

# ALEXANDER COUNTY

# PERSONNEL POLICY





# ORGANIZATION OF THE PERSONNEL SYSTEM

## Purpose of the Policy:

- Fair and uniform system
- State requirements will supersede
- Policy is not a binding contract
- Department supplemental rules
  - Subject to the approval of County Manager
  - Shall not conflict with the provisions of this policy

# **GIFTS AND FAVORS**

-  **Shall not accept any gift, favor, or thing of value that may tend to influence that employee in the discharge of duties**
-  **Gratuities shall be refused**

# **POLITICAL ACTIVITY RESTRICTED**

**While on duty no employee of Alexander County shall:**

- a) Engage in any political activity**
- b) Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office**
- c) Be required as a duty of employment or as a condition of employment, promotion, or tenure of office to contribute funds for political or partisan purposes**

# **POLITICAL ACTIVITY RESTRICTED**

**(continuation page)**

- d) Coerce or compel contributions for political or partisan purposes by another employee of the County**
- e) Use funds, supplies, or equipment of the County for political or partisan purposes**

***\*\*Any violation of this section shall be deemed improper conduct and shall subject the employee to immediate dismissal or other disciplinary action\*\****

# EXPECTATION OF ETHICAL CONDUCT

- Public officials and employees be independent, impartial, and responsible to the people
- Up hold the highest standards of ethical conduct on the job

# OUTSIDE EMPLOYMENT

- Request in advance to department head
- Department head and County Manager approve or disapprove the secondary employment

***\*\*Outside employment without prior approval by the County may be deemed improper conduct and subject the employee to disciplinary action, up to and including dismissal\*\****

# **PERSONNEL RECORDS AND REPORTS INFORMATION OPEN TO THE PUBLIC**

**In compliance with GS 153A-98, the following information with respect to each County employee is a matter of public record**

- 1) Name**
- 2) Age**
- 3) Date of original employment or appointment to County services**
- 4) Current position title**
- 5) Current salary**
- 6) Date and amount of most recent change in salary**

# **PERSONNEL RECORDS AND REPORTS INFORMATION OPEN TO PUBLIC**

**(continuation page)**

- 7) Date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification**
- 8) Office to which the employee is currently assigned**
- 9) Any person may have access to information for the purpose of inspection, examination, and copying during regular business hours**
- 10) Subject only to such rules and regulation for the safekeeping of public records as the Board of County Commissioners may adopt**

**To review specific confidential information see  
Article XII section 4**

# **PERSONNEL ACTION**

- **Official personnel files are those which are maintained by the County Manager**
- **Shall contain documents such as**
  - a) Employment applications**
  - b) Records of personnel actions**
  - c) Documentation of employee warnings**
  - d) Disciplinary actions**
  - e) Performance evaluations**
  - f) Retirement and insurance records**
  - g) Letters of recommendation**
  - h) Personnel-related documents**
- **Any documents not contained in these files nor maintained as designated by the County Manager is not an official part of the personnel file**

# RECORDS OF FORMER EMPLOYEES

The provision for access to records apply to former employee as they apply to present employers

## REMEDIES OF EMPLOYEES OBJECTING TO MATERIAL IN THE FILE

An employee who objects to material in his or her file may

- ✚ Place in the file a statement
- ✚ Seek the removal through grievance procedure

# **POSITION VACANCY ANNOUNCEMENTS**

- **Publish with ESC, county web-site, County T.V. channel, all County departments and/or other news media as necessary**
- **Posted for a minimum of (7) working days**
- **County Manager may approve waiving of posting**
- **Shall complete an Alexander County application**

**\*\*Selection decisions are made based on qualifications. Alexander County does not discriminate on the basis of race, sex, religion, color, national origin, age or qualified disability\*\***

# **LIMITATION ON EMPLOYMENT OF RELATIVES**

- ✿ Prohibits the employment of any person into a regular position who is an immediate family member of individuals holding the following positions:**
  - a) Board Commissioners**
  - b) County Manager**
  - c) Clerk to the Board**
  - d) County Attorney**

# **LIMITATION ON EMPLOYMENT OF RELATIVES**

**(continuation page)**

**Immediate Family:**

- a) Wife/Husband**
- b) Mother/Father**
- c) Son/Daughter**
- d) Brother/Sister**
- e) Grandchild**
- f) Grandparent**
- g) Various combination of step, in-laws, and adopted relationships.**

**Board of County Commissioners shall approve or disapprove the appointment by the Sheriff or the Register of Deeds of a relative by blood, marriage, or kinship nearer than first cousin.**

# **LIMITATION ON EMPLOYMENT OF RELATIVES**

(continuation page)

- ✿ **County will consider employing immediate family members or related family members if:**
  - a) No two members of immediate family are employed within the same department if such employment will result in one supervising a member of his or her immediate family**
  - b) Position does not have influence over the other's employment, promotion pay administration, and other related management or personnel consideration**

# **PROBATIONARY PERIOD OF EMPLOYMENT**

**(continuation page)**

**During the probationary period, supervisors shall:**

- ✿ Monitor performance**
- ✿ Communicate performance progress with employee**
- ✿ Supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed**
- ✿ Following successful completion of the probationary period, the employee may only be dismissed as provided in Article X**

# REHIRING REHIRING

- **Resigns while in good standing:**
  - a) May be rehired with the approval of the appointing authority**
  - b) Regarded as a new employee**
  - c) Subject to all of the provisions of rules and regulations**

# PROBATIONARY PERIOD OF EMPLOYMENT

(continuation page)

During the probationary period, supervisors shall:

- ✿ Monitor performance
- ✿ Communicate performance progress with employee
- ✿ Supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed
- ✿ Following successful completion of the probationary period, the employee may only be dismissed as provided in Article X

# **PROMOTION**

**It is the County's policy to create career opportunities for its employees**

- ❖ **The County will balance three goals in the employment process:**
  1. **The benefits to the employees and the organization of promotion from within**
  2. **Providing equal employment opportunity and a diversified workforce to the community**
  3. **Obtaining the best possible employee who will provide the most productivity in that position**
- ❖ **Chosen on the basis of their qualifications**
- ❖ **Work records**
- ❖ **Must serve a probationary period**

# DEMOTION

**An employee whose work is unsatisfactory may be demoted, provided the employee shows promise of becoming a satisfactory employee in another position**

- **Demotion shall be made in accordance with the procedures in Article X - Discipline**
- **Must serve a probationary period**
- **Pay will be reduced to any step in the lower pay range**

***\*\*Voluntary demotion is not a disciplinary action and is made without using the procedures in Article X \*\****

# **TRANSFER**

**If a vacancy occurs and employee request transfer:**

- **Written request**
  - **Complete application during the recruitment period for the position**
- **Must serve a probationary period**
  - **Salary adjusted with pay scale**

# TRANSFER PAY

## Transfer by Management:

- ❖ Transfer from a position in one class to a position in another class with same pay grade
  - Employee shall continue to receive the same pay

## Reclassification:

- ❖ Reclassifies to higher pay grade
  - The employee's pay shall be increased to at least minimum step of the new pay range
- ❖ Current pay is above the minimum pay rate
  - Pay may be adjusted one step upward or left unchanged

Adjusted pay cannot not exceed the maximum of grade

# **REDUCTION IN FORCE**

- **In the event that reduction in force becomes necessary, consideration shall be given to:**
  - a) Quality**
  - b) Skills**
  - c) Ability**
  - d) Organizational Needs**
- **Employees who are laid off because of reduction in force shall be given:**
  - a) Two weeks notice**
  - b) Two weeks severance pay**
- **No regular employee shall be separated while there are temporary, trainee, or probationary employees serving in the same class in the department, unless the permanent employee is not willing to transfer to the position held by temporary, trainee, or probationary employee.**

# **REDUCTION IN FORCE**

(continuation page)

- **Employee in good standing separated due to reduction in force shall be given:**
  - a) **First consideration for vacancies in same or similar position within one year after R.I.F.**
  - b) **Consideration will be given to qualifications, needs of the department, and past employee history**
- **An employee who is reinstated in this manner shall be re-credited with his or her previously accrued sick leave, and service credit.**

# **PROBATIONARY PERIOD OF EMPLOYMENT**

**An employee appointed to a permanent position shall:**

- Serve a probationary period of no less than six (6) months and no more than nine (9)**
- Sworn law enforcement personnel shall serve a twelve (12) month probationary period and no more than fifteen (15) months**
- May be dismissed without right to appeal at any time during the probationary period**

# **UNSATISFACTORY JOB PERFORMANCE**

- **Examples, but are not limited to:**
  - a) Demonstrated inefficiency, negligence, or incompetence in the performance of duties**
  - b) Careless, negligent or improper use of County property or equipment**
  - c) Physical or mental incapacity to perform duties**
  - d) Discourteous treatment of the public or other employees**
  - e) Absence without approved leave**

# UNSATISFACTORY JOB PERFORMANCE

(continuation page)

- f) Repeated improper use of leave privileges
- g) Habitual pattern of failure to report for duty at the assigned time and place
- h) Failure to complete work within time frames established
- i) Failure to meet work standards over a period of time
- j) A rating of “Overall Performance Needs Improvement” as defined in the County’s Performance Evaluation Policy

# COMMUNICATION AND DISCIPLINARY ACTION FOR UNSATISFACTORY JOB PERFORMANCE

- ❖ **When an employee's job performance is unsatisfactory the supervisor should:**
  - a) **Meet with employee as soon as possible**
  - b) **Discuss specific performance problems**
  - c) **Set time-frame for improvement**
  - d) **Follow up**

# **DISCIPLINARY ACTION**

- ❖ **If the employee's performance continues to be unsatisfactory:**
  - a) May issue a second warning**
  - b) Suspend without pay**
  - c) Demote**
  - d) Recommend dismissal**
  - e) Two disciplinary actions are required prior to dismissal**
  - f) First disciplinary action for an incident of job performance is written warning**

# **GROSSLY INEFFICIENT JOB PERFORMANCE**

- **Grossly inefficient job performance exists when job performance is so unsatisfactory that it:**
  - a) **Causes or results in death or serious injury to employee, members of the public or persons for whom the employees have responsibility**
  - b) **Results in a serious loss of or damage to County property or funds adversely impacting the County and/or the work unit**
  - c) **Failure to obtain or maintain legally required certificates, licenses, bonds or other credentials**
  - d) **Results in a rating of “Overall Unacceptable” as defined in the County’s Performance Evaluation Policy**

# **UNACCEPTABLE PERSONAL CONDUCT**

- **May be created by intentional or unintentional acts, and may be job related or off-duty as long as there is a sufficient connection between the conduct and the employee's job**
- **Examples of unacceptable personal conduct include, but are not limited to, the following:**
  - a) Fraud or theft**
  - b) Commission of felony or the entry of a plea**
  - c) Falsification of records**
  - d) Willful misuse or gross negligence in the handling of County funds**
  - e) Willful or wanton damage or destruction to property**

# **UNACCEPTABLE PERSONAL CONDUCT**

(continuation page)

- f) Brutality in the performance of duties**
- h) Reporting to work under the influence of alcohol, drugs, or prescribed medication not taken within the limits set by a physician as long as medically necessary**
- i) Engaging in incompatible employment or servicing a conflicting interest**
- j) Request or acceptance of gifts in exchange for favors or influence**
- k) Engaging in political activity prohibited by this section**
- l) Stated refusal to perform assigned duties or flagrant violation of work rules and regulations**

# **DISCIPLINARY ACTION FOR GROSSLY INEFFICIENT JOB PERFORMANCE AND UNACCEPTABLE PERSONAL CONDUCT**



- When an incident of grossly inefficient job performance or unacceptable personal conduct occurs:**
- a) Must consider the severity of the incident**
  - b) May issue a warning**
  - c) Suspend without pay**
  - d) Demote**
  - e) Dismiss**
  - f) No warning or other disciplinary action is required prior to dismissal**

# SUSPENSION DISCIPLINARY ACTION



**An employee may be suspended by the department head for causes related to grossly inefficient job performance or personal conduct in order to:**

- a) Avoid undo disruption of work**
- b) To protect the safety of persons or property**
- c) For other serious reasons**



**Immediate suspension action:**

- a) Shall be required to leave County property at once**
- b) Remain away until further notice**
- c) Department head shall notify County Manager immediately**

# **SUSPENSION DISCIPLINARY ACTION**

## **(continuation page)**

- ❖ **An employee may be suspended without pay as a disciplinary action for:**
  - **Job performance**
  - **Grossly inefficient performance**
  - **Personal conduct reasons**
  
- ❖ **Incidents involving job performance:**
  - **Warning is required before the employee can be suspended**
  
- ❖ **Disciplinary action without pay must be:**
  - **At least one full work week**
  - **Not more than two work weeks for salaried employees exempt**
  - **All other employees' suspension without pay will normally be up to a maximum of forty (40) hours**
  - **All disciplinary actions are cumulative and may be taken in varied combinations**

# **INVESTIGATORY SUSPENSION WITH PAY**



**May be used to:**

- **Provide time to investigate**
- **Establish facts**
- **Reach a decision concerning deficiencies that would constitute just cause**
- **Provide time to schedule and hold a pre-dismissal conference**
- **To avoid undue disruptive work**
- **Protect the safety of persons or property**
- **Shall not exceed thirty (30) calendar days**



**If no action has been taken by management by the end of thirty calendar days, one of the following must occur**

- **Reinstatement of the employee**
- **Appropriate disciplinary action based on the results of the investigation**

# **INVESTIGATORY SUSPENSION WITH PAY**

(continuation page)

- **Shall not be used for purpose of delaying an administrative decision on an employee's work status pending the resolution of civil or criminal court matter involving the employee**
- **May be reinstated with:**
  - **Up to three (3) days pay deducted**
  - **Based upon management's determination of the degree to which the employee was responsible for contributed to the reasons for suspension**
- **If employee is reinstated following the suspension:**
  - **Shall not lose any benefits**
- **If employee is terminated following suspension:**
  - **Shall not be eligible for any pay from the date of suspension**
  - **Accrued annual leave and sick leave shall be maintained during the period of suspension**

# **SUSPENSIONS WITHOUT PAY FOR SERIOUS WORKPLACE MISCONDUCT**

**All employees, hourly, salaried, exempt, and non-exempt, may be suspended for one or more whole days without pay for violations of workplace conduct rules, committed on or off-site**

**Examples (list is not exhaustive):**

- 1. Unlawful harassment**
- 2. Workplace violence**
- 3. Theft, sabotage, or vandalism of property, including intellectual property, belonging to employer or other employees**

# **SUSPENSIONS WITHOUT PAY FOR SERIOUS WORKPLACE MISCONDUCT**

**(continuation page)**

- 4. Violation of the drug and alcohol policy**
- 5. Violations of state or federal laws, other than minor traffic violations**
- 6. Grossly inefficient job performance and/or unacceptable personal conduct**
- 7. Violation of safety rules or personnel policy**

# PRE-DISCIPLINARY CONFERENCE

- ✚ **Before any disciplinary action is taken:**
  - a) **Department head shall provide employee with oral or written advanced notice of the proposed disciplinary action**
  - b) **Will include the proposed disciplinary action being considered**
  - c) **Recommended effective date**
  - d) **Reason for the action**
  - e) **Date and time for pre-disciplinary conference**
  - f) **If demotion, notice must include the change that will occur in the employee's salary rate and/or pay grade**

# **PRE-DISCIPLINARY CONFERENCE**

**(continuation page)**

## **At this conference:**

- a) Any response to the proposed disciplinary action may be presented by employee**
- b) Department head will consider the employee's response**
- c) Within three (3) working days after the pre-disciplinary conference, employee will be notified in writing of the final decision to take disciplinary action**

## **In incidents involving dismissal of SPA employees:**

- a) Communication of the decision cannot be given before the start of the business day after the conference**
- b) Notice of final disciplinary action shall contain a statement for the reason(s) for the action**
- c) Effective date of the action**
- d) County Manager will be provided with a written notice of action taken**
- e) The County Manager has the final approval on dismissal**

# **GRIEVANCE PROCEDURE**

**A grievance is defined as a concern arising from disciplinary action or discrimination**

- Every employee shall have the right to present a grievance in accordance with these procedures, free from interference, coercion, restraint, discrimination, penalty, or reprisal**
- Allowed reasonable time off to prepare and present a grievance**
- Supervisors or other employees who violate this policy shall be subject to disciplinary action up to and including dismissal**
- No attorneys or other representatives will be allowed to participate in the process**
- This grievance procedure applies to all departments and all employees of the County except those listed as exempt in Article I Section 2.**

# PROCEDURE

## Step One: To pursue a grievance

- ❖ File the grievance, in writing, with the immediate supervisor within fifteen (15) calendar days of incident
- ❖ If the employee alleges unlawful sexual harassment by the immediate supervisor, the employee may file the complaint with the County Manager or H.R. Director

**If the grievance concerns an appeal of a dismissal, shall be filed directly with the appointing authority**

- ❖ County Manager
- ❖ Sheriff
- ❖ Register of Deeds
- ❖ Social Services Director
- ❖ Health Director

# **PROCEDURE**

**(continuation page)**

**Step Two: If the grievance is not resolved to the satisfaction of the employee by the supervisor:**

- ❖ May appeal, in writing, to Department Head (If the Department Head is not immediate supervisor) within five (5) calendar days after receipt of the response from Step 1.**
- ❖ Department Head shall state the determination of the decision within five (5) calendar days after receipt of the appeal**

# **PROCEDURE**

(continuation page)

**Step Three: (For General Employees) If the grievance is not resolved to the satisfaction of the employee by the Department Head:**

- ❖ **May appeal in writing to the County Manager or the corresponding appointed authority within five (5) calendar days**
- ❖ **May meet with the employee**
- ❖ **County Manager shall respond to the appeal**
- ❖ **Will make decision within ten (10) calendar days of receipt of the grievance**
- ❖ **The manager's decision is final**
- ❖ **Any appeal of this decision must be made through the North Carolina Court System**

# **PROCEDURE**

(continuation page)

**Step Four: For employees only in the Social Services and Public Health Departments (Subject to State Personnel Act), the grievance is not resolved to the satisfaction of the employee by the Department Head:**

- ❖ **Employee may appeal the decision to the North Carolina of Administration Hearings (OAH) within thirty (30) calendar days of the receipt of the Department Head's decision**
- ❖ **Findings will be forwarded to the State Personnel Commission**
- ❖ **Decision of the State**
- ❖ **Appointing authority shall have the final decision**

# **GRIEVANCE AND ADVERSE ACTION APPEAL PROCEDURE FOR DISCRIMINATION**

**When an employee, former employee, or applicant believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, national origin, religion, creed, political affiliation, or disability)**

- The right to appeal**
- Have the right to appeal directly to the County Manager**
- Employee or applicant should appeal an alleged act of discrimination within thirty (30) days of the alleged discriminatory action**

# THE PAY PLAN

- ↑ **Salary scale includes salary grades and ranges**
- ↑ **Paid at rate listed salary grade range**
  - ↑ **Except = training status or above maximum rate**
- ↑ **County manager may approve in-range adjustments to accommodate inequities, special performance or achievements, or other issues**
- ↑ **Pay structure shall be externally and internally competitive**

# HIRING RATE/STARTING SALARY

## HIRING RATE/STARTING SALARY

- **Normally hired at Step 1**
- **May be approved to start above Step 1**
- **Hired at Step 1 - automatically promoted to Step 2 after successful completion of 6-month probationary period**
- **Upward movement within salary grade range based upon specific performance-related reasons**

# PERFORMANCE PAY BONUS

- **Maximum of the salary range, eligible for a merit bonus at performance evaluation time**
- **Awarded based upon the performance of the employee**
- **Awarded one lump sum payment**

# **PAYMENT AT A LISTED RATE**

- **If the maximum rate of a pay range for present position has been attained, no pay increases will be received unless:**
  - 1) Position is reclassified**
  - 2) Promoted to another position with a higher pay range**
  - 3) Pay range for present position is increased**
  - 4) Is eligible for a lump sum performance bonus**

# OVERTIME PAY PROVISIONS

## Non-exempt only

- Expected to work during all assigned periods, exclusive of breaks or mealtimes
  - Not to perform work at anytime not scheduled, without prior approval

## Emergency Exception:

***\*\*Emergencies exists if a condition arises that could reasonably result in damage to property or persons or which requires immediate attention of the employee\*\****

- Advise supervisor of overtime immediately

# **OVERTIME for NON-EXEMPT EMPLOYEES**

- **Paid at a straight time rate for hours worked up to 40 hours in workweek**
- **Overtime received at time and a half comp time for hours worked over 40 in workweek**
- **Public safety job classes may earn overtime after 171 hours based on a 28 day period**
- **Work less than a 40-hour week - compensatory time is on an hour-for-hour basis**

# **OVERTIME for NON-EXEMPT**

(continuation page)

- **Employees' in public safety emergency or seasonal activities, may accrue no more than 480 hours of compensatory time**
- **Other non-exempt may accrue up to 240 hour of compensatory time**
- **Overtime must be approved in advance**
- **Upon separation, accrued compensatory time will be paid**

# **EXEMPT EMPLOYEES**

**Examples of exempt employees are:**

- a) Elected Officials;**
- b) County Manager;**
- c) Qualified department heads;**
- d) Executive or administrative assistants;**
- e) Registered nurses; or**
- f) Other learned professionals**

# EXEMPT EMPLOYEES

(continuation page)

- ➡ No overtime pay for hours worked over forty in workweek
- ➡ “Bonus” leave granted on an hour-for-hour basis
- ➡ May accrue up to forty hours bonus time
- ➡ Ends without compensation upon separation and is not guaranteed time off

\* See The Pay Plan Policy for Unauthorized Deductions, etc.\*

# RESIGNATION

- ✦ **Submit written notification**
- ✦ **Minimum notice is at least two weeks**
- ✦ **If proper two weeks notice is not given, the employee waives payment for accrued annual leave**
  - **Notice may be waived upon recommendation of the department Head and approved by the County Manager**
- ✦ **Absence from work for three consecutive work days without reporting to their supervisor**
  - **Considered to have resigned**
  - **Payment is waived for any accrued annual leave**