

# MONTGOMERY COUNTY



## Employee Personnel Manual

Adopted 2007  
Amended June 2014

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## **ARTICLE I. ORGANIZATION**

### **A. Purpose**

The purpose of the Montgomery County Personnel Policy is to establish a personnel system that will promote a fair and effective means of employee recruitment and selection; develop and maintain an effective and responsible work force; promote understanding, cooperation, equal treatment, and efficiency; and provide the means for removal of unsatisfactory employees. This policy is established under the authority of the North Carolina General Statutes Chapter 153A; Article 5, and G.S. 126.

Procedures outlined herein are written around employees with a supervisor and a department head. When the individual concerned is a supervisor or a department head the individual at the next level in the chain of command will be the designated person with supervisory responsibility.

### **B. Coverage**

This policy covers all employees of the County with the following exceptions:

1. Elected officials, except as designated
2. County Attorneys (part time or contract) and members of advisory and special boards or commissions, except as designated;
3. Employees of the North Carolina Cooperative Extension Service except they shall be subject to Article VIII, Grievance Procedure
4. Part-time employees, except they shall be subject to
 

Article I.	D
Article IV.	A-K; M-O
Article V.	A-B
Article VI.	B-I
Article VII.	A-L except as noted;
Articles VIII.	IX, X, XI and XII.
5. Temporary employees as designated by the County commissioners, except they shall be subject to
 

Article I.	D
Article IV.	A-K; M-O
Article V.	A-B
Article VI.	B-I
Article VII.	A-L except as noted
Articles VIII, IX, X, XI, and XII.	
6. Employees governed by the State Board of Elections when County policy conflicts with NC State Statutes or State Personnel Policies.

### **C. Definitions**

1. Fair Labor Standard Designations:
  - a) Non-Exempt Employee: Any County employee subject to the provisions of the Fair Labor Standards Act.
  - b) Exempt Employee: Any County employee not covered by the Fair Labor Standards Act. This applies primarily to employees in professional, executive or administrative positions.
2. Temporary Employee: A person employed to fill a position for a specified duration or period of time. For employees of the Social Services and Health Departments, "temporary duration" cannot exceed twelve (12) months.
3. Permanent Employee: A person employed to fill a position for an indefinite period of more than nine (9) calendar months.
4. Full-time Employee: An employee, hired in a permanent or temporary position, who is scheduled to work the number of hours per workweek designated by the Commissioners as full time.

5. Permanent Part-time Employee: An employee who works at least 24 regularly scheduled hours per week and who meets the terms of eligibility to receive benefits.
6. Part-time Employee: An employee who is employed **or under contract** to work fewer hours per week than designated as a full-time workweek and who does not meet the terms of eligibility to receive benefits.
7. Probationary Employee: A person hired in a permanent, full-time position who has not yet completed the probationary period. See Article IV, J.
8. Personnel Advisory Committee: The Personnel Advisory Committee is appointed by the County Manager and consists of employee not related to grieving employee.

#### **D. Selection Principles**

The County of Montgomery provides equal opportunity for employment, without regard to race, religion, color, creed, national origin, sex, age, sexual orientation, or handicapping condition, to all persons otherwise qualified. All appointments, promotions, and other personnel transactions shall be made solely on the basis of qualifications for the position.

#### **E. Responsibility of the Montgomery County Board of Commissioners**

Pursuant to G.S. 153A-94, the Board of County Commissioners (hereafter referred to as the Commissioners) shall establish personnel policies and rules, including the classification and pay plan, and shall make and confirm appointments when required by law.

#### **Board of Commissioner Limitations**

The appointive power of the Commissioners is limited in the following instances:

1. Article VII, 2 of the Constitution of North Carolina provides that the Sheriff shall be elected.
2. The Register of Deeds is elected every four years. 161-2
3. The Sheriff and Register of Deeds have the right to hire, discharge, and supervise the employees of their offices. 161-2
4. County Board of Elections is empowered to appoint and remove a Director of Elections and all registrars, judges, assistants, and other officers of elections. 163-33,35.

#### **F. Personnel Responsibilities of the County Manager**

The County Manager shall be responsible to the Board of Commissioners for the administration of the personnel program. The County Manager shall appoint, suspend, and remove all County officers, employees, and agents. Excluded in this section are officers, employees and agents who are elected by the people or whose appointment is otherwise provided for by law. As to those officers, employees or agents who are excluded from this section, the County Manager if appropriate shall recommend individuals for such appointments to the Board of Commissioners. The County Manager shall make appointments, dismissals, and suspensions in accordance with N.C.G.S. 153A-82 and Articles IV, VIII, and IX of this ordinance. The County Manager is further responsible for developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the County as well as developing and coordinating educational and training programs for County employees.

#### **G. Responsibility of Department Head**

Each Department Head is responsible to the County Manager for the administration of the personnel policy as provided for in this policy. All procedures set by the County Manager and forms supplied by the same must be followed and completed, with the Department Head held responsible. The Department Head is also responsible for such duties as set out in this personnel policy.

Additional duties of the Department Head include, but are in no way limited to:

1. Recommending rules and revisions of the personnel policy to the County Manager;

2. Providing each employee in his/her department with access to an updated, current copy of the personnel policy;
3. Completion of all personnel forms required for enrollment in County services;
4. Submitting correctly completed, signed time sheets of all department employees;
5. Approving and submitting travel reimbursement and other invoices to be paid by the second or fourth Monday of each month;
6. Oversee compliance with applicable federal and state laws and regulations;
7. Recruiting and hiring competent individuals for positions within the department; and
8. Providing the County Manager with all necessary information regarding employees' performance and regarding general operations of the department.

#### **H. Responsibility of the Employee**

Each employee will be informed in writing that a copy of the Personnel Policy is available at the Montgomery County Administration Office. Each employee shall sign a statement that they have been informed of the personnel policy's availability. This signed statement of receipt will be placed in the employee's personnel file. Employees are responsible for familiarity with the contents of this manual, which provides guidance towards proper job behavior reflecting credit upon the employee as well as Montgomery County.

#### **I. Code of Ethical Conduct**

The purpose of this section is to provide rules of ethical conduct for all employees so they may carry out their duties in a manner which is compatible with the best interests of the citizens and government of Montgomery County.

##### **1. Proper operation of Montgomery County requires that**

- a. Actions of public employees be fair and impartial;
- b. Government decisions and practices adhere to the policies and procedures outlined herein;
- c. Public office not be used for personal gain; and
- d. The public have confidence in the integrity of its government.

##### **2. Ethics of Public Employment set the following goals:**

- a. To guide employees in protecting and preserving the public trust;
- b. To ensure impartiality of services and to avoid disparate treatment of any citizen;
- c. To avoid real or apparent conflicts between public duties and private concerns; and
- d. To promote government integrity

##### **3. Employees must adhere to the following conduct:**

- a. All employees are expected to conduct themselves in accordance with 1 and 2 above.
- b. Employees shall not use their County positions either directly or indirectly, for personal gain, (e.g., engaging in any business or transaction, having a financial, sexual, personal, exploitative, or other interest, which is in conflict with the proper discharge of their duties).
- c. Employees shall not, without proper legal authorization, disclose confidential information or documentation that is protected by law from public disclosure that concerns the property or affairs of the County to which they have access through their employment with the County; nor shall they use such information to advance the financial or other private interests of themselves or others.

- d. Employees shall not accept any gratuity (other than occasional plaques or other symbols of appreciation or honor), whether in the form of service, loan, gift, favor, honorarium, or item, directly or indirectly, in business dealings with the County; nor shall they accept anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon said employees in the discharge of their duties.
- e. Employees who are offered any gratuity prohibited under Paragraph 3(d) above, by any individual, firm, association, group, partnership, or corporation seeking County employment or contract(s) must inform their supervisor of the gratuitous offer.
- f. Employees shall not grant any consideration, treatment, advantage, favor, service or item in the discharge of their duties beyond that which it is the general practice to grant or make available to all citizens.
- g. Employees shall not represent private interests in any action or proceedings against the County in any matter in which the County is a party.
- h. Employees shall not engage in or accept private employment or render services for private interests when such employment or service that creates a conflict with their official County duties or would tend to impair their independent judgment or action in the performance of their official County duties.
- i. Employees shall not use their position to unduly influence the County business concerns of a relative, friend, neighbor, or acquaintance; or to unduly influence a coworker who has responsibility for those concerns. Employees who experience such influence shall notify their supervisor immediately.
- j. Employees who apply for and/or receive any County services or are being investigated by any County agency shall not receive special consideration or treatment that is not approved by the Board of Commissioners.
- k. Employees shall not have an unlawful interest in a public contract. Nor shall employees directly or indirectly represent that they have any ability to influence the outcome of any County bid, proposal, contract or the administration or application of any policy by any County employee.
- l. The hiring of employees into the same work unit or department of immediate family members is prohibited. Supervisors or managers shall not hire or employ any member of their immediate family to work under their direct supervision. Employees shall not use their positions to influence recruiting, hiring, or altering the employment status of a family member.
- m. Employees who serve on any committees, commissions, boards, or hold elected office, or serve in any capacity with any other organized entity, whether public or private, shall excuse themselves from any discussions, abstain from voting, or otherwise participating in any matter related to County programs, operations, or business concerns. Service on any committees, commissions, boards, elected office or with other organized entities, whether public or private, shall not conflict with the performance of official County duties.
- n. Employees shall not abuse, neglect, waste, or misappropriate County property. All employees are responsible for the proper care of any tools, materials, equipment or vehicles assigned for the performance of their jobs. No tools, equipment or materials of any sort shall be taken from the work site for any purpose unless specifically authorized by the employees' supervisors in order to perform official work for the County. No County tools, equipment, materials or vehicles shall be used for any purpose other than authorized work-related activities.

- o. All employees must provide service to the County at all times while in attendance at work in a paid status. All employees shall give undivided attention to the duties of their jobs during working hours.
- p. Employees shall request and take only the amount of the leave and reimbursement for expenses, which they are due and entitled pursuant to the policies contained in the Montgomery County Personnel Policies and Procedures Manual.

**Sanctions:**

Employees who have any concerns or questions regarding possible violations of ethical standards set forth herein shall consult with their supervisors prior to engaging in any questionable activity. Violations of these provisions will be subject to corrective and/or disciplinary action as outlined in the Montgomery County Personnel Policies and Procedures Manual. Departmental decisions on ethics violations committed by permanent employees may be appealed to the County Manager through the grievance process.

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

The position classification pay plan provides the basis for an equitable and logical pay plan, meaningful standards of recruitment and selection, budget maintenance and improved organization.

### **A. Adoption**

The County's position classification plan is maintained within the County Manager's office and is available for review. The position classification plan, and its periodic amendments, as approved by the Board of Commissioners is hereby adopted as the position classification plan for Montgomery County.

### **B. Coverage**

The classification plan includes all full-time, permanent classes of positions in County service.

### **C. Administration of the Classification Plan**

The County Manager, or person(s) designated by the County Manager, shall be responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. Department heads shall be responsible for bringing to the attention of the County Manager (1) the need for new positions and (2) material changes in the nature of duties, responsibilities, or working conditions affecting the classification of a position.

New positions shall be established upon recommendation of the County Manager with the approval of the Board of County Commissioners. The County Manager may (1) allocate the new position to the appropriate class with the existing classification plan or (2) amend the position classification plan to establish a new class to which the new position may be allocated.

Periodically, the County Manager may find it necessary to enlist the help of sources outside the County officers to ensure that the classification plan reflects the present situation in the various jobs required by the County.

When the County Manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the County Manager shall (1) direct that the existing class specification be revised, (2) reallocate the position to the appropriate class or grade within the existing classification plan, or (3) amend the position classification plan to establish a new class to which the position may be allocated.

### **D. Allocation of Positions**

The County Manager shall allocate each position covered by the classification plan to its appropriate class in the plan.

### **Amend of the Position Classification Plan**

Classes of positions shall be added to and deleted from the position classification plan by the Board of County Commissioners based on the recommendation of the County Manager.

### **ARTICLE III. PAY PLAN**

#### **A. Adoption**

The salary schedule, shall be the pay plan for the County. The schedule will be updated when changes are approved by the Board of Commissioners and will be maintained in the County Manager's office.

#### **B. Maintenance of the Pay Plan**

The County Manager is responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide equitable compensation for all classes in the plan when considered in relationship to

1. ranges of pay for other classes;
2. general rates of pay for similar employment in the private sector;
3. other public jurisdictions in the area;
4. cost of living data;
5. financial condition of the County; and other critically related factors.

To this end, the County Manager will from time to time make comparative studies of all factors affecting the level of salary ranges and will recommend to the Commissioners any such changes in salary ranges as appear to be warranted.

#### **F. Salary Increases**

When an employee is subject to a personnel action, the rate of pay in the new position will be established in accordance with the following established guidelines:

1. **Promotion** - Promotion-When a promotion occurs the employee's salary shall be increased, if it is below the new minimum, to at least the minimum rate of the salary range assigned to the class to which the employee is promoted. If an employee's current salary is already above the new minimum salary rate, then the employee's salary may be adjusted up to 5% upward at the discretion of the County Manager, provided that the adjusted salary does not exceed maximum of the assigned salary range.

Promotion shall be defined as the advancement of an employee from a position in a given classification and pay grade to a position in a classification of a higher pay grade. Every employee who receives a promotion shall receive an increase in pay. The increase shall be to at least the minimum of the new pay grade. Upon recommendation of the department head and at the discretion of the County Manager, a salary above the new minimum may be granted under the following provisions. The employee's salary may be adjusted to a step within the new salary range not to exceed the maximum of that salary range. Factors which must be considered in any salary recommendation above the minimum include: (1) the employee's related training and experience; (2) the nature and magnitude of the change in jobs; (3) budget availability; (4) work unit equity; and (5) any other salary related consideration. The Board of Commissioners must approve if recommended salary is above and beyond the above mentioned list.

2. **Demotion** - When an employee is demoted and the current salary falls above the maximum of the range for the lower class, the salary may remain the same; or the salary may be reduced to any step in the lower salary range. If the new salary falls between steps in the lower salary grade, it may be reduced to the next lower step in the salary grade.
3. **Lateral Transfer** - When the employee is transferred from a position in one class to a position in another class within the same salary grade, the employee continues to be paid at the same salary. This is considered a lateral transfer.
4. **Performance Increase** - With approval of the Board of Commissioners, departments may increase an employee's salary based upon job performance in accordance with an authorized plan established by the County Commissioners. A performance increase shall not place an employee's salary above the maximum of the grade level.

5. **Additional Skills or Knowledge Increase** - An increase may be granted when an employee gains additional skills or knowledge directly related to the job. An employee's salary may be increased by up to 10% for the acquisition of additional skills or knowledge, provided such increase does not place the employee's salary above the maximum of the grade level. An employee shall receive no more than one additional skills or knowledge increase in a five-year period.
6. **Additional Job Duties or Responsibilities Increase** – With County Manager approval an increase may be granted when an employee is assigned additional job duties or broader responsibilities, either within his/her current position or as a reassignment to another position in the same salary grade. An employee's salary may be increased by up to 10% for the recognition of the additional job duties or responsibilities, provided such increase does not place the employee's salary above the maximum of the grade level. For an increase of more than 10%, the department must submit written justification to the County Manager for approval. Should the additional job duties or responsibilities be removed from the employee, the salary may be reduced by up to the amount of the increase, not including other general increases.

#### **G. Pay Rates in Salary Range Revisions**

When the Commissioners approve a change in salary grade for an entire class, an employee whose position is in that class may have his/her salary raised or left the same. When an employee whose position is in a class revised to a higher salary range, the salary will be advanced to a step in the new salary range which would provide at least the equivalent salary from which the class was revised.

#### **H. Pay for Part-Time or Temporary Work**

The pay plan established by this policy is for full-time employees. An employee appointed for less than full-time service will be paid at a rate determined by converting the established monthly salary or at any other rate designated by the County Manager.

Law enforcement personnel may, at their own option, undertake employment for the same employer on an occasional or sporadic and part-time basis different from their regular employment.

Worker's Compensation and Social Security will cover all employees who work less than the regular workweek established by the County.

#### **I. Overtime**

The County abides by all applicable sections of the Fair Labor Standards Act (FLSA) and the FLSA Amendments. When possible, department heads and supervisors are expected to arrange and control the work schedules in their units so that required work will be accomplished without necessitating the use of overtime work as defined by the Fair Labor Standards Act (FLSA). When overtime is required, department heads shall ensure that all applicable overtime accrued for each covered employee is properly recorded.

Employees are expected to work during all assigned periods exclusive of meal times. However, they shall not perform work during any time that they are not scheduled to work; unless they receive prior approval from their immediate supervisor, except in cases of emergency. An emergency exists if a condition arises that could reasonably result in damage to property or persons or which requires immediate attention of the employee. Employees who work excess hours due to an emergency shall advise their immediate supervisor of the overtime worked as soon as practical following completion of the work.

Employees required to work overtime will be compensated with time off on the basis of one and one-half times the overtime hours worked provided that:

- a) The work is of an unusual, unscheduled, or emergency nature and is directed by the department head or the authorized representative of the department head, or the County Manager.
- b) The position does not involve administrative, professional or executive work excluded from these overtime provisions by the County Manager.

- c) Compensatory time off shall be granted whenever feasible and taken within three (3) months from the time it is earned; and shall be approved in the same manner as annual leave. Fair Labor Standards Act states that non-exempt employees can earn up to 240 hours compensatory time and public safety employees (§553.24) can earn up to 480 hours. Any employee exceeding these limits must be paid time and a half.
- d) Department heads may, with the prior approval of the County Manager, authorize pay to employees for overtime work when it is not feasible to permit their absence for the purpose of taking compensatory time off within a reasonable period of time (e.g. employees who work as part of rotating shifts or who are hourly paid workers) or when the funds for the overtime are being paid solely from a source other than the county; and
- e) The Payment of overtime pay shall depend upon the availability of funds in the departmental budget.

Overtime occurs only when 40 hours of actual time worked is exceeded during a work week. Sick, holiday, comp, funeral, community service leave and vacation time off in a work period will not count towards computing overtime hours. These leave times may be counted in order to make a work period's hours come up to the minimum but will not be included in computing overtime. Employee must use comp time before using vacation or sick leave.

Non-exempt employees are not allowed to accrue and maintain overtime pay (compensatory leave) in excess of 240 hours without approval from the Board of Commissioners.

If you have been approved to attend a training session, you will be paid as if it were normal hours worked. This means if your total time worked exceeds 40 hours in a workweek, all time over 40 hours will be calculated at time and one half (1 1/2).

Employees of the County will be required to work over their normal workweek schedule only in emergencies, or when performing scheduled duties such as on-call responsibilities. Certain classes of positions are eligible for on-call compensation when the employee is required by State Statute and as a condition of employment to be on-call for a designated period and must immediately report to work upon contact via pager, cellular phone or telephone in the event of an emergency. In addition, Special Emergencies which may require overtime include, but are not limited to, natural disasters such as hurricanes, tornadoes, winter storms, and other times when the County may be declared in a state of emergency as outlined in the County Emergency Operations Plan (EOP).

#### **J. Date of Pay, Direct Deposit and Payroll Deductions**

The County issues payroll checks bi-weekly. The check covers the preceding two week period from Sunday thru Saturday. It's mandatory that all payroll checks are issued by direct deposit. Employees have the option of having their checks direct deposited with their designated bank. Money deposited in this manner is credited to the employee's banking account by 9:00 AM on the Friday pay date. Federal and state income taxes, social security tax, life and health insurance premiums and retirement contributions are deducted at each pay period from the employee's pay as authorized by law (Please return signed form to Human Resources). Other payroll deductions may be made on an individual basis.

### **K. Longevity**

The Montgomery County longevity plan is intended to reward employees for faithful service on an annual basis. Longevity payments will be made to eligible employees in accordance with the following pay plan based on total years of service with Montgomery County. Longevity benefits may be suspended by the Board of Commissioners due to fiscal constraints. Longevity pay shall be distributed with the first regular payroll in the month following the anniversary date of full time employment.

<u>Years of Service</u>	<u>Longevity Pay Rate</u>	<u>Hired after 3/1/2012</u>
05 to 09 years	1.50% Annual Salary	0% Annual Salary
10 to 14 years	2.50% Annual Salary	2.0% Annual Salary
15 to 19 years	3.50% Annual Salary	2.5% Annual Salary
20 to 24 years	4.50% Annual Salary	3.0 % Annual Salary
25 to 29 years	5.50% Annual Salary	3.5 % Annual Salary
30 or more years	6.50% Annual Salary	4.0% Annual Salary

Longevity pay will be made in one lump sum and is not considered a part of annual base pay for classification and pay purposes, nor is it to be recorded in personnel records as a part of annual base salary. The longevity pay plan shall apply to all Montgomery County full time employees. If an eligible employee leaves employment during the year, a prorated amount for the longevity will be distributed with the final paycheck.

### **L. Compensation Philosophy of Montgomery County**

County employees are essential in planning and delivering vital services to the citizens of Montgomery County. Recognizing the value and importance of its human resources by striving to ensure competitive compensation for all County employees within their defined labor markets is a key strategy to ensure continuous high quality service delivery. It is the policy of Montgomery County to compensate its employees competitively in order to reinforce high standards and to enable the County to recruit, develop and retain a highly qualified, motivated and diverse workforce. The County acknowledges the critical importance to promote proven successful work behaviors; emphasize competencies and demonstrated proficiency on the job; and clearly link job competencies to County, department, and organizational missions, visions and goals. Montgomery County's compensation philosophy is to provide for all County employees a total compensation package of direct pay and benefits that is market competitive.

### **M. Compensation System for County Employees**

The County Manager, with the approval of the County Commissioners, should develop a system of contemporary employee compensation based on competitive market rates, recognition of performance, and recognition of achievement of skills, abilities, and knowledge relevant to improved job performance. The system should incorporate and reflect regular reviews of the State, County and Regional economy, labor market information and increases in the cost-of-living. This system shall include at least salary range minimums and maximums and average market rates for classes of work appropriate to the County. It should include a variety of related information such as incentive bonuses based on individual or group contribution, an across-the-board increase based on average market movement, and increases to the cost-of-living for all employees performing at least at a satisfactory level, a performance-based increase based on performance, employee growth and labor market information, and required additional funds to increase salaries in occupational areas where salaries are deficient in relation to the labor market. This system of compensation shall be developed through the policy making process set out elsewhere in this Chapter.

### **N. Deduction from Wages**

Pursuant to N.C.G.S. §95-25.8, Withholding of Wages, an employer may withhold or divert any portion of an employee's wages when:

(1) N.C.G.S. §95-25.8(a)(1) - The employer is required to do so by state or federal law.  
(Example: income taxes, FICA and court ordered garnishments.)

(2) N.C.G.S. §95-25.8(a)(2) - The amount of a proposed deduction is known and agreed upon in advance and the written authorization is: (a) signed on or before the pay day in which the deduction will be made, (b) includes the reason for the deduction, and (c) states the actual dollar amount or percentage of wages

that are to be withheld.

**Example:** John Smith is hired by the Any Company on Nov. 1, 2005. John is issued a cell phone valued at \$150 on his first day of employment, and he signs/dates a payroll deduction authorization that states:

I, John Smith, have received a cell phone valued at \$150.00 to use in conjunction with my work assignments with Any Company. I understand that if I fail to return the phone upon my separation of employment, \$150 will be deducted from my final paycheck.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

This deduction authorization is valid, regardless of if John Smith leaves the company after one month or five years of employment. The authorization meets all of the requirements set out in the current deduction provisions. It is signed in advance of the deduction being made, it includes the reason for the deduction, and it includes a specific dollar amount. No additional notice to the employee is necessary prior to the deduction being made, nor can the employee withdraw the authorization since the deduction is for the benefit of the employer.

Note: An employee may withdraw their written authorization for a specific deduction if the deduction is for the benefit of the employee. Deductions for the benefit of the employee include, but are not limited to, savings plans, parking fees, charitable contributions and uniforms that are NOT required by the employer. A written authorization for specific deductions that are for the benefit of the employer may NOT be withdrawn by the employee. Deductions for the benefit of the employer include, but are not limited to, use of the employer's equipment, cash register shortages, inventory shortages and uniforms that are required by the employer.

(3) N.C.G.S. §95-25.8(a)(3) - If the amount of a proposed deduction is NOT known in advance, the employer must have written authorization from the employee that is signed before the payday from which the deduction is to be made and that states the reason for the deduction. Prior to actually making a deduction, the employer is required to provide the employee with a WRITTEN NOTICE of the actual amount to be withheld and the employee must be informed in writing of his right to withdraw the authorization. The employee must inform the employer in WRITING if they want to withdraw their written authorization.

**Example:** Any Company issues John Smith a laptop computer on his first day of employment. The company wants to ensure that John returns the computer upon his separation, but the "value" of the computer is difficult to predict, based on depreciation, technology changes, etc. Therefore the amount of the proposed deduction is unknown and the authorization would state:

I, John Smith, have received a laptop computer from Any Company for use in the course of my employment. I understand that if I fail to return the laptop upon separation from the company, Any Company may deduct the value of the laptop from my final paycheck.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Prior to making a deduction; however, Any Company must provide John Smith with a WRITTEN NOTICE stating, "Per your signed authorization dated Nov. 1, 2005, a deduction of \$450 will be made from your final paycheck if you fail to return the company owned laptop computer. You have the right to withdraw your authorization. Request for such withdrawal must be made in writing within five days of receipt of this notice." ( \*see "Note of Important Issues" number 1 below.) The written notice given to John does not require his signature. John may not verbally withdraw his authorization; it must be done in writing.

(4) To withhold or divert a portion of a current employee's wages for cash shortages, inventory shortages or loss or damage to an employer's property, the employer may make deductions from wages upon providing seven days notice in addition to complying with the other deduction provisions, including the

written authorization requirements and the deduction limitations of the minimum wage and/or time and one-half overtime pay, as these items are for the benefit of the employer. If the employee's employment is discontinued for any reason, the deduction may be made without regard to the seven-day notice.

**Example:** Sally Jones begins work in a retail store as a cashier on Nov. 1, 2005. On her first day of employment, Sally is told that if her cash register is "short," and she is subject to deductions from her pay to recover the shortages. Sally signs/dates a written authorization stating:

I, Sally Jones, understand that if my cash register drawer is "short" for any reason, payroll deduction to offset the shortage will be made from my paycheck for the pay period following the date the shortage is discovered.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

On Dec. 1, 2005, Sally's cash register is short \$50. On Dec. 2, 2005, the retail company provides Sally with a written notice stating, "Per your signed authorization dated Nov. 1, 2005, a deduction of \$50 will be made from your paycheck dated Dec. 15, 2005, because of your cash drawer shortage on Dec. 1, 2005. You have the right to withdraw your authorization in writing prior to Dec. 15, 2005." The written notice is provided at least seven days in advance and no additional authorization is required from Sally.

#### **Note of Important Issues:**

- ☐ Deductions for the employer's benefit are limited as follows: (a) in non-overtime workweeks, wages may be reduced to the minimum wage level but cannot go below the minimum wage (currently \$6.15 an hour), and (b) during overtime workweeks, wages may be reduced to the minimum wage level for the first 40 hours; however, NO deductions can be made from the full time and one-half overtime wages (based on the employee's regular rate of pay). Deductions for the employee's benefit are not limited.
- ☐ Advances of wages to an employee or to a third party at the employee's request and the principle amount of loans made by an employer to an employee are considered a "prepayment" of wages and the recoupment of these amounts is not a deduction from wages; therefore, a written authorization for the recoupment is NOT required and there is no limit to the amount of the pay-back by the employee. However, if an employer charges an employee interest or a bookkeeping fee, then a signed authorization must be obtained from the employee before a deduction for the interest or fee may be made, and the minimum wage and/or time and one-half overtime pay limitations apply. A bona fide employer error that results in an overpayment of wages to an employee is also considered a "pre-payment" of wages and may be recouped from subsequent wages without regard to the deduction requirements. In other words, employer advances in pay, the principle amount of an employer loan and bona fide employer overpayment errors do NOT require a written authorization from an employee in order for the employer to take these "pre-payment" amounts back and there is NO minimum wage and/or time and one-half overtime pay limitation. Note: The federal wage and hour law does not recognize the advancement of vacation leave as wages; therefore, federal law regards the recoupment of advanced unearned vacation leave as a deduction from wages for the employer's benefit.
- ☐ An employee must receive WRITTEN notice at least 24 hours before a wage or wage benefit decrease takes effect. The old regulations did not define "prior"

notice. The prior notice requirement also applies to changes in commission/bonus-calculation formulas and production standards that result in the reduction of an employee's pay. As in the past, pay increases may be provided retroactively.

- Although the N.C. Wage and Hour Act permits the deductions discussed above with proper authorization and notification, an employer is prohibited from making any deductions that are for the employer's benefit from the "guaranteed salary" part of an EXEMPT employee's wages under both state and federal wage and hour laws for executive (supervisory), administrative or professional employees.

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

### **A. Coverage**

The provisions of this article will be applicable to all employees of the County.

### **B. Statement of Equal Employment Opportunity**

It is the policy of Montgomery County to promote equal employment opportunities to all applicants and employees by maintaining consistent recruitment practices. The County provides equal opportunity for employment and compensation without regards to race, religion, color, creed, national origin, sex, age, sexual orientation or handicapping condition as defined in G.S. 168A-3, to all persons otherwise qualified, except where specific age, sex, or physical requirements constitute bonafide occupational qualifications necessary to proper and efficient administration.

Montgomery County appointments, promotions, and other personnel actions shall be made on the basis of qualifications. No applicant or employee shall be denied employment opportunities because of the individual's race, color, religion, sex, political affiliation, disability, age or status as a Vietnam-era or special disabled veteran, in accordance with applicable federal laws. Equal employment practices are accomplished by announcing all position vacancies and evaluating applicants consistently on the same job related criteria.

### **C. Implementation of Equal Employment Opportunity Policy**

All personnel responsible for recruiting and employment will continue to review regularly the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable performance related to job requirements is being practiced. Notices with regard to equal employment matters will be posted in conspicuous places on County government premises, in places where notices are customarily posted.

### **D. Recruitment Sources**

All recruitment sources will be advised of the County's equal employment opportunity policy. The County may include among its recruitment sources organizations and news media, which are utilized by and are available to a variety of potential applicants. The County Manager will publicize job vacancies in County government as they arise and provide information of job openings to recruitment sources. Departments shall provide job vacancy notices to other County Departments. Recruitment sources may include but are not limited to County Web Site, Employment Security Commission, advertisement in local and regional print media, and/or advertisement in "County Lines" or other professional journals, schools, colleges, referrals from special interest groups, and walk-in applicants. County Departments may use many sources to recruit qualified personnel to fill various vacant positions. County employees and departmental Board Members are encouraged to use their special knowledge of their fields to aid in recruiting and are urged to refer qualified applicants.

### **E. Job Advertisements**

Vacancy Announcements and employment recruitment bulletins will contain assurances of equal employment opportunity and will comply with federal and state statutes regarding discrimination in employment matters based on age, sex, race, color, creed, religion, national origin, sexual orientation or disability.

### **F. Applications for Employment**

All persons expressing interest in employment with the County shall complete a Montgomery County Employment Application that can be obtained either from the County Manager's office or directly from the department head. All Department Heads will be responsible for holding applications for up to six months future vacancy in their department.

As the final step in the hiring process, Montgomery County will conduct a confidential criminal background check and drug screening. To satisfy the I-9 Form, a valid Social Security Card and N.C. Driver's License must be presented at the time the new employee signs up with the Personnel Department to copy these cards.

Applications for employment shall be considered active for a period not to exceed 6 months. Any applicant wishing to be considered for employment beyond this time should inquire as to whether or not applications are being accepted at that time.

In the event of employment, any information given in the application or interview(s) may result in employment and the applicant is required to abide by all rules and regulations set forth in this Montgomery County Personnel Policy.

The County will conduct a criminal background check and will require a drug test for all new employees (part-time and full-time).

#### **G. Qualification Standards**

Successful applicants must meet the employment standards established by the position classification plan and other minimum standards as may be established by the Commissioners. Department heads may list preferred prior job experience or required licenses in the recruitment of certain jobs. For positions that include the routine handling of cash or the writing of checks, a credit check will be required. A candidate cannot be hired for a cash handling or check writing position without a credit score of at least 650 and they can have no charge offs or bad checks on the credit report.

The County's policy includes the responsibility for insuring that hiring practices for both entry level and promotional level jobs are fair and continue to be fairly administered. Qualifications will be reviewed to assure that requirements conform to the actual job performance requirements. The County is committed to perform its services and functions effectively and in an efficient manner.

In keeping with both these responsibilities, the County will make every effort to hire minority applicants who may not be fully qualified for particular jobs, but may be hired in a trainee status, provided that any deficiencies can be eliminated by on the job training.

#### **H. Testing**

Any testing administered by the County or by the NC Employment Security Commission for the County will be only those tests that will measure the skills actually required for the job. All tests given will be administered and scored by qualified County employees or ESC personnel who are fully acquainted with the counties policy on equal employment opportunities.

Copies of all pre-employment testing materials will be maintained and monitored in a file in the human resources to ensure that the materials used meet the County equal employment policies.

#### **I. Personnel Appointments**

It is the policy of the county to employ according to qualifications. To that end, the county will use all available means to attract qualified candidates for employment and to make such investigations and examinations as deemed appropriate to assess fairly the skills and abilities needed to perform the job. The appointing authority will make every effort to employ residents of Montgomery County.

In the event that a position cannot be filled with a county resident, the appointing authority shall consult with the County Manager before filling the position. It is the county's policy to create career opportunities for its employees when possible. Therefore, if a current employee applies for a vacancy and possesses the best qualifications of all applicants, he/she will be given priority for appointment to the vacant position. However, if other applicants possess equal or better qualifications and if the county would continue any past discriminatory employment practices by promoting or appointing the current employee without giving consideration to other applicants, the county must carefully consider the qualifications of other applicants in filling the position. An applicant for a department head position, or an employee promoted to a department head position, will be required to move into the County limits within a reasonable period of time.

When vacancies occur, department heads will notify Human Resources of the number and classes of positions that are to be filled. The Departments will publicize opportunities for employment including the qualifications needed for the positions to be filled. In addition, notices of vacancies will be posted within each department. Lists of qualified applicants based on response to media advertisements, ESC referrals and applicants from within County government and will be used to identify candidates to be interviewed.

Should there be an opening for a non-exempt position for which there is a current full-time employee who meets all of the qualifications, the Department Head can request that the County Manager allow them to hire the qualified employee without going through the full advertising and application process.

Before any commitment is made to the applicant, the Department Head shall coordinate with the Personnel Officer and/or the County Manager regarding the appointment. Pre-employment drug screening and criminal background checks are mandatory. The personnel action form, the original application for employment, test score sheet (s), when applicable, and any additional supporting documents shall be forwarded to the Personnel Officer with the exception of the Director of Elections, Register of Deeds, and Sheriff's Office. The County Manager shall approve or reject the appointment, and determine if the classification and starting salary is appropriate.

- a) The Personnel Department will request the Director of Emergency Management to investigate the applicant's driving record if the duties of the position may involve operation of County owned/insured vehicles. After the applicant is hired, a copy of the applicant's driving record will become a part of the Personnel file. Minimal driving infractions will not impede driving privileges.
- b) The Sheriff and Register of Deeds shall have authority over the appointment in their respective department, with the County Manager determining the class and salary of new employees.
- c) By the authority of Chapter 153A-103 of the N.C. General Statutes, the Board of Commissioners must approve the appointment by the Sheriff or Register of Deeds of a relative by blood or marriage of nearer kinship than first cousin or of a person who has been convicted of a crime involving moral turpitude.
- d) The County Manager shall be responsible for selecting and appointing department heads upon approval by the Board of Commissioners.

### **J. Probationary Period of Employment**

An employee appointed to a permanent position shall serve a probationary period of six (6) months. Any employee serving a probationary period following initial appointment may be dismissed at any time during the probationary period if found to be performing assigned duties unsatisfactorily. A regular employee serving a probationary period following a promotion shall be demoted as provided in Section M of this Article if unable to perform assigned duties of the new job satisfactorily.

The probationary period may be extended by the Department Head upon concurrence of the County Manager for no more than (3) months. No employee shall remain on probation for more than nine (9) months total.

Employees completing the probationary period in a satisfactory manner will be considered regular employees unless his/her Department Head (except the Sheriff and Register Deeds) indicates in writing, for the County Manager's approval, that the employee:

- (a) Is not performing satisfactory work;
- (b) Should have his/her probationary period extended (not to exceed nine (9) months);
- (c) Should not be retained in the present position or should be released, transferred or demoted; or
- (d) Has been advised of their progress (accomplishments, strengths, and weaknesses).

During the probationary period, the department head will make three 3-month periodic written evaluations of the employee's performance that will be documented on the County form "Probationary Employee's Progress Report" shown in **Appendix A**. Before the completion of the probationary period, the department head will indicate in writing to the County Manager the following:

1. that the new employee's progress has been discussed with the employee including accomplishments, strengths, and weaknesses;
2. whether the new employee is performing satisfactory work;
3. whether the employee should be retained in the present position or whether the employee should be released, transferred or demoted.

#### **K. Evaluation of County Personnel**

All County employees will receive and benefit from an annual performance appraisal on their anniversary date by their immediate supervisor or department head. The purpose of evaluating performance levels is to promote individual career growth and foster positive relationships that incorporate continuous feedback between employee and supervisor. Both entities should provide ongoing feedback year-round. When budgetary conditions allow for merit pay incentives, the incentives will be directly related to employee performance.

The appraisals shall be conducted on forms provided by the County (located in **Appendix B**). The provided form is general in nature in order to accommodate the diverse positions that the County employs. Each department has the option of developing their own evaluation tool and tailoring it to specific job duties with approval from the County Manager.

Probationary Employees should be evaluated at least 3 times during their probationary period. An employee needs to be off probation before receiving any type of salary increase including merit pay. If an employee reaches Step 20 their merit increase will be given in a bonus form so they will not go over Step 20.

#### **L. Promotion**

When opportunities for career advancement become available, vacancies in positions will be filled as far as practical by the promotion of employees in the service of the County.

1. Candidates for promotion will be chosen based on their qualifications and on their work records, without regard to age, sex, race, color, creed, religion, national origin, or physical handicap or sexual orientation. Performance appraisals and work records will be carefully examined when openings for higher-level positions occur.
2. When a vacancy occurs, the department appointing authority in whose department the vacancy exists will review all applications including those from current County employees wishing to be promoted into the position. If the current County employee is chosen for promotion, the appointing authority will forward the name to the County Manager along with recommended salary and reasons for selecting the employee over other applicants. In the Sheriff's Department, Register of Deed's Office, and Department of Elections the respective department head will make the appointment.

If a promotion causes an increase in the employee's salary of budgeted position, then the County Manager will address this issue with Board of Commissioners for consideration.

#### **M. Demotion**

Any employee whose job performance in his present position is unsatisfactory or whose personal conduct is unsatisfactory may be demoted provided the employee shows promise of becoming a satisfactory employee in another position. Such a demotion shall be preceded by the warning procedures outlined in Article V.

If the demotion is for failure in performance of duties or failure in personal conduct, the employee shall be provided with written notice citing the recommended effective date and reasons for demotion and appeal rights available to the employee as stated in Article VIII of this Ordinance.

An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a demotion for reasons other than unsatisfactory performance or failure in personal conduct.

The County Manager will be provided written notice citing the reasons for the demotion, the proposed effective date, and the appeal rights of the employee as set forth in Article VIII.

#### **N. Transfer**

Any employee who has successfully completed his/her probationary period may be transferred to the same or similar class in a different department without being subject to another probationary period. Any employee desiring to be transferred should make the request known to the department head, and in the case of a department head to the County Manager. As vacancies occur in other departments to which an employee would be eligible for transfer, the name will be submitted to the various department heads for consideration. If a department head wishes to employ the person wanting a transfer, the employee must request a transfer to that specific department and have it approved by his/her current department head, by the receiving department head and by the County Manager or in the case of department heads, by the receiving department head and the County Manager. An employee transferred may appeal the action in accordance with the grievance procedure outlined in Article VIII.

There shall be no transfer of family members within County departments that are related nearer than first cousins. Example: An employee working in the Administration Department cannot transfer to the Tax Department if a family member closer than first cousin is already working for that department.)

#### **O. Temporary Appointment**

It shall be the policy of Montgomery County to consider designating an employee of the County to serve in an "Acting" capacity upon the effective date of a resignation submitted by a Department Head. The employee designated as "Acting Department Head" may or may not be an employee of the department. The Board of Commissioners may request that the advisory board or commission of a department submit a recommendation regarding the appointment.

#### **Promotions, Demotions, Transfers, and Reclassifications**

Any employee who is promoted to an interim position shall temporarily be compensated with no less than the minimum step in the grade of the vacant position. If the employee is currently making more than the minimum grade, increase will be 10% of their monthly pay. The County Manager is responsible for making sure funds are available within the current budget year. If additional funding is needed the County Commissioners must make a decision on providing additional funding.

#### **P. Retaining Accrued Leave**

When a current full-time permanent County employee moves to another County position as a result of promotion, lateral transfer, or demotion, any leave accrued in his/her previous position shall be credited in accordance with employee.

## **ARTICLE V. SEPARATION AND DISCIPLINARY ACTION**

### **Purpose**

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 procedures.

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

### **A. Types of Separation**

Separations of all employees from positions in the service of the County will be designated as one of the following types and will be accomplished in the manner described and indicated below: resignation, reduction in force, disability, death, retirement, or dismissal.

1. **Resignation.** An employee may resign by notifying his/her department head **in writing** (or in the case of Department Heads, the County Manager) of the effective date as far in advance as possible. A minimum of two weeks notice is strongly requested and expected of all personnel. Authorized leave may be limited during this critical period.

**Voluntary Resignation Without Notice.** An employee is absent from work and does not contact the employer for three consecutive scheduled workdays may be separated from employment as a voluntary resignation. A factor to be considered when determining whether the employee should be deemed to have voluntarily resigned is the employee's culpability in failing to contact his or her employer. Such separations as described above are voluntary separations from County employment and create no right of grieve or appeal.

Unused vacation leave is paid in a lump sum. Payment shall not be made for unused sick leave. Unused sick leave shall be reinstated if the employee returns within one year or it may be applied toward retirement if eligible to retire within one year.

2. **Reduction in Force Policy.** In the event that a reduction in force (RIF) becomes necessary, the following policy will apply. When it becomes known that for reasons of curtailment of work or lack of funds, the appointing authority will need to separate employees, the department/agency will develop a RIF plan detailing the RIF. Retention of employees in classes affected shall be based on systematic consideration of: (a) type of appointment, b) length of service, and (c) and relative efficiency. No permanent employee shall be separated while there are emergency, intermittent, temporary, provisional, probationary, or trainee employees serving in the same class in the department/agency.

For the purposes of this policy, service standing shall be determined by length of continuous service (paid employment) with the specific department or agency affected. Service with other agencies will not be a part of this computation. Performance evaluations and warnings received in accordance with the provisions of the County's disciplinary action policy will be included in consideration of relative efficiency.

A permanent employee of the County who is terminated in accordance with the provisions of this policy and who has a satisfactory employment record will be considered for any vacant position for which he/she meets job specific qualifications as stated in the job announcement. Copies of such job announcements will be forwarded to qualified individuals at the address provided by the individual for a period of twelve (12) months after the effective date of termination.

After the necessary reduction in force decisions have been made through application of the above criteria, the department head in conjunction with the County Manager shall give formal written notice to all permanent employees scheduled for separation. The notice shall be given as

soon as practical. The department head shall review with the employee the reasons for the action and discuss mutual rights and responsibilities under the reduction in force policy. A permanent employee who is separated due to reduction in force shall have the right to appeal the separation in accordance with the County's appeal policy.

3. **Disability.** An employee may be separated for disability when he/she cannot perform the essential duties required because of a physically or mentally disabling condition. The employee or the County may initiate action, but in all cases it must be supported by medical evidence as certified by a competent physician. The County may require an examination at its expense and performed by a physician of its choice.

Before an employee is separated because of disability, reasonable efforts shall be made to locate accommodate for essential job descriptions and/or to locate alternative positions at an appropriate level within the County's service for which the employee may be suited. For information on disability retirement benefits refer to the handbook on the North Carolina Local Governmental Employees' Retirement System.

4. **Death.** Separation is effective as of the date of death. Payment for unpaid salary, unused vacation leave, comp or overtime hours, as well as travel or other authorized reimbursements must be made, upon establishment of a valid claim, to the deceased employee's administrator or executor. In the absence of an administrator or executor, payment must be made to the Clerk of Superior Court of the County of the deceased employee's residence. Payment shall not be made for unused sick leave. As well as all compensation due in accordance with Article IX of this policy will be paid to the estate of the employee and/or beneficiary.

#### **Death Benefit.**

If your employer elected this coverage and you die while still in active service (while being paid salary) after one year as a contributing member, your beneficiary will receive a single lump sum payment. The payment equals the highest 12 months of salary in a row during the 24 months of salary in a row during the 24 months before you die, but no less than \$25,000 and no more than \$50,000. This benefit is also paid if you die within 180 days of the last day for which you were paid salary. If it in addition to any other benefits to which you may be entitled.

#### **Survivor's Alternate Benefit**

Provided you have not retired, if you have named one principal beneficiary for the refund of your contributions and die while in active service (while being paid salary or within 180 days after salary payments cease) after:

- completing 20 years of creditable service (not including credit for unused sick leave) regardless of age, or
- reaching age 60 with five years of creditable service,

the principle beneficiary named to receive a refund of your contributions and interest may choose to receive a monthly benefit for life instead of a refund of contributions. The Survivor's Alternate Benefit does not apply if you have named two or more persons as principal beneficiaries or your estate as beneficiary, or if you have retired. The benefit equals the same monthly amount you would have been entitled or under Option 2 had you retired on the first of the month following your death. If you do not want your beneficiary to have this choice of receiving a retirement allowance provided by Option 2, you should so indicate, in writing, to the Retirement System.

5. **Retirement.** As a member of the North Carolina Local Governmental Employees' Retirement System, you and your employer, the County, pay the cost of retirement benefits. Cooperative

Extension employees and Law Enforcement Officials are covered under other retirement systems. For detailed information on benefits available to the retiring employee, see the booklet: Local Governmental Employees' Retirement System, Your Retirement Benefits. This may be obtained from the County manager's office or the Department of State Treasurer, Raleigh, N.C. ([www.myncretirement.com](http://www.myncretirement.com))

## **B. Disciplinary Actions**

An employee may be warned, suspended, demoted, or dismissed by the appointing authority, or as provided by law for three basic reasons.

1. Unsatisfactory job performance
2. Grossly inefficient job performance
3. Unacceptable personal conduct

The categories are not mutually exclusive, as certain actions by employees may fall into more than one category, depending upon the facts of each case. No disciplinary action shall be invalid solely because the disciplinary action is labeled incorrectly.

In all cases, the department head will provide the employee and the County Manager with written notice which includes the recommended action and effective date, reasons for the action, and appeal rights available to the employee. (See **Appendix P** for Disciplinary Action Report Form).

### **1. Unsatisfactory Job Performance**

An employee whose work is unsatisfactory over a period of time will be notified by the immediate supervisor as to how the work is deficient and what the employee must do for the work to be satisfactory along with the time frame for corrective action.

The term "unsatisfactory job performance" means the failure to satisfactorily perform job requirements as specified in the job description, work plan, as mandated by state and federal statute/regulation, or as directed by management of the work unit or agency. Satisfactory performance is that performance, which is reasonable under all the circumstances. Examples, as illustration only, of unsatisfactory job performance can include, but are not limited to

- a. 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;
- f. habitual improper use of leave privileges; or
- g. habitual pattern of failure to report for duty at the assigned time and place.
- h. Any additional performance deficiencies that adversely affect the department or duties of the employee or other employees.
- i. An overall appraisal of "unsatisfactory" on a performance evaluation.

### **2. Gross Inefficiency (Grossly Inefficient Job Performance)**

Gross inefficiency occurs in instances in which the employee: fails to satisfactorily perform job requirements as specified in the job description, work plan, or as directed by the department head or County Manager; and that failure results in

- a. The creation of the potential for death or serious harm to a client, employees, members of the public or to a person over whom the employee has responsibility; or
- b. The potential or actual loss of or damage to agency/County property or funds that result in a serious impact on the agency and/or work unit.
- c. Endangers employees, clients or members of the public.

### **3. Unacceptable Personal Conduct**

The term "unacceptable personal conduct" is defined as

- a. Conduct for which no reasonable person should expect to receive prior warnings; or

- b. Job-related conduct that constitutes a violation of state or federal law; or
- c. Conviction of a felony or an offense involving moral turpitude that is detrimental to, or impacts the employee's service to the agency or County; or
- d. The willful violation of known or written work rules; or
- e. Conduct unbecoming an employee that is detrimental to the agency or County; or
- f. The abuse of a client, patient, or person over whom the employee has charge or to whom the employee has a responsibility; or
- g. Insubordination, which is the willful failure or refusal to carry out a reasonable order from an authorized supervisor. Insubordination is considered unacceptable personal conduct for which any level of discipline, including dismissal, may be imposed without prior warning.

Employees may be dismissed, demoted, suspended or warned on the basis of unacceptable personal conduct. Discipline may be imposed, as a result of unacceptable conduct, up to and including dismissal, without any prior warning to the employee. Written notice to the employee is required and a pre-dismissal conference is required between the employee and the person recommending dismissal.

Examples of "unacceptable personal conduct" include but are not limited to the following:

- a. fraud in securing appointment (falsification of application); or
- b. conviction of a felony or of a misdemeanor which would adversely affect performance of duties, or the entry of a plea of "no contest" to either; or
- c. misuse of County funds; or
- d. falsification of travel reimbursement requests; or
- e. falsification of County records for personal profit or to grant special privileges; or
- f. reporting to work under the influence of alcohol or narcotic drugs or partaking of such substances while on duty or while on public property, except that prescribed medication may be taken within the limits set by a physician so long as medically necessary; or
- g. insubordination as described above.

#### **4. Job Performance Discipline and Dismissal**

This category covers all types of performance-related inadequacies. This policy does not require that progressive warnings all concern the same type of unsatisfactory performance. Warnings administered under this policy are intended to bring about a permanent improvement in job performance; should the required improvement later deteriorate, or other inadequacies occur, the supervisor may deal with this new unsatisfactory performance at the step in discipline procedures last used with respect to the employee.

Employees who are dismissed for unsatisfactory job performance shall receive at least three warnings; First, one or more oral warnings; second, a written warning to the employee documenting all relevant points covered in the disciplinary discussion; third, a final written warning which notifies the employee that failure to make the required performance improvements may result in dismissal.

##### **Oral Warning**

The department head is responsible for assuring the satisfactory performance of work assigned to his/her unit. When, in the judgment of the supervisor, unsatisfactory performance occurs, and then use of the disciplinary process may be appropriate. In a private discussion with the employee, the department head (or supervisor) shall do the following:

- a) Inform the employee that this is a warning and not some other non-disciplinary process such as counseling.
- b) Inform the employee of the specific performance deficiencies that are the basis for the warning.
- c) Tell the employee what specific improvement must be made to correct the unacceptable and unsatisfactory performance.

- d) The Supervisor will assist the employee by letting them know what time is being allowed and what tools are available to make the required improvements.
- e) Tell the employee of the consequences of failing to make the required improvements. Corrective measures and time lines will be followed up on within 30 days of warning.

An employee is allowed to respond to the specific reason for the warning. Supervisors shall record the date and specifics of the warning for possible use and the employee should sign it.

### **Written Warning**

In a private meeting with the employee, the department head (or supervisor) shall do the following:

- a) Conduct a disciplinary conference with the employee; this disciplinary conference should follow the same steps as set forth for an oral warning.
- b) Tell the employee he/she will receive a written warning covering all significant points of this conference.
- c) Prepare and send to the employee a written warning covering significant points of the disciplinary conference; care should be taken to include the specific reasons for the warning. A copy of the warning shall be placed in the employee's personnel file.
- d) The Supervisor will assist the employee by letting them know what time is being allowed and what tools are available to make the required improvements.
- e) Tell the employee of the consequences of failing to make the required improvements. Corrective measures and time lines will be followed up on within 30 days of warning.

Reference may be made in this warning to document an earlier oral warning.

### **Final Written Warning**

- a) Prepare a final written warning to the employee; care should be taken to include the specific reasons for the warning.
- b) In private, conduct a disciplinary conference with the employee; at this conference, the specific reason for the action, the necessary improvements and the time allowed to make such improvements should be discussed.
- c) Present the warning to the employee at the end of the conference; the employee should be informed, in the warning, that failure to correct the unsatisfactory performance may result in dismissal.
- d) The Supervisor will assist the employee by letting them know what time is being allowed and what tools are available to make the required improvements.
- e) Tell the employee of the consequences of failing to make the required improvements. Corrective measures and time lines will be followed up on within 30 days of warning.

### **C. Dismissal**

Before a County employee may be dismissed on the basis of job performance, the following shall occur:

- a) The department head recommending dismissal should discuss the recommendation with and receive the approval of the County Manager.
- b) A pre-dismissal conference shall be held between the department head and the employee. The

department head shall present the employee with the specific reason for the proposed dismissal and a brief summary of the information which he believes supports the proposed dismissal. The employee shall have a right to respond to that notice of proposed dismissal in the conference. If, at the end of the pre-dismissal conference, the department head determines that dismissal is justified, he/she may present the employee with a letter of dismissal. However, the department head may elect to defer the dismissal based on information presented by the employee, and reconsider the proposed dismissal. If following such reconsideration, the decision is to dismiss, then no further pre-dismissal conference is required.

- c) The employee must be given written notice of the dismissal. This written notice must include specific reason for the dismissal and the employee's right of appeal.
- d) Dismissal of official duties will cease after the notification has been given. The County Manager may authorize additional time for the employee if necessary.

#### **D. Suspension**

Investigatory or disciplinary suspension may be used by management in appropriate circumstances. The County Manager must approve a request for an employee to be suspended for either investigatory or disciplinary reasons with or without pay.

A conference shall be held between the department head and the employee. The department head shall present the employee with the specific reasons for the suspension and a brief summary of the information which he believes supports the proposed suspension. The employee shall have a right to respond to that notice of suspension in the conference.

Investigatory Suspension - This form of suspension may be with or without pay in accordance with the recommendation of the County Manager. Investigatory suspension is appropriate where management needs to investigate allegations which could affect an employee's work status.

Disciplinary suspension - an employee may be suspended with or without pay for disciplinary purposes for causes relating to personal conduct or in conjunction with a final written warning for performance of duties.

An employee who has been suspended without pay must be furnished a statement in writing setting forth the specific acts or omissions that are the reasons for the suspensions and the employee's appeal rights.

One Day Leave With Pay - The use of this provision may be used with the approval of the County Manager. The use of this provision is intended to either encourage the employee to commit to correcting poor performance or to require an employee to realize lack of commitment to improvement and to encourage alternative employment. No written notice is required for this action, nor is it to be the subject of a grievance. Department heads shall keep a written record of this action.

#### **Immediate Disciplinary Suspension**

In the event that the County Manager is unavailable, and the situation is serious, an employee may be suspended, without notice, by the department head for causes related to personal conduct in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. When a department head suspends an employee, they shall tell the employee to leave County property at once and remain away until further notice. The department head shall notify the County Manager as soon as possible.

The terms and conditions of the suspension will be determined in consultation with the County Manager as soon as practical in accordance with the provisions of this article.

#### **E. Demotion**

Any employee may be demoted as a disciplinary measure. Demotion may be made on the basis of either unsatisfactory job performance or unacceptable personal conduct.

- a) The department head recommending demotion should discuss the recommendation with, and

receive the approval of the County Manager.

- b) A conference shall be held between the department head and the employee. The department head shall present the employee with the specific reason for the proposed demotion and a brief summary of the information which he believes supports the proposed demotion. The employee shall have a right to respond to that notice of the proposed demotion in the conference.

## **F. Separation**

### **Exit Interview**

The Human Resources Department shall conduct an exit interview (See **Appendix P**) 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 he/she can secure those benefits. The separated employee shall be provided an opportunity to complete an exit questionnaire and make comments and recommendation regarding their perception of County services, management, and operations. Unless the employee requests otherwise, all comments will be provided to the affected Department Director and other appropriate parties so that needed improvements may be initiated.

## **G. Employee Assistance Program (EAP)**

County Department Heads may use the Employee Assistance Program (EAP) as part of a disciplinary action plan. The Department Head and Supervisor must set guidelines that fit with the specific need for the disciplinary action. The Authorization for Disclosure of Private Health Information (Appendix R) must be signed by the employee if used as part of disciplinary action.

## **H. Special Provisions – Credentials**

There are some County jobs for which the law requires an employee to be licensed, certified, or registered. Without the license (including driver's license), certification or registration, the employee is unable to perform the assigned work. These requirements shall be included in the statement of essential qualifications-or recruitment standards. Employees in such classifications are responsible for maintaining current, valid credentials as required by law. Failure to maintain the required credentials is a basis for immediate dismissal without prior warning. An employee who is dismissed shall be given a written statement of the reason for the action and his/her appeal rights.

## **I. Appeal Rights**

A County employee who has been demoted, suspended, or dismissed shall have ten (10) working days from the date of his/her receipt of written notice of such action to file an appeal with the Personnel Section to request a review by the Personnel Advisory Committee. Such review shall be conducted as described in **Article VIII, Section 5**.

A direct appeal to the County Personnel Advisory Committee alleging discrimination as permitted in **Article VIII, Section 5** must be filed with the personnel section within ten (10) working days of the alleged discriminatory act. Grievances filed with the personnel section on an untimely basis shall not be processed.

Each time a case is to be heard, the County Manager will appoint three persons disinterested in the subject matter of the appeal to serve as a Personnel Advisory Committee. Members of this committee shall be selected from the list below, except that members shall not be from the same department as the appellant.

1. Administrative Assistant to the County Manager
2. Assistant Personnel officers
3. Department Heads

## **J. Appeal to the County Manager**

The County Manager shall review the ruling of the Personnel Advisory Committee and either accept or reject the decision. In the event that the committee decision is not satisfactory to the employee, he/she may appeal to the County Manager for a final hearing of the matter. This appeal must be made within ten (10) working days from the date that the County Manager's acceptance or rejection of the committee's recommendation is mailed by the County to the appellant. The appeal to the County Manager shall be in accordance with the requirements of the **Article VIII, Section 5**.

## **ARTICLE VI. CONDITIONS OF EMPLOYMENT**

### **A. Work Week**

Full-time employees non-exempt from the Fair Labor Standards Act will normally work five (5) eight (8) hour days per week. The normal work week is Monday through Friday, 8:00 AM to 5:00 PM with one hour off for lunch (scheduled by the department head). This lunch hour may not be the last scheduled hour of the work day. In addition, employees are entitled to take one 15-minute break in the morning and one 15-minute break in the afternoon. The normal work schedule for the Sheriff's Department, Public Library, Animal Control, Health Department, and Board of Elections may differ from that of the other County departments.

Exempt employees will work the number of hours necessary to assure the satisfactory performance of their departments.

In cases of natural or other disasters, a state of emergency may be declared and as a condition of employment all County employees are required to respond when requested and may be subject to overtime until the state of emergency is lifted. Each Department Head will be responsible for mobilizing County employees needed in emergencies.

Punctual and consistent attendance is a condition of employment. Each department head is responsible for maintaining an accurate attendance record of employees.

Employees who are unable to work or report to work on time should notify their supervisor as soon as possible before the work day begins, but no later than 15 minutes after the employee's usual starting time.

An employee who is absent without authorization or notification or who is frequently tardy is subject to disciplinary action, up to and including termination.

### **B. Acceptance of Gifts and Favors**

No official or employee of the County will accept any valuable gift, whether in the form of service, loan, object, or promise from any person who, to his knowledge, is interested directly or indirectly in any manner whatsoever in doing business with the County.

No official or employee may accept any gift, favor, or object of value that is intended to influence him in the discharge of his duties; nor shall any official or employee grant in the discharge of his duties any improper favor, service, or article of value. Failure to adhere to this policy may result in disciplinary action.

### **C. Political Activity Restricted**

Every employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, 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 will

1. engage in any political or partisan activity while on duty;
2. use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
3. be required as a duty of his office or employment or as a condition for employment, promotion, or tenure of office to contribute funds for political or partisan purposes;
4. coerce or compel contributions for political or partisan purposes by any other employee of the County; or
5. use any County supplies or equipment for political/partisan purposes.

In addition, the Hatch Act, enacted by Congress in 1939 and amended in 1975, further restricts the political activity of federal, state, and local government employees whose programs are financed in whole or in part by federal loans or grants. In addition to prohibiting 2), 3), and 4) above, the Hatch Act prohibits candidacy for public office in a partisan election. Violation of this policy constitutes grounds for dismissal or other disciplinary action by the department head or County Manager.

#### **D. Outside Employment**

All requests for employment outside of County employment must be submitted in writing to the employee's immediate Supervisor and/or Department Head. Written approval is required prior to the employee's acceptance of outside employment. All Department Heads will be required to get approval of the County Manager to get approval of the County Manager prior to accepting any outside employment.

The work of the County will take precedence over other occupational interests of employees. All outside employment for salaries, wages, or commission, and all self-employment must be reported to the employee's Supervisor and the County Manager to determine the County's liability under the Fair Labor Standards Act. Any outside employment that creates a conflict of interest with the County is prohibited. Employees subject to being On-call in their job with the County will be expected to fulfill their obligation to the County without exception. Failure to comply with this policy may result in appropriate disciplinary action including immediate dismissal.

The assumption of 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.

#### **E. Dual Employment**

Persons employed by the County are hired by one particular department at an appropriate pay grade and step. NO employee will be permitted to perform services for additional compensation (or other benefits) for another department or the same department. Precinct workers may be exempt from this section with prior approval from the County Manager. The standard payroll deductions will be taken from the precinct work compensation.

#### **F. Employment of Relatives**

Members of an immediate family will not be employed in the same department at the same time if such employment would result in an employee directly or indirectly supervising a member of their immediate family.

Immediate family is defined for the purpose of this section as: wife, husband, mother, father, daughter, son, sister, brother, grandmother, grandfather, granddaughter, grandson, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, half-sister, half-brother, stepmother, stepfather, stepson, stepdaughter, stepsister, and stepbrother.

The provision of this section shall not be retroactive, and no action will be taken concerning those members of the same family employed in conflict with this section prior to the adoption of this policy.

The Board of Commissioners shall approve the appointment of the Sheriff or the Register of Deeds of a relative by blood or marriage of nearer kinship than first cousin as required by Chapter 153A-103 (1) in the North Carolina General Statutes.

#### **G. Alcohol and Drug Free Workplace Policy**

Please refer to **Appendix C** for Montgomery County's Alcohol and Drug Free Workplace Policy.

#### **H. Smoke Free Workplace**

Smoking is prohibited in all Montgomery County buildings and vehicles. There are no exemptions to this policy as stated in the Montgomery County Ordinance adopted October 5, 1993. Violations to the ordinance regulating smoking are punishable by civil penalties. The smoking ordinance can be located in the County Manager's office.

Smoking is allowed in designated outside areas during lunches and approved break periods. See **Appendix T** for the full policy (Approved April 21, 2009).

#### **I. Firearms Forbidden in County Properties**

In accordance with North Carolina G.S. 14-415.1 1, no concealed handguns or weapons of any kind are allowed on County property.

#### **J. Delinquent Taxes/County Water Bills**

Taxes collected in Montgomery County are used to fund the various offices and agencies that the County supports and administers. County Water Bills collected are used to maintain and make improvements to the Water System. Any employee of Montgomery County whose County ad valorem taxes and/or County Water Bills Account(s) are habitually late may be subject to disciplinary action (employees only or joint listings). The employee shall make every effort to pay or make payment arrangements to pay the delinquent bill. Failing to do so could lead to disciplinary action. If payment arrangements are made, then employee will not be subject to disciplinary actions based on this section. Employee cannot be terminated for this reason only. Applicants being considered for employment by the County shall be required to sign a statement certifying that the County property taxes and County Water bills of said potential employee are paid up to date and that said taxes will not be allowed to become delinquent. Applicants whose taxes and County Water Bills are not up to date will not be considered for employment by the County.

#### **K. Unlawful Workplace Harassment Policy**

It is the policy of Montgomery County to promote a productive work environment and not to tolerate verbal or physical contact by any employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment. This policy applies to all forms of workplace harassment, including sexual, ethnic, racial and disability claims.

- 1) Employees are expected to maintain a productive work environment that is free from harassing or disruptive activity. No form of harassment will be tolerated, including harassment for the following reasons: race, national origin, religion, disability, pregnancy, age, military status, gender or sexual orientation. Special attention should be paid to the prohibition of sexual harassment.
- 2) Each Supervisor has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No Supervisor is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.
- 3) Other sexually harassing or offensive conduct in the workplace, whether committed by Managers, Department Heads, Supervisors, Non-supervisory Employees, or Non-employees, is also prohibited. This conduct includes
  - a) Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;
  - b) Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references;
  - c) Demeaning, insulting, intimidating, or sexually suggestive comments about an individual;
  - d) The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs;
  - e) Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages or pictures (such as E-mail, instant messaging, and Internet materials).

Any of the above conduct, or other offensive conduct, directed at individuals because of their race, sex, national origin, religion, disability, pregnancy, age, sexual orientation, or military status is also prohibited.

In addition, sexual harassment is defined as deliberate, unsolicited, and unwelcome verbal and/or physical conduct of a sexual nature or with sexual implications by a supervisor or co-worker which

1. has or may have direct employment consequences resulting from the acceptance or rejection of such conduct; or
2. creates an intimidating, hostile, or offensive working environment; or
3. interferes with an individual's work performance.

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

Sexual harassment does not include personal compliments welcomed by the recipient or relationships freely entered into by employees or prospective employees.

Any current or former employee of the County who feels that he/she has been sexually harassed in violation of this policy, and North Carolina General Statutes 126-16, may file an appeal through the County's appeal procedure. The charge must be filed in accordance with the procedures specified in the County's appeals policy.

An employee or former employee may report a complaint of sexual harassment to his/her supervisor, department head, and/or the County Manager. The complaint must be reported in writing within a reasonable length of time from the date of the occurrence of the alleged conduct. All complaints will be investigated promptly according to procedures established by the County and in as impartial and confidential manner as possible. Prompt reporting of the incident must be made to insure a thorough and accurate investigation. All employees are required to cooperate in any investigation. A timely resolution of each complaint should be reached and communicated to the parties involved.

Any employee who is found to have violated the harassment policy will be subject to appropriate disciplinary action, up to and including termination. The County prohibits any form of retaliation against employees for bringing bona fide complaints or providing information about harassment.

It is the responsibility of the County Manager to communicate this policy to all employees of the County and to provide training to all department heads, supervisors and staff in the recognition, prevention, and correction of workplace harassment.

#### **L. Use of Communication Systems**

##### **Policy:**

It is the policy of Montgomery County to provide or contract for the communications services and equipment necessary to promote the efficient conduct of its business. The intent of this policy is to permit maximum freedom of use consistent with federal and state law, Montgomery County policy, and maintaining a productive working environment. With the rapidly changing nature of electronic media developing among users of external on-line services and the Internet, the County has established an Internet Use Policy which is Appendix G and will be adhered to as part of this personnel policy.

Employees are responsible for complying with this policy. In order to ensure that employees are aware of the provisions of this policy, they will be required to acknowledge acceptance of same before being allowed access to Montgomery County's electronic communications equipment.

#### **M. Landline and Cellular Telephone Uses**

Montgomery County Board of Commissioners approved a Telephone Policy which states the following:

Telephones, cellular phones, and various other forms of office equipment are provided to employees for the purpose and expectation of conducting County related business. It is realized that on occasion employees may need to make long distanced calls using County

use will not be a violation as long as it is infrequent and does not result in costs to the County. In both of these situations, employees are required to reimburse the County for their personal use.

Montgomery County reserves the right to review, audit, and inspect information residing in or transferred over all information systems, including the County issued mobile/cellular phones, and at any time with or without notice and that such access may occur during or after work hours. Such reviews may include auditing of use to make sure there is enough business use to merit the issuance of a County phone.

Employees are expected to differentiate their business calls and personal calls and alert their supervisor so that monthly invoices can be reviewed to determine the appropriate reimbursement to be paid. For long distance calls, employees should reimburse the County for the actual cost of the call.

Telephone invoices are supplied to each department on a monthly basis for review and reimbursement purposes. Reimbursements can be made with cash or check and are coordinated by County Finance Office. Checks should be made payable to Montgomery County and turned into the County Finance Office, 3<sup>rd</sup> Floor of the Administration Building in Troy.

Employees shall be responsible for the good care and maintenance of their assigned mobile/cellular phone and will reimburse the County's cost for any damaged or lost phone due to negligence. The employee's immediate supervisor should work in conjunction with the County Manager to make determination of negligence in the case of a lost, stolen, or damaged mobile/cellular phone.

For questions relating to the County's Telephone Use Policy, contact the Information Systems Department at 910/576-4221.

Cellular telephones aid employees in conducting County business. They make employees more accessible and more efficient in the field and thereby, more productive. Cellular telephones also provide a measure of safety. It is, therefore, in the best interest of the County to provide for certain employees to have cellular telephones.

The County Manager and/or the Department Heads will determine those employees who should possess a cellular telephone to conduct County business.

The County will furnish the cellular telephone and it shall be returned at the severance of employment with Montgomery County.

The following are a list of appropriate uses with the cellular telephone issued to the employees:

1. Cellular telephones are for business purposes only, unless otherwise authorized by the department head. They are not to be used for non-work related communications unless when circumstances arise as described below.
2. Cellular telephones should not be used when a less costly alternative is safe, convenient, and readily available.
3. Using a cellular phone while operating a vehicle is strongly discouraged. Employees should plan calls to allow placement of calls either prior to traveling or while on rest breaks.
4. Employees in possession of County cellular phones are required to take appropriate precautions to prevent theft and vandalism of all company equipment. Lost, misplaced or stolen equipment must be reported to the Department Head and Administrative Assistant immediately.
5. Usage of County-owned cellular telephones for long distance calls is discouraged.
6. If unforeseen circumstances develop where employees must use their County-issued cellular telephone to make a personal call, i.e. to let family know that employee will be home late, it is the responsibility of the department head to monitor use and establish internal controls.

7. Any Personal calls that are billed to the County must be reimbursed to the County by the employee.

Utilizing personal cellular phones in the office is only allowed during breaks, lunch, or in extreme circumstances. This does not apply to employees who work out of the office most of the day.

#### **N. Personal Appearance of Employees**

It is the policy of the County that each employee's dress, grooming, and personal hygiene should be appropriate to the work situation.

1. Employees are expected at all times to present a professional, businesslike image to the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the County. Major departures from conventional dress or personal grooming and hygiene standards are not permitted.
2. Office Workers and any employees who have regular contact with the public must comply with the following personal appearance standards:
  - a. Employees are expected to dress in a manner that is normally acceptable in similar business and governmental organizations.
  - b. Employees should not wear suggestive or offensive attire, jeans, athletic clothing, shorts, flip-flop sandals, T-shirts, novelty or political buttons, baseball hats, and similar items of casual attire that do not present a businesslike appearance for those employees who work in a more formal office setting.
  - c. Basic personal hygiene and grooming standards should be observed. Offensive tattoos and body piercing (other than earrings) should not be visible.
3. Employees who do not regularly meet the public should follow basic requirements of safety and comfort, but should still be as neat and businesslike as working conditions permit. Depending on the nature of their job, certain employees may be required to meet special dress standards, such as wearing uniforms or appropriate professional attire for court appearances.
4. At its discretion, the County Manager may allow employees to dress in a more casual fashion than is normally required. On these authorized occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped or disheveled clothing, athletic wear, offensive or similarly inappropriate clothing.
5. It is the responsibility of the Department Head to further define appropriate dress through departmental instruction, and to enforce this policy. Any employee who does not meet the standards of this policy will be counseled and required to take corrective action, which may include leaving the premises. If an employee is asked to correct his/her appearance, the employee's vacation leave shall be utilized. Failure to comply with Department Head requests to alter appearance can result in appropriate disciplinary action.

#### **O. Employee Safety, Health and Security**

It is the policy of Montgomery County to provide a safe, healthful and secure working place for all employees in accordance with the Occupational Safety and Health Act. The County Manager will insure a safe, healthful and secure working place for all employees and areas for public business, through proper administration, implementation and enforcement of related provisions of these regulations. The County has established a Safety Policy (**Appendix H**) that created a Safety Committee and a Safety Officer(s) to plan and recommend a continuing program of safety that adheres to all applicable Federal, State, and Local laws, codes, and regulations pertaining to employee safety, health, and security. It shall be the responsibility of every employee of the County to display a positive attitude toward safety, injury prevention, and security rules and regulations established by the County Safety, Health, and Security Program. The employee will report all accidents, unsafe conditions, and security concerns to his/her immediate supervisor. Accidents are to include all unplanned or unsafe occurrences, whether or not employee injury was involved.

## **ARTICLE VII. LEAVE POLICIES**

### **A. Holidays**

#### **1. Designation of Paid Holidays**

Montgomery County policy is to observe the same paid holiday schedule as the state designates for state employees. The following and such other days as may be designated are observed as holidays with pay for full-time, permanent part-time, and probationary employees and officers of the County:

New Year's Day	Labor Day
Martin Luther King's Birthday Day	Veterans'
Good Friday	Thanksgiving 2 days
Memorial Day	Christmas 3 workdays
Independence Day	

Permanent part time employees who work twenty-four hours or more a week earn six (6) hours of Holiday pay for each County holiday, regardless of whether they are scheduled to work. Part time employees who work less than twenty-four (24) hours per week (and are not eligible for benefits) earn no holiday pay.

Regular holidays, Saturdays and/or Sundays which may fall or occur during a vacation, sick, or other leave period of any officer or employee of the County will not be considered as vacation, sick or other leave.

### **B. Vacation Leave**

Annual or vacation leave may be used for rest and relaxation, for medical and legal appointments, when sick leave is exhausted, and for absences due to adverse weather conditions when all County offices are not closed. Vacation leave policy for employees of the Sheriff's Department or County Jail is set by the Sheriff.

Part time employees who work less than twenty-four (24) hours per week earn no vacation leave. Permanent part time employees will receive six (6) hours of vacation leave per month.

#### **1. Accumulation of Vacation Leave**

Vacation leave is earned on the basis of length of full time service in local or state governmental retirement system. (See chart below). It may be taken only as it is earned.

Years of Aggregate Covered Service	Hours Granted Each Month	Hours Granted Each Year	Days Granted Each Year
Less than 2 years	8' 00"	96'	12
2 but less than 5 years	10' 00"	120'	15
5 but less than 10 years	12' 00"	144'	18
10 but less than 15 years	14' 00"	168'	21
15 but less than 20 years	16' 00"	192'	24
20 but less than 25 years	18' 00"	216'	27
25 years or more	20' 00"	240'	30

## **2. Maximum Accumulation and Transfer**

Vacation Leave may be accumulated without any applicable maximum until December 31 of each calendar year. However, if the employee separates from service, payment of accumulated vacation leave shall not exceed 240 hours. On December 31, an employee can carry over to the following calendar year a maximum of 240 hours. If the employee has an excess of 240 hours of accumulated vacation leave, the excess of 240 hours converts to sick leave. The converted sick leave shall be used in the same manner as accrued sick leave.

## **3. Manner of Taking Vacation Leave**

Vacation leave may be taken as earned by the employee or in any amount as desired by the employee, subject to the approval of the supervisor. All department heads and other employees so designated are encouraged to take at least five (5) consecutive workdays of accrued vacation leave per calendar year. The request for leave must be approved or disapproved within a 5 day working span by the Department Head.

## **4. Payment for and Repayment of Vacation Leave**

When an employee submits his/her resignation, the employee will be paid for vacation leave accumulated to the date of separation. Payout of accumulated vacation leave shall not exceed 240 hours. At the time of an employee's separation, any vacation leave owed the County will be deducted from the employee's final compensation. If an employee dies while employed by the County, the estate of the employee will be paid for all vacation leave the employee had earned.

## **5. Shared Leave:**

This policy provides an opportunity for a regular/permanent employee to assist another regular/permanent employee affected by an FMLA-eligible medical condition that requires absence from duty for a prolonged period of time (over 10 days) resulting in possible loss of income due to lack of accumulated leave. An employee becomes eligible for Shared Leave on the 11<sup>th</sup> day. In the case of a prolonged medical condition, a regular/permanent employee may request to become a recipient of leave transferred from another County employee's vacation leave account, subject to the limitations and conditions listed below. Shared leave does not prolong FMLA coverage.

### **Requestors:**

The individual must first complete the appropriate FMLA forms and have the FLMA leave approved. The employee will then complete a "Request for Shared Leave" form, which will be given to his/her Department Head for initial approval and then be forwarded to the County Manager for approval. The reason for the Shared (FMLA) leave request will remain confidential and only a statement that "Employee has met the qualifications for Shared Leave" will be issued when a request for leave donation is made. The requester must use all his/her vacation and sick leave before shared donated leave shall begin to be transferred. No individual will be granted more than 1040 hours of donated leave for a continuous medical problem or for an intermittent or recurring medical problem in any two (2) year period from the onset of the first shared hour. However, management may grant an exception up to a maximum of 1040 additional hours, if the individual would otherwise be granted leave without pay.

### **Donors:**

If an employee wishes to donate vacation leave to another employee, he/she must complete a "Donation of Vacation Leave Authorization" form and forward it to the Personnel Department. Employees may only donate vacation time and no individual may donate leave that will reduce his/her accumulated vacation leave to below forty (40) hours. Any unused donated leave will be credited back to the donor(s) balance on a prorated basis. Fractions of hours will not be returned. Donations of leave shall remain anonymous.

## **C. Sick Leave**

Each full-time permanent and probationary employee with less than two (2) years of service will earn sick leave at the rate of 8 hours each month or twelve (12) days for each completed year of service. Each full-time permanent and probationary employee with two (2) years or more of service will earn sick leave at the rate of ten (10) hours for each month or fifteen (15) days for each completed year of service. Each permanent part-time employee will earn six (6) hours of sick leave per month. Sick leave can

accumulate indefinitely.

Sick leave may be used for:

- ☐ Personal Illness
- ☐ Illness of a member of the immediate family
- ☐ Death in the immediate family
- ☐ Quarantine
- ☐ Actual period of disability connected with child bearing
- ☐ Medical Appointments

Immediate family is defined as: spouse, parents, children, grandparents, brother, sister, and grandchildren. Also included are the step, half, and in-law relationships.

Notification of the need to take sick leave for medical appointments should be submitted to the employee's supervisor prior to taking the leave or not later than one (1) hour after the start of the workday for personal illness or other situations. Your supervisor may ask you to submit a doctor's certificate to verify sick leave.

Pay for sick leave earned is not allowable upon employee's separation from service. If, at the time of the employee's separation, more sick leave has been taken than earned, the employee must pay the County for leave taken and not earned. Sick leave is not allowed and will be denied to extend a vacation period when an employee has exhausted accumulated vacation leave.

### **1. Sick Leave Credit, Prior Employment**

If an employee transfers into the County within one year from another qualified NC system or returns to County employment within one year from other employment and has not withdrawn previously accumulated retirement contributions, unused sick leave can be transferred as credit from the prior employment period. Verification from the former employer is required. The former employer has to be a member of the Local or State Governmental Retirement System of North Carolina.

### **2. Physician's Certificate**

The County may require a physician's certificate concerning the nature of the employee's illness and his/her capacity to return to work. The employee's department head will be responsible for the application of this provision so that there will be no abuse of sick leave privileges and so that the County will know that the employee is medically able to resume his/her duties.

### **3. Use of Sick Leave for Retirement Credit**

If an employee is covered by the North Carolina Local Governmental Employees' Retirement System at the time of his/her retirement, one month's credit is allowed for each 20 days of unused sick leave. One more month is allowed for any part of 20 days left over.

### **D. Funeral Leave**

To provide employees the opportunity to grieve and to make arrangements for the loss of an immediate family member, it shall be the policy of the County to allow for not to exceed three (3) days of paid leave for each occurrence but no more than 6 days cumulatively for the year. Immediate family members include spouse, parents, children, grandparents, brother, sister, and grandchildren. Also included are the step, half, and in-law relationships. Employees should request funeral leave from their Supervisor and Department Head. With approval of the County Manager, sick or vacation leave may be used to extend the leave period for extenuating circumstances.

### **E. Department Representation Leave**

Employees who attend official functions, ceremonies, funerals for County officials or employees, or other such events, which are designated as Department representatives by the department head are considered on duty and no leave is charged. Employees who attend such events of their own choice must request, be approved for, and be charged leave.

#### **F. Leave Without Pay (Also, Leave for School Activities)**

An employee must exhaust all accumulated sick leave, vacation leave, and all compensatory time prior to requesting leave without pay other than the four hours allowed by GS 95-28.3.

Other leave without pay may be granted a permanent, full-time, trainee or probationary employee for a time period of up to six (6) months. Part-time and temporary employees will be granted leave without pay, if necessary, while on Workers' Compensation leave. Leave without pay may be used for reasons of personal or family disability, continuation of education, or special work that will permit the County to benefit by the experience gained or the work performed. At the expiration of the approved leave without pay, the employee shall be reinstated to a position of similar status and pay unless such a position is no longer available due to budgetary reduction in staff. The employee shall retain retirement status and length of County service status while on leave without pay. Failure of the employee to report promptly at the expiration of the approved period of leave without pay shall be cause for dismissal unless an extension of the leave has been approved. The employee may continue to be eligible for benefits under the County's group insurance plans subject to any regulations promulgated by the Commissioners and regulations of the respective insurance companies. Employees on leave without pay do not earn service credits towards retirement during the time they are on leave without pay. The employee must also pay health insurance premiums if on leave without pay.

#### **G. Coordination of Leave Without Pay, Sick Leave, and Vacation Leave**

An employee may use vacation leave before going on leave without pay and continue to be eligible to earn vacation leave, to be eligible to take sick leave, to be entitled to paid holidays, to be eligible for salary increments, and to be eligible to receive benefits of the County's group insurance policies. If an employee desires to go on leave without pay for reasons of personal disability, he/she may be permitted to use accumulated sick leave first unless he/she is on Workers' Compensation leave. A physician will indicate in writing when the period of disability actually begins and ends. An employee in the process of using accumulated sick leave will continue to be in benefit earning status as described in the section of this paragraph regarding annual leave. An employee on **leave without pay** does not earn sick or annual leave, is not paid for holidays, and does not earn service time credit towards retirement. The employee must pay for his/her health insurance premium while on leave without pay unless covered by the Family and Medical Leave policy described below.

#### **H. Family and Medical Leave Act of 1993**

The Family and Medical Leave Act of 1993 was passed by Congress to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, to promote national interests in preserving family integrity, to minimize the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons, (including maternity-related disability) and for compelling family reasons, and to promote the goal of equal employment opportunity for women and men. The County will continue to pay the employees' portion of the medical insurance premium for the 12 week period. In cases where the Family and Medical Leave Act of 1993 and the Montgomery County Personnel Policy are in conflict, the Family and Medical Leave Act will overrule. Montgomery County uses a "rolling" 12-month period measured backward from the date of any FMLA leave usage. Family and Medical Leave Act forms are located in **Appendix D**.

### **ELIGIBLE EMPLOYEES**

**A. Regular Employee:** An employee who has been employed with Montgomery County for at least twelve (12) months. The 12 months of employment do not have to be consecutive, and the employee can be a seasonal/temporary employee. The employee has to of least worked 1,250 hours during the 12 months preceding the leave. Eligible employees are entitled to a total of 12 work weeks, paid or unpaid as herein provided, of Family Medical Leave for one or more of the following reasons:

1. Because of the birth of a child or the placement of a child for adoption or foster care;
2. Because the employee is needed to care for a family member (child, spouse, or parent) with a serious health condition;

3. Because the employee's own serious health condition makes the employee unable to do his or her job.
4. For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

The Department Head and the County Manager must approve leave without pay beyond the 12 week period. FMLA will begin after the third day of disability or reasons listed above and will run concurrently with any other leave for 12 weeks.

**B. Temporary Employee:** This rule does not cover temporary employees since the maximum length of a temporary appointment is one year; however, if by exception, a temporary employee is extended beyond one year, the employee would be covered if he/she had worked at least 1250 hours in the preceding calendar year. Any leave granted to a temporary employee would be without pay.

**C. Spouses Employed by the County:** A husband and wife who are eligible for Family and Medical Leave, and are both employed by the County, are permitted to take only a combined total of 12 weeks of leave during the calendar year if the leave is taken:

1. for the birth of a son or daughter, or to care for the child after birth; (Except in cases where leave is taken due to the health of a child. In this case husband and wife may take a total of 12 weeks of leave separately.)
2. for placement of an adoptive son or daughter, a foster child, or to care for the child after placement;
3. to care for a parent (not parent "in-law") with a serious health condition.

## **DEFINITIONS**

**SPOUSE** means a husband or wife as defined and recognized under North Carolina law for the purpose of marriage.

**PARENT** means a biological parent or an individual who stands or stood in "loco parentis" to the employee when the employee was a child. This term does not include in-laws.

**SON OR DAUGHTER** means a biological, adopted or foster child, stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care" because of mental or physical disability.

**COUNTY** means the County of Montgomery.

**DEPARTMENT HEAD** means the head of the department in which the employee is assigned, or if the employee is assigned to work for more than one department, the head of the department in which the employee is assigned the greater part of a work week.

**CHILD** means the son or daughter or foster child of the employee.

**SERIOUS HEALTH CONDITION** means an illness, injury, impairment, or physical or mental condition that involves

1. Any period of incapacity or treatment in connection with or consequent to inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility;
2. Any period of incapacity requiring absence from work, school, or other regular daily activities, of more than three calendar days, that also involves continuing treatment by or under the supervision of a health care provider;
3. Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three days;

4. Prenatal care.

### **CONTINUING TREATMENT BY A HEALTH CARE PROVIDER**

means one or more of the following:

1. The employee or family member in question is treated two or more times for the injury or illness by a health care provider. Normally this would require visits to the health care provider or to a nurse or physician's assistant under direct supervision of the health care provider.
2. The employee or family member is treated for the injury or illness two or more times by a provider of health care services (e.g. physical therapist) under orders of, or on referral by, a health care provider, or is treated for the injury or illness by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider to resolve the health condition.
3. The employee or family member is under the continuing supervision of, but not necessarily being actively treated by, a health care provider due to serious long-term or chronic condition or disability that cannot be cured. Examples include persons with Alzheimer's and persons in the terminal stages of a disease who may not be receiving active medical treatment.

### **CERTIFICATION**

1. A claim for leave because of adoption shall be supported by acceptable proof of adoption.
2. A claim for leave because of a serious illness of the employee or of the employee's child, spouse, or parent shall be supported by a doctor's certification that includes the following:
  - (a) The date on which the serious health condition began;
  - (b) The probable duration of the condition;
  - (c) The appropriate medical facts regarding the condition;
  - (d) A statement that leave is needed to care for the child, spouse, or parent, and an estimate of the amount of time that is needed, or that the employee is unable to perform the duties of the position, whichever applies;
  - (e) Where certification is necessary for intermittent leave for planned medical treatment, the dates on which the treatment is expected to be given and the duration of the treatment.
3. The employee shall furnish the County medical certification at the time the employee gives notice of the need for leave, preferably giving a 30-day notice. If the employee does not provide the certification within at least 15 calendar days of the date the requested leave is to commence, the employer may delay the approval of Family and Medical Leave until the required certification is provided. If the employee never produces the certification, the leave is not FMLA leave and the employer may use remedies stated in the Montgomery County Personnel Policy concerning unauthorized leave if the employee commences leave without approval.
4. For unforeseeable circumstances or medical emergencies, the 15 calendar day prior certification requirement may not be practicable. In these instances, notice must be given as soon as possible and practical, usually within one or two business days of when the need for leave becomes known to the employee.
5. Where the Department Head has reason to doubt the validity of the certification provided, the Department Head, in consultation with and concurrence of the County Manager, may require the employee to obtain the opinion of a second doctor designated by the County Manager. When the second opinion differs from the opinion in the original certification provided, the County Manager may require the employee to get the opinion of a third doctor designated or approved jointly by the County and the employee. The County may require that the employee get subsequent re-certifications on a reasonable basis. The second and third certification and re-certifications shall be at the County's expense.

### **EMPLOYMENT AND BENEFITS PROTECTION**

- A. **Reinstatement:** The employee shall be reinstated to the same position held when the leave began or one of like status, pay, benefits, and other conditions of employment. The Department Head may require the employee to report at reasonable intervals to the employer on the employee's status and intention to return to work. The Department Head also may require that the employee receive and provide to the County certification that the employee is able to return to work.
- B. **Benefits:** The employee shall be reinstated without loss of benefits accrued when the leave began. All benefits accrue during any period of paid leave; the employee does not earn any leave during any period of leave without pay.
- C. **Health Benefits:** In order for the employee to remain on the County's group health plan after exhausting all available vacation and sick leave and continuing to be on leave without pay, the employee must pay the insurance premium to the County by the first of each month except for when it will be paid by the County per the Family Medical Leave Act.

### **LEAVE CHARGES**

- a) For the birth or adoption of a child, the parents shall exhaust all sick leave and vacation before going on leave without pay,
- b) For the illness of an employee's child, spouse, or parent, the employee shall exhaust all vacation and sick leave before going on leave without pay.
- c) For the employee's illness, the employee shall exhaust available sick leave and vacation leave before going on leave without pay.
- d) Periods of paid leave shall account for any part of the 12 work weeks of Family and Medical Leave provided for in this section.

### **INTERMITTENT LEAVE OR REDUCED WORK SCHEDULE**

The employee may not take leave intermittently or on a reduced work schedule for childbirth and care or for adoption unless approved by the Department Head.

The employee may take leave intermittently or on a reduced schedule to care for the employee's child, spouse, or parent who has a serious health condition, or because the employee has a serious health condition. If such leave is foreseeable, based on planned medical treatment, the County Manager may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave.

### **EMPLOYEE RESPONSIBILITY**

The employee shall apply in writing to the Department Head for leave requested under FMLA as follows:

**Birth or Adoption:** The employee shall give the Department Head no less than 30 days notice, in writing, of the intent to take leave, subject to the actual date of the birth or adoption. If the date of the birth or adoption requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable. See Section on Certification above.

**Planned Medical Treatment:** When it is necessary for leave to be taken to care for the employee's child, spouse or parent or because the employee has a serious health condition, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt operations, subject to the approval of the employee's health care provider or the health care provider of the employee's child, spouse or parent. The employee must give 30 days notice of the intent to take leave subject to the actual date of treatment. If the employee will not return to work, the employee shall notify the Department Head or County Manager immediately. Failure to report at the expiration of the leave, unless an extension has been granted, may be considered as a resignation.

### **I. North Carolina Workers' Compensation Leave Act**

Montgomery County employees who are injured on the job or contract an occupational disease as defined in the Workers' Compensation Act must report such injuries or illnesses to the immediate supervisor or department head as soon as possible, who will in turn immediately report the information to the County Manager. The information must be filed **within three working days** from the injury or immediately when the employee is diagnosed with an occupational disease. Injured employees must be seen in an

Emergency Room or by a qualified **physician**.

The North Carolina Workers' Compensation Act provides an employee no compensation for the first 7 days of disability unless the disability continues for more than 21 days. After the disability has continued more than 21 days, the employee is entitled to receive compensation for the first 7 days. The employee must use sick/vacation or leave without pay during the first 7 days. If the disability exceeds 21 days and the employee receives compensation for the first 7 days the County will not seek to recover the wages awarded for the first 7 days of disability.

### **1. Maternity Leave**

In accordance with the County's policy on equal employment opportunity, employees will not be penalized in employment because they require time away from work because of pregnancy, miscarriage, abortion, childbirth, and recovery. Disabilities caused by or related to pregnancy, miscarriage, abortion, childbirth, and recovery are, for job related purposes, temporary disabilities and must be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment.

Employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions of leave, the accrual of seniority, and other benefits and privileges, reinstatement and payment under any health or temporary disability insurance or sick leave plan, will be applied to disability due to pregnancy or childbirth on the same terms and conditions as they are applied to other temporary disabilities. If an employee plans to return to work within four (4) weeks of delivery, a physician's statement of medical fitness is required prior to returning to work.

#### **1. County's Responsibility**

Maternity leave will be granted to permanent, full-time, and probationary employees by the department heads. Limitation of employment before childbirth is prohibited. Based on the type and nature of work performed, the department head will be responsible for determining, in consultation with the employee and upon advice received from her physician, how far into the pregnancy she may continue to work before taking maternity leave. Employee's return to work should be within a reasonable length of time, depending upon the advice of the physician. Reinstatement to the same position or one of like classification, seniority and pay must be made upon the return to work, unless such a position is no longer available due to budgetary reduction in force.

#### **2. Employee's Responsibility**

The employee will apply in writing to the department head for leave, designating their choice of maternity leave options. The department head will forward the request with a recommendation to the County Manager for approval. The employee is obligated to return to work within or at the end of the time determined appropriate. If the employee finds they will not return to work, they should notify their department head immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested and approved, will be considered a resignation. If the employee uses leave without pay for part of the maternity leave absence, the employee may continue health insurance benefits by paying the health insurance premiums after the provisions of the Family Leave Act have expired.

#### **3. Maternity Leave Options**

The following options are available to an employee taking maternity leave:

- a. Leave without pay may be used when an employee desires to be on leave from work prior to the time of actual disability. Leave without pay is available for the time before the employee is disabled and the period of time after the disability ends but before returning to work. If an employee wishes to retain all accumulated sick and annual leave, leave without pay may be taken for the entire maternity leave period.
- b. Accumulated sick leave can be provided at the employee's request for the actual period of temporary disability caused by or contributed to by pregnancy, miscarriage, abortion, or childbirth in the manner as for other temporary disabilities. Since there is no certainty as to the onset of and termination of the period of disability, it is necessary to determine the period of disability so that the employee may realize the benefits of both leave without pay and leave with pay for the period of disability. This requires that a physician put in writing the period of temporary disability.

c. Annual leave may be used before going on leave without pay. An employee in the process of using annual leave before going on leave without pay will continue to be in leave earning status, be eligible to take sick leave and holidays, and be eligible to receive the benefits offered under the County's group life and health insurance policies.

d. If the employee is eligible for benefits under the Family and Medical Leave Act of 1993, the employee may request leave without pay in accordance with regulations of the Family and Medical Leave Act. See **Appendix D**.

e. An employee will be permitted to use any combination of Options a, b, c, d subject to approval of the supervisor and the County Manager.

#### **K. Military Leave**

Permanent employees who are members of Reserve Components of the United States Armed Forces shall be granted up to 120 working hours with pay during the Federal fiscal year (beginning October 1 through September 30) for any type of active military duty for members not on extended active duty. If such military duty is required beyond the 120 working hours, the employee will be placed on leave without pay status. While taking military leave, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained at County employment. Permanent employees who are guardsmen and reservists have all job rights specified in the Veterans' Re-adjustment Assistance Act.

Inasmuch as Montgomery County intends that its system of human resource administration be consistent with the requirements for a "Substantially Equivalent Personnel System," as outlined in Chapter 126 of the General Statutes of North Carolina, County human resource administrators and other County Managers and supervisors will adhere to the State of North Carolina's Military Leave policy, as published by the Office of State Personnel, not inconsistent with federal law. All questions should be directed to the County Personnel Manager.

Managers and supervisors should not encounter any potential violation of Federal law if:

- a) an employee is released to be tested (pencil and paper and/or physical) for entry into the either the active or reserve components of the U.S. Armed Forces, and returned to work without penalty or discrimination, so long as the employee notifies their supervisor of the necessary absence;
- b) an employee with orders from a competent authority, or a unit training assembly (drill) schedule, who requests leave, is released to attend training of any type, in any of the U.S. Armed Forces Reserve Components, and returned to work without penalty or discrimination, regardless of the frequency or duration;
- c) an employee in a U.S. Armed Forces Reserve Component is assigned their work schedule without any consideration for their National Guard or other Reserve obligations unless both the employee and their supervisor mutually agree otherwise;
- d) an employee is permitted to use military or personal leave (if either have a positive balance), or leave without pay for any absences for covered military service, at the employee's option; and,
- e) if promotions, assignments and all other benefits of employment are made without regard to the employee's membership and obligations as a member, in a U.S. Armed Forces Reserve Component.

The County Personnel Manager is to be advised immediately if an employee returns from covered service of 181 days, or longer, and requests reemployment.

#### **L. Civil Leave**

A County employee called for jury duty or as a witness in a civil or criminal legal proceeding will be entitled to leave with pay for such duty during the required absence. When a County employee attends court in connection with his official duties, no leave is required. An employee may keep fees and travel

allowances received for jury or witness duty in addition to his regular compensation. While on civil leave, an employee will continue to earn benefits and accrue leave to which the employee is entitled. A copy of the subpoena to court (for jury duty or as a witness) is to be given to the employee's immediate supervisor before the scheduled court appearance.

- Policy** Leave with pay is provided to employees when serving on a jury or when subpoenaed as a witness. It is the responsibility of the employee to inform the supervisor when the duty is scheduled and the expected duration.
- Employees Covered** Employees with a full-time or part-time (half-time or more) permanent, probationary, trainee, or time-limited appointment are covered for non-job related civil leave. (Employees with a temporary, intermittent or part-time [less than half-time] appointment are not eligible for non-job related civil leave but are eligible for job-related civil leave and other job-related proceedings.)
- Jury Duty** An employee who serves on a jury is entitled to:
- ☐ leave with pay,
  - ☐ regular compensation, and
  - ☐ fees received for jury duty.

The employee:

- ☐ should report back to work as soon as jury duty is completed, and
- ☐ must report back to work the day following completion of the duty.

**Note: If jury duty occurs on a scheduled day off, the employee is not entitled to additional time off. Time on jury duty is not included in total hours worked per week.**

**Shift Employees** When a second shift employee serves on a jury, the employee will not be required to work on the day that jury duty occurs. When a third shift employee serves on a jury, the employee will not be required to work the third shift that begins on the day prior to the day that jury duty occurs. This applies to all employees, regardless of the length of the shift.

**Court Attendance** When an employee is subpoenaed or directed by proper authority to appear as a witness, the employee may choose one of the following options:

Option 1	Option 2
<input type="checkbox"/> charge no leave, and	<input type="checkbox"/> use vacation leave, and
<input type="checkbox"/> turn fees received in to the agency	<input type="checkbox"/> retain any fees received
<b>In either case, the time is not considered as work time and is not included in the total hours worked per week.</b>	

**Advisory Note: An employee who is a party (plaintiff or defendant) in a court procedure is not considered as a "witness"; therefore, vacation leave must be used, or leave without pay, for purpose of attending court.**

## **JOB-RELATED CIVIL LEAVE AND OTHER JOB RELATED PROCEEDINGS**

- Policy** Leave with pay is provided to an employee to attend court or a job-related proceeding in connection with official job duties.
- Employees Covered** In addition to employees with a full-time or part-time (half-time or more) permanent, probationary, trainee or time-limited appointment, an employee with a temporary, intermittent or part-time (less than half-time) appointment is also included.

**Court  
Attendance -  
Official Duties**

When an employee attends court in connection with official duties:

- ☐ no leave is required, and
- ☐ fees received as a witness shall be turned in to the agency.

**Note: If court is on a day that is normally an off-day, the time is working time and included in the total hours worked per week.**

**Shift  
Employees**

When a second or third shift employee is required to attend court or a job-related proceeding in connection with official job duties, management shall determine the amount of time off regular duties as may be necessary.

### **M. Hazardous Weather or Emergency Conditions - Leave Policy**

County offices and departments shall remain open for the full scheduled workday unless authorization for early closing or other deviation is received from the County Manager's office. All departments and offices will be given sufficient advance notice as possible of any authorized early closings. Department Heads shall maintain adequate office procedures to communicate with staff in the event of emergencies. Employees who, of their will, leave work before an official early closing time, as well as those employees who report for work late, or do not report for work at all, will be required to use earned vacation or accrued compensatory time for days or hours taken. In all cases, employees must use their best judgment in assuring their own safety and that of family members based on local conditions when traveling to and from home.

#### **Procedures:**

The County Manager has sole authority to excuse County employees from reporting to work during extreme weather or other emergency conditions. Every effort will be made to finalize and communicate this decision by 6:30 a.m.

Any decision for closing or to delay opening will be transmitted from the County Manager's Office through the Telephone Tree that was established for Department Heads. Department heads will then notify supervisors and designated staff, who then are responsible for notifying all employees.

When an emergency declaration occurs during regular working hours, department heads and supervisors will be notified by e-mail, telephone, or direct contact about the details, including the official time of dismissal, so that they can relay the information to individual employees.

During off-duty hours (5 p.m. to 8 a.m.) and weekends, emergency declarations will be transmitted by the County Manager's Office to department heads and designated staff by 6:30 a.m. Once notified, employees are responsible for responding in an appropriate manner to closings as they may be announced.

Sometimes weather or emergency conditions are such that closings occur two or more days in a row.

In such cases, these procedures are followed for each day, with an announcement being made each morning by 6:30 a.m.

It is understood that each employee ultimately must decide if conditions make travel safe or unwise; that is, employees are not asked to travel if they feel they are taking undue risk in doing so. An employee who is unable to get to work because of weather-related conditions or other emergency declaration, even though County Offices are open, may use annual leave, compensatory leave, or elect to take the day without pay.

Employees who do not report to work or who report late during an emergency declaration will use annual or compensatory leave, take leave without pay, or be allowed to make up time lost from work, except when the County Manager declares a state of emergency and approves the use of hazardous weather emergency leave with pay. In this case, the County Manager's approval of hazardous weather emergency leave with pay provides for absences from work without taking annual or compensatory leave, or making up the time.

Employees will be given the option of making up the time lost from work during an emergency declaration. However, the time will be made up and/or scheduled according to the business needs of the County. It is the employee's responsibility to notify their Department Head/Supervisor of their intentions.

Employees should contact their supervisor for clarification before an emergency arises.

## N. Community Service Leave

**Policy** In recognition of the County's diverse needs for volunteers to support schools, communities, citizens and non-profit organizations, and recognizing the commitment of County's employees to engage in volunteer service, Community Service Leave, within the parameters outlined below, may be granted to:

- ☐ parents for child involvement in the schools (as defined below)
- ☐ any employee for volunteer activity in the schools or in a Community Service Organization (as defined below), or
- ☐ any employee for tutoring and mentoring in the schools.

**Definitions** Following are definitions of terms used in this policy:

<b>Terms</b>	<b>Definition</b>
<b>School (public or private)</b>	<p>One that is authorized to operate under the laws of the State of North Carolina and is:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> an elementary school,</li> <li><input type="checkbox"/> middle school,</li> <li><input type="checkbox"/> high school, or</li> <li><input type="checkbox"/> a child care program</li> </ul> <p>Advisory Note: Advisory Note: For employees who live in a state adjacent to North Carolina, the agency may grant community service leave to parents for involvement in the child's school.</p>
<b>Child</b>	<p>A son or daughter who is:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> a biological child,</li> <li><input type="checkbox"/> an adopted child,</li> <li><input type="checkbox"/> a foster child</li> <li><input type="checkbox"/> a step-child,</li> <li><input type="checkbox"/> a legal ward</li> <li><input type="checkbox"/> a child of an employee standing in loco parentis</li> </ul>

**Community Service Organization**

A non-profit, non-partisan community organization which is designated as a IRS Code 501(c)(3) agency, or a human service organization licensed or accredited to serve citizens with special needs including children, youth, and the elderly.

**Advisory Note:** Although religious organizations may be 501(c)(3) agencies, this leave does not apply to activities designed to promote religious beliefs.

**Covered Employees And Credits**

With approval of the supervisor, an employee is eligible for Community Service Leave as follows:

Type of Appointment	Amount Granted
Full-time - permanent, probationary, trainee, or time-limited	24 hours/year OR 1 hour/week (up to a max of 36 hrs) for mentoring/tutoring (as outlined below)
Part-time (half time or more) – permanent, probationary, trainee, or time limited	Prorated –equal to percentage of full-time amount
Temporary, intermittent, or part-time (less than half-time)	None

The twenty-four hours (24) of paid leave shall be credited to each employee on January 1 of each year, unless the employee chooses the mentoring/tutoring option. New employees shall be credited with leave immediately upon their employment, prorated at two hours per month for the remainder of the calendar year.

**Employee Option for Tutoring and Mentoring**

In lieu of the twenty-four (24) hour award as noted above, an employee may choose to tutor/mentor in a school. Leave under this option shall be used exclusively for tutoring or mentoring a student in accordance with established standards rules and guidelines for such arrangements as determined and documented by joint agreement with the employee's agency and the school.

**Employee Option for Tutoring and Mentoring (cont)**

The amount of community service leave for tutoring/mentoring is one (1) hour of community service leave for each week, up to a maximum of 36 hours, that schools are in session as documented by the elected board of the local education agency or the governing authority of any non-public school.

**Advisory Note:** Any time used for tutoring/mentoring, including time spent traveling to and from the school, must be accounted for either by the use of the one hour of community service leave or other leave policies.

**Changing Options**

If an employee chooses to change options during the calendar year, the maximum hours that may be granted is the maximum allowed under the new option chosen minus the amount already used.

**What is Community Service?**

Community service, for this purpose, is:

- ☐ meeting with a teacher or administrator concerning the employee's child,
- ☐ Participating in Community in Schools
- ☐ attending any function sponsored by the school in which the employee's child is participating. This provision shall only be utilized in conjunction with nonathletic programs that are a part or supplement to the school's academic or artistic program,
- ☐ performing school-approved volunteer work approved by a teacher, school administrator, or program administrator, or
- ☐ performing a service for a community service organization.

Advisory Note: Service does not include activities designed to promote religious beliefs such as teaching or leading religious assemblies or in raising funds to support religious activities. Service would include activities supported by religious organizations such as working in soup kitchens, homeless shelters or other community activities.

**Agency Policy**

Each agency shall set forth a policy that shall be administered consistently.

**Approval of Leave**

Employees must receive approval from their supervisor to use this leave. The supervisor or other agency management may require that the leave be taken at a time other than the one requested, based on the needs of the agency.

The agency may require acceptable proof that leave taken is within the purpose of this policy.

**Inter-Agency Transfer**

If an employee transfers to another County Department, any balance of community service leave not used shall be transferred to the new department. Under the tutoring/mentoring option, the employee should secure approval from the new supervisor prior to the transfer so that any necessary changes may be communicated to appropriate officials.

**Non-cumulative**

Leave not taken is forfeited; it shall not be carried into the next calendar year.

**Separation**

Employees shall not be paid for this leave upon separation.

**Additional time for community service activities**

The agency may allow an employee additional time away from regular duties above the 24 hours of paid leave to perform significant community service activities with provisions for the employee to make up the time.

Hours worked in excess of forty during a workweek would constitute overtime under Federal regulations for FLSA non-exempt employees; therefore, it will be necessary for make-up time for these employees to be limited to the workweek in which the time is lost or in a week when the employee has not worked a full work schedule due to such absences as holidays, vacation, sick leave, etc.

The following guidelines for granting additional time apply:

- ☐ The amount of time that any employee may be allowed is left to the discretion of the agency head.
- ☐ When agency operations require, all arrangements for the community service activity time may be interrupted or suspended.
- ☐ Consideration of employee requests should include:
  - ☐ nature of work - not all jobs permit rearrangement of work schedules,
  - ☐ the quality of the employee's job performance with the agency,
  - ☐ indication from the supervisor that unit performance can be maintained,
  - ☐ any special circumstances such as the importance of the community service activity to community relations needs of the agency.

**Records**

Supervisors who approve such activities shall maintain records indicating the number of employees involved and the number of hours used

## **ARTICLE VIII. GRIEVANCE PROCEDURE, DISCRIMINATORY AND ADVERSE ACTION APPEAL**

### **Section 1. Grievance Procedure and Adverse Action Appeal - Policy Statement**

In order to maintain a harmonious and cooperative relationship between the County and its employees, it is the policy of the County to provide for the settlement of problems and differences through an orderly grievance procedure. Every regular County employee shall have the right to present his/her problem, grievance or adverse action appeal in accordance with this established policy free from interference, coercion, restraint, discrimination or reprisal.

It is the responsibility of supervisors at all levels, consistent with authority delegated to them, to consider and take appropriate action promptly and fairly on a grievance or adverse action appeal of any employee.

Employees shall file grievances and adverse action appeals in accordance with Personnel Policy; however, all grievances must be identified in writing and submitted to the County Manager, giving the nature of the grievance.

### **Section 2. Grievance and Adverse Action - Definitions**

A grievance is a claim or complaint based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. A grievance might involve alleged safety or health hazards, unsatisfactory supervisory or disciplinary practices, and unjust treatment by fellow workers, unreasonable work quotas or any other legitimate complaint relating to conditions of employment.

An adverse action is a demotion, dismissal, reduction in pay, layoff or an undesirable transfer or suspension.

### **Section 3. Legal Counsel**

An employee requesting a hearing before the Personnel Committee may be represented by an attorney or any other person of choice he/she so desires. Employment of legal counsel shall be the responsibility of the employee. Copies of letters, documents, statements and other pertinent information shall be provided to legal counsel upon request. Any such request shall be accompanied by signed, written, notarized authorization from the employee. If the employee chooses not to be represented by legal counsel, the employee must be given the right at the hearing to examine all the evidence and to cross-examine the witnesses. An attorney may also represent the County.

### **Section 4. Witnesses**

Witnesses may appear to testify before the Personnel Committee upon the request of the Department Head or employee to the Chairman of the Personnel Committee. The request shall be in writing and shall contain the names of witnesses who are requested to appear.

### **Section 5. Grievance and Adverse Action Appeal Procedure Non-discrimination**

Any permanent County employee having a problem or grievance arising out of or due to employment and who does not allege discrimination because of age, sex, race, color, national origin, religion, sexual orientation, creed, physical disability or political affiliations shall first discuss his/her problem or grievance and adverse action appeal with the Department Head.

Step One. The employee with a grievance or adverse action appeal shall present the matter orally or in writing to the Department Head within five (5) working days of its occurrence, with the objective of resolving the matter. If the exact date cannot be established for the occurrence of grievance circumstance, the five (5) working day limit may be waived by the Department Head, but the employee should file the grievance within five (5) days of the waiver. The Department Head should and is encouraged to consult with any employee or officer deemed necessary to reach a correct, impartial, and equitable determination and shall give the employee an answer within five (5) working days.

For employees in the departments of the Sheriff and the Register of Deeds, there shall be no appeal beyond the decision of the Sheriff or Register of Deeds.

Step Two - Grievance. If the decision in Step 1 is not satisfactory to the employee, or if the employee fails to receive an answer within the designated period provided in Step 1, the employee may file the grievance in writing with the County Manager within ten (10) working days.

The County Manager, who shall exercise the duty of resolving the decision satisfactorily, shall hear the grievance and render a decision in writing within ten (10) working days. The Manager's decision shall be final regarding the grievance.

Step Three – Adverse Action. In an adverse action case, the general County employee may appeal to the County Manager. The County Manager shall hear the adverse action appeal and render a decision in writing within ten (10) working days or may refer the matter to the Personnel Committee. If the Manager hears the adverse action appeal, he shall report his decision to the employee within ten (10) working days.

Step Four. If the decision in Step 3 is not satisfactory to the employee or if the employee fails to receive an answer within the designated period provided in Step 3, the employee may file the adverse action in writing with the Chairman of the Personnel Committee within ten (10) working days. The written request shall set forth the specific reasons for the appeal and evidence that all other levels of supervision have considered the employee's adverse action must accompany the written request.

The Chairman of the Personnel Committee shall, within two (2) working days after the official receipt, notify the County Manager that a request for adverse action hearing has been received.

When an adverse action concerns termination, documentation that all levels of supervision have considered the adverse action shall be waived.

Step Five - Adverse Action - Personnel Committee Procedure. The Personnel Committee shall hear only the adverse action for which it was convened. Within two (2) working days after notification to the County Manager, the Chairman of the Personnel Committee shall notify the employee when he/she may appear to be heard. All requests for adverse action hearings will be given prompt consideration and will be scheduled for hearing within fifteen (15) working days of the Personnel Committee's notification to the County Manager.

The Personnel Committee may excuse all principals and witnesses from the Executive Session in order to complete deliberations. A written statement of findings of fact and decisions recommended will be mailed to the employee over the signature of the Chairman within five (5) working days of the hearing with copies to the employee's personnel file, the Department Head and the County Manager.

## **Section 6. Grievance and Adverse Action Appeal Procedure -Discrimination**

Any applicant for County employment, County employee or former County employee who has reasons to believe that employment, promotion, training or transfer was denied, or that demotion, layoff or termination of employment was because of age, sex, race, color, national origin, religion, creed, sexual orientation, political affiliation or physical disability except where specific age, sex or physical requirements constitute a bona fide occupations qualification necessary to proper and efficient administration, shall have the right to appeal directly to the County Manager. A regular County employee has the right to appeal using the grievance procedure outlined in Section 7 of this article if the employee so desires.

An employee or applicant must appeal an alleged act of discrimination within thirty (30) days of the alleged discriminatory action.

### **Section 7. Grievance and Appeal Procedure - Discrimination Resulting from Harassment**

Any County employee who has reason to believe that they have been harassed regarding to race, color, religion, sex, age, sexual orientation, or national origin shall have the right to appeal directly to the County Manager after first lodging a written complaint with their immediate supervisor or Department Head. The employee shall also have the right to appeal an alleged act of discrimination using the grievance procedure outlined in Section 7 of this article.

Harassment is defined as any repeated or unwarranted verbal or physical deprecation of person, explicit derogatory statements, and discriminatory remarks made by someone in the work place which are offensive or objectionable to the recipient, or which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

All employees are to be held responsible for their actions in this regard. Employee conduct, whether intentional or unintentional, that results in harassment of other employees regarding race, color, religion, sex, age, sexual orientation, or national origin is illegal both civilly and criminally and will not be tolerated. Such conduct will result in disciplinary action, including possible discharge.

### **Section 8. Appeals**

A County employee who has been demoted, suspended, or dismissed shall have ten (10) working days from the date of his/her receipt of written notice of such action to file an appeal with the Personnel Section to request a review by the Personnel Advisory Committee. Such review shall be conducted as described in **Article VIII, Section 5**. A direct appeal to the County Personnel Advisory Committee alleging discrimination as permitted in **Article VIII, Section 5** must be filed with the personnel section within ten (10) working days of the alleged discriminatory act. Grievances filed with the personnel section on an untimely basis shall not be processed. Each time a case is to be heard, the County Manager will appoint three persons disinterested in the subject matter of the appeal to serve as a Personnel Advisory Committee. Members of this committee shall be selected from the list below, except that members shall not be from the same department as the appellant.

1. Administrative Assistant to the County Manager
2. Assistant Personnel officers
3. Department Heads

#### **I. Appeal to the County Manager**

The County Manager shall review the ruling of the Personnel Advisory Committee and either accept or reject the decision. In the event that the committee decision is not satisfactory to the employee, he/she may appeal to the County Manager for a final hearing of the matter. This appeal must be made within ten (10) working days from the date that the County Manager's acceptance or rejection of the committee's recommendation is mailed by the County to the appellant.

### **Section 9. Back Pay Awards**

Back pay awards may be awarded to reinstated employees in suspension, demotion, dismissal and discrimination cases.

## **ARTICLE IX. EMPLOYEE BENEFITS**

### **A. Social Security**

The County, to the extent of its lawful authority and power, has extended social security benefits for its eligible employees. The Federal Social Security program provides monthly benefits upon retirement, with full benefits available at age 65 and reduced benefits available as early as age 62.

### **B. Health and Life Insurance**

The County's Health and Medical Group Insurance Plan covers all full time permanent employees and permanent part-time employees who work at least 24 hours per week. The County currently pays the entire amount of the full time employee's medical insurance but reserves the right to amend this contribution as budgetary needs require. Dental and vision insurance are available but are voluntary and is paid for by the employee in pre-tax deductions. The County will pay 60% of the health and medical insurance for a permanent part-time employee working 24 hours per week or more but less than forty (40) hours per week. The County furnishes life insurance coverage in the amount of \$25,000. Life insurance benefits reduce by 35% at age 65 and 50% at age 70. If the employee wishes to elect family or parent-child coverage, the employee is responsible for paying the difference between the individual rate and the family/dependent coverage elected. Such payments are handled through payroll deduction. When an employee is on Leave Without Pay, the employee is responsible for paying health insurance premiums in order to maintain continuous coverage unless covered by the Family and Medical Leave Act.

Any full time employee age 65 or older may choose to drop the County's Health Insurance Coverage and find supplemental Health Insurance after going on Medicare. In such case, the County will pay supplemental premium if it is less than the County Health Plan.

### **C. Other Insurance**

Other insurance such as Cancer Insurance, Intensive Care, or Disability Insurance coverage may be offered from time to time under a group plan and may be elected voluntarily by the employee. Premium payments will be made through payroll deduction.

### **D. Retirement Benefits**

All eligible employees are members of the Local Governmental Employees' Retirement System. The employee's contribution (6%) is deducted prior to taxing of the gross salary. The County also contributes a percentage based on calculations prepared by an actuary. Interest earned on each account is 4% per year, on the balance at the first of each calendar year, compounded annually. State law sets the interest credited on your contributions. You become vested in the Retirement System after five years of service as a contributing member. For complete information about the Local Governmental Employees' Retirement System, refer to the North Carolina Local Governmental Employees' Retirement System.

All full time permanent employees, hired before July 1, 2013, who retire with thirty (30) or more years of creditable services with the Local Governmental Employees' Retirement System, and the last twelve (12) years of service with Montgomery County, are qualified to receive 100% employer paid Health Insurance up to age sixty-five (65). Employees hired after July 1, 2013, will not be eligible for retiree health insurance benefits upon retirement. As with active employee's health insurance, the County reserves the right to amend the County's contribution to retiree insurance as budgetary needs require. Retirees' after age sixty-five (65) will be converted to a Medicare Supplement (of their choice). The County will pay \$125 per month toward the supplement and the retiree will be responsible for the balance of the premium. Accumulated Sick Leave may be applied toward attaining continuous service retirement goals. Twenty (20) days accumulated sick leave is equal to one (1) month employment.

All full time permanent Montgomery County employees, hired before July 1 2013, with twelve (12) or more years of continuous service with Montgomery County may retire at age 62 with reduced benefits based on total service time. Upon retirement at age 62, the retiree will receive health insurance from Montgomery County until eligible for Medicare at which time he/she will receive \$125 monthly to be applied toward his/her Medicare supplement. Employees hired after July 1, 2013, will not be eligible for retiree health insurance benefits upon retirement. As with active employee's health insurance, the County reserves the right to amend the County contribution to retiree insurance as budgetary needs require.

Accumulated Sick Leave may be applied toward attaining continuous service retirement goals. Twenty (20) days accumulated sick leave is equal to one (1) month employment. All law full time permanent law enforcement employees can roll their 401K account over into retirement account upon retirement.

### **E. Death Benefit**

The Local Governmental Employees' Retirement System membership carries a death benefit program at no cost to the employee. The beneficiary of an employee who dies while still in active service will receive a single lump sum payment equal to the salary of the employee during the past calendar year. The employee must have been a contributing member of the retirement system for at least one year to be eligible for this death benefit.

### **F. North Carolina Workers' Compensation Act**

An employee who is injured on the job or who contracts an occupational disease as defined in the Workers' Compensation Act must report such injuries or illnesses to the immediate supervisor or department head as soon as possible, who will in turn immediately report the information to the County Manager. The information must be filed within three working days from the injury or immediately when the employee is diagnosed with an occupational disease. Injured employees must be seen in an Emergency Room or by a qualified physician. The employee's immediate supervisor has the responsibility of ensuring that the employee receives medical treatment immediately and of helping the employee complete the proper forms to begin the process of administering the claim. Employee shall continue to accumulate vacation and sick leave and must use Family Medical Leave. If employee exhausts all leave and does not return to work, leave accrued during absence will not be paid.

### **G. Travel Policy/Travel Expenses While on County Business**

Purpose: To establish policy guidelines on County reimbursement for expenses while on County business.

Statement of Policy: It is the policy of the County to reimburse employees, Board of Commissioners, and Special Boards for reasonable and necessary expenditures made by employees while on official County business. Mileage will be reimbursed at a rate per mile equal to the allowable IRS rate. Reimbursement for breakfast, lunch, and/or dinner meals will be allowed only if the employee is traveling overnight. Reimbursement will be on a per diem basis

#### **(1) Travel Advancement**

- (a) Departmental credit may be used for lodging costs and fuel costs, when driving a county vehicle, in lieu of travel advancement. County credit cards may be used to purchase meals while on authorized overnight travel as long as the charges do not exceed the per diem rate. If an employee chooses to use a county credit card to purchase meals they will not be reimbursed the difference between the per diem rate and the actual amount of the charge to the county credit card.
- (b) After returning to work, the employee shall submit a travel reimbursement form with receipts to the Finance Office within five working days.

#### **(2) Overnight Trips**

- (a) Lodging. Hotel and Motel expenses will be reimbursed on completion of authorized travel upon submittal of proper claim. A reasonable class of accommodation shall be selected where choice is available. Lodging costs paid for with county funds may not exceed \$85.00 + tax without prior approval from the Department Head.
- (b) Meals. Meal reimbursements are to be itemized on proper "Travel Expense" forms. Per Diem Meal reimbursement rates are:

<b>MEAL</b>	<b>IN-STATE</b>	<b>OUT-of-STATE</b>
Breakfast	\$ 6.75	\$ 6.75
Lunch	\$ 8.75	\$ 8.75
Dinner	<u>\$15.00</u>	<u>\$17.00</u>
Per Diem Amount (Total)	\$30.50	\$32.50

In order to be eligible for the breakfast per diem on the day of departure for an overnight stay, employees must leave their work station prior to 6 a.m. In order to be eligible for the dinner per diem on the day of return, the employee must return to their work station after 8 p.m.

Meals paid for as part of the lodging costs, such as continental breakfast, and meals provided at no cost to the county during training, such as a lunch meal provided at a conference as part of the registration fee, represent a reasonable alternative available to the employee for subsistence. Employees are not allowed to request reimbursement for meals when a reasonable alternative was available, whether they took advantage of the meal or not.

- (c) **Mileage Allowance.** Employees are to utilize county owned vehicles when available, unless the pickup and delivery of such a vehicle is a considerable hardship to the employee or an additional expense to the county. For example, an employee who lives twenty miles from their duty station has an 8:00 a.m. meeting in another county. The meeting is 10 miles from their home and 30 miles from their work station. Traveling to their work station to retrieve a county vehicle would result in additional expense to the county (both in use of the vehicle and employee overtime) as opposed to paying the employee the IRS reimbursement rate for the 20 miles traveled on county business. Otherwise, employees who voluntarily choose to drive their own vehicle when a county vehicle is available will be reimbursed at a rate of 0.31 cent per mile. Each employee who drives a private vehicle on County business must have liability insurance on said vehicle.

No reimbursement for mileage shall exceed the dollar amount of round trip airfare at the coach rate on a licensed common carrier, plus auto rental or taxi fare at point of destination.

When two or more employees are attending the same seminar, convention, or meeting, carpooling shall be practiced whenever possible. The actual speedometer reading from the office to destination and return to the office will be used.

If an employee for his or her own convenience travels by an indirect route or interrupts the most economical route, the employee shall bear any extra expense involved. Reimbursement for such travel shall be for only that part of the expense as would have been necessary in order to travel.

- (d) Out of State travel requires prior approval by the County Manager in writing and a Training Attendance Request Form.
- (e) Travel by Commercial Means (airline, bus, rail, or other) is reimbursable at the actual cost of coach class fare.
- (f) Lodging is reimbursed at the actual cost of the motel or hotel based on the receipt. Lodging is not generally reimbursed within a fifty (50) mile radius of the employee's duty station.

### (3) Local Travel and Expenses

- (4) Parking, Bridge or Toll Fees, and other applicable fees will be reimbursed by actual cost and receipts shall be presented where possible.

If an employee reimbursement is necessary, the Finance Department will handle the reimbursement after the "Travel Expense" form is turned in.

**H. Unemployment Compensation**

Employees who are laid off or dismissed from the County service may apply for unemployment compensation through the local office of the Employment Security Commission. Eligibility for unemployment compensation will be determined by the Employment Security Commission.

**I. Supplemental Retirement Income Plan for Law Enforcement Officers**

All law enforcement automatically becomes a member of the State Supplemental Retirement Income Plan on the date of hire.

**J. Benefits – Other**

The County provides the following additional benefits to employees:

- a) Worker's Compensation – Provides coverage to all full and part time employees to cover medical expenses and lost time from work due to work-related injuries.
- b) Employee Assistance Program (EAP) – Provides assistance to all employees and immediate family members in resolving family problems, alcoholism, marriage difficulties, financial trouble, stress, drugs, and depression.
- c) 401(K) Supplemental Retirement Income Plan of North Carolina - County currently provides a matching contribution (to 5%) for all participating members of the Local Government Employees' Retirement System and a mandatory 5% contribution to Law Enforcement Officers. This matching contribution may be rescinded by the Commissioners due to fiscal constraints.

**K. Benefits – Other (Flexible)**

Additional deductions or benefits may be allowed at the option of the employee, under the provisions of the insurance contracts, and may be payroll deducted:

- a) Miscellaneous Insurance
- b) Deferred compensation plans – providing supplemental long-term retirement under Section 457 of the Internal Revenue Code
- c) Flex Plan – Provided by Section 125 of the Internal Revenue Code, allowing employees to spend pretax dollars on insurance premiums and deductibles, uncovered health and medical expenses, and dependent child-care expenses

**TUITION REIMBURSEMENT/EDUCATION ASSISTANCE PROGRAM****Policy**

It is the policy of the County to pay for continuing education courses (tuition, books, and testing fees) when the education being sought is required for the position that the employee holds. Examples of eligible reimbursements are for notary classes, CPR certification, operator licenses, and similar courses for certifications required for the position held. In addition, with the prior approval of the county manager, department heads may authorize reimbursement for classes to effectively cross train employees. Training reimbursements should not exceed \$500 without written approval from the county manager.

## **ARTICLE X. PERSONNEL RECORDS AND REPORTS**

In compliance with G.S. 153A-98, the following information with respect to each County employee is a matter of public record: name, age, date of original date of employment, current position title and salary, duties performed, date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification, and the office to which the employee is currently assigned. Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records that the Commissioners may adopt. The County Manager shall establish reasonable procedures to access appropriate information authorized by G.S. 153A-98.

All information contained in a County employee's personnel file, other than the information mentioned in A.1. above made public by G.S. 153A-98, is confidential and shall be open to inspection only in the following instances:

- a. The employee, former employee, or his duly authorized agent may examine all portions of his personnel file, except
  - (1) letters of reference solicited prior to employment;
  - (2) information concerning a medical (mental or physical) disability that a prudent physician would not divulge to his patient.
- b. A licensed physician designated in writing by the employee may examine the employee's medical record.
- c. A County employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- d. By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- e. An official of any agency of the State or Federal government, or any political subdivision of the state may inspect any portion of a personnel file when such inspection is deemed by the County Manager to be necessary and essential to the inspecting agency carrying out its functions. No information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability.

The County Manager shall establish procedures for all personnel files containing information other than that mentioned in subsection A.1. of this article whereby an employee who objects to material in his/her files on the grounds that it is inaccurate or misleading may seek to have the material removed from the file or may place in the file a statement relating to the material.

The County Manager will retain records necessary for the proper administration of the personnel system.

### **B. Personnel Actions**

The County Manager or designee will prescribe necessary forms and reports for all personnel actions. Department Heads may develop supplemental documents to meet internal needs.

### **C. Destruction of Records Regulated**

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G.S. 121-5, without the consent of the North Carolina 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 in an amount provided in Chapter 132-3 of the General Statutes of North Carolina.

### **D. Remedies of Employees Objecting to Material in File**

An employee who objects to material in his file may place in his file a statement relating to the material that he considers to be inaccurate or misleading. The employee may seek the removal of such material in accordance with established grievance procedures.

**E. Penalty for Permitting Access to Confidential File by Unauthorized Person**

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

**F. Penalty for Examining and/or Copying Confidential Material Without Authorization**

G. S. 153A-98 provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined in the discretion of the court, but not in excess of five hundred dollars.

## **ARTICLE XI. IMPLEMENTATION OF POLICY**

### **A. Conflicting Policies Repealed**

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

### **B. Separability**

If any provision of this policy or any rule, regulation or order there under of the application of such provision to any person or circumstances is held invalid, the remainder of this policy and the application of such remaining provisions of this policy of such rules, regulations or orders to persons or circumstances other than those held invalid will not be affected thereby.

### **C. Violations of Policy Provisions**

An employee violating any of the provisions of this policy will be subject to suspension and/or dismissal in addition to any civil or criminal penalty, which may be imposed for the violation of the same.

### **D. Other Policies**

The following are other policies that have been approved by the Montgomery County Board of Commissioners:

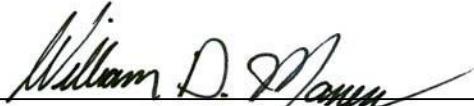
Balancing Standards	Appendix I
Credit Card Policy	Appendix J
Purchasing Policy	Appendix K
Procurement Cards Policy	Appendix L
Security Badge Policy	Appendix M
Telephone Strategies	Appendix N
& Telephone Use Policy	
Vehicle Use Policy	Appendix O
Disciplinary Action Report	Appendix P
Exit Interview	Appendix Q
Authorization for Disclosure	
of Private Health	Appendix R
Fleet Management Policy	Appendix S

These policies may be amended and added to this document as approved by the Montgomery County Board of Commissioners. In addition to these amended policies new policies may be added to this personnel policy as approved by the Montgomery County Board of Commissioners.

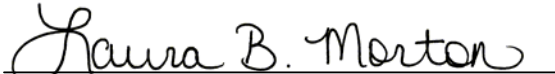
### **Effective Date**

This document along with new employee job descriptions is approved and is effective October 16, 2007.



  
 William D. Maness, Chairman

Attest:

  
 Laura B. Morton, Clerk to the Board

**MONTGOMERY COUNTY  
PROBATIONARY EMPLOYEE PROGRESS REPORT**

NAME OF EMPLOYEE \_\_\_\_\_ TITLE / UNIT \_\_\_\_\_

PERIOD COVERED: FROM \_\_\_\_\_ TO \_\_\_\_\_

**ITEMS EVALUATED**

**RATING**

SATISFACTORY

NEEDS IMPROVEMENT

1. IS THE EMPLOYEE REGULAR  
AND PROMPT IN ATTENDANCE?

\_\_\_\_\_

\_\_\_\_\_

2. DOES THE EMPLOYEE ACCEPT  
CONSTRUCTIVE CRITICISM?

\_\_\_\_\_

\_\_\_\_\_

3. DOES THE EMPLOYEE GET ALONG  
WITH OTHERS IN THE AGENCY/UNIT?

\_\_\_\_\_

\_\_\_\_\_

4. DOES THE EMPLOYEE LEARN QUICKLY  
AND EASILY?

\_\_\_\_\_

\_\_\_\_\_

5. IS THE EMPLOYEE DOING THE  
QUANTITY OF WORK EXPECTED OF A  
NEW EMPLOYEE?

\_\_\_\_\_

\_\_\_\_\_

6. IS THE EMPLOYEE DOING THE  
QUALITY OF WORK EXPECTED OF A  
NEW EMPLOYEE?

\_\_\_\_\_

\_\_\_\_\_

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**IF IMPROVEMENTS ARE NEEDED, LIST SPECIFICS ON THE BACK OF THIS PAGE.**

CERTIFICATION: I certify that on this date, \_\_\_\_\_, I discussed this employee's work progress thus far and pointed out any weaknesses and strengths and listed them on the back of this form. I also informed the employee that this evaluation is only for the period mentioned and is not to be considered as the end of the probationary period. I consider his/her progress to date to be:

\_\_\_\_\_ SATISFACTORY      \_\_\_\_\_ NEED IMPROVEMENTS INDICATED

EMPLOYEE'S SIGNATURE \_\_\_\_\_

SUPERVISOR/DEPT. HEAD/COUNTY MANAGER \_\_\_\_\_

**APPENDIX B**

**MONTGOMERY COUNTY EMPLOYEE PERFORMANCE EVALUATION  
SUPPLEMENT FOR SUPERVISORY / MANAGERIAL POSITIONS SELF  
ASSESSMENT**

NAME: INITIAL	LAST	FIRST	DATE EMPLOYED	DATE CURRENT POSITION	REASON FOR EVALUATION  <input type="checkbox"/> ANNUAL <input type="checkbox"/> PROBATIONARY <input type="checkbox"/> SPECIAL
EMPLOYEE #	DEPARTMENT	SECTION	POSITION TITLE		REVIEW PERIOD FROM (DATE)                      TO (DATE)

*Note: Probationary Employees should be evaluated at least 3 times during their probationary period. An employee needs to off of probation before receiving any type of benefit including merit pay. If an employee reaches Step 20 their merit increase will be given in a bonus form so they will not go over Step 20.*

**INSTRUCTIONS**

**SECTION I: PERFORMANCE CHARACTERISTICS** – Appraise the performance of this employee on those pertinent characteristics contained in this section for the period under review. Be objective and do not let your appraisal of one factor influence your appraisal of another. Use the space provided to comment on the specific examples of the employee's performance which led you to make your judgment as to the level on that particular characteristic.

**SECTION II: SUMMARY OF EMPLOYEE'S ACCOMPLISHMENTS, PERFORMANCE, AND WORK PLANNING** – Record a narrative summary of your evaluation of the employee's performance. Include an assessment of previous goals and establish new goals. Please be as specific as possible, but be objective and open-minded.

After all factors have been rated, determine your overall appraisal of the employee's performance for the period under review, recognizing that the relative importance or weight of the factors varies from position to position and check the appropriate box in the Overall Performance Rating below. Review the performance appraisal with the employee; obtain signatures and forward to the County Personnel Office. Employee may add comments on separate paper if desired and submit. A refusal to sign should be noted.

**PERFORMANCE RATING DEFINITIONS:** The overall performance of employees will be rated by the following categories and definitions:

Outstanding. Fully meets all performance expectations identified for the position. In addition, performance consistently and significantly exceeds performance standards in important aspects of work. Work is performed at a sustained high level of proficiency. The employee also expands the scope of tasks and responsibilities or the amount of work performed resulting in increased productivity for the work unit. The employee accomplishes the most difficult and complex assignments; specific examples of such performance are readily available.

Impressive. Fully meets all performance expectations in a competent manner. The employee exceeds performance standards in several areas due to special effort and skills. Performance is clearly and consistently above the proficient level by demonstrating a high level of productivity and efficiency.

Proficient. Meets all performance expectations in a competent manner. The employee may occasionally exceed some performance standards. Accomplishes duties in a reasonable and consistent manner demonstrating full proficiency in the job. Complies with all instructions, organizational policies/procedures including safety and security and carries out responsibilities with a positive, professional demeanor.

Marginal. Meets performance expectations in some performance areas but not all. Performance is inconsistent or unreliable in one or more performance characteristics. The employee needs to improve proficiency to meet expectations of the position held. Remedial attention, close supervision, and additional performance review(s) may be required.

Unacceptable. Performance is inconsistent and tasks are not performed or must be repeated due to poor quality. Remedial attention and close supervision are required. Failure to correct performance deficiencies in an appropriate amount of time may result in suspension, demotion, or dismissal. A rating at this level should be coordinated with the progressive disciplinary process, requiring a special evaluation.

Self assessments are encouraged to determine areas needing improvement. Use the performance rating definitions of Outstanding (O), Impressive (I), Proficient (P), Marginal (M), Impressive (I), Unacceptable (U), Not applicable (NA) when completing this form. Review of this form is required before completing the overall performance rating.

### PERFORMANCE FACTOR—LEADERSHIP, MOTIVATION AND COMMUNICATION

	O	I	P	M	U	NA
1. Models expected standards of performance and behavior.						
2. Shows courtesy and respect to employees.						
3. Interprets, applies and enforces policies, procedures and work standards consistently, accurately and clearly; avoids appearance of favoritism.						
4. Provides employees with feedback in a timely fashion; establishes goals for performance improvement.						
5. Allows employees to make decisions independently, where appropriate, while maintaining quality work results.						
6. Accepts responsibility for own decisions.						
7. Communicates employee's suggestions and concerns up the chain of command and seeks action when appropriate.						
8. Establishes a strong cohesive team within his/her work unit that works together without significant unresolved conflicts requiring management involvement.						
9. Uses positive feedback and creative recognition so that employees feel appreciated for their contributions and accomplishments consistent with administrative guidelines.						
10. Solicits ongoing feedback from employees to improve supervisory performance.						
11. Seeks and implements employee suggestions within policy and budget guidelines.						
12. Explains needs and describes achievements of staff to upper management.						
13. Removes obstacles to teamwork by selecting people whose skills are complementary; tailors assignments to fit personalities, interests, and abilities of employees wherever possible.						
14. Conducts effective meetings with staff (individually or group) to provide information needed to conduct the work of the unit and department and gets input from staff on issues that affect them.						
15. Meets with individual employees to exchange ideas, review work status and engage in mutual problem solving.						
16. Responds in a timely and positive manner to customer comments and suggestions.						
17. Provides opportunities for employees to work in teams to improve the unit/department processes and systems resulting in improved performance.						
18. Demonstrates/models a commitment to team decision-making whenever possible.						
19. Is an advocate of his/her group's suggestions and concerns and provides a buffer to demands that adversely affect department's motivation and effectiveness.						
20. Work unit clearly models continuous improvement.						

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### PERFORMANCE FACTOR—STAFFING

	O	I	P	M	U	NA
1. Uses recruiting, interviewing, and reference checking practices that result in the hiring of qualified staff.						
2. Hires employees who develop a track record of excellence.						
3. Uses probationary period to address performance problems; recommends probation extension when appropriate.						
4. Conducts objective and fair performance evaluation and development plans on schedule.						
5. Deals with performance problems according to policy when they occur and before they become serious and established methods of behavior.						
6. Identifies and meets employees' in-service training needs within time and budget constraints so they can effectively perform their jobs.						
7. Provides additional staff development opportunities in order for employees to achieve excellence.						

### PERFORMANCE FACTOR—RESOURCE MANAGEMENT

	O	I	P	M	U	NA
1. Makes budget requests that successfully anticipate department/division needs and/or manages budget resources wisely.						
2. Work unit has a track record of finding cost effective, cost saving or creative ways to achieve new or better services.						
3. Sets up and organizes efficient departmental workflow and establishes quality control measures that ensure a low frequency of errors.						
4. Obtains additional or new resources by using creativity or other means.						
5. Facilities and equipment are properly maintained and preventative maintenance programs are established and followed.						

### PERFORMANCE FACTOR—SAFETY

	O	I	P	M	U	NA
1. Insures a safe working environment by encouraging staff to follow all safety procedures, regulations and laws.						
2. Submits accurate and timely reports of accidents and injuries.						
3. Identifies unsafe conditions and practices before they become a problem.						
4. Promptly corrects practices concerning ergonomic and safety issues.						

### OBSERVATIONS, EXPLANATIONS OR GOALS

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SECTION I  
SUMMARY OF EMPLOYEE'S ACCOMPLISHMENTS, PERFORMANCE, AND WORK  
PLANNING

1. Identify accomplishments from goals set during last rating period.
  - a.
  - b.
  - c.
  - d.
2. Employee strengths and specific skills that contribute to his/her performance.
3. Circumstances affecting the employee's performance either positively or negatively.
4. Areas of performance that need development and/or improvement.
5. Identify goals, as discussed with the employee, to be accomplished in the next rating period (job performance, skills, safety, customer service, personal growth or development, etc.).
  - a.
  - b.
  - c.
  - d.

## MONTGOMERY COUNTY EMPLOYEE PERFORMANCE EVALUATION

NAME: INITIAL	LAST	FIRST	DATE EMPLOYED	DATE CURRENT POSITION	REASON FOR EVALUATION  <input type="checkbox"/> ANNUAL <input type="checkbox"/> PROBATIONARY <input type="checkbox"/> SPECIAL
EMPLOYEE #	DEPARTMENT	SECTION	POSITION TITLE		REVIEW PERIOD FROM (DATE)                      TO (DATE)

*Note: Probationary Employees should be evaluated at least 3 times during their probationary period. An employee needs to off of probation before receiving any type of benefit including merit pay. If an employee reaches Step 20 their merit increase will be given in a bonus form so they will not go over Step 20.*

### INSTRUCTIONS

**SECTION I: PERFORMANCE CHARACTERISTICS** – Appraise the performance of this employee on those pertinent characteristics contained in this section for the period under review. Be objective and do not let your appraisal of one factor influence your appraisal of another. Use the space provided to comment on the specific examples of the employee's performance which led you to make your judgment as to the level on that particular characteristic.

**SECTION II: SUMMARY OF EMPLOYEE'S ACCOMPLISHMENTS, PERFORMANCE, AND WORK PLANNING** – Record a narrative summary of your evaluation of the employee's performance. Include an assessment of previous goals and establish new goals. Please be as specific as possible, but be objective and open-minded.

After all factors have been rated, determine your overall appraisal of the employee's performance for the period under review, recognizing that the relative importance or weight of the factors varies from position to position and check the appropriate box in the Overall Performance Rating below. Review the performance appraisal with the employee; obtain signatures and forward to the County Personnel Office. Employee may add comments on separate paper if desired and submit. A refusal to sign should be noted.

**PERFORMANCE RATING DEFINITIONS:** The overall performance of employees will be rated by the following categories and definitions:

Outstanding. Fully meets all performance expectations identified for the position. In addition, performance consistently and significantly exceeds performance standards in important aspects of work. Work is performed at a sustained high level of proficiency. The employee also expands the scope of tasks and responsibilities or the amount of work performed resulting in increased productivity for the work unit. The employee accomplishes the most difficult and complex assignments; specific examples of such performance are readily available.

Impressive. Fully meets all performance expectations in a competent manner. The employee exceeds performance standards in several areas due to special effort and skills. Performance is clearly and consistently above the proficient level by demonstrating a high level of productivity and efficiency.

Proficient. Meets all performance expectations in a competent manner. The employee may occasionally exceed some performance standards. Accomplishes duties in a reasonable and consistent manner demonstrating full proficiency in the job. Complies with all instructions, organizational policies/procedures including safety and security and carries out responsibilities with a positive, professional demeanor.

Marginal. Meets performance expectations in some performance areas but not all. Performance is inconsistent or unreliable in one or more performance characteristics. The employee needs to improve proficiency to meet expectations of the position held. Remedial attention, close supervision, and additional performance review(s) may be required.

Unacceptable. Performance is inconsistent and tasks are not performed or must be repeated due to poor quality. Remedial attention and close supervision are required. Failure to correct performance deficiencies in an appropriate amount of time may result in suspension, demotion, or dismissal. A rating at this level should be coordinated with the progressive disciplinary process, requiring a special evaluation.

### OVERALL PERFORMANCE RATING FOR THIS PERIOD BASED ON JOB EXPECTATIONS:

☐ Outstanding    ☐ Impressive    ☐ Proficient    ☐ Marginal    ☐ Unacceptable

REVIEWED WITH EMPLOYEE (SIGNATURE OF EMPLOYEE)	DATE:	RATED BY	DATE:
DEPARTMENT HEAD REVIEW	DATE:	PERSONNEL OFFICE REVIEW	DATE:



**CUSTOMER RELATIONS**

Assess the effectiveness of how the employee responds to, handles, and resolves issues with the public or others to whom services are provided during the course of work.

- ☐ Handles all interactions with finesse and is highly respectful when handling difficult and explosive situations.
- ☐ Receives compliments for being helpful in obtaining information or solving problems for customers and co-workers.
- ☐ Considerate and respectful to customers in providing services. Assists in resolving customer inquiries.
- ☐ Sometimes abrupt and disrespectful to others requiring counseling for how to handle situations.

**TIME MANAGEMENT**

Does employee make optimum use of time? Are important tasks completed first and within schedule? Does employee accomplish workload within established priority?

- ☐ Always meets due dates and time limitations. Makes exceptional application of time.
- ☐ Makes good use of time. Meets due dates. Able to meet task without loss of efficiency.
- ☐ Usually makes optimum use of time and meets due dates. Completes important tasks first.
- ☐ Fails to meet due dates and time limitations. Cannot budget time.

**ATTENDANCE AND PUNCTUALITY**

Appraise attendance and adherence to scheduled office hours, lunch periods, rest breaks, and other special work schedules. Consider punctuality, absences, and need for verbal or written notice of violations.

- ☐ Is punctual and adheres to scheduled work hours. Absences with prior approval and good cause. Attends required training.
- ☐ Is conscientious about punctuality and scheduled work hours. Plans ahead and ensures that work assignments/shifts are covered during absences. Willingly adjusts schedules.
- ☐ Occasionally absent and/or tardy. Needs improvement.
- ☐ Frequent absences, arrives late. Extends lunches and breaks. Fails to notify supervisor in a timely manner.

**SAFETY/SECURITY/CONFIDENTIALITY**

Extent to which employee observes and complies with safety/security/confidentiality procedures including building access, computer usage, confidentiality of records/information, law enforcement operations, etc.

- ☐ Always observes all safety/security/confidentiality rules and regulations and reports/corrects incidents of carelessness or oversight.
- ☐ Exhibits an awareness and appreciation of safety/security/confidentiality and complies without reminders.
- ☐ Needs to be cautioned on occasion about tendencies to be careless and the importance of adhering to regulations.
- ☐ Frequently ignores safety/security rules. Careless and indifferent.

## **SECTION II**

### **SUMMARY OF EMPLOYEE'S ACCOMPLISHMENTS, PERFORMANCE, AND WORK PLANNING**

6. Identify accomplishments from goals set during last rating period.
  - a.
  - b.
  - c.
  - d.
7. Employee strengths and specific skills that contribute to his/her performance.
8. Circumstances affecting the employee's performance either positively or negatively.
9. Areas of performance that need development and/or improvement.
10. Identify goals, as discussed with the employee, to be accomplished in the next rating period (job performance, skills, safety, customer service, personal growth or development, etc.).
  - a.
  - b.
  - c.
  - d.

## **MONTGOMERY COUNTY DRUG AND ALCOHOL TESTING POLICY**

### **GENERAL STATEMENT**

Montgomery County is committed to provide a healthy and safe work environment, the best possible services to County citizens, to maintain the public's confidence in its employees, and to protect the County from the economic losses that can occur due to alcohol and drug abuse.

### **PURPOSE**

This policy seeks to maintain a drug and alcohol free environment in the work-place and to protect employees and the public by insuring that Montgomery County employees are fit to perform their assigned duties. Employees are expected and required to be in a condition to safely and effectively perform their duties throughout the workday. The County also recognizes that its employees' off-the-job, as well as on-the-job, involvement with drugs and alcohol can have an impact on work productivity and on its ability to provide a work environment free from the effects of alcohol and drug abuse.

As a public employer, the County is entrusted with the health and safety of its citizens. In keeping with this obligation, individuals who seek employment with Montgomery County shall be required to undergo a drug screening procedure.

### **EMPLOYEES AFFECTED**

This drug testing policy shall apply to all Montgomery County government employees with the exception of appointed members to any departmental boards, elected county officials, and agricultural extension agents who are covered under the North Carolina State University Substance Abuse Policies.

### **ACCOUNTABILITY**

#### **The County Manager**

The County Manager is responsible for ensuring that all Montgomery County departments follow this policy in all matters relevant to it and for determining what disciplinary actions are taken with current employees based on guidelines.

#### **The Sheriff**

All applicants for and all employees in positions subject to the provisions of the North Carolina Criminal Justice Training and Standards Commission, will be subject to the drug testing policies and procedures of the Commission. The Sheriff shall be responsible for the testing and reporting requirements in accordance with the specifications published by the Commission. Non-sworn personnel are subject to the same guidelines as all other employees.

#### **The Human Resources Director**

The Human Resources Department is responsible for coordinating training pertaining to the county's drug testing policy, for distributing the policy to county departments and informing new employees. Any confidential information on substance abuse may be communicated by the HR Director to the proper authority on a need-to-know basis.

Montgomery County Personnel Policy

## **The Department Managers**

All Department Managers are responsible for ensuring that supervisory personnel attend training pertaining to Montgomery County's substance abuse policy and are familiar with and adhere to the new requirements of this procedure. Department managers are also responsible for disseminating information of the County's policies or procedures on this subject to all employees. In cooperation with the HR Director, Department Managers will be responsible to follow through with the proper application of the procedures, and take any disciplinary measures approved by the County Manager that may be necessary.

## **Employees**

Montgomery County employees are responsible adhering to the requirements of this policy. Employees are also expected to share the responsibility of ensuring that the County's workplace is a safe one, free from the dangers which are associated with the abuse of alcohol or other drugs in the work environment. Any employee having a reasonable basis to believe that another employee is wrongfully using, or is in possession of any controlled substance should immediately report the facts and circumstances to his/her supervisor or to the HR Director.

## **CONSEQUENCES OF A POSITIVE DRUG TEST RESULT**

An applicant shall be denied employment with Montgomery County if his/her drug test is positive. Such an applicant may be considered for future employment after a one year period or upon submission of documentation satisfactory to the HR Director showing successful completion of a drug rehabilitation program.

Except as otherwise provided in this policy, an employee who has a positive drug test result will be subject to disciplinary action up to and including dismissal. When making recommendations for disciplinary action, supervisors and department heads should consider factors which include:

- (a) The employee's work history;
- (b) Job Assignment;
- (c) Length of service;
- (d) Current job performance;
- (e) Existence of past disciplinary actions.

An employee who voluntarily, without reasonable suspicion of a supervisor, identifies him/herself as a drug user may be referred to Employee Assistance Program (EAP) and subject to provisions of this policy. An employee permitted to continue employment and who receives assistance under EAP, will be required to utilize approved accrued sick leave, annual leave, compensatory time, or leave without pay for all time away from work after the initial EAP assessment/appointment.

## **DEFINITIONS**

**"Applicant"** means any person who applies to become an employee of Montgomery County.

**"Approved Laboratory"** means a laboratory certified to perform drug screening or testing.

**"Chain of Custody"** is a written record of each individual who has handled or had access to any specimen which has been collected, stored, tested and retained. Chain of custody shall include the identity of each individual who has had possession and control of any specimen, as well as the dates, times and locations of such custody.

**“Controlled Substance”** is any drug determined as such by the Federal Drug Administration, or any drug for which possession without a prescription is prohibited by the laws of this State.

**“Employee”** means, for the purpose of this policy, any person whose position is included in the Montgomery County Pay Plan. This definition does not include elected officials.

**“Employee Assistance Program (EAP)”** means the program of services provided to County employees through an agency obtained by the County. These services include assessment, evaluation, counseling and referral to treatment and follow-up procedures.

**“Substance Abuse Professional (SAP)”** is a person who evaluates employees and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

**“Medical Review Officer (MRO)”** is a licensed physician whose services are obtained by the County to whom all laboratory tests are sent and who reviews and interprets all positive laboratory test results. At the adoption of this policy, the MRO is identified as First Health of the Carolinas.

**“Possession”** means to have a controlled substance either on or in an employee’s person, personal effects, motor vehicle, tools, or areas substantially entrusted to the control of the employee such as desks, files, and lockers.

**“Reasonable Suspicion”** means a belief based on specific objective facts that an employee has consumed or is under the influence of alcohol or illegal drugs while at work. Circumstances which constitute a basis for determining “Reasonable Suspicion” may include, but are not limited to:

- (a) Observable occurrences, such as direct observation of drug use and/or the physical symptoms of being under the influence of a controlled substance or alcohol use.
- (b) Impairment of motor functions, coordination, and/or speech.
- (c) Pattern of abnormal or erratic conduct or behavior.
- (d) A report of alcohol or drug use by an employee while at work, provided by a reliable and credible source.
- (e) Arrest/conviction of drug-related offense.
- (f) A pattern of unexplained preventable accidents and/or information based on specific objective facts that a controlled substance or alcohol may have caused, or contributed to an accident at work.
- (g) Information that an employee is involved in the unauthorized possession, sale, solicitation or transfer of drugs or alcohol while working or while on the County’s premises or operating or in possession of a County vehicle.

**“Safety-sensitive Position”** is a position which the County determines has a role in the operation where impaired performance could result in a significant incident affecting the health and safety of the employees, customers, the public, property or environment of such magnitude that even a momentary lapse of attention, judgment, or dexterity could have disastrous consequences. Examples of these positions include:

- (a) Positions requiring the use of weapons (or potential use of weapons) or the operation of vehicles, machinery, or equipment as a primary task. (Does not include office equipment.)
- (b) Positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace.
- (c) Employees who routinely, in the operation of their assigned duties, utilize a County owned vehicle on a weekly basis.
- (d) Other positions as determined on a case-by-case basis within the parameters set forth in the policy.

Determination as to which positions are safety-sensitive will be based on department head recommendations with approval by the county manager. Positions may be added or deleted in conformity with their policy.

**As of the adoption of the policy, the following positions have been determined to be safety sensitive and are subject to random drug testing:**

- Sheriff employees permitted to carry a weapon in the performance of duty.
- Jail staff
- Water plant operators
- Child Protection Service workers (CPS)
- Adult Protection Service workers (APS), who make routine visits to homes and facilities.
- Nurses who have direct interactions with patients or lab rooms.
- M.D. or P.A.
- Animal control officers
- 911 Dispatcher/Telecommunicator
- Emergency Management Director and Staff
- Employees who routinely, in the operation of their assigned duties, utilize a County owned vehicle on a weekly basis

**“Specimen”** is a sample of an employee’s urine or a breathalyzer obtained under the supervision of medical or authorized personnel for the purpose of determining the presence of alcohol or drugs.

**“Substance Abuse”** means the use of a controlled substance without medical supervision or direction or, “without prescription.”

**“Threshold Level”** is the level of concentration of a drug in a specimen which will be used to decide if a specimen is positive or negative for drug use.

**“Unfit for duty”** means that a supervisor has an articulated reasonable belief that an employee is impaired and would be incapable performing his/her assigned duties and responsibilities and/or represents risk to him/her or others.

### DRUGS TO BE TESTED

When drug screening is required under the provisions of this program, a urinalysis test will be conducted to detect the presence of controlled substance as defined in North Carolina General Statute 90-87(5) or metabolite thereof.

Any employee found to have used prescription drugs contrary to the medical prescription will be subject to the terms and conditions of this program.

### APPLICANT TESTING

All applicants for employment with Montgomery County are subject to the testing provisions of this program.

Drug testing of applicants will be done as part of a pre-employment requirement.

The Human Resources Department will normally schedule drug testing for only the applicant tentatively selected for employment. However, the Human Resources Director has the discretion to schedule more than one qualified applicant for a drug test in circumstances where time is critical in filling a position. Applicants scheduled for a drug test will be asked to sign a consent form authorizing a drug test and permitting release of the test results to applicable County officials. The consent form will provide space to indicate current or recent use of prescription or over-the-counter medication.

A job applicant who refuses to consent to a drug test will be denied employment with Montgomery County.

The Human Resources Director, in concurrence with the County Manager, may suspend drug testing in cases of temporary employment or part-time employment.

## CURRENT EMPLOYEE TESTING

### **Pre-placement**

Employees, who are transferred or promoted to a safety-sensitive position, will be required to pass a pre-placement drug test.

### **Random**

Employees assigned to positions that are determined to be safety-sensitive as defined herein will be randomly tested for alcohol and drugs. Random testing for drugs and alcohol shall be conducted quarterly. The selection of safety sensitive positions to be tested will be done by utilizing a random sorter or electronic random selection process to ensure no prejudice. The selection will occur in the presence of the County Manager, HR Director, and one Department head.

The Human Resource Department will notify department heads when tests are to be conducted, and who has been selected for testing. The department head or supervisor will send the selected employee to the HR Department, upon notification, to receive proper paper work to take to the testing site. (At the adoption of this policy the testing site is Montgomery Memorial Hospital.) Employee will have one hour to report to the testing site.

**On-the-job** is defined as: on company property, including parking lots; at job sites; driving or riding as a passenger in a county vehicle or private vehicle used for county business; on county time even if off company premises (including lunch and rest breaks).

### **Post-Accident**

Employees will be tested for the presence of drugs and alcohol following an on-the-job accident under the following circumstances:

- (a) The loss of life of someone involved in the accident.
- (b) An injury to someone involved that requires transport to a hospital or medical facility.
- (c) There is substantial property damage, in excess of \$2,500; or damage to the extent that the vehicle must be towed.
- (d) There is reasonable suspicion that the accident was caused by the employee being under the influence of drugs or alcohol.

Employees must notify their supervisor of the accident as soon as possible so an investigation can be conducted and arrangements for a drug test can be made. The employee will be tested as soon as possible, but not to exceed 8 hours for alcohol testing and 32 hours for drug testing. An employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test. In the event that the alcohol test is not administered within two hours following an accident, the supervisor must prepare a record indicating why the test was not performed promptly. After eight hours no further attempts will be made to comply with alcohol testing and the reasons for not testing will be documented. In the event that a drug test is not performed within 32 hours following an accident, no

further attempts to test will be made and the reasons for not testing will be documented. An employee can not return to a safety-sensitive job function until the testing results are made known to Montgomery County. If there are no non-safety-sensitive job functions to which the employee can be reassigned, he/she will be temporarily suspended from all duties with pay.

It is the employee's responsibility to follow established County procedures and/or instructions to ensure action is taken to meet the testing requirements. An employee subject to the post-accident testing who unnecessarily leaves the scene of an accident before a required test is administered or fails to remain readily available for testing may be deemed to have refused to submit to testing.

### **Reasonable Suspicion**

A department head who has reasonable suspicion (defined herein) that an employee in his/her department - may be in violation of this policy should contact Human Resources and the County Manager to schedule a drug test.

Before a drug test is administered, the employee will be required to sign a consent form authorizing the test and permitting release of test results to applicable County officials. When a supervisor has reasonable suspicion of substance abuse, the supervisor must arrange with the Human Resource Director or the County Manager to verify his/her reasonable suspicion. A supervisor should be able to clearly articulate and document the odd or unusual behavior giving rise to his/her reasonable suspicion. The supervisor should request the employee to come to a confidential area, away from the work station and other employees, and ask the employee to explain his/her behavior.

If it is determined a test should be conducted, the Human Resource Director will send the employee to the testing site. The employee will need to report to the testing site within one hour of being notified. All information related to the incident giving rise to reasonable suspicion and the interview with the employee should be documented. The report should be signed by the supervisor and Human Resource Director or County Manager.

Nothing in this procedure should be interpreted as preventing a supervisor from taking any immediate action necessary to ensure the safety of the employee; his/her fellow workers, or the public, such as preventing the employee from continuing to operate tools or equipment in an unsafe manner.

An employee who refuses to consent to a test, when reasonable suspicion has been identified will be recommended for, and subject to, dismissal.

An employee requesting delay(s) of a drug test scheduled under the provisions stated in this document, or failing to appear for the test, will be considered to have refused to consent to a drug test and become subject to the provisions stated above.

### **FOLLOW-UP TESTING**

All safety-sensitive employees who previously tested positive on a drug or alcohol test and allowed to remain employed will be required to undergo frequent, unannounced urine and/or breath testing following their return to duty. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests beyond the minimum will be determined by a qualified Substance Abuse Professional (SAP). The employee is required to follow the plan developed by the SAP.

## THE TEST

Normally, a urine test will be used to determine the presence of drugs and a breathalyzer exam will be utilized for detection of alcohol. Guidance and instructions in administering the tests will be provided by an approved laboratory to insure that proper steps are followed in collecting and evaluating samples. A strict chain of custody will be maintained by all personnel involved with the sample collection, transporting and testing.

If a test result is positive, the employee or applicant will be notified in writing by the HR Director. The letter of notification shall identify the particular substance found.

Applicants and employees who test positive for illegal drugs may consult with the Medical Review Office (MRO) to provide evidence which may justify a positive test.

## MANDATORY EMPLOYEE ASSISTANCE PROGRAM (EAP)

An employee permitted to continue employment and receive assistance under the Employee Assistance Program will be required to cooperate fully with the provisions of the recommended rehabilitation program.

Employees referred to the EAP for participation in a drug rehabilitation program, who fail to enter or complete the program, will be recommended for dismissal.

Disciplinary action is not automatically suspended by an employee's participation in the EAP. Disciplinary action may be taken against an employee for performance issues or inappropriate conduct.

Those employees participating in an EAP approved drug rehabilitation program will be subject to unannounced drug tests in accordance with the aforementioned procedures. Upon a positive drug test result, the employee will be recommended for dismissal.

Those employees satisfactorily completing a drug rehabilitation program recommended or approved by the EAP staff, will be subject to unannounced tests for two years after completion of the program. Upon a positive drug test result, the employee will be recommended for dismissal.

Nothing in this section is intended to alter the confidential nature of the EAP for employees who voluntarily identify themselves as drug users and individually request assistance from the EAP staff. Employees who have alcohol or drug abuse problems are encouraged to avail themselves of the EAP.

## NOTIFICATION OF ARREST OR CONVICTION

Each county employee shall notify his/her supervisor of his/her arrest or conviction of any criminal drug, no later than five days after such arrest or conviction. Failure to comply with this requirement will result in termination.

It is understood that such notification shall constitute a reasonable suspicion for such employee to undergo a required drug test.

## OTHER ADDITIONAL STANDARDS

All applicants for employment and all employees in positions subject to the provisions of other duly constituted and recognized agencies or licensing boards such as the North Carolina Board of Nursing and the

North Carolina Board of Medical Examiners, will be subject to the drug testing policies and procedures of such agency or licensing board in addition to those outlined herein.

#### COMMUNICATION AND TRAINING

The HR Department shall coordinate drug free awareness training which will include communication of the contents of this testing policy. The drug free awareness training syllabus will also include:

- (a) The dangers of drug abuse in the workplace.
- (b) Training for supervisors in recognition of actual or potential substance abuse.
- (c) The penalties that may be imposed upon an employee for a drug abuse violation occurring in the workplace.
- (d) Information concerning the Employee Assistance Program (EAP) and the available drug counseling and rehabilitation available through the program.

# Montgomery County

## Drug Test Program

### Consent and Acknowledgment Form

As a potential or current employee of Montgomery County, I hereby consent to and acknowledge that I am scheduled to undergo a drug/alcohol test. The test will involve an analysis of a urine, and/or breath sample that I will provide at a designated collection site. I acknowledge that the test result will be made available to the HR Director, the appropriate Department Head, and the County Manager. I understand that a refusal to submit to a drug or alcohol test or a confirmed positive test result will result in either not being hired or disciplinary action as outlined in the County's Drug and Alcohol Testing Policy.

I acknowledge that a copy of this form will be maintained in my personnel file.

Name of Employee/Applicant

---

County Department

---

Employee/Applicant Social Security Number

---

---

Signature of Employee/Applicant

---

Date

---

Signature of Department Head

---

Date

***Please list any prescription medication that may interfere with test results. A note from the prescribing doctor will be required for the MRO to review, if the test is positive.***

---

I hereby refuse the drug and alcohol detection urine test.

---

Employee/Applicant

---

Date

---

Witness

---

Date

***MONTGOMERY COUNTY PERFORMANCE OR BEHAVIOR INCIDENT REPORT***

DATE \_\_\_\_\_

NAME OF EMPLOYEE INVOLVED / OBSERVED \_\_\_\_\_

POSITION / DEPARTMENT \_\_\_\_\_

PERSONS MAKING OBSERVATION(S) \_\_\_\_\_

BEHAVIOR WAS OBSERVED FOR HOW LONG? \_\_\_\_\_

DATE OF INCIDENT \_\_\_\_\_

PLACE OF INCIDENT \_\_\_\_\_

POLICE REPORT INVOLVED? \_\_\_\_\_

DETAILS OF BEHAVIOR / PERFORMANCE OBSERVATIONS (BE SPECIFIC): \_\_\_\_\_

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

OTHER WITNESSES TO INCIDENT \_\_\_\_\_

ANY KNOWN EXPLANATION FOR INCIDENT BEHAVIOR PERFORMANCE?

IF YES, EXPLAIN: \_\_\_\_\_

ACTION TAKEN BY SUPERVISOR: \_\_\_\_\_

\_\_\_\_\_

REPORT PREPARED BY \_\_\_\_\_

REPORTED TO \_\_\_\_\_

DATE \_\_\_\_\_



## **EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT**

### **Basic Leave Entitlement**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

### **Military Family Leave Entitlements**

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

### **Benefits and Protections**

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### **Eligibility Requirements**

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

### **Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### **Use of Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### **Substitution of Paid Leave for Unpaid Leave**

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

### **Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures. Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

### **Employer Responsibilities**

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

### **Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### **Enforcement**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**APPENDIX E**

**EMPLOYEE ACKNOWLEDGMENT OF RECEIPT  
Montgomery County Personnel  
Policies**

**1. SUBSTANCE ABUSE POLICY**

I hereby acknowledge that I have received and read a copy of the Montgomery County Alcohol and Drug Free Work Place Policy, and I have had an opportunity to have explained to me any aspect of the policy that I did not understand. I understand that I must abide by the policy as a condition of employment, and any violation may result in disciplinary action up to and including discharge.

Further, I understand that during my employment I may be required to submit to other testing for the presence of drugs or alcohol pursuant to the Policy. I understand that submission to such testing is a condition of employment with Montgomery County and disciplinary action up to and including discharge may result if I refuse to consent to such testing. If I refuse to execute all forms of consent and release of liability as are usually and reasonable attendant to such examinations, if I refuse to authorize release of the test results to Montgomery County, if the test establish a violation of Montgomery County Drug and Alcohol Policy, or if I otherwise violate the Policy.

I understand that the drug and alcohol policy and related documents are not intended to constitute a contract between Montgomery County and me.

The undersigned further states that he/she has read the foregoing acknowledgment and knows the contents thereof and signs the same of his/her own free will.

**2. FAMILY AND MEDICAL LEAVE ACT**

I hereby acknowledge that I have received and read a copy of the Montgomery County Medical and Family Leave Policy which is found in Article VII Leave Policies on page 37 of the County Personnel Manual. I have had an opportunity to have explained to me any aspect of the policy that I did not understand.

**3. UNLAWFUL WORKPLACE HARASSMENT POLICY**

I hereby acknowledge that I have received and read a copy of the Montgomery County Unlawful Workplace Harassment Policy which is found in Article VI (K) on page 30 of the County Personnel Manual. I have had an opportunity to have explained to me any aspect of the policy that I did not understand.

**4. SMOKE FREE WORKPLACE ORDINANCE**

I hereby acknowledge that I have received and read the Montgomery County policies regulating Smoking in Montgomery County building and vehicles which is found in Article VI (H) on page 30 of the County Personnel Manual. I have had an opportunity to have explained to me any aspect of this policy that I did not understand.

**5. MONTGOMERY COUNTY PERSONNEL POLICIES**

I hereby acknowledge that I have had the opportunity to read in its entirety the Montgomery County Personnel Manual (revised) and updated effective Jan 2013. I have had the opportunity to have explained to me any aspects that I did not understand.

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

\_\_\_\_\_  
Date

I certify that the above employee has read the Montgomery County Personnel Policy Manual revised, effective Jan 2013. (Please return signed form to Human Resources)

\_\_\_\_\_  
Department Head / Supervisor

\_\_\_\_\_  
Date

**APPENDIX F****Montgomery County Merit System Principles:**

Montgomery County personnel management shall be implemented consistent with the following Merit System Principles:

1. Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society. Selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills after fair and open competition which assures that all receive equal opportunity.
2. All employee and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights.
3. Equal pay should be provided for work of equal value, with appropriate consideration of both national and local rates paid by employers in the private sector, and appropriate incentives and recognition should be provided for excellence in performance.
4. All employees should maintain high standards of integrity, conduct, and concern for the public interest.
5. The Montgomery County work force should be used efficiently and effectively.
6. Employees should be retained on the basis of adequacy of their performance. Inadequate performance should be corrected and employees who cannot or will not improve their performance to meet required standards should be separated.
7. Employees should be provided effective education and training in cases in which such education and training would result in better organizational and individual performance.
8. Employees should be a) protected against arbitrary action, personal favoritism, or coercion for partisan political purposes; and b) prohibited from using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for election.
9. Employees should be protected against reprisal for the lawful disclosure of information which the employees reasonably believes evidences a) a violation of any law, rule, or regulation; or b) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

The County Manager shall take any action, including the issuance of rules, regulations, or directives which he/she determines are necessary to ensure that Montgomery County personnel management is based on and embodies these Merit System Principles.

**APPENDIX G****MONTGOMERY COUNTY  
INTERNET USE POLICY & PROCEDURES****Purpose**

To establish a policy pertaining to the use of the Internet by the employees of Montgomery County.

**Background**

The Internet is a worldwide collection of interconnected networks. Electronic tools associated with Internet access, such as electronic mail (email) and the World Wide Web (WWW), help county employees streamline information access and conduct business. These tools are used to facilitate inter-agency communication and information processing. There are many parallels between the new electronic information tool and older technologies used for similar purposes (for example telephone and written correspondence). As such, the same general concepts of professionalism and appropriate use of publicly owned or publicly provided information processing resources apply.

The Internet is a business tool provided at significant cost. Employees are expected to use Internet access for business related purposes, i.e. to communicate with vendors, federal agencies, state agencies, etc., to research relevant topics and obtain useful business information. Employees must conduct themselves honestly and appropriately on the Internet, respecting the copyrights, software licensing rules, property rights, privacy and rights of others, as in any other business dealings. All existing County policies apply to conduct on the Internet, especially those that deal with intellectual property protection, privacy, and misuse of county resources, sexual harassment, information and data security, and confidentiality. Montgomery County's facilities and computing resources must not be used knowingly to violate the laws and regulations of the United State or any other nation, or the laws and regulations of any state, city, province or other local jurisdiction in any way.

Unnecessary or unauthorized Internet usage takes away from work time. Unlawful Internet usage may also garner negative publicity and expose the County to significant legal liabilities; the Montgomery County must impose limits on Internet usage.

Increasing numbers of county employees have access to the Internet. County employees have stewardship responsibilities for public information. The open connection afforded by Internet access underscores the need for heightened awareness among county employees regarding prudent behavior as it pertains to information dissemination and access.

Employees releasing protected information to unauthorized sources will be subject to all penalties under the County's policies, procedures, State and Federal laws, county ordinances, etc.

## Policy

While in performance of work-related functions, while on the job, or while using county owned or county provided information processing resources, county employees are expected to use the Internet responsibly and professionally and shall make no intentional use of these services in an illegal, malicious, or obscene manner. County employees may make reasonable personal use of County owned or provided Internet resources as long as:

1. The direct measurable cost to the County or its citizens is none;
2. There is no negative impact on employee performance of duties;
3. The policy is applied equitably among all employees of the County;

When sending or forwarding e-mail over the Internet, county employees shall identify themselves clearly and accurately. Inappropriate messages by e-mail, fax, or other electronic means are prohibited.

County employees have a responsibility to make sure that all county information disseminated via the Internet is accurate. Employees shall provide in association with such information its source and the date at which it was current and an e-mail address allowing the recipient to contact the staff responsible for making the information available in its current form.

All files downloaded from a source external to Montgomery County must be scanned for viruses. This includes files obtained as e-mail Appendix and by any other file transfer mechanism. It is the responsibility of county employees to prevent the introduction or propagation of viruses. Recommendation of virus scanning packages can be obtained from the Montgomery County Information Technology Department.

The Internet provides easy access to software distributed by companies on a trial basis. The free access does not indicate that the software is free or that it may be distributed freely. All applicable software copyright and licensing laws must be followed.

Employees with Internet access may not use County Internet facilities to download entertainment software or games, to play games against opponents over the Internet, or to use real-time audio for their personal pleasure. Employees may not use the County Internet facilities to download images or videos unless there is an explicit business related use for the material.

County employees shall not enter into contractual agreements via the Internet or make statements on the Internet that may be interpreted as contractual.

An internet user will be held accountable for any breach of confidentiality or security.

### **Enforcement**

As an employer, Montgomery County reserves the right to review e-mail transmissions and to inspect the contents of its computer property, such as disk drives, and to monitor systems. The County must ensure that this policy is honored and will perform periodic system audits for reviewing purposes. Violators are subject to disciplinary actions, including possible termination, and/or when applicable, criminal prosecution.

### **Recommended Review Frequency**

The recommended review frequency for this policy is every year. The review will be conducted by the Montgomery County Information Services Policy Committee and any revisions or recommendations must be adopted by the Board of County Commissioners.

### **AGREEMENT**

All Montgomery County employees granted Internet access will be provided with a written copy of this policy and are required to sign the following statement:

**“I have received a written copy of the Montgomery County’s Internet Usage Policy & Procedures. I fully understand the terms of the policy and procedures. I agree to abide by them. I realize that Montgomery County reserves the right to review files, including e-mail and inspect its computer resources. I do not have any expectation of privacy as to my Internet usage. I know any violation of this policy could lead to dismissal or even criminal prosecution.”**

---

Employee

---

Date

---

Supervisor

---

Date

### **Purpose and Composition of the Montgomery County Information Services Committee:**

In order to provide security, a committee is hereby created that shall oversee this policy and any associated information services, protection procedures, electronic records, or data network policies.

### **Authority & Membership**

This committee is created and authorized by the Montgomery County Board of Commissioners and is empowered to carry out the purpose and duties listed below. Membership shall consist of the County Manager, Staff Attorney, the Director of Information Technology, two County Department Heads and a County Commissioner.

### **Purpose & Duties:**

The purpose of this committee is to establish and enforce procedures as related to and consistent with this Internet Policy. The committee will also be responsible for establishing procedures and/or policies dealing with technology, information systems, and electronic records as needed. Procedures to be developed include but are not limited to the following:

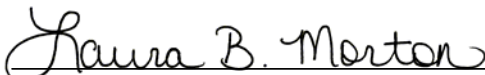
- ⑩ Establishing e-mail and Internet protocols
- ⑩ Establishing network and system security protocols
- ⑩ Establishing methods of ensuring data integrity
- ⑩ Establishing guidelines and standards for Web site development, systems automation, and technological resource utilization.
- ⑩ Establishing enforcement responsibility and procedures
- ⑩ Defining avenues of appeal for enforcement decisions
- ⑩ Developing a Strategic Technology Plan that promotes the coordination of technology advancement efforts between departments and agencies.
- ⑩ Defining other procedures as may be deemed necessary to manage, secure, enforce, update, or monitor Internet access and other information processing resources.

Approved this the 4<sup>th</sup> day of October, 2005.



  
 William D. Maness, Chairman

**Attest:**

  
 Laura B. Morton, Clerk to the Board

**APPENDIX H**

## **MONTGOMERY COUNTY SAFETY POLICY**

**PURPOSE:** To establish a policy on safety, health, and risk management that will:

1. Create a safe work environment for all County employees and the public that use County services and facilities.
2. Ensure compliance with all Federal and State safety and health statutes and regulations, such as the Occupational Safety and Health Act (OSHA), the Environmental Protection Agency (EPA), and the Americans with Disabilities Act (ADA).
3. Promote employee wellness.
4. Reduce the County's exposure to liabilities.
5. Increase the effectiveness and efficiency of all employees to more cost effectively serve the citizens of Montgomery County.

**AUTHORITY:**

The County empowers the Safety and Training Officer to establish such policies, programs, and procedures, and to issue any directives that are necessary to accomplish the stated purposes of this policy.

**SCOPE:**

This policy applies to all employees of Montgomery County, regardless of their job classification, unless specifically exempt from some specific provision of this policy by Federal or State statutes. All portions of this policy, related programs, and procedures not specifically exempted shall still apply to the exempted personnel. All contractors not specifically exempted in writing shall be subject to this policy.

**CONCEPT OF OPERATIONS:**

The Safety, Health and Risk Management programs of the County will be accomplished by using a multilevel committee system. Specific programs and problems will be addressed by ad hoc and standing subcommittees that will be formed and will meet at the discretion of the Safety and Training Officer. These committees will work in conjunction with and support of the Safety Committee. The Safety Committee membership shall consist of the Building Inspector, IT Administrator, GIS Addressing Manager, Emergency Management Director, a member of the Health Department Staff, and a member of Law Enforcement and shall meet at least quarterly and at other times as called by the Safety and Training Officer to accomplish the goals of this policy. The County Manager will be informed of the actions of all committees on an as-needed or requested basis. A Facility Safety Representative, one per facility, will serve as the on-site "eyes and ears" of the Safety and Training Officer and provide another channel of communication for employees on safety. The risk management and compliance efforts will be anchored in a comprehensive education program aimed at preventing accidents, reducing liability exposure, ensuring compliance, promoting employee wellness, and providing for the professional career development of the County work force. This multilevel approach will ensure that employees at all levels of County Government will have an avenue to provide their ideas into the Safety, Health and Risk Management Programs.

**DUTIES AND RESPONSIBILITIES:**

1. **The County** shall make funds, personnel, and resources available to the Safety and Training Officer to accomplish the purposes of this policy.
2. **The Safety and Training Officer** shall:
  - a. establish programs and procedures to meet the purposes delineated above.
  - b. establish inspections and controls to determine the effectiveness and efficiency of all programs and procedures implemented in support of this policy and other related

matters.

- c. set the date, time, location, agenda and preside as the Chairperson of the Executive Safety Committee and the Safety Committee.
- d. Serve as an "ex-officio" member of all ad hoc or standing committees and subcommittees and all other teams, groups, etc. formed in support of this policy.
- e. serve as the County representative during OSHA inspections.
- f. act as Compliance officer on matters pertaining to OSHA, EPA, and ADA.
- g. report on all matters concerning safety, health, and risk management to the County Manager, as needed or requested.
- h. create such files, forms, reports and other items as required to comply with regulatory requirements and the accomplishment of the purposes of this policy.
- i. establish and make known the correct procedures to be followed when visited by representatives of such regulatory agencies as OSHA, EPA, and ADA.
- j. develop and conduct, or have conducted, training necessary to support this policy and any of its related programs.

**3. The Safety Committee shall:**

- a. be composed of senior managers/department heads/employees selected by the Director of Personnel and the Facility Safety Representatives.
- b. meet at least quarterly and at other times as called by the Safety and Training Officer.
- c. assess and provide input to the Safety and Training Officer in developing programs and procedures to accomplish the purposes of this policy.
- d. implement approved programs and procedures to create a safe work environment for our employees as well as for the public use.
- e. provide leadership and develop programs and procedures, review and solve problematic issues, serve on subcommittees and assist the Safety and Training Officer in matters related to this policy.
- f. review and direct the actions of the Facility Safety Representatives.

**4. The Facility Safety Representative shall:**

- a. be responsible for supervising the general safety program in the facility he/she represents.
- b. inform the Safety and Training Officer of any real or potential safety hazard that exists in his/her area of responsibility.
- c. conduct monthly safety inspections and monthly fire extinguisher inspections.
- d. submit such forms and reports as requested by the Safety and Training Officer and the Executive Safety Committee.
- e. maintain a Safety Bulletin Board and post materials on it that are supplied by the Safety and Training Officer.
- f. inform staff that according to OSHA, space heaters are allowed as long as they are equipped with an automatic cut-off when knocked over.

- g. inform staff that no candle burning is allowed in County facilities. If this policy is violated, then the employee will be subject to the disciplinary policy in the Montgomery County Personnel Policy.

**REVIEW: the Personnel Director shall review this policy annually.**

Adopted by the Montgomery County Board of Commissioners on Tuesday, November 14, 2006. Effective:

November 14, 2006.



*William D. Maness*  
William D. Maness, Chairman

**Attest:**

*Laura B. Morton*  
Laura B. Morton, Clerk to the Board

### **Recommendations Made by the Safety Committee After Its September 26, 2007 Meeting**

- ☐ No Open Flames
- ☐ Shut All Doors When Exiting the Building
- ☐ Document Fire Drills (date, time, evacuation time, include replacement or inspection dates on emergency lighting and alarm batteries)
- ☐ Committee also recommends that all Department Heads go through safety training with the Director Emergency Management.

**APPENDIX I**

## **Montgomery County Employees** **Balancing Standards**

As a Montgomery County Employee, you are directly responsible for handling and safekeeping of large sums of money. You are issued a cash drawer/desk that can be securely locked, and over which you have sole custody and authority.

No one else is allowed entry to your cash except under specific conditions such as absenteeism or audit verification – and then only under dual control. Your cash drawer is used to store your operating currency when you are away from your window and/or desk.

Keys to your cash drawer are to be kept in your personal possession at all times. Never give or lend your keys to anyone for entry in your absence. **YOUR CASH DRAWER SHOULD BE LOCKED EVERY TIME YOU LEAVE YOUR WINDOW/DESK FOR ANY REASON, AND YOU SHOULD ALWAYS TAKE YOUR KEYS WITH YOU.** Always lock your money and work in your drawer when you walk away from it.

Many factors determine the overall performance evaluation of employees who handle cash. There exists; however, a minimum level of performance in the handling of cash. Performance levels that do not meet minimum standards are unacceptable.

### **Unacceptable Performance Criteria**

- ⑩ More than eight (8) outages of \$1 or more per calendar quarter
- ⑩ Single Outages of \$100 or more
- ⑩ Cumulative quarterly outages totaling \$150 or more.

Violations to the above stated performance criteria will be addressed in the following manner:

**First Violation:** Employee is advised in writing of specific performance violation by their direct supervisor. Copies of this letter will be sent to the employee's Department Head and to Human Resources.

**Second Violation:** Employee is advised in writing of specific performance violation by their direct supervisor. Copies of this letter will be sent to the employee's Department Head and to Human Resources. Possible career counseling.

**Third Violation:** Immediate removal from cash handling duties. Dismissal or possible reassignment.

Gross violations of the minimum performance criteria may result in the immediate dismissal of an employee. An evaluation of the circumstances of the violation and an analysis of the employee's work history and general performance will be made by the employee's direct supervisor and the employee's Department Head to determine appropriate action.

### **Definition of Gross Violation**

- ⑩ Twelve outages of \$1 or more during a quarter.
- ⑩ Any single outage of \$300 or more
- ⑩ Any cumulative outage of \$300 or more during a calendar quarter

The policies and interpretations will apply to all operations of Montgomery County Government and to all employees handling money.

Any outage of any amount will be written up and a copy sent to the Human Resources Department to file in employee's personnel file.

**Water Department**

In the Water Department, there is only one station to take water payments. When the receptionist is relieved for break or lunch, the receptionist's back up will use a second till to take payments during these times.

There will only be one back up for the receptionist's area. If the back up is absent, the Water Supervisor will fill in.

Only Water Department Billing Personnel should take payments, unless otherwise approved by the County Manager.

Water tills will be balanced at the end of the day, the back-up will balance the receptionist's drawer and the Water Supervisor will balance the back up's drawer.

The receptionist till will be locked in the top drawer at the receptionist area.

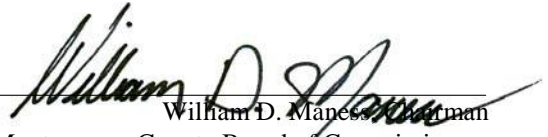
**Acknowledgement of Balancing Standards Policy**

Any employee of Montgomery County who receives money must read and understand the Balancing Standards Policy. Then the employee must sign the "Employee Balancing Standards Acknowledgement" and return it to their immediate supervisor. The supervisor will return the signed form to the Human Resources Department to be placed in the employee's file.

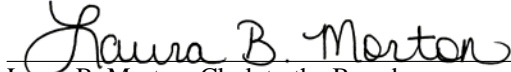
The Balancing Standards Policy and the Employee Balancing Standards Acknowledgement will be provided to every new County Employee when they receive training.

This policy is effective with its adoption this the 16<sup>th</sup> day of May, 2006.



  
 William D. Maness, Chairman  
 Montgomery County Board of Commissioners

ATTEST:

  
 Laura B. Morton, Clerk to the Board  
 Montgomery County Board of Commissioners

## **Employee Balancing Standards Acknowledgement**

I have read and fully understand the Balancing Standards Policy and what is expected of me as a Montgomery County employee. I understand the responsibilities I have for handling and safekeeping of large sums of money. I agree that I have been issued a cash drawer/desk that can be securely locked, and over which I have sole custody and authority.

I further understand that no one else is allowed entry to my cash except under specific conditions such as absenteeism or audit verification – and then only under dual control. My cash drawer is used to store my operating currency when I am away from my window and/or desk.

Keys to my cash drawer are to be kept in my personal possession at all times. I will never give or lend my keys to anyone for entry in my absence. **MY CASH DRAWER SHOULD BE LOCKED EVERY TIME I LEAVE MY WINDOW/DESK FOR ANY REASON, AND I SHOULD ALWAYS TAKE MY KEYS WITH ME.** I will always lock my money and work in my drawer when I walk away from it.

---

Signature of Employee

---

Signature of Supervisor/Department Head

---

Date

**APPENDIX J****Credit Card Policy**

This policy is to provide a procedure in the purchasing process for the use of credit cards for convenient purchases. The credit cards are to be handled just as cash would be and subject to the same internal controls. Departments may check the credit cards out with the approval from the County Manager. All departments may use the cards when necessary, but may not monopolize their use.

The use of credit cards has been proven to be a cost effective method of obtaining supply and service items for the County. Travel and training costs may also be handled best through the credit card process.

***Authorization:***

The County credit card will be issued, with the County Manager or Department of Finance's approval, to those who actually make official county purchases from a vendor.

Before an employee uses the county credit card, they must sign an agreement that they will use the credit card according to the stipulations stated.

***Uses:***

The credit card will be used when:

- ⑩ The items and/or services to be purchased are for the official use of the Montgomery County.
- ⑩ The types of items and/or services to be purchased are those established by the department head and/or approved by the County Manager.
- ⑩ The cost of the proposed purchase does not exceed the authorized purchase transaction limit established by the department head and approved by the County Manager.

***The following items ARE NOT to be purchased in using this purchasing card:***

- ⑩ Items and services that must be back ordered. Receipt of the items shall be prior to the end of the billing cycle.
- ⑩ Alcoholic beverage
- ⑩ Cash Advances:
- ⑩ Items and services not authorized by the normal purchase order process.

As indicated above, the credit card is to be used in the conduct of the County's business only. The use of a credit card to acquire or purchase goods and services for other than the official use of the County of Montgomery is fraudulent use. An employee guilty of fraudulent use may be subject to disciplinary action, up to and including dismissal by the supervisor and/or the department head.

Any cardholder that does not honor the procedure and documentation in a consistent and regular pattern that is required for using procurement cards may lose the right to use a credit card, and may be subject to disciplinary action, up to and including dismissal by the supervisor and/or the department head.

***Procedure:***

1. Employee calls the County Manager/Finance Director and reserves the card for use.
2. When picking up the card at the Department of Finance, the employee must sign for the card.
3. When returning, the employee must sign the card in the Department of Finance. If the use is for travel, the card must be returned as soon as the employee returns from trip. Upon return the Department of Finance will issue a credit card summary form that should be completed and sent back with the appropriate receipts.
4. The employee who signs the card out is responsible for returning all receipts to the finance department.
5. The receipts must be coded to the proper budget line item and have proper signature approval.

Misuse of the credit cards will be subject to the disciplinary action set forth in the personnel manual.

**APPENDIX K**

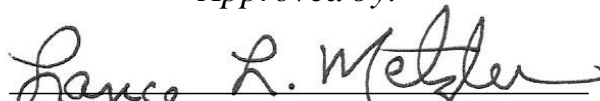
# **MONTGOMERY COUNTY**

## ***Purchasing Policy***



Effective on July 1, 2006

*Approved by:*

  
Lance L. Metzler, County Manager

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  - C. Service and Lease Contracts**
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- VIII. Purchasing Program Integrity**

## **I. INTRODUCTION**

A considerable portion of the expenditures of every government is for purchases of goods and services. A local government's power to make purchases and contracts, like other powers, is derived from the Legislature and is subject to such limitations and restrictions as it may impose. The basic grant of power to purchase and contract for counties is found in North Carolina General Statutes 153A-11. The provisions within this policy shall be in compliance with the North Carolina General Statutes regarding purchasing. This Purchasing Policy establishes rules and regulations to govern all purchases and contracts by Montgomery County. Purchasing statutes and rules may change from time to time and this policy shall be updated periodically to reflect these changes.

## **II. ESTABLISHMENT OF THE PURCHASING OFFICE**

The purchasing duties are hereby established and shall be under the supervision of Director of Finance. The Director of Finance has complete authority and responsibility for the control and supervision of the entire purchasing process. For the purpose of this policy, the term "purchasing duties" shall be executed by include the Purchasing Officer, as well as, all personnel within the Finance Office whose responsibilities involve activities associated with the purchasing process. The purchasing process involves applying laws, regulations, and procedures to secure goods and services suitable to the needs of Montgomery County at the lowest possible cost. Finance Office personnel shall be familiar with the North Carolina General Statutes regarding purchasing in order to guide the departments in the procurement of goods and services in compliance with state and local laws.

## **III. PURCHASING POLICY**

It is the responsibility of the Finance Office to prepare and maintain a Purchasing Policy that details the purchasing process and any delegated duties. This Purchasing Policy must be approved and signed by the County Manager when amended. These procedures may be modified at any time as deemed necessary, provided that the procedures remain within the framework of this policy.

The goal of the Purchasing Policy is to establish and implement a system of internal controls that provide reasonable assurance that the County is in compliance with North Carolina General Statutes and this policy. All County personnel shall be subject to the provisions within the Purchasing Policy.

## **IV. THE DUTIES OF THE FINANCE OFFICE**

*The duties of the Finance Office pertaining to purchasing shall include the following:*

- A. Prepare and maintain a Purchasing Policy that will be used by all departments of the County.
- B. Supervise procurement transactions for all goods and services for the County.
- C. Provide adequate training necessary for department personnel to adhere to the provisions within this policy and the Purchasing Policy.
- D. Oversee competitive bids on goods and services in order to secure the most advantageous prices. Specifications shall not be written so as to limit competition or exclude any qualified vendors.
- E. Establish and maintain a current list of qualified vendors.
- F. Supervise the County's procedures for the recording and maintaining of fixed asset records. For the purpose of this policy, a fixed asset is defined as a tangible item that has an expected useful life of at least two years and has a cost of \$5,000 or more, including delivery and installation.
- G. Supervise the County's procedures for the disposal of surplus property and surplus property records.
- H. Approve and issue all purchase orders and the encumbrance of purchase orders into the accounting system.
- I. Retain documentation of all purchasing records, which shall be subject to public inspection at any time.
- J. Maintain a file of all contracts and be responsible for the preparation of a contract ledger and the encumbrance of contracts into the accounting system.
- K. Report to the County Manager any actions by County personnel that are in violation of North Carolina General Statutes, this policy, approved purchasing procedures, or any other serious actions that are not deemed to be in the best interest of the County.

## **V. AUTHORIZATIONS**

### **A. APPROVAL OF PURCHASES**

The annual budget adopted by the Board of Commissioners serves as *approval* for all purchases and contracts set forth in the budget. The Board of Commissioners must approve any additional funds through a budget amendment.

### **B. AWARD OF BIDS**

The following lines of authority shall be observed in the award of bids for all purchase of apparatus, supplies, materials, or equipment contracts:

- Less than \$5,000 - Finance Officer
- At least \$5,000 but less than \$30,000 - County Manager
- \$30,000 and more - Board of Commissioners

The following lines of authority shall be observed in the award of bids for all Construction/Building repair contracts:

- Less than State Informal Bid Limit - County Manager
- State Informal Bid Limit - Board of Commissioners

### **EXCEPTIONS**

1. On August 2, 2001, the North Carolina General Statutes regarding purchasing were amended to adhere to modern procurement practices. Included in the amendment were several exceptions for certain type purchases. This policy shall acknowledge and exempt those exceptions as listed below and authorize the County Manager to award such bids:

- (a) The purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment from any other government unit or agency thereof within the United States.
- (b) Cases of special emergency purchases involving the health and safety of the people or their property.
- (c) Purchases of information technology through contracts established by the State Office of Information Technology Services,
- (d) Purchases from contracts established by the State or any agency of the State, if the contractor is willing to extend to a political subdivision of the State the same or more favorable prices, terms, or conditions as established in the State contract.
- (e) Purchase of used apparatus, supplies, materials, or equipment. For purposes of this subdivision, remanufactured or prefabricated apparatus, supplies, materials, or equipment are not included in the exception.

2. The printing of election ballots is a special purchase transaction constrained by time and a specific vendor. Orders submitted in mid-September to a specific vendor who prints ballots for the state as well as other counties must be received before Election Day in early November. The County shall recognize this special case and exempt the purchase of printing election ballots and authorizes the County Manager to approve, award bids, and execute such purchases in order to ensure proper ordering of election ballots in time for Election Day.

### **C. SERVICE AND LEASE CONTRACTS (Excludes Construction Services)**

Although the North Carolina General Statutes do not impose requirements upon service and lease contracts, Montgomery County shall demonstrate equal opportunity for service and lease contracts by soliciting bids where there is a competitive market for the service or lease and when it is in the best interest of the County. The standard of award shall be made to the best overall proposal and the County Manager is hereby authorized to approve, award bids, and execute service and lease contracts.

#### **D. CONSTRUCTION OR REPAIR WORK DELEGATION**

The County Manager shall delegate a Project Manager to oversee construction or repair work for each project. The Project Manager shall ensure compliance with applicable NC General Statutes and this policy.

#### **E. PROCUREMENT OF ARCHITECTURAL, ENGINEERING, AND SURVEYING SERVICES**

Pursuant to North Carolina General Statute 143-64.32, Montgomery County is hereby exempt from the provisions of Article 3D of the North Carolina General Statutes on particular projects where an estimated professional fee is in an amount less than thirty thousand dollars (\$30,000). The County Manager is hereby authorized to negotiate and sign contracts for architectural, engineering and surveying services when the estimate amount of the contract is less than thirty thousand dollars (\$30,000) and the funds to pay for the contracted services are properly appropriated.

#### **F. CHANGE ORDERS**

The County Manager is hereby authorized to approve change orders equal to or less than the amount of contingency in the approved budget ordinance.

#### **G. DISPOSAL OF PERSONAL SURPLUS PROPERTY**

Pursuant to North Carolina General Statute 160A-266(c), the Board of Commissioners hereby delegates the County Manager to declare surplus any personal property valued at less than thirty thousand dollars (\$30,000) for any one item or silent auction, to set its fair market value, and to convey title to the property for the County in accord with regulations. The Finance Office shall keep a record of all property sold under this section and that record shall generally describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange. As outlined in G.S. 160A-270(c), the County Manager shall also authorize the use of electronic auctions for the surplus of personal property.

### **VI. ELECTRONIC ADVERTISING**

Pursuant to North Carolina General Statute 143-129(b), Montgomery County shall invite formal proposals by advertisement in a newspaper having general circulation in the political subdivision or solely by electronic means, or by both methods.

### **VII. MINORITY BUSINESS ENTERPRISE GOAL**

Pursuant to North Carolina General Statute 143-128.2, on Tuesday, June 20, 2006, Montgomery County Board of Commissioners adopted a Minority Business Outreach Plan in which the requirements for good faith efforts for formal construction contracts are outlined and detailed as mandated in G.S. 143-128.2.



### **VIII. PURCHASING PROGRAM INTEGRITY**

Montgomery County demands only the highest form of honesty and integrity from all County personnel involved in the purchasing process for the County.

This is the 16 day of May 2006.



  
Chairman, Board of Commissioners

  
County Manager  


**APPENDIX L**

**COUNTY OF MONTGOMERY STANDARD PROCEDURE  
PROCUREMENT CARDS  
DEPARTMENTAL PURCHASING CARD PROCEDURES**

*Approved by County Manager Lance L. Metzler*

**PURPOSE:** To provide a procedure in the purchasing process for the use of procurement cards for small value purchases.

**OVERVIEW:** The use of procurement cards has been proven to be a cost effective method of obtaining low cost supply and service items for the County. Some travel and training costs may also be handled best through the procurement card process.

**I. Authorization**

Procurement cards will be issued, with the department head's approval, to those who actually make official County purchases from a vendor.

A cardholder agreement/application form ("New Cardholder Enrollment Form") must be completed by cardholder with the department head's signature and sent to the County Finance Officer. When the employee signs this form, he or she is verifying agreement to conditions of use.

The purchasing card will allow individual transaction and cycle limits to be set and/or revised for each card individually at the discretion of the department head in concurrence with the County Finance Officer. The revised Cardholder form allows departments to request a change in limits.

In coordination with the Bank, the procurement card will be issued. The cardholder will be asked to acknowledge receipt of the procurement card by signing the "New Cardholder Enrollment Form" at the time the card is picked up. The card must be picked up in person at the County Finance Office.

**II. Use Of Purchasing Card.**

The procurement card will be used only when:

- a.) The items and/or services to be purchased are for the official use of the County of Montgomery.
- b.) The types of items and/or services to be purchased are those established by the department head and/or approved by Finance.
- c.) The cost of the proposed purchase does not exceed the authorized purchase transaction limit established by the department head and approved by the County Finance Officer.

The following items ARE NOT to be purchased in using this purchasing card: Items and services that must be back ordered. Receipt of the items shall be prior to the end of the billing cycle.

- a.) Alcoholic beverages.
- b.) Cash advances.
- c.) Items and services not authorized by the normal purchase order process.

As indicated above, the procurement card is to be used in the conduct of the County's business only. The use of a County of Montgomery procurement card to acquire or purchase goods and services for other than the official use of the County of Montgomery is fraudulent use. An employee guilty of fraudulent use may be subject to disciplinary action, up to and including dismissal by the supervisor and/or the department head.

Any cardholder that does not honor the procedures and documentation in a consistent and regular pattern that is required for using procurement cards may lose the right to use a procurement card, and may be subject to disciplinary action, up to and including dismissal by the supervisor and/or the department head.

The purchasing card is to be used only by the named cardholder and is not to be loaned to another employee. Cardholders **SHOULD NOT** give their card to another employee and ask them to sign the cardholder's name at the time of purchase.

Should a cardholder terminate employment with the County, the user department has the specific obligation to reclaim the purchasing card and return it to the County Finance Office prior to the employee's termination date. The card will then be destroyed.

If a card is lost, the user department has the responsibility to notify the bank as well as the County Finance Officer immediately. In addition, if the card is stolen, the user department has the responsibility to notify the Police Department, Bank, and the County Finance Officer.

### **III. Payment Of Purchasing Card Charges.**

For the procurement card process to operate efficiently, a timely response to each of the elements of the procedures is required from those concerned. Failure to do so will create problems for the Finance Department in preparing for the month's end closeout. Employee absences should be anticipated and arrangements put in place so that the process flow will not be delayed. For the protection of all, when a card is lost or stolen, prompt notice is required.

The department/division will ensure that sufficient funds are available to pay for anticipated purchases.

The cardholder will retain vendor's receipts, records of telephone orders, internet orders and/or copies of mail orders and file for future reconciliation of the purchase card statement. NOTE the County is NOT EXEMPT from paying North Carolina sales tax, and therefore, as you place an order with the supplier, you should emphasize that the purchase must include sales tax for all taxable items. It is the cardholder's responsibility to make sure that sales tax is included on all taxable transactions. A company may not be exempt from paying North Carolina Sales Tax.

The satisfactory receipt of goods or services is the responsibility of the purchasing cardholder. All receipts are to be itemized.

The cardholder is responsible for ensuring that each charge customer copy and/or cash register receipt contains enough information to properly identify the purchase.

Information shall include the date, nomenclature, dollar amount and brief description.

If the above information is not included, the cardholder shall write the information on the paperwork.

The cardholder shall retain the charge customer copy and cash register receipt for all purchases made until they receive the cardholder monthly statement. The cardholder shall reconcile the charge customer copies and the cash register receipts with the monthly statement at the end of the billing cycle.

The customer copy and cash register receipt shall be attached to the cardholder monthly statement.

If the customer copy or cash register receipt is lost or unavailable, a memorandum containing the appropriate information shall be substituted along with an explanation of the reason. Missing invoices are acceptable so long as they represent small thresholds of \$250 or less and are occasional. If a pattern of missing invoices is established, the employee may be subject to disciplinary action up to, and including dismissal by the supervisor and/or the department head.

Discrepancies are the responsibility of the cardholder and/or account manager to resolve. Resolve any disputed items and bring them to the attention of the retailer as well.

The cardholder and/or department head shall, through the County Finance Officer, make an official dispute to the card issuer using the issuer's applicable form if unable to resolve the dispute with the vendor.

Disputes shall be handled as "pay and chase." The invoice shall be paid as usual and refunds/credits applied at the time of resolution.

The cardholder will match the monthly statement received from the Bank and the receipts.

The cardholder will complete the "Procurement Card Payment Request" Form (Exhibit I) and attach to the statement. The form will be used to summarize the purchases by budgetary account number and to record other relevant information such as purchase amount, sales taxes paid, whether the item was picked up or delivered, and if picked up, the name of the county in which the item was picked up. The cardholder shall review this statement and match it with the customer copies and cash register receipts of the charges along with any credit memos.

The Department Head or his/her designee will review the reconciled statement, approve the "Procurement Card Payment Request" Form and return the statement, receipts and form to Finance within five (5) days from receipt of statement.

At the close of the billing cycle, the cardholder shall receive the cardholder's monthly statement of purchases.

If the cardholder is unavailable to sign the monthly statement (e.g. leave, training, travel), the customer copies and register receipts shall be forwarded to the appropriate supervisor prior to leaving, if possible.

Forward the entire package of procurement card information to the Accounts Payable Technician.

County Finance Office Procedures– Within three business days of receipt of the Department statewide monthly statement, the Accounts Payable Technician shall process the actual invoice for payment. Accounts payable will review the documents for correctness, extract any sales tax paid and will "receive with invoice", charging the proper encumbrance and sales tax accounts and process the statement for payment.

The Accounts Payable Technician shall obtain, review, and sign all cardholder monthly statements, verifying that appropriate signatures and account codes are in place with original cash register receipts and charge customer copies.

Year End Closeout – To facilitate year-end closeout of the financial records, procurement cards shall not be used after the last day of the billing cycle during the last month of the fiscal year. With current operations, this means June 5<sup>th</sup>.

Purchases after the billing cycle date should be limited to an emergency basis only. Use the normal requisition process instead.

Exhibits

New Cardholder Enrollment Form

Procurement Card Payment Request

**COUNTY OF MONTGOMERY PROCUREMENT CARD  
NEW CARDHOLDER ENROLLMENT FORM**

*(Complete Sections I through IV prior to submission to County Finance Officer.)*

**I. EMPLOYEE/CARDHOLDER INFORMATION**

Name: \_\_\_\_\_ Social Security Number: \_\_\_\_\_ - -

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

**CARD LIMITS: PLEASE CHOOSE ONE LEVEL:**

☐ NEW ☐ REQUESTED CHANGE TO LIMIT

	TRANSACTION	DAILY	MONTHLY
Level 1	\$ 250	\$ 500	\$ 500
Level 2	\$ 250	\$1,000	\$1,000
Level 3	\$ 250	\$1,000	\$2,500
Level 4	\$ 250	\$1,500	\$3,000
Level 5	\$1,000	\$2,000	\$4,000
Level 6	\$1,500	\$3,000	\$4,000
Level 7	\$5,000	\$5,000	\$5,000
Level 8	\$10,000	\$10,000	\$10,000
Level 9	\$25,000	\$25,000	\$25,000

**III. APPROVAL:** Department Director: \_\_\_\_\_

**IV. CARDHOLDER'S AGREEMENT**

- a. I understand that the use of the County of Montgomery procurement card for authorized purchases is a standard procedure of the County.
- b. I will be expected to use the County of Montgomery procurement card issued to me as directed by my supervisor under the provisions of the standard procedure.
- c. I will not permit another person to use the County of Montgomery procurement card issued to me. Any such purchases made with my card will be considered to be made by me and my responsibility.
- d. I will be responsible for the safe-keeping of the County of Montgomery procurement card issued to me and, if lost, I will report its loss immediately to my supervisor.
- e. I understand that my personal credit will not be affected by any use of the County of Montgomery procurement card.
- f. The use of a County of Montgomery procurement card to acquire or purchase goods and services for other than the official use of the County of Montgomery is fraudulent use. An employee guilty of fraudulent use maybe subject to disciplinary action, up to and including dismissal. In addition, I agree that any reimbursement owed the County, as a result of this use, may be deducted from my wages or other moneys owed to me by the County.

I have read, understand and agree to the conditions above:

Sign: \_\_\_\_\_

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

**V. CARD RECEIPT:**

Card	Account	Number:
Date	Issued to	Cardholder:
Cardholder's Signature:	_____	

NAME: _____				DEPT.: _____				
<b>PROCUREMENT CARD PAYMENT REQUEST</b>								
						CHECK IF	CHECK IF	
						DELIVERED	PICKED UP	
VENDOR	DATE	ACCOUNT NUM BER	PURCHASE AM OUNT	SALES TAX	TOTAL PURCHASE		COUNTY ( IF PICKED UP)	
<b>TOTAL LINES - ACCOUNTS PAYABLE</b>								
Signature: _____								
Reviewed: _____								
Approval: _____								

**APPENDIX M**

# **MONTGOMERY COUNTY**

## **Employee Security Badge Policy**

All county employees shall wear a Montgomery County Government Security Badge issued to them by the office of the County Manager. The badge shall be used for official use only and shall be worn while employee is on the job or officially representing the County. The badge is property of Montgomery County and must be surrendered at the direction of the appointing authority.

If an employee loses his/her security badge a replacement badge will cost \$2.50. Any misuse of this security badge could lead to termination of the employee. Non-compliance with this policy could lead to possible disciplinary action. Receipt of badge with employee signature signifies acceptance of this policy.

This policy is effective July 25, 2004.

  
\_\_\_\_\_  
Lance L. Metzler, County Manager

**APPENDIX N**

## **Montgomery County Employee Telephone Use Policy**

Telephones, cellular phones, and various other forms of office equipment are provided to employees for the purpose and expectation of conducting County related business. It is realized that on occasion employees may need to make long distanced calls using County telephones, and/or make and receive personal calls on cellular phones. Incidental personal use will not be a violation as long as it is infrequent and does not results in costs to the County. In both of these situations, employees are required to reimburse the County for their personnel use.

Montgomery County reserves the right to review, audit, and inspect information residing in or transferred over all information systems, including the County issued mobile/cellular phones, and at any time with or without notice and that such access may occur during or after work hours. Such reviews may include auditing of use to make sure there is enough business use to merit the issuance of a County phone.

Employees are expected to differentiate their business calls and personal calls and alert their supervisor so that monthly invoices can be reviewed to determine the appropriate reimbursement to be paid. For long distance calls, employees should reimburse the County for the actual cost of the call.

Telephone invoices are supplied to each department on a monthly basis for review and reimbursement purposes. Reimbursements can be made with cash or check and are coordinated by Cathy Baxter in the County Finance Office. Checks should be made payable to Montgomery County and turned into the County Finance Office, 3<sup>rd</sup> Floor of the Administration Building in Troy.

Employees shall be responsible for the good care and maintenance of their assigned mobile/cellular phone and will reimburse the County's cost for any damaged or lost phone due to negligence. The employee's immediate supervisor should work in conjunction with the County Manager to make determination of negligence in the case of a lost, stolen, or damaged mobile/cellular phone.

For questions relating to the County's Telephone Use Policy, contact the Information Systems Department at 910/576-4221.

Adopted this 3<sup>rd</sup> day of January, 2006.



A handwritten signature in black ink, reading "William D. Maness".

William D. Maness, Chairman

A handwritten signature in black ink, reading "Laura B. Morton".

Laura B. Morton, Clerk to the Board

## **Telephone Strategies**

The first, and sometimes only, contact that residents may have with County Government is the voice that answers the telephone when they call. Courtesy and consideration go a long way in giving a good impression of the County and the quality of its employees.

### **Answering the phone**

- φ Answer the phone with an upbeat voice. State your division/office/area, and then give your name.

*"County Administration, this is Jill Smith."*

- φ Speak clearly and slowly.
- φ Never talk with food or gum in your mouth.
- φ Speak at a comfortable volume. If you normally speak loudly, lower your voice when on the phone. On the other hand, if you have an unusually soft voice, you may need to speak up.
- φ Be responsive to the caller's need. If the caller is seeking information that you know, answer their question and then ask,

*"Is there anything else I can help you with?"*

- φ If the caller wants or needs to be connected to another person, you will transfer the call.

### **Transferring calls to another person in your department**

- φ If the person the caller asks for is available, transfer them to that person's phone number.
- φ If it is necessary to transfer the caller to voice mail, tell the caller that the person is not available and offer to put them into voice mail or to take a message.

*"Ms. Jones is in a meeting right now. Would you like to leave a message with me?"*

- φ Only in rare circumstances should you ask the caller for their name. Always let a caller know whether the person is available before you ask for their name. Asking callers to identify themselves before telling them that someone is not available can give the impression that some calls will be accepted and others will not.
- φ If possible, give the caller an idea of when the person will be back, but there is no need to use specifics. At no time should you say things such as, "She is out to lunch," or "He is at the doctor's."

*"Mr. Smith is away from his desk, but I expect him to return in about an hour; would you like to leave a message with me?"*

### **Transferring calls outside your department**

- φ Always determine if the person the caller needs is available before transferring. This may require putting the caller on hold; always ask permission before putting them on hold. If the caller does not want to be put on hold, ask for their name and number for a return phone call.

*"May I put you on hold while I see if Mr. Smith available?"*

- φ Then, when taking callers off hold, thank them for holding.

*"Thank you for holding; Mr. Smith is available, I'll transfer your call."*

*"Thank you for holding; the person who can help you is Ms. Jones. I'll transfer your call."*

### Using Voice Mail (*if applicable*)

- φ Voice mail is a great way to improve efficiency, but we need to have consideration for the caller when we use it.
- φ Callers should have the choice of leaving a message in voice mail or with the person who answered the phone.
- φ It is not County policy to transfer callers to voice mail without their permission. We do not automatically transfer calls to an extension when we know that the person is unavailable and that the call will go directly into voice mail. If this is the case, tell the caller that they may go into voice mail and let them decide whether to be transferred or to leave a message with you.

*“Ms. Jones will be able to answer your question, and I will transfer you. If she isn’t at her desk you can leave a voice mail message (... pause for the caller’s response).”*

- φ If your office has a telephone number that is commonly used by the public, a person must answer it. It is not County policy to let voice mail be the initial contact that citizens have when they call us.
- φ We do not use voice mail to answer phones during lunch or breaks.

### Completing the call

- φ Before hanging up, make sure that you have answered all the caller’s questions.

*“Is there anything else I can help you with?”*

- φ Let the caller hang up first; this shows that you were not in a hurry to get them off the line. Remember that service comes first!

### ... Put yourself in the callers’ shoes

Citizens cannot be expected to know everything about County Government. They do not always know which department or division they should be calling. In some cases, citizens will have been transferred to your department mistakenly and need to be transferred again – and will start to feel that they are getting the run-around. You can quickly defuse ill feelings by apologizing that they were mistakenly transferred to you and resending them to the right place. If you are not sure yourself where to transfer the call, offer to find out.

*“I believe that program is administered through the County Library, but I’m not positive. I’ll find out and call you back; may I have your number, please?”*

*“I apologize for the confusion about which department to talk to; that program is handled by Sanitation. I will transfer your call, but in case we lose the connection, their number is 576-xxxx.”*

\*\*\*\*\*SMILE!\*\*\*\*\*

Answer the phone with an upbeat voice.

State your department/division/area and your full name.

Only ask for the caller’s name after you have explained to the caller that the person they requested is not available.

Do not send a caller into voice mail without informing them first.

Voice mail is not the first contact that a caller has with County Government (if applicable).

Help the caller get the information they need -- follow-up if necessary.

Service comes first!

During the Holidays Be Cheerful!

**APPENDIX O**

**Montgomery County  
Vehicle Use Policy**

**Purpose:** This policy establishes procedures regarding the assignment of County vehicles, use of County vehicles, and business use of private vehicles. This applies to all County employees unless otherwise noted within the policy.

It is the policy of the County to reimburse its employees, elected officials, and appointed officials for travel and transportation expenses directly related to official business of the County. All travel costs will be paid directly to the individual incurring the expense and may not be billed to the County without prior approval of the Department Head or Finance Officer.

This policy is also prepared according to the Federal Tax Act of 1985 and North Carolina General Statutes 14-247, which establishes procedures regarding reporting of income and withholding of taxes.

**Definitions:**

**Assigned Vehicle:** A County-owned vehicle designated for the use of an individual employee in the normal performance of his/her duties but not authorized for take-home use.

**Take-Home Vehicle:** A County-owned vehicle designated for the use of an individual employee in the normal performance of his/her duties including the commute from home to work.

**Mileage Reimbursement:** A per mile rate to compensate employees for the incidental, non-routine, or extraordinary use of a privately owned vehicle for official business, based on actual logged miles.

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**Assigned Vehicles:**

Only Montgomery County employees on bonafide County business and authorized by the department head may drive or operate County vehicles or equipment.

County-owned vehicles are to be used for official business only with reasonable consideration for use for meals, while in the course of performing business on behalf of the County. For individuals assigned vehicles for overnight use, stopping between work and home to perform brief minor personal business may be acceptable, but any such use should be the exception rather than the rule, and only if the stop is directly in route from work to the employee's residence.

County-owned vehicles are not assigned for nor shall they be used for the convenience of the employee with regard to transportation needs or other non-business activities except as determined by the Department Head with concurrence of the County Manager.

Alcoholic beverages or any illegal drugs are not permitted in County vehicles at any time. Law enforcement personnel, as approved by the Sheriff, may transport alcoholic beverages or drugs that have been lawfully confiscated or scheduled for use during training exercises.

Drivers shall observe all local and state ordinances pertaining to the operation of motor vehicles (including the use of seat belts while operating County owned vehicles). Any fines imposed for any violation which was under the control of the driver shall be the responsibility of the driver.

Hitchhikers are not permitted to ride in County owned vehicles. Non-County employees may accompany County employee in County cars when they have a business interest in the travel and if they are covered by workmen's compensation by their employer. Due to insurance limitations and regulations, no other passengers are permitted unless authorized by the County Manager.

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**Take-Home Vehicles Procedures:**

For an employee to be authorized for the take-home use of a County-owned vehicle, the employee must possess a valid North Carolina's driver's license, maintain a safe driving history, and meet one of the following tests:

**Test 1:** The employee is:

- ⑩ Subject to frequent after-hours emergency callback or other unscheduled work, and such unscheduled work involves the first response to a real or present threat to life or property requiring an immediate response, and A specialized vehicle, tools, or equipment are required for the performance of emergency duties.

**Test 2:** The employee is:

- ⑩ Subject to frequent after-hours callback, and
- ⑩ Such callback arrangements are to locations other than the employee's normal duty station, and
- ⑩ A special vehicle, tools or equipment are required to perform after-hours assignments, and
- ⑩ An unacceptable delay in the response would result from the employee's return to the normal duty station to retrieve the needed equipment.

This category is normally reserved for emergency maintenance response situations where a group of employees share formal on-call responsibilities on a rotational basis, such as public utility maintenance. In such cases, the use of the take-home vehicle is for the period of on-call assignment only.

**Test 3:** The employee is:

- ⑩ Employed in a public safety position, and
- ⑩ Is required to use an individually assigned vehicle during their normal tour of duty.

Public safety personnel permitted to use an individually assigned vehicle during their normal tour of duty may use the vehicle for commuting purposes in accordance with the department's standard operating procedures as approved by the County Manager. While not on duty during such commutes, officers may assist on incidences they may encounter as needed and in accordance with departmental procedures. Any time spent responding to such incidents or callback return to work is work time and shall be reported as soon as practical.

Assignments are not permanent. When priorities or circumstances have changed, vehicles should be reassigned. All take home vehicle assignments must be reviewed and evaluated by the Department Head and approved by the County Manager annually beginning July 1<sup>st</sup>. The following conditions should be considered:

- ⑩ Requirements of the job.
- ⑩ Productivity.
- ⑩ Availability of County vehicles.
- ⑩ Cost to the County.

Department Heads shall determine reasonable schedules and vehicle assignments for rotational, on-call coverage. For other purposes, the County Manager, at the written request of the Department Head, will authorize full-time take-home vehicles based on the criteria described above.

Employees permitted to take a vehicle home (commute) from their workstation may do so for job-related reasons and not as a compensatory measure.

Vehicles so assigned are not intended to be perceived as personal property or interpreted as a salary supplement or fringe benefit. The commuting costs of the use of a County vehicle may be a taxable fringe benefit cost to an employee. Any vehicle not specifically designated as exempt under the 1985 Tax Act (Appendix I), shall result in a taxable fringe benefit to the employee.

The Finance Director shall compute the commuting cost of any non-exempt vehicle taken home by an employee and report this taxable benefit on the employees form W-2 at the end of each calendar year. Montgomery County will only deduct FICA taxes on the cost of this benefit. No Federal or State Income taxes will be deducted by the County, the payment of these taxes will be the responsibility of the employee, when his or her personal income tax return is filed. The gross cost of this benefit is not subject to state retirement deductions.

Overnight assignment will not typically be granted to any employee that lives outside of a five-mile (5) radius from the nearest primary County limit boundary of the County, unless specifically approved by the County Manager.

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### **Mileage Reimbursement**

The Department Head may authorize mileage reimbursement for an employee who must utilize his/her personal vehicle to conduct County business and who receives no other form of allowance, except as otherwise provided within this policy:

- ⑩ Commuting mileage to respond to an after-hours call-back or unscheduled return to work is considered official County business.
  - ⑩ Claims for mileage reimbursement shall be turned in to the County Finance Office for approval within one month and shall be in accordance with current travel expense reimbursement procedures.
  - ⑩ The standard rate of mileage reimbursement is the same rate currently in effect by the IRS. Mileage is reimbursed from the employee's duty station or the employee's home to the destination, whichever is the lesser mileage. Mileage will be paid for the shortest usually traveled route.
-

## **DRIVER RESPONSIBILITIES / REQUIREMENTS**

Each driver of any County owned vehicle must have a valid North Carolina drivers/operator's license. Should an employee who drives a County owned vehicle be involved in an incident, on or off the job, where their license is suspended or revoked, the employee is obligated to inform their Department Head and Human Resources within 24 hours of the incident. Failure to inform the County of a suspended or revoked license may result in immediate dismissal.

County employees, who drive vehicles weighing more than 26,000 pounds or a vehicle carrying sixteen (16) or more passengers, must have a valid Commercial Class B license with a passenger endorsement. County employees who drive vehicles with a trailer must have a valid Commercial Class A license if required by law.

Employees authorized to drive or are assigned a County owned vehicle are subject to an annual review of their motor vehicle driving status with the State of North Carolina. Employees may be requested to provide a driving history as needed. The Department Head, the Human Resources Director, and the County Manager may review driving privileges on a case-by-case basis.

Employees are responsible for any vehicle or equipment assigned to them and must report unsafe operations or working conditions to their supervisor as soon as possible.

Employees shall allow sufficient time to reach destinations without violating speed limits or traffic laws. Employees must know and abide by all driving laws in all areas where they operate County vehicles and shall drive defensively at all times.

It is mandatory that all occupants of a County vehicle use seat belts at all times, unless specifically exempted by N.C. General Statutes. The driver of the vehicle is responsible for enforcing belt usage by all occupants and shall report any failure to comply with employee's supervisor.

The County of Montgomery will not pay traffic tickets or parking fines of employees driving County owned vehicles, nor will the County pay if the employee is authorized to use their personal vehicle on County business. Employees found guilty of moving violations may be subject to corrective action.

An employee receiving a moving violation while driving a County vehicle has an obligation to immediately inform their Department Head and the Human Resource Director.

The Personnel Department will request the Director of Emergency Management to investigate a prospective employee's driving record if the duties of the position may involve operation of County owned/insured vehicles. After the applicant is hired, a copy of the applicant's driving record will become a part of the Personnel file. Minimal driving infractions will not impede driving privileges.

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### **INSURANCE OF VEHICLES**

The County Finance Officer is responsible for maintaining adequate liability and collision coverage for assigned and unassigned vehicles.

For insurance purposes, each employee authorized to operate a County owned vehicle must provide the Finance Officer with their name as it appears on the operator's license and their driver's license number.

The County's insurance is in force when an employee operates County owned vehicles or equipment.

Property belonging to the Montgomery County locked inside a vehicle is covered by the County's insurance against theft; however, personal property stolen from a County-owned vehicle is not covered,

even if the personal property is used for County business. If your County vehicle is stolen, follow these procedures:

- ⑩ Report the theft immediately to the local police and the Finance Officer.
- ⑩ Obtain a copy of the police report filed.
- ⑩ Provide the Finance Officer with the date and location of where the theft occurred and all relevant information, including the police report.
- ⑩ Provide the Finance Officer with a list by model and serial number of any equipment stolen.
- ⑩ Forward the completed incident report (Form H) and/or Police Report to the Finance Officer within three days.

### **MAINTENANCE OF VEHICLES**

Employees with assigned County-owned vehicles are responsible for monthly inspections of their vehicles. Scheduling of routine maintenance and repairs is the responsibility of the employee to whom the vehicle is assigned.

Individual departments are responsible for monthly inspections of unassigned vehicles and scheduling routine maintenance and repairs.

No alterations may be made to County-owned vehicles without prior written approval by the Department Head or County Manager.

No bumper stickers, other than County approved stickers, may be placed on the vehicles.

Each department is responsible for maintaining accurate and complete maintenance history of files for each assigned vehicle. It is the responsibility of the employee with assigned vehicles and the department for unassigned vehicles to provide the Finance Department with receipts for maintenance and/or repairs.

### **FUEL CONSERVATION PLAN**

Employees should always be attentive to conserve fuel on a day to day basis. At times (i.e. fuel shortage and rising fuel costs), it is necessary to take further steps to assure that each department is doing their part in this important issue.

Department Heads are required to develop a fuel conservation plan for their departments. This plan should be presented to the County Manager for approval. Once approved, the department head will provide a copy of their plan to the County Manager's office to file and will update on an annual basis.

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### **ACCIDENT PROCEDURES**

NOTE: A card describing "What To Do In Case of An Accident" is maintained in the glove box of all County owned vehicles

Regardless of the situation, the following procedure MUST be followed in the event of an accident while in a County owned vehicle:

- ⑩ Immediate notification of the proper law enforcement agency for accident investigation and report within three days.
- ⑩ Immediate notification of the employee's supervisor or Department Head.
- ⑩ Notification of the Finance Officer within 24 hours of the accident, so the insurance carrier can be notified.
- ⑩ Notification of the County Manager within 24 hours of the accident.
- ⑩ "What To Do In Case of An Accident" located in the glove box of all County owned vehicles and must be completed and turned into Supervisor. The Supervisor will forward a copy to the County Manager's Office.

If necessary, an injury report must be completed and submitted to the Finance Officer as soon as possible in order to file a workers' compensation claim within 24 hours of the accident.

Securing accident repair estimates and approval of actual repair work is the responsibility of the employee's department with assistance from the Finance Officer and/or Purchasing Agent.

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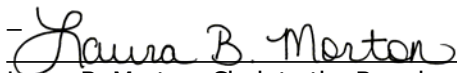
### **Post Accident Substance Abuse Testing**

An employee who is involved in an accident or incident, in which there is, or reasonably could have been personal injury or property damage, will be considered for testing. Not every incident or injury may result in a test. Reasonable determination that action or inaction of the employee contributed to the incident or accident shall be made prior to a request for testing. While it is impossible to list every factor that might lead to a reasonable determination The Department Head, the Human Resources Director, and the County Manager may review each accident or incident on a case-by-case basis to determine if a drug test is necessary.

This Montgomery County Vehicle Use Policy is effective upon its approval, this the 20th day of June, 2006. Amended August 1, 2006.



Attest:

  
 Laura B. Morton, Clerk to the Board

  
 William D. Maness, Chairman

**Exempt Vehicles**  
**1985 Tax Act**

- ⑩ Vehicles which are qualified non-personal vehicles include the following:
- ⑩ Clearly marked police and fire vehicles,
- ⑩ Ambulances used as such or hearses used as such,
- ⑩ Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds,
- ⑩ Bucket Trucks ("cherry pickers"),
- ⑩ Cement Mixers,
- ⑩ Combines,
- ⑩ Cranes and derricks,
- ⑩ Delivery trucks with seating for only the driver, or only for the driver plus a folding jump seat,
- ⑩ Dump trucks (including garbage trucks),
- ⑩ Flatbed trucks,
- ⑩ Forklifts,
- ⑩ Passenger buses used as such with a capacity of at least 20 passengers,
- ⑩ Qualified moving vans,
- ⑩ Qualified specialized utility repair trucks,
- ⑩ Refrigerated trucks,
- ⑩ School buses,
- ⑩ Tractors and other special purpose farm vehicles, and
- ⑩ Unmarked vehicles used by law enforcement officers if the use is officially authorized.

County of Montgomery  
 Travel & County-owned Vehicle Use Policy  
 Addendum December 2012, Appendices O

I. Home-to-Work Use: the following positions have been authorized for home-to-work transportation using a county owned vehicle.

- Sheriff
- Sheriff's Deputies
- Public Utilities Director
- Facilities Supervisor
- Water Distribution Crew ORC
- Emergency Management Director

Home-to-work vehicles may not be utilized for personal travel. Vehicles are only to be driven in the performance of employees' recognized job duties, except for the direct route proceeding to, or returning from, work to their permanent residence. The permanent residence must be on file in the Human Resource Office.

II. Parking Facilities: all vehicles, other than those maintained by home-to-work authorized employees, should be parked overnight at the appropriate duty station site and be secured in the most reasonable manner to prevent theft, collision damage, or vandalism.

- Exception: employees on overnight trips should park vehicles in lots provided by the hotel and may be reimbursed for utilizing secure parking decks, up to \$20 per night, but will not be reimbursed for any valet parking service.

III. Utilizing County Vehicles for On-Call Service: vehicles subject to use by on-call employees should remain at the appropriate duty station after hours and on weekends. On-call employees responding to calls have the following options:

- Report to the duty station site first and then respond to the call in the county vehicle. Mileage reimbursement for reporting to the duty station, and back home following the response, will be paid to employees responding to an on-call response outside of normal business hours. Mileage will be reimbursed for only in-county travel. Employees living outside the county will not be reimbursed for the mileage driven outside the county while reporting to an on-call situation.
- Drive directly to the on-call situation using their personal vehicle and be reimbursed at the IRS rate for the mileage from their home to the call and then back to their residence. Employees living outside the county will only be reimbursed for the mileage driven within the county.

IV. Care of Vehicles: the following shall be observed by all employees utilizing a county-owned vehicle. (Employees authorized for home-to-work travel are responsible for timely and appropriate vehicle maintenance and cleanliness of their vehicle.)

- No eating in the vehicle.
- Sealable or capped bottles should be used for drinking while in the vehicle.
- No smoking in the vehicle.
- No texting or talking on handheld phones while driving.
- Removal of all personal items and trash from the vehicle upon returning to the duty station.
- Immediately report to your supervisor any vehicle that was not properly cleaned by a prior driver.

V. Inappropriate Use of a Vehicle: county vehicles should ONLY be used for county business. All other activities are strictly prohibited. While not exhaustive, the following items are strictly impermissible uses of a county-owned vehicle:

- Deviating from a point-to-point route for any reason other than the procurement of vehicle fuel or sustenance. This deviation should be by no more than 5 miles while on route and by no more than 10 miles while staying overnight at a hotel.

- Transporting any non-employee or persons not essential to the mission of the trip. Employees may transport a spouse or single accompanying passenger in a county vehicle when traveling overnight to a function where no other county employee is attending. This allowance is made for safety concerns. The passenger must adhere to all County policies while in the vehicle and may not drive the vehicle.

VI. Scheduled Maintenance: every County titled vehicle shall be serviced in accordance with the manufacturer's recommendations. An electronic data record shall be maintained for each vehicle indicating service performed, service provider, location of service, price paid for service, and mileage at the time of service. Reports should be submitted in January annually to the Finance Office for the purpose of review and recommendation for vehicle replacement.

VII. Usage Report: for County titled vehicles other than those assigned specifically to a single employee a detailed mileage log shall be submitted in January annually to the finance office. The electronic record should indicate dates of travel, purpose of travel, name of employee operator, designation, and mileage for the trip. Vehicles assigned to an individual shall be reported in January annually to the finance office indicating the VIN # for the vehicle assigned to the employee and the number of miles traveled during the previous year.

**Montgomery County Employee Vehicle Use Acknowledgement**

I have read and fully understand the Montgomery County Employee Vehicle Use Policy and what is expected of me as a Montgomery County employee. I further understand the responsibilities I have for the County-owned vehicle that has been issued me.

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Signature of Employee











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Signature of Supervisor/Department Head


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Date

### **Tips**

-  Keep the tires inflated properly. Under inflated tires waste fuel and wear out the tire tread. Also, check tires regularly for alignment and balance.
-  A well-tuned engine burns less gas. Get regular tune-ups and follow through with routine maintenance.
-  Get the junk out of the trunk. A weighed-down car uses more fuel. For every extra 250 pounds your engine hauls, the car loses about one mile per gallon in fuel economy.
-  Buy the lowest grade (octane) of gasoline that is appropriate for your car. As long as your engine doesn't knock or ping, the fuel you're using is fine.
-  Don't top off the gas tank. Too much gas will just slosh or seep out.
-  Drive intelligently; don't make fast starts or sudden stops. You're just overexerting your engine and burning extra fuel. Engine-revving wastes fuel, too.
-  Lighten up on the accelerator. The faster you drive, the more gas you use. For example, driving at 55 mph rather than 65 mph can improve your fuel economy by two miles per gallon.
-  Avoid long warm-ups. Even on cold winter mornings, your car doesn't need more than a minute to get ready to go. Anything more and you're just burning up that expensive fuel.
-  Combine errands into one trip and plan your stops for the most-efficient route. You'll save yourself time and money.
-  Do not rest your left foot on the brake. The slightest pressure could cause a drag that will demand additional gas use -- and wear out the brakes sooner.

 Tighten the gas cap. Buy a new one if your current cap doesn't fit snugly. Gas easily evaporates from the tank if it has an escape.

 Be smart with the air conditioning. On the highway, closed windows decrease air resistance, so run the air conditioner. In stop-and-go traffic, shut off the air conditioning and open the windows.

 Remove snow tires in good weather. Deep tread and big tires use more fuel.

## **"What To Do In Case of An Accident"**

**Regardless of the situation, the following procedure MUST be followed in the event of an accident while in a County owned vehicle:**

1. Stop immediately and investigate even when the accident appears to be minor.
2. If someone is hurt or if there is danger of a fire, call 911 to request assistance (i.e. Law Enforcement, Fire Department, Ambulance, Rescue Squad)
3. Make no express or implied admission or liability or fault. Do not make an expression of apology or sorrow.
4. Notify supervisor/manager.
5. Make written notes of the details of the accident while at the scene. Do not wait until later.
6. Do not give information concerning the accident to anyone unless the party requesting it is an authorized official (i.e. Deputy, Sheriff, Supervisor, etc.)
7. Do not discuss the accident with insurance agents, news personnel, adjusters or attorneys on behalf of any third party without express permission from your attorney.
8. Complete the Motor Vehicle Accident Report with supervisor/manager.
9. All accident reports shall be submitted within 24 hours of the accident.
10. Notification of the Finance Officer (576-4221) within 24 hours of the accident, so the insurance carrier can be notified.
11. Notification of the County Manager within 24 hours of the accident.

If necessary, an injury report must be completed and submitted to Human Resources as soon as possible in order to file a workers' compensation claim within 24 hours of the accident.

**THE INJURED PERSON**

Name (s): \_\_\_\_\_ Phone \_\_\_\_\_

#'s: \_\_\_\_\_ Address: \_\_\_\_\_

Nature of Injuries: \_\_\_\_\_ Where \_\_\_\_\_

Taken After Accident: \_\_\_\_\_ By Whom: \_\_\_\_\_

Attending Physician: \_\_\_\_\_

Address: \_\_\_\_\_

**DAMAGE TO PROPERTY OF OTHERS**

Name of the Owner: \_\_\_\_\_ Phone #: \_\_\_\_\_

Address: \_\_\_\_\_

Nature of Damage: \_\_\_\_\_

If a vehicle, give name of driver: \_\_\_\_\_

Address: \_\_\_\_\_

Driver's License (including State): \_\_\_\_\_

Make of Vehicle: \_\_\_\_\_

Other Insurance Carrier: \_\_\_\_\_

**WITNESSES**

Give Names and Addresses: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## THE ACCIDENT

Time: \_\_\_\_\_ a.m. or p.m. \_\_\_\_\_

Location: \_\_\_\_\_ On which  
side of the street were you? \_\_\_\_\_ Driving which way?

How far from the curb? \_\_\_\_\_ Did you  
blow the horn? \_\_\_\_\_ Were your lights

on? \_\_\_\_\_ Weather conditions? \_\_\_\_\_

Condition of street or road? \_\_\_\_\_

Your name? \_\_\_\_\_

Describe how the accident occurred? \_\_\_\_\_

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## Montgomery County Personnel Policy



# COUNTY OF MONTGOMERY

## DISCIPLINARY ACTION REPORT



Employee: \_\_\_\_\_ Position: \_\_\_\_\_

Department/Division/Office: \_\_\_\_\_

Action (Check the appropriate actions):		Effective Date: _____
<input type="checkbox"/> Written reprimand	<input type="checkbox"/> Verbal Warning	Follow-up <input type="checkbox"/> 30 days <input type="checkbox"/> 60 days
<input type="checkbox"/> Demotion		<input type="checkbox"/> 90 days <input type="checkbox"/> 120 days
<input type="checkbox"/> Transfer		
<input type="checkbox"/> Temporarily suspended beginning _____ with <input type="checkbox"/> without pay <input type="checkbox"/> through _____		
	(Date)	(Date) Total
<input type="checkbox"/> Suspended, beginning _____, pending hearing on action for dismissal <input type="checkbox"/> without _____		

This action is taken for the following reason(s):

- Violated County personnel policy concerning: \_\_\_\_\_
- \_\_\_\_\_
- Other: \_\_\_\_\_
- \_\_\_\_\_

Summary of incident involving disciplinary action (include date of offense):

(Additional Space on Back If Needed)

I acknowledge that I have been provided with a copy of this disciplinary action containing allegations made against me and the proposed disciplinary and/or corrective actions. My signature is not intended to indicate agreement with any of the statements made about me, but indicates only my awareness of the allegations, the disciplinary action(s), and/or corrective actions plans that affect me. I also understand that if I do not appeal this action within five (5) working days of the date below, the action will be final.

Signatures: \_\_\_\_\_

Employee	Date	Supervisor	Date
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Copy to: Employee  
Human Resources (Personnel File)  
Department/Division/Office Head (Information Only)

Corrective Actions To Be Taken By Supervisor

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Corrective Actions To Be Taken By Employee

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Continuation of Summary of Incident

## APPENDIX Q

**Montgomery County Exit Interview**

Name \_\_\_\_\_  
 Today's Date \_\_\_\_\_  
 Department \_\_\_\_\_  
 Position Title \_\_\_\_\_  
 Last Working Day \_\_\_\_\_  
 Hire Date / Length of Service \_\_\_\_\_  
 Department Head \_\_\_\_\_  
 Supervisor \_\_\_\_\_

REASON FOR LEAVING: \_\_\_\_\_

Relationship with Supervisor	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
My supervisor provided me with an appropriate level of supervision					
I could easily approach my supervisor with a question or a problem					
My supervisor kept me informed about policy changes					
My supervisor listened to my concerns and suggestions					
What things could your Supervisor do to improve his/her relationships with staff?					

Relationship with Department Head	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
I could easily approach my department head with a question or a problem					
My department head kept my division informed about policy changes					
My department head listened to my concerns and suggestions					
What things could your Department Head do to improve his/her relationships with staff?					

Relationship with Coworkers	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
My coworkers and I worked well as a team					
My coworkers were willing to help me when I needed assistance					
My coworkers were sensitive to customer needs					
Are there things the organization can do to facilitate teamwork among coworkers?					

Benefits Package	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
The County of Montgomery's benefits package met my needs					
The County of Montgomery provides employees with enough benefit choices					
I fully understood my benefits					
What new benefit programs or improvements do you recommend?					

Compensation	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
My pay was fair and appropriate					
The County of Montgomery's salaries are competitive					
Pay increases are awarded fairly and equitably					
Comments/Suggestions:					

Training	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
I was given satisfactory job training					
I was given adequate training and instructions concerning County policies and procedures					
I was provided with sufficient safety training and instructions					
What additional training would you recommend for employees within your division?					

Career Development	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
There are adequate promotional opportunities within my department					
I was given opportunities to enhance my skills such as specialized training, seminars, etc.					
My supervisor was concerned about the growth and development of individuals within the division					
How can the County improve career development opportunities?					

Working Conditions	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
My workplace was clean and pleasant					
I was concerned about my personal safety when performing my job					
How can the County improve your workplace?					

Workload	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
My workload was appropriate					
(If disagree) Overworked or Underworked					
I was able to meet work output expectations					
How can your job or work be restructured to improve productivity and workload levels?					

Morale	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
I was reasonably happy at work					
The County of Montgomery is a good place to work					
I had input into the organization					
I was a valued employee					
I would recommend County employment to others					
I would consider returning to work with the County of Montgomery					
What can the County do to become a better place to work?					

PERFORMANCE APPRAISALS	Strongly Agree	Agree	Disagree	Strongly Disagree	No Opinion
My work performance was evaluated fairly and appropriately					
Performance expectations were clearly communicated to me					
The performance appraisal criteria used was directly related to my job					
How can the County's performance appraisal process be improved?					

Forwarding Address (if moving):

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**Other items to cover:**

Retirement system (877) 733-4191

401(K) (866) 624-0151

Deferred Comp (877) 677-3678

BCBS: The NCACC or BCBC will send you a HIPAA certificate.

Colonial Insurance: 1-877-777-7045

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

Interviewer's Signature \_\_\_\_\_ Date \_\_\_\_\_

## Appendix R

**PROTECTED HEALTH INFORMATION AUTHORIZATION**

Under federal law, information about your physical or mental health or condition, health care you have received, or information about payment for health care that you have received, is private and protected. This information is known as "protected health information" or PHI.

Generally, the County of Montgomery (the County) cannot release your PHI to third parties, including your relatives or acquaintances, unless you give the County written permission. If you want a third party to be able to receive your PHI from the County of Montgomery, please complete the form below.

I, \_\_\_\_\_, give the County of Montgomery permission to release the following PHI to the person/entity names below (description of PHI to be released):

\_\_\_\_\_

Name of person/entity allowed to receive PHI: \_\_\_\_\_

Relationship to employee: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Address: \_\_\_\_\_

This permission will expire on: \_\_\_\_\_

I understand that I may revoke this permission at any time by giving the County written notice mailed to the address at the bottom of this form. I also understand that revoking this permission **will not** affect any release of PHI based on this permission before receiving notice. I understand that the protections of the federal law will not apply to any later disclosure of my PHI by the person/entity above. **Please provide the following information to the person granted permission so that we may verify the person's identity and authority to receive your PHI: (1) your date of birth; (2) your address; (3) the description of the PHI to be released.**

Member Name: \_\_\_\_\_

Member Date of Birth: \_\_\_\_\_

Member Signature: \_\_\_\_\_ Date: \_\_\_\_\_

NOTE: If signed by an individual other than the member, describe your authority on behalf of the member (eg, power of attorney, court order, parent of minor child, etc): \_\_\_\_\_

**Appendix S****Montgomery County  
Fleet Replacement Policy****General Policy**

It is the policy of the County of Montgomery to provide staff with the tools needed to do the jobs in a professional, competent and safe manner. Among the biggest “tools” in accomplishing the task are motor vehicles and motorized equipment. In addition, these items are a very substantial financial investment and need to be handled in the most economic manner to the County, both in their operation and in maximizing their disposal value.

Each vehicle and/or piece of equipment has a number of “lives”. It has a service life, which is the amount of time a vehicle is capable of rendering service. It has a technological life which represents the relative productivity decline of the unit as compared to newer models. Most important, a unit has an economic life, which is the length of time the average total vehicles cost, is at a minimum. The following unit expenses and costs should be considered in determining fleet replacement recommendations:

- 1) Fuel Costs
- 2) Operation Costs
- 3) Maintenance Costs, to include parts availability
- 4) Downtime
- 5) Technological Obsolescence
- 6) Condition
- 7) Safety

Montgomery County Staff recognizes that the realities of the budget process, monetary restrictions, and administrative policies will limit the replacements that can be made each year, and that priorities must be set to determine which vehicles to replace with available funds. The purpose of this policy is to set forth an outline for County Departments, in cooperation with Administration and Finance to establish these priorities for recommendation to management.

**Equipment Replacement Evaluation and Criteria**

Vehicles and/or equipment will be evaluated by four criteria: age, mileage operation & maintenance, cost condition of body and mechanical components. A baseline is set for each criteria and points are assigned, depending on how the item’s data compares to the base standard.

The ratings are low, base (equal to the standard), high and extreme. Points are assigned as follows: 1-low, 2-base, 3-high, and 4-extreme.

Any point total equaling or exceeding eleven (11) indicates that the vehicle should be recommended for replacement. The point total is used to rank its replacement priority and the larger the number the higher the replacement priority will be. A priority ranking was developed for the entire fleet by class of vehicle regardless of departmental assignment.

Priority ranking is intended to serve as a guide and should no way be interpreted as a substitute for the Fleet Maintenance evaluation and recommendations. For example, does the employee know about a transmission slipping in a vehicle, or does he/she feel that a vehicle has been driven to hard to make it to the base criteria. Another example might be a piece of equipment developing a high operating cost, or fuel use per mile. The evaluation criteria might show a low total score, however it might be necessary to look at this unit for replacement as soon as possible. These things may not show in a point based criteria, but can’t be ignored completely.

In addition, some vehicles might be stepped down in "class" and such change might change their base. An example might be a police car with one base shifted to a "reserve car with a different base. Also, there will be special cases, such as very low use vehicles, that a judgment might indicate that any replacement be delayed, despite a high point total.

Finally, there may be cases where new technology or features on new equipment might increase productivity or provide other benefits to the County that might make replacement a viable option. The following is a brief explanation of the rating criteria:

**Age:** based on the experience in the class of equipment and industry standards as recommended by the American Public Works Association, national averages, other cities, etc., and intended to reflect the least cost and highest resale value to the County.

**Mileage:** based on the experience in the class of equipment and industry standards as recommended by the APWA, national averages, other cities, etc., and intended to reflect the least cost and highest resale value to the County.

**Maintenance Cost:** The base cost will be a total of maintenance and repairs costs as a percentage of the original purchase price. Accident and warranty repairs are not to be included in this total.

**Condition:** a physical evaluation made for each vehicle that meets or exceeds the base standards for age, mileage and maintenance costs. The criteria would be an assignment of a repair cost as a percentage of the book value of vehicle. Vehicle history, such as accidents would be also considered at this point.

**Comments and Other Considerations:** This is where the Fleet Manager can comment of vehicle history, costs, technological changes, safety items, etc. that should be considered in an evaluation.

## **Routine Maintenance**

Each department head is responsible for keeping routine maintenance of each vehicle assigned to their unit of government. They shall keep a detailed record of each vehicle, including miles, oil changes, tire rotation, etc.

The following chart should be followed (a mandatory maintenance record form is attached):

### **Oil Changes/Tire Pressure**

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Every 3,000 miles

### **Tire Rotation**

---

Every 6,000 miles or every other oil change

### **Brake Replacement**

---

Every 26,000 – 60,000 miles

### **Tune-ups** (plugs, filters, wires, clean throttle bodies)

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Every 50,000-60,000 miles

### **Transmission Service**

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Every 60,000 miles

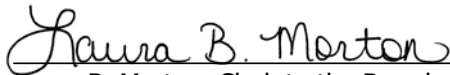
Off Road Vehicles Every 45,000-50,000 miles

Furthermore, it is the responsibility of the department head to request enough funding to properly maintain their assigned vehicles.

Approved this the 16<sup>th</sup> day of October, 2007.



  
William D. Maness, Chairman

  
Laura B. Morton, Clerk to the Board

## **Vehicle/Equipment Evaluation Form**

**Department** \_\_\_\_\_

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

**Make/Model:** \_\_\_\_\_

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

**Date of Evaluation** \_\_\_\_\_

**Performed By:** \_\_\_\_\_

SYSTEM	DIAGNOSIS		ESTIMATED REPAIR COST	
Engine				
Transmission				
Drive Line				
Differential				
Exhaust System				
Pumping System				
Hydraulic System				
Brakes				
Tires				
Body				
Interior/Exterior				
Front End				
Suspension System				
Air Conditioning				
General Overall Condition				
<b>Total estimated repair cost</b>				

Diagnosis Code	Code Description
Good	System is functioning well, and no major repair expected
Fair	Major overhaul is needed, but system can function for awhile longer before overhaul is required
Poor	Major repair is required as soon as possible to ensure vehicle dependability

**Evaluator's Comments:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### Vehicle/Equipment Evaluation Summary Report

Vehicle # \_\_\_\_\_ Evaluation/Report Date: \_\_\_\_\_

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

Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_

Description/Use: \_\_\_\_\_

#### Summary Values

Age \_\_\_\_\_ Base Age from Policy \_\_\_\_\_ Points: \_\_\_\_\_

Mileage \_\_\_\_\_ Base Mileage \_\_\_\_\_ Points: \_\_\_\_\_

Maintenance Cost: (Attach History Report)

Purchase Cost: \_\_\_\_\_ Total Maint. & Repair: \_\_\_\_\_ Points: \_\_\_\_\_

Book Value: \_\_\_\_\_ Est. Repair Cost: \_\_\_\_\_ Points: \_\_\_\_\_

#### Total Points

Comments and other considerations: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Licensed Mechanic/Department Head's Recommendation to County Manager:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Replacement Parameters

### Age Condition Points

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Below base replacement age 1  
 < 1 year over base 2  
 1-2 years over base 3  
 3+ years over base 4

### Mileage Condition Points

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Below base replacement mileage 0  
 Base + < 10,000 miles (600 hours) 1  
 Base + 10,000-20,000 miles (600-1,200 hours) 2  
 Base + 20,000+ miles (+1,200 hours) 3

### Maintenance Cost Condition Points

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< 5% of the purchase cost 1  
 5% to 12% of purchase cost 2  
 13% to 25% of purchase cost 3  
 > then 25% of purchase cost 4

### Condition Evaluation See Evaluation Form

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Condition Points  
 Repair cost <6% of the book value 2  
 Repair cost 6% to 18% of book value 3  
 Repair cost >18% of replacement 4

### Equipment Replacement Base Criteria Item Age Mileage/Hours

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Cars- Normal use 9 120,000  
 Police Cars - pool 5 100,000  
 Police Cars assigned 7 120,000  
 P/U- compact to 3/4 ton 10 120,000  
 Medium/Heavy Trucks (>15k GRVW) 12 120,000  
 Off Road Equipment 12 4,000 hr  
 Backhoe & Loaders 12 4,000 hr  
 Sweepers 10 80,000  
 Trailers 20 N/A  
 Rollers 20 4,000  
 Plows 20 N/A  
 Spreaders 15 N/A  
 Other trailed Equipment 15 2,500 hr  
 Fire Equipment > 15K GRVW 20 TBD Fire  
 Equipment < 15k GRVW 10 TBD

TBD- To be Determined

**APPENDIX T**

# Montgomery County Board of Commissioners

## AN ORDINANCE PROHIBITING TOBACCO USE IN COUNTY BUILDINGS & TRANSPORTATION VEHICLES

WHEREAS, tobacco use is the number one preventable cause of premature death in NC and the nation; and,

WHEREAS, local governments now have clear authority under G.S. 130A-498 to restrict smoking in buildings owned, leased as lessor, or the area leased as lessee and occupied by local government; buildings and grounds wherein local health departments and departments of social services are housed; and any place on a public transportation vehicle owned or leased by local government and used by the public; and,

WHEREAS, secondhand smoke has been proven to cause cancer, heart disease, and asthma in both smokers and nonsmokers; and,

WHEREAS, the 2006 Surgeon General's Report on the health consequences of involuntary exposure to tobacco smoke states that the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke. The 2006 Surgeon General's Report documents that separating smokers from nonsmokers, cleaning the air, and ventilating smoke cannot eliminate exposure to secondhand smoke; and,

WHEREAS, the Centers for Disease Control and Prevention (CDC) advises that all individuals with coronary heart disease or known risk factors for coronary heart disease should avoid all indoor environments that permit smoking; and,

WHEREAS, exposure to secondhand smoke is expensive, costing the nation \$10 billion per year, \$5 billion in direct medical care costs, and \$5 billion in indirect costs according to the 2005 Society of Actuaries; and,

WHEREAS, The 2006 Surgeon General's Report documents that eliminating indoor smoking fully protects nonsmokers from exposure to secondhand smoke; and,

WHEREAS, Montgomery County provides support to employees who want to quit the use of tobacco products. These employees are also encouraged to talk to their

health care provider about quitting; ask about appropriate pharmacotherapy available through the Montgomery County health insurance plan or employee's insurer and use the free quitting support services of the North Carolina Tobacco Use Quit line at 1-800-QUIT-NOW (1-800-784-8669).

WHEREAS, Montgomery County recognizes the health risks of tobacco use and secondhand smoke for non-smokers. The aim is to minimize the harmful effects of tobacco use among staff and eliminate secondhand smoke exposure for staff and the public in those buildings controlled by Montgomery County;

NOW, THEREFORE, Montgomery County enacts:

#### Section 1. Definitions

"Grounds" – The area located within 50 linear feet of a building wherein a local health department or a local department of social services is housed.

"Smoker" – A person who is smoking.

"Smoking" – The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

"Tobacco products" – Any product that contains tobacco and is intended for human consumption.

#### Section 2. Use of Tobacco Products is Prohibited in County/Municipal Buildings and Transportation Vehicles

*Use of tobacco products is prohibited in all of the following:*

- (a) Buildings that are owned by Montgomery County.
- (b) Buildings that are leased by Montgomery County as lessor.
- (c) Buildings or areas of buildings that are leased by Montgomery County as lessee and occupied by Montgomery County.
- (d) Public transportation vehicles owned or leased by Montgomery County and used by the public.
- (e) The grounds of any building housing one or more components of Montgomery County Health Department or the Montgomery County Department of Social Services.

### Section 3. Signage

- (a) Persons in charge of buildings identified in Section 2 shall post signs at all entrances and exits explaining the prohibition of tobacco use. Signs may be posted in other areas of the buildings as well. For example, signs may be posted in other areas in the building where tobacco use is likely, such as bathrooms and dining areas.
- (b) Persons in charge of vehicles identified in Section 2 shall post signs in the vehicles explaining the prohibition. The signs must be displayed in areas where passengers will be able to see the signs but the placement of the signs must not interfere with the safe operation of the vehicle.
- (c) The signs required by subsections (a) and (b) of this Section must use clear and unambiguous language to convey the prohibition. The signs may include language such as "TOBACCO FREE BUILDINGS," "TOBACCO USE PROHIBITED IN THIS BUILDING," "TOBACCO USE NOT PERMITTED IN THIS BUILDING," or "TOBACCO USE NOT PERMITTED IN THIS VEHICLE." If a sign includes the international "No Smoking and Smokeless Tobacco" symbol (which consists of a pictorial representation of a burning cigarette and smokeless tobacco product enclosed in a red circle with a red bar across it), it must also include written text explaining the prohibition.
- (d) Persons in charge of buildings and vehicles identified in Section 2 must determine whether signs should be posted in languages other than English.
- (e) Persons in charge of buildings or grounds where tobacco use is prohibited by this ordinance shall remove all publicly available ashtrays from the buildings and grounds.

### Section 4. TobaccoUsePermittedOutsideBuildings

Use of tobacco products is permitted outside the buildings identified in Section 2, provided that the persons who are smoking do not stand adjacent to a public entrance, air intake vent, or within the 50 foot perimeter.

### Section 5. EnforcementandPenalties

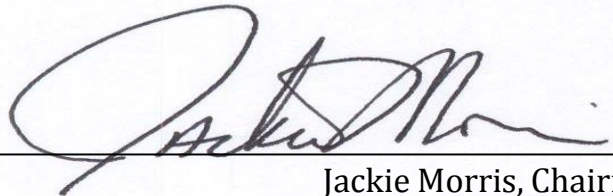
- (a) Employees: Employees who violate this ordinance may be subject to sanctions consistent with Montgomery County human resources policies.

(b) Others: The person in charge of a building or vehicle identified in Section 2 or his or her designee who sees an individual using a tobacco product (other than an employee) who is in violation of this ordinance must ask the individual to stop using the tobacco product. If, after having been asked to stop using the tobacco product, the individual continues to use the tobacco product, he or she shall be given a formal warning. Future violations shall constitute a misdemeanor, punishable by a fine not to exceed \$200.00 per violation.

Section 7. Public Hearing. A public hearing was held on 21<sup>st</sup> day of April, 2009 by the Montgomery County Board of Commissioners.

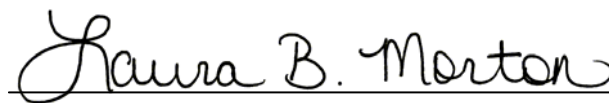
Section 8. Effective Date. This ordinance shall be effective May 1, 2009.

Adopted this 21<sup>st</sup> day of April, 2009 by the Montgomery County Board of Commissioners.

  
 Jackie Morris, Chairman  
 Montgomery County Board of Commissioners



Attest:

  
 Laura B. Morton, Clerk to the Board  
 Montgomery County Board of Commissioners