups, will be stored in a secure area with access granted to authorized personnel only.

Users are responsible for the physical security of assigned technology resources.

- To the degree possible, technology resources should be protected from theft and/or vandalism, fire and other natural environmental hazards.
- Laptops, cell phones, etc. in vehicles must be stored in the trunk or otherwise out of sight. They may never be left in a vehicle over night.
- Employees should exercise precautions to make sure that their computer hardware is not exposed to dangers related to their specific use, i.e. accidental beverage spills, improper ventilation of air intakes, etc.

26.5.4 Application Security Standards

All software applications which manage sensitive or confidential data, whether acquired from a third party or developed internally must adhere to the following security requirements:

- Must support authentication of individual users.
- Must not store or transmit user credentials in a clear text or easily reversible form.
- Must support application scope restriction based on user levels.
- Must support user tracking for critical transaction activity.

26.5.5 Third Party Access to Gaston County Systems ▢

Third-parties include vendors, contractors, or other guests that require access to Gaston County technology resources. Third party access is only permitted for Gaston County business purposes. No third party may be allowed access to Gaston County systems without written approval from the Information Technology Department.

26.5.6 Reporting Violations ▢

Every department should have procedures in place to monitor compliance with the technology use policies within this document, and to report violations (both by "insiders" such as employees and contractors and "outsiders" such as unauthorized visitors, trespassers and hackers).

It is the responsibility of each technology user to remain diligent in the identification and reporting of technology policy violations. Staff should be aware of their environment and report any suspicious, abnormal or unnatural behavior or events to his or her supervisor and the Information Technology Department.

26.6 Prohibited Use

The following is a list of examples of prohibited uses. This is not intended to be a comprehensive and complete list. Other uses not listed here may be deemed as prohibited.

- Any use that violates federal, state, or local law or regulation is expressly prohibited.
- Knowingly or recklessly interfering with the normal operation of computers, networks, or other related equipment is prohibited.
- Connecting unauthorized equipment to the network for any purpose is prohibited.
- Running or installing unauthorized software on Gaston County computers is prohibited.
- Copying of any software from Gaston County computers, for other than archiving purposes, is prohibited.
- Using Gaston County network to gain unauthorized access to any computer system is prohibited.
- The use of Gaston County Systems to access, transmit, store, display, or request obscene, pornographic, erotic, profane, racist, sexist, libelous, or other offensive or abusive material (including messages, images, video, or sound) is prohibited.
- The use of Gaston County Systems in such a way as to create an intimidating or hostile work environment is prohibited.
- Gaston County Systems may not be used to solicit for personal gain or for the advancement of a political or religious belief.
- High-bandwidth applications, such as streaming video or audio, are prohibited unless they are utilized for legitimate work purposes.

26.7 Remote Access ▢

Remote access to Gaston County systems (access to Gaston County systems from external systems, e.g. via the Internet) consumes technology resources above and beyond those required for local access. The Information Technology Department will review requests and grant remote access based upon business cases and resources available.

Remote access users are subject to all policies herein.

Additional security requirements may be established for remote access systems by the Information Technology Department.

26.8 Hardware/Software Standards, Procurement, and Installation

The Gaston County Information Technology Department has the sole responsibility for establishing standards, procuring, maintaining inventory, and installing technology required for County operations. Information Technology is also responsible for engaging and managing relationships with technology vendors.

Employees outside of Information Technology are prohibited from procuring, and installing hardware or software for or on Gaston County systems.

All software installation media must be stored by Information Technology.

26.9 Technology Support

The Gaston County Information Technology Department has sole responsibility for technical support to users for all Gaston County systems. Unless Information Technology has specified otherwise for a particular system, users should always contact Information Technology for all technology-related needs.

26.10 Electronic Messaging

Electronic messaging includes, but is not limited to email, instant messages, text messages, blog posts, forum posts, wiki posts, social site posts, images and audio or video recordings. Electronic messaging may not be used in any way which violates County policy.

Security laws require that messages containing sensitive information (e.g. HIPAA, personal health information) be protected, and include confidentiality statements.

26.10.1 County Representation

All publicly posted electronic messages must clearly identify the user, with credentials assigned by the County. Message subject and content must be in the interest of the County.

26.10.2 Personal Messaging Accounts

Personal messaging accounts may not be accessed from County systems. Information Technology staff may use personal messaging accounts solely for the purpose of testing Gaston County systems.

26.10.3 Mass Mailing/Messages

Gaston County employees may not send out broadcast (very wide reaching) messages without County Management approval. Forwarding or sending chain mails is specifically forbidden.

26.10.4 Public Record and Retention

Electronic messages may be considered public record and as such are subject to public record retention rules.

Gaston County Information technology is responsible for archiving email for seven years.

26.11 County Internet Content

Public Internet content includes but is not limited to the main County public web site and all content therein, other County-owned web sites which lie outside of the main County web site, and social sites representing the County which are administered by the County.

Gaston County public Internet content is the responsibility of the Gaston County Web Master. The Web Master and his/her designee(s) may edit and publish public web content on behalf of the County.

The Web Master is responsible for establishing and publishing web site standards. All web site content must comply with the Gaston County web site standards (design, layout, etc.) as approved by the Web Master.

The Web Master must review web application design and layout for adherence to standards before application publication. As web application content is dynamic in nature, review of said content by the web master is not required.

Each department is solely responsible for the accuracy of the content of their respective web site(s) and/or pages.

Links to other websites are restricted to local, state, or federal government sites. Links to non-profit and personal websites are not allowed. Information on events will be limited to those directly sponsored by Gaston County.

County public Internet content may not include legally protected content.

26.12 Phone

Gaston County provides its staff with telephones for conducting official county business. County phone use should be restricted to official county business purposes, except for emergency and important telephone communications, such as child care needs, medical appointments, and other critical communications. Reasonable, infrequent personal use of the County's telephone systems by employees is permitted, but should not interfere or conflict with official County business use.

Personal long distance telephone calls should not be made, except on an emergency basis. Charges for any personal long distance calls must be reimbursed to the County by staff.

26.13 Cell Phones

It is the policy of Gaston County to provide cell phones to employees for business use when use of such telephones will increase the level of service provided to the County's

customers, increase the level of safety for the applicable County employee, reduce cost of providing services, and/or satisfy legal requirements.

26.13.1 Procurement/Activation ▢

Only the CIO or his/her designee in the Information Technology Department is authorized to contact the County's current cell phone provider to procure/activate new or replacement cell phones. Other employees are prohibited from entering into cell phone agreements with cell phone providers for County cell phones.

26.13.2 Use

A County-issued cell phone should be used when:

- an employee must make a call related to County business,
- they do not have access to a regular County telephone, and
- the call cannot or should not wait until returning to the office.

Personal calls are permitted, but are reimbursable to the County. Personal calls should be for the well-being of the individual or his/her immediate family or for personal business that requires immediate attention and the employee cannot otherwise get to a regular telephone. Costs for personal calls along with all applicable charges must be reimbursed by the applicable employee to the County by the end of the month in which the detailed telephone bill is received.

Cell phones with data access and internet/email capability are to be utilized for business purposes only and are subject to the applicable policies herein.

26.13.3 Giving Out Cell Phone Numbers

The County discourages the disclosure of cellular telephone numbers to members of the public as the telephones are the property of the County and not of the employee. All incoming calls are discouraged unless the calls are part of the business operations of the employee and their respective Department Director specifically directs the employee to encourage incoming calls for such purposes.

26.13.4 Operation of Cell Phones

Employees that are required to be available by a County-provided cell phone as part of their job duties must maintain their cell phone in a useable and active status.

26.13.5 Personal Cell Phones Used for County Business

If an employee uses their personal cell phone to conduct County business, and in doing so incurs charges above their normal phone charges, the employee may request reimbursement from the County. Personal cell phone reimbursements must be approved by the employee's Department Director.

26.14 Storage Media Recycling and Disposal ▢

The purpose of this section is to ensure that all digital media is properly recycled or disposed of for reasons pertinent to data security, software license protection, and in compliance with environmental regulation.

If a hard disk, tape, CD, DVD, ZIP disk, diskette, or other storage device can be re-used, users should erase the existing data from the device and continue to use it, or make it available for someone else to use. If the digital media is unusable, or is no longer needed, it should be sent to IT Operations for destruction.

Un-recycled or unusable media must be completely erased using a disk sanitizer utility. If that is not possible, the media should be physically damaged in a manner to render it unreadable by any device.

26.15 Surplus

The Gaston County Information Technology Department has sole responsibility for disposition of surplus technology hardware and software. All unassigned, unallocated, or otherwise unneeded equipment or software must be returned to Information Technology.

26.16 Receiving Used Hardware or Software

Gaston County departments may receive and utilize used computer equipment from the private sector on an individual basis. Receipt of used equipment requires approval from the Information Technology Department to ensure that the used equipment meets County standards and will not interfere with current county systems.

26.17 Electronic Record Management

Records are considered to be the property of the Gaston County Government and maintained for the benefit of agency use in delivering services and in documenting agency operations. In keeping with current trends, modern electronic technology is widely used. This electronic imaging record policy reflects guidelines set forth in the North Carolina Department of Cultural Resources publication, *North Carolina Guidelines for Managing Public Records Produced by Information Technology Systems*. Established guidelines will not only increase the reliability and accuracy of records stored in information technology systems, but also ensures they remain accessible. Established guidelines for reproduced records will likewise enhance their admissibility and acceptance by the judicial system as being trustworthy. Privileged or confidential information will also be protected by this policy. This policy will be re-evaluated at least every five years and updated as required.

26.17.1 Document Management System

The document management system is designed to meet all technical requirements as specified by the NC Department of Cultural Resources. Images scanned into the document management system are stored as Group IV TIFF images, and the indices reside in a database in Microsoft SQL Server to provide a completely non-proprietary system. The vendor has supplied all documentation about the database layout and design to ensure that the images and indexes are readily accessible by the IT Staff of Gaston County. The County IT Staff have been trained on the proper back-up techniques for both the images and the database and have committed the proper resources to manage the backup and general maintenance of the imaging server.

26.17.2 Records to be Scanned

Records for each department will be maintained as defined in the North Carolina Department of Cultural Resources publication, *North Carolina Retention and Disposition Schedule*. For scanned documents, destruction of the original paper record will be processed following imaging and quality control assurance. Paper records scheduled, as “permanent” will not be purged without specific authorization from the Department of Cultural Resources.

Scanned records will be maintained for the specified retention periods according to the *Record Retention and Disposition Schedule* published by the North Carolina Department of Cultural Resources. The original paper record will be shredded on Gaston County premises by an outside contractor. Security backups of all imaged documents will be generated nightly and maintained off-site. A listing of all records imaged will be kept in electronic format. Imaged records stored in the Document Management System will be considered the Gaston County Government’s “official” agency record. Any hard copy generated from the imaged records will be considered the agency’s duplicate “working” record.

26.17.3 Training

The vendor provided initial training and detailed system usage documentation to key imaging operators. The training included proper techniques for image capture, indexing, quality control, security configuration, auditing, and general system maintenance. All applicable Gaston County staff will be trained in the correct procedures required for imaging, viewing and the reproducing of records. Gaston County Staff Trainers will conduct any ongoing end-user training.

26.17.4 Audits

The Electronic Management System maintains an audit log of changes made to the documents. Managerial staff will periodically audit imaged records for accuracy, readability, and reproduction capabilities. Hardcopy records will not be destroyed until the managerial staff has audited a sampling of those records for system’s accuracy. A written audit report will be prepared indicating the sampling of records produced and what remedial procedures were followed if the expected level of accuracy was not achieved.

26.17.5 Procedures Documentation

Staff trainers of the Gaston County Government will be responsible for the preparing and updating of detailed procedures that will describe the process followed to produce and reproduce an automated record. This documentation will include a description of the system hardware and software. A current procedural manual will be maintained to assure the most current steps are followed and to assure reliable system documentation will be available for judicial or similar proceedings.

26.17.6 Training Documentation

Documentation will be maintained for the distribution of written procedures, attendance of individuals at training sessions and refresher training programs and other relevant information, including dates.

26.17.7 Documentation Retention

One set of all system documentation, including documentation describing how the system operates from a functional user and data processing point of view, will be maintained permanently in the event a court review is necessary. When system documentation changes, old versions will be maintained for 3 years after discontinuance of system and after all data (records) created by the system has been destroyed or transferred to a new operating environment.

26.17.8 Outside Inspection

This agency recognizes the fact that the judicial system may request pretrial discovery of computer programs and related materials. Agency personnel will honor requests for outside inspection of the system and testing of data by opposing parties and the court. It will also honor inspection and copy requests pursuant to Chapter 132 of the North Carolina General Statutes.

27 COLLECTION AND USE OF SOCIAL SECURITY NUMBERS

Pursuant to S.L. 2005-414 (S1048) section 4, prohibits government agencies from collecting a Social Security Number (SSN) from an individual unless the collection of the SSN is authorized by law or is imperative for the performance of the agency's duties.

Gaston County collects SSN's for the following purposes: (1) enrolling employees in employer-sponsored and voluntary benefits; (2) payroll related documents; (3) required state and federal documents; (4) North Carolina Industrial Commission forms (Workers Compensation); (5) accounts payable for the issuance of 1099's; (6) collection of unpaid bills including debt set-off; (7) emergency services billing and related State reports; (8) eligibility for Veterans benefits; (9) Cost Share programs through the USDA; (10) employment-related drug testing; (11) Community Development Block Grant program, for the verification of income when applying for home renovations/ repairs fund; (12) Medicaid/Medicare eligibility; (13) vital records recorded in the office of the Register of Deeds.

28 PERSONNEL RECORDS AND REPORTS

28.1 Personnel Records Management

Pursuant to North Carolina General Statute §153A-98 -- Personnel Privacy Act, personnel records necessary for properly administering the personnel system will be maintained by the Human Resources Director. The following information on each County employee shall be maintained separate from employee applications:

- Name
- Age
- Date of original employment or appointment to County service
- Current position title
- Current salary
- Date and amount of most recent increase or decrease in salary
- Date of most recent promotion, voluntary demotion, transfer, separation, or other change in position classification
- The department to which the employee is currently assigned.

28.2 Employee Access to Personnel Records

As required by General Statute §153A-98, a person may inspect, examine, and copy their information listed in the section [Personnel Records Management](#) during regular business hours, subject to such rules and regulations for the safekeeping of public records as the Commissioners may adopt. Access to such information shall be governed by the following provisions:

- An individual examining their personnel record may be provided a copy of this information; the cost may be assessed to the individual.
- Any person denied access to their personnel record shall have the right to compel compliance with these provisions by applying to a court for an order or other appropriate relief.

28.3 Other Access to Personnel Records

All information contained in a County employee's personnel file, other than the information listed in Policy 15.1, is confidential in accordance with the requirements of General Statutes §153A-98 and shall be open to inspection only in the following instances:

- Employees, or their duly authorized agents, may examine all portions of their personnel files, except: letters of reference solicited prior to employment, and information concerning a physical or mental disability, that a prudent physician would not divulge to a patient;
- A County employee with supervisory authority over an employee may examine all material in the employee's personnel file;
- By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file;

- An official of an agency of the state or federal government, or any political subdivision of the state, may inspect any portion of a personnel file when such information is deemed by the County Manager to be necessary and essential to the proper function of the inspecting agency; however, no information shall be divulged for the purpose of assisting in a criminal prosecution of an employee, or for assisting in an investigation of the employee's tax liability. However, the official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation;
- An employee may sign a written release, to be placed with their personnel file, permitting authorized employees of the Human Resources Department, or their immediate supervisor, to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release;
- Each individual requesting access to confidential information will be required to submit satisfactory proof of identity; and,
- A record shall be made of each disclosure and placed in the employee's file, except of disclosures to the employee and the Supervisor.

28.4 Remedies of Employees Objection to Content in File

An employee who objects to material in their file may place in that file a statement relating to the material they consider to be inaccurate or misleading.

28.5 Legal Penalty for Permitting Access to Personnel Records

General Statute §153A-98 provides that any public official or employee who knowingly and willfully permits any person to have access to confidential information in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed \$500.00.

28.6 Legal Penalty for Examining and/or Copying Personnel Records Without Authorization

General Statute §153A-98 provides that any person not specifically authorized to have access to a personnel file designated as confidential and who knowingly and willfully examines in its official filing place or removes or copies any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined in the discretion of the courts but not in excess of \$500.00.

28.7 Destruction of Records

No public official may destroy, sell, loan, or otherwise dispose of any public records, except in accordance with General Statute §121-5, without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates, or destroys it will be guilty of a misdemeanor and upon conviction will be fined not less than \$10.00 nor more than \$500.00 as provided in General Statute §132-3.

28.8 Employee Medical Records

- Pursuant to HIPAA, employees may designate a third party, such as a family member or licensed physician, to examine the employee's medical record. Such authorization is often needed to review medical records involving issues arising out of Workers Compensation Claims, the Americans With Disabilities Act, or Family Medical Leave issues.
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29 COMMUNICABLE DISEASES

It is the policy of Gaston County to be fair and impartial in all of its relations with its employees, applicants for employment, and citizens of Gaston County. Anyone with communicable diseases or related conditions will be treated fairly and equitably. Employees must follow procedures and participate in training designed to prevent the transmission of contagious diseases in the work place per recommendations developed by the Centers for Disease Control and Prevention, the Occupational Safety and Health Administration, or as promulgated by Gaston County. All departments whose employees may be at risk of exposure to bloodborne pathogens must develop policies and procedures to minimize that risk. This shall include proper training and updates and the provision of immunizations, where possible.

30 REDUCTION IN FORCE

30.1 Description

Gaston County government, or any department thereof, has the authority to separate an employee whenever it is necessary due to shortage of funds or work, abolishment of a position, or other material change in duties or organization. Retention of employees in positions affected shall be based on systematic consideration, at a minimum, of the following factors:

- Type of appointment
- Relative efficiency
- Actual or potential adverse impact on the diversity of the work force
- Length of service

Neither temporary, probationary, nor trainee employees in their initial six months of training shall be retained in positions where employees with a permanent appointment (those who have satisfactorily completed a probationary or equivalent trial period) must be separated in the same or related position.

In determining the length of service, an eligible veteran shall be accorded one year of County service for each year or fraction thereof of military service, up to a maximum of five (5) years credit.

30.2 Process

When it is determined that a Reduction in Force (RIF) is necessary, each affected department shall develop a written Reduction in Force Plan which meets its particular needs and provides assurance to employees that reductions shall be considered on a fair and systematic basis. This plan must be openly available for review by any employee of the department at a publicized location. The RIF plan for each department shall also be filed with the Human Resources Department as a public record and must be approved by the County Manager or his or her designee prior to implementation.

Prior to any employee being notified of his or her separation due to reduction of force, the County Manager, or his designee, shall review the proposed eliminations from the approved RIF plan to confirm that the procedures as established herein were followed. It is the employing department's responsibility to notify the affected employee in writing of impending separation due to reduction in force. Such notification should occur as soon as possible and in any case not less than 30 calendar days prior to the effective date of separation. The official notification letter shall include the following: the scheduled date of separation; the reason for the reduction in force; information regarding eligibility for [re-employment consideration](#); instructions regarding scheduling an exit conference with the Human Resources Department for explanation of insurance continuation options and final pay out of accrued vacation; and applicable employee appeal rights.

30.3 Review

As indicated in the proceeding section, the County Manager, or his designee, shall review every RIF proposed elimination from the already approved RIF plan. No employee shall be entitled to any other review, except for employees of the Department of Health, Social Services, and Emergency Management, who have appeal rights pursuant to G.S. 126-5.

30.4 Adverse Impact

In accordance with federal guidelines affecting equal employment opportunity and affirmative action, all decisions concerning reduction-in-force must be analyzed to avoid adversely impacting opportunities for retention of classes protected by state or federal equal employment and civil rights legislation.

30.5 Employment Assistance

During the thirty calendar day notice of lay-off, Departments will cooperate with reduced in force employees with regard to efforts to secure alternative employment, either within or outside the County service and efforts to secure unemployment compensation or other benefits which may be available to displaced workers. Such cooperation will include but not be limited to time off with pay for applying for jobs, attending job interviews, accessing available out-placement services, securing additional training, and other appropriate activities as may be approved by the Department Director.

30.6 Guidelines

A reduction in force necessarily compels a thorough evaluation and determination of essential department services in relation to the overall department mission, including the accomplishments of specific programs and the need for particular positions. Following determination of positions to be reduced in force, the relative value of specific employees in those positions shall be assessed so that the 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, knowledge and productivity of the employee in comparison to those which are necessary for the continued provision of essential services. Such factors should be given greater relative weight than other considerations, such as length of service. All decisions must be analyzed to avoid [Adverse Impact](#).

The department's Reduction in Force Plan must include, in addition to or in lieu of other factors, the following criteria:

- The number of positions which must be deleted to meet established goals for reduction of costs or services;
- The feasibility of eliminating entire programs or parts of programs;
- Identification of areas where the number of positions must be reduced or eliminated;
- Identification of the classification of positions to be eliminated;
- Evaluation of employees subject to reduction in force using the following criteria, where possible, and others where appropriate:
 - Needs of department to deliver services

- Relative skills, knowledge, productivity and value of employees (as determined by comparative performance reviews).
- Length of service of employees
- Documentation of steps followed to implement the reduction in force
- An impact analysis of proposed reduction in force on the department's workforce demographics.

30.7 Re-employment Consideration for Reduction-In-Force Employees

Each employee affected by the RIF may request re-employment status with the Human Resources Department. Employees requesting re-employment status must fill out an application that Human Resources will maintain on file for 6 months. When a vacancy comes open, Human Resources will determine if anyone with re-employment status is qualified for the opening, call all qualified applicants in re-employment status to determine interest, forward any applications, and notify the hiring department of the re-employment status application.

Probationary Period: An employee who has a break in service (more than 31 calendar days), with reduction-in-force priority status may be required to serve a new probationary period if:

- The essential duties and responsibilities of the position into which the employee is being re-employed are significantly different from those of the position held at the time of reduction in force notification; and/or
- The prior, documented performance history of the employee indicates performance or conduct difficulties which would make a probationary period a prudent protection of department interests; and/or
- The prior, documented personal conduct history of the employee includes instances of unprofessional or non-business-like behavior, which would make a probationary period a prudent protection of department interests.

