

# Wayne County Personnel Policy

Effective 7/23/03

Modified 7/1/24

Updated 7/1/25



THE GOOD LIFE. GROWN HERE.

## INTRODUCTION

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

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

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

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

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

## RECEIPT OF HUMAN RESOURCES RESOLUTION

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

I understand that this Resolution is not intended to create contractual obligations with respect to any matters it covers. I also understand that the Resolution does not create a contract guaranteeing that I will be employed for any specific period. I understand that I am an at-will employee, which means that either the County or I can terminate my employment at any time and for any reason unless my position falls under the North Carolina Human Resources Act. 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 this Resolution refers to and generally describes current benefit plans provided by the County. However, the actual benefit plan documents and summary plan descriptions are controlling, and I must refer to these documents in the event of any benefits issues or questions.

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

EMPLOYEE SIGNATURE:

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EMPLOYEE PRINTED NAME:

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DATE OF SIGNATURE:

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## **ARTICLE 1**

# **Organization of Personnel System**

### **Purpose**

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The Wayne County Board of Commissioners has adopted these Human Resources Policies by Resolution to establish a personnel system that will recruit, select, develop, and maintain an effective and responsible work force. These Human Resources Policies can only be amended by a Resolution adopted by the Board of Commissioners.

Procedures in this Policy describe an employee with a supervisor and a department head. When the individual concerned is a supervisor or a department head, the individual at the next level in the chain of command will be the designated person with supervisory responsibility.

### **Coverage**

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This Human Resources Policy shall be binding on all County employees unless otherwise exempted. The County Manager, County Attorney, elected officials, appointed officials of boards and commissions, and other county employees will be exempt except in sections of this policy where specifically included.

This policy does not apply to employees in the offices of the Sheriff and Register of Deeds to the extent that it directly relates to hiring and discharge.

Cooperative Extension employees are covered by the State Human Resources Act for the purposes of earning rates, transfer policies, payout computation, and leave management.

In accordance with the provision of North Carolina General Statutes Section 153A-82, the County Manager shall appoint, suspend, and remove all county officers, employees, and agents. Excluded from this section are officers, employees, and agents who are elected by the people or whose appointment is otherwise provided for by law. As to those officers, employees, or agents who are excluded from this provision, the County Manager, if appropriate, shall recommend individuals for such appointments to the Board of Commissioners.

### **Responsibility of the Board of Commissioners**

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The Board of Commissioners shall approve Personnel Policy and the Position Classification and Pay Plan. The Board shall make and confirm appointments when so specified by law.

## **Responsibility of the County Manager**

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The County Manager shall be responsible for the administration of the human resources program. The County Manager shall make appointments, dismissals, and suspensions in accordance with 153A-82 of the North Carolina General Statutes and the provisions of this human resources policy.

## **Responsibilities of the Human Resources Director**

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The Human Resources Director, appointed by the County Manager with the Board's approval, oversees all human resources functions within the County. This includes managing job advertisements, employee recruitment, necessary or compliance training, and assisting with employee development and recognition programs. The Director is also tasked with maintaining the Personnel Policy, overseeing disciplinary actions, providing coaching and counselling as required, conducting performance evaluations as necessary, ensuring compliance with legal and regulatory requirements, and advising on best practices. Additionally, the Director manages compensation, pay adjustments, and employee records, and ensures consistent application of HR policies and procedures across all departments. The HR Director adheres to the County's core values, compliance with applicable laws, and ethical standards; however, some administrative processes may be governed by separate, management-approved terms. All HR-related actions, including hiring, separation, and performance management, must be reported through the HR Department for proper documentation and compliance.

## **Responsibility of Directors**

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Department Directors are responsible for ensuring their departments comply with the County's policies, including promoting a respectful work environment, managing employee performance, and addressing performance or disciplinary issues fairly and consistently. Directors must also ensure confidentiality, address conflicts, support reasonable accommodation, and report any concerns regarding discrimination, harassment, or retaliation to HR for investigation. Additionally, they ensure that their departments comply with all applicable employment laws and strive to maintain a positive and productive workplace.

## **Responsibility of Employees**

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It is the responsibility of every employee of Wayne 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.

## **Merit Principle in Wayne County Employment**

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All hiring and promotional decisions, as well as all personnel actions, shall be made based on 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 or employee shall be deprived of employment opportunities or otherwise be adversely affected because of an individual's race, color, religion, sex, national origin, age, disability, genetic information, or any other legally protected status under federal, state, or local laws. We value diversity and encourage all qualified individuals to apply.

## **Addendum and Appendix to this Policy**

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Failure to follow any addendum to this personnel policy is grounds for disciplinary action, up to and including dismissal.

Wayne County Timekeeping Policy

Wayne County Safety Policy

Wayne County Drug & Alcohol Policy

Wayne County Certification Appendix

## **ARTICLE 2**

# **Equal Employment Opportunity – Discrimination, Harassment, Retaliation and Accommodations**

### **Equal Employment Opportunity (EEO) Statement**

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Wayne County is committed to providing equal employment opportunity for all employees and applicants based on merit and without regard to race, color, religion, sex, gender, age, national origin, disability, genetic information, sexual orientation, gender identity, veteran status, political affiliation, or any other protected characteristic as defined by federal, state, and local laws.

### **Purpose**

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

### **Policy**

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It is the policy of Wayne 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**

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This policy covers all County employees.

### **Complaints of Discrimination or Harassment**

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Any employee or applicant who believes they have been discriminated against, retaliated against, or harassed due to a protected status may file a complaint using the procedures set out in Article 10.

### **ADA Policy**

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It is the policy of Wayne County to comply with all federal and state laws concerning the employment of individuals with disabilities and to act under regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is policy not to discriminate against

qualified individuals and employees with disabilities regarding application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions, and privileges of employment. Every effort will be made to provide reasonable accommodation to assist with completing the essential functions of the job without creating an undue hardship or causing a direct threat to workplace safety.

Contact the Human Resources office with any questions or requests for accommodation. The Human Resources Department is responsible for implementing this policy, including the resolution of reasonable accommodation, safety/direct threat, and undue hardship issues. Depending on the nature of the accommodation, the individual may be requested to submit a statement from a health care provider substantiating the need for the accommodation.

Upon receipt of a request for accommodation, HR will contact the employee or applicant to discuss the request and determine if accommodation is reasonable and can be provided without significant difficulty or expense, i.e., undue hardship. In the event that the County suspects that accommodation is necessary, the County may offer an accommodation without the employee specifically requesting one.

An employee may request paid or unpaid leave as reasonable accommodation under this policy; however, Wayne County will not require an employee to take time off if another reasonable accommodation can be provided that will allow the employee to continue to work.

### **Accommodation for Breastfeeding**

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Wayne County shall provide nursing mothers with space, privacy, and time to express breast milk.

Departments will provide a private space that is not a restroom or another common area. The space should have a door that can be secured, adequate lighting, and electrical outlets.

Departments should consider the proximity of space to the staff members' work area and the relation to a source of running water.

The staff members utilizing this accommodation will use their regularly scheduled break time for the purpose of expressing breast milk. If additional time is required beyond the regularly scheduled break period, then staff will use paid leave or unpaid time for this purpose.

The staff member is responsible for the storage of expressed breast milk.

This policy and the law prohibit retaliation against staff who participate in this accommodation.

### **Pregnant Workers Fairness Policy**

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As required by the federal Pregnant Workers Fairness Act (PWFA), the County of Wayne will provide reasonable accommodation for employees and applicants with limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause undue hardship in the County.

The accommodation request can be made to anyone in the employees' chain of command and should include an explanation of the pregnancy-related limitations, the accommodation needed and any alternative accommodation(s) that might be reasonable. Depending on the nature of the accommodation, the individual may be required to submit a statement from a healthcare provider substantiating the need for the accommodation.

An employee may request paid or unpaid leave as a reasonable accommodation under this policy; however, Wayne County will not require an employee to take time off if another reasonable accommodation can be provided that will allow the employee to continue working.

The County of Wayne prohibits any retaliation, harassment, or adverse action due to an individual's request for accommodation under this policy or for reporting or participating in an investigation of unlawful discrimination under this policy.

## ARTICLE 3

# Conditions of Employment with Wayne County

*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 Wayne 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, voicemail, 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.* Defined as spouse, children, parents, siblings, grandparents, grandchildren and the spouses thereof or an individual similar relationship. In loco parentis relationships, step-relationships, foster care relationships, and other pertinent relationships will be considered immediate family.

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

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



## Policy

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Adherence to the Conditions of Employment outlined in this policy is a fundamental aspect of maintaining a productive, fair, and efficient work environment. These conditions are established to ensure a clear understanding of expectations. Failure to adhere to the Conditions of Employment may result in disciplinary action, up to and including termination of employment, depending on the severity and recurrence of the violation.

Employees are encouraged to seek clarification or address concerns regarding their conditions of employment with their respective supervisors or the Human Resources department.

## Employment of Relatives

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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 possible.

## Gifts and Favors

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No official or employee shall accept any personal 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.

## Attempt to Influence

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Any attempt by any person, firm, or corporation to influence the decisions of any County employee regarding 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 attempts to the County Manager. Actions that constitute an attempt to influence include, but are not limited to gifts, favors, coercion, threats, or intimidation.

## Political Activity Restricted

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Every employee of Wayne 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 organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of political organizations in accordance with the constitution and Laws of the State of North Carolina and by the Constitution and Laws of the United States of America. However, no employee of Wayne County shall:

- a) Engage in any political or partisan activity while on duty.
- b) Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.
- c) Be required as a duty of employment or as a condition of employment, promotion, or tenure of office, to contribute funds for political or partisan purposes.
- d) Coerce or compel contributions for political or partisan purposes by another employee of the County; or
- e) Use funds, supplies, or equipment of the County for political or partisan purposes.

Employees in certain programs that receive federal aid are subject to the Hatch Act as amended in 1975. This federal act, in addition to prohibiting b, c, and d above, also prohibits candidacy for elective office in a partisan election.

## Outside or Additional Employment

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The work of the County shall take precedence over the other occupational interests of full-time employees.

Secondary employment activities shall not entail the occupation of time or effort while the employee is on duty for the County. No property of the County or property leased or rented by the County shall be used in these pursuits.

No person holding a county job that requires a specialization or knowledge of County business can partake in a private business where this knowledge and influence associated with their county position could play a factor in the success of this endeavor. No officers or employees of the County shall engage in any additional business or job that would involve their receiving funds remitted by the County of Wayne. All employees must have a minimum of eight (8) hours of downtime before their shift begins.

Conflicting outside employment which results in conduct unbecoming a public official may be deemed improper conduct and shall subject each employee to disciplinary action, up to, and including dismissal.

## Dual Employment

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People employed by the County are hired by one department at an appropriate pay grade. No employee will be permitted to perform services for additional compensation (or other benefits) for another department or the same department without prior approval from the County Manager.

## Conflict of Interest

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Employees should avoid any situation that involves or may involve a conflict between their personal interest and the interest of Wayne County. As in all other facets of their duties, employees dealing with customers, suppliers, contractors, competitors, or anyone doing or seeking to do business with the County are to act in the best interest of Wayne County Government and the county's taxpayers. Each employee shall promptly and fully disclose in writing to their manager any potential situation that may involve a conflict of interest. Such conflicts include:

- Ownership by an employee or by a member of their family of significant interest in any outside enterprise that does or seeks to do business with Wayne County.
- Serving as a director, officer, partner, consultant, or in a managerial or technical capacity with an outside enterprise that does or is seeking to do business with Wayne County. Exceptions to this can be approved by the County Manager.
- Acting as a broker, finder, go-between or otherwise for the benefit of a third party in transactions involving or potentially involving Wayne County or its interests.
- Any other arrangements or circumstances, including family or other personal relationships, which might dissuade the employee from acting in the best interest of Wayne County.

Employees who regularly oversee the procurement of goods and services for their department may be required to adhere to additional conflict of interest policies and make regular conflict of interest disclosures as prescribed by the Finance Director.

## Delinquent Taxes

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Taxes collected in Wayne County are used to fund the various offices and agencies that the County supports and administers. Delinquent taxes may be deducted from the employee's paycheck consistent with applicable federal and state law.

## County Decision as To Compensation for Overtime

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

## Hours Of Work/Work Week

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The workweek for Wayne County runs from 12:01 AM Sunday morning through 12:00 AM Saturday night. The following departments work more than 40-hour work weeks and set their own schedule: Sheriff's Office, Detention, 911, and EMS. Some Wayne 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.

## **Fitness for Duty Examination**

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### **Policy**

Wayne County is committed to providing a safe working environment and protecting the health and safety of employees and citizens. To provide a safe working environment, employees must be able to perform their job duties safely, securely, productively, and effectively, 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 the public. This policy is not a substitute for discipline or confidential counseling.

Fitness for duty covers both psychological and physical fitness.

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.

### **Referral for Fitness for Duty Examination**

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, 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 Wayne 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 reasonable accommodation, the County will make every effort to ensure that accommodation is made in compliance with the ADA, FMLA, and the North Carolina Workers' Compensation Act.

### **Safety Policy and Drug & Alcohol Policy**

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All Wayne County employees will follow the Safety Policy and the Drug & Alcohol Policy. Copies can be obtained on the Wayne County HR website, the Safety Office, or by contacting Human Resources.

## Electronic Devices & Internet Access Policy

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The County's information technology is considered a resource available to County employees to conduct and facilitate their work. It is to always be used 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 or receiving websites with pornographic content.

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.

Wayne County reserves the right to examine 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. Employees who receive County mobile devices or choose to use a personal mobile device shall comply with the then current IT Mobile Device Management Policy. Employees who opt to use their personal device may be required to provide IT access to the device.

## Social Media

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Wayne 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 [Waynegov.com](http://Waynegov.com)-the county's primary internet presence and communication platform

## Guidelines

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- 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 Wayne County should be mindful that statements made are on behalf of the county government as a whole.
- Non-public, confidential personnel information as defined by NCGS 153A-98
- 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 Wayne County reserves the right to remove or hide the posts that contain:

- Profane language or vulgar content.
- Content that promotes, fosters, or perpetuates discrimination based on race, color, religion, gender, age, national origin, disability, genetic information, sexual orientation, gender identity, transgender status, status concerning 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.

## Information Technology

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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 Wayne 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 the County owned or provided resources, including internet access, if there is no negative impact on employee job performance as determined by the employee's supervisor and there is no cost to the County.

Employees of Wayne 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 is 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 an external source 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 Wayne 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.
- Use e-mail to send a message to their supervisor that they will be late for work or absent.
- 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.

## Expectations of Privacy

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All County facilities, offices, workspaces, desks, lockers, vehicles, and equipment are the sole property of Wayne County. The County reserves the right to access, inspect, or examine any of this property at any time, without prior notice, for legitimate business purposes, including but not limited to investigating workplace misconduct.

Employees should not expect privacy when using County property. This includes any space or equipment provided for use during employment. Additionally, county-owned vehicles and equipment may be monitored. Employees operating such vehicles or equipment should understand that their use may be observed, recorded, or reviewed.

To help ensure the safety of employees and the public and protect County property, the County reserves the right to conduct video and audio surveillance of any portion of its premises at any time. Surveillance cameras will be operational in appropriate places throughout and around County buildings. Surveillance will not be conducted in areas where a reasonable expectation of privacy exists, such as restrooms, showers, and dressing rooms.

## Direct Deposit of Employee Paychecks

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

## Dress Code for County Employees

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A minimum expectation of business casual should be adhered to unless explicitly modified or excused by the department's director.

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

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Wayne 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 the Wayne County Drug & Alcohol Policy.



## Smoke-Free Workplace Statement

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Wayne County maintains tobacco, smoke, and vape-free policies in all buildings, campuses, county property, and county vehicles. Violation of this policy shall result in disciplinary action.

## Job Sharing

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In special circumstances, the County Manager may approve a job-sharing arrangement in which two employees share the duties and responsibilities of one job, with both employees working part-time/reduced schedules. Requirements for a job-sharing arrangement are as follows:

- The nature of work is suitable for a job-sharing arrangement.
- Although the County will provide assistance, the employee has primary responsibility for finding an employee partner with whom to share the job.
- Both employees desire a job-sharing arrangement and are equally qualified to do the job at hand.
- Both employees are accountable for performing the job to required standards, communicating with each other, and ensuring a “seamless” transition between “shifts”.
- Both employees take responsibility not only for their own performance but also that of their job share “partner.”

Depending on the number of hours worked, the employees’ status may change to that of part-time, rather than full-time. In that instance, the employees may lose their eligibility for standard benefits or may have their benefits prorated based on the number of hours normally worked. Each case will be evaluated on an individual basis.

## Resignation with Adequate Notice

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To be eligible for re-employment with Wayne County, an employee resigning shall provide at least two weeks’ written notice to their supervisor or department head. Employees who do not provide the required notice are not eligible to be rehired unless approved by the County Manager. Employees who do not provide adequate notice are not eligible for vacation payout or the withholding/transfer of sick time.

Department Heads may define, in writing, any further notice requirements for being eligible for vacation payouts and sick leave withholding.

## Abuse Prevention and Reporting

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Update Approved 9.16.25

### Definitions for this Section

*Abuse:* Because it takes many forms, abuse can be broken down into the following subtypes, all of which are prohibited within the scope of this policy.

- Physical abuse: Physical bodily harm
- Sexual abuse: Contact or activity of a sexual nature between an adult and a non-consenting or vulnerable person

- Emotional abuse: Mental or emotional injury inflicted on a child/youth or vulnerable person
- Neglect: Failure to provide adequate care
- Economic abuse: Deliberate misuse of money or benefits

*Child:* A child is defined as anyone under the age of 18.

*Vulnerable Adult:* Any individual age 18 or older who, for whatever reason, is unable to care for themselves or protect themselves from harm or exploitation.

## **Background Screenings**

Update Approved 9.16.25

**Criminal history record checks of employees permitted.** Criminal history checks in the hiring process will be used to eliminate from consideration any candidates who display characteristics that could classify them at a high risk for violating this policy, specifically for candidates whose position include a high level of involvement with children and vulnerable adults. Applicants for positions whose duties require the employee to work with children in any capacity, if offered the position, shall be subject to a criminal history record check conducted by the State Bureau of Investigation in accordance with G.S. 143B-1209.26. The county will extend a conditional offer of the position pending the results of the criminal history record check. Results obtained through the criminal history record checks shall be confidential. Applicants shall have the right to review their own criminal history record.

## **Reporting**

Any employee who suspects, witnesses, or is made aware of any form of abuse should report it to their immediate supervisors and Human Resources. Depending on the nature of the abuse, it will be reported to the appropriate authorities (law enforcement, social services, etc.) for investigation. Employees who fail to report abuse will be subject to disciplinary action up to and including termination.

## **Disaster Response**

When the County Manager has deemed it necessary to enact disaster response, whether declared locally, by the State of North Carolina or by FEMA, all responding employees, exempt and nonexempt, are required to report to duty and work hours sufficient to protect the safety and well-being of Wayne County residents and other individuals who happen to be in Wayne County. Responding employees are designated in the County's safety manual and are briefed on expectations upon employment.

## ARTICLE 4

# Recruitment, Selection and Employment

### Equal Employment Opportunity Policy

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The county's policy is to maintain a systematic, consistent recruitment program, promote equal employment opportunity, and identify and attract the most qualified applicants for all present and future vacancies. This intent is achieved through consistent open position announcements and evaluating all applicants on the same criteria. Wayne County is committed to providing equal employment opportunity for all employees and applicants based on merit and without regard to race, color, religion, gender, age, national origin, disability, genetic information, sexual orientation, veteran status, political affiliation, or other protected status.

### Definitions Used in This Article

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

*Employment Application.* The online application form completed by applicants interested in employment in a Wayne 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 thirty (30) days 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 benefited 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.

*Benefited 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 benefited part-time position requiring 1,000 hours or more on an annual basis earns vacation leave, sick leave, and other benefits on a proportional basis.

It also requires membership of the Local Government Retirement System. A part-time position requiring less than 1,000 hours 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 should be made for a regular, benefited 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.

*Trainee or Work-Against Applicant.* This is an applicant that does not meet all minimum qualifications for a particular job, but those deficiencies can be eliminated through orientation and on-the-job training, or formal education.

## **Recruitment - Responsibility of Human Resources Director**

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The Human Resources Director shall oversee recruitment programs that meet current and projected manpower needs through procedures that ensure equal employment opportunities based on reasonable performance-related job requirements. To accomplish this, the efforts of the Human Resources Office and all county departments must be coordinated appropriately, according to the County Manager's instructions.

## **Recruitment - Department Head Recruitment Responsibility**

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Before beginning the recruitment process, the Department head should review the current job description for the vacancy to 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**

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Recruiting announcements shall include information pertinent to the position/work involved, including at minimum, the title, salary grade and starting pay, key duties, knowledge and skill requirements,

minimum education and experience standards, a contact person, special certification or licensing requirements, and an application closing date. In addition, assurance of Equal Employment compliance shall be included in the County application. Department heads are also encouraged to use their expert knowledge of their fields to aid in recruiting.

External position announcements will be posted for a minimum of five (5) working days through the County's Opportunities web page, which has been designated as the established source of applicants. All vacant listings must have a closing date beyond which applications will not be accepted. Optional recruiting publicity shall be accomplished through the media appropriate to the position.

When a situation requires immediate action, there is a designated succession candidate or an internal promotion candidate, the HR Director may waive the posting requirements.

### **When Applications Are Accepted**

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Applications will only be accepted for advertised, vacant positions. Inquiries, resumes, and letters of intent shall not be considered applications. Resumes may be considered to determine eligibility, but applicants will be required to complete the standard application form in its entirety to initiate formal consideration.

### **Application for Employment**

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The Wayne County standard application can be found online through the link in the job posting. This will lead applicants to the county's HR Information System where they can apply with any web-enabled device. The Wayne County standard application form should be used for all job applications. The Wayne County Sheriff's Office application form should be used for that department. Wayne County only accepts electronic applications.

All applications submitted will be categorized according to the established job categories for filing purposes.

### **Application Tracking**

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The Human Resources Office shall be responsible for maintenance of records of all job announcements, including posting and closing dates, all optional referral sources utilized during the recruitment process, and the specifics on the pool of applicants considered for each vacancy.



## Qualified Standards

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Update Approved 9.16.25

All appointments shall be made based on merit and without regard to race, color, religion, sex, national origin, age, disability, genetic information, or any other legally protected status. Familial relationships shall not be considered in any appointment.

If the duties of the position require the operation of county-owned/insured vehicles, the department head shall initiate a review of the driving record of the selected candidate, which will become part of the applicant's personnel file.

The Human Resources Office may conduct a review of criminal records and credit records of final candidates. Offers of employment are contingent upon a satisfactory background check and credit check (if applicable). **Applicants for positions whose duties require the employee to work with children in any capacity, if offered the position, shall be subject to a criminal history record check conducted by the State Bureau of Investigation in accordance with G.S. 143B-1209.26. The county will extend a conditional offer of the position pending the results of the criminal history record check. Results obtained through the criminal history record checks shall be confidential. Applicants shall have the right to review their own criminal history record.**

DMV checks for drivers of County-owned vehicles may be performed as needed.

Drug screenings will be performed on all full-time and part-time candidates for employment with Wayne County. Offers of employment are contingent upon passing the drug screen.

Pursuant to NCGS Sec. 153A-103, the Board of Commissioners must approve the appointment by the Sheriff or Register of Deeds of a relative by blood or marriage of nearer kinship than a first cousin or of a person who has been convicted of a crime involving moral turpitude.

Consideration may be given to the trainee/work against appointments when there is an absence of qualified applicants from which to select. In this instance, the deficiencies may be eliminated through orientation and on-the-job training.

## Selection

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Selections shall be based upon the procedures provided by the HR Director and approved by the County Manager. The Human Resources Director shall develop a process that department heads shall use to fill positions. All selection methods developed should be fair, accurate, and nondiscriminatory.

Upon request, the Human Resources Office will rank the applicants by qualifications and submit the top three to five applicants for the position to the department head. Department heads will then recommend a candidate for the position to the County Manager or an Assistant County Manager for approval and appointment.

## **Promotion of an Employee to Fill a Vacancy**

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Candidates for promotion shall be chosen based on their qualifications and their work records without regard to race, color, religion, sex, national origin, age, disability, genetic information, or any other legally protected status. Performance appraisals and work records for all applicants meeting minimum qualifications for the position shall be carefully examined when openings for positions occur.

On the recommendation of the Human Resources Director, the County Manager shall accept or reject the appointment. The starting salary of the appointed employee shall be based on the recommendation of the Human Resources Director consistent with the then current pay plan.

## **Notification of Appointments**

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As soon as an appointment is made and prior to the employee officially beginning work, the department head shall notify and coordinate with the Human Resources department regarding the appointment. Any test score sheets, rubrics, written notes, when applicable, and any additional supporting documents shall be forwarded to the Human Resources Department immediately for recordkeeping.

## **Probationary Period of Employment**

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Any employee serving a probationary period may be separated from employment without this policy's dismissal procedure at any time during the probationary period. Probationary periods apply to any person newly appointed to any position in any department.

A newly appointed or current employee, voluntarily transferred to a new department will serve a twelve-month probationary period. During this period, the employee may be separated from employment without the dismissal procedures outlined in this policy.

An employee who transfers to a new position voluntarily within the same department will have their probationary period renewed for six months, and they may be separated from employment without the dismissal procedures outlined in this policy during this period.

All other post-probationary benefits will apply during a transfer's probationary period.

Employees completing the probationary period will be automatically considered regular, non-probationary employees unless their department director indicates in writing, with the County Manager's approval, that the employee should have their probationary period extended.

## **Internal Transfer**

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If a vacancy is posted and an employee eligible for transfer from another department wishes to be considered for the appointment, an application for the vacancy must be forwarded to the Human Resources Department during the recruitment period. The transfer request shall be subject to approval by the County Manager. Any employee transferred without his/ her having requested it may appeal the action following the grievance procedures in this policy.

Transfers affect the probationary period, which may be renewed from the date of transfer for a period of time. See Probationary Period of Employment for more information.

## **Legal Offenses or Dishonorably Discharged**

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People convicted of a felony are not disqualified from applying to the County for employment. Neither are persons who received a less-than-honorable discharge by the armed forces of the United States. The circumstances surrounding the crime, conviction, or discharge will be investigated. The Human Resources Director shall review the circumstances and recommend a resolution to the department head and the County Manager, whose final decision will be final.

## **Falsification**

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Any falsification of the application or other forms required by the application process, such as driving record or information release forms, is cause for the applicant to be disqualified from employment with Wayne County. If discovered after hiring, the employee shall be subject to dismissal.



## ARTICLE 5

# Classification Plan

### Adoption

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There shall be a Classification Plan reflecting the classifications of positions to be amended periodically by the Human Resources Director. Amendments not first directed by the Board, such as during the annual budget, shall be approved by the Board of County Commissioners.

### Definitions Used in This Article

*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.

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

*Position Classification Plan.* A plan approved by the Board of Commissioners that assigns 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.

### Allocation of Positions to a Classification

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With the assistance of the Human Resources Director, the County Manager shall allocate each position covered by the classification plan to its appropriate class in the plan.

### Administration of Position Classifications

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The Human Resources Director shall be responsible for administering and maintaining the position classification plan. This plan aims to 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 or designee any material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classifications of any existing positions under their control

However, new position titles and an across-the-board increase in full-time positions' starting salaries shall be established only with the approval of the Board of Commissioners. Once that occurs, the Human Resources Director shall either 1) allocate the new position to the appropriate class within the existing classification plan, or 2) amend the position classification plan to establish a new class to which the new position may be allocated.

Periodically, the Human Resources Director may find it necessary to enlist the help of sources outside the County offices to ensure that the classification plan accurately reflects the current state of the various jobs required by the County and their relationship to the job market.

When the Human Resources Director finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the Human Resources Director will do one of the following:

- a) direct that the existing class specification be revised, or
- b) reallocate the position to the appropriate class within the existing classification plan, or
- c) amend the position classification plan to establish a new class to which the position may be allocated.

This approval process will generally occur annually and be included in the budgeting process. Any change needed outside of this timeframe may require written documentation or an updated job description.

### **Amendment of Position Classification Plan**

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Entire class designations added to and deleted from the position classification plan will be approved by the Board of Commissioners based on the recommendation of the County Manager and the Human Resources Director.

## ARTICLE 6

# The Pay Plan

### Adoption

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The Pay Plan, reflecting both grade and range, is approved by the Board of County Commissioners and is hereby adopted as the pay plan for Wayne County.

### Definitions Used in This Article

*Compensatory Time/Comp Time.* Compensation for a non-exempt employee working overtime. Compensatory time is awarded at one and one-half times the overtime worked.

*Benefited part-time employees.* Employees working over 1,000 hours per year in a regular position working a regular schedule whose duties require more than 1000 hours per year but fewer than thirty hours per week.

*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.

*Exempt Employee.* An employee who, by the nature of his/her job duties, is exempt from earning overtime compensation pursuant to the Fair Labor Standards Act.

*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.

*Grade Revision.* When a position's grade is adjusted to better match the market pay range.

*Merit Increase.* The advancement or upward movement within the established salary range for work that consistently exceeds the normal performance standards of the job.

*Non-exempt Employee.* An employee who, by the nature of his/her job duties, must be compensated for working overtime pursuant to the Fair Labor Standards Act.

*On-Site.* Employees are 'on-site' when they work from a location as required by their job duties. Working from home or an alternate location on an occasional basis does not constitute 'on-site' work unless specifically agreed upon by County Management or designee.

*Overtime.* Hours worked beyond 40 hours in a work week (except for law enforcement, detention officers, and EMS staff) entitle a non-exempt employee to overtime compensation. Overtime for non-exempt law enforcement and detention officers is any time worked over 84 hours in a 14-day work cycle. EMS staff should refer to the timekeeping policy within the finance department.

*Overtime Compensation.* Time worked beyond 40 hours in a single work week (or beyond 84 hours in a 14-day work cycle for law enforcement and detention officers), for which non-exempt employees must be compensated with either time and a 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 employees.* Employees who work fewer than 1,000 hours per year. This designation includes temporary employees.

*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, as recommended by the County Manager. The appraisal will include the employees' strengths, the areas needing improvement, goals, or objectives that, in coordination with the supervisor, will help the employee improve during the next review period.

*Probationary period.* The 12-month period following the hiring of an employee during which the employee may be terminated outside the regular termination procedures contained within this policy.

*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 is based on changes in job content such as duty, kind, difficulty, required skill and responsibility for the work performed.

*Regular position.* A position that 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 the probationary period.

*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 designation of the minimum, maximum and any interim rates on an annual and monthly basis applicable to a specific pay grade in the salary schedule.

*Salary Range Revision.* The raising or lowering of the salary range for one or more specific classes of positions within the classification plan. A salary range revision is any change in a salary range approved by the Board of County Commissioners.

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

*Work Against or Trainee.* The status is given to an employee hired in a position who does not meet the minimum education and experience requirements for the job.

*Work Week.* The work week for full-time employees varies according to the type of work performed. These are the work weeks for Wayne County employees:

- 40 hours – all employees except law enforcement, detention officers, 911 and EMS employees.
- 14 day/84 hours – law enforcement (including detention officers)
- The 911/EMS personnel work on a fluctuating workweek. The work week for Telecommunicators, EMS, and employees begins on Sunday at 7:00 a.m.

## **Maintenance of the Pay Plan**

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The Human Resources Director is responsible for administering and maintaining the pay plan. The plan is intended to provide equitable compensation for all positions when compared to general rates of pay for similar employment in other public jurisdictions in the area and the private sector, to changes in the cost of living, to financial conditions of the County, and other factors.

Finally, the Human Resources Director shall, occasionally, make comparative studies of all factors affecting the salary range. Based on such studies, the Human Resources Director shall recommend changes in the salary range to the County Manager as necessary. The County Manager may make recommendations to the Board of Commissioners.

Action taken relative to elected officials' and the County Manager's compensation will be the responsibility of the Board of County Commissioners.

## **Administration of the Pay Plan**

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The pay plan of Wayne County shall be administered fairly and systematically based on the work performed. The pay structure shall be externally competitive, and proper internal relationships between all positions shall be maintained based on relative duties and responsibilities. Individual salaries may recognize factors such as performance, experience, and education as the basis of pay increases within the established pay range. The Human Resources Director, or designee, will implement a study of position market values, rotating the departments triennially or more often if directed to do so by the Board of Commissioners.

The normal hiring rate for inexperienced employees is the minimum of their assigned salary grade, plus credit for applicable experience and education. Appointments above the hiring rate may be made by the County Manager when deemed necessary in the best interest of the County and will be based on such factors as the qualifications of the applicant being higher than the desirable education and training for the position, a shortage of qualified applicants available at the hiring rate, and the refusal of qualified applicants to accept employment at the minimum salary. Any appointment above the entry level of the pay grade must be recommended by the HR Director and approved by the County Manager.

All employees covered by the salary plan shall be paid at a rate within the salary ranges established for the respective position, except for employees in a trainee status or employees whose present salaries are above the established maximum rate following a transition to a new pay plan.

When an employee attains the maximum rate of a salary range for his/her present position, no further salary increases will be received (except for cost-of-living increases) unless:

- a) The position grade is changed; or
- b) The employee is promoted to another position with a higher salary range, or
- c) The salary range for the present position is increased, or
- d) The employee may receive an annual lump-sum payment over the maximum threshold of the grade if one of the above conditions cannot be met.

### **Pay Rates in Promotion, Demotion, Transfer, Reclassification, and Salary Range Revisions**

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When an employee is promoted, demoted, transferred, or reclassified, the rate of pay for the new position shall be established in accordance with the following policy:

- a) When a promotion occurs the employee's salary shall be increased to at least the minimum rate of the salary range assigned to the grade to which they are promoted. If an employee's current salary is already above the new minimum salary rate of the new grade, his/her salary may be adjusted or left unchanged at the discretion of the County Manager, provided that the adjusted salary does not exceed the maximum of the assigned salary range.
- b) When a demotion occurs due to a reallocation of duties and responsibilities or other action not attributable to any fault of the employee, and the employee's current salary falls above the maximum of the range for the new, lower grade, the employee's salary may remain the same until normal yearly adjustments or revisions bring it back within the lower range. If that will not occur, the employee's salary may be reduced to any salary within the new salary range.
- c) When a demotion occurs for cause attributable to the employee's fault, the employee shall experience a salary reduction of at least 10%, removal or reduction in duties, and a title change. Reduced salary shall not exceed the maximum of the range for the new position.
- d) When a transfer occurs to a new position assigned to the same pay range, the employee shall continue to receive the same salary.
- e) When grade revision occurs, the employee whose position is changed to a grade having a higher salary range shall be increased to at least the minimum of the new salary range. If the employee's current salary is already above the minimum salary rate, his/her salary may be adjusted upward or left unchanged at the discretion of the County Manager. The adjusted salary may not exceed the maximum of the assigned salary range.
- f) When the Board approves a change in salary ranges, any increases to employee salaries shall be set by the Board.

Persons hired to fill a vacancy in a job approved by the Board, but not assigned a specific salary grade, such as contract roles, shall be entered on the payroll at a dollar figure established by the Director of Human Resources that is equal to or less than that amount budgeted for the current year by the Board of Commissioners unless the Board takes formal action otherwise.

## **Salary Adjustment Dates**

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Salary adjustments shall become effective on the first available date of the actual adjustment and will be reflected in the paycheck that is compensation for work performed during the pay period immediately following the adjustment. The date adjustments made are dependent upon payroll cycles.

## **Work-Against/Trainee**

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A work-against employee may be hired to work in a position where no other suitable candidates are available.

With approval from the Human Resources Director, the hiring director must establish and document a salary progression and training plan. This plan will be effective until the employee meets the full job requirements.

The work-against employee will be paid at least 5% below the minimum salary for that job or grade unless the employee possesses sufficient additional education or experience to qualify for a higher rate.

Upon completing the work against the training plan, the salary will increase to at least the minimum level of the respective job.

Work-against employees are eligible for across-the-board increases but remain in probationary status until completion of the work-against training plan, or 12 months, whichever is longer. If an employee in a work-against appointment is not fully qualified, they may not be moved from probationary to regular status. However, time worked as a work-against employee is credited towards completing the probationary period. The employees will move to regular status once they are both fully qualified and have maintained 12 months of continuous employment.

Work-against employees who do not meet the training/education requirements outlined in their plan will be separated due to failure to meet a condition of employment.

## **Pay for Part-time Work**

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Part-time employees may be separated into two categories:

- a) benefited part-time working over 1,000 hours per year,
- b) part-time working less than 1,000 hours per year, which includes temporary employees.

Benefited part-time employees working over 1,000 hours per year are people in a regular position working a regular schedule whose duties require more than 1000 hours per year but fewer than thirty hours per week. Such employees are hired with the understanding that they will earn pro-rated vacation and sick leave hours and participate in the Local Government Employees Retirement System but will not receive county-paid insurance. Budgetary considerations must be made for the employer's contribution to the retirement system and vacation and sick leave for employees, and this benefit may be amended at any time. Benefited part-time employees are eligible to participate in the 401(k) program.

Part-time employees, including temporary employees, work fewer than 1000 hours per year. Such employees shall not be eligible for annual leave, sick leave, paid holidays, participation in LGERS, or county-paid insurance benefits, and may be terminated by the County at any time. Part-time employees shall be eligible for Workers' Compensation Insurance coverage, subject to Social Security regulations applicable to the County, and participation in the 401(k) program.

## **Shift Schedules & Flexible Schedules**

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Employees in the same department who work a standard shift schedule may switch shifts with approval from their immediate supervisors. No overtime may be generated because of the swap unless prior approval is granted. Any flexing of schedules to meet the required minimum hours for the week must be authorized by the Department's Director.

## **Alternative Schedules & Locations:**

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County offices are expected to be open from 8-5, Monday–Friday, unless it is an approved holiday, scheduled training day, or otherwise stated by the County Manager. If the physical office location maintains proper service for the public and the expected office hours are maintained, certain positions may be designated for alternative schedules and locations, as recommended by the Human Resources Director and approved by the County Manager.



## Overtime

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Overtime for employees other than law enforcement, detention employees, and EMS responders is defined as time worked over 40 hours in a seven-day work week.

Overtime for law enforcement and detention employees shall be based on a 14-day work cycle and any hours worked beyond 84 hours. Overtime is all hours worked beyond 84 hours for law enforcement and detention employees during the cycle.

The 911/EMS personnel may work on a fluctuating workweek. The work week for 911/EMS employees begins on Sunday at 7:00 a.m.

All overtime worked in every department must have the prior approval of the County Manager through the budgetary process, except in cases where emergency situations occur. Compensatory time may be utilized and preferred instead of overtime.

Accounting for overtime and compensatory time for all departments shall be done on the official payroll timecard or record. All overtime shall be paid or compensated for in accordance with the FLSA and this policy.

Paid time off, including vacation or sick leave, holidays, or other paid time off, shall not be considered time worked for the purpose of computing overtime.

The compensation for overtime will be made only for hours worked over and above a 40-hour, seven-day work week for those employees who are not law enforcement, detention employees, or employees on a fluctuating work week. Overtime payment for covered non-exempt law enforcement and detention employees will be made only for hours worked over and above 84 hours during a 14-day cycle. Overtime payments for non-exempt covered fluctuating workweek employees will be paid pursuant to the rules governing fluctuating workweek employees' overtime.

Employees designated as exempt shall not be eligible for overtime compensation except during disaster response as set out in this policy.

## Disaster Response Pay

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When the County Manager has deemed it necessary to enact disaster response, whether declared locally, by the State of North Carolina or by FEMA, all responding employees, exempt and nonexempt, are required to report to duty and work hours sufficient to protect the safety and well-being of Wayne County residents and other individuals who happen to be in Wayne County. All exempt employees who are responding to a disaster shall be paid overtime in the same way they would be paid if they were not exempt. No exempt or nonexempt employee is eligible for compensatory time off for overtime hours worked in a disaster response.

## Compensatory Time/Bonus Leave

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Unless otherwise approved, Wayne County's policy is that non-exempt employees will be compensated for overtime work through compensatory time at the rate of one and a half hours of compensatory time off for every hour of overtime worked, except as otherwise authorized by this policy.

An employee shall be allowed to use accrued compensatory time within a reasonable period of earning it, for example, within 180 days, unless this disrupts the operations of the work unit. Accrued compensatory time must be used before other paid leave will be approved.

Non-exempt employees separating from County employment with accrued compensatory time shall be paid for all accumulated compensatory time. This payment shall be made at the employee's final regular pay rate.

The maximum accumulation of compensatory time by a non-exempt employee shall be 480 hours for all law enforcement and detention employees (that is, not more than 320 hours of overtime hours worked) and 240 (that is, not more than 160 hours of overtime hours worked) for all other employees. An employee who has accrued the maximum number of compensatory hours shall be paid at the overtime rate for any additional overtime hours of work.

Bonus Leave: Exempt employees are paid for the accomplishment of assigned accountabilities rather than for the number of hours worked in a pay period. With permission from their director (or the County Manager/designee in the case of directors), exempt staff may earn hour-for-hour time off for the time worked on-site over 40 hours during a work week. See the definition of "on-site" above. This time is designated as Bonus Leave. The time banked may be no more than 80 hours at a time, and the 80 hours must be utilized before the employee is eligible to earn more time. This accrual should be used within a reasonable time frame. This bonus leave for exempt employees may be used first instead of other accrued leave at the employee's discretion. This bonus leave benefit does not transfer and will not be paid out upon the separation of the exempt employee. Exempt employees required to work on an authorized holiday shall be given another day off within one pay period.

All employees shall be required to work holidays, weekends, and non-duty hours if instructed by the County Manager, the department head, or the supervisor.

## On-Call and Call-Back Compensation

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### On-Call Compensation:

Non-exempt employees scheduled to be on-call status, *who are not otherwise compensated at the department level for such status*, are eligible for a two-hour credit of On-Call Leave compensation per on-call shift. On-Call Leave is not the same as compensatory time. On-Call Leave does not transfer and does not pay out. Accumulated on-call leave may be banked 40 hours at a time.

### Call-Back Compensation:

An eligible, non-exempt on-call employee who is called back to work -and is not otherwise compensated at the department level -will be paid for the time worked (including travel time to and from their residence) or a minimum Call-Back Overtime of two hours at their overtime rate, whichever is greater. A call-back worked over two hours by a non-exempt employee count toward the overtime threshold and will be paid at the overtime rate if applicable.

Department directors should establish reasonable maximum response times (between 15 and 45 minutes) for their on-call staff to return to the Call-Back work site.

Exempt employees' on-call and call-back time count toward Bonus Leave at the same rates as non-exempt employees, and the Bonus Leave policy and procedures apply.

## Payroll Procedure

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All employees shall be paid every other week, on the Friday after the close of the pay period. If Friday falls on a paid holiday, the pay day will be a day early. Timecards are due to each department's designated timekeeper at business open on Monday after the close of the pay period.

The payroll department will establish payroll procedures. Repetitive inaccurate timecards, deliberate misrepresentation on a timecard, tampering with timekeeping, and failure to follow policy and procedure will result in disciplinary action up to and including termination.

## Timekeeping

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Each employee, whether exempt or non-exempt, is required to complete a time sheet to keep a record of all hours worked, and include vacation or sick time taken, administrative leaves, leave without pay, FMLA or Workers Comp leave, volunteer hours worked, holiday hours taken or worked, personal observance leave taken, time-off award or volunteer time-off, comp time earned or taken, overtime earned, Call-Back Overtime earned, On-Call Leave earned and taken, Bonus Leave earned and taken, civil leave, paid or unpaid military leave, parental or family leave used.

Per 29 C.F.R. § 541.710, public employers may treat salaried exempt employees the same as nonexempt employees for the purposes of paid leave policies. This is known as the public accountability exception. Exempt employees are expected to use their accrued sick and vacation time to meet a minimum of 80 hours of paid time per pay period.

Every employee must sign that their timesheet is accurate, and a supervisor with knowledge of the employee's time worked should also sign the timesheet to verify accuracy. The time sheet must be submitted according to the established schedule. Repeated failure or refusal to submit an accurate timesheet or knowingly signing a timesheet that is false is grounds for disciplinary action, up to dismissal.

Complete timekeeping policy and procedures can be obtained from the Payroll Department.

## **Payroll Deduction**

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Federal and state income taxes, Social Security tax, other legally required deductions, and local government employees' retirement system contributions shall be deducted from the payroll as authorized by law. Other deductions, such as county tax payments, YMCA, and United Way, may also be deducted from payroll. Any other payroll deduction must be approved by the Board of Commissioners.

## **Certification Policy**

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The certification policy aims to support a culture of continuous learning and improvement in an employee's current field that will increase the services available to the citizens of Wayne County, or to improve internal services, efficiency, and support.

Approval for certifications/licenses/degrees will not usually be granted outside of an employee's normal job function. Prior approval ensures that sufficient budget is available for both the costs of the certification exams and the associated monetary increase or bonus.

The employee may also be eligible for a salary increase or bonus up to a percentage or lump sum defined by the budgetary process, unless the certification is mandated by a requirement of federal, state, or local law or statute, or maintained as a condition of employment on the employee's position description.

The department director must review and verify the budget and approve each certification request before any coursework begins. After the employee provides documentation of completed certification(s) and with approval of the Department Director, the Human Resources Director, and the County Manager/designee, any increase will be submitted to Finance/Payroll for processing.

Some employees are responsible for obtaining and maintaining current, valid credentials required by law, rule, regulation, or policy, either state or federally mandated. Failure to obtain or maintain the legally required credentials may result in immediate dismissal without warning.

A list of approved certifications and designated increases is appended to this policy. This list is subject to change based on the needs and requirements of the department, state or federal guidelines and requirements, management requests, and budgetary constraints.

## ARTICLE 7

# Holidays, Leave and Adverse Weather

### Definitions Used in This Article

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*Administrative Leave.* –**With Pay:** Paid time off. May be granted when County offices are closed under the Adverse Weather policy or for volunteer activities, including blood donation, or during times of decision-making and investigatory activities. **Without Pay:** time off without pay is a disciplinary measure. Employees placed on Administrative Leave Without Pay may not elect to use their available accrued leave.

*Anniversary date.* The exact date the employee was hired.

*Child [FMLA].* 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 for at least twelve cumulative months with Wayne 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.

*Essential 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, HHS employees, and any other employees designated as essential.

*Extended Leave Without Pay.* Any period that 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 the birth of a child, adoption of a child, or the serious health condition of the employee, spouse, child or a parent.

*Holiday Time.* Paid holiday time is given to all full-time employees.

*Immediate Family [other than FMLA].* Immediate family is defined as spouse, parents, children, brother, sister, grandparents, and grandchildren. Also included are step, half, and in-law relationships. Children for whom the employee is currently providing foster care will also be considered “immediate family”.

*Immediate Family [for Family/Medical Leave only].* The definition of immediate family solely for Family/Medical Leave Act use 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 arises 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.

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

*Non-chargeable leave.* A form of paid administrative leave that does not result in a reduction of accrued leave hours.

*Non-Essential Personnel.* Employees are 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 hired 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.

*Regular Employee.* An employee hired to a regular, budgeted position who has achieved regular status through satisfactory completion of the initial probationary period. Also includes benefited part-time employees who are appointed to a regular, budgeted position and have completed the 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:

- a) Medical and dental appointments.
- b) 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.
- c) 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 Leave Year.* For the purpose of earning and accruing vacation leave, the period from January 1 through December 31 is established as the vacation year.

## Holidays

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The Board generally looks to the State of North Carolina's holiday schedule in adopting the County's holiday schedule. However, the Board may include other holidays and time off for the benefit of the employees of Wayne County.

Holidays occurring during vacation leave will be paid for and recorded as holidays. **Scheduled employees who call out for non-FMLA-related reasons are not entitled to holiday pay.**

Holidays will not be advanced

The employee must be in a pay status on the day before the holiday occurs to be eligible. Pay status will be defined as a scheduled day off, sick leave with pay, vacation leave with pay, unused holiday, **family leave**, or a regularly scheduled workday.

With the approval of the department head, an employee may take time away from work for the purpose of observing a religious holiday. The employee may take leave without pay or use accrued vacation leave.

Holidays not worked are always paid at the straight time rate and will be excluded from hours worked in calculating overtime, except for those employees who must work due to shift scheduling. EMS, 911, Detention and Sheriff Department should see their timekeeping policy in finance for specifics on holiday pay. These employees will receive 12-hour holiday time whether the employee worked the shift or not. Scheduled employees who call out for non-FMLA related reasons are not entitled to holiday pay.



## Effect of Work on Holidays and Other Types of Paid Leave

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Regular holidays which occur during a vacation, sick or other paid leave period of any officer of the County shall not be charged as vacation, sick, or other paid leave.

## Adverse Weather Reporting

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Employees are expected to report to their regular workstations each workday and to make the necessary advance preparations so they can get to work in periods of inclement weather. After the County Manager decides on adverse weather conditions and the advisability of continuing normal County operations, announcements concerning delays or closing will be made on the local radio and news stations as soon as practical.

When the County Manager decides to close the non-essential County operations due to inclement weather, regular full-time and benefited part-time county employees are granted time off with pay and are not required to use accrued leave for this time. Non-benefited part-time employees will not be paid for this time. This may be keyed to paid administrative leave on the timecard. Full-time employees who must report to work are paid at the regular rate of pay.

When a decision is made to close for a full day, to delay opening, or to dismiss employees early, employees will be excused and given administrative leave for the period of the closing, even though the employee may be on previously authorized vacation or sick leave.

When a decision is made to dismiss employees earlier than the regular closing time, employees on duty at the time of closing, those expected to report to duty before the closing of the normal business day, and employees on approved leave will be excused and given administrative leave for the period of the closing.

Employees performing essential duties are not excused as provided in this section. This class of employees should contact their supervisor. Included in this list are these positions: Sheriff's office, Detention Center, Emergency Medical Services, Emergency Management, Communications and Facilities.

If an employee does not report to work during inclement weather when County offices are open, they must account for the absence by using vacation leave equal to the time of the workday. The same applies when an employee leaves work before the workday ends and County offices remain open. If an employee desires to leave work early, they must obtain approval from their supervisor before leaving the assigned workstation.

Employees whose shifts or assignments are not affected by the adverse weather conditions will receive their normal compensation for work performed. Additional time beyond the usual schedule worked during adverse weather conditions must be approved. All time worked will be paid, but failure to obtain approval for additional work may result in disciplinary action.



## Annual Vacation Leave

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Vacation with pay is granted to all full-time and benefited part-time employees after thirty (30) days of service.

Eligible employees earn and accrue vacation leave from the first day of employment. However, vacation leave may not be used until after the first 30 days of service. For the purpose of earning and accruing annual leave, the twelve (12) month calendar period between January 1 and December 31 is established as the vacation leave year.

Employees designated by a director may work from an alternate location when approved by County Management/designee. These employees shall not be required to use accrued vacation hours when conducting county business from the approved alternate location. Bonus Leave accumulation for employees working from an alternate location must be agreed to prior to working more than 40 hours.

**Leave does not accrue during leave without pay.**

## Manner of Accumulation & Credit

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Full-time and benefited part-time employees accrue vacation leave determined by the length of aggregate service with Wayne County. Full-time employees shall accrue vacation starting from the initial date of employment. Leave is accumulated on a bi-weekly basis. It is posted as it is accrued and cannot be used in advance of the accrual.

To recruit qualified and government-experienced staff, an employee who transfers from another unit of government may receive credit for previous years' service toward the county schedule for determining vacation rates, so long as there is no break in service from one government entity to another. A previous Wayne County employee who is rehired will also receive credit for those years of previous service when determining their accrual vacation rate only, regardless of a break in service. For either scenario, the employee must have been in a benefited position to receive credit for their prior service. The Local Government Retirement System is the determining factor for how many years of creditable service an employee has obtained in local government. Any other unit of government time in service may be verified by an official letter from the losing agency's HR, payroll, or retirement office. This method of calculating years of service shall only apply for determining vacation accumulation rates. It shall not be used for any other purpose relating to credible service under this policy including but not limited to longevity, retirement, sick time, and retirement insurance coverage.

The employee shall be responsible for requesting credit for previous service for the purposes of accrual rates. A request must be submitted within twelve (12) months of employment or re-employment.

Years of aggregate service and days granted each year (one day equals eight hours for accrual purposes)

	FULL TIME	BENEFITED PART TIME
Less than two years	3.6923 hours/pay	2.7692 hours/pay
Two years but less than five years	4.3077 hours/pay	3.2308 hours/pay
Five years but less than 10 years	5.2308 hours/pay	3.9231 hours/pay
Ten years but less than 15 years	6.1538 hours/pay	4.6154 hours/pay
Fifteen years but less than 20 years	7.0769 hours/pay	5.3077 hours/pay
Twenty years or more	8.0000 hours/pay	6.0000 hours/pay

Leave accrual is calculated based on the accrual date and not necessarily the date of hire. An accrual increase takes effect on the last day of the two-week pay period in which the accrual date anniversary falls and is reflected as soon as possible on the employee's notice of deposit.

### Maximum Vacation Leave Accumulation

Annual leave may be accumulated without any applicable maximum until December 31 of each calendar year. However, if the employee separates from service, payment of accumulated leave shall not exceed 240 hours. Employees are not required to use accrued leave to cover vacation days that they would not normally be scheduled to work. On December 31, any employee with more than 240 hours of accumulated leave shall have the excess accumulation transferred to their sick leave balance so that only 240 vacation hours are carried forward to January 1 of the next calendar year.

Employees are cautioned not to retain excess accumulation of annual leave until late in the calendar year; due to the necessity to keep all county functions in operation, large numbers of employees cannot be granted annual leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having annual leave scheduled or in receiving any exception to the maximum accumulation.

Except as noted below, an employee who separates with appropriate notice and without failure in performance of duties or personal conduct shall be paid a lump sum payment for leave at the time of separation, not to exceed the maximum of 240 hours. This separation can be due to resignation after having given two-week notice, reduction-in-force, death, and service retirement.

An employee shall not receive a lump sum payment for vacation leave if any of the following conditions occur:

- a) The employees' separation results from the dissolution of a County department by the Board of County Commissioners.
- b) The Board contracts with another entity for provision of that department's services.
- c) The Board, through contractual provision, requires such an entity to offer employment to employees of the dissolved department and to accept transfer of their accrued vacation; and
- d) The employee accepts such employment. In this event, the employees' accrued vacation leave will be transferred to the new service provider.

Upon the death of an employee, there shall be paid to the estate a sum equal to all unused annual leave.,

An employee ceases to accumulate leave during the period of final separation. The last day of work is the date of separation even when the employee receives pay for accumulated vacation leave extending beyond this date.

### **Vacation Leave Approval**

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Vacation leave must be approved in advance by the employee's supervisor or department head. Vacation leave that is not approved in advance may not be paid.

Vacation leave may be used for any purpose, including any purpose that sick leave may be used for.

An employee going on an approved leave of absence may request to use vacation time to the full extent of leave accumulated on the date leave began.

Employees transferring between departments do not have their accrual rates or accrued vacation time affected.

If an employee is on vacation and becomes hurt or ill, that person may exercise the option to use sick time; the Department head may request medical verification.

Employees must have vacation accrued before it can be taken. The County will not advance vacation time.

Pay in lieu of using vacation leave shall not be an option.

## Personal Observance Leave

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Upon hire, full-time employees will receive 8 hours of Personal Observance Leave, beginning July 1, 2023. This leave can be used for any single day of personal significance to the employee, and this day does not have to be a day that is officially recognized. Personal Observance Leave awarded to employees must be utilized in one work shift. Employees may choose to use their Personal Observance Leave before they use accumulated compensatory time.

Newly hired employees will be credited with leave immediately upon employment. Re-employed staff within the same fiscal year will receive the same credit as a newly hired employee unless they previously utilized the leave within the same fiscal year. This leave not taken by June 30 of each year will be forfeited and not carried over to the next fiscal year. Personal Observance Leave will not be paid upon employee separation, cannot be converted into retirement credit, and is not payable upon the death of an employee.

Personal Observance Leave requests must follow the department's leave policy. To the extent possible, department directors and supervisors should allow employees to use the leave when requested. Department directors and supervisors are encouraged to accommodate employees wanting to recognize the same day for Personal Observance Leave. However, Personal Observance Leave may be required to be rescheduled based on the department's needs and impact on service.

## Sick Leave Policy

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Sick leave with pay is a privilege granted by the County. Full-time employees of the County are granted up to 3.6923 hours of sick leave per pay period of active employment during a year. The amount of sick leave that may be accumulated is unlimited and may change based on years of service. **Leave does not accrue during leave without pay.** An employee may use sick leave for the following reasons:

- a) Any physical or mental illness or bodily injury which may prevent an employee from performing his/ her regular duties.
- b) Medical, dental, or mental health appointments
- c) The actual period of temporary disability caused or contributed by pregnancy, miscarriage, childbirth, and recovery therefrom. Since there is no certainty as to when disability begins and ends, a doctor's certificate may be required to verify the employee's period of temporary disability recognized as sick leave.
- d) Quarantine due to a contagious disease in the employee's immediate family, or exposure to a contagious disease when continuous work might jeopardize the health of others.
- e) Medical appointments or illness in the employee's immediate family.
- f) If the reason for the sick leave, is one covered by Family/Medical Leave, the sick time taken shall count toward the employee's 12 weeks/480 hours of FMLA leave.

In the case of emergency circumstances, it is the responsibility of the employee to notify his/her immediate supervisor as to the above information as soon as possible. For day-to-day circumstances, it is the employee's responsibility to inform his/her immediate supervisor within the time frame instructed by the department.-

When an employee is over-using sick leave or is using sick leave as it is earned, the department head may request the employee to furnish a doctor's note to verify the employee's condition, which requires absence from work.

Employees who are separated and are not reinstated with Wayne County within a twelve (12) month period shall lose all sick leave credits. No employee shall be paid for any accrued sick leave at separation. Retiring employees may use sick leave credits to count toward the state's retirement system calculations in the state retirement system. Employees separating to work for another public entity that accepts transferred sick leave credits may have their sick leave credits transferred. In all other circumstances, such as termination or separation without notice, an employee forfeits any sick leave credits at the time of separation.

For the purposes of this Article [except for Family/Medical Leave], "immediate family" shall be defined as spouse, parents, children, brother, sister, grandparents, and grandchildren. Also included are step, half, and in-law relationships. Children for whom the employee is currently providing foster care will also be considered "immediate family".

### **Sick Leave Transfer from Other Agencies**

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Unused sick leave earned from another government agency and/or entity will be accepted and transferred to Wayne County. A new employee in a benefited position who comes to the county directly without a break in service may have his/her sick leave balance transferred to Wayne County.

- a) The employee is responsible for requesting the transfer and solely responsible for obtaining certification of the prior sick leave balance from the former employer and submitting it to the county within twelve (12) months of employment. This certification should include both the final unused sick leave balance and the dates of covered employment with the other agency.
- b) Upon employment with the county and proof of a prior, eligible sick leave balance, the employee will be immediately credited with his/her sick leave balance with the county.

## Family Medical Leave

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Wayne County complies with the Family and Medical Leave Act (FMLA) and provides eligible employees for up to 12 weeks of job-protected leave during a rolling 12-month period for the following reasons:

- Birth or placement of a child for adoption or foster care.
- Care for a family member with a serious health condition as defined by the FMLA regulations.
- The employee's serious health condition prevents them from performing essential job duties.
- Military Caregiver Leave
- Military Family Leave

### Eligibility:

Employees are eligible if they have worked at Wayne County for at least 1,250 hours over 12 months.

### Notice Requirements:

- Employees should notify the County 30 days before foreseeable leave (e.g., birth, planned medical treatment). If 30 days' notice is not possible, notify us as soon as practical.
- For medical leave, employees must make a reasonable effort to schedule treatment to minimize disruption to work.

### Certification:

- Employees, when required, must submit a medical certification from their healthcare provider to HR within 15 days of making the request.
- Failure to provide the certification within 15 days will result in the leave not being designated as FMLA, and the employee may lose job protection rights, including the ability to return to the same or equivalent job.
- If the certification is late, a warning letter will be sent, providing 10 more days to submit the certification. After that, the leave will no longer be treated as FMLA and will be subject to the following:
  - No job protection during the leave.
  - Loss of the right to return to the same or an equivalent position.
  - If the employee goes into Leave Without Pay (LWOP) for half a month or more, they will be required to reimburse the County for the employee portion of their medical benefits.

### Return to Work:

- Light-duty work is not available under medical FMLA.
- Unless an extension is granted, failure to return to work at the end of FMLA leave shall be considered a resignation.

#### Designation of FMLA Leave:

- The County will notify employees in writing of FMLA eligibility and designation of their leave within five days of the confirmation that there is a need for FMLA.
- If the employee is eligible and the leave is FMLA-qualifying, they will be required to use accrued paid leave (sick leave, vacation, or comp time) during their FMLA leave.
- Except for 40 hours of vacation leave withheld, once all other forms of leave are exhausted, FMLA leave will be unpaid.
- **Leave does not accrue during FMLA-related leave without pay.**

#### Job Protection:

- Employees on FMLA leave are entitled to return to the same position or an equivalent position with the same pay, benefits, and working conditions.

#### Health Benefits During FMLA Leave:

- While on FMLA, employees will continue to receive health and life insurance benefits as if they were working.
- If the employee does not return from FMLA leave for reasons other than continued serious health conditions, the County may require the employee to reimburse the cost of health insurance premiums paid during the leave.

#### Exceptions to the Certification Requirement:

- If the employee is physically or mentally incapable of providing the certification or has another legitimate reason for the delay, they will not be penalized under this policy.

#### Non-Retaliation:

- Employees who request or take FMLA leave will not be discriminated against or retaliated against for exercising their rights under the FMLA.

For more information regarding qualifying military exigency events, see the [Department of Labor's Fact Sheet](#).

### **Non-FMLA Leave Without Pay**

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Leave without pay is an administrative decision. The county manager may grant leave without pay for up to three months upon the recommendation of the department head and agreement of the Human Resources Director. The department's needs are paramount in granting leave without pay. **Leave does not accrue during leave without pay.**

Upon returning from leave without pay, the employee may not be guaranteed a position of the same classification, seniority, and pay.

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

### Benefits Administration during Non-FMLA LWOP

All accrued sick leave and up to a balance of 40 hours of accrued vacation must be used before requesting leave without pay. Vacation and sick leave credits will not be accrued during leave without pay.

Hospitalization and health insurance, provided for the employee by the employer during regular pay status, will not be provided at employer expense benefits during leave without pay unless the employee is on pay status a minimum of half the working days during the calendar month. The employee may enroll in COBRA during this time. While on LWOP, employees do not accrue leave and do not contribute toward retirement.

## Family Leave

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### Family Leave Policy

Employees who have completed their probationary period and meet the Family and Medical Leave Act (FMLA) eligibility criteria for caring for a family member or for birth and bonding with a child are eligible for the county's Family Leave benefit.

This benefit provides up to 6 weeks (240 hours) of non-chargeable paid leave, which will run concurrently with the employee's FMLA leave. It is not in addition to the 12-week FMLA entitlement.

#### Eligibility:

- The employee must be eligible and designated under approved FMLA leave for the family member
- Up to 6 weeks total is compensated for the birth or placement of a child for adoption
- All other qualified family circumstances will be at the department director's discretion, with the HR director's approval, and provided that the department is consistent in application.
- Employees must provide further appropriate documentation if requested.

#### Limits to Family Leave:

- This benefit is limited to one occurrence per rolling 12-month period
- Employees with active documented instances of leave abuse may not use this family leave benefit unless expressly approved by the department's director.
- Employees may be disciplined for abusing paid leave, up to and including termination.
- Employees must remain employed with the county for one year after the return from paid family or parental leave or be subject to pro-rated repayment and debt setoff.
- County Management may approve exceptions to this policy.

## Military Leave

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The County Manager, upon the recommendation of the Human Resources Director, may grant up to eighty (80) working hours of military leave with pay in a fiscal year to any full-time county employee who attends and participates in a military training period or other required reserve activity. In such instances, a copy of the employee's military orders will be provided to the office of the County Manager upon request for such military leave. Military leave shall not be charged against the annual leave or sick leave for which the employee may be eligible.



If such military duty is required beyond this eighty (80) hour period, the employee shall be eligible, at their option to take accumulated vacation leave or be placed on leave without pay status.

While taking military leave, if the employee becomes ill or disabled and is under orders and compensated by the Federal Government, they are not eligible for paid sick leave from the County during that period. Employees do not accumulate additional sick leave or vacation leave during periods of leave without pay.

### **Leave without Pay Due to Active-Duty Orders**

Employees who are called to active duty that extends beyond the eighty (80) working hours in any fiscal year shall be eligible to take accumulated vacation leave or be placed on leave without pay status, at their option.

While taking such military leave, if the employee becomes ill or disabled and is under orders and compensated by the Federal Government, they are not eligible for paid sick leave from the County during that period. The employee also does not accumulate additional sick leave and vacation leave during this unpaid leave.

The employee may choose, for a period of up to two years, to remain on the County's health plan with the County covering the employees' expenses and the employee continuing to pay any applicable expenses for dependent coverage.

### **Civil Leave**

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A full-time or benefited part-time County employee called for jury duty or as a witness to the court for the federal or state government, or a subdivision thereof, is entitled to leave with pay for such duty during the required absence. The County employee is entitled to regular compensation plus any compensation received for jury duty.

### **Administrative Leave Options**

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Administrative leave *with* pay is paid time off granted for various purposes, such as volunteer, emergency and rescue services, various approved leave, blood or other medical donations, and administrative investigations.

Administrative leave *without* pay can be designated by the County Manager in cases of egregious behavior, poor conduct, or negligent performance and pending formal investigation of a disciplinary nature. In cases where an employee is on administrative leave without pay, the employee may not elect to use accrued leave. 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 may authorize full recovery of pay and benefits for that period of suspension.

## Non-Disciplinary Suspension During Criminal Investigations

During an 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.

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

Alternatively, based on the circumstances, 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 disciplinary action.

## Volunteer Policy

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Wayne County is committed to the support of many worthwhile charities and causes that positively impact the lives of Wayne County residents. This policy, which permits County employees to volunteer an average of at least one hour per month in support of an approved charity and/or cause subject to the following:

- a) The charity and/or cause must be approved by the County Manager or designee. This can be in the form of an email communication from the department director requesting the charity or cause be approved.
- b) The charity or cause must be one that benefits the public and not of a personal nature, must not cause a conflict of interest, and should address issues of a wide community.
- c) The employee's supervisor/department manager must approve the time away from work.
- d) Employees with pre-approval for a charity/cause and approved for time to volunteer will be considered working hours. Those hours must be notated on the timesheet as "Volunteer Work" hours.
- e) To further encourage volunteerism, employees who volunteer an average of one hour or more per month over a calendar year will be granted one day off with pay (12 hours of approved volunteerism equals one paid day off). This day off must be approved by the department's director, with supporting documentation for the volunteer hours worked. For the purposes of this policy, a "day" is defined as a regular workday for the employee, not to exceed 12 hours. This paid day off expires in one year and does not pay out upon separation.

- f) Requests to use a day off earned by volunteering must clearly note “Volunteer Time Off Award” and be marked as such on the time sheet. Department Managers are authorized to provide time off with pay to employees participating in volunteer emergency and rescue services. Each department manager is responsible for determining that a need for such services exists within a given area. The employee must provide the department manager with sufficient proof of membership in an emergency volunteer organization and show that the performance of such emergency services will not unreasonably hinder the agency activity for which the employee is responsible. Wayne County encourages the donation of blood by County employees to the American Red Cross and to hospitals. If an employee wishes to participate in this activity, they may request administrative leave for up to three hours for this purpose. This leave may be approved by the supervisor or department head once every two months, as a donor must wait at least 56 days in between donations and providing it does not cause disruption of work in the unit or department.

## Incoming Volunteer Requirements

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The County of Wayne is concerned about the safety of its volunteers, the safety of its constituents, and the protection of its assets and reputation. To reduce these risks, prospective and as applicable, current county volunteers will undergo a criminal background check that complies with the Fair Credit Reporting Act (FCRA). Volunteers are treated as applicants under the FCRA. Rescreens may be performed annually.

## Educational Leave

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An employee may be granted educational leave to participate in a job-related short course. The course must be directly job-related and must be intended to enhance the performance of present job duties. A written request from the department head to the County Manager must include details involving cost to the County, nature of training, use of County time, use of County funds, and arrangements for lodging, meals and travel, if needed. An employee must also stipulate, in detail, the anticipated effects on work performance as a direct result of such training. The employee will receive his/her regular compensation during such approved educational leave. No compensation or reimbursement will be given to an employee whose leave is not approved. No compensation or reimbursement will be given if the course is taken for purely academic credit.

## Bereavement Leave

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Full time employees will be granted up to 3 days with pay in the event of death of an immediate family member. Bereavement leave is established to provide the employee with basic time for funeral arrangements, attendance, and handling business matters concerning a death. Written verification (obituary, death certificate, funeral program, newspaper obituary, or other written verification) may be required before crediting bereavement leave. **See the definition of [Immediate Family \(other than FMLA\)](#) at the beginning of this article.**

## ARTICLE 8

# Employee Benefits

### Policy

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In addition to those benefits specified by law, it is the policy of Wayne 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

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The benefits provided by this Article are for full-time service.

A benefited part-time employee shall receive benefits in proportion to the percentage of hours that they work each month.

A part-time employee receives no benefits.

### Definitions Used in This Article

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*Continuous Employment.* The defined amount of employment service to qualify for longevity payment and insurance retirement benefits. Continuous employment is time physically worked for Wayne County and not the years of credible service as determined by the Local Government Employee Retirement System.

*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.

*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 which an employee suffers within the course of their employment with Wayne County.

*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 the 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.

## **Medical Insurance**

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Subject to budget appropriations, the County will provide medical insurance to all full-time employees.

Employees are eligible to obtain employee/spouse, employee/child, employee/children, or family medical insurance coverage by paying the additional monthly cost. Employees shall be enrolled in the programs in accordance with the provisions of the insurance contracts.

Employees eligible for medical insurance may receive compensation to opt out of the County's program. Employees who wish to opt out of the County's program may do so during the annual open enrollment.

## **Unemployment Insurance**

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Wayne County is covered by unemployment insurance. County employees who are laid off or released from the County's service may apply for unemployment compensation through the local office of the Employment Security Commission Division. Eligibility for unemployment insurance will be determined by the ESC Division.

## **Required Retirement Benefits**

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Each permanent, full-time and benefited part-time employee, as a condition of employment, must join the Local Governments Employee's Retirement System. Employees must contribute, through payroll deduction, the predetermined percentage of gross salary each month to the system. The County contributes an actuarially determined percentage of the gross payroll each month to the system. These benefits are governed by North Carolina State Law and the North Carolina Treasurer's Office.

Employees who are not in law enforcement may find their retirement handbook by navigating to [MyNCRetirement.com](http://MyNCRetirement.com) and searching the term "LGERS Retirement Handbook".

## **Law Enforcement Officers Retirement Benefits**

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Law Enforcement personnel may be entitled to additional benefits due to their status as a sworn law enforcement officer. The County provides all retirement benefits to these employees as required by state law. Law Enforcement Officer's Benefits are covered in a booklet provided by the Department of the State Treasurer of North Carolina.

A copy can be obtained on its website or by contacting the Human Resources Office.

The Law Enforcement Retirement handbook can be found by navigating to [MyNCRetirement.com](http://MyNCRetirement.com) and searching the term “LGERS LEO Retirement Handbook”.

## Insurance After Retirement

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No post-retirement health insurance benefits will be provided for employees hired on or after July 1, 2009.

Any full-time County employee, hired prior to July 1, 2009, who retires from service (regular or disability) under the provisions of the North Carolina Local Government Employee’s Retirement System or the North Carolina Law Enforcement Officer’s Benefit and Retirement Fund with fifteen (15) years of service with Wayne County can remain on the County group health insurance and must pay the entire premium.

When an employee hired prior to July 1, 2009, has 25 years of continuous service with Wayne County at any age, the County of Wayne will pay the employee’s premium in the group plan until the employee reaches age 65. At that time, the retiree shall be switched to a Medicare supplemental policy. The county will pay up to an individual rate amount per month toward the Medicare supplement. The retiree must pay the balance due.

Sick leave, which the Local Governments Employee’s Retirement System may use to calculate years of credible service, shall not count towards the 25-year requirement.

## Accrued Leave Conversion for Supplemental Service Credit

Addition Approved 10.21.25

### **Purpose:**

**This policy allows eligible employees to convert unused accrued leave (vacation and sick time) into supplemental service credit to meet the 25-year service requirement for the County’s retiree health insurance benefit (eligibility to remain on the group health plan at no additional cost to the employee). It is designed to encourage productive engagement and timely retirement by addressing situations where employees delay retirement solely to achieve the 25-year milestone, while recognizing their earned leave as a form of service contribution. This policy is intended to promote employee well-being and retention, but does not create a contractual right. Employees are encouraged to seek independent financial or legal advice before applying.**

### **Scope:**

**This policy applies to employees hired before 7/1/2009 and who are otherwise eligible for retiree insurance under the County’s guidelines but have fewer than 25 years of actual continuous service. This does not apply to any other benefits, unless specified in a separate policy.**

### **Eligibility Criteria:**

**The employee must have at least 23 years of actual continuous service with the County.**

- The employee must be in good standing (no active disciplinary actions) and provide notice of retirement intent to HR at least 120 days in advance.
- The employee must have sufficient unused accrued PTO (as defined below) to increase the employee's County service time to 25 years when converted to supplemental service credit.
- PTO used for conversion must be earned and accrued under the County's standard PTO policy; it does not include borrowed, advanced, or donated, compensatory, or bonus time.

#### Definitions:

- **Actual Service Years:** Full years of continuous full-time employment, calculated from hire date to separation date.
- **Accrued PTO:** Unused vacation and/or unused sick leave earned and banked as of the retirement application date.
- **Supplemental Service Credit:** Additional time credited toward the 25-year requirement, derived from converting unused vacation and/or sick leave time. One full-service year equals 2080 hours.
- **Retiree Health Benefit:** Converts eligibility to remain on the County's group health plan post-retirement at no extra cost to the employee, which requires 25 years of actual service with supplemental service credit.

#### Limitations and Exclusions:

- Converted PTO does not count toward other calculations, such as salary averages, overtime eligibility, or pension service. Leave used for the purpose of bridging retirement eligibility is essentially 'frozen' and cannot be used for any other purpose.
- This policy does not guarantee benefit availability; the County reserves the right to amend or terminate the retiree health benefit program.
- Employees who separate for reasons other than retirement (e.g., resignation, termination) are ineligible.
- Note: Conversions are capped at 2 years or 4,160 hours to ensure fairness and fiscal responsibility.

## Tuition Assistance

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The County of Wayne offers employees opportunities to enhance their skills and job performance or to prepare for potential promotion opportunities within their department through a tuition assistance program.

#### Eligibility

- a) Must be a full-time non-probationary employee
- b) Must not be on a performance improvement plan
- c) Must not have active disciplinary actions
- d) If approved, the employee's student account will be credited at the educational institution corresponding to their registration and based on the rate and funds approved during the fiscal year's budget planning.
- e) Upon request, employees must provide proof of successful completion; otherwise, they will be subjected to repayment via payroll deduction or debt setoff.
- f) Employees must provide 3 years of service to the County, as outlined in their signed agreement, or be subjected to pro-rated repayment from final compensation or debt set off



### Assistance Funds Schedule:

Employees pursuing a collegiate-level degree up to and including a master's degree are eligible for tuition assistance, subject to the following limits:

- **Maximum per credit hour:** \$550
- **Annual maximum per employee:** \$5,500

Assistance funds may only be applied to tuition and mandatory fees directly related to the required elements of the degree program. Fees for optional services or course materials (e.g., textbooks, supplies) are not covered.

This assistance schedule may be revised during the regular budgeting cycle or as approved by the Board of County Commissioners.

## Worker's Compensation

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### Policy

Wayne County provides workers' compensation benefits to employees injured on the job because of a compensable accident or occupational illness.

### Procedure

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

Supervisors should ensure that injured employees receive proper medical attention. Employees must immediately report any job-related injury or disease to their supervisor/manager. Medical services for work related injuries or diseases must be obtained from the County's designated and authorized medical provider unless the injury is an emergency and requires immediate attention and a designated provider is not immediately available.

A seven-day wait period is required before payment can be made under the Worker's Compensation Act. If an employee is unable to return to work after the seven-day waiting period, they will receive weekly compensation of 66 2/3% of their average weekly wage, based on the past twelve months, but not to exceed the maximum established by the State law.

If the disability exceeds 21 days, compensation at 66 2/3 percent of the average weekly wage for the first seven days is paid retroactively.

No Worker's Compensation leave will be granted until the insurance administrators have advised the County administrators 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 accrued leave. The employee will receive a full salary for regular 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 is unable to return to work, the treating physician must obtain a written statement.

Time away from work for a required follow-up medical appointment covered by Workers' Comp will not be charged to the employee's accrued leave.

All approved Worker's Compensation leave will be charged as Family Medical Leave under the Family Medical Leave Act. Those employees on Workers Compensation FMLA are eligible for a light-duty return to work program when a doctor provides notification of work with restrictions.

When workers' compensation disability benefit payments are received while the employee is out of work, payroll deductions for optional insurance and dependent benefits are the employee's responsibility. Employees must contact payroll regarding payment dates and amounts. Medical benefits will continue for the employee.

For the purposes of benefits accrual, the employee is considered to be on leave without pay status. The leave without pay continues until the employee successfully returns to work. See Leave Without Pay for more information regarding your leave accruals and retirement benefits.

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 and leave benefits do not accrue.

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

### **Worker's Compensation – Temporary Light Work Assignments**

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An employee who is temporarily disabled from their regular job because of an on-the-job injury may be able to return to a light work assignment during the temporary disability period. FMLA previously designated to an out-of-work employee due to a compensable workers compensation claim will cease when the employee is approved for light duty.

The treating physician under the County's Workers' Compensation program shall be encouraged to release temporarily disabled employees to a light work status and describe the employee's physical limitations in sufficient detail to enable the County to determine a suitable work or task assignment.

The employee's regular work unit will attempt to locate a suitable work assignment within the physical limitations described. Departments shall not create a position for the purpose of returning an employee to receive workers' compensation to work. If the usual work unit is unable to assign suitable work, the Human Resources Office will be contacted to determine if there are suitable work assignments in other work units. If so, the employee may be temporarily assigned to the other work unit. The employees' timesheet will be maintained by his/her regular work unit and coded for Medical Disability Worker's Compensation and their paycheck will continue to be distributed from the regular work unit.

The employee continues his/her regular pay status during the light duty period.

Upon release to regular work without restrictions, the employee will be returned to his/her work unit and his/her regular job.

Use of temporary light work assignments is not intended to include other sicknesses or injuries experienced away from work by the employee.

Each Department Head shall be responsible for the review, coordination/implementation of temporary light work assignments.

### **Benefits/Other-Fixed**

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Wayne County offers life insurance to full-time employees equal to the employee's annual salary, rounded to the nearest thousand. Enrollment is required.

### **Benefits/Other-Flexible**

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The County-sponsored 401(k) plan will match full-time and part-time employee contributions at either 1% or 2% in whole percentages. Employees may contribute any amount above 2% of their gross salary, but the County's match is a maximum of 2%.

Employees have the option to contribute a specific amount of their salary each month to the 401(k) plan as opposed to a percentage. Although, employees are strongly encouraged to elect a percentage (1%, 2%, or greater) of salary to receive maximum benefit. If a specific dollar amount contribution is less than 1% of the employee's current gross salary, the employee will not receive the county match. Matches only apply to 401(k) Traditional & Roth plans.

Both full-time and part-time employees may contribute to 457 Deferred Compensation plans. However, employer matches are not contributed to these plans.

As of July 1, 2017, 401(k) employee and employer contributions will be based on total gross salary which includes the following pay types:

- Base Salary (including sick and vacation pay)
- Holiday Pay
- Overtime
- Straight Time
- Fluctuating Overtime
- Retro Pay
- Sheriff's special officers' pay
- Bonuses

The following pay types will be excluded from 401 (k) employee and employer contributions:

- Cell phone allowance
- Uniform allowance
- Longevity
- Travel allowance
- Opt-out Pay

## Longevity Pay

County of Wayne employees hired before July 1, 2011, with an employment tenure of five years or more, are eligible for Longevity Pay as determined and approved by the County Board of Commissioners with the annual budget.

This benefit will not be offered to employees hired on or after July 1, 2011.

The Longevity Pay will be paid with the November payroll. Qualifying employees who leave the employment of the County of Wayne before that November payout will receive their Longevity Pay in their last paycheck, provided they leave in good standing with appropriate notice due to resignation, reduction in force, disability, or retirement.

Longevity Pay is based on the following table:

### Length of Service (in years)

From:	To:	Percent
05	09.99	1.0%
10	14.99	1.5%
15	19.99	2.0%
20	24.99	2.5%
25+		3.0%

## Shared Leave Programs

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### Leave Bank

The County recognizes circumstances in which an employee may not have leave accrued or be unable to obtain donations from other employees. In those cases, the employee's department administration may apply to the HR office to use the Leave Bank. The Leave Bank is a program where unused or donated sick and vacation leave accrues for medical emergencies of any eligible employee or an employee's family member that will require the employee to be absent from duty and result in a loss of income due to the employee's lack of available paid leave. Certification regarding the medical emergency from an appropriate entity may be required.

#### Eligibility:

This program is intended for employees in extenuating circumstances who have responsibly used their accrued time and have no accrued time due to circumstances beyond their control, as well as new employees who have not yet accrued time to use. Long-term employees who have no accrued leave will be required to provide a reasonable explanation for the lack of accrued time. Directors may use discretion when applied consistently when determining whether an employee or department will participate in this leave program.

Employees may receive up to 240 hours of shared leave during their employment, regardless of the source of the donation. The county manager or designee can make exemptions to the 240-hour limit. Donating employees must maintain a minimum of 40 hours of vacation leave for their own use unless separating from employment with proper notice. Sick leave may not be donated.

### Person-to-Person Shared Leave

In other instances, an employee may wish to donate their vacation leave directly to a specific employee. Employees may share accrued vacation hours with other employees who have exhausted their sick and vacation leave due to an extenuating illness. The appropriate form found on the HR portion of the county website must be completed and approved by the Human Resources Office and County Manager's designee before the transfer occurs. Employees may receive up to the limit of 240 hours of shared leave during their employment. The County Manager or designee can make exemptions to the 240-hour limit. Donating employees must maintain a minimum of 40 hours of leave for their own use, unless they separate from employment with proper notice. Sick leave may not be used for this purpose.

## ARTICLE 9

# Disciplinary Action and Dismissal

### General

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It is the intent of Wayne County to establish this policy to provide County employees and County government management with a fair, transparent, and valuable tool for correcting and improving performance problems, as well as to provide a process to assist management in handling instances of unacceptable personal conduct.

The County recognizes that consistent with sound employee relations practices, it is essential that disciplinary action, suspension, and dismissal be administered in as nearly a uniform manner as possible. To assist all levels of supervision in promoting efficiency and equitable treatment for all employees, the following is established:

Any employee regardless of occupation, position or profession may be warned, demoted, suspended, or dismissed by the appointing authority. The degree and type of action taken shall be based upon the sound and considered judgment of County management in accordance with the provisions of this policy.

### Definitions Used in This Article

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*Active Written Warning.* A written warning is active for a period of twenty-four (24) months after being issued. After twenty-four (24) months of satisfactory job performance as documented by a satisfactory performance evaluation, the written warning shall become inactive and will not be used as the basis for any human resources action from that point forward. The written warning does not become inactive if another disciplinary action is taken within the 24-month period.

*At-Will Employee.* An at-will employee 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.* A 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:* An unpaid suspension from work for a period of one 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.

*Negligent Performance.* Referring to the evidence of lack of care, or failure to exercise care that any reasonable person would expect while conducting county business that negatively affects operations.

*Pre-Dismissal Conference.* A pre-dismissal conference is a meeting between the Department Head or his/her designee and an employee who may be subject to dismissal. A pre-dismissal conference shall be held before the County may 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.

*Unsatisfactory Performance.* Defined as an employee consistently failing to perform expected duties efficiently, competently, and to a reasonable or measurable standard.

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

## **Separation of Employees During Probationary Period**

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During the probationary period, the supervisor may separate an employee without following the procedures in this policy. The supervisor will meet with the employee, inform them of the separation, and provide the employee with a letter with the date of separation during the probationary period. Employees separated during their probationary period may be eligible for re-employment at the discretion of the County Manager.

Employees in a work-against position remain probationary until they meet the full qualification standard or 12 months, whichever is longer.

## **Basis for Disciplinary Action**

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

- Unacceptable personal conduct or negligent performance
- Unsatisfactory job performance

## Unacceptable Personal Conduct or Negligent Performance

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Unacceptable personal conduct and negligent performance includes, but is not limited to, behavior of such a serious detrimental nature that the functioning or reputation 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. The following are examples:

- 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 and/or the public based on 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, except for 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 request from an authorized supervisor.
- Continued irregular attendance or regular tardiness, including instances of no call/no show.
- Abuse of leave policies and programs.
- Abuse of timekeeping policies and procedures or theft of county time
- Blatantly disrespectful or insubordinate communication
- An employee's failure, without proper cause, to perform duties with a standard of care that one would reasonably be expected to observe in completing and fulfilling duties or tasks.
- Conduct for which no reasonable person should expect to receive a prior warning.
- Willful, negligent, or at-fault damage or destruction of property.
- Consistent mistakes due to a lapse of reasonable care when the employee is aware and capable of performing the task to a standard.
- 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 confidential or privileged information concerning the County's personnel matters, property matters, or other affairs.

*Note: The above is intended to be examples, not an exhaustive list.*

## Discipline for Unacceptable Personal Conduct or Negligent Performance

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Discipline imposed for unacceptable personal conduct or negligent performance does not require prior notice that 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 taken by department directors in similar situations, the County may impose serious disciplinary action, up to and including dismissal, without 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 their duties, the Human Resources Director and the County Manager, or their designee, must review the circumstances and approve the dismissal.

## Job Performance Discipline and Dismissal

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This category covers all types of performance-related inadequacies. This policy does not require that all progressive warnings concern the same type of unsatisfactory performance; it only requires that the progressive warnings all relate to job performance. To begin the process, a written warning is issued and active for a period of 24 months after being issued. Since the purpose of a warning is to bring about permanent correction, after 24 months of satisfactory job performance, indicated by no further disciplinary actions, the written warning will become inactive, not to be used as the basis for any action from that point forward. The written warning remains active even if another disciplinary action is taken within the 24 months.

The following are examples of unsatisfactory job performance:

- Continued inaccurate work.
- Continued untimely work.
- Poor quality of work.
- Insufficient quantity of work.
- Inability to perform to a measurable standard.
- Poor or ignored communications

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



## **Procedure for Implementing Disciplinary Action for Unsatisfactory Job Performance**

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No employee may be disciplined by demotion, suspension without pay, or termination until after the review and approval of the Human Resources Director and the County Manager or their designee.

Depending on the circumstances, before taking formal disciplinary action for unsatisfactory performance, the supervisor should discuss the performance with the employee and work with them to correct the deficiency, documenting the discussion. If informal discussion does not correct the performance, formal disciplinary and corrective action is the next step.

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 issuing a written warning. Disciplinary actions should be taken as soon as practical after discovery.

### **1. Documented Incident**

Before issuing a written warning about unsatisfactory job performance, there shall be a current, documented, unresolved incident of unsatisfactory job performance on the part of the employee. This incident can be documented in any number of ways, including enhancement plans, PIPs, email conversations, personal (documented) conversations, and the Corrective Action form, which are opportunities to document an issue that may lead to a written warning. This incident is “live” for 24 months.

### **2. Written Warning**

Within 24 months of a documented incident, you may continue the process of a written warning if needed. The written warnings need not be related. However, the expiry period for any performance-related incident is 24 months.

### **3. Final Written Warning**

Within 24 months of a documented incident, you may continue the process of issuing a final written warning. The written warnings do not need to be related to each other. However, the expiry period for any performance-related incident is 24 months.

### **4a. Disciplinary Suspension Without Pay -optional**

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

- a current, documented, 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.

A disciplinary suspension without pay for unsatisfactory performance must last at least one shift and a maximum of two work weeks.

#### **4b. Demotion-optional**

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

- a current, documented, 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.

A demotion requires a reduction in duties, a change in title, and a salary reduction of at least 10%.

#### **4c. Pre-Dismissal Conference**

A pre-dismissal conference must be held in accordance with this policy before dismissing a regular employee for job performance or personal conduct. See procedures for pre-dismissal conferences below.

### **5. Dismissal**

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

- a current, documented, unresolved incident of unsatisfactory job performance; and
- at least two prior active warnings or other disciplinary actions (such as a demotion or suspension) for unsatisfactory job performance; and
- approval of the Human Resources director regarding the basis for the proposed dismissal, and the County Manager's agreement with the proposed dismissal action.
- a pre-dismissal conference with the employee.

#### **Additional Disciplinary Options**

The County may seek restitution from at-fault employees in the event of willful or negligent damage or destruction of County property.

#### **The Pre-Dismissal Conference**

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A pre-dismissal conference must be held in accordance with this policy before dismissing a regular employee for job performance or personal conduct in accordance with these requirements:

- The department head, considering dismissal, must discuss the recommendation with Human Resources. If Human Resources determines, based on the available information, that dismissal is warranted, the County Manager or designee may approve conducting a pre-dismissal conference.

- The department head must provide the employee with advance notice of the date, time, location, and reasons for the conference. The employees' attendance at the pre-dismissal conference is not mandatory, but the conference is the employees' opportunity to provide information to be used in the County's decision.

Persons in attendance at the pre-dismissal conference are:

- The employee.
- The Department Head and/or supervisor.
- If requested, a representative from the Human Resources Department.

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

During the conference, the department head or their designee shall provide the employee with notice of the recommendation for dismissal, including the specific reasons for the proposed disciplinary action and a summary of the facts supporting the dismissal recommendation.

The department head or their designee shall then provide the employee with an opportunity to respond, offering information regarding the recommended dismissal, presenting facts that differ from those provided by management, and providing evidence in support of the employee's position. The employee may respond but is not required to do so if they choose not to.

*Note: This meeting is not a hearing. The primary purpose is to allow the employee 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:

- If a decision regarding employment is pending, place the employee on paid administrative leave and communicate the decision within three business days.
- If a decision has been made, it must be clearly communicated to the employee. Collect the employee's badge, keys, and any items belonging to the county. HR will store any remaining personal items for collection at a later date.

### **Failure to Meet or Maintain Required Conditions of Employment**

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An employee may be immediately suspended, demoted, transferred, or dismissed for causes relating to employment qualifications and standards that are not met or maintained. Representatives of such conditions of employment are requirements concerning certifications or licenses, education and training levels, physical/mental condition, or any other condition. These qualifications may be included in Federal law, 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 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. Employees who fail to obtain or maintain the required credentials may be terminated in writing 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 concerning securing employment shall be grounds for immediate dismissal.

## ARTICLE 10

# Grievance Procedure/Complaint Process for Allegations of Discrimination, Harassment, or Retaliation

### Policy

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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

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These grievance procedures apply to Wayne County departments and employees, except for employees of the Sheriff's Office and the Office of the Register of Deeds. Probationary employees may not grieve separation of employment under this policy. See Article 4 Probationary Period of Employment.

### Definitions Used in This Article

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*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 are 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.* Non-grievable issues include:

- The negotiation of wages, salaries, or fringe benefits.
- Any work activity accepted by the employee as a condition of employment.

- Operating and/or organizational changes adopted by the County for the efficient and economical operation of County services, including but not limited to hours of work, licenses and certifications, 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 for Disciplinary Complaints

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Any 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

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An employee or former employee shall begin the grievance process by filing a written grievance meeting request with the Human Resources Director within fifteen (15) days of the occurrence or decision the employee is grieving. The notice must list a current mailing address, email address, phone number, the grievance, and the relief being requested.

*Note: Determination of When a Grievance Exists*

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

### Panel Appeal

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The first step will be meeting with a panel. The County Manager, or designee, shall be notified of a request for an appeal meeting and will designate a disinterested three-person administrative panel to hear the grievance. The purpose of the meeting is to determine if grievance is adequate to overturn the original decision or provide the relief that the grievant is requesting. The panel meeting will be appointed and set no later than fifteen [15] days after the grievance is filed.

After the meeting, the panel will determine a decision in writing and provide it to the Human Resources Director, who will seek approval or rejection of that decision from the County Manager. A certified letter will be mailed to the grievant within five (5) days notifying the grievant of the final decision.

## Meeting with and Decision by County Manager

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If the Panel Appeal does not resolve the employee's grievance, the employee may appeal to the County Manager within fifteen (15) days after receiving receipt of the decision that constitutes the subject of the grievance. The County Manager (or designee) shall meet with the employee as soon as possible to discuss the grievance. The County Manager shall provide a written decision for the grievant within ten (10) days of meeting with him/her.

The County Manager's decision is the final step of the Wayne 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

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Wayne County prohibits discrimination based on race, color, religion, gender, age, national origin, disability, genetic information, sexual orientation, gender identity, or other protected status. Wayne County prohibits harassment on any of the above bases. Wayne 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 against or committed harassment or retaliation, the County will discipline that employee up to and including dismissal.

## Filing Discrimination, Harassment, or Retaliation Complaint

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To file a complaint of discrimination, harassment or retaliation, an employee may file a complaint with the Human Resources Director or 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 designee and the employee complaining.

The result of 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, or other actions deemed to be appropriate and effective. A written record of the investigation procedure and the actions taken shall be kept on file with the Human Resources Department.

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

## **Employee Obligation**

Employees are not only encouraged to report instances of any harassment and discrimination, but they are obligated to report instances of sexual harassment. Employees are obligated to cooperate in every investigation of harassment or discrimination, including, but not limited to, coming forward with evidence, whether favorable or unfavorable, to a person accused and truthfully answering questions during the course of an investigation.

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 that may be acceptable in a social setting may be inappropriate for work. Employees are expected to show good judgment to avoid actions that violate another person's right to a workplace free of sexual harassment.

Harassment and discrimination expose the County to liability, and it is every employee's job to reduce the County's exposure to liability. Employees who are found to be concealing instances of harassment and discrimination are subject to disciplinary action.

## **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.



## ARTICLE 11

# Whistleblower Policy

### Whistle Blower Policy

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It is the policy of Wayne 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 Wayne County employee that constitutes:

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

It is also the policy of Wayne County that employees should 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

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No person, including the County Manager or any other employee of Wayne County exercising supervisory authority shall discharge, threaten, or otherwise discriminate against an employee of Wayne 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 Reinstatement**

### **Types of Separation**

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All separations of employees from positions in the service of the County shall be designated as one of the following types:

- a) Resignation,
- b) Reduction In Force,
- c) Disability,
- d) Retirement,
- e) Dismissal,
- f) Death.

Upon separation from a County position, the employee shall return immediately to his/her supervisor, or the department head his/her employee identification card, all County property and all keys issued to the employee during their services. The cost of the returnable property may be charged to the employee's final paycheck if items are not received by the end of the pay period as permitted by law.

### **Resignation**

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A minimum of two (2) weeks' notice is expected of all resigning employees. Any employee failing to give at least two weeks' notice shall not receive pay for accumulated vacation leave unless there are extenuating circumstances, which may be approved by the County Manager or designee.

### **Disability**

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An employee may be separated for disability reasons, when the employee cannot perform the essential duties of his/her job because of physical or mental impairment. Action for disability separation may be initiated by the employee or the County, but in all cases, consideration for disability separation shall be supported by medical evidence from a 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 reasons, all reasonable accommodations shall be considered, and efforts shall be made to locate alternative positions within the County's service for which the employee may be qualified and able to perform the essential duties.

## Death

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The date of death shall be recorded as the separation date for computing compensation due to the employee (or estate).

## Reduction in Force

If a reduction in force becomes necessary, consideration shall be given to the quality of each employee's past performance, organizational needs of the County, and if necessary, the employee's length of service with Wayne County in determining those employees to be retained. Employees who are separated because of a reduction in force shall be given at least two weeks' written notice of anticipated separation. No regular employee shall be separated while there are temporary employees serving in the same classification in the department unless the regular employee is not willing to transfer to the position held by the temporary employee.

## Dismissal

Any employee may be dismissed from employment with Wayne County.

## Re-Employment with Wayne County

Any person who has been separated from Wayne County in good standing is eligible for re-employment as a new employee. "In good standing" is defined as having left voluntarily with at least two weeks' notice of separation, as well as having returned all physical and intellectual County property. Employees separated during their probationary period may be eligible for rehire at the discretion of the County Manager.

Persons who have been dismissed for cause from Wayne County employment for reasons of unacceptable personal conduct or negligent performance are permanently ineligible for re-employment with Wayne County. Persons dismissed for cause from Wayne County employment for reasons of documented unsatisfactory job performance are ineligible for re-employment with Wayne County for at least twelve months from the date of dismissal. After the twelve-month period, such a person may apply for employment with Wayne County. The designation of "Not Eligible for Rehire" is notated on the employee's separation PAF.

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

## ARTICLE 13

# Privacy of Employee Personnel Records

### Personnel Records Maintenance

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The following information on each County employee shall be maintained and is considered public information:

- a) Name
- b) Age
- c) Date of original employment or appointment to County service
- d) 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 a written contract or a record of the oral contract in its possession.
- e) Current position
- f) Title
- g) Current salary
- h) Date and amount of each increase or decrease in salary with Wayne County
- i) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with Wayne County; and
- j) Office to which the employee is currently assigned
- k) Letter of dismissal

### Access to Personnel Records

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Any person may have access to public information for inspection, examination, and copying during the regular business hours of the Wayne County Human Resources Office, subject only to such rules for the safekeeping of public records as the Board of Commissioners may adopt. Access to such information shall be governed by the following provisions:

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

- a) Name of the employee
- b) information disclosed
- c) date information was requested

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

Upon request, records of disclosure shall be made available to the employee to whom it pertains. An individual examining a personnel record may copy the public information as described in this Article.

## **Confidential Information**

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The County does not furnish employee name and address lists.

All information contained in a County employee's personnel file other than the public information as described in this Article will be maintained as confidential in accordance with state law and shall be open to inspection only in the following instances:

- The employee or his/her duly authorized agent may examine all portions of his/her personnel file, with the following exceptions:
  - a) letters of reference solicited prior to employment
  - b) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his/her patient.
- A licensed physician designated in writing by the employee may examine the employee's medical records.
- A county employee having supervisory authority over the employee may examine all materials in the employee's personnel file.
- By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- An official of any agency of the State or Federal government or any political subdivision of the State may inspect any portion of a personnel file when such information is deemed necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability as provided for in NCGS 153A- 98.
- Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
- A record shall be made of each disclosure and place in the employee's file (except disclosures to the employee and the supervisor).

## **Records of Former Employees**

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

## **Remedies of Employees Objecting to Inaccurate or Misleading Material in File**

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An employee who objects to material in their file may place in the file a statement relating to the material they consider to be inaccurate or misleading.

### **Penalty for Permitting Access to Confidential File by Unauthorized Person**

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Any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed five hundred dollars (\$500.00).

### **Penalty for Examining and/or Copying Confidential Material without Authorization**

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Any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file, shall be guilty of a misdemeanor and upon conviction shall be fined in the discretion of the Court in an amount not to exceed five hundred dollars (\$500.00).

## ARTICLE 14

# Implementation of Resolution

### Conflicting Policies Repealed

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

### Separability

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If any provision of this Human Resources Resolution 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.

### Violations Of Human Resources Resolution Provision

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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 violation of the same.

### Effective Date

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This Resolution shall be effective **July 1, 2025**.

## APPENDIX TO THE CERTIFICATION POLICY

Department	Certification/Licensure/Degree	Increase
<b>Animal Control</b> (updated 2025)	Euthanasia Certification	\$500
	Rabies Certification	\$500
	NACA I; or	2%
	NACA II	3%
<b>Board of Elections</b>	Certified Elections Administrator	2%
	Certified Elections Registration Administrator	2%
<b>Clerk to the Board</b>	NCCCM	2%
<b>Co-op Extension</b>	Technical Specialist for Waste Utilization Plan	2%
	Pesticide License (NC Dept. of Ag. Certification)	\$200
	Certified Plant Professional (NC Nursery & Landscape Assoc.)	2%
	Certified Professional Agronomist (state & national cert.)	2%
	Certified Crop Advisor (Public Agriculture 2 yr. program)	2%
	Notary Public for 4-H and NC State documents	\$100
<b>Emergency Services – 911</b> (updated 2025)	Advanced Public Communications Training Officer	2%
	RPL (Registered Public-Safety Leader) Certification	2%
	NENA (Emergency Number Professional) Certification	2%
	APCO Certified Public Safety Executive	2%
<b>Emergency Services - Fire</b> (updated 2025)	Certified Fire Investigator	1%
	4 yr -Fire Science Degree	2%
	Fire Prevention Level 2; or	2%
	Fire Prevention Level 3	3%
<b>EMS (updated 2025)</b>	Associates -health/EMS related	1%
	Bachelor's -health/EMS related	2%
	Master's -health/EMS related	3%
<b>Facilities Services</b> (updated 2025)	Sewer Collection Level 2 and up	2%
	Plumbing Backflow Inspections/Prevention	2%
	HVAC Boiler Inspections	2%
	Certified Locksmith	2%
	Certified Plumber	2%



	Certified Electrician	2%
	Certified Environmental Services Specialist	\$100
	Facility Engineering Management	2%
	Stormwater SCM Inspection & Maintenance	2%
	HVAC Certification	2%
<b>Finance/HR</b> (Updated 2025)	NC Local Govt. Finance Officers Certification Program	2%
	Certified Budget and Evaluation Officer	2%
	Certified Local Government Purchasing Officer	2%
	Certified Public Accountant	3%
	NC Purchasing Certification	2%
	NC Purchasing Officer Certification	3%
	NC Property & Casualty Certification	2%
	Public Sector Human Resources- Certified Professional (PSHR-CP)	2%
	Public Sector Human Resources - Sr. Certified Professional (PSHR- SCP)	3%
<b>I.T.</b>	CISSP (Certified Information Systems Security Professional)	2%
	CCIE (Cisco Certified Internetwork Expert)	2%
	PMP (Project Management Professional)	2%
	MCSE (Microsoft Certified Solutions Expert	2%
	CGCIO (Certified Government Chief Information Officer)	2%
	CCNP (Cisco Certified Network Professional)	1%
	MCSA (Microsoft Certified Solutions Associate)	1%
	CCNA (Cisco Certified Network Associate)	1%
	A Plus Computer Service Technicians	\$250
	Security Plus (cryptography and access control)	\$250
	Network Plus (hardware, installation, and troubleshooting)	\$250
	MCTS (Microsoft Certified Technology Specialist)	\$250
	MCITP (Microsoft Certified IT Professional)	\$250
	MCP (Microsoft Certified Professional)	\$250
<b>Inspections</b>	Building Code Inspector Level 2	2%
	Building Code Inspector Level 3	2%
	Electrical Code Inspector Level 2	2%
	Electrical Code Inspector Level 3	2%
	Mechanical Code Inspector Level 2	2%
	Mechanical Code Inspector Level 3	2%
	Plumbing Code Inspector Level 2	2%
	Plumbing Code Inspector Level 3	2%
	Fire Code Inspector Level 2	2%
	Fire Code Inspector Level 3	2%

<b>Library</b>	NC Library Certification	2%
	NC Environmental Educ. Cert	2%
<b>Planning</b>	NC Certified Zoning Officer Certification	1.50%
	NC Certified Floodplain Manager	1.50%
	Certified GIS Professional	2%
	American Institute of Certified Planners	2%
<b>Public Affairs</b>	Public Information Officer	2%
	Advanced Public Information Officer	1%
<b>Register of Deeds</b>	Certified Deputy Register of Deeds	2%
	Certified Assistant Register of Deeds	2%
<b>Services on Aging</b>	Ann Johnson Institute Graduate (professional training for SOA)	2%
<b>Soil &amp; Water</b>	NC Environmental Education Certification Program	2%
	Technical Specialist for Waste Utilization Plan	2%
	Agriculture Pest Control Plan	\$100
	Animal Waste Operation Certification	\$100
	Natural Resources Certified Conservation Planner	2%
	NRCS/NC Soil & Water Commission Job Approval Authority	2%
<b>Tax Administration</b>	Real Property Certification	2%
	Personal Property Certification	2%
	Appraiser Level 1 Certification	2%
	Appraiser Level 2 Certification	2%
	Appraiser Level 3 Certification	2%
	Certified Mapper	1.50%
	Certified Senior Mapper	1.50%
<b>Tax Collections</b>	Collector	2%
	Deputy Tax Collector	2%
	Assistant Tax Collector	2%
	Certified Assessment Evaluator (CAE)	2%
	Residential Evaluation Specialist (RES)	2%
	Mass Appraisal Specialist (PPS)	2%
	Assessment Administration Specialist (AAS)	2%
	Personal Property Specialist (PPS)	2%
	Cadastral Mapping Specialist (CMS)	2%

