



Personnel Policy Manual

Hertford County, North Carolina

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Section I: In General

I.1 Purpose of Policy

This policy establishes a system of personnel administration for Hertford County that provides a program to recruit, select, employ, develop and maintain an effective and responsible work force. This policy also covers conditions of employment, employee benefits, work rules, grievance procedures, position classification and pay administration.

I.2 Applicability of Policy

This policy shall cover all regular and probationary employees, except as specifically exempted. The county attorney, members of the Board of County Commissioners, employees of elected officials, employees subject to the jurisdiction of the North Carolina Cooperative Extension Service and Social Service Employees and members of advisory boards and commissions shall be exempted, except in sections where specifically included. Part-time and Temporary employees will be included only where specifically identified.

I.3 Merit Principles

Hertford County embraces the following merit principles in administering its personnel program:

of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same job class and salary grade. No applicant for County employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee or applicant because of race, color, creed, religious belief, gender, national origin, age or non-qualifying handicap.

I.4 Duties and Responsibilities of County Manager

As the chief executive officer the county manager is the head of the administrative branch of the county government and is directly responsible to the Board of County Commissioners for the administration and technical direction of the personnel program. The county manager shall make appointments, dismissals and suspensions in accordance with the laws of the United States Government, State of North Carolina, county ordinances and other policies and procedures spelled out in this manual.

I.5 Employees in Offices of Sheriff and Register of Deeds

The County of Hertford adheres to and supports the provisions of the statutes of North Carolina regarding employees in the offices of Sheriff and Register of Deeds as specifically described in North Carolina General Statutes.

The Hertford County Sheriff's Department has a Policy and Procedure Manual; and in the event of a conflict between that manual and this policy, the approved Sheriff's Department Policy and Procedure Manual shall control.

Employment with Hertford County, the Hertford County Sheriff's Department and Hertford County Register of Deeds is voluntarily entered into. Each employee of Hertford County, the Hertford County Sheriff's Department and of the Hertford County Register of Deeds is an employee-at-will, whose employment may be terminated at any time, with or without cause. Each employee is free to resign at any time, with or without cause.

The policies set forth in Personnel Policies Manual do not apply to, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between Hertford County, the Hertford County Sheriff's Department, the Hertford County Register of Deeds.

I.6 Personnel Records

Such personnel records as are necessary for the proper administration of the personnel system will be maintained by the county manager or designee. The county shall maintain in personnel records only information that is relevant to accomplishing human resources administration purposes.

The following information on each county employee is public information:

- (a) Name.
- (b) Age.
- (c) Date of original employment or appointment to county service.
- (d) Current position title.
- (e) Current salary.
- (f) Date and amount of most recent change in salary.
- (g) Date of most recent promotion, demotion, transfer, suspension, separation or other change in position classification.
- (h) Office to which employee is currently assigned.
- (i) Any other data as stated in General Statutes of North Carolina as may be adopted.

I.7 Access to Personnel Records

As required by the General Statutes of North Carolina, any person may have access to the information listed above, for the purposes of inspection, examination and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of records as the county manager or designee may require:

- (a) An individual examining a personnel record may copy the information. Any available photocopying facilities may be provided, and the cost shall be borne by the individual initiating the request.
- (b) Any person denied access to any record shall have a right to compel compliance with this policy by application to a court for appropriate relief.

I.8 Confidential Information

All information contained in an employee's personnel file, other than the information required by law to be public information, shall be maintained as confidential in accordance with the requirements of the United States Government and the General Statutes of North Carolina and shall be available for public inspection only in the following instances:

- (a) The employee or the employee's duly authorized agent may examine all portions of his/her file, except:
 - (1) Letters of reference solicited prior to employment.
 - (2) Information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient.
- (b) A licensed physician designated in writing by the employee may examine the employee's medical record.
- (c) A county employee having supervisory authority over the employee may examine all material in the employee's personnel file except as provided by Federal Statutes.
- (d) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- (e) An official of an agency of the state or federal government, or any political subdivision of the state, may inspect any portion of a personnel file when such information is deemed by the county manager or designee to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of such records may release the name, address and telephone number from a personnel file for the purpose of assisting in a criminal investigation.

- (f) An employee may sign a written release that permits the person with custody of the file to provide, in person, by telephone, electronic mail or by mail, information specified in the release to prospective employers, educational institutions or other persons specified in the release.
- (g) The county manager or designee may inform any person of the employment or non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer or termination of a county employee and the reasons for that personnel action in accordance with the guidelines set forth in the General Statutes of North Carolina.

I.9 Records of Former Employees

The provisions of this policy concerning access to records shall apply to former employees as well as to present employees.

I.10 Remedies of Employees Objecting to Materials in File

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

I.11 Permitting Access to Confidential Information

The General Statutes of North Carolina provide that any public official or employee who knowingly, willfully and with malice permits any person to have access to any confidential information contained in an employee personnel file, except as permitted by state law, is guilty of a misdemeanor and, upon conviction, shall be fined at the discretion of the Court.

I.12 Examining, Removing or Copying Confidential Information

The General Statutes of North Carolina provide that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and, upon conviction, shall be fined at the discretion of the Court.

I.13 Destruction, etc., of Records Generally

No public official may destroy, sell, loan or otherwise dispose of any public record, except in accordance with of the General Statutes of North Carolina, without the consent of the state department of cultural resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates or destroys it, will be guilty of a misdemeanor and, upon conviction, will be fined, as provided in the General Statutes of North Carolina.

Section II: Recruitment and Appointment

II.1 Equal Employment Opportunity Policy

It is the policy of Hertford County to foster, maintain and promote equal employment opportunity. The county shall select employees on the basis of the applicants' qualifications and without regard to age, sex, race, color, creed, religion or national origin. Applicants with physical handicaps shall be given equal consideration with other applicants for positions in which their physical handicaps do not represent an unreasonable barrier to satisfactory performance of duties.

All personnel responsible for recruitment and employment shall implement this policy through procedures that will assure equal employment opportunity based on reasonable performance-related job requirements. Notices with regard to equal employment matters shall be posted in conspicuous places on county government premises in places where notices are customarily posted.

II.2 General Procedures

All positions for employment shall be approved by the Board of County Commissioners. Department heads should carefully forecast future personnel needs and make their request to the county manager; so they may be considered at the time when the annual budget is approved. Unanticipated position needs during the budget year must be submitted to the county manager for consideration and for approval by the Board of Commissioners.

II.3 Qualification Standards

- (a) All applicants considered for employment or promotion shall meet the qualification standards established by the class description for the position to which the appointment is being made.
- (b) All appointments shall be made on the basis of merit.
- (c) Consideration may be given to "trainee" appointments when there is an absence of qualified applicants from which to make a selection. In this instance the deficiencies may be eliminated through orientation and on-the-job training and the employee is designated a trainee by the county manager.

II.4 Selection

The employment function is centrally administered by the county manager or designee. The authority to employ lies with the department head, as long as it complies with established policies and procedures; otherwise, the county manager may directly affect any decision that is considered outside the scope or intent of policy. Department heads shall strive constantly to seek qualified people to fill vacancies.

II.5 Appointments

Prior to position being filled, the department head shall meet with the county manager or designee to discuss the appointment. The original application for employment, test score sheets (when applicable), and any additional supporting documents shall be reviewed at that time.

If the duties of a position includes operation of county-owned or county-insured vehicles, the county manager or designee, before authorizing issuance of an offer of employment, shall conduct a review of the driving record of the person to be hired, which record will become a part of the employee's personnel file.

II.6 Recruiting Area and Residence Requirements

Candidates for employment shall be recruited from a geographic area as wide as necessary to assure obtaining well-qualified applicants. In cases where residents and nonresidents are equally qualified, the local resident may receive first consideration.

II.7 Probationary Period Generally

All new employees and employees promoted or assigned to new positions shall serve a probationary period of six (6) months.

A probationary period may be extended in duration for up to six (6) additional months. If continued employment is considered not to be in the best interest of the county, employment may be discontinued during the probationary period, or any extension thereof, without cause or judgment against the employee.

II.8 Employment Status

Employment status with Hertford County shall be as follows:

- (1) *Regular*. Full-time employment in classified positions that are authorized and budgeted, and requiring a minimum of 37.5 hours per week.
- (2) *Temporary*. Employment of limited duration or for a specific assignment or project.
- (3) *Part-time*. Employment of either limited or unlimited duration requiring less than 37.5 hours per week.

II.9 Limitation on Employment of Relatives

Two (2) members of an immediate family shall not be employed in the same administrative department, except by special permission of the Board of County Commissioners. However, at no time shall two (2) members of an immediate family be employed in county government in which one employee has direct supervision over the other.

Immediate family is defined as employee's spouse, mother, father, brother, sister, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandchild, step and/or adopted parents or children.

An immediate family member of a sitting County Commissioner shall not serve in any position as an employee of Hertford County in any capacity, during the term of a sitting County Commissioner; provided however, this policy does not apply to any employee of Hertford County at the time of enactment of this policy, unless such employee leaves employment and then reapplies. This policy does apply to an individual who is employed by Hertford County, and whose immediate family member is then elected in the future as a County Commissioner; an employee whose immediate family member is elected would need to resign prior to the newly elected Commissioner taking office.”

Section III: Personnel Actions

III.1 Promotion

- (a) A "Promotion" is defined as a move from one job class to another job class that is assigned to a higher salary grade.
- (b) It shall be the policy of the county to seek qualified applicants for vacant positions, giving first consideration to promoting from within and across department lines. In the absence of qualified candidates for promotion, vacancies shall be filled by recruiting from outside the county government.
- (c) Employees shall be considered for promotion on the basis of job-related experience, skill, knowledge and ability, and a review of the quality of past performance and general suitability for the higher level position.
- (d) When the promotional qualifications of two (2) or more employees are judged to be equal, the employee with the longest service with the county may be promoted.
- (e) A department head's recommendation to promote an employee must be reviewed and approved by the county manager.

III.2 Transfer

A "transfer" is defined as a lateral move from one department, division or work unit to another, without change in job, class or salary grade.

It is the policy of the county to transfer employees temporarily or permanently from one department, division or work unit to another when doing so will serve the county's best interest.

A transfer to an authorized vacancy may also be arranged upon mutual agreement of all interested administrative officials and the employee.

III.3 Demotion

A "demotion" is defined as a move from one job class to another job class in an authorized vacancy which is assigned to a lower salary grade.

The county may find it appropriate to demote an employee as a result of unusual circumstances.

III.4 Separation from Employment

All separations of employees from positions in the service of the county shall be designated as one of the following types and shall be accomplished in the manner indicated: Resignation, layoff, disability, retirement, dismissal or death.

III.5 Resignation

"Resignation" is defined as a voluntary action taken by an employee whereby advance notice is given to the employee's superior and the county manager of the employee's intention to resign.

All employees are required to give at least two weeks notice of their intention to resign.

Failure to comply with this requirement may be cause for denying reemployment with the county.

III.6 Layoff

(a) "Layoff" is defined as a separation from employment because of an organizational change, lack of work, lack of funds or other reasons that reflect no discredit upon the employee.

(b) In the event that a reduction in force becomes necessary, consideration will be given to numerous factors in determining those employees to be retained. Among the various factors which will be considered are the following:

(1) Operational needs of the county. First consideration will be given to those employees in the affected unit who possess special knowledge, skills or abilities needed by the county and who have proven records of satisfactory service.

(2) Employee work performance. The quality of each employee's past work performance will be taken into consideration. Attendance, initiative, productivity, cooperation, etc., will be taken into account in determining the quality of each employee's past work performance.

(3) Seniority. Length of service will be given consideration after the operational needs of the county and quality of past work performance have been evaluated. Only when all other factors are equal (as determined at the sole discretion of the county) will seniority be a factor in deciding which employees will be subject to the reduction in force.

(c) A reduction in force will only affect those employees in the department, division or work unit or service area involved in making the reduction necessary.

(d) In the discretion of the county, a number of alternatives may be considered prior to effecting a reduction in force as follows:

(1) Lateral transfers. Employees of the affected department, division or work unit may be placed in other jobs, departments, divisions or work units, where vacancies exist and where the employees in question have proven to possess the necessary qualifications and work habits.

- (2) Promotions. Promotional opportunities inside and outside the affected department, division or work unit may be announced, so that qualified employees in the affected department, division or work unit might apply.
- (3) Voluntary demotions. Affected employees may be considered for voluntary demotion to lower level positions in the event that vacancies exist either inside or outside the affected department, division or work unit.
- (e) The factors to be considered for selecting employees for lateral transfers, promotions and voluntary demotions will be the same as those used in determining those to be retained or separated due to a reduction in force.
- (f) Those employees laid off due to a reduction in force will be given notice of such action as soon as possible. No regular employee will be separated while there are temporary employees serving in the same job class in the department, unless the regular employee is not willing to transfer to the position held by the temporary employee. Employees serving a probationary period following a promotion shall be considered regular employees for the purpose of reduction in force.

III.7 Disability

An employee may be separated for disability when the employee cannot perform the required duties because of a physical or mental impairment so long as the separation is not in conflict with the Americans with Disabilities Act. Action may be initiated by the employee or the county, but in all cases it shall be supported by medical evidence as certified by a competent physician. The county may require an examination at its expense and performed by a physician of its choice. Before an employee is separated for disability, a reasonable effort shall be made to locate alternative positions within the county service for which the employee may be suited.

III.8 Retirement

The county does not endorse a mandatory retirement age. Notification of intention to retire is the same as that for resignation.

III.9 Dismissal

An employee may be removed from service with the county for reason of misconduct or inability to perform the job. Dismissals for reason of misconduct will be based upon the conditions of employment outlined in this policy.

III.10 Death

All compensation due will be paid to the estate of a deceased employee. The date of death shall be recorded as the separation date for computing compensation due.

III.11 Disciplinary Actions

Violation of regulations relating to (1) performance of duties or (2) personal conduct detrimental to county service may result in disciplinary action. An employee, regardless of occupation, position, profession or work performed, may be warned, reprimanded, placed on probation, demoted, transferred, suspended or dismissed for just cause. The degree and kind of action to be taken will be based upon the sound and considered judgment of the appropriate authority in accordance with the provisions of this policy.

Definitions of disciplinary actions listed above are as follows:

- (a) Probation. A regular employee may be placed on probation for a period not exceeding six (6) months as a warning for a disciplinary situation of reasonable cause. In such cases, the employee retains the right to use the grievance procedure.
- (b) Demotion. A regular employee may be demoted as a disciplinary action for reasonable cause.
- (c) Suspension. Under certain conditions, an employee may be suspended for cause. The causes for suspension fall into two categories, (1) those related to the performance of duties and (2) causes related to personal conduct detrimental to county service. Suspension for cause can be further broken down into the following categories:
 - (1) Suspension with pay.
 - (2) Suspension without pay.
 - (3) Suspension with recommendation of dismissal.

The above classifications will be at the discretion of the county manager and will be based upon the severity of the cause.

- (d) Dismissal. Employees dismissed for unsatisfactory performance of duties should receive least two (2) warnings, as follows:
 - (1) An oral warning, with a follow-up form to the employee which sets forth the points covered in the discussion; and
 - (2) A written warning, which will serve notice upon the employee that a continuation of the unacceptable job performance may result in disciplinary action or dismissal.

The two (2) warnings may relate to the same cause or to separate and different causes. No warning will be given before dismissal for some serious offenses.

III.12 Employee Appeal

A regular employee wishing to appeal a demotion, transfer, suspension or dismissal may present the matter in accordance with the provisions of the grievance procedure.

III.13 Reinstatement and Transfer of Sick and Annual Leave

The county manager/department head may reinstate a former employee who was laid off or who otherwise left the county services in good standing, according to the terms agreed upon between the county manager and former employee. A former employee who is re-employed by the county within one year from the date of separation from the county and said sick leave is not transferred the employee shall be credited with the balance of sick leave accrued by the employee at the time of separation, except when the employee retired under the state Local Governmental Employees' Retirement System. If the retired employee returns to permanent employment with the county, sick leave will begin with a zero balance.

A former employee who is re-employed by the county within one year from the date of separation shall earn vacation at the rate at the time of separation.

Any former employee of an agency, which is a member of the North Carolina Local Government Employee's Retirement System, North Carolina Law Enforcement Officer's Benefits and Retirement Fund or other system under the Department of State Treasurer, and any other state agency who is not retired and is hired by Hertford County within 12 months of the termination with the former agency shall be eligible to transfer up to 790 hours of sick leave and up to 40 hours of annual leave. A written request for transfer of sick leave must be made to the county manager within 30 days of employment by Hertford County.

Section IV: Conditions of Employment and Prohibited Acts

IV.1 General Responsibilities of Employees

An employee for the county shall be expected to:

- (a) Report to work on time and remain on the job until the end of the tour of duty.
- (b) Perform duties to the best of his or her ability and contribute a full day's work for a full day's pay.
- (c) Work well with other employees and accept additional assignments during peak workloads and emergency situations.
- (d) Request prior approval before taking leave of absence and before leaving the work site.
- (e) Refrain from spreading rumors or engaging in other activities which have a disruptive influence on morale or work progress.
- (f) Abide by the terms and conditions of the personnel policy of the county as they exist at the time of employment and any official change thereafter.
- (g) All clothing and uniforms shall be clean and properly worn so as to meet a reasonable personal standard for the position held and meet departmental guidelines. Any clothing or body art which is deemed sexually or racially explicit or offensive must be covered from view while working.

IV.2 General Responsibilities of Department Heads

Department heads shall meet their responsibilities as directed by the county manager, being guided by these personnel policies and other ordinances, programs and policies. Department directors shall require supervisors to meet their responsibilities by:

- (a) Dealing with all employees in a fair and equitable manner and upholding the principles of equal employment opportunity.
- (b) Developing and motivating employees to reach their fullest potential through continued education and training.
- (c) Making objective evaluations of individual work performance and discussing each evaluation with each employee so as to bring about needed improvements.
- (d) Keeping employees informed of their role in accomplishing the work of their unit and of conditions or changes affecting their work.
- (e) Making every effort to resolve employee problems and grievances and advising employees of their rights and privileges.

- (f) Dealing with the employees according to the rules and procedure outlined in this policy.

IV.3 Attendance

Employees shall avoid unnecessary absences and tardiness. Attendance and punctuality are responsibilities of the employee, and may influence future eligibility for a pay increase or for promotion.

Employees are required to call the supervisor in advance to advise the supervisor when illness prevents the employee from reporting to work or when the employee expects to be late for work because of unusual and unavoidable circumstances.

IV.4 Inclement Weather

See the Hertford County Inclement Weather Policy

IV.5 Additional Activities

Employees may engage in activities outside their normal scheduled work time as long as the activities do not represent a conflict of interest with their county duties or reflect discredit on the county. An employee is cautioned, however, not to engage in additional activities that are so exhaustive that his or her's physical and mental ability are consistently impaired to the extent that his or her county service is adversely affected.

IV.6 Political Activity

The county encourages an employee to exercise civic responsibility in supporting good government at all levels by voting for the political candidates and issues of his or her choice.

An employee may join or affiliate with political organizations, may attend political meetings, and may advocate and support political principles and policies in accordance with the constitution and laws of the State of North Carolina and the Constitution and laws of the United States of America; however, an employee shall not:

- (a) Engage in political activity while on duty with the county.
- (b) Be required to contribute funds or support for political or partisan purposes as a condition of employment, pay raise, promotion or tenure of office.
- (c) Solicit or act as custodian of funds for political or partisan purposes while on duty with the county.
- (d) Use county-owned supplies, equipment or facilities to display political signs, posters or stickers, or for any other political purpose.

Any violation of this section shall be deemed improper conduct and may result in disciplinary action.

IV.7 Solicitations

No agent shall solicit pledges or contributions or promote sales for any cause during working hours, without the express approval of the county manager.

IV.8 Gifts, Favors, etc.

The conduct of an employee in county service shall be free from influence arising from gifts, favors or special privileges. It is the obligation of an employee to refuse personal gifts, favors or special privileges in situations where it is reasonable to believe that such may be offered so as to affect the giver's interest or otherwise exert influence on the actions of the employee. Furthermore, no employee shall seek personal or financial advantage because of his/her position with the county.

IV.9 Payment of Debts

County employees are encouraged to meet their financial obligations promptly and satisfactorily. Delinquent obligations owed to the county by an employee may be offset against amounts owed by the county to the employee subject to wage and hour laws.

IV.10 Prohibited Conduct Generally

An employee is expected to perform his or her duties and to conduct him or herself both on and off the job so as to reflect credit on the county and on fellow employees. Unacceptable conduct is divided into two (2) categories, performance of duties and personal conduct.

- (a) *Performance of duties.* The following are examples of unsatisfactory performance of duties, but are in no way intended to be all inclusive;
- (1) Inefficiency or incompetence in the performance of duties.
 - (2) Negligence in the performance of duties.
 - (3) Careless, negligent or improper use of county property or equipment.
 - (4) Failure to maintain satisfactory and harmonious working relationships with the public and other county employees.
 - (5) Absence without approved leave.
 - (6) Improper use of sick leave privileges.
 - (7) Failure to report for duty at the assigned time and place.
 - (8) Violation of written departmental regulations.
 - (9) Failure to obtain or maintain a current license or certification required by law as a condition for performing the job.
 - (10) Habitual tardiness.

- (11) Deliberate damage to or destruction of county or private property or the property of other employees while on duty.
 - (12) Taking or refusing to surrender any county owned property when directed by a supervisor.
 - (13) Sleeping on the job.
 - (14) Violation of established safety rules.
 - (15) Failure to report personal injury or damage to county owned property or equipment.
 - (16) Leaving the job or work area without permission before the end of the regular work day.
 - (17) Refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination).
 - (18) Violating the privacy of records or property or offices under the responsibility of a fellow employee or supervisor without express permission.
- (b) *Personal conduct.* The following are examples of unsatisfactory personal conduct, but are in no way intended to be all inclusive:
- (1) Conviction of a felony, or conviction of commission of a crime involving moral turpitude, or of a crime which adversely reflects upon ability to perform assigned duties.
 - (2) Misuse of county funds.
 - (3) Falsifying job information to secure position or misrepresentation and/or falsification of records or attendance reports.
 - (4) Participation in any action that would in any way disrupt or disturb the normal operation of the department, or causing disharmony or strife within the department, division or work unit.
 - (5) Acts that would endanger the lives or property of others while on duty with the county.
 - (6) Possession of unauthorized firearms or dangerous weapons on the job.
 - (7) Brutality in the performance of duties.
 - (8) Refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination).

- (9) Reporting to work under the influence of alcohol, or illegal use of controlled substances.
- (10) Being guilty of giving or accepting any consideration or thing of value in exchange for "favors" or "influence."
- (11) Betrayal of information from official records that are allowed by law or policy to be confidential or to be released by specified persons.
- (12) Engaging in other employment which represents a conflict of interest or reflects discredit on the county.
- (13) Taking part in political management or in political campaigns of county officials or as otherwise prohibited.
- (14) Violation of written departmental regulations.
- (15) Abusive and/or threatening language to the supervisor.

A county employee who is guilty of any of the above infractions may be reprimanded, demoted, suspended or dismissed, depending upon the severity of the infraction.

IV.11 Harassment

The county forbids harassment of employees because of age, race, sex, color, religion, handicap, national origin and marital status. "Harassment" is defined as behavior that reasonably offends an employee. This type of behavior is unacceptable, and, even in mild forms, such harassment constitutes unsatisfactory job performance and is subject to disciplinary action. More serious instances of harassment will carry more severe penalties, up to and including dismissal.

If an employee is being harassed by his/her supervisor, another employee or a non-employee, the employee shall tell the person that his or her behavior is offensive and should stop. If the matter is not settled, the subject of the harassment is encouraged to follow the grievance procedure.

IV.12 Workplace Violence

The county has a zero-tolerance policy relating to the communication of threats, verbal harassment, physical assaults, or other forms of inappropriate behavior or unreasonably aggressive behavior and will not be condoned. Such behavior is a conduct issue. Employees found in violation will be subject to appropriate discipline as outlined in this personnel manual.

IV.13 Use of County Equipment, Vehicles, etc.

County equipment, vehicles, materials, tools and supplies shall not be available for personal use or be removed from county property, except in the conduct of official county business.

Vehicles and equipment; including personal computers and other office equipment, owned by the county shall be cared for by an employee in a responsible way and are to be used exclusively for

official county business. Upon the special approval of the county manager, an employee may be allowed to take a vehicle or equipment home when the best interest of the county can be served.

The county manager shall develop regulations governing the use of county owned vehicles and equipment and the circumstances under which county owned vehicles and equipment can be taken home by an employee.

IV.14 Safety

Personal safety is the responsibility of all concerned. The county manager shall appoint a safety coordinator charged with ensuring the county's compliance with all safety rules and regulations. All reasonable actions should be taken to protect employees from on-the-job injuries and safety rules and regulations will be strictly enforced. Department heads, supervisors and employees are responsible for ensuring safe working conditions.

IV.15 Hours of Work

The Board of County Commissioners, upon the recommendation of the county manager, shall develop a work schedule or work schedules for all employees. The work schedule(s) shall comply with all pertinent federal and state laws and provide for the most efficient and effective delivery of county services.

Non-Law Enforcement Officer Public Safety, namely Emergency Medical Services (EMT's) and E-911 Dispatchers shall work a 40-hour work week. For hours over 40 in a work week, compensatory time shall be given at a rate of one and one-half hours for each hour of overtime worked.

The employees of the Sheriff's Department who have the power of arrest are subject to a 28-day work period in which they can work up to 171 hours before overtime compensation has to be paid. For hours over 171 in the 28-day pay period, compensatory time shall be given at a rate of one and one-half hours for each hour of overtime worked.

Unless otherwise defined, employees will work a minimum of 37.5 hour work week.

IV.16 Information Release and Personnel Action Forms

Any information concerning present or former county employees, other than that of public record, will be released confidentiality upon a written release from the employee, to be placed with the employee's personnel file, that permits the county to provide, in person, by telephone, electronic mail or by mail, information specified in the release to prospective employers, educational institutions or other persons specified in the release. A release form may be obtained from the county manager's office.

Section V: Grievance and Adverse Action Appeal Procedure

V.1 Grievance and Adverse Action Defined

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

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

V.2 Purposes

The grievance and adverse action policy is designed to assure an employee or group of employees of fair, impartial and prompt consideration of a problem or dissatisfaction without fear or reprisal. The procedure also encourages employees at all levels to express themselves regarding conditions of work. The grievance and adverse action policy is intended to promote better understanding of policies, practices and procedures; to instill confidence in employees that fair and impartial treatment will be received; and to develop in supervisors a continuing sense of responsibility for maintaining effective working relationships with subordinate employees.

All employees, including supervisors and department heads, are expected to discuss their problems and misunderstandings with their superiors.

V.3 Procedure for Employees Not Alleging Discrimination

For any regular county employee having a problem or grievance arising out of or due to his/her employment and who does not allege discrimination because of age, sex, race, color, national origin, religion, creed, physical disability or political affiliation, the following procedure is available:

- (a) *Step 1. Informal discussion with immediate supervisor or department head.* An employee who feels he/she has a grievance shall first discuss the problem with the immediate supervisor. The employee must tell the supervisor about the grievance as soon as possible, but not later than seven (7) calendar days following the incident or action that caused or revealed the problem. If the employee feels the grievance is not resolved, the employee may proceed to the next step of the procedure.
- (b) *Step 2. Appeal to department head.* An employee may request a hearing with the department head to appeal an unresolved grievance. Such a request must be received by the department head in writing from the employee no later than 10 calendar days following the event that caused or revealed the grievance.

After reviewing the request, the department head shall notify the employee and immediate supervisor of a date and time for a hearing, which will be held no later than 20 calendar days after the matter is brought to the supervisor's attention. The employee may choose one fellow employee to attend the hearing to help present the case and the immediate supervisor shall attend to explain his/her position.

The department head will open the meeting with an informal discussion of the problem and will explore possible solutions with those in attendance. Every effort shall be made during this discussion to resolve the grievance to the satisfaction of all concerned. If the grievance is resolved, a written record will be placed in the appropriate personnel files; however, if the grievance cannot be resolved through this discussion, the parties will together prepare a written report of all sides of the issue, which shall be promptly to the county manager for further consideration through the next step.

- (c) *Step 3. Appeal to county manager.* The county manager shall review the written report and may request additional information and documentation. Based upon the information contained in the report and/or other documentation, the county manager shall determine whether or not a formal hearing shall be held.

If the county manager determines that an appeals hearing is in order, the county manager shall notify all concerned of a time and date to conduct an appeals hearing, to take place as soon as possible, but not later than 15 calendar days after the problem is presented. This appeal hearing may be held by the county manager, or the report and documents may be referred to a special grievance committee for hearing, investigation and recommendation. Such a grievance committee shall include three classified county employees. One shall be appointed by the county manager, and one fellow employee shall be appointed by the complaining employee. The third member of the special grievance committee, who will act as chairperson, shall be appointed by the first 2 appointees. If requested by the county manager, the committee shall hold a hearing with all parties concerned not later than 25 calendar days after the problem reaches the county manager. At this hearing, the grievance committee shall review the grievance report and other documentation, make further investigations, if necessary, and refer the committee recommendation to the county manager.

The county manager shall furnish written notice of his/her ruling to the employee, the immediate supervisor and the department head. This notice shall be made not later than 30 calendar days from the day the case or ruling reaches the county manager.

The decision rendered by the county manager shall be final. Any deviation from the above procedure shall be considered a violation of the county's personnel policy and may subject the violating parties to disciplinary actions.

V.4 Procedure for Employees, etc., Alleging Discrimination

Any applicant for county employment, county employee or former county employee who has reason to believe that employment, promotion, training or transfer was denied to him or her or that demotion, layoff or termination of employment was forced upon him or her because of age, sex, race, color, national origin, religion, creed or physical disability shall have the right to appeal directly to the county manager. Such an appeal shall be handled in the manner as prescribed in step three of the appeals procedure for nondiscriminatory grievances. An employee or applicant must appeal an alleged act of discrimination within 30 days of the alleged discriminatory action.

V.5 Back Pay and Benefits Awards

Back pay and benefits may be awarded by the county manager to reinstated employees in suspension, demotion, dismissal and discrimination.

V.6 State Control

To the extent that the General Statutes of North Carolina, the North Carolina Administrative Code, or the rules and regulations of the State Personnel Commission are in conflict with the provisions of this grievance procedure those state provisions shall be controlling over this policy.

Section VI: Leaves of Absence

VI.1 Holidays

The county observes official paid holidays each year, as follows:

- (1) New Year's Day
- (2) Martin Luther King's Birthday
- (3) Good Friday
- (4) Memorial Day
- (5) Independence Day
- (6) Labor Day
- (7) Veteran's Day
- (8) Thanksgiving Day and Thanksgiving Friday
- (9) Christmas Day, according to the following schedule:

When Christmas falls on:	The following days will be observed:
Sunday	Thursday, Friday, Monday
Monday	Monday, Tuesday, Wednesday
Tuesday	Monday, Tuesday, Wednesday
Wednesday	Tuesday, Wednesday, Thursday
Thursday	Wednesday, Thursday, Friday
Friday	Wednesday, Thursday, Friday
Saturday	Thursday, Friday, Monday

VI.2 Holiday Pay

Full-time, non-exempt employees who work in a public safety and/or emergency services provision, namely the Sheriff's Office, Detention Center, Emergency Medical Services, and E-911 Communications, that are required to perform work, on the actual day of an official County holiday, shall receive differential pay.

For the purpose of this section, a day is defined as eight (8) hours. The differential rate will be calculated at eight (8) hours multiplied by half the employee's hourly rate.

VI.3 Annual Leave

A regular full-time employee shall earn paid vacation according to his or her length of service, as follows:

Years of Service	Annual Hours Accrued
0 – 1.99	86.25
2 – 4.99	105
5 – 9.99	127.5
10 – 14.99	150
15 – 19.99	172.5
20 +	191.25

An employee who is not on a pay status for as much as one-half (1/2) of the scheduled working days of a month shall not receive annual leave credit for that month. (Pay status is defined as the status of an employee who is receiving pay from Hertford County whether the pay is regular salary, sick pay, compensatory time pay or annual leave pay).

Maximum accumulation of annual leave shall be 240 hours. Any hours accumulated over the maximum shall be converted to sick leave as of the end of the pay period containing December 31 of each calendar year. Converted sick leave shall be used in the same manner as accrued sick leave and may be used for authorized sick leave purposes; and, like regular sick leave, any unused converted sick leave may be counted toward creditable service at retirement.

An employee cannot work for the county while on paid annual leave, nor is an employee authorized to use annual leave that is accrued by another employee.

No employee shall be paid for annual leave without taking the time away from the job. Vacation leave requests and scheduling are subject to approval by the department head.

Annual leave may be taken as earned by a regular employee when mutually convenient for the county and the employee. Annual leave requests and scheduling are subject to approval by the department head.

At the time of separation of employment an employee shall be paid out for a maximum of 240 hours of accumulated vacation leave.

VI.4 Sick Leave

Each full-time county employee shall earn sick leave at the rate of one working day (8 hours) for each month worked. To earn sick leave, an employee must be in a pay status one-half (1/2) or more of the scheduled working days of the month.

Sick leave with pay may be used for absences necessitated by injury or illness to the employee or to a member of the employee's immediate family which required the care of the employee, maternity, required dental care, or exposure to a contagious disease when continuing to work might jeopardize the health of others.

Definition – Leave from work with pay may be charged as sick leave if the absence is due to sickness, bodily injury, quarantine,

required physical or dental examinations or treatment, or exposure to a contagious disease when continued work might jeopardize the health of others. Sick leave may also be used for sickness and doctor's appointments of immediate family members. Immediate family members for this purpose are defined spouse, parents, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparents, grandchildren, step and half relationships as defined under this policy. (Family and Medical Leave Act may apply)

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 or her duties.

Bereavement Leave

When a death occurs in an employee's immediate family, all regular full-time employees may take up to three (3) days off with pay to attend the funeral or make funeral arrangements. The pay for time off will be pro-rated for a part-time employee if the funeral occurs on a scheduled work day. The employer may require verification of the need for the leave. The employee may make arrangements with his or her supervisor for an additional four unpaid days off in the instance of the death of an immediate family member. Additional unpaid time off may be granted depending on the circumstances such as distance, the individual's responsibility for funeral arrangements, and the employee's responsibility for taking care of the estate of the deceased. Immediate family members for the bereavement purpose are as follows: Spouse, children, parents, grandparents, grandchildren, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, and sister-in-law step and half relationships as defined under this policy.

VI.5 Workers' Compensation

It is the policy henceforth of Hertford County that an employee who is on Worker's Compensation leave shall receive only weekly benefits due under the Worker's Compensation Act.

Upon retirement, an employee will have his or her salary computed on the basis of his or her last salary plus any merit increment or other salary increase to which he or she would have been entitled during his disability covered by Worker's Compensation. An employee will retain all accumulated sick, annual and compensatory time while drawing Worker's Compensation payments in a leave-without-pay status.

Temporary employees will be placed in a leave-without-pay status and will receive all benefits for which they may be adjudge eligible under the Worker's Compensation Act.

In case of an accident or damages, an accident report must be filed in accordance with the safety manual. All accidents and damages involving employees or property must be reported promptly to the department head and county manager.

If vehicles are involved, reporting should be done immediately to the appropriate departmental official before the vehicle is moved. This

includes personal vehicles being used while performing county duties as well as county-owned vehicles.

VI.6 Family and Medical Leave Act

Employees who have been employed by the county for at least 12 months and worked at least 1,250 hours during the 12 months prior to the leave may take up 12 weeks of unpaid leave (FMLA leave) in accordance with the county's FMLA policy.

VI.7 Civil Leave

An employee called for jury duty, or as a witness for the federal or state government or a subdivision thereof, shall be entitled to leave with pay for this absence provided the employee deposits the money received for such duty with the county.

VI.8 Military Leave

Employees who are members of the National Guard or Reserve may be allowed two (2) weeks military training leave in one year. Under emergency conditions, thirty (30) days emergency leave may be granted. While on military leave, benefits will accrue as though on regular county duty. Each employee shall be compensated by the county the amount that his or her military compensation is less than his or her county compensation. Military leaves shall not be charged against the annual leave to which the employee may be eligible. An employee who requests military leave may be required by the department head to submit an order or statement from the appropriate military commander as evidence of such duty.

VI.9 Disasters

In the event of a disaster declared by the Governor of the State of North Carolina or the President of the United States, the Hertford County Board of Commissioners does hereby declare that employees working overtime to assist the citizens of the county in the disaster conditions will be compensated for overtime at a rate spelled out in the Hertford County policy for exempt and non-exempt employees.

VI.10 Educational Leave

An employee may be granted leave without pay to further his or her education in a manner that will benefit both the employee and the county provided such leave is approved in advance by the employee's department head, the county manager, and the Board of County Commissioners.

VI.11 School Leave

North Carolina General Statutes state those employees who are parents or guardians of a school-age child may take four (4) hours of unpaid leave each calendar year in order to attend or otherwise be involved in the child's school activities. Employees may schedule parent-teacher conference or other school support activities during work time and may use accrued benefits to avoid loss of income.

VI.12 Leave Without Pay

The county manager shall authorize leave without pay for appropriate special reasons; however, leave without pay is available

only if it is firmly established that the employee intends to return to the position from which he/she has taken leave.

Employee may remain on leave without pay for a maximum of 30 calendar days. At the end of leave without pay status, the employee's services will be terminated.

Section VII: Employee Benefits

VII.1 Insurance Benefits

The county shall maintain a group hospitalization insurance membership for the benefit of all employees. This includes hospitalization and surgical benefits on the employee, fully paid for by the county. If the employee desires to insure his or her dependents, he/she may do so at his/her own expense under the county's group policy. New employees shall be covered after such time as necessary to have them enrolled.

VII.2 Health Insurance for Retired Personnel

The county shall pay hospitalization for those employees who retire from Hertford County. The plan will provide full hospitalization benefits for retirees to age 65 and a Medicare supplement policy at age 65. The eligibility requirements are set out below:

- (1) All county retirees with at least 30 years of service to Hertford County.
- (2) All employees hired before July 1, 1988, that meet one of the following:
 - (a) 30 years of service with Hertford County;
 - (b) 20 years of service with Hertford County at age 62;
 - (c) Age 65 regardless of years of service;
 - (d) 25 years of service with Hertford County at time of work-related total disability;
 - (e) 24 years of service with Hertford County at time of total disability;
- (3) All employees hired after July 1, 1988, that meet one of the following:
 - (a) 30 years of service with Hertford County;
 - (b) 20 years of service with Hertford County at age 62;
 - (c) 10 years of service with Hertford County at age 65 and older;
- (4) All employees hired after July 1, 2007 must meet the following:
 - (a) 30 years of service with Hertford County

An employee may utilize up to 1,920 hours (not to exceed one year) of sick leave towards years of service necessary to receive the hospitalization benefit.

VII.2.1 Medical Insurance Coverage for Elected Officials Post Employment

Hertford County will provide, at its expense, medical insurance coverage for elected officials who retire or are otherwise honorably separated from office after July 1st, 2016, subject to the following:

- (1) Elected Official must have served four full consecutive terms in Hertford County. Elected Officials covered under this policy are:
 - a. The Sheriff.
 - b. The Register of Deeds.
- (2) Elected officials currently covered under other actions of the Board of County Commissioners currently in office on July 1st, 2016, shall receive the benefit of the coverage should they qualify for said benefit during their consecutive tenure in office.
- (3) The County will pay for the retiree's individual medical coverage, but in no instance will this benefit exceed the cost of an active employee's individual coverage, or the level of coverage of an active employee.
- (4) When a former elected official covered under this benefit becomes eligible for Medicare, the County will provide a Medicare Supplement Policy in lieu of primary medical coverage.
- (5) Should an elected official meet the terms of this policy, but otherwise fail to serve their tenure in office with honor, then such elected official shall not be entitled to the benefits enumerated herein. Dishonorable service shall be interpreted to mean; conviction of a felony, conviction of a crime of moral turpitude, admonished by the Board of County Commissioners, and/or forcibly removed from office by actions of the Governor.
- (6) If a former elected official is or becomes eligible for other group medical insurance coverage due to outside employment or other status, then this county medical insurance coverage shall not apply during such period of eligibility for other group coverage.
- (7) The Hertford County Board of Commissioners may amend or repeal this policy at any time.

An employee may utilize up to 1,920 hours (not to exceed one year) of sick leave towards years of service necessary to receive the hospitalization benefit.

VII.3 Retirement Benefits

The county hereby elects to participate its employees in the North Carolina Local Government Employee's Retirement System; provided that the law enforcement personnel of the county may elect to participate in the North Carolina Law Enforcement Officer's Benefits and Retirement Fund in lieu thereof. New employees shall be covered after such time as necessary to have them enrolled.

VII.4 Law Enforcement Officers Special Separation Allowance Policy Statement

Hertford County follows the requirements of providing a Special Separation Allowance for Local Governmental Law Enforcement Officers set forth in North Carolina General Statutes with the Hertford County Board of Commissioners being responsible for making determinations of eligibility for their local retired officers.

It is the policy of Hertford County, that when the Sheriff desires to hire a retired employee who is receiving the Special Separation Allowance, on a part-time basis without benefits, to perform sporadic services, the Sheriff shall make a request to the Hertford County Board of Commissioners for the Board to determine the continued eligibility of the retired employee to receive the Special Separation Allowance. The request shall set forth the maximum amount of time prepay period that the retired employee would be performing services and the reasons that the retired employee is the most appropriate person to perform the services. The Board of Commissioners will not approve more than 149 hours within a 28-day period for such services, for any retired employee; and the Board of Commissioners may, at any time, reduce this maximum or eliminate it entirely under the authority of North Carolina General Statutes.

VII.5 Safety Program

The county has published a safety manual. All employees are required to become familiar with the contents of the manual. A safety manual is provided at each county facility.

VII.6 Uniforms

The county provides uniforms for certain employees within budget limitations. The county manager shall designate the employees (or groups) for which uniforms will be furnished. The county manager shall develop appropriate rules and regulations governing the proper use and care of uniforms supplied by the county.

VII.7 Social Security Benefits

The county, to the extent of its lawful authority and power, shall extend Social Security benefits for its eligible employees in accordance with the provisions of the Social Security Act.

VII.8 Law Enforcement Officer Weapons

Local government law enforcement officers, who are employees of the Hertford County Sheriff's Department or the Hertford County Public Schools as School Resource Officers, and who retire with a minimum of thirty years of service as a law enforcement officer in any jurisdiction, shall be entitled to retain, as their personal property, the service firearm which they have been issued by Hertford County, upon their retirement in good standing; provided however, the Sheriff of Hertford County shall have the authority to prohibit such firearm retention, in his discretion.

Retroactive: January 1st, 2016

Section VIII: Classification and Pay

VIII.1 Position Classification Plan

A description of each full-time regular position employed by the county is included in the position classification plan. Each employee is invited to review this plan to help achieve better understanding of the requirements and responsibilities of his or her job.

VIII.2 Pay Plan

The pay plan is a companion to the position classification plan. Each position is assigned a pay range with a minimum and maximum rate of pay. The pay plan is intended to provide equitable compensation for all positions.

VIII.3 Pay Scales and Levels

Progression up the pay plan is based on the following system:

- (a) *Beginning pay rates.* The normal beginning pay rate for a new employee will be the minimum rate in the established range for the positions in the class; however, the county manager may in special cases authorize initial appointments above or below the minimum.
- (b) *Merit pay raise.* The amount in each pay grade represent potential merit increases which may be recommended by a department head and approved by the county manager, subject to the quality of performance by the worker and the availability of funds. A formal evaluation on a prescribed form shall be completed for every employee upon completion of the employee's probationary period, and at least once a year thereafter.
- (c) *Certifications.* Any cost associated with certifications as a condition of employment in a specific job class will be paid at 100%; and a \$1,000 will be added to the base pay upon obtainment of certification.

Department heads who are under the supervision of the county manager shall have their work performance evaluated at least annually by the county manager. The tax assessor, tax collector, county manager and Clerk to the Board shall have other work performance evaluated by the Board of County Commissioners.

VIII.4 Fair Labor Standards Act and Overtime Provisions

This policy is based on regulations contained in the U. S. Department of Labor, Wage and Hour Division Publication 1459 of which excerpts are below:

(a) Agreement

This policy will serve as the agreement with each individual employee as per the regulations noted in paragraph 553.23 of the Federal Register with a signed statement by each

employee to go in individual personnel files stating they have received a copy of this policy prior to performance of any work under this policy.

(b) **Workweek**

Unless otherwise noted in this policy, the workweek for all county employees will begin at 12:01 A.M. Monday and end at 12:00 A.M. Sunday.

(c) **Non-Exempt Employees**

Overtime for non-exempt employees shall begin to accrue once an employee has worked over 40 hours in a workweek.

Use of overtime is to be administered in this category by department heads subject to budget constraints and the county manager's review. Methods of handling overtime are given in order of preference.

- (1) The simplest and most preferred method is to not let employees work overtime. Schedule employees as to not have them working over 40 hours a week.
- (2) If the above is not possible, the next best method is use of the "time-off" plan. Under this plan, the supervisor lays off the employee for a sufficient number of hours during some other week or weeks of the pay period so that the desired wage or salary for the overtime compensation due the employee for each workweek taken separately.
- (3) If none of the above can be used, compensatory time shall be given at a rate of one and one-half hours for each hour of overtime worked. The maximum compensatory time which may be accrued by any affected employee shall be 240 hours (not more than 160 hours of actual overtime hours worked) unless otherwise stated.

An employee should use the accrued compensatory time within a reasonable length of time (preferably within 3 months). The request must be approved by the department head and should be scheduled so that it does not unduly disrupt the operations of the said department.

An employee who has accrued the maximum number of compensatory hours shall be paid overtime compensation in cash for any additional overtime hours of work.

An employee going from a non-exempt to an exempt position may be paid out accumulated compensatory time at the time of transfer to the exempt position. Compensatory time will be paid at the rate of the non-exempt position.

Payment for accrued compensatory time upon termination of employment shall be calculated at the average regular rate of pay for the final 3 years of employment, or the final regular rate received by the employee, whichever is the higher.

(d) **Exempt Employees**

Overtime for exempt employees shall begin to accrue once an employee has worked over 40 hours in a workweek. Use of overtime is to be administered in this category by department heads subject to budget constraints and the county manager's review. Methods of handling overtime are given in order of preference.

- (1) The simplest and most preferred method is to not let employees work overtime. Schedule employees as to not have them working over 40 hours a week.
- (2) If the above is not possible, the next best method is use of the "time-off" plan as discussed for non-exempt employees but giving straight time off instead of 1.5 time for hours over 40.

If none of the above can be used, compensatory time shall be given at a rate of one hour for each hour of overtime worked. The maximum compensatory time which may be accrued by any affected employee shall be 80 hours.

An exempt employee must use accumulated comp hours within three (3) months of accrual.

An employee who has accrued the maximum number of compensatory hours may not continue to accrue compensatory hours until some of the 80 hours have been taken off. Any overtime hours worked beyond the 80 will be lost with no compensation. It shall be a violation of County policy for an exempt employee to put more than 80 hours compensatory time on any timesheet. At termination there is no compensation for the accrued balance of compensatory time.

(e) **Gap Time**

Gap time is defined as those 2.5 hours in each workweek that are between the county's 37.5 hour workweek and the FLSA workweek of 40 hours for overtime purposes.

All county employees in the above exempt and non-exempt categories shall accrue gap time at a rate of one hour for each hour worked. This gap time will be accounted for separate and apart from compensatory time and will not have a maximum. However, at the end of the pay period containing January 1 and July 1 of each year, any accrued amount which has not been taken will be lost and the gap time balance will be 0. There will be no other form of compensation for these hours worked.

(f) **Elected Officials**

Elected officials are totally exempt from the FLSA standards. No provisions of FLSA or Hertford County Personnel Policy Manual outlined here are applicable as there are no control mechanisms governing their work hours.

(g) **Law Enforcement Personnel**

The employees of the Sheriff's Department who have the power of arrest are subject to a 28-day work period in which they can work up to 171 hours before overtime compensation has to be paid. For hours over 171 in the 28-day pay period, compensatory time shall be given at a rate of one and one-half hours for each hour of overtime worked. The maximum compensatory time which may be accrued by any affected employee shall be 480 hours (not more than 320 hours of actual overtime hours worked).

An employee should use the accrued compensatory time within a reasonable length of time (preferably within 3 months). The request must be approved by the department head and should be scheduled so that it does not unduly disrupt the operations of the said department.

An employee who has accrued the maximum number of compensatory hours shall be paid overtime compensation in cash for any additional overtime hours of work.

Payment for accrued compensatory time upon termination of employment shall be calculated at the average regular rate of pay for the final 3 years of employment or the final regular rate received by the employee, whichever is the higher.

(h) **Control of Overtime**

Unauthorized and accrual use of overtime will be dealt with as a violation of county policy. Employees who abuse overtime or supervisors who allow an abuse of overtime as determined by the county manager will be subject to Section III.11 Disciplinary Actions.

This recommendation is an attempt by management to treat employees in a fair and equitable manner. It goes beyond what is legally required under the Fair Labor Standards Act.