

FORWARD

We, in Ashe County Administration, are pleased to present you with the revised Personnel Policy. A lot of time and effort is involved in this booklet, and we hope it is easy to comprehend and will allow each employee to understand their conditions of employment with Ashe County. Your comments and suggestions were very helpful and were utilized in the revision. We are proud to have you as an employee of The County of Ashe and we hope many years of dedicated service lie ahead for both employee and county government. On behalf of the Board of County Commissioners and the Administrative Staff, we thank you for your efforts.

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ASHE COUNTY PERSONNEL RESOLUTION
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PERSONNEL RESOLUTION ASHE COUNTY, NORTH CAROLINA

Be it resolved by the Ashe County Board of Commissioners that the following rules and regulations shall govern the appointment, classifications, salary, promotion, demotion, dismissal and conditions of employment of the employees of Ashe County.

ARTICLE I. THE PERSONNEL SYSTEM

SECTION 1. **“MERIT PRINCIPAL”**. 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.

SECTION 2. **“RESPONSIBILITY OF MANAGER”**. The County Manager shall be responsible for the administration of the following personnel policies and rules which shall apply to all appointed employees except those specifically exempt.

SECTION 3. **“PERSONNEL DIRECTOR”**. The County Manager shall serve as Personnel Director and shall assist in the preparation and maintenance of the Position Classification Plan and the Pay Plan, and perform such other duties in connection with a modern personnel program as required. All matters dealing with personnel shall first be dealt with at the department level, and if unsatisfactory results are obtained, the County Manager shall be responsible for resolving disputes involving personnel. The Department Head shall notify the County Manager of disputes within the respective department and of the corrective action that has been taken. The County Manager and the Department Head shall be responsible for keeping accurate records of all personnel matters.

SECTION 4. **“EMPLOYEES SUBJECT TO RESOLUTION”**. The provisions of this resolution shall be applicable to all employees except as provided below:

- (1) Elected officials shall be exempt from the provisions of this resolution.
- (2) Employees not covered by the Classification Plan of this resolution shall be exempt from Articles II, III, and IV, Exempt Section 4.
- (3) Part-time officials appointed by the Governing Body, 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 IV – Section 4, and Article VI – Section 3.

- (4) Employees subject to the jurisdiction of the North Carolina State Personnel Board and the North Carolina Cooperative Extension Service shall be exempt from Article II and Article III - Section 1, but shall be subject to all other provisions except when those provisions shall conflict with the North Carolina State Personnel Act of Rules, Federal and State Laws, or rules governing employees of the Cooperative Extension Service.

ARTICLE II. THE CLASSIFICATION PLAN

SECTION 1. **“COVERAGE OF THE CLASSIFICATION PLAN”**. The attached Position Classification Plan shall be the Classification Plan of Ashe County. This classification plan shall include all permanent classes of positions except those exempted in Article I - Section 4.

SECTION 2. **“ALLOCATION OF POSITIONS”**. The County Manager shall allocate each position covered by the Classification Plan to its appropriated class in the Position Classification Plan.

SECTION 3. **“MAINTENANCE OF CLASSIFICATION PLAN”**. The County Manager 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: (1) The need for new positions and (2) Material changes in the nature of duties, responsibilities, working conditions or other factors affecting the classification of any existing position.

New positions shall be established only with the approval of the Governing Body, after which the County Manager shall either (1) Allocate the new position to the appropriate class within the existing classification plan, OR (2) Recommend that the Governing Body amend the Position Classification Plan to establish a new class to which the new position may be allocated.

When the County Manager finds that a substantial change has occurred in the nature of level of duties and responsibilities of an existing position, the County Manager shall (1) Direct that the existing class specifications be revised, (2) Reallocate the position to the appropriate class within existing classification plan, OR (3) Recommend that the Governing Body amend the position classification plan to establish a new class to which the position may be allocated.

SECTION 4. **“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 and with the approval of the Governing Body.

SECTION 5. **"EVALUATION"**. All employees are subject to evaluation. All Department Heads shall evaluate new employees after the required two-year month probationary period is complete. All aspects of their performance to date shall be reviewed, and the Department Head shall forward to the County Manager a record of such evaluation. All Department Heads shall evaluate all departmental employees on a yearly basis after completion of the two-year probationary period. The County Manager shall evaluate all Department Heads annually.

ARTICLE III. THE SALARY PLAN

SECTION 1. **"COVERAGE OF SALARY PLAN"**. The attached "Schedule of Salary Ranges" and "Assignment of Classes to Salary Ranges" shall be the Salary Plan of Ashe County. The Salary Plan shall include all permanent classes of positions in the Classification Plan.

SECTION 2. **"MAINTENANCE OF SALARY PLAN"**. The County Manager 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 Governing Body such increases, reductions or amendments of the Salary Plan as he/she deems necessary to maintain the fairness and adequacy of the Salary Plan.

SECTION 3. **"TRANSITION TO NEW SALARY PLAN"**. The following three 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.

SECTION 4. **"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.

SECTION 5. **“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 County Manager 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.

SECTION 6. **“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 "Training" 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 the appointing Department Head, with the approval of the County Manager, shall determine that the trainee is qualified to assume the responsibilities of the position, or until the end of the probationary period when the employee is either discharged or moved to a listed rate in the salary range established for the position.

SECTION 7. **“EARNED SALARY INCREMENTS”**. The County Manager shall each year include funds in the budget proposal for providing salary 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 the 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 fifteen step pay plan spread across a thirty year term of service, averaging a step increase every two years. However, the schedule is weighted toward the end to reward at an increasing rate, longer tenure.

THE GRADE-STEP PLAN LONGEVITY SCHEDULE

Step 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Year 1	4	7	9	11	13	15	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 at the beginning. Their most recent hire date will be used to calculate tenure. Interrupted duration, regardless of length does not constitute eligibility for consideration on the longevity schedule.

Reclassified or promoted employees will retain their hire date and continue to receive step increases every year until they reach the appropriate step. Further step increases will be in accordance with Article 3, Section 7. For example, an employee at Grade 52, Step 4 having served ten years in that capacity, who is promoted to a position with a Grade 60 would start on the schedule back at Step 1, but they would be entitled to an increase to Step 2 in the following year, which would be their eleventh.

SECTION 8. **“SALARY OF RECLASSIFIED EMPLOYEE”**. An employee whose position is reclassified to a class having a higher pay range shall receive a one (1) step salary increase, or an increase to a minimum step of the new salary range, whichever is higher. 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. This section effective June 5, 1989.

SECTION 9. **“SALARY OF PROMOTED EMPLOYEE”**. An employee promoted to a position in a class having a higher pay range shall receive a one (1) step salary increase, or an increase to the minimum step of the new salary range, whichever is higher. 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.

SECTION 10. **“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 the reassignment.

SECTION 11. **“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.

SECTION 12. **“PAY PERIOD”**. All employees of the County of Ashe 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.

SECTION 13. **“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.

ARTICLE IV. APPOINTMENTS, DISMISSAL AND DEMOTION

SECTION 1. **“APPLICABILITY OF ARTICLE”**. The provisions of the article shall be applicable to all employees except those exempted in Article I – Section 4.

SECTION 2. **“EMPLOYMENT OPPORTUNITIES”**. The County Manager shall publicize opportunities for employment with the governmental unit including the salary ranges and employment qualifications for positions to be filled. With the approval of the County Manager, Department Heads may fill positions internally without advertising to the public. When filling a position internally, all employees within the respective department must be given equal opportunity to apply.

SECTION 3. **“APPOINTMENTS”**. Each Department Head shall be responsible for assisting the County Manager in recruiting and employing such employees as are authorized for his/her department by the classification plan and by the budget. 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 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.

SECTION 4. **“QUALIFICATION STANDARDS”**. Employees shall meet the employment standards established by the position qualification plan and such other reasonable minimum standards as to character, aptitude, ability to meet the public and physical condition as may be established by the County Manager with the advice and recommendations of the Department Heads. However, no employee shall be required to belong to a particular political party as a condition of employment.

SECTION 5. **“LIMITATION ON EMPLOYMENT OF RELATIVES”**.

A. Two (2) members of an immediate family shall not be employed in the same administrative department at the same time. Neither shall two (2) members of an immediate family be employed at the same time if such employment will result in an employee directly or indirectly supervising a member of his/her immediate family. This policy applies to promotions, demotions, transfers, reinstatements and new appointments.

The provisions of this section shall not be retroactive, and no action is to be taken concerning those members of the same family employed at the time of the adoption of this section. For the purpose of this section immediate family is defined as spouse, mother, father, daughter, son, sister, brother, half-sister, half- brother, stepmother, stepfather, stepdaughter, stepson, stepsister, stepbrother, grandmother, grandfather, granddaughter, grandson, mother- in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, niece, nephew, aunt, or uncle.

In the case of current employees, the expectation is that when a situation, such as a marriage, arises that results in an individual supervising, or occupying a position which has influence over, an "immediate family" member, those concerned will take the appropriate steps in advance of, for example, a marriage date in order to stay in compliance with the policy. However, if the situation is not taken care of in advance, one of the individuals will be required to find other employment within the County that fulfills the requirements of this policy within thirty (30) calendar days after becoming married or otherwise closely related or identified. Human Resources will be available to the employee(s) to serve in an advisory capacity regarding the job search.

In the event that neither individual is able to find other feasible employment within the County within the thirty (30) calendar day time frame and neither employee chooses to voluntarily resign, the Department Head will use several factors to determine which employee must leave County employment, including, but not limited to, seniority, performance and any disciplinary actions incurred.

B. Interdepartmental Relationships.

For the purposes of this policy, an interdepartmental or "dating" relationship is defined as a relationship that may be reasonably expected to lead to the formation of a consensual "romantic" or sexual relationship. This policy applies to all employees without regard to the gender or sexual orientation of the individuals involved.

Interdepartmental relationship as defined above are strictly prohibited for employees within the same department. This policy will not be retroactive.

SECTION 6. "PROBATIONARY PERIOD". As an extension of the hiring process, all employees shall serve a probationary period of two years. Any employee promoted to a new position or any employee that accepts a position in another department shall serve a new probationary period. A Department Head may extend the probationary period at his/her discretion. The employee must be notified of the extension in writing with the reason(s). Any and all bonuses approved by the Board of Commissioners, be it Christmas bonuses or any other type of bonus, shall not be paid to employees that have not yet completed their probationary period.

Employees serving a probationary period following a promotion shall continue to receive all benefits provided in accordance with this resolution and under supplementary rules and regulations.

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

- (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 discharged 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 new appointee may be dismissed at any time without cause during the probationary period.

SECTION 7. **“REINSTATEMENT”**. A reinstated employee may continue to be a member of either the Local Governmental Employee's Retirement System or the Law Enforcement Officer's Benefit & Retirement Fund. He/she shall receive full credit for all accrued contributions to the time of his/her separation.

SECTION 8. **“DISMISSAL”**. A permanent employee whose work is not satisfactory over a period of time shall be notified in what way his/her work is deficient and what he/she must do if his/her work is to be satisfactory. With the approval of the County Manager, a permanent employee may be dismissed by his/her Department Head if he/she fails to perform work up to the standard of the classification which he/she holds or for any of the following reasons, acts or omissions:

1. Fraud in securing appointment
2. Inefficiency, negligence or incompetence
3. Inexcusable neglect of duty
4. Physical or mental disability, as a result of which he/she is no longer capable of properly performing job duties
5. Insubordination
6. Dishonesty
7. Embezzlement
8. Intemperance
9. Failure to comply with the County Substance Abuse Policy
10. Absence without approved leave
11. Conviction of a felony
12. Conviction of a misdemeanor which would adversely affect performance of duties
13. Discourteous treatment of the public or other employees
14. Violation of political activity restrictions
15. Willful disobedience
16. Careless, negligent or improper use of County property or equipment
17. Conduct unbecoming a public officer or employee
18. Habitual improper use of leave privileges
19. Habitual pattern of failure to report for duty at the assigned time and place
20. Failure to obtain or maintain a current license or certificate required by law as a condition of performing the job
21. Misappropriation of County funds or property
22. Falsification of County records for personal profit or to grant special privileges

23. Willful damage or destruction to property
24. Willful acts that would endanger the lives and/or property of others
25. Acceptance of gifts in exchange for favors or influence
26. Incompatible employment or conflict of interest
27. Participation in any action that would in any way seriously disrupt the normal operation of the department, or any other segment of County government
28. Possession of unauthorized fire arms or lethal weapons on the job
29. Betrayal of confidential information from official records
30. Trespassing on the home of any public official or employee for the purpose of harassing or forcing dialogue or discussion from the occupants concerning a job-related issue
31. Violation of existing county policies

When an employee is recommended for discharge, the Department Head shall immediately provide the County Manager and the employee with a written notice of the recommended discharge indicating the proposed effective date and the reason(s) for the discharge. A permanent employee may be dismissed upon recommendation by his/her Department Head to the County Manager who shall review and make final decision on the dismissal. Such dismissal shall be reported to the Governing Board at their next regularly scheduled meeting.

SECTION 9. **“DEMOTION”**. Any employee whose work in his/her present position is unsatisfactory may be demoted by his/her Department Head with the approval of the County Manager if the employee shows promise of becoming a satisfactory employee in another position.

SECTION 10. **“SUSPENSION”**. During the investigation, hearing or trial of any employee on any criminal charge, or during the course of any civil action involving an employee, or when suspension would be in the best interest of the employee or the governmental unit, the County Manager may suspend the employee without pay as a non-disciplinary measure. When the suspension shall be terminated by full reinstatement of the employee, the Governing Body may authorize full or partial recovery of pay and benefits for the period of suspension. All employees suspended shall have right to appeal procedures.

SECTION 11. **“REDUCTION IN FORCE”**. In the event that a reduction of force becomes necessary, consideration will be given to the quality of each employee’s past performance and the needs of the governmental unit as well as seniority in determining those employees to be retained.

SECTION 12. **“RIGHT OF APPEAL”**. An employee dismissed by a Department Head with the prior approval of the County Manager or directly by the County Manager may appeal to a majority of the Board of Commissioners sitting as a personnel review board, or to a personnel review board designated by the Board of Commissioners. The right of appeal expires thirty (30) days from date of termination.

SECTION 13. “SUBSTANCE ABUSE POLICY”

(A) General Statement of Policy

1. 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.
2. 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.
3. 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.
4. 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.
5. Those departments subject to the North Carolina State Personnel Act are required to follow the disciplinary policies and procedures therein.

(B) 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.
(See Section (C) 2. for exceptions.)

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.

(C) 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.

(D) 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.

(E) 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.

(F) 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 paragraph (E) 4 and 5).
 - 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 Policy Administrator, 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.

(G) 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. Barbituates
 - 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).

(H) 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.

(I) 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%.

(J) 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.

Appendix

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 anytime, 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. FMCSA accident requiring testing: 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 **Part 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)

**ASHE COUNTY GOVERNMENT
OBSERVATION OF SUSPECT BEHAVIOR**

Supervisor's Name:

Employee's Name:

Job Title:

Description of Work: Managerial Office/Clerical Driver Other: _____

How long has the employee worked for Ashe County: _____

How long have you supervised the employee?

Was the employee involved in an accident or near-accident? Yes No

If yes, Description:

Date and Time:

Extent of Injury to persons/Property:

Employee's Actions:

OBSERVATIONS:

Speech: Mumbled Slurred Confused Incoherent Stuttering

Condition of Clothes: Disorderly Soiled Rumpled Orderly

Eyes: Sleepy Blood Shot Glassy Watery Dilated Closed Alert

Attitude or Demeanor: Talkative Hyperactive Hostile Irritable Nervous
 Depressed Profane Drowsy Pleasant Wide Mood Swings

Unusual Actions: Belching Vomiting Fighting Accident Prone
 Crying Laughing Runny Nose None

Walking and Turning: Stumbling Swaying Staggering Arms Raised for Balance
 Falling Reaching for Support Feet Wide Apart Unable to Stand Normal

Awareness: Sleepy or Stupor Lack of Coordination Confused Paranoid
 Normal

OBSERVATION OF SUSPECT BEHAVIOR (continued)

Indicate other unusual actions or statements, including when first observed:

Were your observations made during, just preceding, or just after the period of the workday that the employee was performing covered functions? Yes___ No___

HISTORY

Number of Mondays missed or tardy in the last two months: _____

Has there been a recent change in the employee's level of performance?

Yes ___ No___ Don't Know ___

SUPERVISOR' S OPINION:

Indicate briefly what leads you to suspect drug and/or alcohol influence:

Indicate any additional substandard job performance:

Other Witnesses:

Date: _____

Supervisor's Signature

Date: _____

Supervisor-Witness' Signature

ASHE COUNTY GOVERNMENT

Date: _____

Company Name: _____

Company Address: _____

Subject: _____, **Release of Information Form**
(*Name of applicant/employee*)

Dear Human Resources Representative:

The individual named above is being considered for a position with DOT safety-sensitive duties. We are requesting the information in *Section II on the reverse side of this letter* from DOT regulated employers who have employed this individual during the past two years as required by **49 CFR Part 40.25 Drug and Alcohol Testing Records**.

Please complete and return this form by mail or email to:

Ashe County Administration
Attn: Substance Abuse Policy Administrator
150 Government Circle Suite 2500
Jefferson NC 28640
Phone 336-846-5501
Fax 336-846-5516

Thank you for your assistance,

Ashe County Representative Signature

Title

Phone

Release of Information Form – 49 CFR Part 40.25 Drug and Alcohol Testing Records

Section I: To be completed by the applicant/employee.

Applicant/Employee Printed Name: _____

Applicant/Employee Social Security Number: _____

I hereby authorize release of information from my Department of Transportation regulated drug and alcohol testing records by my previous employer (over) to Ashe County. This release is in accordance with DOT Regulation 49 CFR Part 40, Section 40.25. I understand that information to be released in *Section II* by my previous employer is limited to the following DOT-regulated testing items:

1. Alcohol tests with a result of 0.04 or higher;
2. Verified positive drug tests;
3. Refusals to be tested;
4. Other violations of DOT agency drug and alcohol testing regulations;
5. Information obtained from previous employers of a drug and alcohol rule violation;
6. Documentation, if any, of completion of the return-to-duty process following a rule violation.

Applicant/Employee Signature: _____

Date: _____

Section II: To be completed by the previous employer and transmitted by mail or fax to Ashe County.

In the two years prior to the date of the employee’s signature (*in Section I*), for DOT-regulated testing:

1. _____ **NO** _____ Did the employee have alcohol tests with a result of 0.04 or higher? **YES**
2. _____ Did the employee have verified positive drug tests? **YES** _____ **NO** _____
3. _____ Did the employee refuse to be tested? **YES** _____ **NO** _____
4. _____ Did the employee have other violations of DOT agency drug and alcohol testing regulations? **YES** _____ **NO** _____
5. _____ Did a previous employer report a drug and alcohol rule violation to you? **YES** _____ **NO** _____
6. _____ If you answered “yes” to any of the above items, did the employee complete the return-to-duty process? **N/A** _____ **YES** _____ **NO** _____

NOTE: If you answered “yes” to item 5, you must provide the previous employer’s report. If you answered “yes” to item 6, you must also transmit the appropriate return-to-duty documentation (e.g., SAP report(s), follow-up testing record).

Signature of individual completing Section II

Printed Name and Title

Company Name: _____

Company Mail Address: _____

EMPLOYEE ACKNOWLEDGEMENT

I _____, hereby acknowledge that I have received a copy of and have read the County of Ashe Substance Abuse Policy. I understand, accept, and agree to be bound by the conditions specified in the Policy.

I further acknowledge, understand and agree that to be retained as an employee the following will apply:

- 1) That I have been notified that the unlawful manufacture, distribution, dispensation, possession of, or use of alcohol, drugs, or other controlled substances is prohibited in the County's workplace, and violations of these prohibitions will subject me to disciplinary actions up to and including immediate termination.
- 2) That I may be tested for drug and/or alcohol use in any situation where a member of management has reasonable cause to suspect such use, if I am involved in a work-related accident, or as part of a random drug test, or any other situation covered by this Substance Abuse Policy.
- 3) If I refuse to submit to testing, fail to appear for testing, fail to cooperate with the testing process, or attempt to tamper with a drug or alcohol test, I will be subject to immediate termination.
- 4) That if convicted of a violation of a criminal drug statute, I will notify the County in writing within five days of the conviction.
- 5) The Policy may be modified at any time and in any way by the County of Ashe and will become effective immediately upon posting a notice indicating the changes made therein.

I UNDERSTAND THAT THE SUBSTANCE ABUSE POLICY AND RELATED DOCUMENTS ARE NOT INTENDED TO CONSTITUTE A CONTRACT BETWEEN THE COUNTY OF ASHE AND MYSELF.

THE UNDERSIGNED FURTHER STATES THAT HE OR SHE HAS READ THE FOREGOING ACKNOWLEDGEMENT AND KNOWS THE CONTENTS THEREOF AND SIGNS THE SAME OF HIS OR HER OWN FREE WILL.

Employee Name (Please print) _____
Social Security Number _____ Date _____
Employee Signature _____
County Witness Signature _____

NOTE: THIS FORM WILL BE RETAINED BY THE COUNTY IN A SECURE FILE.

CONFIDENTIAL

**COUNTY OF ASHE
North Carolina Controlled Substance
Examination Regulation Act (CSERA)**

INITIAL NOTICE TO EMPLOYEES/APPLICANTS

In accordance with our County policy, you have been selected for a _____ controlled substance test. (Specify “post-accident” “random”, “applicant”, or “reasonable suspicion”). In accordance with 13 NCAC 20.0401, this notice explains your rights and responsibilities under the CSERA and associated Administration rules.

- You may refuse this test; however, your job or employment opportunity may be in jeopardy.
- Applicants may be screened by means of a “Quick Test”; any positive results must be confirmed by an approved lab using gas chromatography with mass spectrometry (GS/MS) or equivalent scientifically accepted method before hiring decisions are made.
- Current employees cannot be screened by means of a “Quick Test.”
- An approved laboratory must perform testing of samples.
- You can request a retest of any positive sample. Retests must be of the same sample and must be paid by the employee.
- You can file a complaint with the North Carolina Department of Labor (919) 807-2796 or 1-800-LABOR-NC, if you believe procedural requirements of the CSERA were violated. The Department has no jurisdiction regarding an employer’s requirement for controlled substance testing or its decisions regarding results of controlled substance testing.

Employee/Applicant: _____ Date: _____

Employer Representative: _____

CONFIDENTIAL

CONFIDENTIAL

**COUNTY OF ASHE
North Carolina Controlled Substance
Examination Regulation Act (CSERA)**

POST-TEST NOTICE TO EMPLOYEES/APPLICANTS

The sample provided on _____ as required by our County policy and the CSERA has tested positive for a controlled substance.

We were notified of this positive result on _____. In accordance with 13 NCAC 20.0402, this notice explains your rights and responsibilities under the CSERA and associated Administration rules.

- You must be given written notice of any positive result of a controlled substance examination within 30 days of employer notification of the positive result.
- You must be given a copy of this notice or other written notice of your rights and responsibilities regarding retesting.
- You may request, in writing, a re-test of the above sample at the same or other approved laboratory within 90 days of our notification date. You must specify in writing which approved laboratory to use for the re-test. You must pay all expenses associated with the re-test.
- Results of controlled substance examinations, medical histories, and use of lawful prescription drugs must be kept confidential by the employer.
- You can file a complaint with the North Carolina Department of Labor (919) 807-2796 or 1-800-LABOR-NC, if you believe procedural requirements of the CSERA were violated. The Department has no jurisdiction regarding an employer's requirement for controlled substance testing or its decisions regarding results of controlled substance testing.

Employee/Applicant: _____ Date: _____

Employer Representative: _____

CONFIDENTIAL

ARTICLE V. CONDITIONS OF EMPLOYMENT

SECTION 1. **“APPLICABILITY OF ARTICLE”**. The provisions of this article shall be applicable to all employees except those exempted in Article I - Section 4. The benefits provided by this article shall be for full-time service. A permanent part-time employee shall receive benefits in proportion to the percentage of hours that he/she works each month.

1. Permanent full-time – An employee appointed to an 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.
2. 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 is designated by the Board of County Commissioners as permanent part-time.
3. Part-time – An employee who is scheduled to work less than thirty (30) hours per week. Part-time employees are not eligible for benefits.
4. 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.
5. Temporary Worker – An individual hired only for a limited period of time. 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.
6. Volunteer – An individual who performs or offers to perform a service voluntarily with no compensation, to include high school students who are volunteering to fulfill Community Service or other requirements. 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 may be required to undergo substance abuse testing in accordance with Article IV, Section 13.

SECTION 2. **“WORK WEEK”**. Employees and Department Heads shall normally work forty (40) hours per week with the exception of certain public safety employees within the Sheriff’s Office. 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 require some other schedule to meet work needs, the County Manager may authorize a deviation from the normal schedule.

SECTION 3. “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 and will be paid *at the rate it was initially earned*.

Non-Exempt Employees: At the end of each fiscal year, non-exempt employees who have compensatory leave in excess of 240 hours will be paid for the hours that are in excess of 240 *at the rate it was initially earned*. (Effective at the end of fiscal year 04-05, payments will be made at the end of the first quarter of the new fiscal year.) 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 County Manager a minimum of 24 hours 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. No compensatory time shall be taken without the prior approval of the County Manager. 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 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.

SECTION 4. **“ANNUAL LEAVE (VACATION)”**.

(A) **“ANNUAL LEAVE”** Annual leave is earned by all full-time employees (unless full-time temporary). This 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. It is earned as listed below:

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

(B) **“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.

(C) **“ANNUAL LEAVE ACCUMULATION”**. Annual leave may accumulate during the calendar year to an indefinite amount. At July 1 of each year, annual leave in excess of 30 days or 240 hours shall be converted to sick leave and shall be used as provided in Section 5. If any employee should terminate their employment with the County, the maximum annual leave to be paid would not exceed 30 days or 240 hours.. All annual leave must be taken in 15-minute increments unless leave is exhausted.

(D) **“SEPARATION PAY”**. 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. Compensation for accumulated annual leave shall not be paid to an employee dismissed for reasons of fault or delinquency or who does not submit the required notice or does not surrender any and all County issued or provided equipment, and any office or County related materials and documents in accordance with Article V. Section 31. Annual Leave payments will be withheld until all conditions of Article V. Sections 4 and 31 are met.

Upon the death of a permanent employee, compensation for accumulated annual leave shall be paid to his/her estate.

(E) **“NOTIFICATION”**. 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.

SECTION 5. **“SICK LEAVE”**.

(A) **“SICK LEAVE IS A PRIVILEGE”**. Sick leave with pay is not a right which an employee may demand but a privilege granted by the governmental unit. 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.

(B) **“SICK LEAVE EARNED”**. Each full-time employee shall earn sick leave at the rate of eight (8) hours per month.

(C) **“GRANTING OF SICK LEAVE”**. 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, illness in the employee's immediate family which does require the care of the employee. “Immediate family” includes spouse, mother, father, daughter, son, sister, brother, half-sister, half-brother, stepmother, stepfather, stepdaughter, stepson, stepsister, stepbrother, grandmother, grandfather, grandson, granddaughter, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, and brother-in-law.

(D) **“GRANTING OF SICK LEAVE FOR FUNERALS”**. An employee may be granted up to five (5) working days of sick leave from work with pay 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 or a close personal friend. Immediate family is defined as spouse, mother, father, daughter, son, sister, brother, half-sister, half-brother, stepmother, stepfather, stepson, stepdaughter, stepsister, stepbrother, grandmother, grandfather, grandson, granddaughter, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, and brother-in-law.

(E) **“PHYSICIANS 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 for each occasion of which an employee uses sick leave. The employee may be required to submit to such medical examination or inquiry as the Department Head deems desirable. 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. Any abuse of sick leave privilege shall be reason for dismissal. A physician's certificate is required for any use of sick leave longer than three (3) days, other than the death of an immediate family member, in which a maximum of five (5) working days may be granted.

(F) **“SICK LEAVE ACCUMULATION”**. Sick leave shall be cumulative with no limit on the maximum accumulation.

(G) **“CREDIT FOR ACCUMULATED SICK LEAVE”**. No employee shall be paid for accumulated sick leave. However, accumulated sick leave is added to an employee's credible service when determining eligibility for retirement.

SECTION 6. “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 without charge to vacation or sick leave. 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.
- (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 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.

SECTION 7. “MATERNITY LEAVE OF ABSENCE”. On recommendation of the Department Head, and with the approval of the County Manager, an employee may be granted sick leave for a period not to exceed 12 weeks. If all other types of leave have been exhausted, an employee may be granted leave without pay for a period not to exceed 12 weeks.

SECTION 8 “FUNERALS”. 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.

SECTION 9. **“HOLIDAYS”**. An annual holiday schedule will be announced on or before the first effective holiday of the subsequent year. Employees required to work on an observed holiday shall accrue compensatory or holiday time as applicable to the position.

SECTION 10. **“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 is in accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and subsequent revisions to that law.

SECTION 11. **“CIVIL LEAVE”**.

(A) 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.

(B) 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.”

(C) All instances of Civil Leave as defined in Subsections A and B should be accurately annotated as such on individual time sheets.

SECTION 12. **“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 Governing Body. 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 the governmental unit for a period equal to twice the

educational leave which he/she received, or reimburse the governmental unit for all compensation received while on educational leave.

SECTION 13. **“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 Travel Policy in Article V, Section 22. 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.

SECTION 14. **“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 one (1) year 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 (as applicable to the situation) before leave without pay will be granted. Permanent 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.

SECTION 15. **“TRANSFER OF LEAVE”**. In the event an employee depletes all of their accrued leave due to extended sickness or surgery, other employees may, in keeping with this policy, donate only sick leave or annual leave to that employee. Department heads must approve the transfer 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. Transfer of leave forms for Department Heads must be approved by the County Manager. The following applies to all “transfers of leave”:

- Each employee may donate a maximum of 40 hours of accrued sick or annual leave (or a combination of both) per month;
- Employees may receive a maximum of 1040 hours of transferred leave within one year of the official Transfer of Leave request;
- Transferred leave (from direct donations) that **exceeds** the amount of sick leave a requesting employee needs (uses) may be placed into a shared leave bank. A four member “Shared Leave Bank Committee”, appointed annually by the County Department Heads, shall administer all requests for transferred leave from the shared leave bank. This

committee shall establish guidelines for requests for transfer of sick leave from the shared leave bank.

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

- Have exhausted all available options such as the use of all types of accrued leave (sick, annual, holiday and compensatory);
- Use the leave in accordance with the “Granting of Sick Leave” section (Page 13, Article V, Section 5 (C));
- Be in a leave earning position;
- Submit a written physician’s certificate;
- Submit an official “Transfer of Leave” request.

The following shall apply for transferred leave time:

- All donated leave time will be converted to sick leave;
- Upon separation from the County, employees may donate annual leave, but are not eligible to donate sick leave;
- 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;
- Pregnancy/Maternity Leave is not eligible for transfer of leave unless hospitalization or bed rest is prescribed for complications.
(Policy Amended 09-16-13)

SECTION 16. “INSURANCE PROGRAMS”.

- (A) The governmental unit 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 the governmental unit 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. In accordance with Section 14 – “Leave Without Pay”, the employee is responsible for insurance premiums while on leave without pay. **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.
- (B) Employees that have completed twenty-five (25) years of credible 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

credible 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.

SECTION 17. **“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.

SECTION 18. **“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.

SECTION 19. **“CLOTHING ALLOWANCE”**. Law enforcement officers required to wear civilian clothing in the performance of their official duties may be paid a clothing allowance.

SECTION 20. **“GRIEVANCE PROCEDURE”**. The grievance procedure provides an adequate and fair means for hearing matters of concern to County employees. This grievance procedure applies to all departments and all employees of the County. A grievance is defined as a matter of concern or dissatisfaction arising from the working conditions of an employee, subject to control of the County.

Every employee shall have the right to present a grievance in accordance with these procedures, with or without a representative, free from interference, coercion, restraint, discrimination, penalty, or reprisal. Employees will be allowed sufficient time apart from their regular duties as may be necessary and reasonable as determined by the Department Head or County Manager to prepare a grievance.

- (A) Step One: An employee must file a written grievance with their immediate supervisor within 30 calendar days of the date of the incident giving rise to the grievance. If the employee alleges sexual harassment by the immediate supervisor, the employee may file the complaint as outlined in the sexual harassment policy. If the grievance concerns an appeal of a dismissal, it shall be filed in accordance with Article IV, Section 12 of the personnel policy. The immediate supervisor shall meet with the employee within 5 working days of receipt of the grievance and attempt to resolve the grievance informally. If informal resolution efforts fail, the immediate supervisor shall issue a detailed written decision on the grievance not later than 5 working days following the meeting.
- (B) Step Two: If the employee is dissatisfied with the response at Step One, the employee may file the grievance in writing with the

Department Head within 5 working days of receipt of the immediate supervisor's written decision. If the employee is unable within the specified amount of time to obtain a decision by the supervisor, the employee may file the grievance with the Department Head within 5 working days of when the decision should have been rendered. The grievance shall state concisely the basis for the complaint and, if based on alleged discrimination, indicate whether the alleged discrimination was based on race, color, religion, sex, national origin, political affiliation, non-disqualifying, disability or age. The Department Head shall meet with the employee within 5 working days of receipt of the Step Two grievance, shall review the decision at Step One, and shall make an independent determination on the merits of the grievance. Within 10 working days of the meeting with the employee, the Department Head shall issue a decision.

(C) Step Three: If the employee is dissatisfied with the response at Step Two, the employee may forward the written grievance to the County Manager within 5 working days of receipt of the Step Two decision. If the employee is unable within the specified amount of time to obtain a decision by the Department Head, the employee may file the grievance with the County Manager within 5 working days of when the decision should have been rendered. The County Manager will render a written decision within 15 working days of receipt of the grievance.

(D) Step Four: If the employee is dissatisfied with the response at Step Three, the employee may forward the written grievance to the County Board of Commissioners within 5 working days of receipt of the Step Three decision. If the employee is unable within the specified amount of time to obtain a decision by the County Manager, the employee may file the grievance with the Board of Commissioners within 5 working days of when the decision should have been rendered. The County Board of Commissioners will review the grievance and issue a written decision to the grievant within 30 days.

Employees subject to the jurisdiction of the North Carolina State Personnel Commission shall have the right to appeal to the State Personnel Commission through the Office of Administrative Hearings not later than 30 calendar days after receipt of notice of the Board of Commissioners decision, provided that the employee has obtained regular status in accordance with the rules and regulations of the State Personnel Commission. The decisions of the State Personnel Commission shall be binding in appeals of local employees subject to the State Personnel Act if the commission finds that the employee has been subjected to discrimination or if a binding decision is required by applicable federal standards. However, in all other local employee appeals, the decision of the State Personnel Commission shall be advisory to the local appointing authority.

All documentation, records and reports pertaining to the grievance will be

retained for a minimum of 3 years in the employee's personnel file. Records pertaining to the grievance are considered confidential in accordance with G.S. 126 and G.S. 132.

SECTION 21. **“WEATHER POLICY”**. 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 in accordance with the following guidelines:

1. 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. Local radio stations will be notified. The following shall also apply:

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 doctor's excuse may be requested for sick leave taken during inclement weather. If an employee is on vacation during inclement weather, all eight hours will be applied to vacation 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, an announcement of delayed opening will be made on WMMY or WKSK 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.

If County Offices are opening late or closing early, compensatory or overtime will accrue in accordance with Article V, Section 3.

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 needed.

SECTION 22. **“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. Department Heads shall submit a written dress code for their respective employees to the County Manager for formal approval.

SECTION 23. **“TRAVEL POLICY AND PROCEDURE”**.

1. **PURPOSE AND INTENT:**

- A. The purpose is to provide a clear understanding of the responsibilities of the County and of the employee that travels on behalf of the County.
- B. The intent is to provide a policy that is cost-effective to the County while maintaining the fiduciary responsibility to the taxpayers. There should be no personal sacrifices imposed to the employee as well as no frivolous expense imposed on the County. The County trusts the employee to behave honestly and responsibly in conducting and reporting their travel. It is also intended to obtain administrative simplicity to minimize paperwork and record-keeping.

2. **TRAVEL APPROVAL:**

- A. The Department Head shall have the authority to approve employee travel request. Department Head travel shall be approved by the County Manager.

3. **EXPENSE ADVANCEMENT AND REIMBURSEMENT:**

- A. **Per Diem Reimbursement Rates:** Per diem reimbursements for single-room lodging and for meals and incidental expenses (M&IE) will be based on the current U.S. General Services Administration per diem schedule. A list of those rates will be given to Department Heads on a yearly basis and are available online at www.policyworks.gov. No reimbursements will be given for any amount over the USGSA rate unless pre-approved by the County Manager.
- B. **Meals:** Meal reimbursements shall be limited to required schools, conferences and meetings that are outside of normal daily duties.

Meal reimbursements for full day travel will be given up to the daily limit of the M&IE schedule. Employees may receive meal reimbursements for partial day travel based on the M&IE breakdown and according to the following schedule:

Breakfast:	Depart prior to 7:00 a.m.
Lunch:	Depart prior to 11:00 a.m.
Dinner:	Return after 7:00 p.m.

(Tips, vending machines, and snacks are included in the per diem meal allowance rate and are not reimbursable.)

No reimbursements will be given without receipts.

C. **Lodging:** Reimbursement of lodging expenses incurred in counties contiguous to Ashe County will not be authorized without prior approval by the County Manager. Employees are encouraged to share hotel rooms when possible. When more than one employee occupies the same hotel room, the total lodging expense should be reported on only one of the employee's travel vouchers. When another person, who is not an employee occupies the same hotel room with an employee on an authorized trip, the employee must pay the difference between single and double room rates. To receive reimbursement for lodging expenses an itemized hotel bill must be attached to the travel voucher.

D. **Transportation:**

(1) A County vehicle along with a gas card will be provided whenever possible. The gasoline card company offers Federal discounts per gallon, as well as a State discount, if purchased in North Carolina, which saves the user department money for every gallon purchased. If the traveler is unable to find a gas station which will accept his/her particular card, the traveler will be reimbursed for gas purchases with receipts. A list of station locations that will accept the gas card may be obtained from the County Administration Office.

(2) When a County vehicle is unavailable, the County will reimburse the employee at a current federal allowable mileage rate for use of their personal vehicle. Mileage will be calculated from the normal daily workplace or the place of residence, whichever is least.

- (3) When another person, not an employee of the County, and not authorized to be a rider in a County vehicle, accompanies an employee in traveling, the employee must use their personal vehicle, and will be reimbursed as described above.
- (4) Parking fees, tolls, taxi charges, car rentals, and expenses of similar nature when appropriate to the travel, are reimbursable upon submission of appropriate documentation of same.
- (5) Any travel by air, sea or rail must have prior approval by the County Manager.

E. **Registration Fees and Tuition:** Any fees associated with travel such as registration, license, tuition or course materials should be requested as a travel advance to the Finance Office fifteen (15) days prior to actual need. When an employee personally pays a registration fee, a receipt for payment should be obtained whenever possible and is preferable to a cancelled check for reimbursement purposes. Additional registration costs for recreational and entertainment activities will not be paid by the County. Meal functions are not included in this requirement, and are eligible for payment by the County in lieu of the meal per diem payment.

F. **Daily Travel:** County employees, who by the normal nature of their duties, are required to travel regularly within the County and are individually authorized by the appropriate Department Head, are eligible for reimbursement of transportation expenses incurred. County employees who, in the interest of the County, and with Department Head approval travel to schools, conferences, meetings, etc. which do not require overnight lodging, may be reimbursed, to the limits of the policy, for other expenses incurred.

G. **Overnight Travel:** The following applies to travel on behalf of the County that requires overnight lodging due to multi-day events, conferences or schools that would make daily commute to and from impractical, inefficient or unreasonably burdensome on the employee.

- (1) The County will reimburse lodging, meals and incidental expenses (M&IE) based on the current Meal and Incidental Expenses at the rate for the specific area with receipts.
- (2) Employees may receive advances for overnight travel expenses to avoid personal inconveniences or hardships. The Department Head must submit a request in writing

requesting the daily per diem amount for the number of nights the employee will be traveling. Travel Advance requests must be made to the Finance Office at least fifteen (15) days prior to departure. Immediately upon completion of the travel, the employee will present a travel reimbursement voucher to the Finance Office and return any money advanced in excess of the actual expenses approved. Any amount advanced and subject to return to the County, not promptly refunded, may be deducted from the pay due the employee. Upon presentation of receipts and the travel reimbursement voucher, any approved expenses due the employee will be reimbursed within thirty (30) days.

- (3) Each department will have access to a long distance calling card to be used for traveling employees to make a “safe arrival” call.

H. **Trip Cancellation:** When an employee cancels an approved trip and the County has paid registration, lodging, or other related fees, the employee will be responsible for obtaining refunds and for canceling hotel reservations to avoid unnecessary charges. If refunds cannot be obtained, the employee must submit a letter of explanation to the County Manager and may request that the reimbursement to the County by the employee may be waived.

I. **Violation:** Any employee found in violation of this policy whether in part or in whole may be required to reimburse the County all funds advanced and/or reimbursement requests may be denied.

J. **The following items are not reimbursable:**

1. Any miscellaneous expenses not supported by a receipt
2. Meals included in registration
3. Travel to and from the workplace
4. Non-employee expense
5. Alcoholic beverages
6. Movie rental
7. Any traffic fines
8. Parking citations
9. Non-business telephone calls

SECTION 24. "INFORMATION TECHNOLOGY AND INTERNET USAGE POLICY".

Access to the Internet or use of Ashe County information technology resources is provided for the conduct of official Ashe County business. Unauthorized use of Internet Access or Ashe County information technology resources, including, but not limited to, violations of the elements set forth below, may be grounds for disciplinary action.

Ashe County provides access to the Internet to encourage and promote use of technology and information services for government, and to promote Ashe County to the Internet community. Ashe County's information technology resources are another tool for its employees to use in conducting official County business. Ashe County expects its employees, as public servants, to present a favorable and professional image of the County to the entire Internet community, and to adhere to customary Internet ethics and accepted practices and standards of conduct.

- A. County employees are expected to use the Internet and information processing resources responsibly and professionally at all times and shall make no intentional use of these services in an illegal, malicious, or obscene manner. County employees may make reasonable personal use of County owned or provided Internet resources as long as:
 1. The direct measurable cost to the County or its citizens is none or is negligible.
 2. There is no negative impact on the employee's performance of duties.
 3. Employees shall reimburse the County if costs are incurred.
- B. As an employer, Ashe County reserves the right to review file and data transmissions, including email and inspect its computer resources. County employees should be aware that the County's security systems are capable of monitoring and/or recording (for each and every user) each World Wide Web (WWW) site visit, each chat, news group or email message, and each file transferred into and out of our internal networks, and we reserve the right to do so at any time. **No employee should have any expectation of privacy as to his or her Internet usage; systems will be periodically audited.**
- C. Employees may not use County Internet or information technology resources to play games during work hours, download entertainment software or games or to compete against opponents over the Internet.
- D. Employees are expressly prohibited from visiting inappropriate or sexually explicit sites.

- E. Individuals not herein defined as Full or Part-time Employees, Interns or approved Volunteers are expressly prohibited from using or accessing Ashe County Information Technology resources in any manner. Any employee allowing such access without the express permission of the IT Director, County Manager, or IT Committee is subject to severe disciplinary actions.
(Policy Amended 09-16-13)

SECTION 25. **“SEXUAL HARRASSMENT POLICY”**.

(A) **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.

(B) **Policy.** It is the intent of Ashe County to maintain a work place 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.

(C) **Definition.** The Equal Employment Opportunity Commission, the federal administrative agency charged with enforcing Title VII, defines sexual harassment as "**unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature.**" Under the EEOC's definition, such behavior constitutes sexual harassment when:

1. Submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, or is a term or condition of employment;
2. Submission to or rejection of this conduct becomes a basis for employment-related decisions; or
3. Submission to or rejection of this conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Sexual harassment as defined above is a type of sex discrimination in which the discriminatory acts are of a sexual, as opposed to gender- based nature. Ashe County accepts the EEOC's recognition of two different types of sexual harassment:

1. **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."

2. 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.

(D) **Coverage and Responsibilities.** This policy applies to all officers and employees of the 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. Should the complaint be against the County Manager, procedures under Section (F) (3) should be followed.

(E) **Grievance Procedures.** Normally, following the chain of command is recommended when dealing with a job-related complaint. However, due to the personal nature of sexual harassment and the County's strong opposition to sexual harassment, any employee who feels he or she is being subject to sexual harassment may complain to any one of the following persons orally or in writing:

1. The immediate supervisor.
2. The Department Head.
3. The County Manager.
4. The County Attorney.

Regardless of which of the listed persons the employee makes a complaint of sexual harassment to, the employee should be prepared to provide the following information:

1. Employee's name, department and position title.
2. The name of the person or persons accused of the sexual harassment, including their title/s, if known.
3. The specific nature of the sexual harassment, 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.
5. Whether you have previously reported such harassment and, if so, when and to whom.

The individual hearing the complaint shall document the aforementioned information. The summarization shall then be reviewed and signed by the complainant.

(F) Reporting and Investigating of Sexual Harassment Complaints.

1. Informal Complaints. No supervisor, Department Head, County Attorney, or County Manager shall be permitted to allow an employee to share knowledge of alleged sexual harassment without taking any action to fully investigate the charges and rectify the situation accordingly. There may be situations when an employee may not be aware that certain behavior is offensive to a co-worker. The most appropriate manner to handle a complaint may be as simple as asking your supervisor to inform a co-worker that certain behavior is not acceptable and to please stop. The supervisor and/or department head shall keep written record of any informal complaint in case of additional occurrences at a later date. Any reoccurrence of this behavior shall be prepared by report and submitted to the County Manager for full investigation.

2. Formal Complaints. When an allegation of sexual harassment is made by any employee, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit to the County Manager. In the event the sexual harassment is against the County Manager, submit the complaint to the County Attorney. Based upon the report the County Manager shall, within a reasonable time, determine whether the conduct of the person against whom a complaint has been made constitutes sexual harassment. In making the determination, the County Manager shall look at the record as a whole and the totality of circumstances, including the nature of the conduct, if any, occurred, and the conduct of the person complaining of sexual harassment. The determination of whether sexual harassment occurred will be made on a case-by-case basis. If the County Manager determines that the complaint of sexual harassment is founded, the County Manager shall take immediate and appropriate disciplinary action. Such action may include demotion, suspension, dismissal, warning or reprimand. A written record of the investigation procedure and any disciplinary action taken shall be kept, including verbal reprimands.

In all events, an employee found guilty of sexual harassment shall be warned not to retaliate in any way against the complainant, witness or any other person connected with the investigation of the complaint of sexual harassment. Subsequent to any decision, every employee shall have the right to appeal the action taken or lack thereof by way of the grievance procedures outlined in the personnel manual.

3. Against the County Manager. In the event the sexual harassment complaint is against the County Manager, the investigator shall be the County Attorney. Upon receipt of a report on the investigation of a complaint of sexual harassment against the County Manager, the County Attorney shall present the

report to the Board of County Commissioners. If the Board determines that the complaint of sexual harassment is founded, it may discipline the County Manager consistent with its authority under the county charter, ordinances, resolutions or rules governing discipline of the County Manager.

4. Against An Elected Official. The Board of County Commissioners may discipline an elected official in whatever manner it deems appropriate, consistent with its authority under state law, the county charter, ordinances, resolutions or other rules governing discipline of elected officials.

5. Sexual Harassment Committed by Non-employees. In cases of sexual harassment committed by a non-employee against a county employee in the workplace, the County Manager shall take lawful steps to insure that the sexual harassment is brought to an immediate end.

(G) **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 in the area of relations between the sexes to avoid actions which violate another person's right to a workplace free of sexual harassment.

(H) **Confidentiality.** All personnel shall maintain confidentiality 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 the guidelines established in Section 160A-168 of the General Statutes of North Carolina.

SECTION 26. **"FAMILY AND MEDICAL LEAVE ACT POLICY"**. In accordance with the Family and Medical Leave Act of 1993, as amended by the National Defense Authorization Act of 2008, Ashe County shall grant each eligible employee leave entitlements consistent with the provisions outlined in the Act. The terms used in this section, which are defined in the Act, shall have the meanings assigned to them therein.

(A) *Regular FMLA:* To be eligible to take leave under this section, the employee must:

- (1) Have been employed by Ashe County for at least 12 months;
- (2) Have been

employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. The eligible employee is entitled to a total of 12 work-weeks of leave during any 12-month period. The term “12-month period” shall be defined as a rolling 12-month period measured backward from the date an employee uses any FMLA leave.

Ashe County will grant leave pursuant to this section:

- 1) For the birth of a son or daughter, and to care for the newborn child; Married couples working for the same organization are limited to 12 weeks combined when taking FMLA for the birth of a child.
- 2) For the placement with the employee of a son or daughter for adoption or foster care;
- 3) To care for the employees spouse, son, daughter, or parent with a serious health condition(s); or
- 4) Because of serious health condition that makes the employee unable to perform the essential functions of the employee’s job. 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 (*continuing treatment means one in-person visit to a health care provider within the first seven days of incapacity and either a second visit within the first thirty days or a regimen of continuing treatment under the supervision of a health care provider*).

Any period of incapacity or treatment connected with inpatient care;

Due to pregnancy;

Any period of incapacity or treatment due to a chronic health condition such as asthma, diabetes, epilepsy;

That is long-term or permanent due to a condition for which treatment may not be effective (e.g., cancer; AIDS)

Any absence to receive multiple treatments (and to recover from the treatments) for a condition that would likely result in an incapacity for more than three consecutive days if left untreated (e.g., physical therapy, chemotherapy, dialysis).

If FMLA leave is requested for a purpose for which the County grants sick leave pursuant to Section Article V. Section 5, the employee may, but is not required to use any accumulated leave for all or part of any (otherwise) unpaid FMLA leave. If FMLA is for any other purpose, compensatory or annual leave may be used; however any compensatory time accrued must be used prior to using annual leave.

If an employee uses accumulated leave for a purpose which would qualify as FMLA leave, but did not initially provide information to the County regarding the leave, then the amount of such leave shall be retroactively counted against the employee’s 12-

week FMLA entitlement. It is the duty of each employee to indicate the nature of circumstances bringing about a request for any extended leave.

In cases in which the need for leave is foreseeable, such as an expected birth or a planned medical treatment, the employee is required to provide the employer 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 employer aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave. The notice shall be forwarded to the County Manager 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.

An employee requesting FMLA leave: (1) to care for the employees seriously ill spouse, son, daughter, or parent, or (2) due to the employee's own serious health condition that makes the employee unable to perform the functions of the employee's position, shall provide certification of the health care provider of the employee or the employee's ill family member within fifteen (15) calendar days of the County's request for verification on a form prescribed by the County. If the employee does not return the certification within the 15-day window, the employee loses his or her right to FMLA leave and to return to the same or a substantially equivalent job. FMLA leave may be denied to any employee requesting leave who fails to return a medical certification or who fails to return a complete and sufficient certification after being given seven days to resubmit it. The County may require re-certification if the employee requests an extension of leave, or if circumstances described by the original certification have changed significantly, or if the County receives information that casts doubts upon the continuing validity of the certification. 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.

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.

In the case of a pregnancy, at any stage of the pregnancy, a supervisor or Department Head may request a doctor's certificate stating that the employee is still permitted and capable to perform all tasks and duties required by their position. If a doctor finds reason to deny this permission, the Department Head can request the employee take a leave of absence under this section. If a pregnant employee is in a position that requires physical demands more strenuous than is considered sedentary or light duty work and therefore cannot perform the tasks and duties of position for an amount of time greater than is provided through Family and Medical Leave and accumulated sick and annual leave, the Board of Commissioners may opt to hold the position open or fill the position with a part-time or temporary employee until the full

time employee is released by her physician for return to duty. The employee will be placed on leave without pay status during this time and will be responsible for her own insurance.

(B) *Service Member Family Leave*: There are two types of specific leaves under SMFL – Exigency Leave and Military Caregiver Leave.

a. Definitions:

Active Duty – duty under a call or order to active duty under a military operation that results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301 (a), 12302, 12304, 12305, or 12406 of title 10 of the United States Code, chapter 15 of this title, or any other provision of law during a war or during a national emergency declared by the President or Congress.

Contingency Operation – a military operation that is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force;

Covered Service Member – a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

Next of Kin – when used with respect to an individual, means the nearest blood relative of that individual; or a relative designated as next of kin by the service member for care giver leave purposes.

Outpatient Status – with respect to a covered service member, means the status of a member of the Armed Forces assigned to (1) a military medical treatment facility as an outpatient;

Serious Injury or Illness – for the purposes of this section means an injury or illness incurred by the service member in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

To be eligible to take leave under this section, the employee must: (1) Have been employed by Ashe County for at least 12 months; (2) Have been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. (3) The employee must be a spouse, son, daughter, parent, or next of kin, of a covered service member.

(b) *Qualifying Exigency Leave* – FMLA-eligible employees whose spouse, child of any age or parent is a military service member under a call or order to federal active duty in support of a contingency operation may take up to twelve weeks of qualifying exigency leave. The active duty orders of the service member must be provided to certify that he/she is serving in support of a contingency operation. The employee must also provide certification that sets forth facts supporting the need for leave; the approximate beginning and end dates of the absence; and if the employee is meeting with a third party,

identifying and contact information for the third party and a description of the meeting's purpose. Certifications must be provided within fifteen days of request.

A qualifying exigency is defined as: deployment of a service member with seven or fewer days notice; military ceremonies and events, as well as support, family-assistance or informational programs related to a service members on or called to active duty; attending school or daycare meetings relating to the child of a service member on or called to active duty; making financial or legal arrangements related to a service member's active duty status or call to active duty; or post-deployment activities for a period of ninety days after the termination of the service member's active duty status.

This leave may be extended to family members of those on active duty as long as certification of an unexpected deployment in support of a contingency operation is provided.

(c) Military Caregiver Leave – FMLA-eligible employees may take up to 26 weeks of leave within a twelve-month period to care for a covered service member (spouse, son, daughter, parent, or next of kin) who has been injured or become ill while serving as a current member of the armed forces. The single twelve month period begins the first day the employee takes military caregiver leave (which can be on an intermittent or reduced leave schedule) and ends twelve months later, regardless of the method used to determine FMLA entitlement or other FMLA leave. There is a limit of one time per covered service member per injury for military caregiver leave.

For the purposes of this subsection, and this subsection only, the following definitions apply: "son or daughter of a covered service member" means biological, adopted, foster, stepchild, legal ward or child for whom the service member stood in loco parentis. The child may be of any age. "Parent" means biological, adoptive, step or foster father or mother or any other person who stood in loco parentis to the employee and does not include in-laws.

For Military Caregiver Leave purposes, upon request by the employer, certification MUST originate from a Department of Defense Provider, a Veteran's Administration Provider, or a Tri-Care Authorized Provider (this includes network and non-network Tri-Care Providers) and must be completed and returned within 15 days. Invitational Travel Orders or Invitational Travel Authorizations will be accepted in lieu of the WH-385 military caregiver leave form.

(C) General Provisions for Sections (A) and (B):

While an employee is on FMLA leave, the County will provide employee health and dental care coverage and 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 employer of an intent not to return to work; 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**.

Accrual of leave during FMLA will be in accordance with Article V. Sections 4, 5, and 14 of the Personnel Policy.

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.

If an employee fails to return to work after the employee's FMLA leave entitlement has been exhausted or expires, the employee shall reimburse the County for the monthly health insurance premiums paid, unless the reason the employee does not return is due to (1) the continuation, recurrence, or onset of serious health condition which would entitle the employee leave under FMLA; (2) officially retires, or (3) other circumstances beyond the employee's control. When an employee fails to return to work because of the continuation, recurrence, or onset of a serious health condition, the employee shall provide medical certification of the employee's or family member's serious health condition; or for Service Member FMLA, a certification issued by the health care provider of the service member being cared for by the employee.

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

SECTION 27: "TELEPHONE USE POLICY". While in the performance of work-related functions, while on the job, or while using publicly owned or publicly provided telephone resources, public employees are expected to use the telephone/telephone system responsibly and professionally and shall make no intentional use of these services in an illegal, malicious, or obscene manner. Public employees may make reasonable personal use of publicly owned or provided telephone resources as long as:

- (1) Direct measurable cost to the public is none;
- (2) There is no negative impact on employee performance of duties.

Long Distance

When using the County telephone system, employees are encouraged to use personal calling cards to make all personal long distance calls. In the event of an emergency, should the employee not have a personal calling card, the respective employee shall reimburse all personal long distance calls charged to the County. Reimbursement must be made within two weeks of receiving the monthly long distance call report. Abuse of long distance calling privileges could result in loss of long distance calling code, as well as disciplinary action in accordance with the Article IV, Section 8 of the Ashe County Personnel Policy. All personal long distance telephone calls that remain unpaid for more than 30 days shall be automatically deducted from the employee's pay check.

Cellular Telephones

Requests for cellular telephones shall be submitted to, and approved by the County Manager or his designee prior to their procurement. These requests may be submitted during normal budget review process, or at other times provided that appropriate funding is identified. Department Heads are responsible for choosing a plan that is fiscally responsible while meeting the critical needs of the Department. Plans are subject to review and change by the County Manager.

Cellular telephone calls to conduct official County business should only be used when more economical means of telephoning are not reasonably available.

Unless specifically authorized by the County Manager, use of cellular telephones primarily for personal use is a misuse of County property. Incidental personal use will not be a violation as long as it is infrequent and does not result in costs to the County. Should charges be incurred over the cost of the basic plan and the charges are a result of personal calls, employees shall be required to reimburse the County for those charges. Reimbursement must be made within two weeks of receiving the monthly cellular telephone usage report. The Department Head is responsible for reviewing all cellular telephone bills of their staff for proper reimbursement of personal calls and expenses incurred beyond the cost of the basic plan, subject to audit by Ashe County Administration. All cellular telephone bill overages that remain unpaid for more than 30 days shall be automatically deducted from the employee's pay check.

Abuse of cellular telephone privileges could result in loss of cellular telephone capabilities, as well as disciplinary action in accordance with Article IV, Section 8 of the Ashe County Personnel Policy.

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

When using a cellular telephone, employees should consider safety. Using a cellular telephone while operating a motorized vehicle is strongly discouraged. Employees should plan to allow placement of calls prior to driving or while on rest breaks. When an employee must use their cellular telephone while driving, they should use hands free mode, keep conversations brief, avoid unnecessary calls, and no calls should be made if driving is hazardous. If it is necessary for the employee to read or write while taking the call, the employee should pull off the road.

Employees using cellular telephones shall maintain professional conduct during conversations. Cellular telephones are operated through radio frequencies, and are therefore subject to the Federal Communications Commission Rules and Regulations. Discussions of topics which are inappropriate or confidential either by law, County

policy, or for other reasons, should never be conducted via cellular telephone. Cellular telephone conversations are frequently monitored by persons with radio scanners which could compromise confidentiality.

SECTION 28: **“ASHE COUNTY SEARCH POLICY”**. The County has a right to open, inspect, examine or search County property, including County vehicles, desks, 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. The employee, their supervisor and one other person must be present during the search.

SECTION 29: **“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.

SECTION 30: **“VEHICLE USE POLICY”**.

The following rules must be observed when using a County vehicle:

1. No County vehicle may be used for the conduct of any personal business, either during or after working hours. Direct routes to and from work should be used without side trips for personal reasons. This notwithstanding, vehicles that are authorized for out of town overnight use may be used for all necessary business such as travel to and from meals etc... Other exceptions to this policy must be approved by the County Manager.
2. No one other than a County employee should be in a County vehicle, except for emergency services vehicles, and/or under certain circumstances other vehicles, to conduct County business.
3. The rules of courtesy and safe driving should always be observed.
4. All tobacco products, alcohol, and e-cigarettes are prohibited from use in County vehicles.

5. No personal pets or strays are allowed in County vehicles. Animals are allowed only in Animal Control and Law Enforcement vehicles and/or under certain circumstances other vehicles as required to conduct County business.
6. Firearms are prohibited in County vehicles with the exception of those specifically authorized for law enforcement and animal control.
7. No personal possessions should be left in a County vehicle overnight. The County assumes no responsibility for such personal items.
8. These rules apply to both marked and unmarked vehicles. Because of the nature of the duties of certain individuals, it is necessary that an unmarked vehicle be provided; however, the use of such unmarked vehicles is subject to these conditions and the personal use of such vehicles is expressly prohibited.
9. Drivers will observe all local and state regulations pertaining to the operation of motor vehicles.
 - a. Any citations issued and fines resulting from same will be the responsibility of the driver. No reimbursements by the County will be authorized.
 - b. Employees shall notify the County Administration Department and their Department Head of any traffic infractions or violations in County vehicles or accidents in personal vehicles if personal vehicle is being used for County business.
 - c. Any employee operating a County owned vehicle that is involved in an accident shall contact the proper authorities (city police, county sheriff, and/or NC state highway patrol) and his/her supervisor/Department Head and the Safety Officer as soon thereafter as possible. Accidents, violations or other actions resulting in damage to or by a county vehicle or a personal vehicle if personal vehicle is being used for County business shall also be reported to the safety officer as soon as possible. If there is an employee injury, a complete workers compensation report and incident report shall be submitted to the Administration Office within 24 hours. The Department Head of an employee involved in an accident is responsible for obtaining damage repair estimates and submitting them to the Safety Officer within five business days of the accident.
 - d. Upon investigation, recommendation by the Department Head, and review by the County Manager, drivers found to be “at fault” may be required to pay the insurance deductible expenses to the County.
 - e. Employees involved in accidents while on County time requiring the employee to be treated by a licensed physician, or when the employee is at

fault and the damages exceed \$1,500 must be drug tested in accordance with Article IV Section 13 of the Ashe County Personnel Policy.

10. It is the responsibility of the Department Head, before assigning a driver to a vehicle to be sure:
 - a. The employee is a minimum of 18 years of age.
 - b. The employee has a valid driver's license.
 - c. The employee is authorized to drive a County vehicle.
 - d. The employee acknowledges responsibility for obtaining routine maintenance (including cleaning) of vehicle and checking and maintaining required fluid levels.
 - e. The employee has the proper resources and understands the procedures to obtain vehicle supplies such as gasoline, oil, tires etc...
 - f. Ensure that any person who drives a County vehicle has read and understands the County vehicle policy and adheres to it faithfully.
11. County vehicles MUST be marked as required by General Statute. Exceptions are at the discretion of the County Manager. Otherwise, only those items authorized by the County Manager will be installed or placed on County vehicles. Bumper stickers and other markings are not authorized.
12. Employees who qualify to drive County vehicles home will be required to comply with IRS regulations.
13. Employees authorized to drive or assigned a County owned vehicle may be subject to an annual review of their motor vehicle driving record. Those employees found to be of a high risk or who have failed to report violations and/or accidents in accordance with paragraph 9 (nine) subsection b may have their vehicle privileges revoked, thus; resulting in dismissal for employees in positions where vehicular transportation is an essential job function.
14. Employees who operate a County or personal vehicle as a condition of employment or to conduct County business shall report to the Administration Office any violation which does, or could, result in a suspension of their driver's license, including any such violation received in a personal vehicle.
15. Any employee that, while operating a County vehicle, receives two or more traffic citations; incurs two or more moving vehicular accidents when the employee is at fault; or any combination of traffic citations and at-fault accidents totaling two or more within a three-year period, shall attend a defensive driving class. The class will be paid for by the County and will be scheduled by the Safety Committee in coordination with the appropriate Department Head or County Manager. Should the employee receive a traffic citation or incur a moving vehicle accident where the employee is at fault within a 12-month period following the class, the employee must pay for and attend an 8-hour defensive driving course and may be subject to dismissal.

SECTION 31: “SURRENDER OF EQUIPMENT UPON TERMINATION”. 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 and associated notes. Upon termination of 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 Finance Office.

SECTION 32: “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.

SECTION 33: “TOBACCO AND SMOKE-FREE FACILITIES POLICY”.

Purpose: The purpose, in accordance with North Carolina General Statute 130A-498, is to provide a policy that will establish guidance and direction for tobacco and smoke free facilities for Ashe County citizens, visitors and the employees of Ashe County Local Government Departments and Agencies. The Ashe County Board of Commissioners is dedicated to providing a healthy, comfortable, and productive work environment that, by authorization of this policy, will be tobacco and smoke-free.

Policy: It is the policy of Ashe County that smoking and the use of other tobacco products is prohibited in all County buildings and within 50 linear feet of the buildings wherein the Department of Social Services is housed. The use of e-cigarettes is also prohibited under this policy where smoking and the use of tobacco products are prohibited.

Definitions:

- “Bidis” is, but is not limited to, small, thin hand-rolled cigarettes, often flavored, imported to the United States, having very high concentrations of nicotine, tar and carbon monoxide.
- “County Facility” is any facility occupied by County Government.
- “E-cigarettes” means any electronic oral device, such as one composed of heating element, battery, and/or electronic circuit, which produces a vapor or nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or any other product name or descriptor.
- “Local Vehicle” is a passenger-carrying vehicle owned, leased, or otherwise controlled by local government and assigned permanently or temporarily by local government to local government employees, agencies, institutions, or facilities for official local government business. Tobacco use in vehicles is prohibited in the Vehicle Use Policy section of the Ashe County Personnel Policy.

- “Tobacco” is, but not limited to, cigarettes, cigars, bidis, pipes, chewing tobacco, snuff and other items containing tobacco or tobacco products.
- “Tobacco use” is, but is not limited to, smoking, chewing, dipping or any other use of tobacco products.
- “Smoking” is the use or possession of a lighted cigarette, lighted cigar or any other lighted tobacco product.
- “Tobacco Product” is, but is not limited to, cigarettes, cigars, blunts, bidis, pipes, chewing tobacco, smokeless tobacco, snuff or any other items containing tobacco.

Procedure:

1. Appropriate signage will be posted at all building entrances and on the grounds.
2. The success of this policy will depend upon the thoughtfulness, consideration, and cooperation of all staff. All individuals share in the responsibility for enforcing and adhering to the policy.
3. Any problems with enforcement or adherence to this policy should be brought to the attention of the appropriate supervisor and handled through the normal chain-of-command. Employees who violate this policy will be in violation of failure in personal conduct subject to disciplinary action up to and including termination of employment.
4. **This policy will become effective January 1, 2010.**

SECTION 34 “SOCIAL MEDIA POLICY – PERSONAL USE”. Ashe County recognizes that some of our employees may choose to express themselves by posting personal information on the Internet through personal websites, blogs, or chat rooms, by uploading content, or by making comments at other websites or blogs. We respect the rights and interests of employees in engaging in these forms of personal expression on their own time, should they choose to do so. Employees are expected to follow the guidelines and policies set forth to provide a clear line between you as the individual and you as the employee.

Ashe County respects the right of employees to use blogs and social media sites as a medium of self-expression and public conversation and does not discriminate against employees who use these media for personal interests and affiliations or other lawful purposes. While the constitutional right to free speech applies to all, county employees should recognize the difference between freedom of expression as a general citizen and freedom of expression as a public employee of the County of Ashe.

Blogging or other forms of social media or technology include but are not limited to video or wiki postings, sites such as Facebook and Twitter, chat rooms, Skype, Messenger, personal blogs or other similar forms of online journals, diaries or personal newsletters not affiliated with Ashe County.

A. Guidelines

- Employees may not use County resources to conduct personal blogging or social networking activities.

- Employees are prohibited from any such activities while on County time while using either County or personal resources (including laptops, cell phones, and other electronic devices).
- Employees cannot use blogs or social networking sites to harass, threaten, discriminate or disparage against employees or anyone associated with or doing business with Ashe County.
- Employees are legally responsible for content they post to the Internet, in a blog or otherwise. You can be held personally liable for defaming others and/or revealing confidential information, among other things.
- If you choose to identify yourself as an Ashe County employee, please understand that some readers may view you as a spokesperson for Ashe County. Because of this possibility, we ask that you state that your views expressed in your blog or social networking area are your own and not those of Ashe County, nor of any person or organization affiliated or doing business with Ashe County.
- Employees cannot post on personal blogs or other sites the name or logo of Ashe County or any business with a connection to Ashe County. Employees cannot post privileged information, including County-issued documents.
- Employees cannot post on personal blogs or social networking sites photographs of other employees, vendors, or suppliers, nor can employees post photographs of persons engaged in business with Ashe County or at Ashe County events.
- Employees cannot link from a personal blog or social networking site to Ashe County's internal or external web sites.
- Employees should be aware that personal postings will be read by not only friends and family, but possibly by co-workers, bosses, County residents, and the media. Even if posted anonymously or under a pseudonym, your identity can be discovered relatively easily. Employees should be careful when deciding what to include in a post or comment.
- The County may require immediate removal of, and impose discipline for, material that is disruptive to the workplace or impairs the mission of the County.
- Employees should refrain from posting any personal information about themselves, another employee of the County, the organization, a citizen, or a customer in any public medium (print, broadcast, digital, or online) that:
 - Has the potential or effect of involving the employee, their coworkers, or the County in any kind of dispute or conflict with other employees or third parties,
 - Interferes with the work of any employee,
 - Creates a harassing, demeaning, or hostile work environment for any employee,
 - Disrupts the smooth and orderly flow of work, or the delivery of services to the County's citizens,

- Harms the goodwill and reputation of the County among its citizens or in the community at large,
- Erodes the public's confidence in the County organization,
- Tends to place in doubt the reliability, trustworthiness, or sound judgment of the person who is the originator or subject of the information, or
- Involves any kind of criminal activity or harms the rights of others.

B. Employer Monitoring. Employees are cautioned that they should have no expectation of privacy while using the Internet. (Please see the Information Technology & Internet Usage section.) Your postings can be reviewed by anyone, including Ashe County. Ashe County reserves the right to monitor comments or discussions about Ashe County and its employees, posted by anyone, including employees and non-employees, on the Internet. Ashe County may use blog-search tools and software to monitor forums such as blogs and other types of personal journals, diaries, and personal and business discussion forums.

C. Reporting Violations. Ashe County requests and strongly urges employees to report any violations or possible or perceived violations to supervisors, Department Heads or the County Manager. Violations include discussions of Ashe County and its employees and vendors, any discussion of proprietary information and any unlawful activity related to blogging.

D. Discipline For Violations. Ashe County investigates and responds to all reports of violations of the rules and guidelines set forth in this policy and other related policies. Violation of Ashe County's social media policy will result in disciplinary action up to and including immediate termination. Ashe County reserves the right to take legal action where necessary against employees who engage in prohibited or unlawful conduct.

E. Acknowledgement. Employees are required to sign a written acknowledgement that they have received, read, understood, and agreed to comply with the County's social networking policy and any other related policy.

SECTION 35 "SOCIAL MEDIA POLICY – ORGANIZATIONAL USE".

Ashe County recognizes that the role of technology in the workplace is constantly expanding and now includes social media communication tools that facilitate interactive information sharing, interoperability, and collaboration. Commonly used social media Web sites, have large user bases and are increasingly important outreach and communication tools for government entities. Departments are encouraged to use organizational social networking sites to provide information across multiple media outlets to effectively reach the public.

A. Authorization. Department Heads that wish to create a social media account for the benefit of the agency shall obtain authorization from the County Manager prior to launching the account and/or site. Department Heads should appoint an account administrator to oversee the social media account(s) within their department and all account login and password information must be provided to the IT Department.

B. Releases of consent should be obtained prior to posting any photographs of individuals and/or groups of people on an organizational social media site.

C. Record Retention. As all communication through agency-related social media is considered a public record, the Information Technology Department must assume responsibility for public record retention and adhere to the schedule of collection for social networking sites as outlined by the North Carolina State Archives.

D. Professional Use. All agency-related communication through social media outlets should remain professional in nature and should not be used for political purposes, to conduct private commercial transactions, or to engage in private business activity. Employees should use discretion when posting and consider whether it is appropriate to post an opinion, commit oneself or one's Department to a course of action, or discuss areas outside of one's expertise.

E. Site Settings and Access. All privacy settings should be set to public. In addition, the site settings should be set so that ONLY authorized site administrators are able to post directly to the site. (The public will be able to comment on the administrator's posts). There should be a link for citizens to send **email** messages to the administrator if they wish to make inquiries. If a private message is received, for public record retention purposes, account administrators should treat it as a public record and reply using their county email account.

F. Discipline For Violations. Ashe County investigates and responds to all reports of violations of the rules and guidelines set forth in this policy and other related policies. Violation of Ashe County's social media policy will result in disciplinary action up to and including immediate termination.

(Policy Adopted 09-06-11)

SECTION 36. "COMMUNITY SERVICE LEAVE".

A. 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 that they work for.

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.

B. What is Community Service. Community service organization, is herein defined as a not-for-profit, non-partisan community organization which is designated as a IRS Code 501(c)(3) agency, or a human service organization licensed or accredited to serve citizens with special needs including children, youth, and the elderly. 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.

C. 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.

D. Additional stipulations

1. Leave not taken by the end of the fiscal year is forfeited; it shall not be carried into the next fiscal year.

2. Employees shall not be paid for any such unused leave upon separation.

3. 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.

4. 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.

ARTICLE VI. CONFLICT OF INTEREST AND POLITICAL ACTIVITY

SECTION 1. **“APPLICABILITY OF ARTICLE”**. The provisions of this article shall be applicable to all employees except those exempted in Article I - Section 4.

SECTION 2. **“OUTSIDE EMPLOYMENT”**. The work of the governmental unit shall have precedence over the other occupational interests of employees. All outside employment for salary, wages or commissions and all self-employment must be reported to and approved by an employee's Department Head or for Department Heads, the County Manager. Conflicting employment shall be grounds for dismissal or other disciplinary action.

SECTION 3. **“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 of this section shall be deemed improper conduct and shall subject such employee to dismissal or other disciplinary action by the appointing authority.

SECTION 4. **“FILING FOR PUBLIC OFFICE”**. Any employee, other than an elected official, filing for public office, must take leave without pay or annual leave 30 days prior to the general election. Employees subject to the Hatch Act may not be candidates for elected office in a partisan election.

ARTICLE VII. CONFLICTING POLICIES REPEALED

SECTION 1. **“POLICIES REPEALED”**. All policies or resolutions in conflict with the provision of the resolution are hereby repealed.

ARTICLE VIII. EFFECTIVE DATE

This foregoing Ashe County Personnel Resolution was duly passed by the Board of Commissioners of Ashe County at a regular meeting of said Board duly held on the 19th day of October, 2009. All sections of this policy are effective October 19th, 2009 unless otherwise noted herein.



CLERK TO THE BOARD
ASHE COUNTY COMMISSIONERS
ASHE COUNTY, NORTH CAROLINA

EMPLOYEE ACKNOWLEDGEMENT

I _____, hereby acknowledge that I have received and had the opportunity to read a copy of the County of Ashe Substance Abuse Policy.

I further acknowledge the following:

- 6) That I have been notified that the unlawful manufacture, distribution, dispensation, possession of, or use of alcohol, drugs, or other controlled substances is prohibited in the County's workplace, and violations of these prohibitions will subject me to disciplinary actions up to and including immediate termination.
- 7) That I may be tested for drug and/or alcohol use in any situation where a member of management has reasonable cause to suspect such use, if I am involved in a work-related accident, or as part of a department-wide or County-wide random drug test, or any other situation covered by this Substance Abuse Policy.
- 8) If I refuse to submit to testing, fail to appear for testing, fail to cooperate with the testing process, or attempt to tamper with a drug or alcohol test, I will be subject to immediate termination.
- 9) That if convicted of a violation of a criminal drug statute, I will notify the County in writing within five days of the conviction.

I UNDERSTAND THAT THE SUBSTANCE ABUSE POLICY AND RELATED DOCUMENTS ARE NOT INTENDED TO CONSTITUTE A CONTRACT BETWEEN THE COUNTY OF ASHE AND MYSELF.

THE UNDERSIGNED FURTHER STATES THAT HE OR SHE HAS READ THE FOREGOING ACKNOWLEDGEMENT AND KNOWS THE CONTENTS THEREOF AND SIGNS THE SAME OF HIS OR HER OWN FREE WILL.

Employee Name (Please print)_____

Social Security Number_____Date_____

Employee Signature_____

County Witness Signature_____

NOTE: THIS FORM WILL BE RETAINED BY THE COUNTY IN A SECURE FILE.

I have read completely and understand the Personnel Resolution of the County of Ashe, and have received a copy for my use.

THIS THE _____ DAY OF _____ IN THE YEAR OF _____.

EMPLOYEE

DEPARTMENT HEAD

COUNTY MANAGER

(This certification will be retained in your personnel file.)