



COUNTY OF DARE
PO Box 1000. MANTEO. NC 27954

DARE COUNTY BOARD OF COMMISSIONERS

Dare County Administration Building
954 Marshall C. Collins Dr., Manteo, NC

Wednesday, May 17, 2023

"HOW WILL THESE DECISIONS IMPACT OUR CHILDREN AND FAMILIES?"
Caring for Our Community – A Nurturing Place Where All Can Live and Grow.

AGENDA

- 5:00 PM** **CONVENE, PRAYER, PLEDGE OF ALLEGIANCE**
-
- ITEM 1** Opening Remarks - Chairman's Update
-
- ITEM 2** Public Hearing on Zoning Text Amendment for the removal of 22 zoning districts from Section 22-31.1 Cluster Home Development Ordinance
-
- ITEM 3** County of Dare Human Resources Personnel Manual
-
- ITEM 4** Presentation of Manager's 2024 Recommended Budget
-
- ITEM 5** Commissioners' Business & Manager's/Attorney's Business

ADJOURN UNTIL 9:00 A.M. ON JUNE 5, 2023



Opening Remarks - Chairman's Update

Description

Dare County Chairman Robert Woodard will make opening remarks.

Board Action Requested

Informational Presentation

Item Presenter

Chairman Robert Woodard, Sr.



***Public Hearing on Zoning Text Amendment for the Removal of 22 Zoning Districts from Section 22-31.1
Cluster Home Development Ordinance***

Description

A hearing is scheduled for 5:00 P.M. After the close of the hearing, the Board will be in a position to act on the proposed amendment, may choose to make revisions to the draft amendment based on public input and board discussion, or may choose to take no action. Draft motions for the Board's consideration are included in my staff report. A finding of consistency and reasonableness has also been drafted and this finding should be included as part of any motion for adoption.

Board Action Requested

Conduct hearing and act on proposed amendment.

Item Presenter

Noah H Gillam, Planning Director



County of Dare

P.O. Box 1000 | Manteo, North Carolina 27954 | 252.475.5000

May 3, 2023

MEMORANDUM

TO: DARE COUNTY PLANNING BOARD

FROM: Noah Gillam, Planning Director **NHG**

RE: Public Hearing on Text amendment for the removal of zoning districts from Section 22-31.1 Cluster Home Developments Ordinance

In March of 2023 the Dare County Board of Commissioners requested that the Planning Board revisit the Cluster Home Ordinance for possible revisions. The request is in response to citizen comments that have been received by the Board of Commissioners, Planning Board, and Planning Staff over the proposed cluster home development on Old Wharf Road in Wanchese. It shall be noted that if any revisions are adopted, these amendments would not affect the cluster home development that has been proposed on Old Wharf Road. Any amendments adopted would only affect future developments following the date of adoption.

In 2018/2019 the Dare County Board of Commissioners adopted a series of amendments that would increase the number of year-round housing options in Unincorporated Dare County to help combat the housing crisis. As result of these amendments the Cluster Home Ordinance was adopted and allowed for cluster home developments as special uses in 34 zoning districts. The Cluster Home Ordinance allows for the construction of more than one single family dwelling on an individual parcel. The regulations that were adopted were based on the existing group development standards but with reduced property setbacks, and reduced separation of dwellings. Since the adoption of the Cluster Home Ordinance, five cluster home developments have been approved in Unincorporated Dare County.

On April 4, 2023 the Dare County Planning Board at their regularly scheduled meeting discussed revisions to the Cluster Home Ordinance. The Planning Board reviewed a number of potential revisions that included the removal of cluster homes from a number of zoning districts. The planning board during their discussion felt that it would first be best to remove cluster homes from zoning districts based on the comments that have been received from citizens over the prior months at both Planning Board and Board of Commissioners meetings.

The Planning Board determined during the discussion that the current Cluster Home Ordinance allowed for a level of density and scale in traditionally single family districts that was not consistent with the intent of these districts. Although cluster homes are single family dwellings the ability of developers to use engineered septic systems allows the density of these developments to be more reflective of the density that is allowed in districts that allow for multi-family development. Staff recommended that instead of picking districts for cluster home removal based on public comments in response to the proposed development in Wanchese, it would be reasonable to remove the cluster home development ordinance from districts that do not allow for multi-family development since the potential for higher density development on individual lots through cluster homes would be inharmonious with the intent of the low density traditional single family districts. This approach would result in the removal of the cluster home ordinance from the districts that have been mentioned during public comment periods and other zoning districts.

The Planning Board voted unanimously to recommend favorable action on removing the cluster home ordinance from 22 residential districts that do not allow for multi-family developments. The Planning Board found that the proposed text amendments to remove Cluster Homes from the single family districts are consistent with the policies of the 2009 Dare County Land Use Plan, specifically LUC #3. A table showing the districts to be removed, maps showing the remaining districts and policy LUC #3 are attached to this memo for the Boards review.

Any favorable action by the Board of Commissioners must also include a finding of consistency and reasonableness. A statement of this finding is included with this staff report, along with the districts to be removed.

Draft Motions:

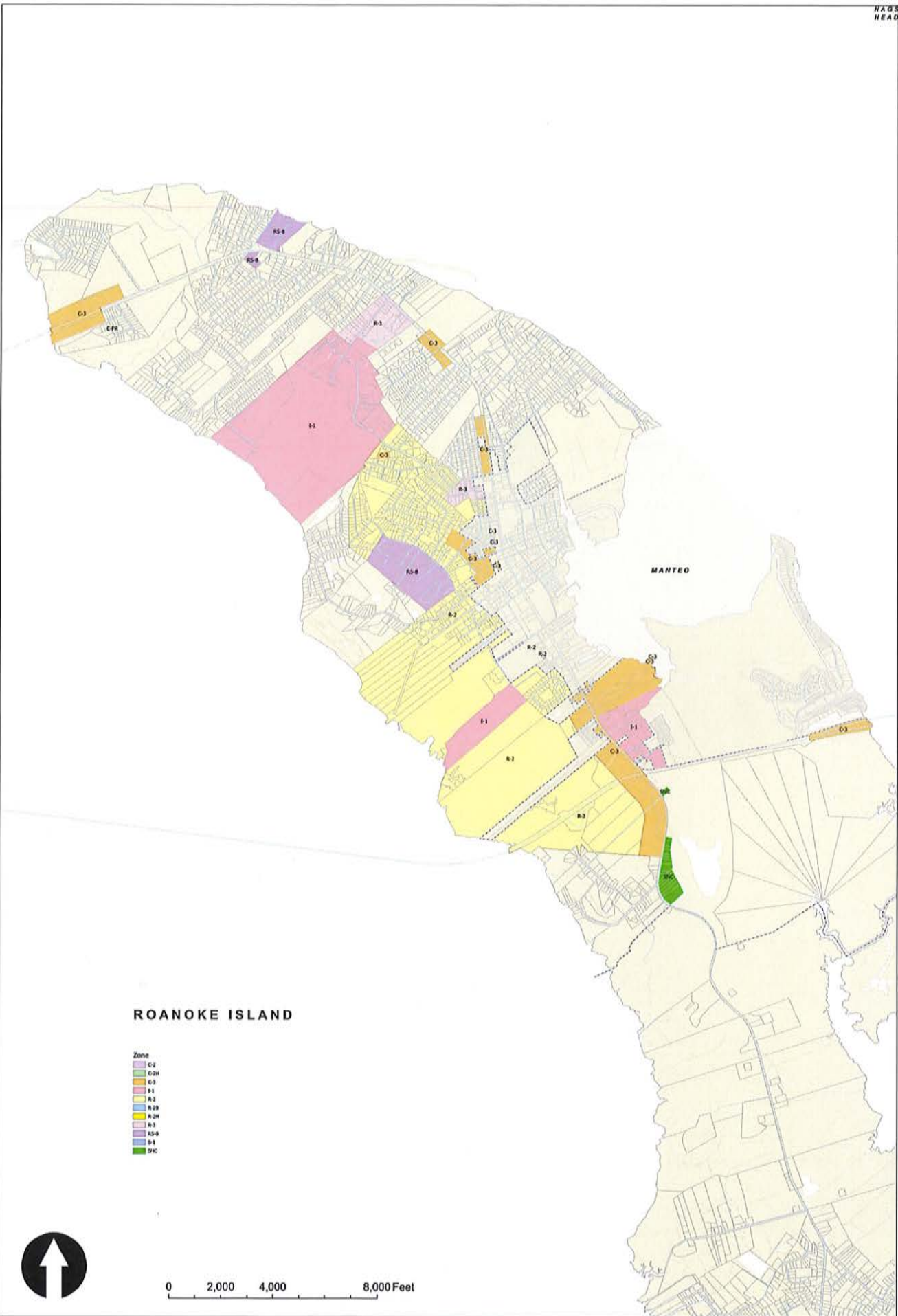
Motion to adopt: "I move that the draft amendment to Section 22-31.1 of the Dare County Zoning Ordinance to remove the 22 zoning districts listed on the Statement of Consistency and Reasonableness be adopted as proposed. A statement of consistency and reasonableness as prepared by staff is adopted as part of this motion."

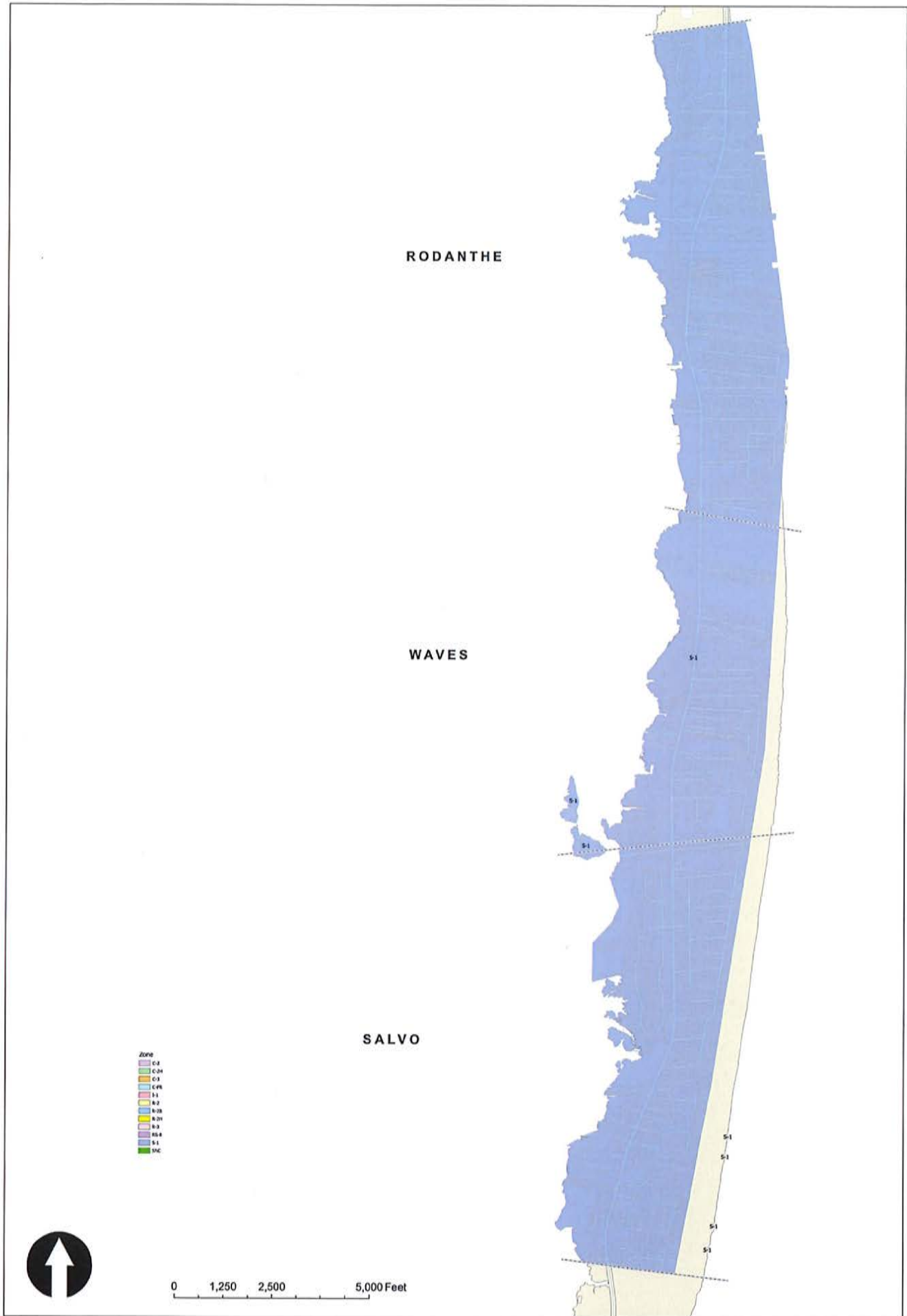
Motion to revise: "I move that the draft amendment to Section 22-31.1 of the Dare County Zoning Ordinance be adopted (insert revised language). A statement of consistency and reasonableness as prepared by staff is adopted as part of this motion."

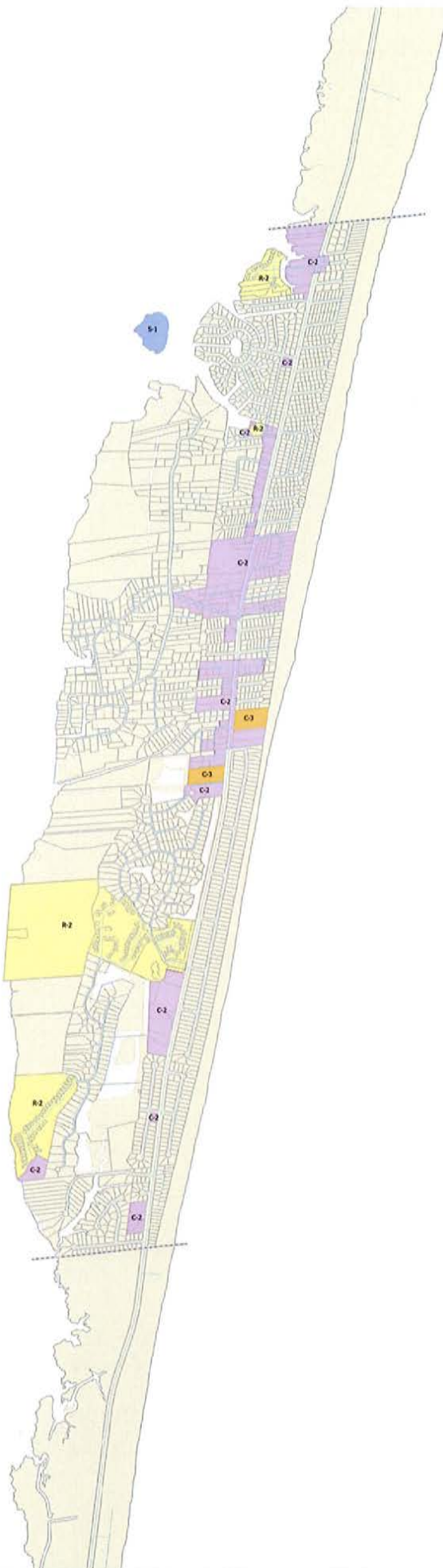
No motion is needed if the Board chooses to take no action on the proposed amendments. Failure to take no action on the proposed regulation or amendment shall be deemed a denial of the proposed regulation or amendment unless stated otherwise by the Board of Commissioners.

Table of Districts for the Removal of the Cluster Home Ordinance

| # | Remove | Remain |
|----|---|-------------------------------------|
| 1 | NH (Natural Historic) | RS-6 (Multi-family Residential) |
| 2 | ELNH (East Lake Natural Historic District) | RS-8 (Multi-family Residential) |
| 3 | RS-1 (Single Family Residential) | R-2 (Medium Density Residential) |
| 4 | R-1 (Low Density Residential) | R-2H (Medium Density Residential) |
| 5 | R2-A (Alternative Medium Density Residential) | R-3 (High Density Residential) |
| 6 | R2-AH (Alternative Medium Density Residential for Hatteras Village) | SNC (Skyco Neighborhood Commercial) |
| 7 | SP-2 (Stumpy Point Alternative Residential) | C-2 (General Commercial) |
| 8 | MH-A (Manns Harbor/Mashoes) | C-2H (General Commercial District) |
| 9 | MH-B (Manns Harbor/Mashoes) | C-3 (Commercial District) |
| 10 | ELR (East Lake Residential) | CS (Commercial Services) |
| 11 | SP-C (Stumpy Point Neighborhood Commercial) | I-1 (Industrial) |
| 12 | VR (Wanchese Village Residential) | S-1 (Special District) |
| 13 | WR-1 (Waterfront Residential) | |
| 14 | BT (Baumtown Traditional) | |
| 15 | RB (Residential Business) | |
| 16 | HML (Historic Mill Landing Marine) | |
| 17 | WVC (Wanchese Village Commercial) | |
| 18 | MC-1 (Wanchese Wharf Marine Commercial) | |
| 19 | MC-2 (Harbor Road Marine Commercial) | |
| 20 | HWY-345 (Highway 345) | |
| 21 | VC-2 (Village Commercial) | |
| 22 | R-2B (Alternative Medium Denisty) | |





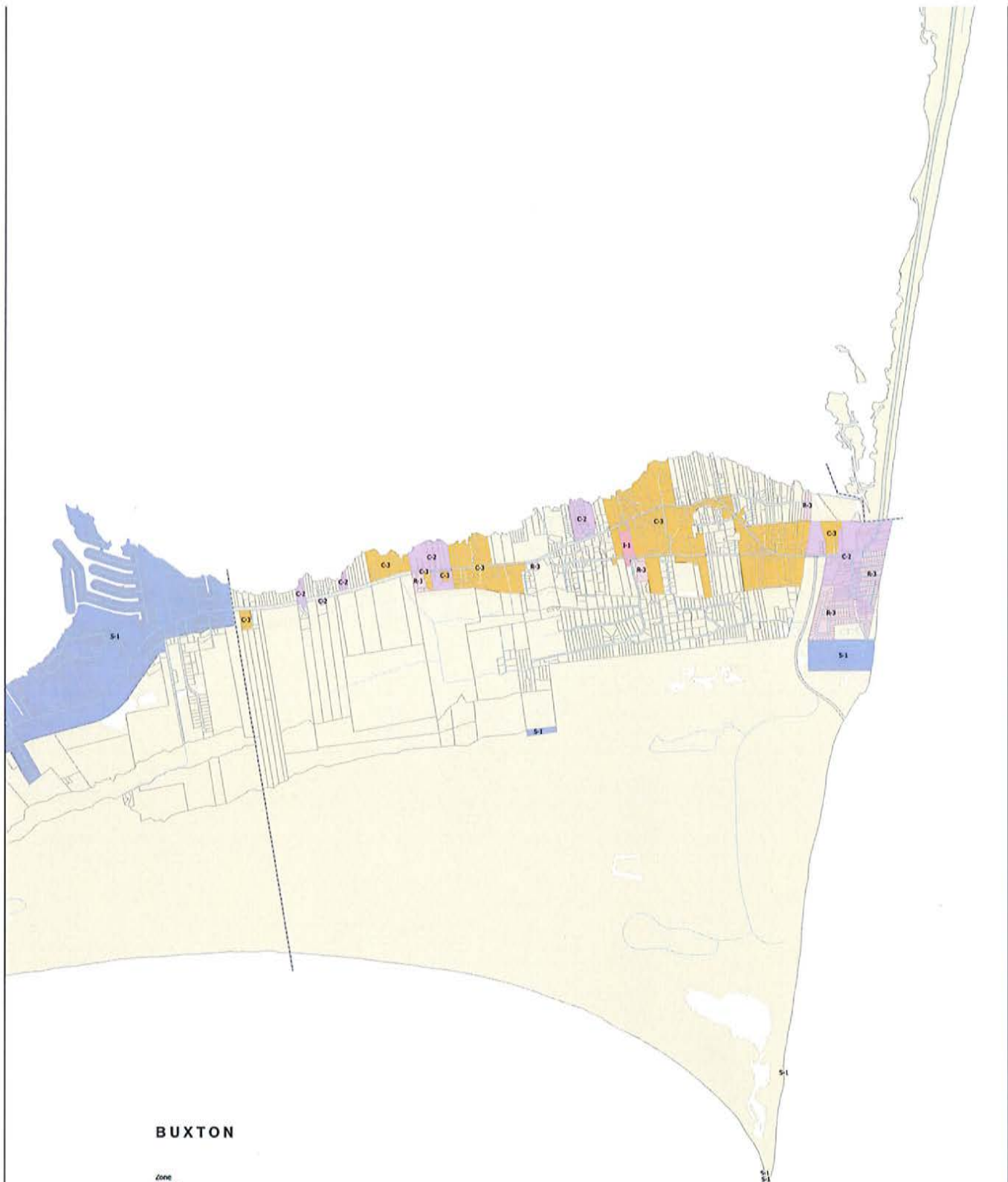


AVON

- Zone
- C-1
 - C-2
 - C-3
 - C-4
 - C-5
 - C-6
 - R-1
 - R-2
 - R-3
 - R-4
 - R-5
 - R-6
 - R-7
 - R-8
 - R-9
 - R-10
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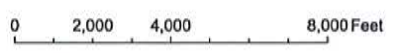


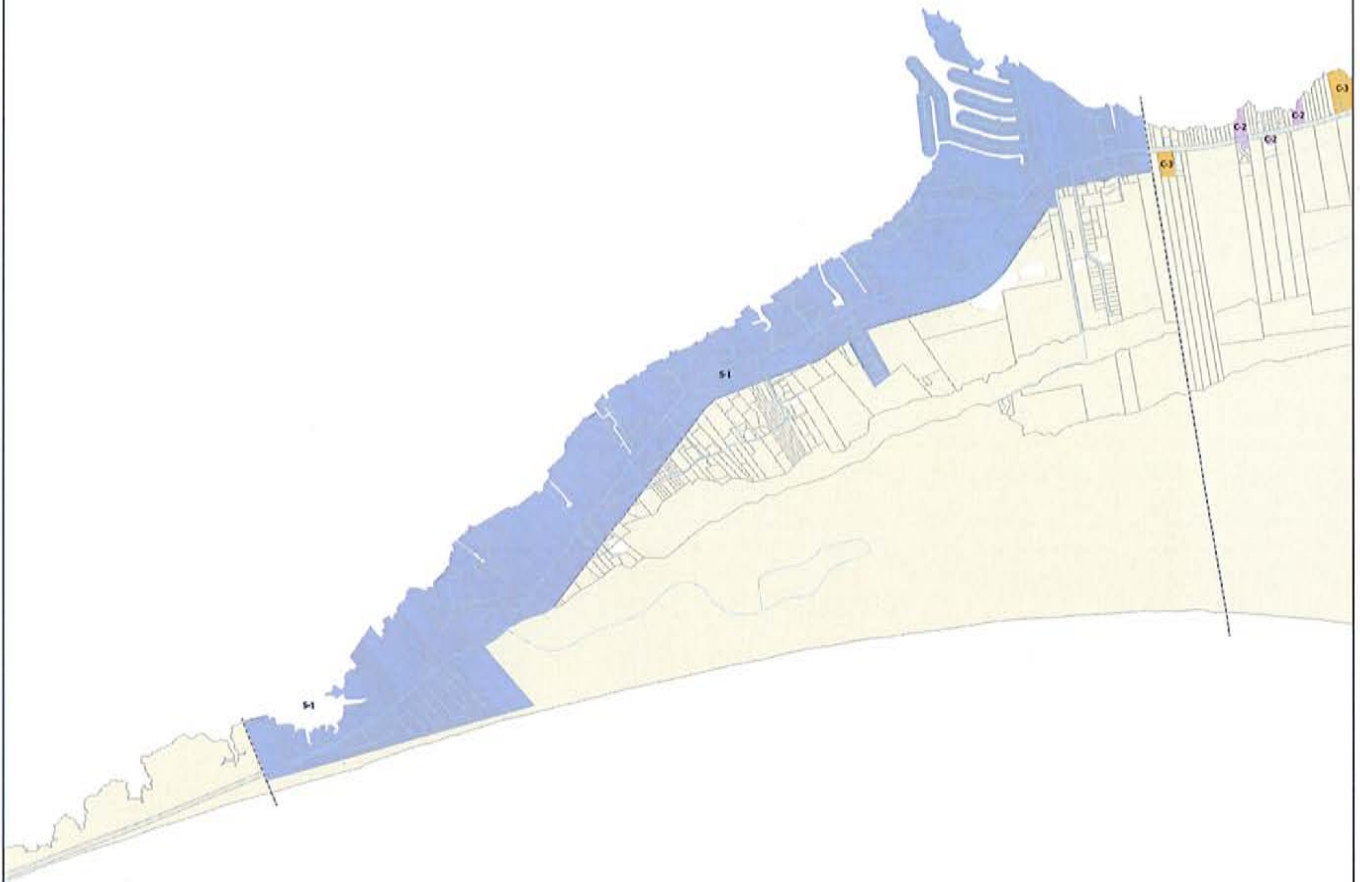
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BUXTON

- Zone
- C1
 - C2
 - C3
 - CPR
 - R1
 - R2
 - R3
 - R3A
 - S1
 - SHC



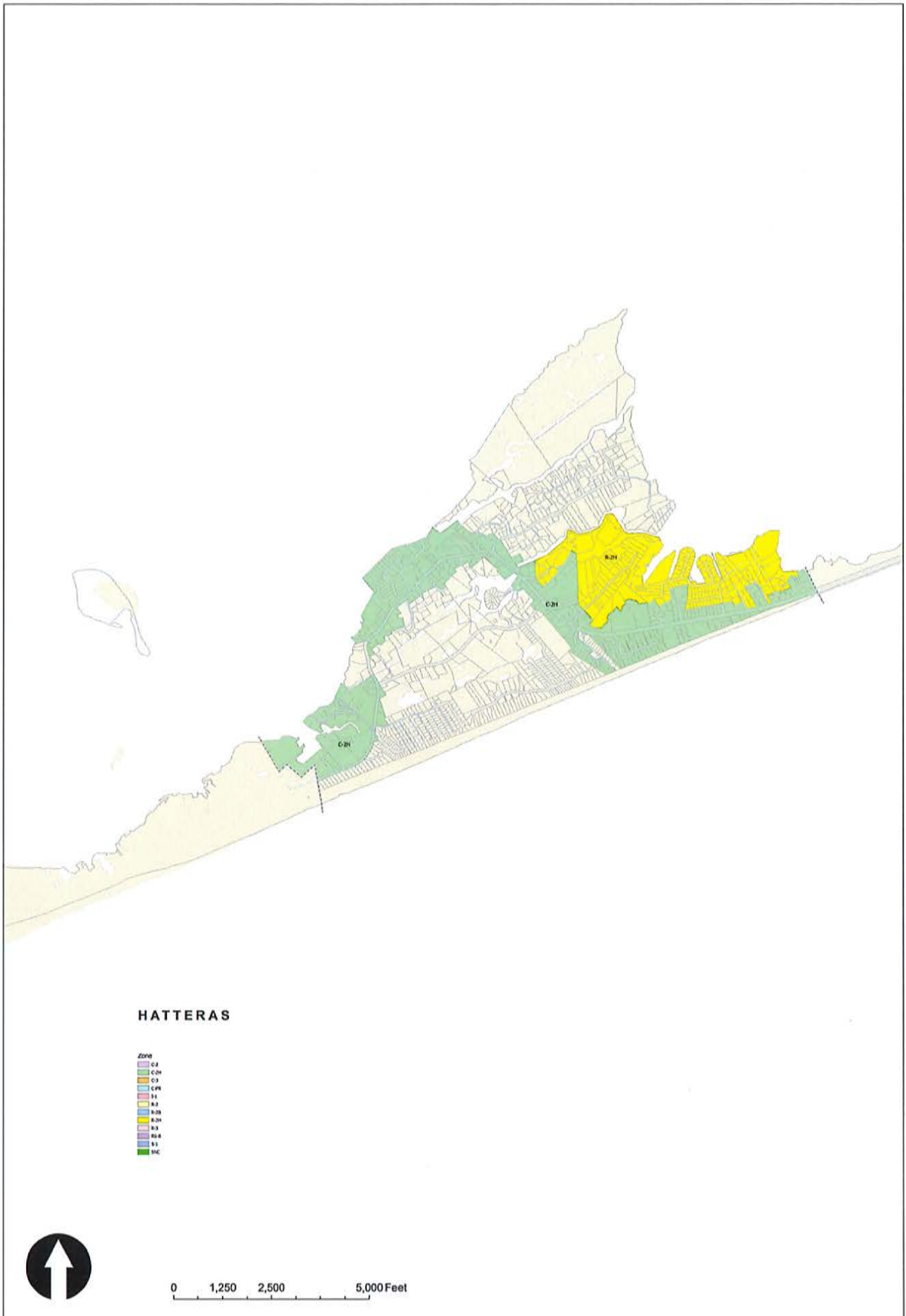


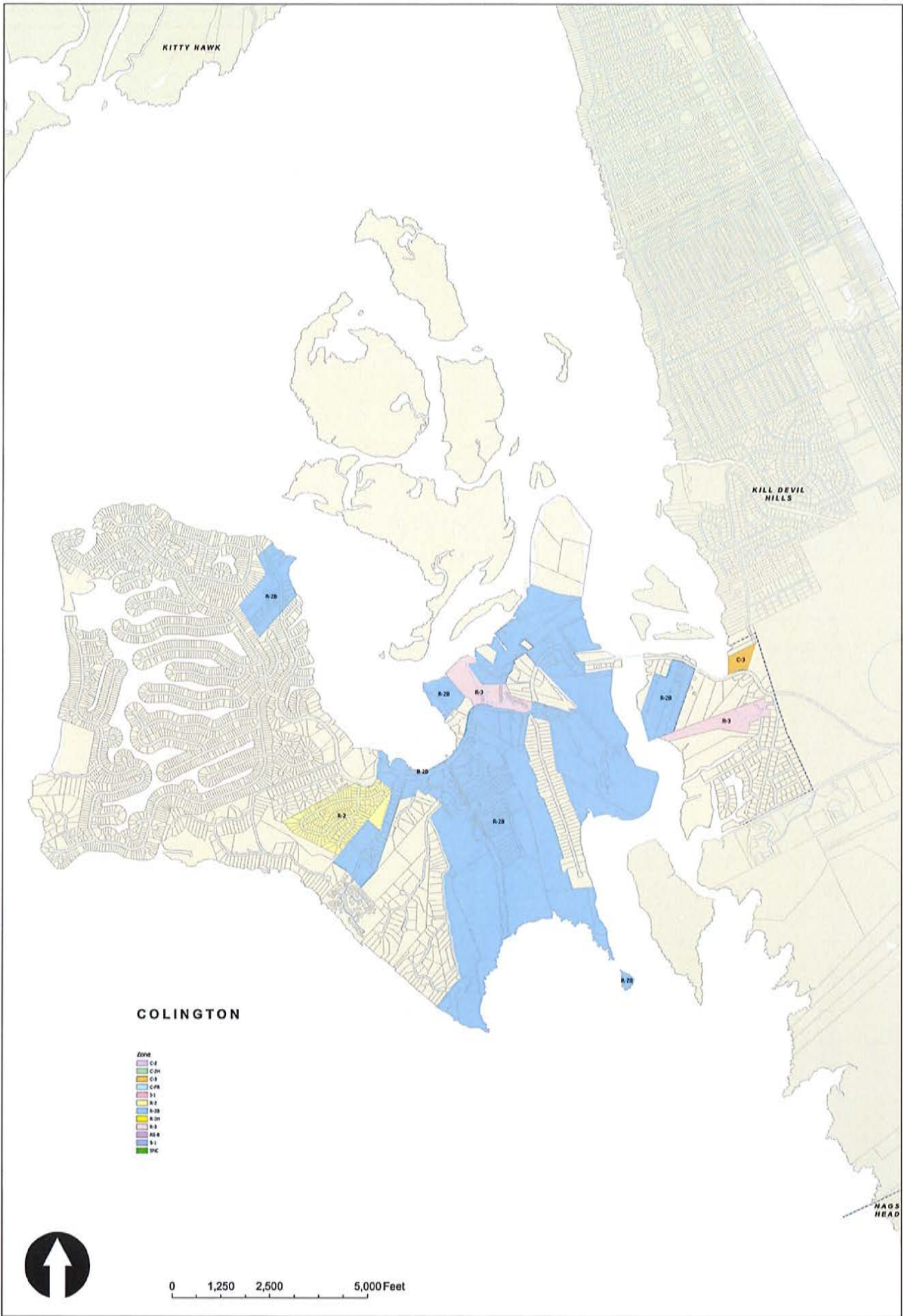
FRISCO

- Zone
- C2
 - C2H
 - C3
 - CPR
 - R1
 - R2
 - R2B
 - R2H
 - R3
 - R3A
 - S1
 - WC



0 2,000 4,000 8,000 Feet





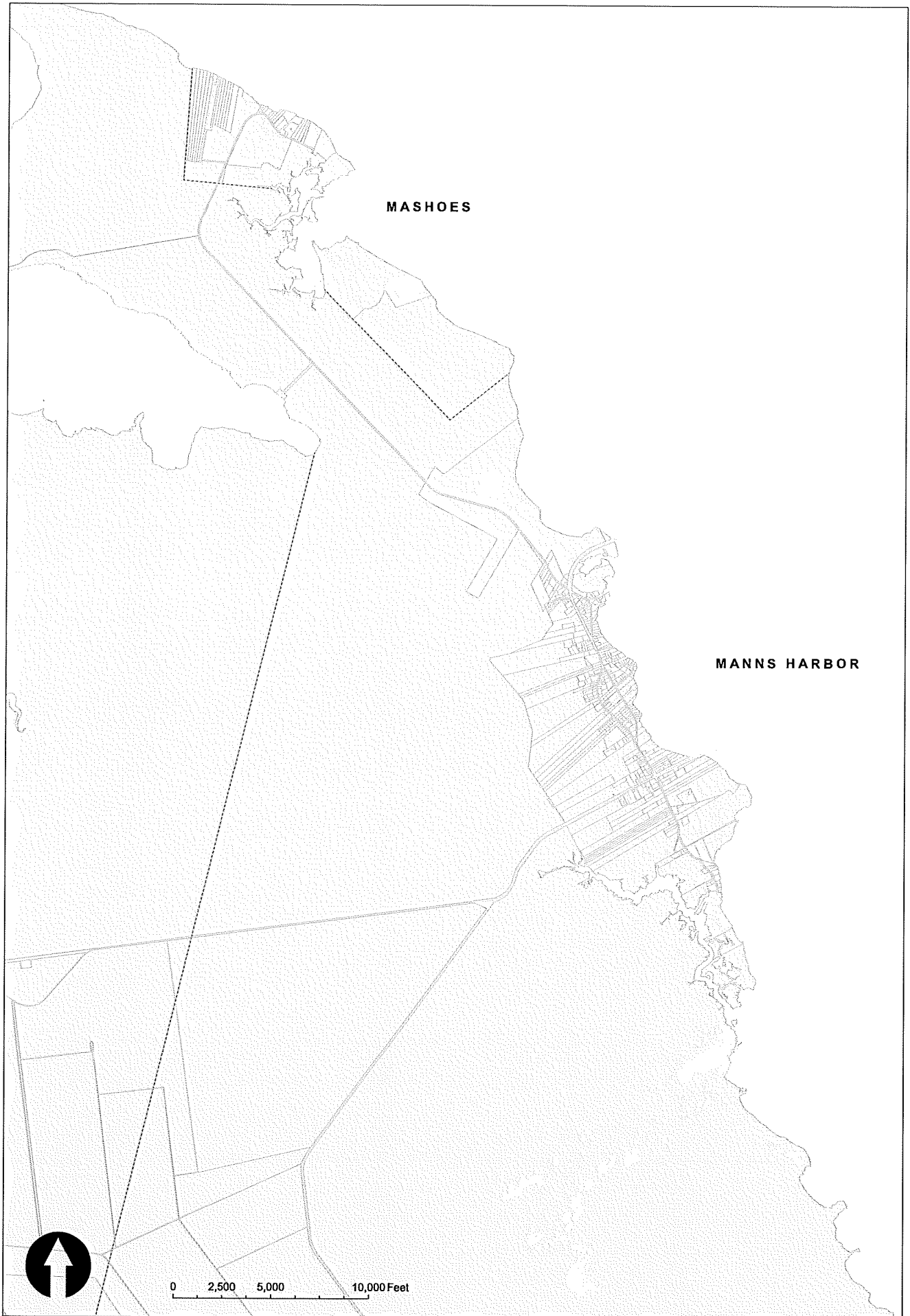


Wanchese



0 1,250 2,500 5,000 Feet





Another issue that has increased in frequency of complaints since the 2003 LUP update is the issue of junked and abandoned vehicles. The County Code of Ordinances includes a junked and abandoned vehicle ordinance that is outdated and extremely cumbersome to enforce. The issue is complicated by the lack of a storage yard available for the relocation of junked and/or abandoned vehicles once removed from private property. In larger metropolitan areas, local governments often own and maintain vehicle yards for the storage of junked vehicles. This is not the case in Dare County where County owned lands are dedicated to other uses such as schools, office buildings, and infrastructure needs. The vehicle storage yards are often the source of contaminants in stormwater which is another concern. As Dare County continues to grow and become more developed, updating the County's junked and/abandoned vehicle ordinance to include alternatives to the traditional removal and mass storage may be needed.

Policy LUC #3

Residential structures shall be the preferred land use in unincorporated Dare County for both seasonal accommodations and permanent housing. All new residential structures, whether attached or detached, are encouraged to be on a scale that is consistent with existing neighborhood patterns of development.

Implementation Strategy:

1. Administration of existing regulations of the Dare County Zoning Ordinance for minimum lot size, dwelling density, building height and other standards for residential development. Changes in wastewater technology, improved construction practices for "green" buildings, market conditions, and demographic trends should be examined periodically to ensure that the standards of the Dare County Zoning Ordinance are not obsolete and recognize newer technologies that may benefit our existing communities. (2010-2015).

Policy LUC #4

To address the housing needs of the year-round population, multi-family dwellings and other types of residential structures such as accessory use dwellings, are considered appropriate alternatives when located in areas zoned for multi-family structures and constructed on lots or parcels greater than the minimum lot size for single family lots established in the individual zoning districts of the Dare County Zoning Ordinance. This diversification of housing opportunities is important to address the needs of Dare County's workforce.

Implementation Strategy:

1. Administration of Family Housing Incentive Standards (section 22-58.2) of the Dare County Zoning Ordinance to address workforce housing needs. (2010-2015)



STATEMENT OF CONSISTENCY AND REASONABLENESS

On May 17, 2023, the Dare County Board of Commissioners considered a zoning text amendment to Section 22-31.1 Cluster Home Developments and associated zoning districts of Dare County Zoning Ordinance to remove the following districts from Section 22-31.1: NH, ELNH, RS-1, R-1, R2-A, R2-AH, SP-2, MH-A, MH-B, ELR, SP-C, VR, WR-1, BT, RB, HML, WVC, MC-1, MC-2, HWY-345, VC-2, and R-2B. These amendments seek to make changes to the zoning regulations to address the increased density that Cluster Home Developments allow in the low density traditional single family districts.

The Dare County Planning Board reviewed the proposed amendments on April 4, 2023 and voted to recommend favorable action on the amendment.

Section 22-86 of the Dare County Zoning Ordinance requires the Board of Commissioners to approve a statement of consistency and reasonableness for any proposed zoning amendment.

The 2009 Dare County Land Use Plan is the comprehensive plan for unincorporated Dare County adopted by the Dare County Board of Commissioners on December 6, 2010.

A review of the Dare County Land Use Plan found the following policies to be applicable to the zoning text amendment:

Land Use Compatibility Management Topic

Policy LUC #3

Residential structures shall be the preferred land use in unincorporated Dare County for both seasonal accommodations and permanent housing. All new residential structures, whether attached or detached, are encouraged to be on a scale that is consistent with the existing neighborhood patterns of development.

Based upon a review of the policy, the Dare County Board of Commissioners finds the zoning amendments to be consistent with the 2009 Dare County Land Use Plan since the amendments will remove the ability for higher density development on individual lots that is inharmonious with the intent of the low density traditional single family districts.



County of Dare Human Resources Manual

Description

The Dare County Personnel Manual of February 1, 2016 has been reviewed by Human Resources Director, staff, and the County Manager for appropriate changes. Changes to various articles follow with the the redrafted manual.

Board Action Requested

Approval of Revised Human Resources Manual and Adoption of Resolution

Item Presenter

Elizabeth Reilly, Human Resources Director

Changes to HR Manual

Article 1 – Organization of Human Resources System

- Definitions were condensed and updated

Article 2 – EEO Statement/Merit Principle

- EEO statement was added
- Merit principle was updated

Article 3 – Conditions of Employment

- Social media summary was added
- IT policy was updated
- Dress code was added
- Smoke free workplace statement was added

Article 4 – Recruitment/Selection/Promotion

- Applicant process was updated to current practice

Article 5 – Classification Plan

- Updated to current practice

Article 6 – Salary Plan/Salary Administration

- Updated to current practice to include electronic timekeeping
- Updated performance appraisal to include online process and eliminated six month evaluation due to it overlapping with the yearly evaluation
- New Flexible Work Schedule/Teleworking policy was added

Article 7 – Holidays, Leave and Adverse Weather

- Leave time calculator was made clear in policy
- New administrative leave policy was added
- New holiday policy was added
- Vacation leave changes were updated
- Personal leave time was added
- Return to work policy was added
- Leave time for parental involvement was changed
- Shared leave – donors must maintain two weeks balance before able to donate

Article 8 – Employee Benefits

- New to HR Manual – benefits were added
- Retiree health for disability retirement
- Added new retirement clause for 30 years of service

Article 9 – Substance Abuse/Drug Testing

- Add to Manual – current practice

Article 10 – Disciplinary Action/Dismissal

- Policy revised – much more detail
- Requires department to talk to employees
- Requires formal documentation on written warnings and terminations

Article 11 – Grievance Procedure/Complaint process for allegations of discrimination, harassment or retaliation

- Policy revision
 - Step 1 is HR Director
 - Step 2 is County Manager
- Discrimination, harassment, retaliation complaint procedure was added and lists the steps to file a complaint
- Whistle blower policy was added

Article 12 – Separation from County employment and re-employment

- Revised to current practices

Article 13 – Personnel records

- State statute

Article 14 – Implementation of Resolution

- Approval date needs to be added to manual

COUNTY OF DARE

HUMAN RESOURCES

MANUAL



REVISED:

PERSONNEL RESOLUTION

DARE COUNTY

BE IT RESOLVED by the Board of County Commissioners of Dare County, that the following policies and procedures shall govern the recruitment, selection, appointment, classification, salary, promotion, discipline and dismissal, grievance rights, and all other conditions of employment of the employees of Dare County.

This the XXth day of XXX 2023

Chairman

ATTEST:

Clerk

INTRODUCTION

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

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

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

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

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

Receipt of Human Resources Manual

This is to acknowledge that I have received a link to the online version of the Dare County Human Resources Manual and agree to comply with the policies it contains. I understand that the policies in this Resolution may require changes from time to time and understand that the County reserves the right to revise, delete, and add to the provisions of this Resolution at any time. I understand that if I have any questions about the policies and procedures contained in this Manual, I may seek assistance in resolving those questions from Dare County Human Resources Department.

I understand that this Manual is not intended to create contractual obligations with respect to any matters it covers. I also understand that the Manual does not create a contract guaranteeing that I will be employed for any specific time period. I understand that I am an at-will employee, which means that either the County or I can terminate my employment at any time and for any reason. I also understand that only the Board of Commissioners can change at-will employment with the County, in a signed, written contract.

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

I understand that I am responsible for reading, understanding, and complying with the provisions of this Human Resources Resolution.

Employee Signature

Employee Printed Name

Employee Number

Date of Signature

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ARTICLE 1 - ORGANIZATION OF THE DARE COUNTY HUMAN RESOURCES SYSTEM

Purpose

It is the purpose of these policies to establish a fair and uniform system of human resources administration for all employees of Dare County. These policies are established under authority of G.S. 153A, Article 5 of the General Statutes of North Carolina.

Board of County Commissioners

The Dare County Board of Commissioners is responsible for establishing and approving human resource policies, including the position classification and pay plans. The Board may change the policies and benefits as necessary. The Board shall make and confirm other appointments when required by law.

County Manager

The County Manager shall be responsible to the Board of County Commissioners for the administration of the human resources program. The County Manager shall appoint, suspend, and remove County officers and employees except those elected by the people or whose appointment is otherwise provided for by law. The County Manager shall make appointments, dismissals, and suspensions in accordance with General Statutes 153A-82 and the policies and procedures set out in other policies of this Manual.

Responsibility of Human Resources Director

The County Manager shall appoint a Human Resources Director who shall assist in the preparation and maintenance of the position classification plan and the pay plan, and perform such other duties in connection with modern Human Resource programs and activities as the Manager shall require, including:

- Applying, interpreting, and administering the policies of this Human Resources Manual as directed by the County Manager;
- Establishing and maintaining records of all persons in the County service, recording all information required by GS 153A-98;
- Developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the County;
- Encouraging and exercising leadership in the development of effective human resources administration within the various County departments, and to make available the facilities of the Human Resources' office to this end;
- Making such recommendations to the Manager regarding improvement of the human resources functions, as well as any improvements or revisions to the human resources system, as she/he may consider appropriate;
- Issuing and making available any necessary administrative directives, supplements, interpretations, and necessary prescribed forms and reports for any personnel matters for the proper functioning, maintenance, and

- documentation of the policies and procedures established by this Manual;
- Providing technical assistance for recruitment and selection for vacancies and/or new positions approved by the Board of County Commissioners.

All matters dealing with Human Resources shall be sent to the Human Resources Director.

Responsibility of Employees

It is the responsibility of every employee of Dare County to comply with this Human Resources Manual and all written County policies. If an employee is unsure about a policy or procedure, it is the employee's responsibility to request clarification from the Human Resources Director, department head, or supervisors as appropriate.

Departmental Policies

With the exception of the Sheriff's Office, and the Office of the Register of Deeds, no department in Dare County may adopt or enforce policies or procedures different from those contained in this Manual. Department heads wishing to adopt departmental policies must have such policies approved in writing by the County Manager. These policies also must be filed with Human Resources.

Coverage Of Policies in This Manual

This Human Resources manual, and the policies within, shall be binding on all County employees unless otherwise exempted. The County Manager, County Attorney, elected officials, appointed members of the County Board and advisory boards and commissions will be exempt except in sections of this policy where specifically included.

ARTICLE 2 - STATEMENT OF EQUAL OPPORTUNITY/MERIT PRINCIPLE

Equal Employment Opportunity (EEO) Statement

Dare County is committed to providing equal employment opportunity for all employees and applicants on the basis of merit and without regard to race, color, religion, gender, age, national origin, disability, genetic information, sexual orientation, gender identity, transgender status, or other protected status. Dare County will not condone, permit, or tolerate any form of unlawful discrimination, harassment or retaliation by or against our employees.

Purpose

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

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

Coverage

This policy covers all County employees.

Merit Principle

All hiring and promotional decisions, and all personnel actions, shall be made on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and salary grade. No applicant for County employment or employee shall be deprived of employment opportunities or otherwise be adversely affected as an employee because of an individual's race, color, religion, gender, age, national origin, disability, genetic information, sexual orientation, gender identity, transgender status, or other protected status.

ARTICLE 3 - CONDITIONS OF EMPLOYMENT WITH DARE COUNTY

Definitions

Adequate Notice of Separation. Adequate notice of separation is at least two weeks' notice in writing prior to the date of separation.

Business Casual Attire. This is the general dress code for Dare County employees. Some employees, due to the nature of their jobs, may be required to wear uniforms or follow a different dress code.

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

Contractor. Any person or company who directly or indirectly provides construction, personal services, goods, or equipment to any agency or department of the County.

Electronic and Telephonic Communications Systems. Includes e-mail, voice mail, etc.

Email. Electronic mail. Mail composed, addressed, and sent/received electronically.

Gifts and Favors. Any offering or gratuity including, but not limited to, candy, flowers, free trips, meals and athletic tickets.

Information Processing Resources. Electronic computing and communications hardware, software, networks, and information.

Immediate Family. Includes wife, husband, mother, father, brother, sister, son, daughter, grandmother, grandfather, grandson, granddaughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepmother, stepfather, stepson, stepdaughter, stepbrother, or stepsister.

Nicotine Delivery System. Any product such as electronic cigarette, personal vaporizer, inhaled nicotine product or electronic nicotine delivery system, or similar product.

Non-Nicotine Delivery System. Any product such as a personal vaporizer device that turns liquid into vapor for inhalation and may not contain nicotine.

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

Regular Employee. An employee who has successfully completed the probationary period.

Tobacco Product. Any product consisting of, in whole or in part, tobacco or any by-product of tobacco. Tobacco products include, but are not limited to, cigarettes, cigars, pipe tobacco, smokeless tobacco, chewing tobacco, snuff, or similar products.

Employment of Relatives (Nepotism)

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

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

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

Outside/Secondary Employment

The work of the County shall take precedence over all other occupational interests, paid or unpaid.

Purpose

This policy establishes a process for the request, and authorization to engage in outside employment.

Any employee involved in outside employment must report that outside employment to their department head in writing for approval or rejection. The department head, with the agreement of the Human Resources Director, shall submit a recommendation of any outside employment to the County Manager or their designee for approval or disapproval.

A copy of the County Manager's decision will be returned to the Human Resources Director for inclusion in the employee's personnel file. The department head shall notify the employee of the County Manager's or designee's decision.

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

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

County Decision as to Compensation for Overtime

Persons who accept a position with Dare County that is eligible for overtime compensation under the Fair Labor Standards Act agree as a condition of employment that Dare County retains at all times the determination of whether to compensate overtime work by awarding compensatory time off or by payment of time and one-half overtime pay.

Hours of Work/Work Week

The workweek for Dare County runs from midnight Sunday through 11:59 pm Saturday. Administrative staff works a standard workweek of 37.5 hours. These departments work more than 40-hour workweeks: Sheriff's Office, Detention, Communication, and EMS. Each of these departments sets their own schedule. Some Dare County employees work four ten-hour shifts. Departments can set their own schedule with approval from the Human Resources Director and/or the County Manager.

Gifts/Favors

No official or employee of the County shall accept any gift, whether in the form of a service, loan, thing or promise from any person, firm or corporation, who in the employee's knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the County.

No official or employee shall accept any gift, favor or thing of value that may tend to influence that employee in the discharge of duties.

No official or employee shall grant in the discharge of duties any improper favor, service or thing of value.

All County employees shall refuse gratuities in the form of money.

This policy does not prohibit the following:

- Receipt of honorariums for the officer's or employee's participation in meetings.
- Advertising items or souvenirs of nominal value.
- Meals furnished at banquets.
- Receipt or exchange of gifts or favors between employees/officers and their friends and/or relatives where the motivating factor is a personal relationship rather than a business relationship.

Attempt to Influence

Any attempt by any person, firm or corporation to influence the decisions of any County employee with regard to County business shall be reported. Any employee who is of the opinion that an attempt is being made by a person, firm, group, or corporation to influence his/her decision with regard to the performance of assigned duties within the County, shall report such attempt to the County Manager. Actions that constitute an attempt to influence include, but are not limited to gifts, favors, coercion, threats, or intimidation.

Restriction on Political Activity

Every employee of Dare County has a civic responsibility to support good government by every available means and in every appropriate manner. Any employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings and may advocate and support the principles or policies of civic or political organizations established by the Constitution and laws of the State of North Carolina and by the Constitution and laws of the United States of America.

While on duty, no employee of Dare County shall:

- Engage in any political activity.
- Be required as a duty of his office or employment, or as a condition for employment or promotion or tenure of office, to contribute funds for or to political or partisan purposes.
- Solicit or act as custodian of funds for political or partisan purposes.
- Coerce or compel contributions for political or partisan purposes from any other employee of Dare County.
- Use any County supplies or equipment for political or partisan purposes.

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

No employee of Dare County shall run for the elected office of Dare County Commissioner. An employee violating this rule shall be deemed to have officially resigned their County employment effective the date they file to run for the Office of County Commissioner. This section is applicable only to those employees covered by the Dare County Human Resources Resolution.

Electronic Devices/Internet Access/No Expectation of Privacy

The County's information technology is considered a resource, available to County employees to conduct and facilitate their work. It is to be used at all times in a lawful and ethical manner.

Inappropriate and prohibited uses of County-provided electronic devices and internet access include but are not limited to the following:

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

Caring for and securing county owned devices are the employee's responsibility when transporting equipment outside of the office. When employees are working outside of the county offices, devices must not be stored in vehicles. Violations of this may result in disciplinary action.

All activity by an employee on the Internet is logged and recorded by an IT Department server-based system. An employee's Internet session or activity can be re-created when necessary to resolve questions regarding the appropriate use of the Internet.

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

Social Media

Dare County uses social media as a secondary platform to communicate with the public.

Purpose

Social media is to be used to serve three primary purposes:

- Disseminate emergency information quickly
- Promote county-sponsored events, activities, services and other news
- Refer audiences to content available online at darenc.gov, the county's primary internet presence and communication platform

Guidelines

- Employees and agents using social media must not disclose any information that is defined as Protected Health Information. This includes: demographic information, any reference to physical or mental health, or elements thereof, provision of or payment for healthcare or identifiable health information of any kind, even in cases when the individual is not identified by name.
- Employees using social media to communicate on behalf of Dare County should be mindful that statements made are on behalf of the county government as a whole.
- County employees must not knowingly communicate inaccurate or false information. All reasonable efforts should be made by the county employee or county department to provide only verifiable facts (not unverifiable opinions).
- Any of the following forms of content shall not be allowed, and Dare County reserves the right to remove or hide the posts that contain:
 - Profane language or vulgar content
 - Content that promotes, fosters, or perpetuates discrimination on the basis of race, color, religion, gender, age, national origin, disability, genetic information, sexual orientation, gender identity, transgender status, status with regard to public assistance or other protected status
 - Conduct or encouragement of illegal activity

- Information that may tend to compromise public safety
- Malicious deception and deliberate spreading of false information that causes harm
- Personally identifiable information (such as medical information)
- Promote particular services, products, or political organizations
- Spam or include links to other sites
- Access to any social media profiles or networks unrelated to official county business on county equipment and/or time is prohibited. Only staff members officially designated as social media administrators may monitor and manage social media while at work.
- Dare County recognizes that its employees may use social media on a personal basis outside of their professional activities. While an employee's use and comments made on social media sites are subject to First Amendment protections, as well as permissible restrictions, any personal use made on social media sites outside of work must not be attributable to the department or the employee's job function at the department.
 - Employees should remember that they may be perceived by the public as representing Dare County even when acting in an unofficial capacity on personal sites.
 - If employees identify as a Dare County employee when conducting personal social media or online activities, they are advised to make it clear that the opinions expressed are their own and do not represent Dare County's official position. Remember the standard of behavior expected of public servants even when participating as a private citizen, and even whether or not you specify that you work for the county on your profile, your employment is public record.
- Employees should never use their county email account or passwords as login information in conjunction with any personal social media profiles or sites.
- Do not display the Dare County seal or other official County logos, emblems, or patches as part of a uniform or county vehicle on personal social networking accounts.

Information Technology

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

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

resources, including Internet access, as long as there is no negative impact on employee job performance and there is no cost to the County.

Employees of Dare County are expected to:

- Identify themselves clearly and accurately when sending or forwarding E-mail over the County network or Internet. Anonymous or pseudonymous posting is expressly forbidden.
- Make sure that all County information disseminated via the County network and the Internet is accurate, identifies the source and date of the information, and has an electronic address to allow the recipient to contact the individual/ office responsible for making the information available.
- Be responsible for ensuring all files downloaded from a source external to the County network is scanned for viruses. This includes files obtained as e-mail attachments and by other file transfer mechanisms.
- Follow all applicable software copyright and licensing laws.

Employees of Dare County are prohibited from:

- Using unauthorized codes, passwords, or any other means to gain access to confidential County files or the e-mail of other employees.
- Using e-mail or voice mail to harass or to make defamatory remarks about other employees or to send foul, inappropriate, or offensive messages such as racial, sexual, or religious slurs.
- Using e-mail or voice mail for inappropriate matters, such as arranging political or religious gatherings, requesting contributions; soliciting for political or religious causes, or conducting a privately-owned business.

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

Direct Deposit of Employee Paychecks

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

Dress Code for County Employees

The general dress code for Dare County employees is “business casual” attire. Business casual clothing for men may include a sport coat, a collared shirt, a casual button-down shirt, slacks such as khakis or chinos, a belt, dress shoes, or loafers, or nice boots. Business casual clothing for women may include a collared or non-collared blouse, dress or skirt (two inches above the knee or longer), slacks, shoes with heels, dress boots, or flats.

Some County employees, due to the nature of their work, may be required to wear uniforms or other clothing that differs from business casual attire. For these specific positions, the department head may establish a dress code that best suits the required daily or occasional duties of the position.

Substance Abuse

Dare County will not tolerate the unlawful manufacture, distribution, possession, or use of controlled substances or illegal drugs, and the misuse of alcohol is prohibited for all employees.

The policy and procedures pertaining to Substance Abuse are contained in Article 9, Substance Abuse/Drug Testing.

Smoke-Free Workplace Statement

Dare County maintains a “smoke-free” workplace in all its facilities, offices and equipment. This policy applies to all employees, clients, visitors, and guests. Violation of this policy shall constitute unacceptable personal conduct and will result in disciplinary action. A smoke-free workplace includes tobacco products, nicotine delivery systems and non-nicotine delivery systems.

Payment of County Taxes

Because the operations of the county are financed primarily through the collection of county property taxes, it is required that each county employee pay his or her county property tax. Failure to 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.

Resignation with Adequate Notice

In order to be eligible for re-employment with Dare County, an employee resigning shall provide at least two weeks’ notice in writing to his/her supervisor or department head.

Fitness for Duty Examination

Dare County is committed to providing a safe working environment and protecting the health and safety of employees and citizens. In order to provide a safe working environment, employees must be able to perform their job duties in a safe, secure, productive and effective manner, and remain able to do so throughout the entire time they are working. Employees who are not fit for duty may present a safety hazard to themselves, other employees, or to the public. This policy is not a substitute for discipline or confidential counseling.

This policy applies to all County employees except employees of the Sheriff’s Office and employees of the Register of Deeds Office.

Fitness for duty covers both psychological and physical fitness for duty.

The County may request a Fitness for Duty examination at any time, for any County employee, when there is a reasonable belief, based on objective evidence, that (1) the employee’s ability to perform the essential functions of his/her job is impaired by a medical or psychological condition or (2) that an employee will pose a direct threat due to a medical or psychological condition.

A supervisor or department head may receive reliable information that an employee may be unfit for duty or may make a personal observation that the employee is unfit for duty. The supervisor or department head will validate and document the information or observations as soon as is practicable.

All requests for a Fitness for Duty exam must be made to the department head. The department head will consult with the Human Resources Director and the County Manager or his/her designee.

The fitness for duty examination will be conducted by an independent, licensed health care professional, designated and paid for by Dare County. An employee's failure or refusal to comply with a Fitness for Duty examination and all necessary releases for information may result in disciplinary action up to and including dismissal.

If an employee is deemed unfit for duty, but deemed fit with a reasonable accommodation, the County will make every effort to ensure that accommodation is made in compliance with the ADA, FMLA and the Workers' Compensation Act.

ARTICLE 4 - RECRUITMENT, SELECTION AND PROMOTION

This policy sets out Dare County's commitment to EEO and its commitment to recruiting, selecting and promoting candidates solely on the basis of merit and qualifications. This policy applies to all persons applying for employment with Dare County.

Statement of Equal Employment Opportunity Policy

Dare County is committed to providing equal employment opportunity for all employees and applicants on the basis of merit and without regard to race, color, religion, gender, age, national origin, disability, genetic information, sexual orientation, gender identity, transgender status, or other protected status.

Definitions

Applicant. A person who has completed and filed the Dare County application, together with any required supplements for employment in a specific advertised vacancy.

Benefits. Benefits include health insurance, retirement membership, paid vacation and sick leave, paid holidays, use of the Employee Assistance Program, access to Shared Leave and such other programs as the Board of County Commissioners shall adopt.

Employment Application. The NeoGov online application form completed by applicants interested in employment in a Dare County agency.

Probationary Appointment. A probationary appointment shall be made at the time of the initial appointment to a regular position. A probationary period of twelve (12) months shall be served by an employee before having a regular appointment.

Probationary Employee. A person appointed to a regular position who has not completed the probationary period. A probationary employee is eligible to use leave accruals after completing his/her first six (6) continuous months of County service.

Recruitment/Selection Standards. The job-related minimum qualifications along with the related knowledge, skills and abilities, necessary to perform the duties of a position.

Regular Appointment. A regular appointment shall be made to a regular or a regular part-time position when the incumbent is expected to be retained in the position on a regular basis. Probationary employees become regular employees following the satisfactory completion of a probationary appointment.

Part-time Position. A position which has been approved by the Board of County Commissioners where the recurring duties and responsibilities are required to be performed on a continuous and annually recurring basis and which can be performed in less than a regular workday and/or work week. A part-time position requires less than 1,000 hours and earns no benefits.

Regular Position. A position which has been approved by the Board of County Commissioners, where the recurring duties and responsibilities are required to be attended on a continuous and annually-recurring basis, requiring full-time employment.

Temporary Position. A position which requires the duties and responsibilities to be attended for a specified period of time, not to exceed a maximum duration of twelve (12) consecutive months. An employee in a temporary position earns no benefits.

Temporary Appointment. A temporary appointment shall be made for a regular, regular part-time, or a temporary position when a department needs an employee to perform the duties and responsibilities of the position for a specified period of time. The appointment shall be limited to a maximum duration of twelve (12) months.

Time-Limited Appointment. An appointment for a specific, limited period of time that is greater than twelve (12) months, usually tied to a grant or other funding with a specific, limited duration. An employee with a time-limited appointment serves a probationary period and then has all the benefits of a regular appointment except that he/she may be separated whenever the funding source ends and is not considered to be Reduced in Force.

Applications/Recruitment

Prior to beginning the recruitment process, the department head should review the current job description for the vacancy and determine if it accurately describes the work to be done. If not, the department head should contact Human Resources and discuss revising the job description.

Job Advertisements

Recruiting announcements shall include information pertinent to the position/work involved, including at a minimum, the title of the position, the minimum salary for the grade, key duties of the position, knowledge and skill requirements, physical requirements with or without accommodations, and the minimum education and experience standards necessary to qualify for the job. The announcement should also include any special certification or licensing requirements, and an application closing date. Department heads are also encouraged to use their special knowledge of their fields to aid in recruiting.

When Applications Are Accepted

Applications will only be accepted for advertised, vacant positions. Inquiries, resumes, and letters of intent shall not be considered applications.

Internal Applicants/External Recruiting

When a vacancy exists in a department, every effort shall be made to consider qualified internal County employees for promotion or transfer. If the department head desires to consider persons not currently employed by Dare County, he/she shall notify the Human Resources Director in writing of the need for external recruitment.

Recruitment Efforts/Assistance of Human Resources

Dare County Human Resources shall be responsible for assisting the department head in recruiting qualified personnel for all vacant positions approved in the department's operating budget.

Advertising Vacant Positions

Vacant positions must be advertised for no less than five (5) working days and must have a closing date beyond which applications will not be accepted. Departments that have positions that need to be filled on a regular basis may ask that the vacancy listing state that applications will be accepted until the position is filled. Position announcements may be posted internally before posting externally in order to promote from within when appropriate.

Notice of vacancies that will only be advertised internally are sent out to all employees via email.

Application for Employment

The standard application form for any and all advertised vacancies shall be the NeoGov online application. Applications received for advertised vacancies shall be transmitted to the Human Resources Department for processing.

Applicants shall be considered on the basis of qualifications for the job in question without regard to race, color, religion, gender, age, national origin, disability, genetic information, sexual orientation, gender identity, transgender status, or other protected status.

Recruitment - Responsibility of Human Resources Director/Department Head

The Human Resources Director shall be responsible for an active recruitment program to meet current and projected staffing needs, through procedures that will assure equal employment opportunities based on reasonable performance related job requirements. To accomplish this, the efforts of the Human Resources Department and all County departments must be coordinated in a timely manner.

Additional recruiting publicity shall be carried out through media appropriate to the program as determined by the hiring department head and the Human Resources Director.

The Human Resources Department is responsible for managing the recruitment and selection process for County employees and for providing technical advice and assistance to hiring officials as needed.

Selection/Hiring/Promotion Procedures

Each applicant's education and experience will be evaluated against job-related selection processes for the position. The Human Resources Director will refer all minimally qualified candidates to the department for further screening and selection. Each department head shall follow a consistent job-related selection process in

determining which of the referred candidates he/she wishes to interview. The Human Resources Department is available to assist department heads and other hiring officials in developing a job-related selection process.

Before any employment commitment is made, the department head shall recommend to the Human Resources Director the candidate to be appointed, his/her beginning salary, and the type of appointment requested.

The Human Resources Director shall recommend to the County Manager, or his designee, the type of appointment and beginning salary of the candidate selected. The department head must reasonably document his/her hiring decision for his/her basis for selection to the County Manager, or his/her designee. The County Manager has final approval authority for most selection decisions. If required, the Board of County Commissioners may need to approve.

Retention of Selection Process Documentation

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

Pre-Employment Drug Testing/Background Checks

All persons, prior to their employment with Dare County, are required to take and pass a pre-employment drug test. For more information on pre-employment drug tests, see Article 9, Substance Abuse/Drug Testing. All persons, prior to their employment with Dare County, are required to submit to a background check.

Probationary Period of Employment – New Hire

An employee appointed to a regular position shall serve a probationary period of twelve (12) months. Any employee serving a probationary period following initial appointment may be dismissed at any time during the probationary period if found to be performing assigned duties unsatisfactorily.

No employee shall remain on probation for more than twelve (12) months. No employee serving a probationary period following the initial appointment will be eligible to take accrued leave until successful completion of the first six (6) months of service, unless approved by the department head.

Employees completing the probationary period in a satisfactory manner after initial hiring will be considered regular employees unless his/her department head (except for the Sheriff and the Register of Deeds) indicates in writing prior to the expiration of the probationary period, for approval by the County Manager, that the employee:

- Is not performing satisfactory work; and
- Should not be retained in the present position or should be separated, transferred or demoted.

Sheriff/Register of Deeds

The Sheriff and Register of Deeds shall have authority over the appointment of employees and the recruitment and selection processes in their respective departments, with the Human Resources Director determining the classification and salary of new employees.

Veteran's Preference

It is the policy of Dare County that, in appreciation for their service to this County, State and Country during a period of war, and in recognition of the time and advantage lost toward the pursuit of a civilian career, veterans shall be granted preference in employment for positions subject to the provisions of this policy within every department.

Nature of Veteran's Preference

For the purposes of hiring or promotion, veteran's preference shall consist of credit for all military service training or schooling and experience that bears a reasonable and functional relationship to the knowledge, skills, and abilities required for the position; experience credit as determined by Dare County for additional related and unrelated military service.

ARTICLE 5 - CLASSIFICATION PLAN

Position Classification Plan

Each regular, temporary, or part-time position with the County shall be assigned to a class within the County's classification plan. The assignment of positions to a class will be made so that the positions in each class are comparable enough in duties and responsibilities to warrant similar treatment in personnel and pay administration. The classification plan as well as individual positions will be reviewed and revised periodically to ensure that the plan accurately reflects changes in functions, organizational relationships, work methods, and duties and responsibilities of individual positions.

Definitions

Class. A position or group of positions having similar duties and responsibilities requiring similar qualifications, which can be properly designated by one title indicative of the nature of work performed, and which carry the same salary range.

Position. A group of current duties and responsibilities, assigned by competent authority, requiring the full or part-time employment of one person, but the existence of a position or its identity does not depend upon its being occupied by an Employee.

Position Classification Plan. A plan approved by the Board of Commissioners that assigns classes (positions) to the appropriate pay grade.

Reclassification. The reassignment of an existing position from one class to another based on changes in job content such as duty, kind, difficulty, required skill and responsibility of the work performed.

Departments Affected

All Departments.

Allocation of Positions

The County Manager shall allocate each position covered by the classification plan to its appropriate class in the plan upon the recommendations of the Human Resources Director.

Administration of the Position Classification Plan

The Human Resources Director as authorized by the County Manager, shall be responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. Department heads shall be responsible for bringing to the attention of the Human Resources Director (1) the need for new positions, and (2) material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classifications of any existing positions. For an existing position, the Human Resources department shall restudy the position and report the findings and recommendations to the County Manager.

New positions that are not currently funded shall be established only with the approval of the Board of Commissioners after which the County Manager, with input from the Human Resources department, shall either (1) allocate the new position to the appropriate class within the existing classification plan, or (2) recommend that the Board of Commissioners amend the position classification plan to establish a new class to which the new position may be allocated.

When the County Manager (or the Human Resources Director at his/her request) finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the County Manager shall (1) direct that the existing class specification be revised, or (2) reallocate the position to the appropriate class within the existing classification plan, or Any action taken by the County Manager either to revise an existing class specification or to reallocate a position within the existing classification plan shall be effective at the decision of the County Manager.

Amendment of Position Classification Plan

Classes of positions shall be added to and deleted from the position classification plan by the County Manager, with input from the Human Resources Director.

Authority to Establish/Reallocate Positions

The Board of County Commissioners has the sole authority to establish new positions. The County Manager may reallocate the classification of existing positions.

ARTICLE 6 - SALARY PLAN/SALARY ADMINISTRATION

THE SALARY PLAN

The salary plan of Dare County shall provide equitable compensation for all employees. It shall also provide an effective basis for securing and maintaining a competent work force. The salary plan shall include a schedule of salary ranges, the accompanying pay grades, and the class(es) assigned to each pay grade.

Definitions

Anniversary Date. The date an individual begins his/her employment with the County.

Demotion. The reassignment of an employee from his/her current position to another position having a lower classification. Such reassignment may be within the same or another department.

Employee Work Week. The work week for full-time employees varies according to the type of work performed. Below are the work weeks for most Dare County employees:

- 37.5 hours – most office employees
- 40 hours – Water, Public Works, EMS
- 28 day/171 hours – law enforcement (including detention officers)

Exempt Employee. An employee who, by the nature of his/her job duties, is exempt from earning overtime compensation.

Full-time Employee. An employee appointed to either a temporary position or a permanently established position that is designated by the board of commissioners as full-time. The work week for full-time employees varies according to the type of work performed. The base work week for a full-time employee is 37.5 hours per week.

Hours Worked. All time which an employee is required to be at work, except for meals and other periods when he/she is free from work.

Meal Period. A meal period, to not be considered work time, must be at least 30 consecutive uninterrupted minutes.

Non-exempt Employee. An employee who, by the nature of his/her job duties, must be compensated for working overtime.

Overtime. Hours worked beyond 40 hours in a work week (except for law enforcement officers) that entitle a non-exempt employee to overtime compensation.

Overtime Compensation. For time worked beyond 40 hours in a single work week, non-exempt employees must be compensated with either time and one-half paid time off (compensatory time/comp time) or by payment of one and one-half times the employee's regular hourly rate.

Part-time Employee. An employee who is paid on an hourly basis, less than thirty (30) hours a week.

Overtime Compensation. Compensation for overtime to which a non-exempt employee is entitled in accordance with the FLSA. Overtime compensation may take the form of either time and one-half pay or paid compensatory time off.

Pay Grade. A numerical designation applicable to a specific salary range within the salary schedule.

Performance Appraisal. The process or procedure by which a supervisor measures and evaluates an employee's job performance for a specific period of time, as recommended by the County Manager. The appraisal will include the employee's strengths, the areas needing improvement, goals, or objectives that, in coordination with the supervisor, will help the employee improve during the next review period.

Performance Bonus. A onetime cash award for merit, i.e., an exceptional work achievement or special contribution to productivity.

Performance Increase. The advancement or upward movement within the established salary range for work that consistently exceeds the normal performance standards of the job, i.e., sustained excellence in work performance.

Probationary period. All employees appointed to a regular position shall serve a probationary period of twelve (12) months.

Promotion. The movement of an employee to an existing position or classification in the County service having a higher salary range than the position or classification from which the employee is moving.

Range Revision. When one or more salary grades are assigned a different minimum and/or maximum salary range or when a classification(s) is assigned a new pay grade.

Reclassification. The reassignment of an existing position from one class to another based on changes in job content such as duty, kind, difficulty, required skill and responsibility of the work performed.

Regular position. A position which has been approved by the board of commissioners and in which the duties and responsibilities are required to be attended to on a continuous and annually recurring basis.

Regular Status. The standing an employee achieves after the completion of a probationary period.

Required Deductions. Those deductions authorized by law and required of all employees.

Salary Schedule. A listing by grade and step of all the approved minimum, intermediate and maximum salary ranges authorized by the Board of Commissioners for various position classifications of County government.

Salary Range. The monetary designation of the minimum, intermediate, and maximum annual and monthly salary rates applicable to a specific pay grade in the compensation plan.

Salary Range Revision. The raising or lowering of the salary range for one or more specific classes of positions within the classification plan.

Temporary Employee. A person appointed to serve in a temporary position. The schedule may or may not require a full day or a full week. (Temporary employees do not earn vacation or sick leave and are not eligible to participate in benefit programs.) The maximum length of time a person may serve as a temporary employee is twelve (12) continuous months.

Transfer. The reassignment of an employee from one position or department to another within the same pay grade.

Workweek. Dare County's workweek is from Sunday at 12:00 am to Saturday at 11:59 pm.

Work Week/Work Period. The normal scheduled workweek will run from Sunday to Saturday for all employees, except law enforcement employees which will be on a continuously revolving 28-day cycle starting on a Sunday.

Responsibility for Administration of the Salary Plan

The Human Resources Director shall be responsible for the administration and maintenance of the salary plan and for recommending necessary changes to the County Manager.

Recommendations for changes in the salary plan shall be based upon the following factors:

- Class relationships identified during the classification process;
- Annual surveys of compensation practices of the competitive labor market within the geographic area of recruitment;
- The financial resources available to Dare County;
- Other relevant factors, such as turnover and the supply of qualified applicants for particular classes.

A copy of the current salary schedule is available upon request to the Human Resources Department.

Administration Of The Salary Plan

Departments Affected

All Departments.

The Probationary Period

All newly- hired employees appointed to a regular position shall serve a probationary period of twelve (12) months. Employees shall contribute to the retirement system during their probationary period.

The department head, through the employee's supervisor, shall be responsible for evaluating the performance of the employee during the initial probationary period. During the probationary period the supervisor shall monitor employee's performance and discuss performance expectations and progress. The supervisor is also responsible for assessing the employee's performance and recommending whether the employee should be retained or released. If retained, the employee shall be considered a regular employee.

An employee may be disciplined or separated at any time during the probationary period without the right to use the County Grievance procedure.

Probationary employees earn leave. However, they are not eligible to use such leave during the first six (6) months of employment, unless approved by department head.

Upon successful completion of the probationary period, an employee gains regular status.

Hours of Work and Overtime Compensation

While most County employees work a normal scheduled workweek, the activities of some departments require alternative schedules to meet their work needs. In those departments the County Manager may authorize a deviation from the normal schedule.

Departments Affected

All Departments.

Hours of Work/Overtime Compensation

When an employee works a normal schedule, one hour is permitted for lunch. Breaks other than mealtimes may be granted at the discretion of the supervisor.

It shall be the responsibility of all supervisors, department heads, and employees to ensure that hours not worked by an employee during a regularly scheduled workday or shift be accounted for through the use of sick leave, vacation leave, holiday leave, or previously earned compensatory time.

All employees shall work a schedule set by the department head. A non-exempt employee that works more than 40 hours within a workweek must be compensated with either compensatory time or overtime pay.

Employees of the County can be requested and may be required to work overtime hours as necessitated by the needs of the County and determined by the supervisor.

The Human Resources Director shall determine which jobs are "Non-Exempt" and are subject to hours of work and work periods and types of overtime compensation.

Non-exempt employees will be paid at their hourly rate for time worked up to 40 hours in a workweek. Employees in law enforcement job classes earn overtime for work done over 171 hours in a 28-day work period.

Overtime hours worked will be compensated by awarding compensatory time or by paying overtime pay. Non-exempt employees will be compensated with time and one-half paid time off unless the County Manager determines to pay overtime pay. In determining overtime, only hours actually worked shall be considered. Time not worked but paid for such as vacation leave, sick leave, compensatory time, civil leave, administrative leave, or holidays will not be included in the computation of hours worked for the purpose of computing overtime.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be given in the form of compensatory time or paid in accordance with the FLSA.

Compensatory time off may be granted whenever feasible based on recommendations from the department head. Unless permitted by the County Manager, no employee will be allowed to accumulate more than two weeks of compensatory time. An example would be 80 hours for an 8-hour employee or 75 hours for a 7.5-hour employee. Per the FLSA limits, no more than 240 hours may be accrued.

Exceptions to the two-week limit on the accumulation of compensatory time must be approved by the department head and the County Manager. Any accumulated compensatory time must be used prior to using any other form of paid leave, including vacation leave, or holiday leave. Non-exempt employees separating from employment shall be paid for their accumulated compensatory time balances.

The electronic timesheets for non-exempt employees shall list all hours actually worked in any given work week. Timesheets will be approved by the department head or his designee.

Flexible Work Schedules and Teleworking

Purpose

Dare County is committed to helping employees face the demands of work, family, and life-related issues by offering flexible work arrangements. The County supports its departments in exploring and implementing flexible work arrangements. The purpose of this policy is to provide for consistent application of flexible work arrangements across County departments, to ensure the security of County information and systems, to maintain continuity of operations, to reduce the environmental impact of commuting, and to increase employee morale and satisfaction.

Teleworking may be appropriate for some employees and jobs, but not for others. Teleworking is not an entitlement, nor available to all employees as a County-wide benefit. Teleworking agreements do not change any terms and conditions of employment, and teleworking agreements can be revoked at any time, for any reason, by County administration.

The Department Director and the Human Resources Director have the authority to approve individual flexible work schedules and teleworking arrangements consistent with the following guidelines.

Types of Flexible Work Options

Flextime

Flextime provides flexibility in an employee's set scheduled starting and ending times. Some employees work very early in the morning and leave earlier in the afternoon. Other flextime employees may need to start later in the day and work into the evening.

Compressed Work Week

Compressed work week allows full-time employees to work 37.50 or 40 hours in fewer than 5 full days in exchange for a partial day or an entire day off in the work week.

Teleworking

Teleworking is the practice of working at home and is a work arrangement that the County may approve for certain eligible employees when it is determined to be advantageous for both the employee and the County. Teleworking does not change the basic terms and conditions of employment with the County, and employees are subject to the same policies and procedures that apply when working at a County facility. Teleworking is not a benefit or entitlement, but a work arrangement intended to enhance productivity, creativity, employee satisfaction and/or reduce operating costs. The employee or the County may terminate the agreement at any time for any reason. The Department Director and the Human Resources Director have the authority to approve individual teleworking arrangements consistent with these guidelines.

Teleworking and flexible work arrangements are not appropriate for all employees or positions and are not a universal employee benefit but a privilege. To be considered, eligible employees:

- Must have thorough knowledge of the job, performance, and telework expectations.
- Must have a satisfactory attendance record.
- Must meet all performance expectations in his or her current role.
- Must consistently demonstrate the ability to complete tasks and assignments on a timely basis with minimal supervision.
- Must have work and responsibilities that are conducive to a flexible work arrangement without causing significant disruption to performance and/or service delivery.
- Must establish and maintain an adequate, private, and safe space to work.
- Must be able to be at their regular County office within one hour of a call should a situation arise. Any exceptions outside of one hour must be discussed with the manager or supervisor.
- Must accurately record hours worked in the County's time-keeping system and obtain advanced approval of hours worked in excess of those scheduled for the day.
- Teleworking cannot be used as a substitute for dependent care. Employees will not act as the primary caregiver for dependents during scheduled work hours. When necessary, employees must make arrangements for dependent care during the agreed upon work hours and may be asked to provide proof of appropriate dependent care arrangements.

Flexible Work Options & Teleworking Requirements

- Employees are permitted to telework for a maximum of two days per week. Employees are required to report to the office for a minimum of three full days per week.
- In-person business visits or meetings with customers cannot be conducted at an employee's home.
- Employees must be available to attend onsite staff meetings and other business meetings, including meetings with little or no advance notice. The supervisor should provide as much advance notice as practicable.
- Employee must be willing to revert to working at the office to cover for absenteeism, vacations, leaves and other business needs. The Supervisor may not always be able to provide advance notice of such needs but should provide as much advance notice as practicable.
- Any situations which will involve the employee being away from their home office work site, other than normal, agreed upon breaks and lunches, must be approved in advance by the supervisor the same as if the employee were working at a County office.
- Flexible work arrangements are limited to hours worked between the 7:00 a.m. and 7:00 p.m.
- Department heads will determine the office equipment (such as a laptop) that is required for an employee to work from home and must come from their budget. Other items such as telephone, internet, desk, chairs, etc. are to be provided by the employee at their expense.
- Employees must agree to and complete a Flexible Work/Telework agreement.

- Pictures of remote work area and workstation must be provided with the Flexible Work/Telework agreement.
- Employees that would like to make changes or adjustments to a previously approved schedule must complete a new Flexible Work/Telework Agreement form and obtain required approvals.

Administration Of The Compensation Plan

The compensation plan of Dare County shall provide equitable compensation for all employees and shall also provide a viable basis for securing and maintaining an effective work force. The compensation plan shall include a schedule of salary ranges, the accompanying pay grades, and the class(es) assigned to each pay grade. The compensation plan includes policies governing salary administration in all position and employee actions.

Departments Affected

All Departments.

Responsibility

The Human Resources Director shall be responsible for the administration and maintenance of the compensation plan and for recommending necessary changes to the County Manager.

Recommendations for changes in the compensation plan shall be based upon one or more of the following factors:

- Class relationships identified during the classification process;
- Annual surveys of compensation practices of the competitive labor market within the geographic area of recruitment;
- The financial resources available to Dare County;
- Other factors, such as the availability and supply of qualified applicants for particular classes.

New Hire/Entrance Salaries

The entrance salary of a newly hired employee shall be at the minimum rate of the salary range for the position to which he/she is appointed. Exceptions to this rule are found in this policy.

Exceptions to Minimum Rate

Only the County Manager has the authority to make exceptions to the minimum rate salary policy in these circumstances:

- If because of a shortage of qualified applicants, the established minimum rate level salaries are insufficient for attracting qualified personnel and/or the candidate's training or experience exceeds the minimum requirements of a position, the candidate may be appointed at a salary not to exceed the maximum of the assigned range, subject to the availability of funds and with the approval of the Human Resources Director and the County Manager.

- Persons may be hired above the minimum rate based on their relevant experience not to exceed the midpoint of the class, upon the recommendation of the Human Resources Department.

Pay Rate Adjustments

The salary of an employee approved for promotion, demotion, transfer, or reclassification shall be adjusted as specified in this policy.

Procedure – Promotional Increase

When an employee is promoted, the employee's salary shall normally be increased to the minimum rate of the new position, or to a salary which provides an increase of at least 5% over the employee's salary before the promotion. The employee's new salary may not exceed the maximum rate of the new salary range. The purpose of the promotional pay increase is to recognize and compensate the employee for assuming increased responsibility. The amount of the promotional increase should be based on:

- the employee's related education, training, and experience;
- the nature and magnitude of the change in jobs;
- budget availability;
- consistency with similar situations in the past;
- internal equity within the work unit; and
- any other relevant issues.

Cost of living (or market adjustment) and other increases within the salary range cannot take the place of a promotional increase

Salary Adjustment - Demotion

When an employee is demoted, the salary shall be set in the rate in the lower pay range which provides a salary commensurate with the employee's qualifications to perform the job when the demotion is not the result of discipline. If the current salary is within the new range, the employee's salary may be retained at the previous rate if appropriate and approved by the County Manager.

If the demotion is the result of disciplinary action, the salary shall be decreased at least by 5%. The new salary may be no greater than maximum of the new range.

Salary Adjustment - Transfer

The salary of an employee transferred to a position in the same class or to a position in a different class in the same salary grade shall remain the same.

Salary Adjustment - Reclassification

An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase of at least 5% or an increase to the minimum rate of the new salary range, whichever is higher. If the position is reclassified to a lower salary range, the employee's salary shall remain the same. If the employee's new salary is above the maximum established for the new range, the salary shall be maintained at the current level until the range is increased above the employee's salary.

Salary Adjustment – Salary Range Revision

The following principles shall govern the transition to a new salary plan:

- No employee shall receive a salary reduction as a result of the transition to a new salary plan.
- Employees being paid at a rate lower than the minimum rate established for their job class shall have their salaries raised to the new minimum for their class. They will remain in the same relative pay status in the new salary grade assigned.
- All employees being paid at a rate above the minimum and below the maximum are considered as being paid at a competitive rate for the job class and may receive any salary plan increase authorized by the Board.
- All employees being paid at a rate above the maximum rate established for their respective classes shall be maintained at that salary level with no increase in base pay until the salary range is increased to a level above the employee's salary.

Salary Adjustment – Effective Date

Salary changes approved after the first working day of a pay period shall become effective at the beginning of the next pay period, or at a specific date as may be approved by the County Manager.

Payroll Period and Deductions

Dare County pays its employees on a bi-weekly basis. The Finance Director is authorized to make established deductions from the payroll checks and other authorized deductions requested by the employee.

Procedure

Employees shall be paid every two weeks on Friday. The pay period shall be through the preceding Saturday. Should payday Friday fall on a holiday, employees shall be paid on the last workday preceding the payday Friday holiday.

The use of direct deposit for employee compensation is mandatory for all County employees.

Persons working on a contract basis shall receive payment on a pre-arranged schedule.

The Finance Director shall make required deductions from an employee's gross pay to cover Federal and State income taxes, FICA (Social Security) and retirement.

When authorized by the employee, automatic deductions will be made for County sponsored insurance programs and credit union accounts.

Upon termination of employment, the Finance Director shall deduct from the separated employee's final paycheck amounts owed the County such as leave used but not accrued, insurance premiums, monetary advances received, and any other financial indebtedness encumbered on the County.

Terminal Pay

An employee terminating his/her employment with Dare County shall receive pay for accumulated but unused vacation leave up to a maximum of 30 days and any accumulated but unused compensatory time, as well as holiday time and administrative leave.

Upon the termination of employment, the Finance Director shall deduct and withhold from the employee's final paycheck any amount due the County such as payment for unearned leave taken, insurance premiums due, monetary advances received, or any other financial indebtedness encumbered by the County.

- Deductions will be made in the following order.
 - Deductions to payments for accumulated but unused vacation leave.
 - Deductions to payments for hours worked, if the deductions do not reduce the payment for hours worked below the minimum wage level or do not reduce the payment for overtime hours worked.

The County may bring civil action to collect any amounts owed the County, but not deducted from the terminating employee's final paycheck.

Payment to Terminating Employees

Terminating employees who voluntarily leave the County will be paid the following payday unless prior written approval is granted by the County Manager.

Salary advances will not be made to a terminating employee.

Performance Pay

Dare County provides performance pay as a means of managing the performance of the organization through the performance of its employees by providing monetary rewards for those employees who exceed performance expectations.

Departments Affected

All Departments.

Procedure

Performance pay is not automatic, but is a systematic means of rewarding employees who exceed expectations and motivating employees to achieve excellent performance.

To be eligible for performance pay an employee must have:

- completed a probationary period, have regular status, and have completed one year of continuous service with the County.
- received a performance evaluation within the preceding twelve months with an overall rating that exceeds the normal performance standards of the position.
- not received a disciplinary action within the preceding twelve months.

Eligible employees may be considered for performance pay annually.

Department heads may recommend employees for performance pay based on the employees' annual performance rating.

The County Manager is the approving authority for all performance pay recommendations.

Performance pay and performance evaluation decisions are personnel actions that are not grievable.

Funds for performance pay are dependent on the approval of the Board of County Commissioners in the annual budget. Available funds for performance bonuses are allotted each year in the budget process.

Performance Appraisal

It is the policy of Dare County to evaluate the job performance of all its employees and to use that evaluation as a tool for measuring increases in compensation.

The primary purpose of a performance evaluation is to provide a mechanism for communication between supervisor and subordinate. This includes setting goals, objectives and facilitating a method for review and evaluation of the employee's progress.

Departments Affected

All Departments.

Procedure

All employees who have achieved regular status will have a formal performance appraisal conducted by their immediate supervisor annually. More frequent evaluations are permissible and are encouraged but are not required. Employees will perform a self-evaluation as part of the evaluation process.

The Human Resources Director's responsibility in the County's performance appraisal management is one of coordination and consultation with staff and line management in all County departments, including establishing procedures applicable to all County departments for implementation of a performance appraisal system.

Dare County uses a performance appraisal system to ensure all employees are evaluated on the same areas of performance using the same standards. Employee evaluations are non-grievable.

ARTICLE 7 - HOLIDAYS, LEAVE AND ADVERSE WEATHER

Purpose

This policy establishes the procedure to grant leave to County employees. This policy also establishes the procedure for tracking leave used by employees, as well as the purposes and use of the various types of leave set out in this policy.

Dare County provides approved time off for various reasons based on the needs of both the employee and the County, and in compliance with State and federal law. Full-time employees may receive administrative leave, vacation leave, civil leave, compensatory leave, family and medical leave (FML), holiday leave, leave without pay, military leave, and sick leave. Part-time employees are eligible to receive family/medical leave (FMLA), military leave and leave without pay.

Definitions

Adequate Notice. Adequate notice of separation is at least two weeks' notice in writing prior to the date of separation.

Administrative Leave. Paid time off granted when County offices are closed under the Adverse Weather policy.

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

Civil Leave. Approved administrative paid time off to serve on a jury or attend as a witness under government subpoena.

Eligible Employee [FMLA]. An employee that has been employed at least twelve cumulative months with Dare County and worked at least 1,250 hours during the previous twelve months.

Emergency Closing Condition. Conditions that may be hazardous to life or safety and necessitate the closing of a county facility or curtailment of operations such as: catastrophic life-threatening weather (i.e. snow, ice, hurricane, tornado), earthquake, flood, or other natural disaster, fire, equipment failure, disruption of power and/or water, contamination by hazardous agents, terrorist acts, or forced evacuations from the work site.

Emergency Employees. Those employees who are required to work during emergency conditions and have been designated by their department head as essential to department operations during emergencies. This includes all department heads, employees designated by department heads as critical to the operation of their departments, Emergency Management employees, the Fire Marshal, EMTs, Deputy

Sheriffs, Detention Officers, Telecommunicators, and any other employee designated as essential.

Extended Leave Without Pay. Any period of time in which an employee is in a non-paid status which exceeds four (4) consecutive calendar months.

Family/Medical Leave Act (FMLA or FML). The Family/Medical Leave Act is a federal law that provides unpaid leave for an employee to use for birth of a child, adoption of a child, or the serious health condition of the employee, a spouse, a child or a parent.

Holiday Time. Holiday time is given to all full-time employees. All employees accrue holiday time as the holidays occur. An employee can use this time just as vacation time. On July 1st of each year, holiday time rolls into the employee's vacation bank.

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

Immediate Family [for Family/Medical Leave only]. The definition of immediate family solely for the purpose of Family/Medical Leave is defined as spouse, parents, and children (including step relationships).

Inclement Weather. Adverse weather or other conditions that may prohibit some employees from reporting to work but do not necessitate the closing of facilities or curtailment of operations.

Military Exigency. A qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military service member (including Reserves or National Guard) under a call or order to federal active duty in support of a contingency operation.

Military Leave. Leave with pay for required military duties according to federal and state law.

National Guard. The Army National Guard and Air National Guard.

Non-Essential Personnel. Employees not required to work more than the regularly scheduled work hours or when County offices are officially closed. For these employees, actual hours worked plus administrative leave will never total more than the regularly scheduled work hours.

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

Part-time Employee. An employee who is paid on an hourly basis, less than thirty (30) hours a week.

Pay Status. A person appointed to a regularly established position regularly receiving pay or on paid leave. Employees on approved Military Leave or Leave Without Pay, will not be considered in pay status.

Personal Leave Time. Employees earn three days each calendar year based on the leave time calculator. These hours must be used in the calendar year and will not roll-over into the next year. Hours are not paid out when leaving employment.

Regular Employee. An employee appointed to a regular, budgeted position who has achieved regular status through satisfactory completion of the initial probationary period.

Reserve Component of the U. S. Armed Forces. The Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, and Coast Guard Reserve.

Serious Health Condition. A condition that requires inpatient care at a hospital, hospice, or residential medical care facility; or a condition which requires continuing care by a licensed health care provider; or an illness of a serious and long-term nature resulting in recurring or lengthy absences. Generally, any period of incapacity requiring an absence from work of more than three full consecutive calendar days that involves continuing treatment by a health provider would be considered a serious health condition.

Sick Leave. Employee sick leave is approved absence from work with pay due to illness or injury which prevents an employee from performing usual duties, including the actual period of temporary disability connected with childbearing or recovery therefrom. It may also be requested for:

- Medical and dental appointments.
- Illness of a member of the employee's immediate family
- It may also be taken for the illness of other dependents living in the employee's household.
- Death of a member of the employee's immediate family.

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

Vacation Year. For the purpose of earning and accruing vacation leave, the period from January 1 through December 31 is established as the vacation year. On January 1st of each year, vacation time in excess of 30 days (based on the leave time calculator) rolls over into sick leave.

Leave Time Calculator

All full-time employees will accrue leave time based on the following equation:

1. Scheduled hours per year / 2080 = the multiplier (Note a 40-hour employee works 2080 hours per year.)
2. Multiply the multiplier by 8 hours
3. This equals the number of hours earned as vacation, sick or holiday leave.

Example EMS Holiday Time:

2704/2080=1.30 1.30*8=10.40 hours of holiday time earned per holiday

Holidays

County offices will observe holidays as set out in this Article.

Departments Affected

All Departments.

Observed Paid Holidays

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

- New Year's Day
- Martin Luther King Day
- Good Friday (Friday before Easter)
- Memorial Day
- Independence Day (4th of July)
- Labor Day
- Veteran's Day
- Thanksgiving (2 Days, Thursday & Friday)
- Christmas (3 Days)

If the holiday falls on a Saturday, the preceding Friday will be observed as the holiday.
If the holiday falls on a Sunday, the following Monday will be observed as the holiday.

Procedure

The three days observed for Christmas shall be designated by the County Manager.

All full-time County employees, except those who are in a temporary employment status, shall receive pay based on the Leave Time Calculator as set out in this Article for all paid holidays.

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

The holiday schedule, on a calendar year basis, will be prepared each year by the Human Resources Department and forwarded to all department heads for posting.

Employees wishing to observe religious holidays other than those designated herein, shall be allowed to take vacation leave provided their absence does not create a hardship or impair the efficient operation of the unit.

All holiday time will be accrued from July 1 through June 30 of each calendar year. On June 30 any accumulated Holiday time will roll into the employee's vacation leave balance. On December 31 any vacation leave over 30 days will roll into the employee's sick leave balance.

Adverse Weather and Administrative Leave

Adverse Weather

In situations involving adverse or catastrophic weather conditions such as hurricanes, heavy snowstorms, or other unusual circumstances or conditions affecting all or a majority of County departments and/or their operation, County offices and departments shall remain open for the full scheduled work shift unless authorized for early closing or other deviation by the County Manager's Office.

Departments Affected

All Departments.

Procedure

In the event of adverse weather or other emergency, it is incumbent upon the department head to ensure that his/her department or office is open to the public at the usual time unless he/she has received prior notification from the County Manager's office.

If for any reason it is impossible for the department head or any member of his/her staff to open an office or department at the regularly scheduled time, the County Manager's office must be notified immediately.

Employees should assume that all County offices and departments will open at the regularly scheduled time regardless of conditions or circumstances, unless otherwise notified by the County Manager's office.

Employees who are unable to report to work at all due to circumstances beyond their control should notify their supervisor before the official scheduled work shift begins, and unless otherwise authorized by the County Manager, shall be required to take vacation or compensatory time on an hour-for-hour basis according to the official authorized work shift schedule for the particular day.

All offices and departments will be given sufficient advance notice of any authorized early closing. Employees who leave work before an official early closing time has been

announced will be required to use earned vacation or compensatory time for all unauthorized hours taken.

It shall be mandatory that each supervisor be supplied with the current telephone numbers of every employee under his/her supervision.

Employees should monitor the Dare County website and County email for announcements. Employees should not rely on radio or television announcements regarding the status of County offices. When County offices are officially closed, employee time and compensation will be subject to the procedures outlined in this policy.

Administrative Leave

Dare County recognizes there may be instances of inclement weather or emergency conditions that may prevent or modify its ability to provide full services to the community. This policy sets forth guidelines for determination of modification in operating hours and services, designation of emergency employees, and how employees shall account for their time when released from their regular work schedule due to inclement weather or emergency conditions.

Departments Affected

All Departments.

Procedure

Dare County offices and facilities are open to provide regular services to the public during periods of inclement weather or other conditions of a non-emergency nature. The County Manager or his/her designee shall determine if emergency conditions exist that warrant the modification of operational hours such as a late opening, closing for the full day, or early closing.

Communication of Operational Hours

Employees may check the county website (www.darenc.gov) to learn if the County is open for regular services, has modified operational hours, or will be closed for the day.

Mandatory Operations and Emergency Employee Designation

- Some departments and operations must continue to provide services during periods of inclement weather and emergency conditions, which include but not limited to the Sheriff's Department, Communications, Detention Center, EMS, Water, and Public Works.
- The department head shall pre-determine as much as possible services required and designate emergency employees for provision of mandatory operations.
- An emergency employee's late reporting or failure to report will result in review by the department head and can result in adjustment in leave hours, leave without pay, or disciplinary action up to and including dismissal.

Administrative Leave and Accounting for Time

- Dare County complies with federal wage and hour laws and pays overtime in accordance with the Fair Labor Standards Act for actual hours worked over forty (40) in a workweek.
- The County Manager will authorize paid Administrative Leave when a County facility is closed due to emergency conditions.
- During periods of inclement weather or emergency conditions resulting in the modification of operational hours or closing of County facilities, all employees will earn Administrative Leave according to the below chart:

| Type of Employee | Hours Earned When County Offices Close for a Full Day | Hours Earned When County Offices Close for a Half Day |
|--------------------|---|---|
| 37.5 hour employee | 7.5 hours | 3.75 hours |
| 40 hour employee | 8 hours | 4 hours |
| EMS Employee | 10.6 hours | 5.3 hours |
| Communications | 8.6 hours | 4.3 hours |
| Pilot - EMS | 8.4 hours | 4.2 hours |
| 10 Month employee | 6.344 hours | 3.172 hours |
| 11 Month employee | 6.92 hours | 3.46 hours |

Employee Responsibilities

- Employees are expected to make a good faith effort to report for work at their regular start time during periods of inclement weather or other conditions of a non-emergency nature and County offices and facilities are open.
- Employees who cannot report for work when County offices and facilities are open must call their supervisors in advance or within thirty (30) minutes of their regular start time to inform their supervisor they will be absent and must use available vacation or compensatory leave hours or leave without pay. Departments will shift workers may require this advanced notice to be greater than thirty (30) minutes).
- Employees who are allowed to leave early when County offices and facilities are open must inform their supervisor prior to leaving and must use available vacation or compensatory leave hours.
- Employees must record all actual time worked in accordance with regular timekeeping policies, as well as vacation and compensatory time used, as well as leave without pay hours.

Department Head Responsibilities

- Department heads shall designate emergency employees who are required to work during emergency conditions and are essential to departmental operations during emergencies.
- Department heads shall consider the safety and welfare of their employees of utmost importance during periods of inclement weather and emergency conditions and ensure adequate supplies and equipment are available and in good operating condition in order to provide necessary services.

- Department heads shall review and approve time sheets and ensure they are completed accurately in accordance with federal wage and hour laws and policy. Any discrepancies shall be addressed promptly.

Administrative Guidelines

- In order for an employee to be considered for Administrative Leave:
 - The employee must be a full-time employee.
 - The employee must be in active working status.
- Work Schedules and Administrative Leave:
 - All administrative leave time will be accrued from July 1 through June 30.
 - On July 1st, any unused administrative leave time will roll into the employee’s vacation leave balance.
 - When an employee works during the time when County Offices are closed employees will be paid for hours worked up until 40 hours and then earn comp time at time and one-half for hours worked above 40 hours.
 - Non-exempt employees will clock in/out for all hours worked. If an employee works more than 40 hours, administrative leave will not be used and remain in the employee’s bank of hours. The employee will not have to use their administrative leave bank of hours.

Vacation Leave

Dare County employees shall earn and accumulate vacation leave as outlined in this policy. The primary purpose of paid vacation is to allow and encourage every employee to renew their physical and mental capabilities and to remain a fully productive employee. Employees are encouraged to request leave during each year in order to achieve this purpose.

Departments Affected

All Departments.

Procedure

Vacation earned by each full-time, regular, and probationary employee occupying an officially budgeted position shall accumulate at the following rate:

| Years of Service | Days Earned Per Year |
|-------------------------|-----------------------------|
| 0 through 04 years | 12 days per year |
| 5 through 9 years | 15 days per year |
| 10 through 14 years | 18 days per year |
| 15 through 19 years | 21 days per year |
| 20 through 24 years | 24 days per year |
| 25 through 29 years | 27 days per year |
| 30 + years | 30 days per year |

A day is determined by the leave time calculator.

Leave Time Calculator

All full-time employees will accrue leave time based on the following equation:

1. Scheduled hours per year / 2080 = the multiplier (Note a 40-hour employee works 2080 hours per year.)
2. Multiply the multiplier by 8 hours
3. This equals the number of hours earned as vacation, sick or holiday leave.

Vacation Leave Accumulation

Vacation leave for full-time regular employees may be accumulated without limit during the calendar year, but on January 1 of each year, any accumulated vacation leave over 30 days will roll into the employee's sick leave balance.

Temporary employees do not earn vacation leave.

Employees may use accumulated vacation leave, before the time is rolled over to sick leave, with their department head's approval for a suitable time that will least disrupt the regular business of the department. Employees are not guaranteed the right to use vacation leave before it is rolled over into sick leave.

The number of hours in a work week vary for both part-time employees and full-time employees working a schedule other than the FSLA basic 40-hour work week. Therefore, the number of leave hours in 30 days will vary.

An employee under the North Carolina Retirement System who terminates his employment with another agency and is hired by Dare County may transfer up to a maximum of three weeks of his/her vacation leave based on their position within Dare County by submitting a letter from their former employer to the Human Resources Department stating the number of accumulated vacation leave hours. Transfer of vacation leave is the sole responsibility of the employee and all required documentation must be received by Human Resources within two months of hire.

Approval for Vacation Leave

Vacation leave may be taken as earned by an employee provided the employee's department head approves the leave and can arrange for the leave to be taken without disrupting the operation of the department.

Vacation leave shall not be granted to a newly hired employee during the first six months of employment unless denial of the leave would create an unusual hardship on the employee, as determined by the department head.

Effective Dates for Vacation Leave Accrual - Appointment and Termination

Leave credit for the full month will be credited to an employee whose appointment is on or before the 15th of the month. If an appointment is effective after the above date, the employee receives no leave credit for that month.

An employee whose date of termination is after the 15th of the month shall receive leave credit for the month in which the termination occurs. An employee whose date of termination is on or before the above date, shall receive no leave credit for the month in which the termination occurs.

Payment for Accumulated Vacation Leave Upon Separation

Employees who are terminated or who resign with adequate notice shall be paid for accrued but unused vacation leave accumulated to the date of separation, limited to a thirty (30) day maximum. If an employee transferred in vacation time (up to 3 weeks) then the employee will not be paid out of any of that unused time at separation.

Upon the retirement or death of a regular employee, a sum equal to all unused accumulated vacation leave and salary earned shall be paid to the retiree or to the employee's estate.

Sick Leave

Dare County provides a sick leave benefit to all County employees in regular budgeted positions. Sick leave with pay is not a right which an employee may demand, but a privilege granted by the County under the conditions stated below.

Sick Leave Accrual Rate and Accumulation

Each County employee in a regular budgeted position, and each employee in a probationary or a provisional status shall earn one day of sick leave each month. Sick leave for full-time employees working other than the basic 40-hour work week schedule shall be pro-rated according to the leave calculator in this Article. Part-time employees do not earn sick leave.

Employees shall accumulate sick leave during their probationary period but shall not use sick leave during the first six months of employment unless denial would create an unusual hardship on the employee, as determined by the department head. There is no limit on the amount of sick leave an employee may accumulate.

Notification

Whenever possible, notification of the need to take sick leave shall be given by the employee to his/her department head prior to such leave being taken. Otherwise, notification shall be given before the beginning of the employee's workday. Failure to give proper notification may result in disciplinary action.

Physician's Certificate

Department heads may require a physician's certificate and his/her physical capacity for resuming assigned duties, when in the Department head's judgment there is justification for this request.

The Department head shall be responsible for the application of this provision to the extent that:

- the employee shall not be on duty when he/she may endanger their own health or the health of other employees; and

- there will be no abuse of the sick leave privilege.

Documented abuse of the sick leave privilege will result in disciplinary action for unsatisfactory job performance.

An employee who leaves County service for any reason except retirement shall lose all accrued unused sick leave without compensation. Employees who retire from County service shall have their unused sick leave applied to their service credit under the rules of the Local Government Retirement System.

An employee under the North Carolina Retirement System who terminates his employment with another agency and is hired by Dare County may transfer his/her sick leave by submitting a letter from their former employer to the Human Resources Department stating the number of accumulated sick leave hours. Transfer of sick leave is the sole responsibility of the employee and all required documentation must be received by Human Resources within two months of hire.

Personal Leave Time

Dare County provides a personal leave time benefit to employees. Each full-time employee shall earn three days of personal leave time each year.

Departments Affected

All Departments.

Personal Leave Time Accumulation and Guidelines

Each full-time County employee shall earn three days of personal leave time each calendar year. Personal leave time for employees shall be pro-rated according to the leave calculator in this Article. Part-time employees do not earn personal leave time.

Personal leave time may be taken as earned by an employee provided the employee's department head approves the leave and can arrange for the leave to be taken without disrupting the operation of the department.

Personal leave time must be used during each calendar year. At the end of a calendar year, unused hours will not roll-over into the next calendar year and will not be compensated.

An employee who leaves County service for any reason shall lose all accrued unused personal leave time without compensation.

Leave Without Pay

Dare County provides employees with leave without pay under certain circumstances.

Departments Affected

All Departments.

Leave Without Pay Guidelines

With the recommendation of the Department head and the Human Resources Director and the approval of the County Manager, leave without pay may be granted for a period not to exceed one year in the following circumstances:

- Extended courses of education which would benefit the County and not impair the operations of the department.
- Any other circumstances deemed appropriate by the County Manager.

An employee on leave of absence without pay will not earn sick or vacation leave during the period of such leave and will not be paid for County holidays that occur during the period.

Family Medical Leave

The County will comply with the provisions of the Family Medical Leave Act.

Departments Affected

All Departments

General Provisions

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

- For the birth and care of the newborn child of an employee;
- For placement with the employee of a child for adoption or foster car;
- To care for an immediate family member (spouse, child, or parent) with a serious health condition; or
- To take medical leave when the employee is unable to work because of a serious health condition.

To be eligible to take leave under this section, the employee must:

- Have been cumulatively employed by Dare County for at least 12 months
- Have worked for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave [paid leave is not counted toward this total.]

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

In cases in which the need for leave is foreseeable, such as an expected birth or a planned medical treatment, the employee should provide the County with at least thirty (30) days' notice before the date the leave is to begin. In cases when circumstances do not permit this, the employee is to provide notice as soon as practical. The notice shall be sufficient to make the County aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave. 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.

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.

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

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

Designation of FMLA Leave

The County is responsible for designating if an employee's paid leave (such as sick leave) is to be counted as Family/Medical leave within two days after the employee returns to work. When an employee notifies the County that they will be out for an extended period of time for a Family/Medical leave reason, a letter outlining eligibility for FMLA, designation that any paid leave will count toward FMLA and their rights under FMLA will be provided to employee, along with a medical certification to be completed by the health care provider under which they are being supervised. The medical certification is to be completed within 15 days and returned to employer.

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

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

Benefits and Protection

When an employee is on leave under the FMLA, the County will continue the employee's health benefits and life insurance during the leave period at the same level and under the same conditions as if the employee had continued to work. If an employee chooses not to return to work for reasons other than a continued serious health condition, the County will require the reimbursement of the amount paid for the employee's health insurance premiums during the FMLA leave period.

All other insurance premiums and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of the benefit.

An employee who takes leave under this policy will return to the same position or a position with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort,

responsibility, and authority.

Military Caregiver Leave FMLA

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

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

Military Exigency qualifying events are:

- deployment of service member with seven or fewer days’ notice;
- military ceremonies and events such as family-assistance or informational programs related to the family member’s active duty or call to active duty;
- urgent or immediate childcare or arranging for alternative childcare for the children of service members;
- attending school or daycare meetings relating to the child of a service member;
- making financial or legal arrangements relating to a family member’s duty status or call to active duty; or
- post-deployment activities for a period of ninety days after termination of the service member’s active duty status.

Military Leave

Dare County employees who are members of Reserve components of the United States Armed Forces or the National Guard are provided military leave with pay and may take leave without pay as specified in the policy.

Departments Affected

All Departments.

Procedure

All requests for military leave must be made in advance and must be accompanied by the official set of orders or a letter from the Commanding Officer of the employee requesting leave.

Upon the recommendation of the Human Resources Director and with the approval of the County Manager, members of the National Guard and the Armed Forces Reserve shall be granted two calendar weeks leave with pay equal to the difference, if any, between their regular County salary and their military pay for required annual training.

Members of the National Guard shall receive leave with pay for periods not to exceed thirty consecutive calendar days each year for required active State duty (such as domestic disturbances, disasters, search and rescue, etc.).

Military leave does not accumulate and is lost for any calendar year in which it is not taken.

Employees shall not be entitled to military leave for the following:

- Regularly scheduled unit assemblies usually occurring on weekends and referred to as drills.
- Duties resulting from disciplinary action imposed by military authority.
- Unscheduled or incidental military activities such as volunteer work at military facilities.
- Inactive duty training (drills) performed for the convenience of the members.
- Basic training or active-duty periods resulting from initial enlistment in the Guard or Reserve.

An employee shall be granted necessary time off with pay when he/she must undergo a required physical examination relating to military service.

Leave without pay may be granted at the discretion of the County Manager to members of the Armed Forces Reserve and the National Guard in the following circumstances:

- For periods of active duty with the Armed Forces of the United States as a result of involuntary draft or military conscription.
- For attendance at service schools when such attendance is mandatory for continued retention in Military Reserve or National Guard.
- If additional time is required for annual active-duty training purposes beyond the allowable two-week period.

For information concerning reemployment after extended military leave, refer to Article 12, Separation from County Employment and Reemployment

Civil Leave

Dare County grants leave with pay to employees who are called for jury duty or as a witness for the Federal, State, or local government or any subdivision.

Departments Affected

All Departments.

Procedure

Upon notification by the court of jury duty or upon being subpoenaed by the Court to testify, the employee should inform his/her supervisor by presenting a copy of the notification or subpoena.

An employee called to serve on a jury or as a witness in his/her capacity as an employee of the County will be granted leave with full pay for the duration of the period

called without charge against annual leave. Proof of civil leave days served is required and must be given to the employee's supervisor.

An employee who serves as a witness in a capacity unrelated to their county employment may either take annual leave or leave without pay for the period necessary. An employee testifying in private litigation is not eligible to receive Civil Leave.

The employee called to jury duty may keep whatever compensation is awarded by the court for such service.

Return to Work/Fitness for Duty

It is the responsibility of Dare County to assure that all employees are fit to perform the duties assigned to them. To that end, the County may require any employee returning to work from a health-related absence to provide appropriate documentation that the employee is able to return to work and carry the responsibilities of his/her job. The County shall provide a copy of the employee's job description to the employee's healthcare provider to assist in this assessment.

The County may, for sufficient reason, require any employee to be assessed by a healthcare provider to assure that the employee is fit to carry out his/her job responsibilities. This assessment shall be done on work time and at the expense of the County.

Leave For Parent Involvement In Schools

Under N. C. G. S. 95-28.3, employees of Dare County shall have up to four (4) hours per calendar year of unpaid leave so that the employee can attend and/or be involved in that child's school. School age is defined as daycare up through high school. This leave may be used for:

- Volunteering at a school;
- Attending band concerts;
- Attending sports game
- Volunteering to assist at class parties;
- Serving as assistants on class field trips;
- Taking a child on college visits during junior or senior year.

This leave covers any employee who is a biological or adoptive or stepparent, a guardian or someone who stands in the place of a parent to a school age child.

Procedure

An employee wishing to use this leave may do so under the following conditions:

- The leave shall be at a mutually agreed upon time between the employee's supervisor or department head and the employee.
- The supervisor or department head may require an employee to provide the employer with a written request for the leave at least 48 hours before the time desired for the leave.

ARTICLE 8 - EMPLOYEE BENEFITS

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

Benefits – Full-time and Part-Time

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

Departments Affected

All Departments.

Definitions

Continuous Employment. The defined amount of employment service to qualify for longevity payment. A break limited to three months may be allowed to exist in employment and still qualify for continuous employment.

Disability. Inability, because of an on-the-job injury, to earn the wages which the employee was receiving at the time of the injury in the same or any other employment.

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

Fractional Employees. Regular employees with an established work schedule of at least 1,000 hours a year and who are eligible for and participate in the Local Government Employees Retirement System.

North Carolina Industrial Commission. A State agency which approves all Worker's Compensation payments and rules in cases where an employee wishes to appeal a claim denied payment by the insurance carrier.

Occupational Illness. Any abnormal condition or disorder, other than one resulting from an occupational injury, caused by exposure to environmental factors associated with employment. It includes acute and chronic illnesses or diseases that may be caused by inhalation, absorption, or direct contact.

Occupational Injury. Any injury that occurs when an employee is pursuing an activity that benefits the County either directly or indirectly and the County must have authorized the employee to pursue the activity.

Training. For the purpose of this policy, training is defined as any workshop, seminar, conference or classroom-type training that has been established to provide information, new or changed policy or procedure so that the participant will perform more effectively and efficiently as a result of the training. The training must be related to the employee's

present position or prepare him/her for another position within County Government. Normally, if the participant anticipates spending 50% of his/her time at a convention or meeting in workshops, seminars or discussion groups, this meeting or convention would be considered training. An exception to this is a County employee's participation in a conference or seminar as a speaker or member of a discussion panel.

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

Benefits Programs Offered and Supported by Dare County

Law Enforcement Officers' Benefit and Retirement Fund

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

Local Governmental Employees Retirement System

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

Social Security

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

Worker's Compensation

Dare County provides Worker's Compensation benefits to employees injured on the job as a result of a compensable accident or occupational illness.

Procedure

Reports of all on-the-job accidents or injuries shall be prepared by the department head on Report of Injury Form. This is then forwarded to the Human Resources Department.

Supervisors should ensure that injured employees receive proper medical attention.

An absence of over seven (7) days is required before payment can be made under the Worker's Compensation Act.

No Worker's Compensation leave will be granted until the County has been advised by the insurance carrier that the employee's claim is compensable.

If the insurance carrier denies a claim, the County will grant no Worker's Compensation leave. An employee denied payment of a claim by the insurance carrier has the right to appeal to the Industrial Commission.

When an employee is injured on the job, time away from work on the day of the injury to obtain medical treatment shall not be charged to leave. The employee will receive a full salary for normal working hours on the day of the injury.

Injured employees are expected to return to work following the initial medical treatment unless the treating physician indicates otherwise. If the employee cannot return to work, a written statement must be obtained from the treating physician.

Time away from work for follow-up medical appointments will be charged to employee leave, unless covered by Worker's Compensation leave.

For injuries requiring an extended period away from work, the employee will be placed on Worker's Compensation leave and begin receiving Worker's Compensation disability benefit payments following the initial seven-day period.

All approved Worker's Compensation leave will be charged as Family Medical Leave pursuant to the Family Medical Leave Act.

When receiving Worker's Compensation disability benefit payments, any payroll deductions are the responsibility of the employee. Employees must contact payroll regarding payment dates and amounts.

When receiving Worker's Compensation disability benefit payments, contributions to the Local Governmental Employees Retirement System cease and the time does not count as service time for retirement.

Worker's Compensation benefit checks issued by the insurance carrier will be sent to the employee.

Longevity Pay Plan

County employees shall receive longevity payments in accordance with this procedure to the extent that funds are budgeted by the Board of County Commissioners.

Departments Affected

All Departments.

Procedure

To be eligible for longevity payments, an employee must meet the following conditions:

- a. Must have completed at least five years of continuous service with the County.
- b. Must be a regular employee of the County, either full-time or fractional.

Employees who have met all other requirements for longevity pay and who retire from County employment shall receive a final longevity payment of 1 1/2 of the earned longevity amount for each full month of service following the last anniversary date.

Employees who have met all other requirements for longevity pay and whose employment was terminated as a result of a reduction in force shall receive a final longevity payment prorated from the last anniversary date to the date of termination.

Employees on leave of absence will receive their longevity pay but employees working less than 1,000 hours a year are not eligible for longevity pay.

Longevity payments are based on the length of continuous service and base annual salary as of the employee's anniversary date. Payments will be awarded within 45 days of the anniversary date. The rate of payment is set in the annual budget by the County Commissioners.

Voluntary Shared Leave Program

Dare County allows employees to donate sick leave to other employees in compliance with the provisions of this policy. The intent of this policy is to allow one employee to assist another in case of a prolonged medical condition that results in exhaustion of all earned leave.

Departments Affected

All Departments.

Procedure

In the event an employee depletes all of his/her accrued leave due to an extended absence because of an emergency medical condition of the employee, spouse, parent, or dependent child, other employees may donate sick leave to that employee. To qualify to receive donated sick leave an employee must be in regular or probationary status.

To request a donation of leave, an employee must complete the Dare County Request for Donated Leave form, which is available on the intranet and in the Human Resources Department. The employee must have the completed form approved by his/her supervisor and department head. It is the responsibility of the department head to forward an application for shared leave donations to the HR Director. The County Manager must approve the donation. The County Manager's decision is final and is not grievable.

Prior to making the employees status public for purpose of receiving shared leave donations, the employee must sign a release to allow the status to be known.

An approved employee is eligible to begin to use donated sick leave when there are no more hours of combined sick, vacation, compensatory, personal leave, holiday, and administrative leave in the employee's leave account.

Each employee wanting to donate sick leave to a fellow employee must complete a Sick Leave Donation Form, available on the intranet or from the Human Resources Department. An employee must have at least two weeks of sick leave remaining after a

donation of shared leave. No employee may donate leave after giving notice of resignation or retirement.

An employee may not directly or indirectly intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other employee for the purpose of interfering with any right of employee with respect to donating, receiving, or using sick leave under this program. Such action by an employee shall be grounds for disciplinary action up to and including dismissal.

Accounting and Usage Procedures

After approval by the County Manager, request forms will be forwarded to Human Resources. Leave will then be taken from the donor's record and added to the recipient's record as needed.

Each approved emergency medical condition shall stand alone, and donated leave not used in accordance with the above provisions shall be returned to the donor(s).

Leave donated is not tax deductible and leave received is taxed as if it were accrued by the leave recipient. In other words, donated leave is treated, in every respect, as if the recipient had earned the leave himself.

Training

The training goal of Dare County is to identify both individual and organizational training needs, to set training objectives within the resources of the County Government, to implement effectively and efficiently the training programs identified in these training procedures, and to evaluate the effectiveness of the training program.

Departments Affected

All Departments.

Procedure

Priorities and Emphasis

The priorities for employee training in Dare County are as follows:

- Technical type training programs already in existence.
- New program training for middle-level technical and program administrator employees.
- Self-development in subjects relating to present job and/or future job assignments.
- Making available programmed instructional materials to encourage self-improvement in such areas as written communication, and basic education courses.

Training Program Management

The Human Resources Director's approach to the county's training program management is one of coordination and consultation with staff and line management, including establishing procedures that apply to all County departments for requesting authorization for training and evaluation.

Health Insurance

Dare County provides health insurance at no cost for employee coverage. Additional coverage for children and families are optional.

Retiree Health Insurance

Dare County provides health insurance coverage for retirees. The retiree, spouse, and eligible dependents under the age of 65 remain on the County Group Health Insurance policy. Retirees and/or their spouse age 65 or older are eligible for Medicare and are dropped from the County Group Health Insurance policy. Medicare becomes the primary health insurance and the County provides supplemental coverage. The qualification requirements and coverage details for retiree health benefits are:

For all employees hired prior to 19 June 2007, qualification requirements for retiree health benefits are:

- Retirement under the NCLGRS (full, reduced or disability); and
- For full or reduced retirees, 5 years of employment with Dare County; or
- For disability retirees, retirement under the NCLGRS approved by its Medical Review Board.

For all employees hired prior to 01 July 1999, retiree health benefits provided are:

- For a retiree and/or spouse under the age of 65, on the County Group Health Insurance policy, the County pays 100% of the premium cost.
- For a retiree and/or spouse age 65 and older, Medicare is the primary insurance and the County provides a Medicare Supplement policy and a Medicare Part D, Prescription Drug policy.

For all employees hired on or after 01 July 1999, retiree health benefits are:

- For retirees under the age of 65, the County provides Employee only coverage, for Employee/Children, Employee/Spouse or Employee/Family coverage there is a co-payment of 15% of the premium cost.
- For retirees age 65 and older, Medicare is primary and the County provides a Medicare Supplement policy and a Medicare Part D, Prescription Drug policy.
- For spouses age 65 and older, Medicare is primary and the County provides a Medicare Supplement policy and a Medicare Part D, Prescription Drug policy with a co-payment of 15% of the policy premiums.

For all employees hired on or after 19 June 2007, qualification requirements for retiree health benefits will be:

- Retirement under the NCLGRS (full, reduced or disability); and
- For full or reduced retirees, 20 years of employment with Dare County; or

- For disability retirees, retirement under the NCLGRS approved by its Medical Review Board and 20 years of employment with Dare County.

For those same employees hired on or after 19 June 2007, retiree health benefits are:

- For retirees under the age of 65, the County will provide Employee only coverage:
 - At 90% of the cost for a retiree with 20 years of employment with Dare County; or
 - At 95% of the cost for a retiree with 25 years of employment with Dare County; or
 - At 100% of the cost for a retiree with 30 years of employment with Dare County; and
 - The retired employee may purchase Employee/Child or Family coverage.
- For retirees age 65 and older, the County will provide employee only coverage through a Medicare Supplemental policy and a Medicare Part D policy at the same participation rates above.

For all employees hired on or after 17 May 2023, qualification requirements for retiree health benefits will be:

- Retirement under the NCLGRS (full, reduced or disability); and
- For full or reduced retirees, 30 years of employment with Dare County; or
- For disability retirees, retirement under the NCLGRS approved by its Medical Review Board and 30 years of employment with Dare County.

For those same employees hired on or after 17 May 2023, retiree health benefits are:

- For retirees under the age of 65, the County will provide Employee only coverage:
 - At 100% of the cost for a retiree with 30 years of employment with Dare County; and
 - The retired employee may purchase Employee/Child or Family coverage.
- For retirees age 65 and older, the County will provide employee only coverage through a Medicare Supplemental policy and a Medicare Part D policy at the same participation rate above.

ARTICLE 9 SUBSTANCE ABUSE/DRUG TESTING

Alcohol and Drug Free Workplace

Purpose and Scope

Alcohol and drug abuse pose a threat to the health and safety of County employees and to the security of the County's equipment and facilities. A drug-free workplace will be the most prepared for reducing accidents, lowering employee liability, decreasing customer-related risks and preventing damage to the County's reputation. For these reasons, Dare County is committed to the elimination of drug and alcohol use and abuse in the workplace.

The purpose of this policy is to maintain a drug-free and alcohol-free workplace and to provide procedures for conducting screenings of job applicants and employees for the use of illegal drugs, the improper use of prescription drug, and the misuse of alcohol.

Employees with substance abuse problems are encouraged to seek help voluntarily. If an employee should approach the County prior to being identified as a drug user/abuser or alcohol abuser, all possible and positive consideration for a medical leave of absence for treatment and/or counseling will be pursued. Notwithstanding any other provision of this policy to the contrary, employees who fail drug or alcohol tests may be disciplined up to and including dismissal.

By continuing to work, the employee agrees that he/she will abide by the policy as a condition of employment.

This policy applies to all employees and to all candidates who have received an offer of employment.

Exception to this Policy

The Dare County Sheriff's Office and the Dare County Transportation Department are not subject to this policy. They are subject to different policies on substance abuse.

Definitions

County premises. This includes all buildings, offices, facilities, grounds, parking lots, lockers, places, and vehicles owned, leased or managed by the County or on any site on which the county is conducting business.

Illegal drug. A substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed healthcare professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308)

Medical Review Officer (MRO). A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

Refuse to cooperate. This means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will be subject to dismissal.

Under the influence of alcohol. This means an alcohol concentration equal to or greater than .02.

Under the influence of drugs. This is a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug during medical treatment (containers must include the patient's name, the name of the substance, quantity/amount to be taken and the period of authorization).

Employee Assistance

Department heads and supervisors shall be responsible to identify abuse-related behavioral and performance problems and alert employees to the support network offered through the Employee Assistance Program. The County will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline or termination under this or other county policies. Such employees will be allowed to use accrued paid time off, or placed on leave without pay, when referred to treatment providers and otherwise accommodated as required by law. Such employees will be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests.

Employees should report to work fit for duty and free of any adverse effects of legal or illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose to the county underlying medical conditions unless directed to do so.

Prohibited Behaviors

Whenever employees are working, are operating any county vehicle, are present on county premises or are conducting county-related work offsite, they are prohibited from:

- The use, consumption, possession or storage, manufacture, distribution, dispensation or sale of illegal drugs or illegal paraphernalia on county premises or any county work area, in county vehicles, or while on county business.
- The use, consumption, or sale of alcohol on county premises or any county work area, in county vehicles, or while on county business is prohibited.
- Reporting to work or working on county premises or any county work area, in county vehicles or on county business while under the influence of alcohol, illegal drugs, or non-prescribed drugs.

- The use or possession of alcohol or illegal drugs off county premises and while not on duty where such conduct could likely have a direct and material adverse impact on the county's interest, including public image.
- Conviction of selling illegal drugs or of possession with intent to sell illegal drugs at any time or place.
- Conviction of any criminal drug or alcohol statute at any time or place may be evaluated on a per-case-basis for relevancy to job duties or responsibilities.
- Failure to notify the supervisor of any conviction under any criminal drug or alcohol statute by the next workday following the conviction.
- Failure to notify the supervisor, before beginning to work, of any prescription or over-the-counter medication use which may interfere with the safe and effective performance of duties.
- Refusal to immediately submit to an alcohol and drug test when requested by a supervisor, in accordance with this policy.
- Failure to adhere to the requirements of any drug or alcohol treatment program in which the employee is enrolled as a condition of continued employment.
- Tampering with or obstruction of a drug or alcohol test being administered by or for the County.

Required Testing

Pre-Employment

All applicants must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing or testing positive as for drugs or alcohol will result in disqualification for further employment consideration.

Reasonable Suspicion

An employee who reports to work and there is reasonable suspicion s/he is under the influence of a controlled substance or impaired by the use of prescription /nonprescription medication or alcohol shall immediately be relieved of employment related duties and responsibilities and when practicable, the employee will also be referred for appropriate testing.

Reasonable suspicion inferences may be drawn from observations concerning the appearance, behavior, speech, or body odors of the employee, including but not limited to one or a combination of these documented facts: bloodshot or watery eyes; extensive sweating; dilated or constricted pupils; unfocused blank stare; slow reactions; unstable walking; poor coordination; or slurred or slowed speech.

In incidences of reasonable suspicion, if possible, the supervisor should confer with another supervisor to verify observed behavior or actions. S/he must consult with Human Resources prior to meeting with the employee, or referring an employee to the County designated medical screening contractor. The supervisor must meet with the employee privately about the performance/behavioral issues, state suspicions and allow the employee to provide an explanation for his/her actions or condition. Failure to take action when the supervisor has reason to believe an employee is impaired while at work will result in disciplinary action being taken against the supervisor.

If specimen collection must take place off site, the supervisor must drive the employee to the collection site in order to ensure the employee's safety, in addition to note the employee's arrival time, confirm the employee's identity and authorize the test. The employee cannot drive to the collection site. If the employee insists on driving s/he will be subject to disciplinary action up to and including dismissal.

Immediately after the employee has been tested, the employee's supervisor shall provide written documentation of the behaviors and/or conditions which support reasonable suspicion, including any prior related disciplinary action or other attempts to address the problem, and submit the documentation to Human Resources and the department head.

Within 24 hours of referral for testing, a letter will be given to the employee explaining the reasons for the reasonable suspicion testing and advising the employee that s/he is being placed on Investigatory Placement Suspension with Pay and will be placed on administrative leave until the results of drug and/or alcohol screen are received. If the employee tests positive, the administrative leave will be adjusted to any appropriate and available leave categories. The employee shall be advised of any disciplinary action that may be taken as outlined in the disciplinary process.

Post-Accident Testing

Employees are subject to testing when they cause or contribute to accidents that damage a county vehicle, machinery, equipment, or property **in the amount of \$3000 or more,** or result in an injury to themselves or another employee requiring offsite medical attention in which there is a reasonable basis for concluding that drug use could have contributed to the incident. A circumstance that constitutes reasonable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle including any machinery or equipment is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place within eight hours following the accident. Under no circumstances will the employee be allowed to drive to the testing facility.

Random Testing

Employees in designated safety-and security-sensitive positions will be subject to random, unannounced drug and alcohol screening. The Human Resources Office will receive a quarterly listing from the County designated medical facility.

Human Resources will maintain a list of jobs selected for random testing. This list will be updated as the need exists. When an employee is selected for random testing, the employee will be notified by Human Resources Designee and must report immediately to the designated drug testing facility. Any employee selected for random testing who refuses to submit to testing or who has a positive test will be placed on unpaid administrative leave if there is additional information needed by the Medical Review Officer. If unable to provide needed information to satisfy the MRO, the employee will be terminated.

Collection and Testing Procedures

Drug Testing

Employees subject to reasonable suspicion drug testing should be driven to a county designated medical facility and directed to provide a urine specimen. All other employees subject to drug testing may be allowed to drive themselves to a county designated medical facility to provide a urine specimen. The collected specimen shall be sent to an approved laboratory and the specimen shall be screened as required by N.C.G.S. § 95-232.

The laboratory shall transmit all positive drug test results to a medical review officer retained by the medical facility who should offer persons with positive results a reasonable opportunity to rebut or explain the results. Individuals with positive test results may also ask the MRO to have their split specimen sent to another federally certified laboratory to be tested at the applicant's or employee's own expense. Such requests must be made within 72 hours of notice of test results. The employee must request release of the sample in writing specifying to which approved laboratory the sample is to be sent. The applicant or employee incurs all reasonable expenses for chain of custody procedures, shipping, and retesting of positive samples related to this request.

If the second facility fails to find any evidence of drug use in the split specimen, the employee or applicant will be treated as a negative drug screen. In no event shall a positive test result be communicated to the county until such time that the MRO has confirmed the test to be positive.

Alcohol Testing

A positive test for alcohol at a level of .02 percent blood alcohol content (BAC) or higher will result in the employee immediately being placed on unpaid administrative leave and scheduled for a pre-disciplinary conference with the department head for unacceptable personal conduct.

Testing Procedure

Prior to leaving for the testing facility, Human Resources will contact the testing facility to inform it that a staff member from the county will be arriving and will need a drug or alcohol test completed.

The employee to be tested must present a photo ID (i.e., a driver's license) to the testing facility staff before the specimen can be obtained. Ensure that the employee brings the photo ID with him or her when leaving the county premises

After returning to the county or when leaving the testing facility, the supervisor/manager must make arrangements to transport the person home (unless a negative test result is immediate).

Consequences

Employees who have tested positive, or otherwise violated this policy, are subject to discipline, up to and including dismissal.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture, or dispense an illegal drug in violation of this policy will be placed on paid administrative leave and scheduled for a pre-disciplinary conference with their department head. If the employee refuses to be tested, yet the county believes he or she is impaired, under no circumstances will the employee be allowed to drive home.

Employees will be paid for time spent in alcohol or drug testing and then pending the results of the drug or alcohol test. After the results of the test are received, employees who test positive are subject to disciplinary action up to and including dismissal. If the results are negative, the employee will be returned to work.

Confidentiality

Information and records resulting in positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO are kept confidential to the extent required by law and maintained in the Human Resources Department. Information will not be released without written consent of the applicant or employee except as a result of action initiated by or on behalf of the applicant or employee or in compliance with a legal subpoena reviewed and approved by the county legal department. Test results are to be maintained accordance with the county records retention schedule.

Inspections

The County reserves the right to inspect all portions of its premises for drugs or other contraband. All employees may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol, or other contraband. Any illegal drugs or drug paraphernalia discovered on county premises will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline up to and including dismissal.

Enforcement

The Human Resources Department is responsible for policy interpretation, administration, and enforcement.

ARTICLE 10 - DISCIPLINARY ACTION/DISMISSAL

It is the policy of Dare County to encourage fair, efficient, and equitable solutions for problems arising out of the employment relationship. The purpose of this policy is to set and maintain standards of performance and conduct by County employees, and in doing so, ensure that all employees are treated fairly and consistently. It is designed to help and encourage all employees to achieve and maintain satisfactory standards of performance and conduct.

All employees are responsible for acquainting themselves with performance criteria for their particular job, along with rules, procedures, and standards of conduct established by their department, and maintaining standards of performance and conduct suitable to and acceptable in the work environment.

Coverage

This policy shall apply to all County employees who have successfully completed the probationary period. It does not apply to employees in the probationary period. This policy does not apply to employees of the Sheriff's Office or employees of the Register of Deeds Office.

Definitions

Active Written Warning. A written warning is active for a period of eighteen (18) months after being issued. After eighteen (18) months of satisfactory job performance as documented by a satisfactory performance evaluation, the written warning shall become inactive and is not to be used as the basis for any human resources action from that point forward.

At-Will Employee. An at-will employee is one that does not have job protection beyond that contained in this Resolution. All County employees are considered at-will employees for the length of their service with the County.

Current Unresolved Incident. A current act of unsatisfactory job performance or unacceptable personal conduct for which no disciplinary action has previously been taken.

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

Disciplinary Suspension Without Pay. This is an unpaid suspension from work for a period from one workday to ten consecutive workdays. The length of a disciplinary suspension without pay shall be determined based on the circumstances.

Dismissal. Dismissal is the termination of employment of a county employee in accordance with this policy.

Pre-Disciplinary Conference. A pre-disciplinary conference is a meeting between the department head or his/her designee and an employee who may be subject to disciplinary action up to and including dismissal. A pre-disciplinary conference shall be held before the County may demote, suspend without pay, or dismiss a regular employee.

Regular Employee. An employee who has successfully completed the probationary period.

Serious Disciplinary Action. Suspension without pay, demotion, and dismissal are considered serious disciplinary actions. Neither a written warning nor non-disciplinary suspension are considered serious disciplinary actions.

Written Warning. A written warning is a disciplinary action that is used as a step in the disciplinary process based on unsatisfactory job performance or for minor conduct issues.

Separation of Employees During Probationary Period

When an employee in the probationary period has shown that he/she is unable or unwilling to perform at a satisfactory level or to conform to the County's standards of behavior, the department head may separate this employee after consultation with Human Resources, without going through the procedures in this policy. What is required is that the department head meet with the employee, inform him/her of the separation and the reasons for it, and give the employee a letter with the reasons for and the date of separation.

Basis for Disciplinary Action

Matters constituting grounds for disciplinary action include, but shall not be limited to, the following major categories:

- Unsatisfactory Job Performance
- Unacceptable Personal Conduct

Unsatisfactory Job Performance

Unsatisfactory job performance which merits disciplinary action is work-related performance that fails to satisfactorily meet job requirements as set out in the relevant job description, or as directed by the department head or his/her designee. The following are examples of unsatisfactory job performance:

- Continued inaccurate work.
- Continued untimely work.
- Poor quality of work.
- Insufficient quantity of work.
- Irregular attendance; abuse of leave policies, including instances of no show/no call.

Note: The above are intended to be examples, not an exhaustive list, of the types of unsatisfactory job performance.

Unacceptable Personal Conduct

Unacceptable personal conduct includes, but is not limited to, behavior of such a serious detrimental nature that the functioning of the County may be or has been impaired; that the safety of persons or property may be or have been threatened; or that the laws of the federal, state, or the County may be or have been violated.

Unacceptable personal conduct is intentional behavior, rather than inadvertent or negligent behavior. The following are examples of unacceptable personal conduct:

- Fraud or theft;
- Communication or acts of threats or violence in the workplace.
- Request for or acceptance of gifts in exchange for favors.
- Harassment of another employee(s) and/or the public on the basis of sex or any other legally protected class status.
- Retaliation against an employee for using the County's grievance procedure or engaging in protected activity, as defined by equal employment laws.
- Reporting to work under the influence of alcohol or unauthorized controlled substances as defined in the North Carolina Controlled Substances Act) or possession and/or use of such substances while on duty, with the exception of prescribed medication taken when medically necessary within the limits set by a physician.
- Falsification of official County records, including falsification of information on an application for initial hire, transfer or promotion.
- Insubordination, defined as the willful failure or refusal to carry out a reasonable order from an authorized supervisor.
- Conduct for which no reasonable person should expect to receive a prior warning.
- The use or disclosure of any Protected Health Information in a manner inconsistent
- with the Health Insurance Portability and Accountability Act, HIPAA, Privacy Rule.
- The misuse or unauthorized disclosure of any confidential or privileged information concerning personnel matters, property matters, or other affairs of the County.

Note: The above are intended to be examples, not an exhaustive list, of the types of conduct considered to be unacceptable personal conduct.

Procedure for Implementing Disciplinary Action for Unsatisfactory Job Performance

Before taking any disciplinary action, the supervisor or department head shall discuss the proposed disciplinary action with Human Resources Department. Supervisors and department heads shall have Human Resources review any letter of disciplinary action, including a written warning, before it is discussed with and provided to the employee. No regular employee may be disciplinarily demoted, suspended without pay or terminated until after a pre-disciplinary conference and with the review and approval of the County Manager or his/her designee.

Depending on the circumstances, prior to taking formal disciplinary action for unsatisfactory performance, the supervisor should discuss the performance with the employee and work with the employee to correct the deficiency. If informal discussion does not correct the performance, then formal disciplinary action should be considered.

A department head may discipline any employee under his/her supervision for unsatisfactory job performance at any time. The first step of discipline for unsatisfactory job performance is the issuance of a written warning.

Written Warning

Before issuing a written warning for unsatisfactory job performance, there shall be a current unresolved incident of unsatisfactory job performance on the part of the employee. In addition, the supervisor must discuss the proposed disciplinary action with Human Resources and receive approval to go forward.

Disciplinary Suspension Without Pay

Before a disciplinary suspension without pay for unsatisfactory job performance is imposed, the following requirements must be met:

- a current unresolved incident of unsatisfactory job performance; and
- at least one prior active warning or other disciplinary action for unsatisfactory job performance; and
- discussion with Human Resources about the basis for the proposed suspension; and
- a pre-disciplinary conference.

A disciplinary suspension without pay must be at least a minimum of one day and a maximum of two workweeks for unsatisfactory performance.

Demotion

Before a demotion for unsatisfactory job performance is imposed, the following requirements must be met:

- a current unresolved incident of unsatisfactory job performance; and
- at least one prior active warning or other disciplinary action for unsatisfactory job performance; and
- discussion with Human Resources about the basis for the proposed demotion; and
- a pre-disciplinary conference.

Dismissal

Before a dismissal for unsatisfactory job performance is imposed, the following requirements must be met:

- a current unresolved incident of unsatisfactory job performance; and
- at least two prior active warnings or other disciplinary actions for unsatisfactory job performance; and
- discussion with Human Resources about the basis for the proposed dismissal; and
- a pre-disciplinary conference; and
- the concurrence of the County Manager with the proposed action of dismissal.

Discipline for Unacceptable Personal Conduct

Discipline imposed for unacceptable personal conduct does not require prior notice that the conduct is prohibited or that it may lead to disciplinary action. Depending on the severity of the occurrence, the employee's employment history with the County, and precedential actions with similar occurrences, the County may impose serious disciplinary action up to and including dismissal without any prior existing disciplinary action or notice that the conduct is prohibited.

Before an employee can be dismissed for unacceptable personal conduct or negligence in the performance of duties, the County Manager or his/her designee must have reviewed the circumstances and have approved the dismissal.

The Pre-Disciplinary Conference

Prior to imposing serious disciplinary action for job performance or personal conduct, there must be a pre-disciplinary conference for detrimental personal conduct or negligence in the performance of duties, in accordance with this Policy.

Where serious disciplinary action is proposed on any basis, a pre-disciplinary conference shall take place. A pre-disciplinary conference shall be held in accordance with these requirements:

- The department head considering serious disciplinary action must discuss the recommendation with Human Resources. If Human Resources determines, based on the available information, that serious disciplinary action should go forward, the County Manager or his/her designee may approve conducting a pre-disciplinary conference.
- The department head must provide the employee with written, advance notice of the date, time, location and reasons for the pre-disciplinary conference. This notice should inform the Employee that his/her attendance at the pre-disciplinary conference is not mandatory, but that this conference is the Employee's opportunity to provide information to be used in the County's decision.

Persons in attendance at the pre-disciplinary conference are:

- The employee;
- The department head or his/her designee.

Note: Neither party may be represented by or have in attendance anyone other than those persons set out above.

The department head or his/her designee, during the conference, shall give to the employee notice of the recommendation for disciplinary action, including the specific reasons for the proposed disciplinary action, and a summary of the facts supporting the recommendation for disciplinary action.

The department head or designee shall then give the employee an opportunity to respond with information regarding the recommended disciplinary action, offer facts that are different from those offered by management, and offer facts in support of the employee's position. The employee has the opportunity to respond but is not required to respond if he/she chooses not to do so.

Note: This meeting is not a hearing. The primary purpose is to give the employee an opportunity to respond to the reasons for proposed discipline and to provide information to be considered in the County's decision.

Following the conference, the County shall:

- Place the employee on administrative leave with pay pending a decision;
- Review and consider the response of the employee and make a decision on the recommended disciplinary action;
- Communicate the decision not earlier than the next business day after the conference. The decision should be communicated within a reasonable period of time, generally not in excess of ten (10) calendar days.

Use of Paid Administrative Leave Subsequent to a Pre-Disciplinary Conference

At the conclusion of a pre-disciplinary conference, management shall send the employee home on administrative leave to await the County's decision. This represents paid time that is not charged to the employee's leave balance. This is the only accepted use of administrative leave other than in the case of adverse weather.

If the County's decision is to take disciplinary action, it shall provide the Employee with a letter setting out:

- The specific reasons for the disciplinary action taken;
- The effective date of the disciplinary action; and
- The employee's ability to appeal this action through the County's Grievance Procedure, if applicable.

The effective date of the disciplinary action shall be no sooner than the date of the written notice of the action.

Special Provision: Failure to Meet or Maintain Required Conditions of Employment

An employee may be suspended, demoted, transferred, or dismissed for causes relating to employment qualifications and standards that are not met or maintained. Representative of such conditions of employment are requirements concerning

residency, certifications or licenses, education and training levels, physical/mental condition, or any other condition. These qualifications may be contained in State law or administrative rules, County ordinances, or within the employee's job description.

Required Credentials

By statute, regulation, and County policy, some duties assigned to County positions may be performed only by persons who are duly licensed, registered, or certified as required by relevant law or policy. These requirements are specified in the list of qualifications for classifications contained in the County's Position Classification plan.

Obtaining and Maintaining Credentials

Employees in such classifications are responsible for obtaining and maintaining current, valid credentials as required by law, rule or regulation. Failure to obtain or maintain the required credentials constitutes a basis for immediate separation without prior warning. An employee who fails to obtain or maintain required credentials may be terminated without prior warning. An employee who has completed the probationary period and is terminated on this basis shall be given a written letter of dismissal with the specific reason for the termination and written notice of the right of appeal.

Falsification of Credentials

Falsifying employment credentials or other documentation in connection with securing employment shall be grounds for immediate dismissal.

Non-Disciplinary Suspension

During the investigation, hearing, or trial of an employee on any criminal charge, or during required substance abuse screenings, the County Manager may suspend the employee for the duration of the proceedings as a non-disciplinary action. In such cases, based upon the circumstances involved, the County Manager may:

- Relieve the employee temporarily of all duties and responsibilities and allow the employee no compensation or leave privileges for the period of suspension. If the suspension is ended by full reinstatement of the employee, the County Manager shall authorize full recovery of pay and benefits for that period of suspension. At the discretion of the County Manager, the employee may be placed on paid administrative leave during the suspension period. Or,
- The County Manager may assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties.

During the course of any civil trial or internal investigation, the County Manager or his/her designee may place the employee on leave with pay during the pendency of the proceedings or investigation. Such leave shall not be considered a disciplinary suspension.

As an alternative, based on the circumstances involved, the County Manager may authorize the employee to be relieved of current duties and responsibilities and reassigned temporary duties as directed by the department head. Such action shall not be considered as a disciplinary action.

ARTICLE 11 - GRIEVANCE PROCEDURE/COMPLAINT PROCESS FOR ALLEGATIONS OF DISCRIMINATION, HARASSMENT OR RETALIATION

Purpose

This grievance procedure is established to provide a mechanism for the presentation, review and resolution of employee grievances in an open and productive manner. No employee shall be discriminated against, harassed, or retaliated against for coming forward with a grievance or issue related to his/her employment with Dare County.

Every employee shall have the right to present his/her problem or grievance in accordance with these procedures free from interference, coercion, restraint, discrimination, penalty or reprisal.

Applicability/Coverage

These grievance procedures apply to departments and employees of Dare County, with the exception of employees of the Sheriff's Office and the Office of the Register of Deeds.

Definitions

At-Will Employee. All County employees are considered at-will employees for the length of their service with the County.

Days. Wherever used in this policy, "days" shall mean calendar days, not working days. If a deadline for filing an appeal or taking any action under this policy falls on a weekend or holiday, the deadline shall move to the next business day for the County.

Grievance. A grievance is a complaint or dispute of an employee relating to his/her employment, including but not limited to:

- working conditions relevant to safety and health;
- decisions of the County relative to disciplinary suspension without pay, demotion, or dismissal; or separation from employment with the County due to unavailability.

Grievant. A grievant is either a current or former Employee who has timely filed a grievance under this policy.

Non-Grievable Issues.

- The negotiation of wages, salaries, or fringe benefits;
- Any work activity accepted by the employee as a condition of employment;
- Operating and/or organizational changes adopted by the County for the efficient and economical operation of County services, including but not limited to hours of work, licenses and certifications, residency requirements, work assignments including temporary assignments, and other specified conditions of employment;
- Denial of promotion or transfer (unless due to illegal discrimination, harassment, or retaliation);

- Disciplinary actions of less severity than suspension without pay, demotion, or dismissal (such as written warnings, etc.)

GRIEVANCE PROCEDURE – DISCIPLINARY SUSPENSION/DEMOTION/DISMISSAL, NON-DISCRIMINATION AND OTHER ISSUES

An employee who has a grievance regarding discipline or another issue that does not allege discrimination may begin the grievance process as set out in this Article.

Filing a Grievance

An employee or former employee shall begin the grievance process by filing a written grievance request with the Human Resources Director within fifteen (15) days of the occurrence or decision the employee is grieving.

Note: *Determination of When a Grievance Exists*

When the question of whether or not an employee has a grievable issue exists, the Director of Human Resources will make the determination of whether an employee's complaint is a grievance or not within this policy. A decision by the Human Resources Director is final.

Step 1

After determining that the grievance is a grievable issue and that it has been filed in a timely fashion, the Human Resources Director shall begin the grievance process by arranging to meet with the employee with the grievance to discuss the grievance and possible resolution of the grievance. This meeting shall be held, if possible, within fifteen [15] days of the grievance being filed.

At the end of Step 1, if an agreement has been reached, the Human Resources Director will set out the terms of that agreement in writing and both sides will sign the agreement. This signed agreement represents a successful resolution of the employee's issue.

If Step 1 with the Human Resources Director has not been successful in achieving a resolution, then it is open to the employee to go to the next step in the grievance. Human Resources will notify the employee of his/her appeal rights in the event of a failure to reach a resolution at the first step of the grievance procedure.

Meeting with and Decision by County Manager

If Step 1 does not resolve the employee's grievance, the employee may appeal to the County Manager within fifteen (15) days after receipt of the decision that constitutes the subject of the grievance. The County Manager (or his/her designee) shall meet with the employee as soon as possible to discuss the grievance. The County Manager shall provide a written decision to the grievant within ten (10) days of meeting with him/her. The County Manager's decision is the final step of the Dare County Grievance Procedure.

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

DISCRIMINATION/HARASSMENT/RETALIATION COMPLAINT PROCEDURE

Purpose

The policy is established to make clear to all County employees, at all levels, that discrimination as prohibited by these policies, and harassment on any basis, retaliation for raising an issue of discrimination or harassment (or participating in a grievance or investigation), whether based on discrimination, harassment, or any other basis is strictly prohibited.

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

Coverage

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

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

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

If the report does not resolve the matter to the complainant's satisfaction, the complainant may request a meeting between complainant, the County Manager and

anybody the County Manager thinks needs to be in the meeting. The purpose of this meeting is to allow the complainant to discuss his/her complaint and to try to resolve it.

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

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

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

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

The person receiving the complaint shall document the above information. The summarization shall then be reviewed and signed by the complainant. This report shall be forwarded to the County Manager by the Human Resources Director.

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

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

Employee Obligation

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

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

Confidentiality

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

General Provisions for the Grievance Procedure and the Discrimination / Harassment / Retaliation Complaint Process

No Conflict with County Policies, Ordinances or Applicable Statutes

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

Information about the Discrimination / Harassment / Retaliation Complaint Process

The Director of Human Resources shall include as part of the County's new employee orientation program such instruction as may be needed to acquaint all new employees with the County's position on discrimination, harassment, and retaliation, as well as how to use this process to file a complaint.

Protection from Retaliation

It is prohibited for any employee of Dare County to retaliate, whether directly or indirectly, against any County employee who has participated in any way in a grievance in this procedure. Any person who has been found to have retaliated in any way against a County employee for his/her participation in any form in a grievance under this procedure shall be subject to disciplinary action up to and including dismissal.

Report to County Manager

On an annual basis, at a date to be established by the County Manager, the Director of Human Resources shall provide a report to the County Manager on grievance activity in the County during the previous calendar year. The County Manager and the Director of Human Resources shall establish the content of the report. A copy of the report shall be made available to the Dare County Board of Commissioners.

Whistle Blower Policy

It is the policy of Dare County that all employees are encouraged to report verbally or in writing to their supervisor, program manager, department head or to the County Manager evidence of activity by a Dare County employee that constitutes:

- A violation of State or federal law, rule or regulation;
- Fraud;
- Misappropriation of department resources;
- Substantial and specific danger to the public health and safety; or
- Gross mismanagement, a gross waste of monies, or gross abuse of authority.

It is the also the policy of Dare County that employees shall be free of intimidation or harassment when reporting on matters of public concern, including offering testimony to or testifying about such matters.

Protection from Retaliation

No person, including the County Manager or any other employee of Dare County exercising supervisory authority shall discharge, threaten or otherwise discriminate against an employee of Dare County regarding that employee's terms, conditions, or privileges of employment because the employee reported either verbally or in writing any activity as described above unless the employee knows or has reason to believe that the report is inaccurate or false.

ARTICLE 12 - SEPARATION FROM COUNTY EMPLOYMENT AND RE-EMPLOYMENT

Definitions

Adequate Notice of Separation. Adequate notice of separation is at least two weeks' notice in writing prior to the date of separation.

Separation in Good Standing. This occurs when the person left the employment of Dare County after providing adequate notice of separation.

Types of Separation

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

Upon separation, employees will schedule an exit interview with Human Resources. Employees are expected to return all Dare County property and that the property will be returned in proper working order. Employees may be held financially responsible for lost or damaged property. This includes, but is not limited to, laptops, cell phones and other equipment. Failure to return equipment will be considered theft and may lead to criminal prosecution by Dare County.

Resignation

A minimum of two (2) weeks' written notice is required of all employees who are resigning. Such notice should be given to the department head. In the case of department heads or the County Manager, a four (4) week notice is expected. Failure to submit a written resignation in accordance with this policy will result in forfeiture of accumulated annual leave.

Reduction in Force

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's past performance, organizational needs, and if necessary, seniority in determining those employees to be retained. Employees who are separated because of reduction in force shall be given advance notice of anticipated separation. No regular employee shall be separated while there are temporary employees serving in the same class in the department unless the regular employee is not willing to transfer to the position held by the temporary employee.

Disability

An employee may be separated for disability when the employee cannot perform the essential duties of his/her position because of a disability. The employee or the County may initiate action for disability separation, but in all cases consideration for disability separation shall be supported by medical evidence as certified by a licensed physician. The County may require a physical and/or mental examination at its expense and by a physician of its choice. Before an employee is separated for disability, an effort shall be made to identify reasonable accommodation/s in order to keep the employee at work. In the

alternative, a reasonable effort shall be made to locate positions within the County's service for which the employee may be suited.

Dismissal

Any employee may be dismissed from employment with Dare County.

Death

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

Re-Employment with Dare County

Any person who has separated from Dare County in good standing and who returned all property issued by the County, including any passwords used to operate County equipment, is eligible for re-employment as a new employee.

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

Department heads may not re-hire a former employee of Dare County without the review and permission of the Human Resources Department.

A break in service limited to three months may be allowed to exist in employment and still qualify for continuous employment.

A person who has separated from Dare County and is re-employed within three months will keep their original date of employment and their benefits will be reinstated just as if there was no break in service.

ARTICLE 13 - PRIVACY OF EMPLOYEE PERSONNEL RECORDS

In accordance with North Carolina General Statute 153A- 98, any information contained in County personnel records concerning employees, former employees and applicants for employment in/with the County is considered confidential unless specifically designated by law as a matter of public record.

The Human Resources Director is designated by the Dare County Board of County Commissioners as the official custodian of County employee personnel records and is charged with the maintenance and safekeeping of such records. The County shall maintain in personnel records only information that is relevant to accomplishing human resource administration purposes.

No employment inquiries or verifications are to be released except by the Human Resources Director or by persons who have received authorization from the Human Resources Director.

This policy applies to every County department, except the Office of the Sheriff.

Definitions

Employee. As used in this Chapter, "Employee" includes former employees of Dare County. Applicants are not included in the definition of "Employee".

Employee Records. A file that is maintained by the Human Resources Director and contains information relating to the employment record of any employee of Dare County permanent, temporary, active, inactive, terminated, or retired.

Personnel File. An employee's personnel file consists of any information in any form gathered by Dare County with respect to that employee and relating to his application, selection or non-selection, performance, promotions, demotions, transfers, suspension and other disciplinary actions, evaluation forms, leave, salary, and termination of employment, and any other information considered to be public information by law.

Public Record

The following information concerning employees and former employees is a matter of public record and is open for public inspection:

- Name
- Age
- Date of original employment or appointment to the county service
- The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the county has the written contract or a record of the oral contract in its possession
- Current position
- Title
- Current salary

- Date and amount of each increase or decrease in salary with that county
- Date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification with that county
- Date and general description of the reasons for each promotion with that county
- Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the County. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the county setting forth the specific acts or omissions that are the basis of the dismissal.
- The office to which the employee is currently assigned

Records of Applicants for Employment

Personnel records of applicants for employment are not deemed to be public records and are not available for inspection.

Access to Personnel Records

Any person may have access to public information listed above for the purpose of inspection, examination, and copying, during the regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Board of Commissioners may adopt

An individual examining a personnel record may copy the information. Any available photocopying facilities may be provided, and a reasonable cost may be assessed to the individual.

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

Confidential Information

All other information contained in a Dare County Employee's personnel file, other than the information listed above as a matter of public record will be maintained as confidential and shall be open to public inspection only as required by law.

Records of Former Employees

The provisions for access to records apply to former employees as they apply to current employees.

Remedies of Employees Objecting to Material in File

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

ARTICLE 14 - IMPLEMENTATION OF RESOLUTION

Conflicting Polices Repealed

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

Separability

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

Violation of Human Resources Resolution Provision

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

Effective Date

This Resolution shall be effective [date]



Resolution
Dare County Human Resources Personnel Manual

BE IT RESOLVED, by the Board of County Commissioners of Dare County, that the following policies and procedures shall govern the recruitment, selection, appointment, classification, salary, promotion, discipline and dismissal, grievance rights, and all other conditions of employment of the employees of Dare County.

This the 17th day of May, 2023.

Robert Woodard, Sr., Chairman

Attest:

Cheryl C. Anby, Clerk to the Board



Presentation of Manager's 2024 Recommended Budget

Description

The County Manager will present the recommended FY 2024 budget, including the recommended Capital Improvements Plan.

Board Action Requested

Set Public Hearing on the recommended budget for June 5, 2023.

Item Presenter

David Clawson, Finance Director



Commissioners' Business & Manager's/Attorney's Business

Description

Remarks and items to be presented by Commissioners and the County Manager.

Board Action Requested

Consider items presented

Item Presenter

Robert Outten, County Manager