HUMAN RESOURCES RESOLUTION

COUNTY OF ASHE, NORTH CAROLINA

HUMAN RESOURCES RESOLUTION

ADOPTED AND APPROVED BY

BOARD OF COUNTY COMMISSIONERS

EFFECTIVE DATE: August 7, 2023

ASHE COUNTY BOARD OF COMMISSIONERS:

Todd McNeill Chairman
Chuck Olive Vice-Chairman
William Sands
Jerry Powers
Mike Eldreth

APPROVED AND ADOPTED ON

August 7, 2023

LATEST REVISIONS APPROVED AND ADOPTED ON

October 5, 2026

HUMAN RESOURCES RESOLUTION

ASHE COUNTY, NORTH CAROLINA

Be it resolved by the Board of County Commissioners of Ashe County that the following policies and procedures shall govern the recruitment, appointment, classification, salary, promotion, benefits, holidays and leave, discipline, dismissal and conditions of employment of the employees of Ashe County.

Be it further resolved that Ashe County is an Equal Opportunity and Employer hires only United States Citizens and lawfully authorized alien workers.

INTRODUCTION

This Human Resources Resolution is designed to provide employees and management with information about working conditions, benefits, and the policies that govern employment with Ashe County.

All employees, supervisors, managers and directors are encouraged to read this Human Resources Resolution carefully, as it is a valuable reference for understanding employment with Ashe County. This Resolution supersedes and replaces any and all prior personnel resolutions and the policies and procedures they contained. It also supersedes and replaces any inconsistent verbal or written policy statements of Ashe County. Unless specifically approved in writing by the County Manager, this Resolution supersedes and replaces any departmental policy that is inconsistent with these policies.

The County may change the policies in this Resolution as deemed necessary in its sole discretion from time to time. The provisions of this Resolution do not create a contract for employment for any specific period. This Resolution does not create contractual obligations with respect to any matters it covers.

Employment with Ashe County for most employees is “at-will,” which means that employees and the County have the right to terminate employment at any time for any reason, with or without cause or notice. Only the Board of Commissioners can change at-will employment through a signed, written contract.

It is the intention that this Resolution will provide useful and helpful information to management and employees. Use of it is encouraged to resolve questions about employment with Ashe County. If there are questions regarding the application of policy to a particular situation, please feel free to contact the County Manager to resolve it.

Receipt of Human Resources Resolution

This is to acknowledge that I have received a copy of the Ashe County Human Resources Resolution and agree to comply with the policies it contains. I understand that the policies in this Resolution may require changes from time to time and understand that the County reserves the right to revise, delete and add to the provisions of this Resolution at any time.

I understand that this Resolution is not intended to create contractual obligations with respect to any matters it covers. I also understand that the Resolution does not create a contract guaranteeing that I will be employed for any specific time period. I understand that I am an at-will employee, which means that either the County or I can terminate my employment at any time and for any reason unless the North Carolina Human Resources Act covers me. I understand that if I am in a position covered by the N.C. State Human Resources Act that the personnel policies adopted by the N. C. State Human Resources Commission under that law are applicable to myself. I also understand that only the Board of Commissioners can change at-will employment with the County, in a signed, written contract.

I understand that although this Resolution refers to and generally describes current benefit plans provided by the County. However, the actual benefit plan documents and summary plan descriptions are controlling, and I must refer to these documents in the event of any benefits issues or questions.

I hereby acknowledge that I have read, understand, and will comply with the provisions of this Personnel Resolution.

EMPLOYEE SIGNATURE: _____

EMPLOYEE PRINTED NAME: _____

DATE OF SIGNATURE: _____

To be filed in employee's personnel file

ASHE COUNTY EMPLOYEES SUBJECT TO PROVISIONS OF N.C. GENERAL STATUTES CHAPTER 126 [THE STATE HUMAN RESOURCES ACT], ELECTED OFFICIALS AND OTHER COUNTY OFFICIALS NOT SUBJECT TO THIS RESOLUTION

Certain provisions of the State Human Resources Act [N. C. General Statutes Chapter 126] and administrative rules adopted by the N.C. State Human Resources Commission cover employees of the Ashe County Departments of Social Services and Emergency Management. That law and the administrative rules implementing it cover the following areas of employment: recruitment and selection; classification and compensation; disciplinary action and dismissal; and grievances and appeals.

Employees of the Ashe County Departments of Social Services and Emergency Management are not subject to the following Articles of this policy: 4 – Recruitment and Selection; 5 – Classification Plan; 10 - Disciplinary Action and Dismissal; 11 - Grievance Procedure. Such employees may not be subject to all provisions of this Resolution. Where that is the case, it will be specifically noted.

Employees of Ashe County Departments of Social Services and Emergency Management are otherwise covered by and governed by the policies found in this Human Resources Resolution. If there is a conflict between any policy in this Resolution and a relevant provision of the State Human Resources Act or a provision of any administrative rule adopted by the N. C. Human Resources Commission, the State Human Resources Act or administrative rule shall control.

The Ashe County Sheriff and the Register of Deeds are elected officials and as such, are not subject to the provisions of this Resolution. The employees of the Sheriff's Office and the Register of Deeds Office may be subject to provisions of this Resolution as determined by the Sheriff and the Register of Deeds.

Members and employees of the Ashe County Board of Elections are not subject to the provisions of this Human Resources Resolution. The Board of Elections may choose to be guided by the provisions of this Resolution as they deem appropriate.

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ARTICLE 1. THE HUMAN RESOURCES SYSTEM

Merit Principle

All appointments and promotions of employees by the County Manager shall be made solely on the basis of merit and fitness. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same salary range.

Responsibilities

County Manager: The County Manager shall be responsible for the administration of the personnel policies and rules herein which shall apply to all appointed employees except those specifically exempt.

The County Manager shall serve as the Human Resources Director and shall provide assistance to the Human Resources Coordinator in the preparation and maintenance of the Position Classification Plan and the Pay Plan, and perform such other duties in connection with a modern human resources program as required.

Department Heads: Each Department Head shall make recommendations to the County Manager and Human Resources Coordinator for the recruitment, appointment, suspension and removal of employees assigned to their department. Department Heads shall ensure that corrective actions within their departments are thoroughly documented and submitted to the Human Resources Coordinator.

Human Resources Coordinator: The Human Resources Coordinator shall be responsible for maintaining personnel records for all county employees, advertising vacant positions and assisting with the hiring process as needed. The Human Resources Coordinator shall assist the County Manager in the preparation and maintenance of the Position Classification Plan and the Pay Plan. The Human Resources Coordinator shall administer retirement, insurance and other employee benefits plan and shall assist the County Manager in administering other portions of this policy as needed.

Personnel Policy Committee: The Personnel Policy Committee shall be responsible for making personnel policy and rule recommendations to the County Manager, the Human Resources Coordinator and the Ashe County Board of Commissioners.

The Committee shall be a stand-alone Committee that operates autonomously and independently of the County Manager and the Commissioners. The Committee shall have the authority to form and approve its own operating procedures to include, but not limited to, election of officers, addition/removal of members and filling of vacancies.

Employees: Each employee is responsible for reading and becoming familiar with the contents of this personnel resolution.

Employees Subject To Resolution

The provisions of this resolution shall be applicable to all employees except as provided below:

(1) Elected officials of the County shall be exempt from the provisions of this Resolution.

(2) The provisions of this Resolution shall not apply to the County Manager, the County Attorney and any other person with an employment contract with Ashe County.

(3) Part-time officials appointed by the Board of County Commissioners, and employees of advisory or special boards and commissions who work in an irregular schedule, shall be exempt from all provisions of this resolution except Article 3 - Political Activity Restricted and Article 4 – Qualification Standards.

(4) Employees subject to the jurisdiction of the North Carolina State Human Resources Commission and the North Carolina Cooperative Extension Service shall be exempt from Articles 4, 5, 10 and 11, but shall be subject to all other provisions of this Resolution.

(5) Members and employees of the Ashe County Board of Elections are not subject to the provisions of this Human Resources Resolution. The Board of Elections may choose to be guided by the provisions of this Resolution as they deem appropriate.

Article 2. Equal Employment Opportunity – Prohibition Against Discrimination, Harassment and Retaliation

Equal Employment Opportunity Statement

Ashe County is committed to providing equal employment opportunity for all employees and applicants on the basis of merit and without regard to race, color, religion, gender, age, sexual orientation, gender identity, national origin, disability, genetic information, military service or other status protected by state or federal statute. Every effort will be made to ensure that every term, condition or privilege of employment with Ashe County, including recruitment, selection, training, promotion, transfer, and benefits, are administered in conformance with Federal statutes and regulations governing equal employment opportunity. Ashe County will not condone, permit or tolerate any form of unlawful discrimination, harassment or retaliation by or against our employees.

Purpose

Ashe County recognizes the importance of a diverse workforce in providing County services and applying equal employment opportunity (EEO) principles in all employment practices.

Policy

It is the policy of Ashe County to strictly adhere to the principle of equal employment opportunity in all its personnel transactions and to provide equal employment opportunities to all employees and applicants for employment.

Coverage

This policy covers all County employees.

Sexual Harassment Policy

Purpose

Sexual harassment, either physical or verbal, is a violation of Title VII of the Civil Rights Act of 1964 and of county policy. The intent of this policy is to clarify Ashe County's position in matters relating to acquiescence, detection and cessation.

Policy

It is the intent of Ashe County to maintain a workplace free of sexual harassment from any source. This policy affirms the County's refusal to tolerate sexual harassment; informs managers and supervisors and other employees of performance expectations, guidelines and possible penalties related to sexual harassment; and provides procedures for employees to follow who believe they are currently or have been harassed.

Definitions

The EEOC and the courts recognize two different types of sexual harassment:

Quid Pro Quo Harassment:
Occurs when submission to unwelcome sexual conduct is made a term or a condition of an individual's employment. Translated, quid pro quo means "what for what/something for something."

Hostile Environment Harassment:
Occurs where unwelcome sexual conduct unreasonably interferes with an individual's job performance or creates an intimidating, hostile, or offensive work environment. This type of sexual harassment typically involves one or more of the following: Use of sexual slurs, comments, insults, jokes; inquiries about the victim's sexual inclinations; conversation about the harasser's sexual inclinations; the presence or distribution of obscene cartoons, photographs, posters, etc.; or inappropriate and unwelcome physical touching or gesturing.

Coverage and Responsibilities
This policy applies to all officers and employees of Ashe County, including, but not limited to, full and part-time employees, elected and appointed officials, permanent and temporary employees covered or exempted from other personnel policy, and employees working under contract for the County. The County Manager is responsible for investigating complaints of sexual harassment or may delegate the investigation to another county employee at his/her discretion. A complaint against the County Manager shall be investigated by an independent party appointed and qualified by the County Attorney.

Filing Complaints
Employees or applicants wishing to file a complaint of sexual harassment shall do so using the procedures set out in Article 11 of this Resolution - Filing and Resolution of Complaints of Discrimination /Harassment/Retaliation.

Article 3. Conditions of Employment

Applicability Of This Article
The provisions of this article shall be applicable to all employees except elected officials of Ashe County.

Definitions
Immediate Family [Does not apply to Family Medical Leave]
Includes wife, husband, mother, father, brother, sister, son, daughter, grandmother, grandfather, grandson, granddaughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepmother, stepfather, stepson, stepdaughter, stepbrother, stepsister, niece, nephew, aunt or uncle.

Outside Employment/Secondary Employment
Self-employment or any other employment for salaries, wages, tips or commission other than the full-time position held with Ashe County.

Conflict of Interest
Situation created when the interests or concerns (actual or potential) of an individual, may be seen as competing with the interests or concerns of the County. In addition, the individual's judgment or conduct might be affected, or might reasonably appear to be affected.

Employment of Relatives (Nepotism)
Two members of an immediate family shall not be employed by the County if such employment will result in an employee supervising a member of his/her immediate family, or if one member occupies a position which has influence over the other's employment, promotion, salary administration, or other management or personnel considerations.

This policy is applicable to all new hires, promotions, demotions, transfers, and reinstatements.

In cases of new hires, promotion, demotion, transfer or other personnel transactions that create a conflict with this policy, it is the responsibility of the Department Head, in consultation with the County Manager, to address the situation and resolve the conflict within thirty (30) days. Separation of an employee under these conditions should be avoided if at all possible.

This policy shall only apply prospectively from the date of the adoption of this Policy.

Dress Code
Appropriate dress shall be required in all departments at all times while in the course of employment. Appropriate dress will be determined by Department Head in conjunction with the County Manager. If a departmental dress code is desired, Department Heads shall submit a written dress code for their respective employees to the County Manager for formal approval.

Ashe County Search Policy

The County has a right to open, inspect, examine or search County property, including County vehicles, desks, cell phones, equipment, workspaces, lockers and computers (including emails sent and received, internet access history, web sites accessed, and any files present and/or accessed remotely) at any time without notice. No employee shall have any expectation of privacy in their office, including any electronic devices owned by Ashe County and provided to the employee, or in any area controlled or owned by Ashe County.

Electronic Devices/Internet Access/No Expectation of Privacy

The County's information technology is considered a resource, available to County employees to conduct and facilitate their work. It is to be used at all times in a lawful and ethical manner. Inappropriate and prohibited uses of County-provided electronic devices and internet access include but are not limited to the following:

- Unauthorized and time-consuming recreational activities, such as shopping or game playing;
- Downloading games, music, videos or movies;
- Use unauthorized codes, passwords, or any other means to gain access to confidential County files or the e-mail of other employees;
- Using the system for personal profit or illegal purposes;
- Use email or voice mail to harass or to make defamatory remarks about other employees or to send inappropriate or offensive messages such as racial, sexual, or religious slurs.
- Viewing websites with pornographic content.

Any such use of County-owned information technology may result in disciplinary action up to and including dismissal.

Ashe County reserves the right to examine, for good business reason, files, programs, passwords, accounting information, printouts, or other computing material without notice. Employees have no expectation of privacy in their use of County-owned devices or County-employed Internet service.

Information Technology

All electronic and telephonic communications systems and all information transmitted by, received from, or stored in County-owned or provided systems are the property of Ashe County. These systems and their various components are subject to random monitoring of system use and review of messages to determine whether any violations of County policies have occurred.

Employees are expected to use these resources in the performance of work-related functions on the job, or while using County-owned or provided information processing resources, including the Internet, responsibly and professionally and shall make no intentional use of these services in an inappropriate, illegal, malicious, or obscene manner. Employees may make

reasonable personal use of County-owned or provided resources, including Internet access, as long as there is no negative impact on employee job performance and there is little to no cost to the County. Emails or texts sent from or received by County-supplied electronic devices may be considered public information and may be discoverable in a public records request.

A violation of this policy shall be considered unacceptable personal conduct and shall subject the employee to disciplinary action, up to and including dismissal.

Employee Identification/Security Badge Policy

The County's identification card/access badge system serves a dual purpose: to provide identification and to provide access to specific buildings or areas that are not readily accessible to the general public. Consistent with established procedures, appropriate badges are issued to employees and certain visitors.

At the Department Heads' discretion, employees may be required to wear issued identification cards/badges while in an official working capacity, including visiting other departments.

A lost or stolen access card shall be reported immediately to the Administration Department so that it may be deactivated. Employees failing to adhere to this requirement may be subject to disciplinary action. Employees will be charged for replacement cards/badges.

Smoke-Free Workplace Statement

Ashe County maintains a "tobacco/vape free" workplace in all its facilities and offices. This policy applies to all employees, clients, visitors, and guests.

Violation of this policy shall constitute unacceptable personal conduct will result in disciplinary action up to and including dismissal.

Surrender Of Equipment Upon Separation

Each Department Head/Supervisor will maintain a written inventory list of all County assigned or issued equipment. This includes, but is not limited to, such items as laptops, cellular telephones, keys, identification badges, uniforms, supplies, case files, passwords, passcodes, and associated notes. Upon separation from employment, each employee is required to return all assigned or issued equipment. Department Heads/Supervisors must acknowledge receipt of all items in writing and submit required report to the Human Resources Office.

Decision On Compensation For Overtime

Ashe County retains at all times the determination of whether to compensate overtime work by awarding compensatory time off or by payment of time and a half overtime pay. Persons who accept a position with Ashe County eligible for overtime compensation under the Fair Labor Standards Act agree to this as a condition of employment. Employees must use accumulated compensatory time off before using accumulated vacation or sick leave.

Work Week

Employees and Department Heads shall normally work forty (40) hours per week with the exception of certain public safety employees. Normal hours shall be from 8:00 a.m. to 5:00 p.m. with one (1) hour only permitted for lunch. When the activities of a particular department or employee require some other schedule to meet work needs, the County Manager may authorize a deviation from the normal schedule. The Ashe County workweek runs from midnight Sunday to 11:59 pm Saturday.

Overtime And Compensatory Time

Overtime is defined as time worked over the normal eight (8) hours in one day or forty (40) hours in one week. Time worked will be based on actual time worked plus eight (8) hours for each County Holiday during any given week. Any employee required to work overtime will receive compensatory time off as follows:

> For each hour worked over eight (8) hours in a day an employee will receive one (1) hour of compensatory time off and for each hour worked over forty (40) hours in a week, an employee will receive an additional one-half (1/2) hour of compensatory time off.
>
> Exempt Employees: At July 1 of each year compensatory time accrual in excess of 240 hours shall be converted to sick leave and shall be used as provided in Section 5 "Sick Leave". If any exempt employee should terminate their employment with the County, the maximum compensatory leave to be paid will not exceed 240 hours.

Non-Exempt Employees: At the end of each pay period, non-exempt employees who have compensatory leave in excess of 240 hours will be paid for the hours that are in excess of 240. The compensatory time will be calculated monthly and payments will appear on the following month's pay check. Upon termination of employment, non-exempt employees must be paid for unused compensatory time figured at 1) the average regular rate received by such employee during the last three years of employment; or 2) the final regular rate received by such employee, whichever is higher. The phrase "last three years of employment" means the three-year period immediately prior to termination, so that if an employee has a break in service, the period of employment after the break will be treated as a new employment.

Supervisors shall arrange the work schedules of their employees so as to accomplish the required work within the standard workday. Employees may be required to work overtime in emergencies or as directed by their supervisor. All overtime must be pre-approved by the Department Head or County Manager in advance.

Exempt employees that accrue overtime may take such time as compensatory time at the rate stated above. The taking of such time shall not interfere with the work schedule of the respective Department Head. Detailed, accurate records of all compensatory time accumulated must be kept at all times and available to the County Manager upon request. All accrued compensatory time must be used prior to using annual vacation or sick leave time. Department Heads should encourage employees to take compensatory leave during the same week it is earned when

possible. It is the duty of each Department Head to assure that compensatory time is taken within the above guidelines.

Payment Of County Taxes By Employees

Because the operations of the county are financed primarily through the collection of county property taxes, it is required that each county employee timely pay his or her county property tax. Failure to timely pay county property taxes will be considered a violation of this policy and shall subject the employee to garnishment and may subject the employee to additional disciplinary action up to, and including, dismissal.

Secondary Or Outside Employment

The provisions of this article shall be applicable to all employees except elected officials of Ashe County.

An employee's work for Ashe County shall have precedence over all other occupational interests of employees. Approval for all outside employment for salary, wages or commissions, and all self-employment must be requested and approved by an employee's Department Head. For Department Heads, a request for outside employment must be approved by the County Manager. All employees who have secondary employment as of the effective date of this Resolution must request approval to continue that employment within 90 days from the date of the effective date of this Resolution.

Outside employment which restricts an employee's mental or physical ability to perform the duties or functions of his or her regular job shall be considered in conflict with the restrictions in this policy. Outside employment which compromises or violates the confidentiality of an employee's regular job or which compromises the objectivity of County services rendered to the public shall be considered a conflict of interest in violation of this policy.

Outside employment that creates a conflict of interest or unreported outside employment may be grounds for disciplinary action up to and including dismissal.

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 civil organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civil or political organizations in accordance with the Constitution and Laws of the State of North Carolina and in accordance with the Constitution and Laws of the United States of America, however, no employee shall:

(1) Engage in any political activity while on duty.

(2) Be required as a duty of his/her office or employment or as a condition for employment, promotion or tenure of office, to contribute funds for political or partisan purposes.
(3) Solicit or act as custodian of funds for political or partisan purposes.
(4) Coerce or compel contributions for political or partisan purposes by any other employee of the governmental unit.
(5) Use any supplies or equipment of the governmental unit for political purposes.

Any violation shall be deemed unacceptable personal conduct and shall subject such employee to disciplinary action up to and including dismissal.

Performance Evaluation

All employees are evaluated on their job performance on an annual basis. All Department Heads shall evaluate all departmental employees on a yearly basis after completion of the probationary period. The County Manager shall evaluate all Department Heads annually.

All Department Heads or his/her designee shall evaluate new employees after the required one-year probationary period is complete. All aspects of their performance to date shall be reviewed, and the Department Head shall forward to the County Manager and the Human Resources Coordinator a record of such evaluation.

Department Heads are expected to use these annual evaluations in making decisions such as whether to promote an employee or when disciplinary action is required.

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 and in any 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 dismissal. Such an employee, if possible within the current job duties, will be given a reasonable opportunity to regain the required credentials. If the employee, within a reasonable time, does not regain the required credentials, that employee may be dismissed without going through the procedures in Article 10.

An employee who is dismissed shall be given a written statement of the reason for the action. A copy of the statement shall be provided to the Human Resources Coordinator for inclusion in the employee's personnel file.

Direct Deposit of Employee Paychecks

As a condition of employment with Ashe County, every full-time and part-time employee shall have his/her paycheck directly deposited into the bank account of his/her choice. No paychecks shall be issued except through direct deposit.

ARTICLE 4. RECRUITMENT AND SELECTION

Coverage

The provisions of the article shall be applicable to all Ashe County departments except the Departments of Social Services and Emergency Management, the Sheriff's Office and the Register of Deeds Office.

Definitions

Probationary Period:

A period of one year during which a supervisor monitors the performance and other behaviors of the new employee. A probationary employee may be separated at any time if it is determined that his/her performance or behavior is not satisfactory.

Promotion:

This is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range.

Regular Employee:

An employee who successfully completes a probationary period is a regular employee.

Recruitment, Selection and Appointment

Prior to beginning the recruitment process, the Department Head should review the current job description for the vacancy and determine if it accurately describes the work to be done. If not, the department director should contact Human Resources and discuss revising the job description. Each Department Head shall be responsible for assisting the County Manager or the Human Resources Coordinator in recruiting and employing such employees as are authorized for his/her department by the classification plan and by the budget.

Employment Opportunities

The County Manager or the Human Resources Coordinator shall publicize opportunities for employment with the governmental unit including the salary ranges and employment qualifications for positions to be filled. With the prior approval of the County Manager, Department Heads may fill positions interdepartmentally without advertising to the public. When filling a position internally, all employees within the respective department must be given equal opportunity to apply. Positions that are not filled internally will be announced and posted through the NC Works Career Center office unless otherwise stated. Positions advertised will have a cut-off date beyond which applications will not be accepted.

Application for Employment

Applications will be taken only for those positions that are advertised. The State of NC PD – 107 employment application is the only application form accepted for employment with the County. Ashe County accepts all forms of applications – electronically submitted, submitted via fax or hard copy. The applicant must apply each time there is an opening.

Selection
Department Heads shall review the qualifications of each applicant, and use interviews and other selection tools as necessary to assess accurately the knowledge, skills, and experience qualifications of each applicant in order to determine the applicant best suited for the vacant position. The County will review criminal history (excluding arrests). All selection tools administered by the County shall be valid measures of job performance.

In compliance with NC G.S 153A-94.2(b), if the position being filled requires an applicant for employment to work with children in any capacity, the County must require the applicant, if offered the position, to be subject to a criminal history check conducted by the SBI. These checks must be performed in accordance with NC G.S. 143-B-1209.26, which authorizes the SBI to provide fingerprint-based state and national criminal record checks to cities and counties. This procedure is effective October 1st, 2025. Volunteers who work with children in any capacity will also be subject to this provision at the request of the Ashe County Board of Commissioners.

Qualification Standards
Employees shall meet the employment standards established by the position qualification plan and such other reasonable minimum standards as may be established by the County Manager with the advice and recommendations of the Department Heads.

Appointments
Before any commitment is made to an applicant or employee, the appointing Department Head shall forward the applicant's completed application form to the County Manager or the Human Resources Coordinator with a recommendation as to the position to be filled and the salary to be paid.

Department Heads shall be appointed by the County Manager and reported to the Board. All appointments shall be made on the basis of merit and without regard to race, color, religion, gender, age, sexual orientation, gender identity, national origin, disability, genetic information, military service or other protected status.

Employees transferring from North Carolina state and local government entities that participate in the North Carolina Retirement System must have the former employer submit details of time served on letterhead stating the sick leave balance. Sick leave transferred to the County in this manner may be used by employees the same as sick leave earned while working for the County but will not count as years of service credit toward County retiree insurance benefits. This acceptance of leave policy becomes effective upon resolution adoption and is not retroactive.

Probationary Period.
As an extension of the hiring process, all newly-hired employees shall serve a probationary period of one year.

Before the end of the probationary period, the appointing Department Head shall indicate in writing to the County Manager and the Human Resources Coordinator:

(1) That he/she has discussed with the employee the employee's accomplishments, failures, strengths and weaknesses.
(2) Whether the employee is performing satisfactory work.
(3) Whether the employee should be retained in the position.
(4) Whether the employee, if a new appointee, should be separated or
(5) Whether the employee, if on probation following a promotion, should be reinstated in his/her former position. Reinstatement to former position would only be possible if the former position is still available.

A probationary employee may be separated at any time during the probationary period without the requirement of using the disciplinary process in Article 10. Probationary employees do not have access to the Ashe County Grievance Procedure for disciplinary or dismissal issues. A Department Head may extend the probationary period at his/her discretion.

An employee who successfully completes a probationary period is a regular employee.

Promotion

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range. Candidates for promotion shall be chosen on the basis of their qualifications and their work records.

Retention of Selection Process Documentation

The Human Resources Department shall be the repository for all documents generated by the selection process, including a list of all applicants, a list of persons interviewed with their applications, all interview tool(s) used in the selection process, any responses for each interviewed candidate for questions/situations in the interview, references for the recommended hire, and the Department Head's written justification for hiring/promotion.

ARTICLE 5. THE CLASSIFICATION PLAN

Purpose

The job classification plan provides a complete inventory of all authorized and permanent positions in County service, and an accurate description and specification for each class of employment. The plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities.

Composition of the Position Classification Plan

The classification plan shall consist of a grouping of positions in classes which are approximately equal in difficulty and responsibility which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions. The plan shall also include class titles descriptive of the work of the class, as well as written specifications for each class of positions. Finally, the plan shall contain an allocation list showing the class title of each position in the classified service.

Coverage Of The Job Classification Plan

The position classification plan is the job classification plan of Ashe County. This Job Classification Plan shall include all permanently-established classes of positions except those exempted elsewhere in this Resolution.

Allocation Of Positions

The County Manager, with the assistance of the Human Resources Coordinator shall allocate each position covered by the Job Classification Plan to its appropriated class in the Position Classification Plan.

Maintenance Of Classification Plan

The County Manager, with the assistance of the Human Resources Coordinator shall be responsible for the administration and maintenance of the Position Classification Plan. Department Heads shall be responsible for bringing to the attention of the County Manager the need for new positions and any material changes in the nature of duties, responsibilities, working conditions or other factors affecting the classification of any existing position.

When the County Manager finds that a substantial change has occurred in the nature of level of duties and responsibilities of an existing position, he/she shall request the Board of Commissioners:

(1) Revise the existing class specifications,
(2) Reallocate the position to the appropriate class within existing classification plan, or
(3) Amend the position classification plan to establish a new class to which the position may be allocated.

New positions shall be established only with the approval of the Ashe County Board of County Commissioners. Following such approval, the County Manager shall either allocate the new

position to the appropriate class within the existing classification plan, or recommend that the Board amend the Job Classification Plan to establish a new class to which the new position may be allocated.

Amendment Of Classification Plan

Classes of positions shall be added to and deleted from the Position Classification Plan upon the recommendation of the County Manager, with the approval of the Board.

ARTICLE 6. THE SALARY PLAN/SALARY ADMINISTRATION

Coverage Of Salary Plan
All departments

Policy
The "Salary Schedule", "Job Classification Plan" and “Step Plan Longevity Salary Schedule” shall be the Salary Plan of Ashe County. The Salary Plan shall include all permanently-established classes of positions in the Classification Plan.

Definitions
Grade:
The rate of basic pay based on the specific level of work or range of difficulty, responsibility, and qualifications.

Intern:
A student or a recent graduate of an accredited higher learning institution undergoing supervised practical training. All interns shall undergo substance abuse testing and a criminal history/motor vehicle record check prior to commencement of internship. At the discretion of the Department Head, interns may be issued limited access ID/Security badges, and may be permitted to operate County vehicles.

Job Classification Plan:
This is systematic framework for grouping jobs into common classifications (grades) based on similarities in duties, responsibilities, and requirements and which can be equitably compensated within the same range of pay.

Overtime/Compensatory Time:
This is time worked over forty (40) hours in one workweek. Time worked will be based on actual time worked during any given workweek.

Part-time:
An employee who is scheduled to work less than thirty (30) hours per week. Part-time employees are not eligible for benefits. Part-time employees shall not work more than 999 hours in a calendar year.

Pay Period:
The pay period for Ashe County is once each calendar month.

Permanent part-time:
An employee appointed to an established position who is regularly scheduled to work thirty (30) or more hours per week (but less than forty (40) hours per week) and has successfully completed a probationary period.

Probationary Period:
A period of one year during which a supervisor monitors the performance and other behaviors of the new employee. A probationary employee may be separated at any time if it is determined that his/her performance or behavior is not satisfactory.

Reclassification:
The process of evaluating a position for substantial and long-term changes in the assigned duties and responsibilities.

Regular full-time:
An employee appointed to an established position who is regularly scheduled to work forty (40) or more hours per week and has successfully completed a probationary period.

Salary Schedule:
A scale showing the rates of pay for employees working at each level of an organization. It also shows the increases in pay an employee receives based on the Step Plan Longevity Salary Schedule.

Step:
The rate of pay within each Grade that is based on the Step Plan Longevity Salary Schedule.

Temporary Worker:
An individual hired only for a limited period of time, not to exceed 12 continuous months. All temporary workers shall undergo substance abuse testing and a criminal history/motor vehicle record check prior to commencement of work. At the discretion of the Department Head, temporary workers may be issued full access ID/Security badges, and may be permitted to operate County vehicles.

Volunteer:
An individual who performs or offers to perform a service voluntarily with no compensation. Volunteers shall not be issued ID/Security Badges and shall not be allowed to operate County vehicles or equipment (other than standard office equipment/computers). Each Department shall provide appropriate supervision of volunteers. Volunteers shall be required to undergo substance abuse testing in accordance with Article 9 and criminal history check.

Maintenance Of Salary Plan
The County Manager, with the assistance of the Human Resources Coordinator shall be responsible for the administration and maintenance of the Salary Plan each year prior to the preparation of the annual budget. The County Manager shall secure information concerning the general level of salaries paid and fringe benefits provided in private industry in the area, the salaries paid and fringe benefits provided comparable to municipalities, county and state employees, and any change in the cost of living in the area during the fiscal year. The County Manager shall conduct continuing studies of the internal relationships between classes in order

to reduce or eliminate inequities between classes of positions. The County Manager shall recommend to the Board of County Commissioners such increases, reductions or amendments of the Salary Plan as he/she deems necessary to maintain the fairness and adequacy of the Salary Plan.

Payment At A Listed Rate
All employees covered by the salary plan shall be paid at a listed rate within the salary ranges established for their respective job classifications except employees in a "Trainee" status, or employees whose present salaries are above the established maximum rate following transition to a new pay plan.

Entrance At The Minimum
Each new employee shall be appointed at the minimum salary which has been established for the classification in which he/she is employed except:

(1) If the new employee does not meet the minimum requirements of the position and qualified applicants for the position are not available, the County Manager may designate the employee as a "Trainee" to be appointed at a salary below the minimum and

(2) When the Human Resources Coordinator shall determine that there has been a demonstrated inability to recruit at the minimum salary or that an applicant possesses exceptional qualifications, the County Manager may authorize the employment of an applicant at a higher rate than the minimum in the salary range subject to Board approval.

Persons placed above the minimum salary by the Board of County Commissioners or by act of statute shall remain at that step until their service time with Ashe County equals their step.

Salary Of Trainee
A new employee who does not meet all the established qualifications for a position may be appointed with the approval of the County Manager at a "Trainee" salary no more than two grades below the minimum salary established for the position. The employee shall continue to receive a reduced salary during the probationary period until one of the following conditions is met:

(1) the appointing Department Head, with the approval of the County Manager, determines that the trainee is qualified to assume the responsibilities of the position, or
(2) until the end of the probationary period when the employee is either separated or moved to a listed rate in the salary range established for the position.

Earned Salary Increments
The County Manager shall each year include funds in the budget proposal for providing salary longevity increases. A salary increase given to any employee shall consist of no less than one (1) full step in the salary range established for his/her class. Salary increases shall be effective only upon the recommendation of the supervising Department Head and with the approval of the County Manager. If an employee is recommended for more than a single one (1) step

increment in any fiscal year the increment shall be effective only with the approval of the County Manager and Governing Body.

Steps in the classification schedule are earned by length of service as opposed to any sort of merit pay system. Length of service or longevity pay is an additional level of compensation designed to reward uninterrupted tenure with the County. The schedule for receiving longevity pay is based on a sixteen step pay plan spread across a thirty-year term of service. Employees will earn one longevity step per every two years of service.

The Step Plan Longevity Salary Schedule

Step	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Year	0	2	4	6	8	10	12	14	16	18	20	22	24	26	28	30

The anniversary of the employee earning a longevity step increase must fall on or before July 1 to be eligible for the coming fiscal year. Employees that leave by giving notice or without first securing a leave of absence are deemed terminated concerning this schedule. Should they be rehired their longevity will start again at the beginning step. Their most recent hire date will be used to calculate tenure. Restoration of a longevity step within 5 years of separation date must be approved by the Board of Commissioners upon request of the Department Head.

Reclassified or promoted employees will retain their hire date and longevity step.

Salary of Reclassified Employee
An employee whose position is reclassified to a class having a higher pay range shall receive a recommended salary increase of no less than one (1) full step and/or grade. An employee whose position is reclassified to a class having a lower pay range may receive a reduction in salary as a result of that reclassification if that employee's job description, duties and responsibilities change as a result of said reclassification.

Salary of Promoted Employee
An employee promoted to a position in a class having a higher pay range shall receive a recommended salary increase of no less than one (1) full step and/or grade. Promoted employees shall serve a one-year probationary period in their new position. If an employee fails to successfully complete his/her probationary period following promotion, he/she shall be reinstated to his /her former position or in a position in the same grade at his/her former salary, if the former or another position exists.

Salary of A Transferred Employee
The salary of an employee reassigned to a position in the same class or to a position in a different class with the same salary range shall not be changed by a transfer.

Salary of Demoted Employee
The salary of an employee demoted to a position in a class with a lower salary grade shall be adjusted to the same step within the lower grade that the employee was on in the higher grade.

Interim Appointment Rates
An interim appointment occurs when an employee is selected to temporarily perform the full duties and responsibilities of a vacant position with the expectation that the person will hold the position for at least 60 calendar days.

The employee's salary will be increased to the minimum salary rate of the new position grade level or by 10%, whichever is greater.

Interim appointments must be reviewed by the Human Resources Coordinator and approved by the County Manager, or the appropriate policy-making board. The DSS Director retains the right to make emergency appointments pursuant to statute.

Transition To New Salary Plan
The following principles shall govern the transition to a new salary plan:

(1) No employee shall receive a salary reduction as a result of the transition to a new salary plan.
(2) All employees being paid at a lower than the minimum rate established for their respective classes shall have their salaries raised to the new minimum for their classes.
(3) All employees being paid at a rate below the maximum rate established for their respective classes shall be paid at a rate listed in the salary schedule; all employees not at a listed rate shall have their salaries raised to a listed rate.

Pay Period
The pay period for Ashe County is once each calendar month. All employees of Ashe County shall be paid on the last working day of the month. If the last day of the month falls on Saturday or Sunday, the employees shall be paid on the Friday before.

Timesheets
All timesheets must be turned in to the Finance Department no later than the 15th day of each month, unless otherwise approved by the County Manager.

Effective Date of Salary Adjustments
Salary adjustments approved after the first working day of a pay period shall become effective at the beginning of the next pay period or at such specific date as may be approved.

Overtime and Compensatory Time
Overtime work [except for certain employees in law enforcement, the E-911 Center and Jail] is defined as time worked over forty (40) hours in one workweek. Time worked will be based on actual time worked during any given workweek.

It is the policy of Ashe County to provide compensatory time at the rate of one and one-half times the overtime worked as compensation for overtime work. Any employee who is subject to overtime compensation that works more than 40 hours in a workweek will receive compensatory time off.

Compensatory Time Payout: At the end of each pay period, non-exempt employees who have compensatory leave in excess of 240 hours will be paid for the compensatory leave hours that are in excess of 240 at the employee's regular hourly rate. The compensatory time to be paid out will be calculated monthly and payments will appear on the following month's paycheck.

At the end of June each year, exempt employees who have compensatory leave in excess of 240 hours will convert the hours that are in excess of 240 to sick leave.

Upon separation from employment, non-exempt employees must be paid for any accumulated unused compensatory time figured at the final regular rate received by such employee.

Approval of Overtime Work in Advance

Supervisors shall arrange the work schedules of their employees so as to accomplish the required work within the standard workday. Employees may be required to work overtime in emergencies or as directed by their supervisor. All overtime must be approved by the Department Head or County Manager in advance. Employees that work overtime without advance approval will be paid for their work, but may be subject to disciplinary action.

Article 7. Holidays, Leave and Adverse Weather

Coverage
This applies to all County employees unless otherwise exempted in this Article.

Definitions
Immediate Family [for purposes other than Family/Medical Leave]
This includes spouse, mother, father, daughter, son, sister, brother, half-sister, half-brother, stepmother, stepfather, stepdaughter, stepson, stepsister, stepbrother, grandmother, grandfather, grandson, granddaughter, aunts, uncles, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, niece, nephew, aunt and uncle.

Holidays
The following paid holidays, and such others as the Board of Commissioners may designate, shall be observed by County offices:

New Year's Day	Martin Luther King Day	Good Friday
Memorial Day	Independence Day	Labor Day
Veteran's Day	Thanksgiving Day	Day after Thanksgiving
Christmas (3 days)	Employee's Birthday	

The three days observed for Christmas shall be designated by the Board of Commissioners.

In order to be eligible for holiday pay, a County employee must have been in a regular pay status (including being on sick, vacation, or compensatory leave) on a regularly scheduled work-day before and after the holiday.

If the holiday falls on a Saturday, the preceding Friday will be observed as the holiday. If the holiday falls on a Sunday the following Monday will be observed as the holiday. The birthday holiday must be taken during the month with which the birthday falls.

Holidays may accumulate during the calendar year to an indefinite amount. On July 1 of each year, holidays in excess of 10 days shall be converted to sick leave. Upon conversion, one holiday will equate to eight sick leave hours.

Use of Accumulated Compensatory Time Off Before Use of Accumulated Vacation or Sick Leave
Employees must use accumulated compensatory time off before using accumulated vacation or sick leave.

Annual (Vacation) Leave

Annual Leave

Annual leave is earned by all full-time employees except full-time temporary employees. Annual leave will accrue based on years of employment with the county. Increases in annual leave earned will be effective the first day of the month following the anniversary date. Annual leave is earned as listed below:

Hire date to 3rd anniversary:	6.67 hours per month Or 10 days per year
Month after 3rd anniversary to 10th anniversary:	10 hours per month Or 15 days per year
Month after 10th anniversary to 15th anniversary:	13.33 hours per month Or 20 days per year
Month after 15th anniversary to 20th anniversary:	16.67 hours per month Or 25 days per year
Month after 20th anniversary forward:	20 hours per month or 30 days per year

Granting Of Annual Leave

Employees shall be granted the use of earned annual leave upon request or at those times designated by Department Heads which will least obstruct normal operations of the department.

Annual Leave Accumulation

Annual leave may accumulate during the calendar year to an indefinite amount. On July 1 of each year, annual leave in excess of 30 days or 240 hours shall be converted to sick leave. All annual leave must be taken in 15-minute increments. Annual leave is accrued at the last day of the month and may not be used prior to the following month.

Pay for Accumulated Vacation Leave Upon Separation

Upon submission of his/her written resignation, any employee shall be paid for annual leave accumulated to the date of separation provided he/she has completed six (6) or more months of continuous service and provided he/she has submitted notice to his/her immediate supervisor at least two (2) weeks in advance of the effective date of resignation. An employee who is involuntarily separated without fault or delinquency on his/her part shall be paid for annual leave accumulated to the date of separation. If any employee should terminate their employment with the County, the maximum annual leave to be paid out would not exceed 30 days or 240 hours.

Compensation for accumulated annual leave shall not be paid to an employee dismissed for reasons of unsatisfactory job performance or unacceptable personal conduct. An employee who does not submit a written resignation, or who does not surrender any and all County issued or provided equipment along with all associated passwords and lock codes, and any office or County related materials and documents shall not be paid for any accumulated annual leave.

Regardless of the reasons for separation, a non-exempt employee leaving the service of Ashe County shall be paid for all accumulated compensatory time.

Upon the death of a permanent employee, compensation for accumulated annual leave shall be paid to his/her estate not to exceed 240 hours. Accumulated compensatory time for exempt and non-exempt employees shall be paid to the estate in its entirety.

Request to Take Leave in Advance
Employees must give advance notice to and receive approval from their respective Department Head prior to taking any annual or compensatory leave. Department Heads shall notify the County Manager prior to taking any annual or compensatory leave. All leave is subject to the Department Head and/or the County Manager's approval.

Sick Leave

Sick Leave Is A Privilege
Sick leave with pay is not a right which an employee may demand, but a privilege granted by Ashe County. Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave or not later than two (2) hours after the beginning of the scheduled workday, or as required by departmental rules or regulations.

Sick Leave Earned/Accumulated
Each full-time employee shall earn sick leave at the rate of eight (8) hours per month. Sick leave shall be cumulative with no limit on the maximum accumulation. All sick leave must be taken in a minimum of 15-minute increments.

Granting Of Sick Leave Generally
An employee may be granted sick leave from work with pay if his/her absence is due to sickness, bodily injury, quarantine, required physical or dental examinations or treatment, exposure to a contagious disease when continued work might jeopardize the health of others, or illness in the employee's immediate family which requires the care of the employee.

Granting Of Sick Leave For Funerals
An employee may use up to five (5) days of sick leave from work to attend the funeral of an immediate family member and up to one (1) working day to attend the funeral of a non-immediate family member.

Physician's Certificate
Department Heads may require a physician's certificate as to the nature of the illness and as to the employee's physical capacity to resume his/her duties when, in the judgment of the Department Head such a certification is justified by the employee's record of leave usage.

The Department Head shall be responsible for the application of this provision to the end that:

1. Employees shall not be on duty when they might endanger their health or the health of other employees; and
2. There will be no abuse of sick leave privileges.

Abuse of sick leave privilege shall be reason for disciplinary action. A physician's certificate is required for any use of sick leave longer than five (5) days, other than the death of an immediate family member. A physician's certificate from a virtual care or in-person physician is required for any use of sick leave longer than five (5) days other than the death of an immediate family member. Employees may be required to provide a physician's certificate from an in-person physician after three (3) additional working days if they initially provided a physician's certificate from a virtual care physician.

Following any major illness or surgery, employees must provide a certificate from their physician stating that he/she is able to return to work.

Credit For Accumulated Sick Leave
No employee shall be paid out for accumulated sick leave when leaving the employment of Ashe County. Accumulated sick leave is added to an employee's creditable service when determining eligibility for retirement and the amount of retirement pension.

Sickness Or Disability Covered By Workmen's Compensation
An employee absent from duty because of sickness or disability, covered by the Workmen's Compensation Laws, shall be eligible for the following benefits:

(1) Such employee shall receive his/her full salary for the first seven (7) working days of sickness or disability. If the Workmen's Compensations claim is not approved the vacation or sick leave will be changed. Thereafter the employee shall be paid by Workmen's Compensation. All sicknesses and disabilities covered by workman's compensation will be governed by applicable state and federal regulations.

(a) The decision to reinstate any vacation or sick leave used past the first (7) working days of sickness or disability is delegated to the County Manager. In the event that the Workmen's Compensation claim is denied and a request has been submitted by employee or Department Head of employee, the County Manager shall not reinstate any vacation or sick leave used past the first (7) working days.

(b) The County Manager shall have the authority to reinstate any vacation or sick leave used by an employee(s) due to working conditions within their respective department or within an Ashe County property/building causing illness or injury when these conditions are outside of the control of employee(s). The vacation or sick leave used by an employee(s) may be reinstated upon the completion of the EMPLOYEE REINSTATEMENT OF LEAVE

REQUEST form by employee(s), signed by their direct Department Head and approved by the County Manager.

(2) When benefits have been exhausted under paragraph (1) the employee may:
(a) Elect to receive only those payments made under workmen's compensation laws without using accumulated vacation or sick leave, or
(b) Elect to use accumulated vacation or sick leave to receive as a supplemental payment for the difference, or a portion of the difference, between his regular salary and the payments received under workmen's compensation.

(3) All on-the job accidents and injuries shall be reported to the appropriate Department Head, Finance Office and Safety Officer within 24-hours of occurrence. While employees are out on a workers' compensation claim, they will only accrue vacation and sick leave if they are using annual or sick leave.

(4) Workmen's Compensation leave will run concurrently with Family Medical Leave Act leave.

Funeral Leave
County Offices will be closed in order to allow attendance at the funeral of a co-worker. As soon as funeral arrangements are publicized, the Administration Office will notify all departments of the approximate times the offices will close and re-open. Once notification is received, Department Heads shall immediately post signs notifying the public of the forthcoming closure, the reason for the closure and listing the approximate hours of the closure. If an employee chooses not to attend the funeral, they must remain in the office and work, unless the hours of the closure fall within their normal lunch hour or they use compensatory or annual leave in accordance with established guidelines.

Military Leave
An employee who is a member of an armed forces reserve organization or the National Guard shall be granted 10 work-days of leave with pay for required military training in a calendar year. Ashe County's military duty policy complies with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and subsequent revisions to that law.

Civil Leave
An employee called for jury duty, or as a court witness for the Federal or State Governments or a subdivision thereof, shall be entitled to serve in that capacity with pay. The employee is expected to work when not serving in that capacity. Employees will be entitled to retain fees received for jury duty.

With the discretionary approval of their respective Department Head or direct supervisor, volunteers involved in fire or rescue organizations may be allowed to take appropriate time to respond to emergency calls, but shall return to work as quickly as possible. Use of County vehicles is prohibited in responding to such calls unless circumstances surrounding the response would make it reasonable to do so. All Volunteer Fire/Rescue Civil Leave responses

should be thoroughly documented on an Ashe County Civil Leave Form. One copy should be submitted to the individual's Department Head and one copy should be submitted to the Safety Committee within 24 hours of the Civil Leave.

All instances of Civil Leave should be accurately annotated as such on individual time sheets.

Leave Without Pay
Upon the recommendation of the supervising Department Head and with the approval of the County Manager, an employee may be granted a leave of absence without pay for a period not to exceed twelve (12) months for reasons of personal or family illness, completion of education or special work which will permit the governmental unit to profit by the experience gained or the work performed.

Notwithstanding the provisions of the Family Medical Leave Act, employees must use all accumulated compensatory, annual or sick leave (if applicable to the situation) before leave without pay will be granted. Regular full-time employees who are on leave without pay will receive benefits (including insurance and leave time) in proportion to the percentage of hours that he/she works during the month(s) in which leave without pay is taken. Employees will be financially responsible for the prorated benefit premiums during the month in which leave without pay is taken. The balance of the premiums for the uncovered portion of the month will be automatically deducted from the employee's paycheck.

An employee who is on leave without pay status on the day preceding a holiday is not eligible to earn holiday pay unless the employee works on the holiday.

Paid Parental Leave
Ashe County recognizes the importance of supporting employees as they welcome a new child into their families. The purpose of this policy is to provide eligible County employees with paid parental leave following the birth, adoption, foster placement, or other qualifying legal placement of a child.

Paid parental leave under this policy is intended to provide employees with paid time away from work to care for and bond with a new child and shall be administered in a manner consistent with applicable federal and North Carolina law.

Paid parental leave is available to regular full-time County employees who have completed at least twelve (12) months of continuous employment with Ashe County and have worked at least 1,250 hours of service immediately preceding the qualifying event.

Paid parental leave request forms for employees must be approved by their department head and/or the County Manager. Paid parental leave request forms for department heads must be approved by the County Manager.

Amount of Paid Parental Leave
An eligible employee may receive up to six (6) weeks of paid parental leave following

becoming a parent through the birth of a child, adoption, in loco parentis, or another qualifying legal placement.

If both parents are employed by the County and have one qualifying event, each parent is eligible for six weeks of paid parental leave. Each parent can use their allocated six weeks either concurrently or consecutively.

Use of Paid Parental Leave
Paid parental leave must be used within twelve (12) weeks following the date of birth or placement of the child.

Paid parental leave must be taken continuously, subject to approval by Human Resources and the employee's department head and to applicable federal or State law.

Employees should provide at least a 90-day notice to their department head and Human Resources of the anticipated need for parental leave. When the qualifying event is unforeseeable, notice shall be provided as soon as reasonably practicable.

The County may require reasonable documentation verifying the qualifying event, including documentation of birth, adoption, or other legal placement.

Pregnancy, Childbirth, and Medical Leave
Paid parental leave is intended to provide bonding and is not intended to replace leave available because of an employee's own medical condition.

An employee who is unable to work because of pregnancy, childbirth, recovery from childbirth, or another qualifying medical condition may be eligible for sick leave, reasonable accommodation, or other applicable leave in addition to the parental leave provided under this policy.

Paid parental leave shall run concurrently with FMLA.

Multiple Births or Placements
The birth, adoption, foster placement, or other legal placement of more than one child as part of the same qualifying event shall be considered one qualifying event for purposes of determining the employee's paid parental leave entitlement.

Pay During Parental Leave
Paid parental leave shall be paid at the employee's regular rate of pay in effect immediately before the leave begins, subject to applicable payroll practices and law.

Paid parental leave shall not result in additional compensation, overtime, or premium pay solely because the employee is using paid parental leave.

Paid parental leave shall not be converted to cash or paid out upon separation from County

employment. Unused paid parental leave has no cash value and shall not be included in an employee's final paycheck.

Holidays
County holidays that occur during a period of continuous paid parental leave shall be administered in accordance with the County's holiday policy.

An employee shall not be required to use paid parental leave for a County-observed holiday for which the employee is otherwise eligible to receive holiday pay.

Separation from Employment
An employee who separates from County employment before using all available paid parental leave shall forfeit any unused portion of the leave. No payment shall be made for unused paid parental leave upon resignation, retirement, dismissal, reduction in force, or any other separation from County employment.

An employee who voluntarily resigns from County employment before returning to active work following a period of paid parental leave may be required to repay the County for the paid parental leave used during the applicable parental leave period.

Unless there is an exigent set of circumstances as determined by the County Manager, a recipient of paid parental leave must remain an employee of the County for a minimum of one year upon their return to work from paid parental leave.

The amount subject to repayment shall be calculated based upon the employee's regular rate of pay for the hours of paid parental leave used and shall not include any unused parental leave. The County may deduct the amount owed from any wages, accrued leave payout, or other compensation otherwise legally payable to the employee, to the extent permitted by federal and North Carolina law and with any authorization required by law.

If the amount lawfully withheld from the employee's final compensation is insufficient to satisfy the amount owed, the employee shall be responsible for paying the remaining balance directly to Ashe County. The Finance Department shall establish reasonable payment arrangements and collection procedures for any outstanding balance.

The repayment requirement in this subsection shall not apply when the employee's separation is involuntary, when the employee is unable to return to work because of a qualifying medical condition or other circumstance protected by applicable law, or when Human Resources determines that repayment would be prohibited by federal or North Carolina law.

Employment Status and Benefits
Use of paid parental leave shall not constitute a break in service. Unless otherwise provided by applicable law or the terms of a particular benefit plan, an employee shall continue to receive employee benefits during paid parental leave under the same conditions applicable to other paid leave. Paid parental leave shall not be used for the purpose of increasing an employee's

accrued leave balance or creating additional compensatory time.

Community Service Leave

General Statement of Policy.

In recognition of the County's interests in supporting its employees who wish to volunteer in schools, communities, institutions of higher education, State agencies, and not-for-profit organizations, and recognizing the commitment of County employees to engage in volunteer service, Community Service Leave, within the parameters outlined below, may be granted to:

- any employee for volunteer activity in the schools (as defined below); or
- any employee for volunteer activity in a not-for-profit Community Service Organization (as defined below), or
- any employee for volunteering in a State of North Carolina Public University, Community College System or State agency or local political subdivision provided that the service is outside of the employee's normal scope of duties and responsibilities, that the employee is not receiving any form of compensation for the services rendered, and provided that the employee cannot volunteer for the organization for which they work.

With approval of the supervisor, a full-time employee is eligible for Community Service Leave as follows: The eight hours (8) of paid leave shall be credited to each employee on July 1 of each year. The leave shall be used in no less than two-hour increments per occurrence.

What is Community Service?

Community service organizations are defined as not-for-profit, non-partisan community organization which is designated as an 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. Note: Although religious organizations may be 501(c)(3) agencies, this leave does not apply to activities designed to promote religious beliefs.

Community service, for this purpose is:

- performing school-approved volunteer service approved by a teacher, school administrator, or program administrator,
- performing a service for a community service organization
- performing volunteer service for a public university** that is approved by a university administrator or other authorized university official;
- performing volunteer service for a community college that is approved by a community college administrator or other authorized community college official, or
- performing volunteer service for a State agency** that is approved by the agency head or his/her designee.

**An individual shall not be considered a volunteer if the person is otherwise employed by a State agency or State university to perform the same type of service as those for which the person proposes to volunteer.

Notes:

(1) 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 volunteering in soup kitchens, homeless shelters or other community activities.

(2) Service for a fundraising event is eligible for Community Service Leave if there is a bona-fide volunteer relationship and the fundraising event is directly sponsored and supported by an eligible community service organization. For example, playing in a golf tournament that is raising money for the American Cancer Society is not considered a volunteer activity that would be eligible for Community Service Leave; however, setting up tents, handling parking and registration, or serving at the food tent at the fundraising golf event would be considered a volunteer activity and would be eligible for community service leave. Volunteering at a fundraising event for an individual political candidate or political party is not eligible for Community Service Leave.

(3) Disaster relief service must be performed through a recognized eligible disaster relief organization; example, the American Red Cross.

(4) Community Service leave for volunteer service is meant to be used for actual service time. Time spent training to be a volunteer is not covered by Community Service Leave. Also, time spent in administrative duties such as attending organization meetings, electing officials, or attending social events sponsored by an organization shall not be covered by Community Service Leave.

Approval of Leave

Employees must receive approval from their supervisor to use this leave. The supervisor or other agency/institution manager may require that the leave be taken at a time other than the one requested, based on the needs of the agency. Leave shall only be requested and approved for community service that occurs during the employee's regularly scheduled hours of work. Agencies with shift employees regularly scheduled to work evening or night shift with a shift schedule in excess of a regular 8-hour shift may allow the use of community service leave in situations where the employee's participation in community service outside of the normal work schedule significantly impacts the employee's normal sleep period.

The agency may require acceptable proof that leave is being utilized in accordance with the purpose of this policy. Reasonable travel time may be included in approved time for community service, but only for the time that intersects the employee's regular work schedule. The majority of the leave shall be used for direct volunteer service.

Additional stipulations

Community service leave not taken by the end of the fiscal year is forfeited. It shall not be carried into the next fiscal year.

Employees shall not be paid for any unused community service leave upon separation.

The use of Community Service leave shall be reported separately from all other paid leave. Employees and supervisors are responsible for timely and accurately reporting the use of

Community Service leave on the employee's time record.

Partisan political activity during County time and the use of County equipment or property for any community service are not permitted. Special care must be taken to avoid any possible interpretation that the County is, in fact, permitting time off and in so doing supporting a political candidacy.

Family Medical Leave Act (FMLA) Policy

Ashe County will comply with the provisions of the Family Medical Leave Act and the regulations implementing it.

Definitions Used In This Policy

Child:

The definition of "child" for the purposes of this policy only includes a biological, adopted, or foster child, a stepchild, a legal ward or a child of a person under age 18, or age 18 or older who is incapable of self-care because of a mental or physical disability at the time that the FMLA leave is to begin.

Family Member:

This includes only an employee's parent, spouse and child as defined in this Policy.

Parent:

The definition of "parent" for the purposes of this policy only includes biological, adoptive, step or foster father or mother, or any other individual who stood in place of a parent to the employee when the employee was a child. The definition of parent does not include "in law" relations.

Serious Health Condition:

A serious health condition is defined as an illness, injury or impairment that involves any period of incapacity requiring an absence from work of more than three full consecutive calendar days that also involves continuing treatment by a health care provider; or
any period of incapacity or treatment connected with inpatient care; or
due to pregnancy; or
any period of incapacity or treatment due to a chronic health condition such as asthma, diabetes, epilepsy; or
any illness, injury or impairment that is long-term or permanent due to a condition for which treatment may not be effective (e.g., cancer; AIDS); or
any absence to receive multiple treatments (and to recover from the treatments) for a condition that would likely result in an incapacity for more than three consecutive days if left untreated (for example, physical therapy, chemotherapy, or dialysis).

Spouse:

Spouse means a husband or wife as defined or recognized in the state where the individual was married and includes individuals in a same-sex marriage.

General Provisions

The FMLA requires employers to provide eligible employees with up to 12 weeks of job-protected leave during any 12 month period (starting the day FMLA begins for that year) for the following reasons:

- The birth or placement of a child with the employee for adoption or foster care;
- The care of a family member (spouse, child or parent) with a serious health condition; and
- The employee's own serious health condition.

To be eligible to take leave under this section, the employee must:
(1) Have been cumulatively employed by Ashe County for at least 12 months;
(2) Have worked for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave [paid leave is not counted toward this total.]

An eligible employee is entitled to a total of 12 work-weeks of Family/Medical leave during any 12-month period. The term "12-month period" shall be defined as a rolling 12-month period measured forward from the date an employee first uses any FMLA leave.

In cases in which the need for leave is foreseeable, such as an expected birth or a planned medical treatment, the employee should provide the County with at least thirty (30) days'

notice before the date the leave is to begin. In cases when circumstances do not permit this, the employee is to provide notice as soon as practical. The notice shall be sufficient to make the County aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave. The notice shall be forwarded to the Human Resources Coordinator with a recommendation from the Department Head with respect to scheduling concerns. In cases of leave for planned medical treatment, the employee is required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of his or her department.

During a period of absence, the employee shall provide a monthly report on their condition and their expected return to work date. This report may be submitted to the respective Department Head and the County Administration Office by written correspondence or fax. At the end of the12 weeks it is expected that the employee return to work, at full duty.

Prior to returning to work, each employee who was out for his/her own medical condition shall provide a fitness-for-duty certification from the health care provider.

While an employee is on FMLA leave, the County will provide employee health, dental and basic life insurance coverage on the same level and terms as would be provided if the employee continued to work. This obligation ends when:

- an employee informs the County of an intent not to return to work; or,
- if an employee fails to return to work when FMLA is exhausted; or
- (With 15-day notice) when an employee's premium payments are more than 30 days late.

The employee will continue to be responsible for any co-payment or premium for dependent coverage. If the FMLA leave is unpaid, the employee shall pay to the County his or her co-payment or premium for dependent coverage on the same schedule as payments are made under COBRA.

An employee on FMLA leave has the right to either return to the same position held when the leave began or to an equivalent position with the same benefits, pay and other terms and conditions of employment. Before returning to work, employees may be required to provide a fitness-for-duty certification that addresses the employee's ability to perform essential job functions.

Failure to report for work at the expiration of a leave of absence, unless an extension has been requested and granted, shall be considered a resignation.

Designation of FMLA Leave

The County is fully responsible for designating if an employee's paid leave (such as sick leave) is to be counted as Family/Medical leave within two days after the employee returns to work. When an employee notifies the County that they will be out for an extended period of time for a Family/Medical leave reason, a letter outlining eligibility for FMLA, designation that any paid leave will count toward FMLA and their rights under FMLA will be provided to employee, along with a medical certification to be completed by the health care provider under which they are being supervised. The

medical certification is to be completed within 15 days and returned to employer.

Ashe County requires employees with accrued sick leave, vacation leave or comp time to use that accrued leave during the period of any FMLA leave. Once accrued leave of all types has been exhausted, the employee will be placed on leave without pay for the remainder of the period of FMLA leave.

FMLA leave may not be extended beyond the statutorily mandated 12 weeks.

Military Caregiver Leave/FMLA

Employees who are the spouse, child, parent, or next of kin of a member of the U.S. armed forces (including the National Guard and the Reserve) may receive a total of up to twenty-six workweeks of unpaid leave during a twelve-month period to care for a service-member who is receiving medical treatment, is recuperating, or is undergoing therapy for a serious injury or illness incurred in the line of duty. This is referred to as "military caregiver leave" and may only be taken once and, in contrast to other forms of FMLA leave, does not again become available with the start of new FMLA year.

An employee may not take more than a combined total of twenty-six workweeks of leave in any year in which he or she uses both military caregiver leave and family medical leave for the birth or adoption of a child or for the employee's own or a family member's serious health condition.

FMLA Qualifying Exigency Leave

Employees who qualify for that aspect of the FMLA known as qualifying exigency leave as defined by the U.S. Department of Labor under one or more of the following conditions:

1) for deployment of service-member with seven or fewer days' notice;
2) military ceremonies and events, as well as support, family-assistance, or informational programs related to a service-member's active duty or active-duty status;
3) providing urgent, immediate childcare or arranging for alternative childcare for the children of a service-member on or called to active duty;
4) attending school or daycare meetings relating to the child of a service-member on or called to active duty;
5) making financial or legal arrangements related to a service-member's active duty status or call to active duty; or
6) post-deployment activities.

<u>Adverse Weather/Emergency Conditions Policy</u>

In the event of severe weather conditions, the County Manager, or in his/her absence, the Chairman of the Board of County Commissioners, has authority to alter the regular business day for the County in accordance with the following:

1. Early Closing of the County Offices: On the occasion of severe weather occurring during the routine office day, in consideration of the safety of the employees and the public, the decision to close county offices early will be made by the County Manager. Employees will be notified by radio, phone text, and social media announcements. Local radio stations will be notified. Employees who, of their own volition, leave work before an official early closing time has been announced, or those employees who did not show up for work at all, will be required to use accrued annual leave, compensatory time, or leave without pay for all time taken up to the time of closing of the County Offices. If an employee is unable to work due to sickness, all eight hours will be applied to sick leave. A Department Head may request a doctor's excuse for sick leave taken during inclement weather. If an employee is on vacation during inclement weather, all eight hours will be applied to annual leave.

2. Delayed opening of the County Offices: Following severe weather conditions occurring during the night, the County Manager may authorize a delayed opening of County Offices for the safety of employees and the public. In this situation, employees will be notified by radio, phone text, and social media announcements as early as possible, normally no later than 6:20 a.m.

Any employee not reporting to work for reasons of inclement weather by the stated time will be required to use accrued annual leave, compensatory time, or leave without pay for all time taken after the announced opening time. Department Heads are responsible to establish minimum office staffing for these adverse weather events so that all offices will remain open.

3. Exclusions from the adverse weather policy: All law enforcement and emergency services personnel are specifically excluded from this policy. Work hours will continue to be set at the discretion of the respective Department Head or supervisor.

Maintenance and other departmental personnel necessary for snow removal operations, or other critical functions will work such hours as directed by their Department Head.

4. Employees shall not work extended hours on adverse weather days if it would put them in a position where compensatory time would be earned. This provision does not apply to employees listed in Paragraph 3 of this section, employees responding to essential calls or employees performing time sensitive essential functions as long as the compensatory time has been pre-approved by the Department Head or County Manager.

5. In the event of a locally declared disaster all employees are subject to call-back and hours that may differ from their normal work schedule.

ARTICLE 8. EMPLOYEE BENEFITS

Policy
In addition to those benefits specified by law, it is the policy of Ashe County to provide those benefits necessary to attract and retain qualified employees to provide services to the residents of the County.

Benefits – Full-time and Part-Time
The benefits provided by this article shall be for full-time service. A regular part-time employee shall receive benefits in proportion to the percentage of hours that he/she works each month.

Definitions
Extended Absence (Shared Leave):
An absence from work of at least fifteen (15) working days due to the employee's medical condition.

Regular Employee:
An employee appointed to a full or part-time position who has successfully completed the probationary period.

Regular full-time:
An employee appointed to a permanently-established position who is regularly scheduled to work forty (40) or more hours per week and is designated by the Board of County Commissioners as permanent full-time.

Regular part-time:
An employee appointed to a permanently-established position who is regularly scheduled to work thirty (30) or more hours per week (but less than forty (40) hours per week) and is designated by the Board of County Commissioners as regular part-time.

Temporary Employee:
An individual hired only for a limited period of time, not to exceed 12 continuous months.

Transferred Leave:
Leave donated by an employee for use by another employee through the Voluntary Shared Leave Program.

Benefits Programs Offered and Supported by Ashe County

Law Enforcement Officers' Benefit And Retirement Fund
Law enforcement officers primarily engaged in enforcing the criminal laws of the state are required to join the Law Enforcement Officers' Benefit and Retirement Fund. For the purpose of retirement and insurance programs, such as health and dental, employees shall be vested after five years of continuous service.

Local Governmental Employees Retirement System
Each employee other than law enforcement officers who join the Law Enforcement Officers' Benefit and Retirement Fund shall be required to join the Local Governmental Employees' Retirement System as a condition of employment.

Social Security
Ashe County, to the extent of its lawful authority and power, has extended Social Security benefits for its eligible employees and eligible groups and classes of such employees.

Workers' Compensation
All employees of the County (full-time, part-time, and temporary) are covered by the North Carolina Workers' Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisors at the time of the injury in order that appropriate action may be taken at once.

Before returning to work from an injury arising out of or due to employment with the County, a statement from the attending physician should be submitted to the Department Head giving permission for the employee to resume regular duties. Upon return to work, the employee's salary will be computed on the basis of the last salary plus any salary increase to which the employee would have been entitled based upon performance and other compensation policies.

During the disability covered by Workers Compensation benefits, an employee continues to earn annual leave, sick leave, and will retain all accumulated sick or annual leave.

Employees may use compensatory time off, sick leave and/or vacation leave both during the waiting period before Workers' compensation benefits begin, and afterward to supplement the remaining one-third of salary, except that employee may not exceed the regular salary amount using this provision.

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee, and such claims must be filed by the employee with the North Carolina Industrial Commission. The Department Head will assist the employee in filing the claim.

Unemployment Compensation
County employees who are terminated due to a reduction in force or released from employment with Ashe County may apply for benefits through the local Employment Security Commission office, where a determination of eligibility will be made.

Health Insurance /Other Insurance Programs
Ashe County shall make group life, accident, sickness, dental and group hospitalization insurance programs available for employees' participation. Employees shall be enrolled in the programs upon their request or in accordance with the provisions of the insurance contracts, and Ashe County may participate in the cost of the programs. While on leave without pay the

County will continue its participation in the insurance program for the employee. The employee is responsible for insurance premiums while on leave without pay unless the leave is covered by FMLA.

Continuation of Group Health Plan/COBRA

COBRA provides former employees and/or dependents continuation of group health plan coverage for up to 18 months or 36 months when specific coverage events occur. In addition, federal law allows certain members to continue group health plan coverage for up to 29 months when disabled. Continuation of insurance benefits available under **COBRA**, if chosen, will be at the employee's own expense.

Voluntary Shared Leave Program

Purpose

Some prolonged medical conditions may cause an employee to exhaust all available leave and be placed on leave without pay. Such employees who are forced to go on leave without pay could be without income at the most critical point in their work life. Colleagues may wish to voluntarily donate some of their vacation/sick leave so as to provide assistance to a fellow County employee in such a situation. This policy is an opportunity for employees to assist another employee at a very difficult time in his/her life.

Policy

In cases of an extended absence due to the employee's medical condition or an immediate family member's medical condition, an employee may apply to be a recipient of leave transferred from the sick or vacation leave accounts of another County Employee.

For purposes of this policy, "immediate family" is defined as spouse, child, parent, or in loco parentis.

The intent of this policy is to allow one employee to assist another in case of an extended absence due to a medical condition that results in exhaustion of all earned leave.

Procedure

In the event an employee depletes all of his/her accrued leave due to an extended absence because of a medical condition, other employees may donate only sick leave or annual leave to that employee. Department Heads and the County Manager must approve the donation by signing a transfer of leave form which must be kept on file with the employee's time sheet for the month the transfer took place. Department Heads and/or the County Manager may deny a Transfer of Leave request if the employee has abused or otherwise failed to make good use of his/her leave. Transfer of leave forms for Department Heads must be approved by the County Manager.

The following applies to all transfers of leave:

a. Each employee may donate up to a maximum of 40 hours of accrued sick or annual leave (or a combination of both) per month. Regardless of the above limit, an employee may donate no more than one-half of his/her accrued vacation or sick leave per month;

b. Each employee that desires to donate leave must have a minimum balance of 40 hours of sick leave and 40 hours of annual leave available after the donated amount is subtracted;
c. Employees may receive a maximum of 1040 hours of transferred leave within one year of the official Transfer of Leave request;
d. Transferred leave (from direct donations) that exceeds the amount of sick leave a requesting employee needs (uses) may be returned to the employee who donated at the Finance Department's discretion.
e. Unless a medical condition as described above exists, maternity leave is not eligible for a transfer of leave.

To qualify for consideration of donated leave, the employee must:

a. Have exhausted all available accrued leave (sick, annual, holiday and compensatory);
b. Be a full or part-time employee in a leave earning position;
c. Submit a written physician's certificate;
d. Submit an official Transfer of Leave request;
e. Have the Transfer of Leave request approved by the Department Head and the County Manager.

The following shall apply for transferred leave time:

a. All donated leave time shall be converted to sick leave;
b. Upon separation from the County, employees may donate annual leave, but are not eligible to donate sick leave.

Insurance Programs/Retired Employees

Employees that have completed twenty-five (25) years of creditable retirement service as an employee with Ashe County are eligible to maintain their health insurance coverage provided by the County carrier until such time as they are covered by Medicare or become eligible for Medicare whichever occurs first. (Accrued sick leave may be used in determining creditable retirement service.) This benefit is effective only so long as the retired employee is not employed elsewhere and is covered under that employer's health insurance plan. The retired employee must notify Ashe County of any change in their insurance coverage status.

Educational Leave

A leave of absence at full or partial pay for a period not to exceed sixty (60) working days may be granted to an employee upon the recommendation of the supervising Department Head and with the approval of the County Manager to permit an employee to take courses of study which will better equip the employee to perform his/her duties. Educational leave at full or partial pay for a period not to exceed nine (9) months may be granted to any employee upon the recommendation of the supervising Department Head and with the approval of the County Manager and the Board of County Commissioners. An employee granted educational leave with pay shall agree to return to the service of the governmental unit upon completion of his training and remain in the employ of Ashe County for a period equal to twice the educational leave which he/she received. Should such an employee leave the employment of Ashe County before the above period is satisfied, that employee shall reimburse Ashe County for all pay received while on educational leave.

Reimbursement For Training Expense

When an employee enters into a job-related training program with the prior approval of his/her Department Head and the County Manager, all expenses will be paid by the County. However, any travel and lodging expenses shall be paid in accordance with the approved Ashe County travel policy. If the employee does not successfully complete the course, they may be required to reimburse the County for all expenses incurred. A copy of the certificate of completion must be submitted to the Department Head and placed in the employee's permanent personnel file.

ARTICLE 9. SUBSTANCE ABUSE POLICY

SUBSTANCE ABUSE POLICY

General Statement of Policy

It is the policy of Ashe County that the workplace shall be free of the presence of alcoholic beverages or unlawful controlled substances and that employees shall perform their job assignments safely, efficiently, and without the adverse influence of alcohol or controlled substances. This policy shall govern all County employees.

Employees should be aware of the harmful effects, dangers, and impacts of the use and abuse of alcohol and controlled substances in the workplace. Employees working under the influence of alcohol or controlled substances:
May create unsafe conditions for themselves and others;
May perform unsatisfactorily and adversely affect the performance of others;
May discredit Ashe County and cause disrespect for the employee, the County, and the citizens we serve.

An employee who suspects that a co-employee may be under the influence of a substance which impairs performance should immediately notify their supervisor, Department Head or the Policy Administrator in order that the employee suspected of being impaired can be observed and evaluated by management and, if possible, medical personnel. For further information on Reasonable Suspicion, see section (F) 5 of this policy.

As the Sheriff and the Register of Deeds are elected officials, those individual Department Heads will have discretionary authority on disciplinary actions within their respective departments. Furthermore, the Sheriff shall conform to regulations of the North Carolina Sheriff's Education and Training Standards Commission.

Those departments subject to the North Carolina State Human Resources Act are required to follow the disciplinary policies and procedures therein.

Definitions

Alcohol Test – Any accepted scientific means to determine the presence of alcohol, including but not limited to laboratory analysis of breath, urine, saliva, blood, or hair. A DOT regulated alcohol test may only use saliva and breath.
Adulterated Specimen – A urine specimen that contains a substance that is not a normal constituent or containing an endogenous substance at a concentration that is not a normal physiological concentration. An adulterated specimen is considered as a refusal to test.
Authorized Provider – A company or organization that has been authorized to conduct alcohol and controlled substance testing of County employees in compliance with this policy.

BAT (Breath Alcohol Technician) – A trained and certified individual who determines a breath alcohol test result.

CFR - Code of Federal Regulations.

Commercial Motor Vehicle (CMV) –A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

1. Has a gross combination weight rating of 26,001 pounds or more, inclusive of a towed unit(s) with a gross vehicle weight rating of more than 10,000 pounds;
2. Has a gross vehicle weight rating of 26,001 pounds or more;
3. Is designed to transport 16 or more passengers, including the driver;
4. Is of any size and is used in the transportation of hazardous materials as defined in the Hazardous Transportation Material Act and which requires the motor vehicle to be placarded under the Hazardous Materials Regulations.

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

Controlled Substance/Drug – A drug, substance, immediate precursor, or metabolite of a drug or substance included in Schedule I through V.

DOT Regulated Employee (DOT Employee) – Employees with duties regulated by the Department of Transportation (DOT), Federal Motor Carrier Safety Administration (FMCSA), and Federal Transit Administration (FTA).

Drug Test or Screening – Any accepted scientific means to determine the presence of controlled substances, including but not limited to laboratory analysis of breath, urine, saliva, blood, or hair. A DOT regulated drug test may only use urine.

Employee - Any person employed (whether full time, part time, or on a temporary basis) by Ashe County or considered an employee in accordance with IRS regulations.

Illegal Drugs – Substances that are (1) not legally obtainable; (2) legally obtainable but have been obtained or used in an unlawful manner or in a manner other than as prescribed and directed by an employee's treating physician or the manufacturer; (3) so called "designer drugs," "look-a-likes," "synthetic drugs," and similar substances, even if not specifically prohibited by state or federal law; (4) substances which are inhaled, injected, ingested or absorbed, but which are not intended for human consumption (such as glue, solvents, or patches), even if not specifically prohibited by state or federal law. Examples of illegal drugs include (but are not limited to) amphetamines, barbiturates, cocaine, marijuana, methaqualone, opiates, and phencyclidine (PCP).

Invalid Test Result – The result of a drug test for a urine specimen contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics, or has

an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result. See adulterated, substituted and dilute specimens.

Lawful Drugs – Those prescribed or over the counter medications that are lawfully obtained and used as prescribed and directed by an employee's treating physician or the manufacturer's recommendations or for the purpose and in the manner for which prescribed or manufactured.

MRO (Medical Review Officer) – A licensed physician trained to make the final determination of whether a test for the presence of a controlled substance is positive or negative.

Metabolite – The chemical or compound produced when a particular substance is passed through the human body and excreted in the urine.

NCGS – North Carolina General Statutes.

Policy Administrator –The Administration Department or designee responsible for the administration of the Ashe County Substance abuse policy.

Positive Alcohol Test – Identification of an alcohol content level at or above 0.04% by use of an alcohol test.

Positive Drug Test - Identification of a controlled substance or illegal drug at or above the threshold values designated by SAMHSA (or 49CFR Part 40, as amended, for a DOT test) in a drug test and confirmed by gas chromatography with mass spectrometry (GCMS). The Medical Review Officer makes the final determination of whether the test is a positive or negative.

Reasonable Suspicion - A decision for alcohol or drug testing based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, body odors, or performance of the employee.

Retaliatory Actions - The discharge, suspension, demotion, relocation, or other adverse employment action taken against an employee in the terms, conditions, privileges, and benefits of employment.

Safety-Sensitive Position – Position with duties that involve such a significant risk of injury to others that even a momentary lapse of attention can have disastrous consequences. These positions are identified by the Administration Department based on duties and responsibilities of the employee. Included are law enforcement officers, employees operating a vehicle, owned by the County or a personal vehicle which is used as a major part of their work, employees operating machinery or equipment as a primary task (does not include routine office equipment), DOT regulated employees, positions requiring the use of weapons (or potential use of weapons), positions requiring the handling of hazardous materials as defined by SARA Title III, 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, and other positions where adverse actions or mishandling equipment would create an undue risk in the workplace or to the public. The Administration Department will maintain a list of safety sensitive positions.

SAMHSA - Substances Abuse and Mental Health Services Administration.

Substance Abuse – For the purpose of this policy any use of alcohol, an illegal drug, or a lawful drug which directly and adversely affects job performance or safety.

Substituted Specimen – A urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

Supervisor/Department Head – A County employee to whom another employee or group of employees report.

USC – United States Code.

Prohibited Acts

1. The County prohibits the unlawful manufacture, distribution, dispensation, possession, or use of any alcoholic beverage or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance as defined in 21 USC § 812, and as further defined in federal regulations at 21 CFR §1308.11 through 1308.15, and in NCGS 90-86 et seq.

2. The County prohibits the use of alcoholic beverages by any employee:
   a. During work hours including lunch time and breaks;
   b. While operating County equipment (including vehicles);
   c. At any time the employee is acting in the course and scope of his or her employment with the County, except while attending business, social and other functions. The business or social situations would normally occur after work hours and the employee would not be returning to his or her normal work site. This would not preclude an employee's return to work on an emergency need basis as long as current state driving standards are met;
   d. At any other time that the employee's use of alcoholic beverages has or may have a direct and adverse effect upon the performance of his or her job.

3. The County prohibits the use of prescription or lawful non-prescription medications by an employee while operating County equipment (including vehicles) or when acting in the course and scope of his or her employment with the County when the use has a direct and adverse effect upon the safe operation of equipment or a vehicle or on the performance of his or her duties.

Duties of Employees

1. As a condition of initial and continuing employment, each employee shall:
   a. Comply with the terms of this policy and any rules or procedures promulgated thereunder;
   b. Notify his or her supervisor in writing of any conviction pursuant to any criminal drug or alcohol statute no later than five days after such conviction. For purposes of this policy a plea of guilty, no contest, or nolo contendere is a conviction;
   c. Notify his or her supervisor immediately of an arrest or other action relating to criminal drug or alcohol statutes when at work or when his or her work or ability to work may be impacted.
   d. All notifications under this section must be reported to the Policy Administrator as soon as possible.

2. Within ten days of receiving actual notice of an employee's conviction of any criminal drug statute for a violation occurring in the workplace or within the course and scope of employment, the County shall notify any federal granting agency from which the County receives a grant regarding such conviction in accordance with the Drug Free Workplace Act of 1988.

3. Any employee who has cause to suspect that the policy has been or is being violated by another employee shall report such information to his or her supervisor, Department Head, or the Policy Administrator. In the event the person suspected of violating the policy is the County Manager, the employee shall report such information to the Chair of the Board of County Commissioners.

4. Any employee who voluntarily seeks assistance for a problem regarding alcohol or drug abuse shall be encouraged to participate in an alcohol or drug abuse assistance or rehabilitation program. Once a person has been selected for testing, it is too late to step forward and seek assistance.

5. A supervisor or Department Head who has reason to believe that an employee has violated a criminal drug or alcohol law shall contact the Policy Administrator to determine possible appropriate actions. Any County reports made to law enforcement officials or County cooperation in investigations or prosecutions of County employees conducted by state, federal, or local law enforcement officials pursuant to criminal drug or alcohol laws must be in accordance with NCGS 153A-98, Privacy of Employee Records.

6. No person shall discriminate or take any retaliatory action against an employee because the employee, in good faith: makes a report pursuant to this policy, cooperates in an ensuing inquiry or investigation, testifies in a proceeding resulting from a report, or otherwise participates in the enforcement of this policy.

Authority to Test Employees

Pursuant to this policy the following persons are required to submit to testing for the presence of alcohol and controlled substances.

1. The final applicant selected for a County position as a pre-employment condition. Testing is for controlled substances only.
2. Employees holding safety-sensitive positions are subject to random testing. Testing is for controlled substances only, with the exception of DOT employees.
3. All current employees who apply for or are given an assignment, promotion, or transfer to a safety-sensitive position. Testing is for controlled substances only.
4. Any employee involved in an on-the-job accident where:
    a. Death results;
    b. Any person is injured and requires medical attention (passengers in motor vehicle accidents are exempt from testing);
    c. A vehicle must be towed from the scene attention or incurs more than $1,500 in damages and the employee is at fault;
    d. The employee is cited for a moving violation (either in a county vehicle or a personal vehicle while performing his or her duties as a county employee).

    Testing is for controlled substances and alcohol.
5. Any employee when there is reasonable suspicion to believe that he or she is in violation of this policy by observed actions or physical evidence while performing his or her duties as a County employee. Testing is for controlled substances and alcohol.
6. Any employee who has an invalid test result, dilute, adulterated or substituted specimen. Testing is for controlled substances only.

When to Test

1. Pre-employment.
    a. The County, as a public employer, is entrusted with the health and safety of its citizens. In keeping with this obligation, all final applicants selected for employment with Ashe County are required to undergo a pre-employment drug screening.
    b. The applicant shall report to the designated test site as directed.
    c. Applicants to be tested are required to sign the drug screening consent form.

2. Random Testing.
    a. Employees occupying safety-sensitive positions or DOT regulated employees are subject to random drug testing. Such testing is unannounced and coordinated by the Policy Administrator. The Policy Administrator or designee shall notify the affected employee of the time and place the employee should report for testing. The Policy Administrator may choose to notify the affected employee in person and escort them to the testing site.

    b. A supervisor, if aware of the testing, shall NOT give an employee advance notice of unannounced testing.

3. Promotion or Assignment/Transfer to a Safety-Sensitive Position.

a. The Department Head or designee shall explain the drug testing requirements to all current employees who apply for assignment, transfer, or promotion to a safety-sensitive position.
b. Promotion to a position shall be denied to any applicant who refuses to submit to the test, receives a positive test result, or otherwise violates this policy.
c. A negative test result does not guarantee that a current employee will be promoted to the position for which he or she applied.
d. Supervisors for employees being promoted are responsible for ensuring that such employees have completed the required drug testing prior to promotion or assignment.

4. Post-Accident (as defined in this policy)
   a. The supervisor who first learns that an accident has occurred shall direct the employee(s) or vehicle operator(s) involved to contact the Policy Administrator to submit to drug and alcohol testing. A decision NOT to require such testing of an employee or vehicle operator may only be made by the Policy Administrator or Safety/Risk Management Director. The supervisor shall provide or arrange appropriate transportation for testing if needed.
   b. An employee required to submit to drug and alcohol testing following an accident or moving traffic violation must make himself or herself available for testing within three hours of the accident or violation. Failure to be available within such time will be considered a refusal to submit to testing, unless there is a clear hindrance. For example, an employee with life-threatening injuries or injuries that result in death. It is important to emphasize that ***nothing*** is to prevent the individual from receiving required medical attention.
   c. If a vehicle operator who is required to submit to drug and alcohol testing following a vehicle accident is unable to report to the regular testing site due to injuries, and drug and/or alcohol testing is conducted pursuant to NCGS 20-16.2 or pursuant to medical treatment, the vehicle operator shall provide the Policy Administrator with an authenticated record of the results of that testing.
   d. Any mechanic for a County vehicle involved in an accident may be required to submit to drug and alcohol testing if the reason for the accident was a result or suspected result of mechanical or materials failure.
   e. The supervisor of a mechanic shall within twenty-four hours of an accident, review the maintenance records for the affected vehicle(s) within one year of the accident and the nature of the work done. As soon as practicable, the supervisor shall obtain the Traffic Accident Report and determine the likelihood that a mechanical or materials failure contributed to the accident. If the supervisor has cause to suspect that a mechanical or materials failure contributed to the accident, he or she shall report the reasons for such suspicion and provide the affected vehicle's maintenance records to the Policy Administrator. The Policy Administrator shall determine whether to require the affected mechanic to undergo drug and/or alcohol testing. The mechanic must make himself or herself available for testing the same day he or she receives notice from the Policy Administrator or designee that drug and/or alcohol testing is required. Failure to make himself or herself available will be considered a refusal to submit to testing.

5. Reasonable Suspicion.
    a. Any employee is subject to drug or alcohol testing when there is reason to believe that the employee has violated this policy. In making such a determination, the County may consider, but is not limited to considering, any of the following factors:
        (1.) Excessive absenteeism or tardiness, frequent or increased illness, frequent absences from workstation or lapses in responsibility;
        (2.) A pattern of abnormal conduct or unusual, irrational, or erratic behavior;
        (3.) Repeated failure to follow instructions or procedures;
        (4.) Violation of safety policies or failure to follow safe work practices;
        (5.) Deterioration of job performance;
        (6.) Abusive behavior, insolence, insubordination, or other significant change in behavior;
        (7.) Mood swings, depression, unusual detachment, euphoria, significantly increased energy, unusual talkativeness or sleepiness;
        (8.) Changes in appearance, grooming, demeanor, work habits, or interaction with others;
        (9.) Reports of substance abuse from other employees;
        (10.) Poor motor coordination or muscle controls, unsteady walking, tremors, nervousness, trouble sitting still, slurred speech;
        (11.) Evidence of substance abuse (drug paraphernalia, odor) in the employee's vicinity;
        (12.) Bloodshot or dull eyes, dilated or constricted pupils, runny nose, bruises;
        (13.) Impaired short-term memory or illogical thinking;
        (14.) Involvement as an operator or mechanic of a County owned vehicle that is involved in an accident;
        (15.) Arrest for violation of any criminal drug or alcohol statute.

The Department Head or supervisor will complete an Observation of Suspect Behavior Form, with detailed information on facts, symptoms, and observations of reasonable suspicion and contact the Policy Administrator or Safety/Risk Management Director. The Policy Administrator or Safety/Risk Management Director will determine whether to order testing and notify the employee's supervisor. The supervisor shall arrange transportation of the employee to and from the testing site. The documentation supporting reasonable suspicion will be retained confidentially by the Policy Administrator.

Non-law enforcement personnel shall not use physical force to detain an employee. At any time a supervisor has cause to suspect that an employee is using or is under the influence of alcohol or a controlled substance in the course and scope of his or her duties for the County and the affected employee indicates an intention to leave the premises by his or her own means, the supervisor must notify law enforcement officials regarding the employee's identity, the employee's possible impairment, and the employee's anticipated route and means of travel.

6. Other Circumstances Requiring Immediate Testing.

A supervisor or Department Head may observe an employee's behavior that is of such extreme, erratic, or unsafe nature that it gives reason to believe that immediate alcohol or drug testing is advisable. In the event that such a situation arises and the supervisor or Department Head is unable to obtain the authorization of the Human Resources Coordinator, Safety/Risk Management Director, or County Manager, the supervisor shall:

a. Ensure that any injuries or other unsafe condition are attended by competent medical or other personnel;

b. Advise the employee of the testing requirement;

c. Direct the employee to report to the designated testing site and arrange transportation of the employee; and

d. Notify the Policy Administrator or Safety/Risk Management Director as soon as practicable.

7. Dilute, Substituted or Invalid Specimens

For tests administered under this policy, if the Medical Review Officer (MRO) informs the county that a negative drug test was dilute, the employee will be directed to submit to another test immediately. If the county receives a drug test result indicating an employee's specimen is substituted, the employee will be directed to provide a new specimen under direct observation.

8. Testing Pursuant to State or Federal Laws, Rules, or Regulations.

Some employees may be required to submit to alcohol and drug testing as required by state or federal laws, rules, or regulations. The procedures for such testing will be in accordance with the particular law, rule, or regulation being followed.

Testing Procedures for Applicants and County Employees

1. The authorized provider shall determine the procedures for the collection of blood, split sample of urine, saliva, breath, or other scientific samples in accordance with applicable County policies and state and federal laws, rules, and regulations. All blood or urine samples shall be submitted to a SAMHSA approved laboratory for analysis, and the authorized provider shall communicate final test results to the Policy Administrator.

2. Any of the following is considered a refusal to test:
   a. Refusing to sign the consent form, complete the medication form, or submit to a drug test;
   b. Engaging in conduct that clearly obstructs the testing process;
   c. Adulterating, contaminating, or tampering with a blood, urine, saliva, breath, or other sample;
   d. Failing to report to, and remain at, the designated test site as directed;
   e. Failure to remain available for required testing;
   f. Leaving the scene of an accident without a legitimate explanation prior to submission to drug/alcohol tests;

g. Failure to permit the observation or monitoring of a specimen collection;
h. Failure or declination to take a second test as directed by the county or the collector;
i. Failure to cooperate with any part of the testing process (e.g., refusal to empty pockets when directed to do so by collector; behave in a confrontational way that disrupts the collection process;
j. Possess or wear a prosthetic or other device that could be used to interfere with the collection process;
k. Admit to the employer, collector, or MRO that you adulterated or substituted the specimen.

3. An applicant who refuses to submit to a drug test pursuant to this policy will not be considered for employment with the County.

4. An employee who refuses to submit to an alcohol or drug test required pursuant to this policy shall be dismissed.

5. A valid blood, urine, saliva, breath, or other sample that, after initial testing, does not reveal the presence of a controlled substance at or above the threshold values designated by SAMHSA or an alcohol content level below 0.04% shall be considered to have tested negative, and no further testing may be done on that sample. For a DOT drug test the verified presence of the identified drug or its metabolite below the minimum levels specified in 49CFR Part 40, as amended, and the specimen is a valid specimen shall be considered to have tested negative. A DOT regulated alcohol or drug test may only use urine, saliva, and breath sample.

6. A blood, urine, saliva, breath, or other sample that, after confirmatory testing, does reveal the presence of a controlled substance at or above the threshold values designated by SAMHSA or an alcohol level at or above 0.04% shall be considered to have tested positive. An employee with a confirmed alcohol test result of between 0.02% and 0.039% will be deemed unfit to perform his or her duties and sent home. For a DOT drug test the verified presence of the identified drug or its metabolite at or above the minimum levels specified in 49CFR Part 40, as amended, shall be considered to have tested positive. A DOT regulated alcohol or drug test may only use urine, saliva, and breath sample.

7. When a drug screening is required under the provisions of this policy, the testing will be to detect the presence of the following drugs: (DOT employees shall only be tested for items a. through e. per 49 CFR Part 40.13)

    a. Amphetamines
    b. Cocaine
    c. Opiates
    d. Phencyclidine (PCP)
    e. Marijuana
    f. Barbiturates
    g. Methaqualone
    h. Benzodiazepines
    i. Propoxyphene

Note: The Policy Administrator may also include testing for any other controlled substance as defined in NCGS 90-87(5) as amended, or metabolite thereof (This applies to non-DOT employees only).

Test Results

1. Employees.
   a. If the drug test is confirmed as positive for drugs, a private meeting is scheduled with the employee to inform the employee in writing of the test results and the employee's rights and responsibilities regarding retesting under NCGS 95-232(f).
   b. If the alcohol test is confirmed as positive, a private meeting is scheduled with the employee to inform the employee of the test results.

2. Applicants.
   a. If the test is negative, the Department Head or supervisor is notified and the selection process continues.
   b. If the test is confirmed as positive, the applicant must be notified in writing of the test results and the applicant's rights regarding retesting under NCGS 95-232(f) at the applicant's expense.
   c. An applicant who receives a confirmed positive test shall not be considered for employment for any position he or she is currently seeking and is ineligible for County employment for a period of one year from the testing date.
   d. Employment decisions based on drug screening test results are irrevocable and appeals will not be considered.

Penalties for Non-Compliance

1. Any employee who violates this policy shall be subject to disciplinary action up to and including dismissal as described in the Ashe County Personnel Policy.

2. Employees who receive a positive alcohol or illegal drug test result will be dismissed.

3. For DOT regulated employees, the County shall not take an action based solely on test results showing an alcohol concentration of less than 0.02%.

Confidentiality

1. Any tests for the presence of alcohol or controlled substances authorized by this policy shall be designed to protect the privacy of the applicant or employee being required to undergo testing. All tests for the presence of alcohol or controlled substances shall be conducted pursuant to and in compliance with the Controlled Substance Examination Regulations found in NCGS Chapter 95, Article 20.

2. No sample obtained for the purpose of conducting tests for the presence of alcohol or controlled substances pursuant to this policy shall be used to perform any diagnostic

examination that would detect any hidden or latent physical or mental infirmity, disease, or condition. Rather, the analysis of such sample shall be confined to such procedures as are devised to detect the presence of alcohol or controlled substances.

3. All information obtained in the course of testing, examining, counseling, rehabilitating, and treating applicants or employees pursuant to this policy shall be protected as confidential pursuant to the NC Controlled Substance Act and releasable under circumstances outlined in same.

4. Drug test results from the County's drug testing program may not be used as evidence in a criminal action against an applicant tested except by order of a court of competent jurisdiction.

Employees Covered by Department of Transportation (DOT) Regulations

Together with the other Substance abuse policy requirements employees covered by DOT Regulations must comply with this appendix.

A. DOT Federal Motor Carrier Safety Administration covered employees and functions. Employees who drive or operate a commercial motor vehicle (CMV). The Federal Motor Carrier Safety Administration (FMCSA) has interpreted driving a CMV on a road, street or way which is open to public travel, even though privately-owned or subject to military control, as prima facie evidence of operation in commerce. Employees who drive or operate a CMV must hold a valid appropriate commercial driver's license. FMCSA safety-sensitive function(s) are defined as and include all time from the time an employee begins to work, or is required to be in readiness to work, until the time the employee is relieved from work and all responsibility performing work. Safety-sensitive functions shall include:
   1. All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer. This includes employees who are "eligible" at work to drive a CMV at any time, e.g., salespersons, clerks, secretaries, supervisors;
   2. All time inspecting equipment as required by 49 C.F.R 392.7, "Equipment, Inspection, and Use," and 49 C.F.R 392.8, "Emergency Equipment and Use," or otherwise inspecting, servicing, or conditioning any CMV at any time;
   3. All driving time, which is any time spent at the driving controls of a CMV in operation;
   4. All time, other than driving time, in or upon any CMV except time spent resting in a sleeper berth;
   5. All time loading or unloading a vehicle, supervising or assisting in loading or unloading, attending a vehicle being loaded or unloaded, remaining ready to operate the vehicle, or giving or receiving receipts for shipments loaded or unloaded;
   6. All time repairing, obtaining assistance for, or remaining with a disabled vehicle.

B. Applicants and all current employees who apply for assignment, transfer, or promotion to a DOT regulated position must sign an Authorization for Release of Personal Information Form for the release of alcohol and drug testing data compiled by previous employers covered by 49 CFR Part 40 and provide the County information about drug and alcohol violations. Departments that have DOT regulated positions will contact the Policy Administrator for guidance in obtaining this information (see Form F).

C. All drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended. A drug test can be performed any time a DOT regulated employee is on duty. A DOT alcohol test can be performed just before, during, or after the performance of a DOT safety sensitive function. Amphetamines (ecstasy, methamphetamine), marijuana (hemp), cocaine (crack), opiates (heroin), phencyclidine (PCP) can be tested for at any time while on duty.

D. DOT regulated employees are prohibited from the use or possession of alcohol while on duty, while on-call to perform safety-sensitive duties, and four hours prior to duty. Alcohol use is also prohibited by any covered employee required to submit to post-accident alcohol testing for eight (8) hours following the accident or until the alcohol test is performed.

E. DOT regulated employees must complete a DOT pre-employment drug test when hired for, or transferred to, a DOT covered position. The candidate must produce a negative drug test result prior to first performing a safety-sensitive duty. If the test is canceled, the employee must retake and pass the test before being hired. Any covered employee or applicant who has previously failed or refused a pre-employment drug test administered under this part, must provide proof of having successfully completed a referral, evaluation, and treatment plan by a substance abuse professional as described in 49 CFR Part 655.62. A covered employee who has not performed a safety sensitive duty for 90 consecutive days or more and has not been in the employer's random selection pool shall take a drug test with a verified negative result before returning to safety-sensitive duties.

F. Together with other accident testing which may be required by the County, DOT regulated employees must complete DOT drug and alcohol tests as soon as possible after they are involved in an accident while operating a County owned or leased vehicle, if the accident involves:
   1. <u>FMCSA accident requiring testing</u>: An accident in which a fatality is involved; one or more motor vehicles are towed from the scene or someone is treated medically away from the scene, *and* a citation is issued to the CMV driver within 8 hours of the occurrence under state or local law for a moving violation arising from the accident and either of the aforementioned situations occur.

Alcohol testing must be done as soon as possible following an accident, but not more than eight hours after the accident. Drug testing must be done as soon as possible after the accident, but not more than 32 hours after the accident. If a post-accident alcohol test is not administered within two hours following the accident, the employer shall prepare and maintain on file a record stating the reasons for the delay. All DOT covered employees must remain readily available for testing after an accident including notifying the employer representative of the employee's whereabouts. Failure to do so will be considered a test refusal. Testing is stayed while the employee assists in the resolution of the accident or receives medical attention.

G. DOT regulated employees must complete random DOT drug and alcohol tests from a selection pool that includes only DOT regulated employees. Alcohol testing must occur just before, during, or just after the performance of their covered duties. Random selections will be made at a minimum of a quarterly basis by a scientifically valid computer program. The random tests will be spread reasonably throughout the year during all hours and days in which safety-sensitive functions are performed. All covered employees will have an equal chance of being selected each time selections are made. Testing will be unannounced and the employee must proceed immediately after being notified of the testing requirement.

H. DOT regulated employees may also be subject to drug and alcohol testing upon reasonable suspicion of probable drug or alcohol use. Reasonable suspicion determinations will be made by one or more supervisors that can articulate and substantiate physical, behavioral, and performance indicators of probably drug use or alcohol misuse by observing the appearance, behavior, speech and/or body odors of the covered employee. Reasonable suspicion testing can be conducted just before a DOT regulated employee performs safety-sensitive duties, during that performance, and just after an employee has performed covered duties.

I. A result of 0.04% or higher on the DOT alcohol test is a positive test result. DOT regulated employees with a DOT alcohol test result between 0.02% and 0.039% are prohibited from performing their safety-sensitive related duties for a period of 24 hours.

J. DOT regulated employees who receive a positive DOT drug or alcohol test result will be terminated, informed of educational and rehabilitation programs available, and referred to a Substance Abuse Professional (SAP) for assessment. The DOT regulated employee is responsible for any incurred costs associated with educational and rehabilitation programs or SAP assessments.

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

L. If a covered employee provides a negative dilute test result, they will be required to undergo a second test. If the second test is negative dilute it will be considered negative and no further testing is required.

M. Refusal to submit to a drug/alcohol test shall be considered a positive test result and a direct act of insubordination and shall be subject to disciplinary action up to and including dismissal. A test refusal includes the following circumstances:
   1. A covered employee who leaves the scene of an accident without a legitimate explanation prior to submission to drug/alcohol tests.
   2. A covered employee who provides an insufficient volume of urine specimen or breath sample without a valid medical explanation. The medical evaluation shall take place within 5 days of the initial test attempt.
   3. A covered employee whose urine sample has been verified by the MRO as substitute or adulterated.
   4. A covered employee fails to appear for any test within a reasonable time, as determined by the employer, after being directed to do so by the employer.
   5. A covered employee fails to remain at the testing site until the testing process is complete.
   6. A covered employee fails to provide a urine specimen for any drug test required by P**art 40** or DOT agency **regulations**.
   7. A covered employee fails to permit the observation or monitoring of a specimen collection.
   8. A covered employee fails or declines to take a second test the employer or collector has directed you to take.
   9. A covered employee fails to undergo a medical examination or evaluation, as directed by the MRO as **part** of the verification process, or as directed by the employer as **part** of the ``shy bladder'' or “shy lung” procedures.
   10. A covered employee fails to cooperate with any **part** of the testing process (e.g., refuse to empty pockets when so directed by the collector; behave in a confrontational way that disrupts the collection process).
   11. Failure to follow the observer’s interactions during an observed collection including interactions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
   12. Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
   13. Admit to the collector or MRO that you adulterated or substituted the specimen.

N. If a DOT regulated employee is directed to submit to a collection under direct observation in accordance with 49 CFR Part 40.67, the Policy Administrator, supervisor, or collector must explain to the employee the reason for a directly observed collection. Circumstances requiring direct observation include:
   1. All return to duty tests.

2. All follow-up tests.
3. Anytime the employee is directed to provide another specimen because the temperature on the original specimen was out of the acceptable temperature range.
4. Anytime the employee is directed to provide another specimen because the original specimen appeared to have an attempt to tamper with.
5. Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen.
6. Anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid and the MRO determined that there was not an adequate medical explanation for the results.
7. Anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated, or substituted, but had to be cancelled because the test of the split specimen could not be performed.

O. Ashe County will notify North Carolina Division of Motor Vehicles within five business days of the date that a DOT regulated employee with a commercial driver license tests positive or refuses to participate in a drug or alcohol test required under 49 CFR Part 382 and 655, in accordance with NCGS 20-37.19. (Policy Amended 10-07-13)

ARTICLE 10. DISCIPLINARY ACTION, SUSPENSION AND DISMISSAL

Purpose

While most employees are able to perform the essential functions of their jobs, and conduct themselves as adult, professional individuals, some employees cannot or will not perform their jobs satisfactorily, and cannot or will not conduct themselves in an appropriate fashion. For those few individuals, Ashe County has adopted this policy. It has two goals: first, to assist employees in understanding their job duties and how to discharge them effectively, thus reducing turnover; and second, to quickly remove from the workplace those employees who do not behave in an adult, professional manner.

Policy

It is the policy of Ashe County to encourage fair, efficient, and equitable solutions for problems arising out of the employment relationship. This policy is designed to help and encourage all employees to achieve and maintain satisfactory standards of performance and conduct. All employees are responsible for acquainting themselves with performance criteria for their particular job, along with rules, procedures, and standards of conduct established by their department, and maintain standards of performance and conduct suitable and acceptable to the work environment.

Coverage

The provisions of this Chapter apply to all County employees not exempted in this Chapter.

The provisions of this Article are advisory only to elected Department Heads, including the Elections Director and staff, and the Sheriff and employees of the Sheriff's Office.

The provisions of this Article do not apply to employees of Ashe County Departments of Social Services and Emergency Management.

The provisions of this Article do not apply to persons with a contractual, rather than an employment, relationship with Ashe County.

The provisions of this Article do not apply to persons who have not completed their probationary period.

Definitions

Active Written Warning:

A written warning will remain active for a period of eighteen (18) months after it is issued.

Disciplinary Demotion:

Demotion is an involuntary movement from a higher-level position to a lower-level position for disciplinary reasons with a corresponding permanent reduction in pay.

Disciplinary Suspension without Pay:
A period of suspension from work without pay lasting at least one (1) full workday but not more than ten (10) consecutive workdays.

Job Performance Discipline:
Unsatisfactory job performance is work-related performance that fails to satisfactorily meet job requirements as specified in the relevant class description or position description, work plan or as directed by the management of the work unit or department.

Performance Improvement Plan [PIP]:
This is a formal, written document that outlines a plan to assist an employee in correcting a performance deficiency. A Performance Improvement Plan is not a part of the formal disciplinary process.

Personal Conduct Discipline:
Unacceptable personal conduct includes, but is not limited to, behavior of such a serious detrimental nature that the functioning of the County may be or has been impaired; the safety of persons or property may be or has been threatened; or the laws of the federal, state, or local government may be or have been violated. Unacceptable personal conduct is intentional behavior, rather than inadvertent or negligent behavior.

Pre-Disciplinary Conference:
A pre-disciplinary conference is a meeting between the Department Head, a representative of the HR Department as an observer, and the employee who may be subject to disciplinary action up to and including dismissal. The conference is not adversarial and no other third parties may be present. A pre-disciplinary conference will be held before the County may demote, suspend without pay, or dismiss a regular employee.

Probationary Period:
A period of one year during which a supervisor monitors the performance and other behaviors of the new employee. A probationary employee may be separated at any time if it is determined that his/her performance or behavior is not satisfactory.

Regular Employee*:*
An employee appointed to a full or part-time position who has successfully completed the probationary period.

Department Heads and supervisors are responsible for maintaining the proper performance and conduct of employees under their supervision. When an employee's performance or conduct is determined by a supervisor or Department Head to be unsatisfactory or unacceptable, disciplinary action may be taken. Disciplinary action is not to be considered as limiting or restrictive in nature, and application may vary based

upon the circumstances. It is the policy of the County to administer discipline without discrimination. The supervisor or Department Head, with the assistance of Human Resources shall investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

Disciplinary Action Policy

Basis for Disciplinary Action

Any employee, regardless of occupation, position, or profession may be warned, demoted, suspended or dismissed by the County Manager or the elected Department Head or their designee. The degree and type of action taken shall be based upon the sound and considered judgment of the County Manager or the elected Department Head or their designee in accordance with the provisions of this policy. When there is a good business reason for discipline, the only disciplinary actions are:

1. Written warning;
2. Disciplinary suspension without pay;
3. Demotion; and
4. Dismissal.
5. Administrative leave with pay pending investigation results

There are two (2) bases for the discipline or dismissal of employees. These two bases are:

1. Discipline or dismissal imposed on the basis of unsatisfactory job performance.
2. Discipline or dismissal imposed on the basis of unacceptable personal conduct.

Either unsatisfactory job performance or unacceptable personal conduct constitutes good business reason for discipline or dismissal.

The imposition of any disciplinary action for a regular employee shall comply with the procedural requirements in this Article for equity and consistency during the disciplinary process with all employees.

Employee Responsibilities

All employees are responsible for performance of their job duties and assignments in a manner that is consistent with, but not limited to, job expectations, class descriptions, personnel policies, and work rules. Employees are responsible for maintaining behavior consistent with County policy and normal expectations of the workplace. Employees are responsible for knowing, understanding, and abiding by the County's existing employment policies and subsequent policies and amendments that are adopted by the Ashe County Board of Commissioners.

Supervisor Responsibilities

It is the responsibility of all supervisors to address immediately and resolve as quickly as possible situations in which employees do not perform or behave in a manner consistent

with, but not limited to, the County's work philosophies, job expectations, known work rules, and employment policies. Supervisors are responsible for documenting incidents where employee behavior, conduct and performance are not consistent with the County's work philosophies, job expectations, and employment policies as well as the efforts made to take corrective action. Failure to take quick and effective steps to correct poor performance or to end unacceptable behavior will subject the supervisor for discipline for unsatisfactory job performance.

Department Head Responsibilities

Department Heads are responsible for ensuring timely and thorough documentation of all disciplinary actions. Documentation of disciplinary actions should contain:

1. A clear description of the behavior or performance that prompted the discipline, together with any work rules, expectations or standards that were not followed or achieved;
2. The action taken by the supervisor;
3. How the employee's performance or behavior must change;
4. The time frame during which the employee must demonstrate a change in behavior and the expectation of a follow-up with the affected employee;
5. The expectation that the new behavior must be sustained.

Department Heads, in conjunction with the County Manager and Human Resources Coordinator, are also responsible for ensuring that the County applies discipline on a consistent, non-discriminatory basis in accordance with County policy.

Performance Improvement Plan

Prior to beginning the formal disciplinary process for unsatisfactory job performance, supervisors should counsel with employees regarding performance deficiencies. Should the poor performance continue, the supervisor should meet with the employee and provide the employee with a Performance Improvement Plan (PIP) that sets out the standards for achieving satisfactory job performance and a time frame in which to make those improvements (usually thirty [30] days.) Should the employee fail to make the required corrections, the supervisor should go forward with a written warning.

A Performance Improvement Plan is not a part of the formal disciplinary process but documentation of this process, including the Plan, is a part of the employee's personnel file. A Performance Improvement Plan is not required to begin the disciplinary process for unsatisfactory performance of duties.

Fact Finding

Prior to taking any formal disciplinary action, the supervisor should gather any and all pertinent details regarding the situation. The supervisor will then discuss the facts with the Department Head. The Department Head will review the information and then shall discuss the facts with the Human Resources Coordinator and the County Manager or her/his designee.

BASES FOR DISCIPLINARY ACTION

Unsatisfactory Performance of Duties

Unsatisfactory job performance is work-related performance that fails to satisfactorily meet job requirements as specified in the relevant class description or position description, work plan or as directed by the management of the work unit or agency.

Unsatisfactory performance of duties, depending upon the circumstances, includes, but is not limited to:

1. Poor Quality of work
2. Insufficient Quantity of work
3. Timely performance of work-related analysis, decisions, or judgment
4. Accuracy of work
5. Regular and timely attendance

Through this form of discipline, it is the County's intent to assist and promote improved employee performance and to retain employees.

This policy covers all types of performance-related deficiencies and does not require that successive disciplinary actions all concern the same type of unsatisfactory performance.

In order to be dismissed for a current incident of unsatisfactory job performance, an employee must first have received at least two (2) prior disciplinary actions within the previous thirty-six (36) months. The prior disciplinary actions should have notified the employee that failure to make the required performance improvements may result in dismissal.

Prior to the decision to dismiss a regular employee on the basis of unsatisfactory job performance, the County Manager or his designee will conduct a pre-disciplinary conference with the employee. At the request of the County Manager or his designee, the Human Resources Coordinator may assist in this process.

Dismissals for unsatisfactory performance require written notification to the employee. Such notification must include specific reasons for the dismissal and notice of the employee's right of appeal. Time limits for filing a grievance do not start until the employee receives written notice of any applicable appeal rights and must be filed within fifteen (15) calendar days from receipt of the notice of dismissal with the appeal rights.

Personal Conduct

Employees may be disciplined up to and including dismissal for a current incident of unacceptable personal conduct without prior warning or disciplinary action having been given to the employee if the offense is of such a nature as determined by the Department Head or County Manager.

Unacceptable Personal Conduct includes, but is not limited to:

1. Conduct for which no reasonable person should expect to receive prior warning;
2. Job related conduct which constitutes a violation of state or federal law;
3. Misappropriation of County funds or property; or causing misappropriation of county funds or property;
4. Falsification of County records;
5. Reporting to work under the influence of alcohol or illegal drugs or partaking of alcohol or illegal drugs while on duty or while on public property, except that prescribed medication may be taken within the limits set by the physician so long as medically necessary and not disruptive to the employee's performance of job duties;
6. Willful damage or destruction of County property, or acts that would endanger the lives and property of others;
7. Acceptance of gifts in exchange for "favors" or "influence";
8. The abuse of client(s), patient(s), or a person(s) over whom the employee has charge or to whom the employee has a responsibility, or of an animal owned or in the custody of the County;
9. Fraud in securing appointment, falsification of an employment application or other employment documentation or failure to disclose relevant work history;
10. Failure to maintain necessary credentials;
11. 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;
12. Absence from work after all authorized leave credits and benefits have been exhausted;
13. Failure to pay County taxes;
14. Conviction of felony or misdemeanor which would adversely affect duties

Prior to the decision to dismiss a regular employee on the basis of unacceptable personal conduct, the County Manager or his/her designee will conduct a pre-disciplinary conference with the employee. At the request of the County Manager or his designee, the Human Resources Coordinator may assist in this process.

Dismissals for unacceptable personal conduct require written notification to the employee. Such notification must include specific reasons for the dismissal and notice of the employee's right of appeal. Time limits for filing a grievance do not start until the employee receives written notice of any applicable appeal rights and must be filed within fifteen (15) calendar days from receipt of the notice of dismissal with the appeal rights.

Types of Disciplinary Actions

Written Warnings

It is the responsibility of every supervisor to monitor the satisfactory performance of work assignments and acceptable standards of conduct.

When the supervisor determines that disciplinary action is appropriate for unsatisfactory job performance (usually following an unsuccessful Performance Improvement Plan), a written warning is the first type of disciplinary action that an employee must receive. Written warnings will remain active in the employee's official personnel file for a period of eighteen (18) months. The written warning must:

a. Inform the employee that this is a written warning and not some other non-disciplinary process such as counseling or a PIP;

b. Inform the employee of the specific issues that are the basis for the warning;

c. Tell the employee what specific corrections, if applicable, must be made to address these specific issues;

d. Tell the employee the time frame allowed for making the required corrections. Immediate correction is required for unacceptable personal conduct.

e. Tell the employee the consequences of failing to make the required corrections.

f. Set a date for a feedback meeting regarding the employee's success (or failure) in making the required corrections.

g. A written warning shall include a statement, "that failure to make the required improvements may result in further disciplinary action, up to and including termination."

Written warnings may be issued to correct behavior for minor infractions or repeated violations of policy, procedure, or work rules, including conduct, depending on the severity of the incident.

Written warnings are not grievable.

Disciplinary Suspension Without Pay

An employee may be suspended without pay for disciplinary purposes for unsatisfactory job performance after the receipt of at least one (1) prior disciplinary action within the last twenty-four (24) months or for causes relating to any form of unacceptable personal conduct.

Prior to placing any employee on disciplinary suspension without pay, the County Manager or his/her designee shall conduct a pre-disciplinary conference with the employee.

An employee who is suspended without pay must receive written notice of the specific reasons for the suspension, as well as notice of any applicable appeal rights.

Demotion

A Department Head has the discretion, upon review and in agreement with the County Manager, to retain an employee in a lesser capacity when the employee's performance or conduct is sufficient to satisfy grounds for dismissal but the employee shows promise of acceptable performance or conduct in a lesser position. Employees may be demoted if they have been found unsuited for the present position but may be expected to perform

satisfactorily in a lesser position. An employee may be demoted subsequent to a promotion if the employee fails to perform at a satisfactory level in the promoted position.

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.

An employee may be demoted for disciplinary purposes for unsatisfactory job performance after the receipt of at least one (1) prior disciplinary action within the last eighteen (18) months or for causes relating to any form of unacceptable personal conduct.

Prior to the decision to demote an employee for disciplinary reasons, the Department Manager must conduct a pre-disciplinary conference.

An employee who is demoted must receive written notice of the specific reasons for the demotion, as well as notice of any applicable appeal rights.

Dismissal
Any regular employee may be dismissed by the County Manager or a Department Head for reasons of unsatisfactory job performance or unacceptable personal conduct.

See **BASES FOR DISCIPLINARY ACTION, Unsatisfactory Job Performance/Unacceptable Personal Conduct** above for information on the process for dismissing a regular employee.

Procedure for Implementing Discipline
Fact Finding
Prior to taking any formal disciplinary action, the supervisor should gather any and all pertinent details regarding the situation. The supervisor will then discuss the facts of the case with the Department Head. The Department Head will review the information and then shall discuss the facts of the case with the Human Resources Coordinator and the County Manager or her/his designee.

Pre-Disciplinary Conference
Before a regular employee may be demoted, suspended or dismissed, the County Manager or her/his designee shall conduct a pre-disciplinary conference.

The purpose of a pre-disciplinary conference is to give the employee an opportunity to provide information that he/she would like to have considered in the decision on whether to impose discipline, and if so, what form of discipline.

A pre-disciplinary conference is not a hearing, and neither side may have an attorney or any other person present.

The employee shall have at least a half working day's advance notice of the pre-disciplinary conference. The County Manager or her/his designee shall begin the conference by providing

the employee with the specific reasons that disciplinary action is being considered. The employee then has the opportunity to present whatever information he/she wishes the County Manager or her/his designee to consider in making the decision. At the end of the conference, the County Manager or her/his designee will tell the employee that a decision be made as soon as possible, but not before the next working day.

After the pre-disciplinary conference, the County Manager or her/his designee may tell the employee to return to work or may send the employee home on administrative leave for the rest of the day.

Placement on Investigation Status

Investigation status is used to temporarily remove an employee from work status. Placement on investigation with pay does not constitute a disciplinary action as defined in this Article and is not an action that may be appealed. The Department Head must notify an employee in writing of the reasons for investigatory placement. An investigatory placement with pay may last no longer than thirty (30) calendar days without written notice of extension from the Director of Human Resources. Under no circumstances is it permissible to use placement on investigation status for the purpose of delaying an administrative decision on an employee's work status pending the resolution of a civil or criminal court matter involving the employee.

It is permissible to place an employee in investigation status with pay only under the following circumstances:

1. To investigate allegations of performance or conduct deficiencies that would constitute sufficient reason for disciplinary action;
2. To provide time within which to schedule and conduct a pre-disciplinary conference; or
3. To avoid disruption of the workplace and/or to protect the safety of persons or property.

Employee Appeal

A regular employee who wants to appeal a demotion, suspension or dismissal may present the matter in accordance with the provisions of the grievance procedure set forth in Article 11, Grievance Procedure/Discrimination, Harassment, and Retaliation Complaint Procedure.

ARTICLE 11. GRIEVANCE PROCEDURE

Purpose

The purpose of this procedure is to provide Ashe County and its employees a fair, effective, and prompt method of resolving an employee's grievance.

Policy

It is the policy of Ashe County to provide a means in which employees may freely discuss problems with supervisors, as well as to provide a procedure for the presentation and mutual adjustment of points of disagreement that arise between employees and their supervisors. This grievance procedure is designed to assure all employees that their grievances will be responded to and decided fairly, quickly, and without retaliation.

Applicability/Coverage

The grievance procedure in this Article applies to departments and employees of Ashe County, except for employees of the Office of the Sheriff, employees of the Register of Deeds Office and employees of the Departments of Social Services and Emergency Management.

Definitions

At-Will Employee:

All County employees are considered at-will employees for the length of their service with the County, except for those employees of the Departments of Social Services and Emergency Management.

Days:

Whenever used in this procedure, "days" shall mean calendar days, not working days. If a deadline for appealing or taking any action under this procedure falls on a weekend or holiday, the deadline shall move to the next business day for the County.

Grievability Determination:

When the question of whether or not an employee has a grievable issue cannot be satisfactorily resolved at the department level, the employee may make a request for a ruling on grievability from the Human Resources Department, who shall respond in writing within two complete working days of the request. The decision of the County Manager shall be conclusive and final and there shall be no further appeal.

Grievance:

A grievance shall be defined as a complaint or dispute of an Employee relating to his/her employment, including but not limited to:

- working conditions relevant to safety and health;

- decisions of the County relative to disciplinary suspension without pay, demotion, or dismissal

Grievant:
A grievant is a current or former employee who has timely filed a grievance under this procedure that is within the authority of the procedure to deal with.

Non-Grievable Issues:
Non-grievable issues include:

- The negotiation of wages, salaries, or fringe benefits;
- Any work activity accepted by the employee as a condition of employment;
- Operating and/or organizational changes adopted by the County for the efficient and economical operation of County services, including but not limited to hours of work, licenses and certifications, residency requirements, work assignments including temporary assignments, and other specified conditions of employment;
- Denial of promotion or transfer (unless due to illegal discrimination, harassment, or retaliation);
- Disciplinary actions of less severity than suspension without pay, demotion, or dismissal (such as written warnings, placement on investigatory status, etc.)

Grievance Procedure - Disciplinary and Non-Discrimination Issues

Filing a Grievance

An employee or former employee shall begin the grievance process by filing a written grievance request with the Human Resources Department within fifteen (15) days of the occurrence or decision the employee is grieving. After determining that the grievance is a grievable issue and that it has been filed in a timely fashion, the Human Resources Department shall forward to the employee's Department Head all information received relating to the grievance.

Step One: Review by Employee's Department Head

The Department Head shall review the grievance and meet with the grievant within two (2) weeks to determine if there is any additional information that needs to be considered. After meeting with the grievant, the Department Head shall make a decision within ten (10) days from that meeting and shall notify the employee in writing of his/her decision. The employee shall sign and date a copy of the Department Head's response to acknowledge receipt. This copy shall be sent to the Human Resources Department as part of the record of the grievance. *Note: Should the employee's grievance be with the Department Head, the grievance should go directly to the County Manager.*

Step Two: Meeting with and Decision by County Manager

If the grievance is not resolved to the satisfaction of the employee during Step 1 the employee may appeal to the County Manager within five (5) days after receipt of the Department Head's response. The County Manager (or his/her designee) shall meet with the employee as soon as possible to discuss the grievance. The County Manager shall provide a written decision to the

grievant within ten (10) days of meeting with him/her. The decision of the County Manager is the final decision for the County and may not be appealed further.

Note: During the grievance process, neither the County nor the grievant may be represented by an attorney or any other person.

Article 12. Discrimination/Harassment/Retaliation Complaint Procedure

Purpose

The policy is established to show to County employees at all levels that discrimination, harassment on any basis, or retaliation for raising an issue of discrimination or harassment (or participating in a grievance or investigation), is strictly prohibited.

Policy

Ashe County prohibits discrimination on the basis of race, color, religion, gender, age, sexual orientation, gender identity, national origin, disability, genetic information, military service or other protected status. Ashe County prohibits harassment on any of the above bases. Ashe County prohibits retaliation by any County employee against any other County employee for raising an issue of discrimination or harassment, or participating in any grievance, complaint or investigation based on any kind of allegation. If the County finds that an employee has discriminated, harassed or retaliated against another County employee, the County will discipline that employee up to and including dismissal.

Coverage

All County employees, full time and part-time, including those employees who are still in the probationary period may use this complaint policy.

Filing a Discrimination, Harassment or Retaliation Complaint and Steps in Complaint Policy

To file a complaint of discrimination, harassment or retaliation, an employee may file a complaint, either orally or in writing with the Human Resources Department or with a supervisor who is not the subject of the complaint. Any management person who receives such a complaint must transmit that complaint to the Human Resources Department. The Human Resources Department will review the complaint and see that the complaint is investigated. The investigation will result in a written report to the County Manager or his/her designee, and the complaining employee.

If the report does not resolve the matter to the complainant's satisfaction, the complainant may request a meeting between the complainant, the County Manager and anyone the County Manager thinks should be in the meeting. The purpose of this meeting is to allow the complainant to discuss his/her complaint and to try to resolve it.

This is the final step of this process for most County employees.

Ashe County Process for Reviewing and Resolving Complaints of Sexual Harassment /Discrimination/Retaliation

An employee making a complaint of sexual harassment, discrimination or retaliation should be prepared to provide the following information:

1. Complaining employee's name, department and position title.

2. The name of the person or persons accused of the sexual harassment/discrimination/retaliation, including their title/s, if known.
3. The specific nature of the sexual harassment/discrimination/retaliation, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, threats made against you as a result of the harassment).
4. Witnesses to the harassment, if any.
5. Whether such harassment has been previously reported and, if so, when and to whom.

The person receiving the complaint shall document the above information. The summarization shall then be reviewed and signed by the complainant. This report shall be forwarded to the County Manager. If the complaint is against the County Manager or an Elected Official the County Attorney shall appoint an independent party to investigate the complaint.

Investigation and Resolution of Complaints of Sexual Harassment, Discrimination or Retaliation

Based upon the above report the County Manager shall require that the allegations of harassment, retaliation or discrimination be investigated. The result of such an investigation shall be a written report including facts found by the investigator, a determination of whether harassment, discrimination or retaliation occurred, and recommendations for actions to be taken to resolve the complaint. Such action may include demotion, suspension, dismissal, written warning or other actions deemed to be appropriate and effective. A written record of the investigation procedure and the action/s taken shall be kept.

Employee Obligation

Employees are not only encouraged to report instances of sexual harassment they are obligated to report instances of sexual harassment. Sexual harassment exposes the County to liability, and a part of each employee's job is to reduce the County's exposure to liability. Employees are obligated to cooperate in every investigation of sexual harassment, including, but not limited to: coming forward with evidence, whether favorable or unfavorable to a person accused of sexual harassment, and fully and truthfully answering questions during the course of an investigation of sexual harassment.

Employees are expected to treat other employees with respect and consideration, realizing that standards of acceptable language and conduct are different for different people, and that behavior which may be acceptable in a congenial social setting may be inappropriate for work. Employees are expected to show good judgment to avoid actions which violate another person's right to a workplace free of sexual harassment.

Confidentiality

All personnel shall maintain confidentiality to the extent possible about the complaints in order to protect the parties involved, and information shall not be shared with anyone other than those involved in the investigation. All records placed in the personnel file are protected by N. C. G. S. 153A-98.

General Provisions For The Grievance Procedure And The Discrimination / Harassment / Retaliation Complaint Process

No Conflict with County Policies, Ordinances or Applicable Statutes

No decision or determination of any grievance at any level in this procedure shall in any way conflict with County policies, ordinances, or applicable statutes.

Education

The Director of Human Resources shall include as part of the County's employee orientation program such instruction as may be needed to acquaint all new employees with this Ashe County's prohibitions against discrimination, harassment or retaliation, and how to access this procedure.

Protection from Retaliation

No person, including the County Manager or any other employee of Ashe County exercising supervisory authority shall discharge, threaten or otherwise discriminate against an employee of Ashe County regarding that employee's terms, conditions, or privileges of employment because the employee reported either verbally or in writing any activity as described above unless the employee knows or has reason to believe that the report is inaccurate or false. It is prohibited for any employee of Ashe County to retaliate, whether directly or indirectly, against any county employee who has participated in any way in a grievance or investigation of a complaint.

Any person who has been found to have retaliated in any way against a county employee for his/her participation in any form in a grievance under this procedure shall be subject to disciplinary action up to and including dismissal.

Article 13. Whistleblower Policy

Purpose

Ashe County is committed to the highest standards of behavior by its employees, administrators, and elected officials. The purpose of this policy is to encourage reporting of dishonest acts, fraudulent activity, activities that place others at risk and other improper actions; to advise employees, administrators, and elected officials of their responsibility to report such activity to the appropriate county office; and to protect county employees who have reported improper actions in accordance with Ashe County's policies and procedures. In addition, this policy assigns responsibility for the development of adequate internal controls and performance of investigations relating to fraud.

Scope of Policy

This applies to any improper action, fraud, or suspected fraud, involving employees, administrators, and elected officials, as well as consultants, vendors, contractors, outside agencies, and/or any other parties having a business relationship with Ashe County. This policy also applies to employees of local boards, agencies and commissions over which the Board has authority to require general policies to be followed.

Policy

Ashe County administration and all levels of management are responsible for the prevention and detection of fraud, misappropriations, and other inappropriate conduct. Fraud is defined in this policy as a willful or deliberate act or failure to act with the intention of obtaining an unauthorized benefit. Improper action as used in this policy means any action undertaken in the performance of the employee's official duties, or within the scope of a business transaction with the county that is in violation of any federal, state, or local law or rule; is an abuse of authority; or is of substantial and specific danger to health or safety.

Any fraud or improper action that is detected or suspected will be reported immediately to either the County Manager or County Attorney who will conduct, or cause to be conducted, an objective and impartial investigation into the fraudulent or improper activity, along with other applicable departments and/or law enforcement agencies, as deemed necessary or appropriate. Should the allegations be criminal then the employee also has the option of reporting it to the District Attorney. Any individual found to have engaged in fraudulent or improper activity, as defined by this policy, is subject to disciplinary action by Ashe County, which may include dismissal, as well as prosecution by appropriate law enforcement authorities and any other civil remedies allowed by law.

Definitions

Material Value:

Material value is defined as anything with a value over $25.

Actions Constituting Fraud

As used in this policy, the term "fraud" includes, but is not limited to, the following:

- Any dishonest or fraudulent act;
- Forgery or alteration of a check, bank draft, or any other financial document or account;
- Misappropriation of funds, securities, supplies, or other assets;
- Impropriety in the handling or reporting of money or financial transactions;
- Accepting or seeking anything of material value from vendors, contractors, or other persons providing services/materials to Ashe County.
- Accepting any gift, gratuity, loan, present, fee or service if it may be inferred that the person, business, or organization is seeking to influence an official action or to affect the discharge of an official duty.
- Using Ashe County funds to make unauthorized purchases;
- Authorizing or receiving compensation for hours not worked;
- Any similar or related inappropriate conduct.

Actions Constituting Improper Actions

These include such acts as:

- Any action that puts lives at risk or constitutes a serious safety violation;
- Any action that is undertaken in the performance of an official's or employee's official duties, whether or not the action is within the scope of the employee's employment; and that is in violation of any federal, state, or local law; is an abuse of authority; or is of substantial and specific danger to the public health or safety.

Improper action does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, dismissals, suspensions, demotions or reprimands.

Other Inappropriate Conduct

Suspected improprieties concerning an employee's moral, ethical, or behavioral conduct should be resolved by the appropriate Department Head and the County Manager. If there is a question as to whether an action constitutes fraud, employees with concerns should contact the County Manager, or the County Attorney or his/her designee for guidance.

Duties and Responsibilities

Employees, supervisors, Department Heads and administrators at all levels are responsible for setting the appropriate tone of intolerance for fraudulent or improper acts by complying with all laws, rules, regulations and policies. Department Heads, supervisors, and elected officials should be aware of the types of fraud or improper acts that could occur within their area of responsibility and should be alert for any indication of such acts. Department Heads, supervisors, and elected officials are responsible for establishing and maintaining proper internal controls that will provide for the security and accountability of the resources entrusted to them.

Reporting Procedures

Any employee of Ashe County who has a reasonable basis for believing a fraudulent or improper act has occurred, or is occurring, has a responsibility to promptly notify their supervisor and/or Department Head. Supervisors, elected officials, and/or Department Heads have a responsibility to immediately notify the County Manager of fraudulent or improper activity reported to them by employees.

Reporting options are as follows:

(1) via anonymous reporting to the supervisor, Department Head, County Manager or County Attorney;
(2) a signed written notice sent to the attention of the supervisor, Department Head, County Manager or County Attorney;
(3) or if the activity is criminal, the employee has the option of reporting it to the District Attorney.

The identity of reporting employees shall be kept confidential to the extent possible under the law, unless the employee authorizes the disclosure of his or her identity in writing.

Persons reporting suspected fraudulent or improper activity should refrain from confrontation with the suspect and should not discuss the matter with others unless specifically asked to do so by the individual to whom it was reported. The Individual to whom the act was reported will notify the Board of Commissioners.

Protection Against Retaliatory Action

No person acting on behalf of the County shall:

- Dismiss, or threaten to dismiss, any employee;
- Discipline, suspend, or threaten to discipline or suspend an employee;
- Impose any penalty upon an employee, to include unwarranted and unsubstantiated letters of reprimand, unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, or denial of promotion;
- Intimidate or coerce an employee
- Adversely change the terms or condition of the employee's employment status
- Take any other retaliatory or hostile action

because the employee has acted in accordance with the requirements of this policy.

Baseless Allegations

It shall also be a violation of this policy for any informant to make a baseless allegation of fraudulent activity that is made with reckless disregard for truth and that is intended to be disruptive or to cause harm to another individual. Any violation of this section will result in disciplinary action which may include dismissal.

Retaliation

Employees who believe they have been retaliated against for reporting fraud or an improper activity shall advise his/her Department Head, or the County Manager, or the County Attorney or the Board of Commissioners. The complaint of retaliation shall be investigated and addressed by the appropriate official. If the County Manager, County Attorney or board of Commissioners does not satisfactorily resolve an employee's complaint that they have been retaliated against in violation of this policy, the employee may obtain protection under this policy and pursuant to state and federal law by providing a written notice to the Ashe County Board of Commissioners that specifies the alleged retaliatory action and specifies the relief requested.

Investigative Procedures

The County Manager, or the County Attorney or the Ashe County Board of Commissioners have the primary responsibility for investigating the reported fraudulent or improper activity. These entities may contact other individuals (such as a Department Head, committee, etc.) as deemed appropriate to establish a team to investigate the suspected fraudulent or improper activity. Members of the investigative team will have:

- Free and unrestricted access to all county records and premises, whether owned or rented, as permitted by law; and,
- The authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent of any individual who may use or have custody of any such items or facilities when it is within the scope of their investigation.

In the instances where the investigation indicates possible criminal activity, the investigation will be turned over to the appropriate law enforcement agency.

The results of a fraud investigation will be communicated orally and/or in writing to the County Manager, the Board of Commissioners, the Human Resources Coordinator, Finance Officer, and the audit firm engaged to perform Ashe County's annual audit (if fraud is involved), and/or other appropriate designated personnel.

Confidentiality

All participants in the investigation shall keep the details and results of the investigation confidential to the extent allowed by state and federal law. Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know, in order to protect the reputations of persons suspected of fraudulent or improper activity but subsequently found innocent of wrongdoing and to protect Ashe County from potential civil liability. Notwithstanding the above paragraph, after the investigation, the employee reporting the fraud or improper action shall be advised of a summary of the investigation results except that personnel actions taken as a result of the investigation may be kept confidential.

Media Issues

Any person contacted by the media with respect to an investigation into fraudulent activity shall refer the media to the County Manager or County Attorney. The suspected fraud, audit investigation or improper action shall not be discussed with media by any person other than the County Manager or County Attorney.

Sanctions for the Commission of Fraud, Improper Actions or Other Inappropriate Conduct

Any Employee Of Ashe County

Any employee of Ashe County suspected of participating in fraudulent or improper activity may be suspended with pay during the course of the investigation, in accordance with policies as established by Ashe County's Human Resources Policy. [See Article 10]

Any employee of Ashe County found to have participated in fraudulent activity will be subject to disciplinary action up to and including dismissal. Such matters will also be forwarded to the appropriate legal authorities for potential criminal prosecution or civil action.

ARTICLE 14. SEPARATION FROM COUNTY EMPLOYMENT AND REINSTATEMENT

Types of Separation

All separations of employees from positions in the service of the County shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, reduction in force, disability, retirement, dismissal, death or other.

Resignation

A minimum of two (2) weeks' notice is required of all employees who resign. Such notice should be given to the Department Director. In the case of Department Heads or the County Manager, a four (4) week notice is expected. Failure to do so will result in forfeiture of accumulated annual leave. An employee who does not give the required notice shall be considered not to have left the County's employment in good standing, and will not be eligible for reinstatement.

Reduction in Force

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's past performance, organizational needs, and if necessary, seniority in determining those employees to be retained. Employees who are separated because of reduction in force shall be given at least two (2) weeks' written notice of anticipated lay-off. No regular employee shall be separated while there are temporary Employees serving in the same class in the department unless the regular employee is not willing to transfer to the position held by the temporary employee. Decisions about positions and persons selected to be abolished/separated will be made cooperatively between the County Manager and Department Head.

Disability

An employee may be separated for disability when the employee cannot perform the essential duties of his/her position because of a physical or mental impairment. The employee or the County may initiate action for disability separation, but in all cases consideration for disability separation shall be supported by medical evidence as certified by a licensed physician. The County may require a physical and/or mental examination at its expense and by a physician of its choice. Before an employee is separated for disability, a reasonable effort shall be made to identify any reasonable accommodation that would keep the employee working. In the alternative, the County should make a reasonable effort to locate positions within the County's service for which the employee may be suited.

Dismissal

Any employee may be dismissed from employment with Ashe County. Employees of the Ashe Count Departments of Social Services and Emergency Management with career status may only be dismissed for just cause.

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

Re-Employment with Ashe County
Any person who has separated from Ashe County in good standing, and who provided adequate notice of separation, and who returned all property issued by the County is eligible for re-employment as a new employee. Such a person may have accumulated sick leave reinstated (see Article 7).

Persons who have been terminated from Ashe County employment for reasons of unacceptable personal conduct are permanently ineligible for re-employment with Ashe County. Persons terminated from Ashe County employment for reasons of documented unsatisfactory job performance are ineligible for re-employment with Ashe County for at least twelve months from the date of termination. Subsequent to the twelve-month period, such a person may apply for employment with Ashe County.

Department Heads may not re-hire a former employee of Ashe County without the review and permission of the County Manager.

For employees rehired on or after October 5th, 2026, the employee's rate of annual leave accrual, balance of accrued sick leave at time of separation, and prior longevity step at time of separation may only be reinstated once during an employee's career provided the employee is rehired within two years of separation, is eligible for rehire, and successfully completes six months of continuous employment. Employees separated for misconduct are not eligible for reinstatement. Employees that were hired before October 5th, 2026 and have had their rate of annual leave accrual, balance of accrued sick leave at time of separation, and prior longevity step at time of separation reinstated already are not eligible for reinstatement again.

ARTICLE 15. PERSONNEL RECORDS AND REPORTS

Definitions

Employee:

As used in this Article, "employee" includes former employees of Ashe County, but does not include applicants for any County position.

Personnel File:

An employee's personnel file consists of any information in any form gathered by Ashe County with respect to that employee and, by way of illustration but not limitation, relating to his application, selection or non-selection, performance, promotions, demotions, transfers, suspension and other disciplinary actions, evaluation forms, leave, salary, and termination of employment.

Personnel Records Maintenance

The Human Resources Department will maintain such personnel records as are necessary for the proper administration of the human resources system. The County shall maintain in personnel records only information that is relevant to accomplishing personnel administration purposes.

The following information with respect to each County employee is a matter of public record:

- Name
- Age
- Date of original employment or appointment to County services
- The terms of any contract by which the Employee is employed whether written or oral, past and current, to the extent that the County has the written contract or a record of the oral contract in its possession.
- Current position
- Title
- Current salary
- Date and amount of each increase or decrease in salary
- Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification
- Date and general description of the reasons for each promotion
- Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the County. If the disciplinary action was a dismissal, a copy of the written notice of the final decision setting forth the specific acts or omissions that are the basis of the dismissal.
- The office to which the employee is currently assigned

Access to Personnel Records
Any person may have access to the public information listed above for the purpose of inspection, examination, and copying, during the regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Board of Commissioners may adopt. Access to such information shall be governed by the following provisions:

All disclosures of information from Ashe County records shall be accounted for by keeping a written record (except for authorized persons processing personnel actions) of the following information:

- Name of employee
- Information disclosed
- Date information was requested

This information must be retained for a period of two years.

Upon request, records of disclosure shall be made available to the employee to whom it pertains.

An individual examining a personnel record may copy the information. Any available photocopying facilities may be provided and a reasonable cost (not more than $.10/page for more than fifty [50] copies) may be assessed to the individual.

Any person denied access to any record shall have a right to compel compliance with these provisions by application to a court for writ of mandamus or other appropriate relief.

Confidential Information
All other information contained in an Ashe County employee's personnel file, other than the information listed above as a matter of public record, will be maintained as confidential and shall be open to public inspection only in the following instances:

- The employee or his/her duly authorized agent may examine all portions of his/her personnel file, except: letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.
- A licensed physician designated in writing by the employee may examine the employee's medical record.
- A County employee having supervisory authority over the employee may examine all material in the Employee's personnel file.
- By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file as may be ordered by the court.
- 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 information is deemed by the official having custody of such records to be inspected to be necessary

and essential to the pursuance of a proper function of the inspecting agency, but 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 official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.

- An employee may sign a written release, to be placed with his personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- The County Manager, with concurrence of the Ashe County Board of Commissioners, may inform any person of the employment or non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a county employee and the reasons for that personnel action. Before releasing the information, the Manager shall determine in writing that the release is essential to maintaining public confidence in the administration of County services or to maintaining the level and quality of County services. This written determination shall be retained in the office of the Manager, is a record available for public inspection and shall become part of the employee's personnel file.

Records of Former Employees
The provisions for access to records apply to former employees as they apply to current employees.

Remedies of Employees Objecting to Material in File
An employee who objects to material in his/her file may place in his/her file a statement relating to the material he/she considers to be inaccurate or misleading.

Penalty for Permitting Access to Confidential File by Unauthorized Person
Any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an 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.

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

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 State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept,

or whoever alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined not less than ten dollars nor more than five hundred dollars as provided in G. S. 132-3.

ARTICLE 16. IMPLEMENTATION OF HUMAN RESOURCES RESOLUTION

Conflicting Policies Repealed

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

Separability

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

Violations of Employee Resolution Provision

An employee violating any of the provisions of this Human Resources Resolution shall be subject to disciplinary action, in addition to any civil or criminal penalty, which may be imposed for the violation of the same.

Effective Date of this Resolution

This Resolution is effective on August 7, 2023