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# MECKLENBURG COUNTY

## HUMAN RESOURCES POLICY AND PROCEDURES

### SECTION I: BOARD POLICY

County Policies Adopted By the  
Mecklenburg County Board of County Commissioners

### SECTIONS II - IX: COUNTY MANAGER'S AUTHORITY

Policy and Procedures Approved By the County Manager for the  
General Administration of County Affairs and Subject to the General  
Direction and Control of the Board

### **VISION STATEMENT**

To be the best local government service provider

# **SECTION I**

## **BOARD POLICY**

GENERAL

**PURPOSE**

It is in the best interest of the County to establish a centralized human resource system under the County Manager by which all matters relating to County employees shall be administered. It is the intent of the Board of County Commissioners (BOCC) to establish an equitable and uniform system of human resource administration consistent with the requirements for a Substantially Equivalent Personnel System as outlined in Chapter 126 of the G.S. of North Carolina.

Revised: July 11, 1994

**APPOINTMENT/REMOVAL**

The County Manager shall appoint and remove subordinate officers, agents and employees for the general administration of County affairs, the positions having been established by the BOCC, except such officers as are required to be elected by popular vote or whose appointment is other-wise provided for by the law or actions taken by the BOCC. The County Manager is authorized to develop, implement, and revise employment, disciplinary, and termination procedures consistent with applicable federal and state laws. The County Manager is not required to report appointments or removals to the BOCC monthly, except for the positions of General Manager and department directors who are not directly appointed by the BOCC.

(State law reference - Authority of County Manager to appoint and remove, G.S. 153A-82(1))

Revised: July 11, 1994

**CRIMINAL HISTORY AND MOTOR VEHICLE RECORD CHECKS**

In order to protect the citizens of Mecklenburg County and their properties, the provisions of this ordinance are established to provide for fingerprinting, criminal history and motor vehicle record checks on applicants for certain positions in Mecklenburg County. The positions shall be those that involve the handling of funds, direct client care, or are designated as safety sensitive. Human Resources maintains a list of these positions. Subject to the provisions of this ordinance, employment with Mecklenburg County shall be denied with respect to the above positions for those persons convicted of any crime against a person, crimes against property where intent is an element, any drug or gambling related offense, or any motor vehicle offense related to the applicable position.

The Director of Human Resources, or designee, shall conduct an investigation of any final candidate for a part time or full time position with Mecklenburg County government which involves the handling of funds, direct client care, or is designated as safety sensitive. It shall be a precondition of employment that an applicant for any of these positions shall, upon request, provide fingerprints and all other necessary personal identification including a birth certificate, social security number and drivers license, if available, so that the Mecklenburg County Sheriff, or designee, may cause a thorough search to be made of local and state criminal records to determine whether the applicant has a history of criminal convictions for the offenses named above by use of the networks of the State Bureau of Investigation, Division of Criminal Information (DCI).

The Mecklenburg County Sheriff, or designee, shall provide the findings made by the use of the DCI network to the Mecklenburg County Human Resources Director, or designee, provided that all necessary agreements with the State Bureau of Investigation have been executed.

An evaluation of any offense for purposes of employment will take into account the nature and the circumstances of the offense and the time of the offense as they relate to the essential job functions for the position applied.

No action to deny employment will be taken until the Mecklenburg County Sheriff or designee confirms the identity of the applicant by a match of the applicant's fingerprints to the State Bureau of Investigation or a Certified True Copy of the public record document is retrieved from the Clerk of Superior Court.

Approved: July 13, 1999      Revised: June 15, 2004

**EQUAL EMPLOYMENT OPPORTUNITY**

Mecklenburg County will not engage in unlawful discrimination with respect to all aspects of County employment policy and practice including with respect to race, color, religion, sex, national origin, handicap, age, political affiliation, or on the basis of actual or perceived gender as expressed through dress, appearance, or behavior. In addition, the County will not engage in discrimination on the basis of sexual orientation with respect to all aspects of County employment policy and practice. Sexual orientation means heterosexuality,

bisexuality or homosexuality. Adoption of this policy does not constitute approval or expansion of any County benefits beyond those which are expressly provided by the Board of County Commissioners at the date of adoption of this resolution. The County Manager shall adopt policies and procedures to ensure greater utilization of all persons protected by Article 6 of Chapter 126 of the General Statutes of North Carolina.

Revised: May 17, 2005	Revised: October 21, 2013
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## **RESOLUTION ADOPTING A CODE OF ETHICS FOR MECKLENBURG COUNTY**

WHEREAS, the Constitution of North Carolina, Article I, Section 35, reminds us that a “frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty,” and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina’s state motto, *Esse quam videri*, “To be rather than to seem,” and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics, and

WHEREAS, as public officials we are charged with upholding the trust of the citizens of this County, and with obeying the law, and

NOW THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the residents of Mecklenburg County, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we the Mecklenburg County Board of County Commissioners do HEREBY adopt the following General Principles, Declaration of Policy, and Code of Ethics to guide all County Officials in making decisions and in the performance of their lawful duties.

### **GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS**

- The stability and proper operation of government depends upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their public officials.
- County Officials must make policy and decisions through proper channels and processes of the governmental structure.
- County Officials must act in a manner that maintains their integrity and independence, yet be responsive to the interests and needs of those they serve or represent.
- County Officials must be aware of their obligation to conform their behavior to standards of ethical conduct that warrants the trust of the residents of Mecklenburg County. Each County Official must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.
- The Board of County Commissioners must always be aware that at various times they play different roles:
  - As advocates, who strive to advance the legitimate needs of the residents
  - As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions
  - As decision-makers, who arrive at fair and impartial determinations.
- The Board of County Commissioners must distinguish among these roles to determine when each role is appropriate, and to act accordingly.

### **DECLARATION OF POLICY**

(a) The purpose of this Code of Ethics is to establish guidelines for an ethical standard of conduct for all County Officials and to help determine what conduct is appropriate in particular situations. It should not be considered a substitute for the law or for an Official’s best judgment.

(b) The proper operation of government requires that County Officials be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

(c) Mecklenburg County is committed to establishing a culture of openness, trust and integrity in business practices. Effective ethics is a team effort involving the participation and support of every employee and

elected official. All County Officials should familiarize themselves with the ethics guidelines that follow. The County will take appropriate measures in addressing violations of this policy.

In recognition of these goals, the following Code of Ethics for County Officials is hereby adopted.

**CODE OF ETHICS FOR MECKLENBURG COUNTY OFFICIALS**

**DEFINITIONS**

As used in this Code of Ethics, the following terms shall have the meanings indicated:

*Business Entity* means any for “for profit” business whether conducted by a corporation, limited liability company, sole proprietorship, partnership or other form of unincorporated association.

*County Official* means a member of the Board of Commissioners or any County employee, whichever applies.

*Immediate Family* means (i) any child, spouse, sibling, parent or other person sharing the household of a County Official other than a tenant or employee; and (ii) any person whose finances the County Official manages if the County Official is or may become a beneficiary of such managed funds.

*Interest* means direct or indirect material pecuniary benefit accruing to a County Official as a result of a contract or transaction with a Business Entity that is the subject of an official act or action by or with the County. For the purpose of this Code of Ethics a County Official shall be deemed to have an Interest as a result of a contract or transaction with:

- (1) Any Business Entity in which the County Official owns five percent (5%) or more equity interest, or is an officer, director or employee;
- (2) Any Business Entity or Non-profit Organization from which the County Official or a member of the County Official’s Immediate Family received payments for services rendered in any capacity or other distribution in excess of \$5000 during the preceding 12 months;
- (3) Any Non-profit Organization in which the County Official or a member of the County Official’s Immediate Family is an employee;
- (3) Any Business Entity in which any member of the County Official’s Immediate Family is an executive officer, director, or employee; or
- (4) Any Business Entity, the securities of which represent more than 25% of the County Official’s aggregate net worth.

For purposes of this Code of Ethics the following are not deemed to create an Interest or cause a violation of this Code of Ethics:

- (a) County Officials who manage funds for non-household members are not required to consider those holdings for purposes of this Code of Ethics and such holdings do not need to be listed in the annual disclosure statement unless the non-household members fall within the definition of Immediate Family.
- (b) Companies whose stocks or bonds are held in mutual funds owned directly by the County Official, or by Immediate Family members, or held in 401k, 453 or 457 plans managed by others, are not Business Entities for purposes of this Code of Ethics and do not need to be listed in the annual disclosure statement.
- (c) Investments in the NC Retirement system or in Mecklenburg County’s employee contribution plans are excluded from this Code of Ethics and do not have to be listed in the annual disclosure statement.

*Management Team* includes all department directors.

*Non-profit Organization* means any organization that is chartered or organized for purposes other than making a profit, whether or not it is given tax free status.

*Official Act or Action* means any legislative, administrative, appointive or discretionary act of any County Official.

**CODE OF ETHICS****SECTION 1: Standards of Conduct**

County Officials must obey all laws applicable to their official actions. County Officials should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, however, the Board of County Commissioners (the “Board”) should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or residents. To declare that a Board member is behaving unethically because one disagrees with that Board member on a question of policy (and not because of the Board member’s behavior) is unfair, dishonest, irresponsible, and itself unethical.

Board members should endeavor to keep up-to-date, through the Board’s attorney, Deputy County Attorney, or any other source, about the most pertinent constitutional, statutory, and other legal requirements with which they must be familiar to meet their legal responsibilities.

Scope: All County Officials as defined in this Code of Ethics shall be subject to and abide by the following standards of conduct:

- (a) Interest in contract or agreement. No County Official shall (i) have or thereafter acquire an Interest; or (ii) enter into any contract or undertaking with the County if he or she will privately benefit or profit from the contract or if such undertaking would violate N.C.G.S. 14-234.
- (b) Ethics education program required. All County Commissioners shall receive a minimum of two (2) clock hours of ethics education within twelve (12) months after initial election or appointment to the office and again within twelve (12) months after each subsequent election or appointment to office (N.C.G.S. 160A-87).
- (c) Use of official position. No County Official shall use his or her official position or the County's facilities for his or her private gain, nor shall they advocate on behalf of any private person, group or interest before any department, agency, or Board of the County except in matters of purely civic or public concern. Commissioners shall not appear in paid advertisements from entities that receive funds from Mecklenburg County from the date of filing for office until the general election. This would not apply to appearances in public service advertisements. The provisions of this paragraph (c) are not intended to prohibit a County Official's use of parking permits, receipts of gifts valued less than \$100 as defined by the County’s existing policy under (f) below, and are not intended to prohibit speaking before neighborhood groups and other Non-profit Organizations.
- (d) Disclosure of information. No County Official shall use or disclose confidential information gained in the course of or by reason of his/her official position for purposes of advancing:
  - (1) His/her financial or personal interest;
  - (2) A Business Entity of which the County Official is an employee, an owner (in part or in whole), an officer or a director;
  - (3) A Non-profit Organization of which the County Official is an employee, or serves as a director, or derives or may derive financial benefit; or
  - (4) The financial or personal interest of any other person.
- (e) Incompatible service. Unless disclosure is made in accordance with this Code of Ethics, no County Official shall engage in, accept private employment with, or render services for a Business Entity for compensation when such employment or service is, or could be perceived as, incompatible with the proper discharge of their official duties or would tend to impair their independence of judgment or action in the performance of their official duties.
- (f) Gifts. No County Official shall directly or indirectly solicit any gift, or accept or receive any gift, including a gift made to the County by a third party or entity, having a value of one hundred dollars (\$100.00) or more. Gifts from any one person or entity with an aggregate value of \$100 or more in any 12-month period, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence, or could reasonably be expected to influence a County Official in the

performance of his or her official duties, or was intended as a reward for any official action on his or her part. Legitimate political contributions shall not be considered as gifts under the provisions of this paragraph.

A reasonable person standard shall be used in assessing what “could reasonably be inferred” above.

Further, under this policy and consistent with N.C.G.S. §133-32, it is both illegal and unethical for a County Official who is charged with the duty of developing contracts, awarding or administering contracts, or inspecting or supervising construction, to willfully receive or accept any gift or favor from a contractor, subcontractor, or supplier who has a contract with the County, or has performed under such contract within the past year, or anticipates bidding on such a contract in the future.

A gift of one or more tickets to attend a cultural or sporting event that is supported directly or indirectly in any way by an appropriation of money from the County (an "Event") creates the appearance of influence, regardless of the value thereof. No County Official may, therefore, solicit or receive any tickets to an Event if the County has in its most recently adopted budget included an appropriation that directly or indirectly supports the Event or the venue in which the Event is to be held (the "Venue").

Furthermore, no County Official may solicit or receive any tickets to an Event if the County Official knows or has reason to know that the sponsors or promoters of the Event or the Venue are seeking, or intend to seek, financial support from the County for the Event or the Venue. A County Official who pays the person or the entity providing the tickets, including but not limited to the County, the face value of the tickets to attend an Event shall not be in violation of this ban on receiving a gift of tickets to attend an Event that is supported directly or indirectly in any way by an appropriation of money from the County.

**Provided, however,** a cultural or sporting event being operated, promoted or sponsored by a County department or by the Charlotte-Mecklenburg Schools, Central Piedmont Community College, or the Public Library is not an “Event” under this Code of Ethics. These entities are generally considered major business partners with Mecklenburg County and have such a long history of funding by and fundamental connection to the purpose of County government that acceptance of tickets to cultural or sporting events operated, promoted and/or sponsored by these entities should not be considered by a reasonable person as affecting the funding decisions of County Officials.

This subsection is not intended to prevent the gift and receipt of honorariums for participating in meetings or meals furnished at banquets. This subsection is not intended to prevent any contractor, subcontractor, or supplier from making donations to professional organizations to defray meeting expenses where County Officials are members of such professional organizations, nor is it intended to prevent County Officials who are members of 6 professional organizations from participation in all scheduled meeting functions available to all members of the professional organization attending the meeting.

(a) Non-profit gifts. No County Official shall solicit gifts for Non-profit Organizations on County property or with County resources unless in accordance with County policy.

(b) Special treatment. No County Official shall grant any special consideration, treatment or advantage to any resident beyond that which is available to every other resident.

(c) County Officials will avoid the intent and appearance of unethical or compromising practice in relationships actions and communications. County Officials will not permit impropriety at any time and will act ethically and responsibly in accordance with all laws at all times.

## **SECTION 2: Standards of Behavior**

County Officials must act with integrity and independence from improper influence as they exercise the duties of their offices or positions. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values
- Exhibiting trustworthiness
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner

- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others
- Treating other County Officials and the public with respect and honoring the opinions of others even when the Board members disagree with those opinions
- Showing respect for their offices or positions and not behaving in ways that reflect badly on those offices or positions
- Recognizing that they are part of a larger group and acting accordingly
- Recognizing that individual members of the Board of County Commissioners are not generally allowed to act on behalf of the Board but may only do so if the Board specifically authorizes it, and that the Board must take official action as a body

### **SECTION 3: Standards of Performance – County Officials**

County Officials should faithfully perform the duties of their offices. They should act responsibly and as one who others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must be continually earned.

County Officials must avoid impropriety in the exercise of their official duties. Their official actions should be above reproach and they should not use their official position for personal gain. Although opinions may vary about what behavior is inappropriate, this Board will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the County Official's action would conclude that the action was inappropriate.

If County Officials believe that their actions, while legal and ethical, may be misunderstood, the Official should seek the advice of the County Attorney or Deputy County Attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).

### **SECTION 4: Standards of Performance – County Commissioners**

Members of the Board of County Commissioners should faithfully perform the duties of their offices. They should act as responsible officials whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must be continually earned.

Members of the Board of County Commissioners should faithfully attend and prepare for meetings. They should demand full accountability from those over whom the Board has authority.

Members of the Board of County Commissioners should be willing to bear their fair share of the governing board's workload. To the extent appropriate, they should be willing to put the County's interests ahead of their own.

### **SECTION 5: Conduct of Board Meetings**

Members of the Board of County Commissioners should conduct the affairs of the Board in an open and public manner. They must comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to them or to County employees.

To ensure strict compliance with the laws concerning openness, members of the Board of County Commissioners should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the Board are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

### **SECTION 6: Disclosure of Interest in Legislative Action**

Any member of the Board of County Commissioners who has an Interest in any official act or action before the Board shall (i) publicly disclose on the record of the Board of Commissioners the nature and extent of such Interest, (ii) request to be excused from voting, and (iii) withdraw from any consideration of the matter

upon being excused by the Board of Commissioners pursuant to North Carolina law. Board members who participate in the development of a budget for a Non-profit Organization, advisory agency or board soliciting money from Mecklenburg County shall publicly disclose the nature of that relationship.

**SECTION 7: General Disclosure Statement**

- (a) Members of the Board of Commissioners, the County Manager, Deputy County Manager, Assistant County Managers, Assistants to the County Manager, County Attorney, Deputy County Attorney and the Management Team shall file with the Clerk to the Board on the first day of February of each year, a statement disclosing the following information:
- (1) The identity, by name and address, of any Business Entity or Non-profit Organization of which they or any member of their immediate family has an Interest. Additionally, County Officials shall disclose the name of their employer and that of their spouse, or, if self-employed, the nature of their work.
  - (2) The identity by name and address of any Non-profit Organization where the County Official is serving as a member of the Board of Directors, including a statement that the County Official is not receiving any compensation for serving in such capacity and has no pecuniary interest in the affairs of the Non-profit Organization, including, but not limited to, any consulting or other agreement with the Non-Profit Organization providing consideration to be paid to the County Official.
- (b) The statements required by this section shall be filed on a form prescribed by the Clerk to the Board (of County Commissioners) and are public records available for inspection and copying by any person during normal business hours. The Clerk to the Board is authorized to establish and charge reasonable fees for the copying of statements. If there is no change from one year to the next in the information required to be disclosed, resubmission of the disclosure form will not be necessary.

**SECTION 8: Investigations**

Questions and complaints regarding violations of this Code of Ethics or other unethical conduct shall be investigated as follows:

- (a) The Board of County Commissioners may direct the County Attorney to investigate any apparent or perceived violation of this Code of Ethics as it applies to any member of the Board of County Commissioners or anyone, other than the County Attorney, under the appointment jurisdiction of the Board of County Commissioners, and to report the findings of the investigation to the Board.
- (b) The Board of County Commissioners or the County Manager may direct the County Attorney or Deputy County Attorney to investigate any apparent or perceived violation of this Code of Ethics as it applies to any County Official, other than members of the Board of County Commissioners or the County Manager, and to report the findings of the investigation to the County Manager.
- (c) The Board of County Commissioners may direct the County Manager to investigate any apparent or perceived violation of this Code of Ethics by the County Attorney, and to report the findings of the investigations to the County Commissioners.
- (d) Any person who believes that a violation of this Code of Ethics has occurred may file a detailed complaint in writing with the County Attorney when a member of the Board of County Commissioners, County Manager or Clerk to the Board is the subject of the complaint, or may file a detailed complaint in writing with the Chairperson of the Board of County Commissioners when the County Attorney is the subject of the complaint, or may file a detailed complaint in writing to the County Manager when the subject of the complaint is an Assistant County Manager, Deputy County Manager, Assistant to the County Manager, Department Director or other County employee. Those who receive the detailed written complaint may thereafter proceed with the investigation of complaint(s) as provided in paragraphs (a) through (c) of this section.

**SECTION 9: Sanctions by County Manager; Board of Commissioners; Rights of Accused at Hearings**

- (a) The County Manager shall take whatever lawful disciplinary action deemed appropriate, including but not limited to, reprimand, suspension, demotion, or termination of service, for any County Official

in the administrative service of the County under the County Manager’s jurisdiction who is found to have violated this Code of Ethics. Said disciplinary action shall be in accordance with County policy.

- (b) For members of the Board of County Commissioners or County Officials under the appointment jurisdiction of the Board of County Commissioners, the Board may adopt a resolution of censure which shall be placed as a matter of record in the minutes of an official Board meeting.
- (c) No sanction by the Board of County Commissioners provided for hereunder shall be invoked until an adequate investigation shall have been made and the person charged with the violation shall have been afforded all of the legal and constitutional rights due to him or her.

**SECTION 10: Advisory Opinions**

When any County Official has a doubt as to the applicability of any provision of this Code of Ethics to a particular situation, or as to the definition of terms used in this Code of Ethics, he or she may apply to the County Attorney or Deputy County Attorney for an advisory opinion based on the particular set of facts of his or her situation. The County Official shall have the opportunity to present an interpretation of the facts at issue and of the applicability of provisions of this Code of Ethics before such advisory opinion is made. The County Attorney or Deputy County Attorney shall assess the facts as presented and advise the County Official on the applicability of the Code of Ethics upon the County Official’s situation.

Originally Approved: October 18, 1976 Adopted: April 18, 1977 Revised: November 17, 1980 Revised: March 2, 1981	Revised: September 4, 1984 Revised: December 7, 1987 Revised: September 19, 2000 Revised: November 19, 2002	Revised: October 5, 2010 Revised: March 15, 2011 Revised: August 6, 2013 Revised: October 7, 2014
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**PREVENTION OF UNLAWFUL WORKPLACE HARASSMENT**

The County is strongly committed to maintaining a workplace and service environment free of harassment and discrimination towards its employees, customers, contractors and other service providers, including temporary employment agencies. Harassment on the job or in service delivery because of sex, race, religion, age, national origin or disability will not be tolerated. Such behavior is illegal under Title VII of the Civil Rights Act and inconsistent with the County’s Vision, Mission, Values and Guiding Principles.

Any citizen, County employee, contractor, or temporary agency employee working or doing business with the County or receiving services from the County who believes they are being harassed or discriminated against should promptly report such allegations to the appropriate contacts as outlined below. All complaints will be investigated promptly, impartially and discreetly. Upon completion of the investigation, the appropriate parties will be notified of the findings. Disciplinary action, up to and including termination, will be taken if any County employee or manager is found to have harassed or discriminated against another County employee, temporary agency employee, contractor or citizen. Retaliation against anyone filing a complaint or providing testimony in an investigation of harassment or discrimination will not be tolerated. Complaints of harassment and/or discrimination shall be reported as follows:

**Employees:** Regular or temporary employees of Mecklenburg County shall contact their supervisor or the Employee Relations Administrator in Human Resources to report any allegations or harassment/discrimination as provided in the Human Resources Policy and Procedure Manual, Section V and the Mecklenburg County Employee Handbook. Employees who witness harassment or discrimination in the workplace also have an obligation to report to the appropriate supervisor or manager and to Human Resources.

**Temporary Agency Employees:** Employees of temporary employment/staffing agencies assigned to work for the County shall report allegations of harassment and/or discrimination to the temporary agency that employs them and to County Human Resources. The temporary agency and County Human Resources will work cooperatively to promptly investigate these complaints and take appropriate action.

**Independent Contractors:** Contractors working for the County or providing services under contract with the County shall report any allegations of harassment and/or discrimination to the Director of the Department with whom the contractor has a contract. The Department Director will consult with the County Attorney’s Office to determine the appropriate party to conduct an investigation. If the allegations involve a County employee, Human Resources will also be consulted.

**Citizens/Customers/Vendors:** Citizens, customers and vendors shall report any allegations of harassment and/or discrimination in the delivery of County services to the County Attorney’s Office, which will determine the appropriate party to conduct an investigation. If the allegations involve a County employee, the County Attorney’s Office will also contact Human Resources.

This policy will be posted in all major business locations including the administrative headquarters for every County Department, the Human Resources Department and other appropriate locations. Temporary staffing agencies and contract agencies providing temporary staff to the County will be required to provide this policy to all temporary staff assigned to work for Mecklenburg County and maintain records of such notification.

Approved: October 18, 1976 Revised: June 20, 1988	Revised: August 10, 1992 Revised: January 24, 2000	
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**POLITICAL ACTIVITIES**

Every employee of the County has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a political nature and support the principles or policies of a civic or political organization in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States of America.

However, no employees shall:

1. Engage in any political activity while on duty or within any period of time during which they are expected to render services for which they receive compensation from the County;
2. Be required, as a duty of their office or employment, or as a condition for employment, promotion or tenure of office, to contribute funds for political or partisan purposes;
3. Solicit, or act as custodian of, funds for political or partisan purposes while on duty as an employee of the County;
4. Coerce or compel contributions for political or partisan purposes by any other employee of the governmental unit;
5. Use County funds, supplies, or equipment of the governmental unit for partisan or political purposes; or
6. Use their official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for political office.

All constitutional and elected officers are exempt from this entire section, but no such constitutional or elected officers are to use any public funds, goods, supplies, materials, or County employees while on duty for partisan political purposes.

**HATCH ACT**

Those agencies that are funded by federal monies are subject to the Hatch Act which prohibits certain political activity by County employees in those agencies.

**EMPLOYMENT OF RELATIVES**

The employment of close relatives within the same department or unit is prohibited where there is the possibility of a conflict of interest. Close relatives shall not be employed within the same department or unit if such employment will result in one supervising a close relative, or where one member occupies a position which has influence over the other's employment, promotion, salary adjustments, and other related management or personnel considerations. Close relatives are defined as employee's spouse; biological parent or an individual who stood in loco parentis to an employee when the employee was a son or daughter; biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis; brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law; grandparent, grandchild, spouse's grandparents; and step relationships.

Before any relative of Commissioners, constitutionally elected officers, or the Senior Staff shall be employed by the County, such proposed employment shall be approved by the BOCC in a duly called open session. Senior staff is defined as any and all staff administrators including County Manager, General Managers, and department directors.

Revised: July 11, 1994	Revised: September 19, 2000	
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**JURY DUTY**

The County recognizes that every employee has an obligation to perform the functions of citizenship, such as voting, military service, and jury service. The County will grant employees time away from work to serve on jury duty and will pay the employee full salary for the time away from the job. The employee receiving notice of a call for jury duty should immediately provide a copy of the notice showing the date and court of jurisdiction to their supervisor or department director.

The County Manager will not seek to have employees excused from jury duty unless their job duties cannot be temporarily delegated to someone else and their absences would adversely affect the services rendered by the County. If it is necessary to have the employee excused for work related reasons, the department director must send a written request to the appropriate General County Manager for approval. Requests for excuses will then be forwarded to the appropriate court for its approval.

Compensation received for jury duty shall be retained by the employee.

Revised: July 11, 1994

**PROHIBITION OF COUNTY EMPLOYEES SERVING ON BOARDS, COMMITTEES, COUNCILS**

All County employees are prohibited from serving on any board, committee, council, or commission where appointments are made by the BOCC or where funding is provided by the County, including special study committees appointed for the purpose of recommending funding or policy.

This policy does not prohibit County employees from serving in an ex-officio capacity on any of the above boards, committees, councils, or commissions when required by law, when a position is reserved for a County employee to be designated by the BOCC, or when such service is deemed by the BOCC to be in the best interests of the County.

Approved: November 5, 1979

Revised: December 3, 1979

Revised: July 11, 1994

**COMMITMENT TO QUALITY EDUCATION AND VOLUNTEER ACTIVITIES**

The BOCC and County management commit to the support of education recognizing that the involvement and participation of County employees in the education of children contribute to the quality of the learning process. The BOCC and County management are also committed to enhancing the quality of life and economic growth in the community and region. Therefore, the County will match time away from work up to 24 hours in a calendar year for the purpose of participating in school-related activities and volunteering with approved community service agencies. Unused hours do not accumulate or carry over from year to year.

An employee's job responsibilities take precedence over volunteer activities. Prior approval by the employee's supervisor is required. Employees are eligible for this program after the first 90 days of employment.

Examples of school-related activities in public or private schools:

1. Parent-Teacher Conferences
2. Tutor, Guest Lecturer, or Supplemental Instructor Programs
3. Lunch Buddies
4. Mentoring Program
5. School Support Activities
6. Parent Training Programs
7. After-School Enrichment Programs
8. Graduations

Community Service Agencies which qualify for volunteer service are:

- A Child's Place
- Adolescent Pregnancy Prevention Coalition of North Carolina
- Alcohol/Drug Council of North Carolina
- American Red Cross, Greater Carolinas Chapter
- The Arc of Mecklenburg County
- Arthritis Patient Services
- Arts & Science Council affiliate organizations  
(See ASC's website at <http://www.artsandscience.org> for a list of current affiliates)
- Big Brothers Big Sisters
- Birthday Blessings
- Boys and Girls Club of Charlotte
- Boy Scouts of America, Mecklenburg County Council
- Carolinas Medical Center
- Charlotte Emergency Housing
- Charlotte Mecklenburg Council on Aging
- Charlotte Speech & Hearing Center
- Charlotte-Mecklenburg Senior Centers
- Child Care Resources, Inc.
- Children's Law Center
- Communities in Schools of Charlotte-Mecklenburg

Community Health Services  
Community Link  
Consumer Credit Counseling & Housing Services  
Council for Children  
Crisis Assistance Ministry  
Emergency Women's and Children's Shelter  
Energy Committed to Offenders  
Epilepsy Association of North Carolina, Inc.  
Family Center Family Counseling  
Florence Crittenton Services  
Girl Scouts, Hornets Nest Council  
Goodwill Industries of the Southern Piedmont  
Hands On Charlotte  
Habitat for Humanity International  
Hearts and Hands Project  
HIV/AIDS Consortium, Regional  
Hope Haven, Inc.  
Information & Referral Services  
Johnston Memorial YMCA  
Juvenile Diabetes Foundation  
Kids Voting  
Kinder-Mourn  
Legal Services of the Southern Piedmont  
Love INC/Neighbors Who Care  
Leukemia and Lymphoma Society  
Mecklenburg Council on Adolescent Pregnancy  
Medical Research Fund  
Mental Health Association of Mecklenburg County  
Metrolina AIDS Project  
Metrolina Association for the Blind,  
The National Conference for Community and Justice (NCCJ)  
Programa Esperanza  
Programs for Accessible Living  
ReachLine Telephone Counseling  
The Salvation Army  
Seigle Avenue Preschool Cooperative  
The Shelter for Battered Women in Mecklenburg County  
Sickle Cell Regional Network  
Special Olympics  
Success by 6  
Teen Health Connection  
Traveler's Aide Society of Charlotte, Inc.  
United Family Services  
United Way of Central Carolinas, Inc.  
Uptown Day Shelter  
Urban League of Central Carolinas, Inc.  
Victim Assistance  
Voluntary Income Tax Assistance (VITA)  
Volunteer Center  
The YMCA of Greater Charlotte, Inc.  
Young Women's Christian Association of Central Carolinas, Inc.

Any community service agency wishing to solicit County employee volunteers may contact the County Manager in order to be approved as a participating agency.

### **Environmental Protection Volunteer Activities**

On March 7, 2007, the Board approved the Environmental Policy Action Plan. Principle 6 of this Plan is to "provide employees with opportunities and incentives to practice environmentally sound behaviors." Consistent with this Plan and Principle, the County will match time away from work up to 24 hours in a calendar year for the purpose of participating in environmental protection volunteering for the activities listed below:

Unused hours do not accumulate or carry over from year to year.

An employee's job responsibilities take precedence over volunteer activities. Prior approval by the employee's supervisor is required. Employees are eligible for this program after the first 90 days of employment. County employees whose job responsibilities include these activities or who are employed by County departments responsible for these activities are not eligible for the match in time away from work, and shall not be required by the County to volunteer.

Environmental Protection Activities:

Adopt-A-Highway

Adopt-A-Stream  
 Big Sweep  
 Storm Drain Marking  
 Ground Water Guardian

Any environmental protection volunteer program wishing to solicit County employee volunteers may contact the County Manager in order to be approved as a participating program.

Originally Approved: April 2, 1990 Revised: February 7, 1994 Revised: July 1, 1997 Revised: February 6, 2001	Revised: February 6, 2001 Revised: September 18, 2002 Revised: March 3, 2003 Revised: December 19, 2003	Revised: June 2, 2004 Revised: July 10, 2007 Revised: September 15, 2008
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**ACCESS TO AND USE OF COUNTY FACILITIES**

**DEFINITIONS**

*Solicit* means to sell; to offer for sale or trade; to obtain signature (including authorization or membership cards); to seek monetary or other donations.

*Non-working hours* means designated lunch periods and rest periods, as well as time outside the employee’s normally scheduled hours of work.

*Non-work areas* means cafeterias, lounges, employee recreation areas, parking lots, or other areas where work is generally not performed.

*Public areas* means those areas to which the general public has unrestricted access or which is available for use by the general public by request.

**PROCEDURE**

**Solicitation:**

Employees are permitted to solicit during their non-working hours, even in work areas, so long as such solicitation does not involve or interrupt other employees who are working.

Non-employees are permitted to solicit only in public areas, provided such solicitation does not involve employees who are working and does not interfere with the regular intended use of the public area.

**Access To and Use of County Property and Facilities:**

Employees have access to County property and facilities during their normally scheduled hours of work and outside their normal hours of work, when on County business. However, when not engaged in County business, access will be limited to public areas.

Non-employees have access to public areas during those hours when such areas are normally open to the public and provided such access does not interfere with the intended use of such areas and further does not involve any employee at work.

Employees and non-employees shall not be permitted to use County facilities, including meeting rooms, or County equipment, including duplicating equipment, for other than County business; unless such facilities or equipment are available in accordance with established policy on a regular basis to the general public. Where such facilities or equipment are made available on a regular basis to the public, employees and non-employees shall be permitted to use such facilities or equipment on the same basis as the general public and subject to the same conditions that apply to the general public.

Office space is not considered a public area and access is limited to those persons engaged in County business.

**SPECIAL EXCEPTIONS**

Charities: Charitable solicitations by County employees are permitted subject to the following:

- a. Solicitation by County employees may take place only for charitable purposes and not for private gain, and only on behalf of generally recognized and reputable charitable organizations.
- b. Charitable solicitations by County employees are to be permitted only as long as the privilege is not abused and as long as employees (both solicitors and prospective donors) are not distracted from their duties to such an extent as to interfere unduly with the normal conduct of County business.

- c. Charitable organizations wishing to participate in a County-conducted fundraising campaign must meet the County’s eligibility criteria and submit a completed application to County Human Resources. [Please see the end of this section for a copy of the eligibility criteria and application.](#) The County’s Employee Campaign Advisory Committee and the drive’s Managing Organization (if applicable) will review the application for accuracy and compliance with the eligibility criteria. The County will conduct a campaign on behalf of the charitable organization(s) within one year of the date the application is approved. The County may, in its discretion, conduct separate campaigns for each qualifying charitable organization or conduct a combined campaign. If an application is rejected, the organization shall be notified in writing and shall be given the opportunity to appeal to the County Manager or his/her designee. A written appeal must be received by the County Manager or his/her designee within 10 days of the notification postmark.

The County Manager shall appoint three members to the Employee Campaign Advisory Committee and select one of these members to serve as Chair. One member of the Employee Campaign Advisory Committee shall be from Human Resources, one shall be from the County Manager’s Office, and one shall be from another of the County’s departments.

**THIRD-PARTY MANAGING ORGANIZATION**

At the discretion of the County Manager/designee, the County may contract with a third-party managing organization to administer the County’s annual charitable giving campaign. The Managing Organization will be responsible for determining eligibility based on the *County’s Eligibility Criteria for Charitable Fundraising* standards for each interested federation, the federation’s constituent charities and independent charities. The third-party managing organization will be responsible for the overall management, coordination and administration of the campaign, and appropriately allocating charitable donations.

Additional responsibilities of the third-party managing organization will be outlined in a formal Request for Proposal (RFP). The selected Managing Organization would be bound by the general terms outlined in this policy and the specific terms defined in the RFP. At any time, the County may terminate the contract of the Managing Organization with or without cause with 30 days notice.

Approved: October 18, 1976 Revised: February 20, 1978	Revised: July 11, 1994 Revised: July 9, 2009	
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**INSURANCE, SAVINGS BONDS, AND DEFERRED COMPENSATION BENEFITS**

Those insurance companies assisting the County in effectuating the County’s benefit programs, such as insurance, savings bond campaign, and/or deferred compensation plans are permitted the privileges of distribution and access as necessary to the implementation and administration of such County programs. Representatives of all other programs are subject to the same policies as apply to non-employees.

Adopted: September 19, 2000		
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**HOURS OF WORK/WORK SCHEDULES**

Work hours for the majority of County employees, except for those employees working in facilities operated on a 24 hour basis, are from 8:00 a.m. to 5:00 p.m., including lunch breaks. However, the County recognizes that in some instances employees may want to vary their work hours so as to be on the job at times other than those established in policy. Therefore, the County permits each department director the option of approving varying work hours or schedules consistent with this policy. Prior to implementing any varied work schedule, the department director must establish administrative standards and procedures to ensure no disruption in services provided by that department, either to the public or other employees.

The recognized varying work schedules are limited to:

1. Flextime - Employees are given a choice in their report to work time and their end of work time.
2. Compressed Work Week - Employees are assigned varying hours of work during the payroll period.
3. Job Sharing - Employees work a variation of a part-time schedule; two employees may work part-time hours against the equivalent of one full-time position.

When the workload and schedule permit, two 15-minute work breaks daily may be permitted subject to approval by the employee's supervisor/manager.

Managerial personnel represent the County on a 24-hour basis regardless of whether they are on or off duty.

All employees must consider themselves on-call for the County during times of community disaster or other emergency situations.

For reasons of work curtailment including inclement weather, service changes or funding changes, the County Manager/designee, may institute changes to work hour requirements and/or County operating hours and/or may implement a furlough plan including unpaid holidays for all County employees. This includes changes to work weeks, days and hours of operation of County offices, work schedules, the number of hours employees may be scheduled to work, for as long as the County Manager deems necessary.

Revised: July 11, 1994	Revised: April 7, 2009	Revised: May 1, 2009
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**BENEFITS**

**HEALTH INSURANCE for ACTIVE EMPLOYEES**

Mecklenburg County offers a choice of group health insurance plans. The County pays a portion of the total cost of medical and dental insurance for all active regular employees. Employees may elect to cover eligible dependents and are responsible for the additional cost for dependent coverage. Please refer to the Benefits section of the Human Resources Policy for more information.

If an employee is on Family Medical Leave, the County pays for coverage as stated above for up to 12 weeks. However, if the employee is in any other Leave Without Pay (LWOP) status, the employee is responsible for paying the employee and the employer portion of the health medical and dental insurance premiums unless the employee is medically disabled and has five or more years of service in the North Carolina Local Government Employees' Retirement System (NCLGERS) or is medically disabled due to a work related injury. In such cases, premiums will be paid in the same manner as with Family Medical Leave. Employees who cover their dependents are responsible for the additional cost.

If an employee has been discharged and is awaiting appeal, the County will pay for coverage as stated above.

**COVERAGE AT TERMINATION OR RETIREMENT**

Employees leaving Mecklenburg County may remain under the group coverage for up to 18 months through the COBRA program and are fully responsible for paying all premiums.

Employees retiring from Mecklenburg County may be eligible to remain on the County's medical insurance. Anyone employed by Mecklenburg County for the first time after July 1, 2010 will not be eligible to remain on the County's medical insurance upon retirement. Please refer to the [Benefits](#) section of the Human Resources Policy for a full description of the eligibility requirements.

The County will not reimburse retirees for medical insurance premiums or allow them to participate in any group insurance plan if the retiree was convicted of or entered a plea of guilty or no contest to a criminal act which caused financial injury to the County. This provision is effective January 1, 1998.

Employees who leave Mecklenburg County and retire from another jurisdiction that participates in the North Carolina Local Government Employee Retirement System will not be eligible for Mecklenburg County retiree benefits.

Originally Approved: May, 1981 Revised: July, 1984 Revised: July, 1985 Revised: July 11, 1994	Revised: February 1, 1996 Revised: August 11, 1998 Revised: March 8, 2002 Revised: January 1, 2004	Revised: June 16, 2004 Revised: April 24, 2009 Revised: July 1, 2010
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**LIFE INSURANCE**

The County participates in a group life insurance plan. The County pays the full cost of the premium for individual coverage for all regular employees. Employees may purchase coverage for their dependents and are responsible for paying the full cost of the additional coverage. The amount of life insurance for each employee will be equal to their annual salary rounded to the next highest thousand dollars.

If the employee is in a LWOP status, the employee is responsible for paying the individual and dependent life insurance premiums unless the employee is medically disabled and has five more years of service in the NCLGERS or is unable to work because of a work-related injury. Under these circumstances, the County will pay the premiums for individual coverage. Premiums for dependent coverage are always the employee's responsibility.

**TEMPORARY DISABILITY INCOME (TDI)**

TDI will be paid to the employee if the employee is medically disabled because of a non-work related illness or accident, is under the care of a licensed physician, and unable to work. To be eligible, the employee must have completed the first 90 calendar days of employment and provide medical documentation from the physician to cover the entire absence from work. TDI equal to 60% of the employee's basic weekly earnings will be paid to the employee for up to 26 weeks.

**RETIREMENT**

All full-time and part-time County employees are automatically contributing members of the NCLGERS and begin to earn service credit on the first day of employment. Contributions to the appropriate retirement program are deducted from pay checks and a contribution is also made by the County as determined by the State Department of Treasurer, Retirement Systems Division.

After one year of service in the NCLGERS, employees are eligible for a death benefit.

After five years of service, employees are vested for purposes of retirement benefits according to the eligibility requirements established by the State Department of Treasurer, Retirement Systems Division.

**SUPPLEMENTAL RETIREMENT PLANS**

All regular full-time and part-time County employees are eligible to participate in one or both of the County's two supplemental retirement plans: a 457 Deferred Compensation Plan and a 401(k) Supplemental Retirement Income Plan. All employee contributions are voluntary. As required by State law, the County contributes 5% of gross salary to the 401(k) plan for qualified law enforcement officers. For non-law enforcement employees who are contributing members of 401(k) and/or 457, the County contributes a matching percentage of annual salary up to a percentage approved annually.

Originally Approved: June 1, 1992	Revised: July 11, 1994	Revised: January 1, 2001
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**WORKERS' COMPENSATION**

As required by the North Carolina Workers' Compensation Act, the County participates in a Workers' Compensation program at no cost to employees. If an employee suffers an accidental injury or contracts an occupational disease arising out of employment with the County, as defined by the Workers' Compensation Act, the employee's medical expenses related to the injury or disease will be paid through the program. If the employee is unable to work, the employee will also receive a weekly cash benefit up to two-thirds of the employee's salary but not over the maximum established by the State law after the seven calendar day waiting period.

**EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The County will provide an EAP for employees and their immediate family members. The program will provide professional assistance regarding various personal problems and refer employees and their dependents to appropriate providers as may be necessary.

**EMPLOYEE OCCUPATIONAL HEALTH AND EMPLOYEE FITNESS**

The County will provide occupational health services and fitness activities for employees. These services are intended to create a more health conscious work force, higher morale, less absenteeism, more productivity on the job, and reduce the cost of health benefits.

**LEAVES OF ABSENCE**

The County will grant leaves of absence to employees according to the criteria established for each type of leave.

1. Administrative Leave without pay (30 day maximum) for compelling personal reasons;
2. Family-Medical Leave without pay unless employee uses benefit days (12 weeks maximum) for illness of employee, spouse, parent, or child, and to be with a new child;
3. FMLA and the National Defense Authorization Act -  
Under the new law, FMLA-eligible employees will now be entitled to the following:
  - a. Caregiver Leave for an Injured Service member - This benefit provides 26 weeks of FMLA leave during a single 12-month period for a spouse, son, daughter, parent, or nearest blood relative caring for a recovering service member. (Effective January 28, 2008)

- b. Family Leave Due to a Call to Active Duty - This benefit provides 12 weeks of FMLA leave due to a spouse, son, daughter or parent being on active duty or having been notified of an impending call or order to active duty in the Armed Forces. (Implementation pending U.S. Department of Labor action.)
- 4. Extended Medical leave without pay for illness of the employee (maximum 52 consecutive weeks combined leave);
- 5. Extended Family Leave without pay to be with a new child (maximum 52 consecutive weeks combined leave);
- 6. Military Leave with pay for two weeks annual reserves training, without pay for extended active duty; and
- 7. Disaster Response Leave with pay as directed or sanctioned by the County Manager, without pay unless employee uses benefit days for volunteer Disaster Response Leave.

Procedural matters related to all leaves are at the discretion of the County Manager.

Originally Approved: October 18, 1976 Revised: March 21, 1977	Revised: August 5, 1993 Revised: July 11, 1994	Revised: March 14, 2008
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**VACATION**

Vacation accrues from the first day of service and is authorized for use by all regular employees from the first day of employment. Temporary employees are not eligible for vacation benefits. Maximum accrual of benefits is based on the employee's normal schedule.

Regular employees accrue vacation on a bi-weekly basis determined by the length of service (aggregate date in the retirement system or qualifying County service date). The accrual rate is as follows:

Length of Service	Approximate Hours Per Annum (40 Hour Week)	Hours Earned Per Regularly Scheduled Hours Worked
Under 2 years	80	.03847
2 - 5 years	96	.04616
5 - 10 years	120	.05770
10 - 15 years	144	.06924
15 - 20 years	168	.08077
Over 20 years	192	.09231

Vacation leave accrued in excess of 30 days or 240 hours during a calendar year will be converted to sick leave at the end of each calendar year.

Employees who leave the County employment will be paid for accrued vacation time up to a maximum of 240 hours. Any exceptions to the policy must be approved in advance by the Board of County Commissioners.

Four hours of vacation leave shall be awarded to the accumulated benefit of the regular full-time employee who does not use sick leave and/or LWOP for a period of seven consecutive pay periods. A regular part-time employee will receive the corresponding percentage of vacation leave.

Revised: July 11, 1994	Revised: November 16, 2004	Revised: October 4, 2011
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**SICK LEAVE**

Sick leave with pay is designed to provide regular full-time and part-time employees with some measure of relief from the financial burdens caused by loss of earnings during periods of personal illness. Sick leave is not intended to provide time off for recreation, personal reasons, or to extend vacations. Temporary employees are not eligible for sick leave benefits.

The following policies govern sick leave:

- 1. Regular full-time and part-time employees accrue sick leave bi-weekly at a rate of .04615 hours per each regularly scheduled hour worked. For a regular 40 hour per work week schedule, this equals 96 hours per year. There is no maximum accrual limit.
- 2. Individuals employed by the County from another government jurisdiction who have creditable service in the NCLGERS are eligible to have up to 96 hours of earned unused sick leave transferred to the County.
- 3. Sick leave may be used for the illness of the employee or the employee's immediate family from the first day of employment.

4. When an employee separates from the County, the employee will be paid for 25% of all remaining accrued sick leave. If the employee is leaving employment due to a medical disability and the employee's physician has stated in writing that the employee will be incapacitated for a period of time that will exceed the number of accrued sick days, the employee may be paid for 100% of the accrued sick leave. Any exceptions to the policy must be approved in advance by the Board of County Commissioners.

**DONATION OF SICK LEAVE**

In long term medical situations when an employee is in need of sick leave, 4 to 20 hours of sick leave may be donated by any County employee to the County employee in need subject to the following:

1. The employee receiving the leave must have completed the first 90 calendar days of employment, be eligible for Family-Medical or Extended Medical Leave and be under the care of a physician for serious health condition, or caring for a spouse or child who is under the care of a physician for a serious health condition. The employee must have less than 32 hours of combined sick, vacation and holiday leave benefits available at the time of the sick leave donation.
2. The employee donating the sick leave must have a minimum of 240 sick leave hours remaining after the donation for regular full-time employees or 120 hours for regular part-time employees. An employee may not donate more than 20 hours per pay period per recipient, or donate more hours than is needed by the recipient. Each donation must be in one hour increments with a minimum of four hours. If an employee exhausts their benefits accrual and receives subsequent sick leave donation, they will be returned to a pay status on a current basis.

Originally Approved: October 18, 1976 Revised: February 20, 1978 Revised: August 28, 1979 Revised: April 21, 1981 Revised: June 3, 1985	Revised: November 18, 1985 Revised: February 27, 1985 Revised: August 10, 1992 Revised: August 5, 1993 Revised: July 11, 1994	Revised: July 1, 1997 Revised: September 18, 2001 Revised: November 16, 2004 Revised: October 4, 2011
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**HOLIDAYS**

The following holidays are recognized for all regular full-time and part-time employees of the County and are given as they occur:

1. New Year's Day
2. Martin Luther King's Birthday
3. Good Friday
4. Memorial Day
5. Independence Day
6. Labor Day
7. Veterans Day
8. Thanksgiving Day
9. Day after Thanksgiving
10. Christmas Day
11. One other day at Christmas (as designated by the County Manager)

The County Manager is authorized to develop and implement holiday pay administration procedures consistent with applicable federal and state laws.

Originally Approved: October 18, 1976 Revised: December 7, 1981 Revised: February 1, 1987	Revised: June 3, 1985 Revised: November 16, 1987 Revised: November 15, 1993	Revised: July 11, 1994 Revised: August 14, 2007 Revised: July 1, 2015
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**BEREAVEMENT LEAVE**

When death occurs to an employee's close relative, an employee shall be granted up to 24 consecutive work hours of bereavement leave.

An employee's close relatives are defined as the employee's spouse; biological parent or an individual who stood in loco parentis to an employee when the employee was a son or daughter; biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis; brother, sister, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandparent, great-grandparent, grandchild, spouse's grandparent, spouse's great-grandparent and step relationships.

With the approval of the department director, any additional time off for the death of a close relative may be charged to vacation or holiday leave or LWOP.

Originally Approved: October 18, 1976 Revised: February 6, 1978 Revised: April 16, 1984	Revised: July 11, 1994 Revised: July 1, 1997 Revised: September 18, 2001	Revised: November 16, 2004 Revised: January 1, 2011 Revised: January 1, 2016
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## SUBSTANCE ABUSE

The use of illegal drugs and misuse of legal substances by a significant segment of the American work force has major adverse effects on the welfare of all citizens and results in the loss of considerable money and productivity each year. The County is committed to provide, within its means, a healthy and safe work environment; to provide the best possible services to County citizens; to maintain the public's confidence in its employees; and to protect the County from the economic losses that can occur due to alcohol and drug abuse. Employees are expected and required to be in a condition to safely and effectively perform their duties throughout the workday.

The County has developed a comprehensive Employee Assistance Program to help employees deal with substance abuse or other personal problems. An employee's voluntary participation in the EAP may be favorably considered in any proposed disciplinary action for previous substance abuse infractions; however, participation will not protect the employees from disciplinary action for continued problems in job performance or violation of this policy.

Employees who are found to have violated this policy and are not successfully engaged in a treatment/rehabilitation program will be dismissed. Law enforcement and jail personnel who lose their State certification as a result of violations of this policy will be dismissed. Applicants with positive test results will no longer be considered for employment.

The BOCC or the County Manager reserves the right to make any amendments or revisions to this policy or any supporting practices and procedures as deemed appropriate without notification. Procedures are at the discretion of the County Manager. Any revisions will be properly communicated to employees within a reasonable period of time.

## **PROHIBITIONS**

The following conduct is expressly prohibited and violations shall result in disciplinary action which may include termination:

1. Unauthorized use, consumption, possession, manufacture, distribution, dispensation or sale of alcohol, controlled substances, illegal drugs, or drug paraphernalia on County premises, in County vehicles, or in any County work area.
2. Being under the influence of an unauthorized or controlled substance, an illegal drug, or alcohol on County premises, in County vehicles, or in any County work area.
3. The use or possession of alcohol or illegal drugs off County premises and while not on duty where such conduct could likely have a direct and material adverse impact on the County's interests, including public image.
4. The conviction of an employee for the sale of or possession with intent to sell illegal drugs at any time or place.

## **SUBSTANCE ABUSE TESTING**

The County will test applicants and employees for drugs and alcohol as recommended by the Substance Abuse Mental Health Services Administration (SAMHSA) and as required by state and federal regulations. Refusal by an employee to submit to a required drug and alcohol test will be grounds for termination. Refusal by an applicant to submit to a pre-employment drug and alcohol test will disqualify them from further employment consideration.

1. A drug test will be required prior to initial employment or permanent or temporary promotion to any permanent full-time or part-time position and any temporary position recommended for testing by the Human Resource Director and approved by the County Manager. Drug and alcohol tests will be required of persons hired or promoted to positions requiring a commercial driver's license.
2. Periodic drug testing will be required of persons occupying safety-sensitive jobs as well as certain other approved positions at least once a year. Periodic drug and alcohol testing will be required of persons in positions requiring a commercial driver's license.
3. Whenever a County supervisor/manager has reasonable suspicion to believe that an employee on duty is impaired or unfit for duty, the employee will be required to submit to a drug and/or alcohol test as may be appropriate.

4. Employees will be tested for the presence of drugs and alcohol following an accident or other occurrence that involves one or more of the following covered events: a fatality, an injury to an employee or other individual, substantial damage to vehicles, substantial damage to other property and/or after a sequence of minor accidents or injuries. An employee cited for a moving traffic violation as a result of an accident will also be required to submit to a drug and alcohol test.

Originally Approved: March 5, 1990	Revised: July 11, 1994	Revised: March 21, 1995
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**REORGANIZATIONS/REDUCTION IN FORCE (RIF)**

**DEPARTMENTAL REORGANIZATIONS**

The County Manager or designee may authorize the reorganization of any department even if such reorganization results in the elimination of occupied or unoccupied position(s) and even if such reorganization results in a change in the position classification for one or more employees. The County Manager must inform the BOCC 30 days prior to any reorganization which may cause a reduction in force. No department director may reorganize their department without prior written approval from the County Manager or designee.

The administrative procedures for a RIF shall apply to any reorganization that results in the elimination of any occupied position and the termination of any employee. Such procedures shall not apply to any employee who is offered employment by another employer with whom the County has contracted to provide the same or similar services performed by the employee whose position is eliminated.

Originally Approved: October 18, 1976 Revised: April 6, 1981	Revised: July 11, 1983 Revised: November 18, 1985	Revised: July 11, 1994
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**ELIMINATION OF POSITIONS AND RETIREMENT INCENTIVES**

In the event positions are eliminated as a result of budgetary constraints or organizational needs, the County will give consideration to seniority and to employee performance as the criteria to be used in determining which employees are to be affected. All procedural matters involving seniority and employee performance, reassignment of job duties, and recall of former employees who are separated as a result of elimination of positions shall be approved by the County Manager as outlined in Section IX of the Human Resources Policy and Procedures Manual.

The County may offer retirement incentives from time to time as may be approved by the BOCC if such retirement incentives are determined by the BOCC to be in the best interests of the County.

Originally Approved: October 18, 1976	Revised: October 3, 1983	Revised: March 21, 1994
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**CLASSIFICATION AND COMPENSATION**

The County maintains a Classification System for budgeted positions as approved by the BOCC. The Classification System shall include all full-time, part-time, and temporary positions defined as follows:

1. Full-time - Positions scheduled to work 30 or more hours per week during a 52 week period.
2. Part-time - Positions scheduled to work less than 30 hours per week during a 52 week period.
3. Temporary - Positions scheduled to work within specified start and end dates. These positions are restricted to less than 1000 hours during a 52 week period.  
(State law reference - Authority to adopt position classification plan G.S. 153A-92(a)).

Revised: July 11, 1994	Revised: October 1, 2013	
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**RESPONSIBILITY**

The Human Resources Director, with the approval of the County Manager, is responsible for the administration and maintenance of the Classification System.

(State law reference - Responsibility of County Manager relative to position classification plan, G.S. 153A-92(e)).

**PAY PLAN**

The BOCC has the responsibility and authority to establish and maintain a County pay plan. Each year during the adoption of the budget, the BOCC will review the status of the pay plan and consider any necessary amendments. The County Manager is authorized to revise the pay plan, as appropriate, during the fiscal year

within the funds allocated in the budget. The County Manager is authorized to develop and implement salary administration procedures in support of the pay plan. The County Manager is authorized to approve starting salaries without prior approval of the BOCC. The County Manager will use discretion when finalizing employee terminations but will not deviate from guidelines set forth by the Board of County Commissioners.

Originally Approved: October 18, 1976  
Revised: July 1, 1991

Revised: July 11, 1994  
Revised: October 4, 2011

## COMPENSATION PHILOSOPHY

The BOCC has adopted a compensation philosophy which provides a foundation for the development of the pay plan.

This philosophy states that County Government exists to provide certain necessary and important services to the citizens of Mecklenburg County. In order to fulfill this responsibility, the County must attract and retain competent and loyal employees dedicated to the mission of providing high quality public service. This requires a comprehensive compensation program that rewards and recognizes employee commitment, skill development, and quality service delivery through performance excellence.

Principles of the compensation philosophy are:

1. Individuals will be paid in a fair and consistent manner relative to the scope and responsibilities of the job.
2. The County will compensate its employees at a sufficiently competitive level that attracts and retains quality employees based on a comparative market analysis.
3. Performance pay will allow employees to earn additional compensation based on exceptional achievement of individual and team results and enhancement of skills.
4. The County will recognize the value of long-term commitment to the organization and continued performance excellence by the award of longevity pay to employees with 10 or more years of service, hired before July 1, 2004.
5. The County will consider the economic well-being of the organization in the administration of the compensation and benefits programs.
6. A competitive, cost efficient benefit program will be offered to all eligible employees.

Originally Approved: June 6, 1994

Revised: June 16, 2004

**HUMAN RESOURCES ADVISORY COUNCIL**

Originally Approved: February 23, 1979	Revised: April 2, 2013 (Name changed from "Personnel Commission")
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**CREATION, COMPOSITION**

The BOCC hereby establishes an 11-member, Human Resources Advisory Committee to represent the public interest in human resources administration for County government.

The Human Resources Advisory Committee brings together human resource leaders from organizations in Mecklenburg County to share ideas and discuss business challenges to keep our organization current with human -resources best practices and standards. This collaboration will ensure that Mecklenburg County Human Resources is current in its thinking and practices and supports the organization in a progressive manner.

Advisory Committee member applicants should either currently serve as senior managers, human resource (HR) professionals or proprietors of businesses within Mecklenburg County, or have previously served in such capacity. All members are expected to possess knowledge of current human resources practices and procedures in one or more of the following HR disciplines: recruitment; selection; retention; training; compensation; benefits; human resource management systems; and/or employee relations.

The Human Resources Advisory Committee will review each member applicant’s application and résumé and provide a recommendation for appointment to the Board of County Commissioners for each vacancy.

Hereafter in this section, the term Advisory Committee shall refer to the Human Resources Advisory Committee.

(State law reference - Authority of Board of Commissioners to appoint advisory board, G.S. Para. 153A-77.)

Originally Approved: February 23, 1979 Revised: March 16, 1981	Revised: May 17, 1982 Revised: September 3, 1985	Revised: November 16, 2004 Revised: April 2, 2013
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**MEMBERSHIP, APPOINTMENT, TERMS, LIMITATIONS ON APPOINTMENT**

Members of the Advisory Committee shall be appointed by the BOCC and shall serve for a term of three years each or until a successor is named. Each member must comply with all attendance requirements established by the Board of County Commissioners. The Advisory Committee shall elect one member to serve as chairperson each year. No member of the Advisory Committee shall have held political office, have been a salaried employee of the City or County during the past 12 months preceding their appointment, be currently employed by the City or County, or have any person in their immediate household or immediate family currently employed by the City or County. No member shall serve for more than two consecutive three year terms. In making appointments to the Advisory Committee, the BOCC will consider the diversity of the community.

Originally Approved: February 23, 1979 Revised: April 15, 1985	Revised: September 21, 2004 Revised: August 4, 2009	Revised: April 2, 2013
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**MEETINGS**

Meetings of the Advisory Committee shall be held bi-monthly or on an as-needed basis. All meetings will be held in the Charlotte Mecklenburg Government Center (CMGC) or another facility as communicated at least 48 hours prior to the meeting. All meetings are subject to the provisions of the Open Meetings Law of the State of North Carolina. Dates and times of any meeting will be determined by the Chairperson or Human Resources Director and will occur after due notice is given to BSSA-PI for publication.

Special meetings of the Advisory Committee may be called by a simple majority of the Advisory Committee, the Chairperson, or the Human Resources Director, upon giving notice in writing at least three days prior to the date on which the meeting is scheduled, to each member of the Advisory Committee, the Human Resources Director, the department directors, and others as required by law.

**BYLAWS**

Members of the Advisory Committee and all persons serving in an ex-officio capacity shall receive a written notice of each Advisory Committee meeting together with a proposed meeting agenda. Members of the Advisory Committee and all persons serving in an ex-officio capacity shall have the right to designate agenda items for consideration by the Advisory Committee. The Human Resources Director shall be responsible for preparing and disseminating all meeting notices and proposed agendas.

Originally Approved: February 23, 1979 Revised: May 17, 1982	Revised: April 15, 1985 Revised: September 3, 1985	Revised: September 12, 1998 Revised: April 2, 2013
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**CONDUCT OF MEETINGS, INTERNAL ORGANIZATION**

The Advisory Committee shall adopt procedures for the conduct of its meetings. Meetings may be informal, subject to such rules of order as may be determined by the Chairperson. Additionally, the Advisory Committee shall adopt procedures for the conduct of its activities as needed.

**MEETINGS, QUORUM**

If the Advisory Committee is fully appointed, six members of the Advisory Committee shall constitute a quorum for the official transaction of business. In the event of vacancies on the Advisory Committee, a quorum will be a simple majority of existing membership. Meetings may be held with less than a quorum present, but no official action can be taken.

Originally Approved: February 23, 1979 Revised: May 17, 1982	Revised: September 3, 1985 Revised: September 21, 2004	Revised: April 2, 2013
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**MEETINGS, MINUTES**

The time and place of each meeting, names of those present, all official acts of the Advisory Committee, the votes of each member of the Advisory Committee, except when said acts are unanimous, shall be recorded in the minutes. The Human Resources Director or designee shall have the minutes transcribed and presented for approval or amendment at the next regular meeting. The minutes shall be open to inspection by the BOCC, department directors, and the public. Copies of the minutes of each Advisory Committee meeting shall be provided to all members of the Advisory Committee as well as those persons serving in an ex-officio capacity.

**MEETINGS, OFFICIAL REPRESENTATION**

Members of the BOCC and department directors shall have the right to be represented at meetings of the Advisory Committee but shall be without voting power. In addition, the Human Resources Director shall serve in an ex-officio capacity.

Originally Approved: February 23, 1979 Revised: April 15, 1985	Revised: June 20, 1988 Revised: September 4, 1990	Revised: September 21, 2004 Revised: April 2, 2013
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**ADVISORY COMMITTEE DUTIES AND FUNCTIONS**

It shall be the duty of the Advisory Committee to make recommendations regarding the following Human Resource activities to Human Resources staff:

1. Review County HR initiatives and provide guidance to County HR staff based on each member’s experience in their sector, HR best practices and HR industry standards.
2. Identify business trends and successful practices from each member’s experience that would be of value to County HR staff in the design of continuous improvement initiatives intended to improve the effectiveness and the efficiency of the Mecklenburg County Human Resources.
3. Review current HR-related issues facing the County, and provide feedback to HR staff on the best direction forward.
4. React to ideas presented by HR staff and provide informed feedback and guidance.

Originally Approved: February 23, 1979 Revised: May 17, 1982 Revised: April 15, 1985	Revised: December 7, 1987 Revised: July 11, 1994 Revised: September 21, 2004	Revised: April 2, 2013
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**REVIEW**

The Board may review the continuing need of the established Advisory Committee every two years. The Human Resources Director and the County Manager may assess and make a written report for consideration by the BOCC the justification of continuing this Advisory Committee.

Originally Approved: February 23, 1979	Revised: May 17, 1982	Revised: April 2, 2013
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**ELIGIBILITY CRITERIA for Charitable Fundraising**

Mecklenburg County desires to conduct charitable fundraising campaigns to allow employees the opportunity to contribute, through the payroll deduction process, to charitable organizations providing local health and welfare services, environmental services, and services in the area of the arts and sciences. The purpose and intent of these criteria are:

- (1) To protect County employees from fraud or deceit;**
- (2) To ensure that County employees contribute to bona fide, reputable charitable organizations;**
- (3) To make any County-conducted campaign appropriate and relevant to the County and acceptable to its employees; and**
- (4) To minimize the campaign management burden and workplace disruption.**

Any charitable organization requesting to participate in a County charitable fundraising campaign must submit an annual application and meet the following criteria:

1. A federation is defined as a group of independent charitable organizations which have voluntarily joined together for the purpose of raising and distributing contributions and where membership does not confer operating authority and control of the individual organization upon the federated group organization. A managing organization would oversee the activities of the campaign.
2. Each applicant organization not affiliated with a federation, but rather an independent charity whose primary service area is the Greater Charlotte Metropolitan Area (defined to include Mecklenburg, Cabarrus, Union, Iredell, Gaston, Lincoln and Rowan Counties), and that 95% of the contributions collected from County employees through the campaign shall be used to provide health and human welfare services, environmental services, or services in the area of arts and sciences in the Greater Charlotte Metropolitan Area.
3. Each applicant organization, each federation, and each of the federation's constituent charitable organizations must be a non-profit tax-exempt organization under 26 U.S.C. 501(c)(3) and must be eligible to receive tax deductible contributions under 26 U.S.C. 170 and any relevant laws of the State of North Carolina.
4. Each applicant organization, each federation, and each of the federation's constituent charitable organizations must prepare and make available to the public upon request an annual report that includes a full description of the applicant organization or federation's activities and supporting services and identifies its directors and chief administrative personnel.
5. Each applicant organization, each federation, and each of the federation's constituent charitable organizations must account for its funds in accordance with generally accepted accounting principles (GAAP), must have been audited in accordance with generally accepted accounting standards by an independent certified public accountant within one year of the application date, and must have received an unqualified opinion letter from the accountant.
6. Each applicant organization, each federation, and each of the federation's constituent charitable organizations must devote all of their activities to providing human health and welfare services, environmental services, or services in the area of the arts and sciences.
7. Each applicant organization, each federation, and each of the federation's constituent charitable organizations must be chartered or incorporated in the State of North Carolina and must have a North Carolina solicitation license.
8. The applicant organization, each federation, and each constituent charity of a federation must certify that it expends no more than 25% of its total revenue for administrative and fundraising costs.
9. The publicity and promotional activities and materials of each applicant organization, each federation, and each of the federation's constituent charities must be truthful and non-deceptive.
10. The applicant organization or federation and each member agency must be operated without discrimination in regard to all persons served, and must comply with all requirements of law regarding nondiscrimination and equal opportunity for its officers, staff, employees and volunteers.

11. Each applicant organization and each constituent agency of federation must meet all 20 of the Better Business Bureau Standards for Charity Accountability and be a member of the Better Business Bureau Wise Giving Alliance.

**MECKLENBURG COUNTY CHARITABLE CAMPAIGN APPLICATION  
AND CERTIFICATION**

CONTACT PERSON: \_\_\_\_\_

FEDERATION NAME: \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

FAX: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

I, \_\_\_\_\_, am the duly appointed representative of  
\_\_\_\_\_ authorized to certify and affirm all statements enclosed in this application.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Typed or printed name)

\_\_\_\_\_  
(Title)

This application must be mailed to following address:

Director  
Mecklenburg County Human Resources  
700 East Fourth Street  
Charlotte, North Carolina 28202

For information or questions, please call (704) 336-2931.

The County's Employee Campaign Advisory Committee will review this application for accuracy and for compliance with the eligibility requirements. Failure to supply any of the information requested may be judged a failure to comply with the requirements for eligibility. The Committee may request additional information, as it deems necessary to complete the eligibility reviews. All applications will be reviewed within thirty (30) days from the date of receipt of a complete application. Final decisions will be communicated in writing.

For each charitable organization meeting the eligibility criteria, the County will conduct a fundraising campaign within one year of the date the application is approved. The County and the qualifying organization shall enter into a written agreement specifying the services to be performed by each party for the campaign.

If an application is rejected, the applicant organization shall be given the right to appeal to the County Manager or his/her designee. Such appeal must be filed within ten (10) days of the notification postmark.

For each paragraph below, please sign certifying that the organization noted in this application fully meets the eligibility criteria.

1. I certify that the applicant organization is a federation (defined as a group of independent charitable organizations which have voluntarily joined together for the purpose of raising and distributing contributions and where membership does not confer operating authority and control of the individual organization upon the federated group organization.)

Signature/Date \_\_\_\_\_

2. I certify that the applicant organization is not affiliated with a federation, but rather an independent charity whose primary service area is the Greater Charlotte Metropolitan Area (defined to include Mecklenburg, Cabarrus, Union, Iredell, Gaston, Lincoln and Rowan Counties), and that 95% of the contributions collected from County employees through the campaign shall be used to provide health and human welfare services, environmental services, or services in the area of arts and sciences in the Greater Charlotte Metropolitan Area.

Signature/Date \_\_\_\_\_

3. I certify that the applicant organization (hereinafter referred to as the federation or independent charitable organization) is a non-profit tax exempt organization under 26 U.S.C. 501(c)(3) and is eligible to receive tax deductible contributions under 26 U.S.C. 170 and any relevant laws of the State of North Carolina. **(Please attach as Attachment B a copy of the most recent IRS Form 501(c)(3).**

Signature/Date \_\_\_\_\_

4. I certify that the federation, or independent charitable organization, prepares and makes available to the public upon request an annual report that includes a full description of the federation's or the organization's activities and supporting services and identifies its directors and chief administrative personnel. **(Please attach as Attachment C a copy of the most recent annual report.)**

Signature/Date \_\_\_\_\_

5. I certify that the federation or independent charitable organization accounts for its funds in accordance with generally accepted accounting principles, was audited in accordance with generally accepted auditing standards by an independent certified public accountant within one year immediately preceding the application date, and received an unqualified opinion letter. **(Please attach as Attachment D a copy of the most recent audit report and the unqualified opinion letter.)**

Signature/Date \_\_\_\_\_

6. I certify that the federation and each of its member agencies or independent charitable organization devote all of their activities to providing health and human welfare services, environmental services, or services in the area of the arts and sciences. **(Please attach as Attachment E a description of the services provided by the federation and each member agency and each independent charitable organization.)**

Signature/Date \_\_\_\_\_

7. I certify that the federation or independent charitable organization is chartered or incorporated in the State of North Carolina and has a North Carolina solicitation license. **(Please attach as Attachment F a copy of the federation's state solicitation license.)**

Signature/Date \_\_\_\_\_

8. I certify that the federation and each member organization or independent charitable organization, in the last fiscal year, had administrative or fundraising expenses at or less than 25% of total revenue. The IRS 990 is the determining factor for this purpose (adding lines 14 and 15, divided by line 12). **(Please attach as Attachment I a copy of the most recent IRS Form 990 for the federation, each member agency and each independent charitable organization). Although the IRS may not require a Form 990 to be filed, one must be filed for the purpose of this application.)**

Signature/Date \_\_\_\_\_

9. I certify that the publicity and promotional activities and materials of the federation, the member agencies, or independent charitable organization, are truthful and non-deceptive.

Signature/Date \_\_\_\_\_

10. I certify that the federation, each member agency or independent charitable organization, are operated without unlawful discrimination in regard to all persons served, and must comply with all requirements of law regarding nondiscrimination and equal opportunity for its officers, employees and volunteers.

Signature/Date \_\_\_\_\_

11. I certify that the federation, each member agency or independent charitable organization, meets all 20 of the Better Business Bureau Standards for Charity Accountability and is a member of the Better Business Bureau Wise Giving Alliance.

Signature/Date \_\_\_\_\_

## COUNTY MANAGER’S AUTHORITY

Sections II through IX comprise the Mecklenburg County Human Resources Policy and Procedures as authorized by the County Manager pursuant to G.S. 153A-82, which outlines the powers and duties of the County Manager.

As part of this authority, the County Manager establishes and administers Human Resources Policy and Procedures, either directly or through designee.

The County Manager shall direct and supervise the administration of all County offices, departments, boards, commissions and agencies under the general control of the Board of Commissioners, subject to the general direction and control of the Board.

This includes the County Manager’s authority to appoint and remove subordinate officers, agents and employees for the general administration of County affairs. It also provides the County Manager’s authority to reorganize and/or restructure County offices, departments, boards, commissions and agencies under the general control of the Board of Commissioners, including the assignment and reassignment of filled and/or vacant positions authorized by the Board.

When he concludes it is in the best interests of the County, the County Manager is also authorized to negotiate resignation and transition agreements for any employee who serves in a position that is at or above the level of director of a County department or agency. The compensatory value of any such agreement shall not exceed 50% of the employee’s total annual compensation<sup>1</sup>, in addition to those benefits payouts authorized for all separating employees. The County Manager shall notify the Board prior to the execution of any such agreement. The County Manager must receive Board approval for any exceptions to this provision.

Without approval from the Board of County Commissioners, the County Manager may not exercise this authority in combination with his authority under the Board’s Settlement Resolution.

Revised: October 4, 2011	
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<sup>1</sup> For the purposes of this subsection, the term “total annual compensation” is synonymous with the word “salary” in [N.C.G.S.153A-98\(b1\)](#), and it “includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity” (*i.e.* Mecklenburg County).

## AT-WILL EMPLOYMENT

### **POLICY**

It is the policy of Mecklenburg County that all employees are employed at-the-will of the County for an indefinite period. The only exception to this at-will policy is an employee who has a written employment contract for a specific, fixed term of employment signed by the County Manager or the BOCC.

### **GENERAL PROVISIONS**

At-Will Employment: All employment at Mecklenburg County is “at-will.” This means that employees are free to terminate their employment with the County for any reason or no reason at all. Likewise, the County has the same right and is free to hire and discharge employees at any time providing the reason for the discharge or hire is not discriminatory or otherwise in violation of federal or state law.

Only the County Manager or the BOCC are authorized to modify this policy by entering into an employment agreement with an employee for a fixed period of time.

This policy may not be modified by any statements contained in these County policies or any other County handbooks, manuals, employment applications, policies, recruiting materials, memoranda or other materials provided to applicants and employees in connection with their employment. None of these documents, whether alone or together, shall be deemed to create an expressed or implied contract of employment for a definite period.

Completion of a provisional employment period does not change an employee’s status as an employee at-will or in any way restrict the County’s right to terminate such an employee or change the terms or conditions of at-will employment.

# COUNTY MANAGER'S AUTHORITY

## SECTIONS:

- II. [BENEFITS](#)
- III. [CLASSIFICATION AND COMPENSATION](#)
- IV. [EMPLOYEE RELATIONS](#)
- V. [EMPLOYMENT PROCEDURES](#)
- VI. [EQUAL EMPLOYMENT OPPORTUNITY](#)
- VII. [REDUCTION IN FORCE](#)
- VIII. [DRUG FREE WORKFORCE](#)
- IX. [WORK OPTIONS](#)

**Section II:**

**BENEFITS**

The County strives to enhance the well-being of its employees and their dependents by providing competitive and cost effective benefits. The purpose of the benefits program is to attract and retain a quality work force, support occupational health and fitness, respond effectively to on the job accidents, encourage employees to seek assistance for problems and insure compliance with all federal and state requirements.

**FOR MORE INFORMATION ABOUT BENEFITS, PLEASE CONTACT THE  
EMPLOYEE SERVICES CENTER  
(704) 432-6947**

BENEFITS

**OCCUPATIONAL HEALTH PROVIDER**

The County's Occupational Health Provider (Novant Health Urgent Care) provides occupational health services which include testing for the Substance Abuse Program, assessment and coordination of all treatment for work-related injuries and illnesses, coordination of required applicant and employee medical examinations, services related to the Employee Exposure Protection Program, and coordination of County-required, independent medical examinations for second opinions.

Employees may seek assistance at Novant Health Urgent Care Services during work hours at a time mutually agreeable to the employee, the supervisor/manager and Novant Health Urgent Care.

**COUNTY FITNESS CENTERS**

The County provides employee access to a number of Fitness Centers to utilize for better health.

Employees should refer to MeckWeb to determine which location is most convenient for them. Registration information can be completed at the desired location.

Revised: July 1, 2015		
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**EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The County will provide an EAP for full-time, part-time and limited part-time employees and their immediate household. This program will provide highly qualified professional personnel to assess various personal problems and, when necessary, refer employees and their dependents to appropriate providers.

The services provided include assessment of personal problems that may be emotional, marital, family related, financial, legal, drug or alcohol related, related to job stress, or any other issue that may cause concern. A counselor is on call 24 hours a day for immediate assistance. Short-term counseling and/or referral for extended or specialized help will follow, if necessary. Providers covered by the County's group medical insurance will be utilized whenever possible.

The physical location of the EAP is easily accessible while ensuring confidentiality and is not identified with a particular department or other program within the County. All contacts with the EAP will be completely confidential and no information about an employee's EAP contacts will be included in the employee's personnel file. All client records are confidential and protected by the Privacy Act. Information may only be released if a release form is signed by the employee or family member or in accordance with state and federal regulations.

Human Resources will distribute information regarding the program to all employees and provide training for supervisors/managers as deemed necessary.

There are two types of referrals to the EAP:

1. Voluntary Self-Referral - The employee voluntarily seeks assistance from the EAP for a personal problem. The employee may make an appointment on County time if the time is mutually agreeable to the employee's supervisor/ manager. If the employee does not wish to notify the supervisor/manager of the EAP assistance, they must see the counselor during non-work hours.
2. Management Referral - If an employee exhibits declining job performance, attendance problems, or on-the-job behavioral problems, after discussing the problems with the employee, a supervisor/manager may suggest that the employee voluntarily seek assistance from the EAP. If the employee does not seek EAP assistance and work related problems continue, the supervisor/manager may require that the employee seek EAP assistance through a management referral. There will be no attempt to intrude upon the employee's private life. However, when a management referral is required, the County may only obtain information from EAP regarding the employee's attendance at EAP appointments, whether the employee is following the recommendations of the EAP, and when the employee will be able to return to work. If an employee does not follow through on a management referral and on-the-job problems continue, an employee may face disciplinary action up to and including termination. To initiate a referral, the supervisor/manager must contact EAP by telephone to advise the EAP counselor of the

employee receiving management referral and pertinent work-related concerns that need to be addressed. Either the employee or the supervisor may schedule the initial visit once EAP is notified of the management referral.

Revised: July 1, 2014		
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### **TIME FOR VOTING**

You are encouraged to vote in every election; however, voting should be done on your own time. If you must vote during your assigned work time, speak to your supervisor in advance, and follow your department's normal leave procedures.

Approved: July 15, 2014		
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### **COLLEGE TUITION REIMBURSEMENT (CTR)**

When budgeting allows, Mecklenburg County may offer tuition reimbursement for continuing college education to all full-time and part-time employees. (Limited part-time and temporary employees are not eligible to participate.)

#### **Objectives**

- Invest in employee development
- Build competency and capacity across the organization
- Provide a consistent approach to tuition reimbursement across the organization

College tuition reimbursement will be managed as an organizational benefit for continuing and/or additional undergraduate and graduate education. Funding for the benefit will be provided from an enterprise fund and should not be funded from department budgets.

**Employees of the Sheriff's Office follow policy developed specifically for that department and may learn more from their department's Human Resources representatives.**

#### **CTR Guidelines and application procedures are as follows:**

##### **Eligibility Requirements**

Mecklenburg County employees meeting the following criteria are eligible for CTR consideration:

- Two years of regular full-time or part-time employment with County (which does not have to be consecutive)
- No formal disciplinary action (i.e., first or second written reminder or DMD) within 1 year of the application
- A rating of successful or exemplary on the most recent performance review
- Classes are with an educational institution accredited by one of the National or Regional Accreditation Councils for the U.S Dept. of Education. (To determine whether the educational institution is accredited by one of the institutions go to: <http://ope.ed.gov/accreditation/Search.aspx>.)
- A Completed CTR Application with Supervisor and Department Director approval received in HR at least **15 days** prior to the class start date.
- A Completed "Promise to Repay CTR Benefits" and "Payroll Deduction Authorization"
- CTR Panel approval as needed.

An employee receiving a formal disciplinary action during the semester deemed eligible for reimbursement will forfeit their eligibility for 1 year beginning with the subsequent semester.

##### **CTR Panel**

The panel will consist of the HR Director, Learning and Development Services (LDS) Manager, a Finance representative, departmental representation from the core business areas, and the CTR Administrator who will be responsible for the coordination of the panel's responsibilities.

LDS responsibilities include:

- Reviewing department approval of applications
- Managing the program within the approved budget
- Ensuring compliance with tuition reimbursement rules and protocols
- Ensuring record keeping and reporting are consistent with County policy
- Accommodating any priorities established by county management

Finance responsibilities include:

- Approving distribution of reimbursements that meet the guidelines

Panel responsibilities include:

- Reviewing record keeping and quarterly reporting of CTR data
- Ensuring CTR policy and procedures are applied consistently
- Reviewing documentation to ensure courses and reimbursement rates adhere to the policy and guidelines on an as needed basis
- Other duties as needed

**Reimbursement Guidelines**

- Expenses eligible for reimbursement are tuition, fees, and books not to exceed \$3,000 per person per calendar year for employees acquiring a degree that meets the core business needs within the department the employee is currently working, as determined by the Department Director or designee and CTR Administrator.
- Expenses eligible for reimbursement are tuition, fees, and books not to exceed \$1,500 per person per calendar year for employees acquiring a degree that does not meet the core business needs within the department the employee is currently working, as determined by the Department Director or designee and CTR Administrator.
- Expenses eligible for reimbursement are tuition, fees, and books not to exceed \$5,250 per person per calendar year (as defined by IRS regulations) for employees “grandfathered” into the program under the human resources policy effective September 1, 2015, to support completion of their current degree. Any applications for new degrees fall under the policy in effect at the time of the application.
- Expenses not eligible for reimbursement include meals, lodging, parking, transportation, tools and supplies (other than text books). Employees may not claim reimbursement for costs covered by other grants or financial assistance programs.
- Educational assistance is available for both undergraduate and graduate programs for completion of one degree.
- To be reimbursed, the employee must receive a satisfactory completion as established by the educational institution. (This is a grade C or higher in undergraduate courses, B or higher in graduate courses and “Pass” in pass/fail courses.)
- Reimbursement is subject to the funding available during the requested reimbursement submission.
- If an employee resigns/terminates from the County within two years following course completion, they must repay all tuition reimbursement received during the two years prior to termination. Repayment will be withheld from employee’s final payout from the county. Employees affected by a Reduction in Force are exempt from repayment.
- The employee’s employment status must be “active” on the date tuition reimbursement is paid. For example, even if an employee is active when the application is approved, the employee will not be eligible for the reimbursement payment if the employee terminates employment before the reimbursement is actually paid. Employees affected by a Reduction in Force are eligible for the reimbursement payment.

**Employee Responsibilities**

- Employees will obtain and complete all required paperwork.
- Employees will maintain eligibility throughout the tuition assistance period based on the program criteria.

**Application Process**

- The employee completes a CTR Degree Approval Application and submits it to their department supervisor and director for review and approval.  
*CTR Degree Approval Application revised January 1, 2016, is found on MeckWeb at: <https://mecktech.sharepoint.com/Forms-and-Policies/Forms/College%20Tuition%20Reimbursement%20Degree%20Approval%20Application.pdf>*
- The employee will include a copy of their Individual Development Plan.
- The immediate supervisor and the Department Director review the application for approval. Applications must be submitted to human resources at least **15 days** before the class start date.
- Applicants must also complete a CTR Course Approval Application for each term (winter, spring, summer or fall). CTR Course Approval Application must be approved by the immediate supervisor and submitted at least **15 days** before the class start date.  
*CTR Course Approval Application, revised January 1, 2016, is found on MeckWeb at: <https://mecktech.sharepoint.com/Forms-and-Policies/Forms/College%20Tuition%20Reimbursement%20Course%20Approval%20Application.pdf>*
- Applicants must receive supervisory and director approval to change their work schedule if flexible scheduling is needed.
- The employee is notified when application is approved.

**Reimbursement Process**

- The employee pays for the class.
- Once the class is completed, the employee must provide the following documentation to human resources within **30 days** of completing the term:
  - The CTR Reimbursement Summary form.  
<https://mecktech.sharepoint.com/Forms-and-Policies/Forms/College%20Tuition%20Reimbursement%20Summary%20Form.pdf>
  - Evidence of successful completion of each course to include any of the following: An official grade report/professor’s email from the official college/university email box or certified transcript having the official college/university logo and the student’s name.
  - Receipts for all costs to be reimbursed. Receipts must show the amount paid by the employee, how the payment was made (credit card, check, loan, etc.) and clearly identify the charge and payment line item, such as technology fees, tuition or books. **Screen shots of student accounts are not acceptable.**

This policy is intended to constitute an Educational Assistance Plan within the meaning of Section 127 of the Internal Revenue Code, and shall be interpreted and administered in accordance with the requirements of such section and the regulations there under.

In the event that there is any conflict between the information in this policy, the college tuition reimbursement plan, the plan document always governs. Participation in this plan does not create and should not be viewed as a contract of employment or a guarantee for promotion should a position that meets this criteria become available. While Mecklenburg County intends to provide these benefits for an indefinite period of time, it reserves the right to terminate, suspend, withdraw, amend, or modify a plan at any time. Any such change or termination of benefits will be based solely on the decision of the County.

Revised: July 1, 1997 Revised: October 14, 1998 Revised: August 26, 2011	Revised: July 23, 2012 Revised: January 30, 2014 Revised: July 1, 2014	Revised: January 29, 2015 Revised: Effective January 1, 2016
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**EMPLOYEE TAX LIABILITY**

The U.S. Internal Revenue Code provides that employer-reimbursed educational assistance is not taxable income for the employee if the educational assistance is provided pursuant to a qualified plan. The County’s plan is a qualified plan, and educational assistance reimbursements up to \$5,250 are therefore excludable from the receiving employee’s income.

Revised: January 18, 2012	Revised: January 29, 2015	Revised: Effective January 1, 2016
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**LEARNING OPPORTUNITIES AND WORK SCHEDULES**

Employees may attend a course on their own time or during normally scheduled work time provided the course is only available at that time and the department is able to provide flexibility for the employee.

CTR courses are not considered compensable work time. Accrued vacation leave may be used by employees to cover approved educational absences during the employee's normally scheduled work time.

Revised: July 1, 1997 Revised: July 1, 2014	Revised: January 29, 2015 Revised: Effective January 1, 2016	
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**VACATION**

Vacation accrues from and is authorized for use by all full-time and part-time employees from the first day of employment. Limited part-time and temporary employees are not eligible for vacation benefits. Maximum accrual of benefits is based on the employee's normal work schedule.

Vacation is accrued on a bi-weekly basis for each regularly scheduled hour worked. The accrual rate is determined by the length of service (aggregate date in the North Carolina Local Governmental Employees' Retirement System (NCLGERS) or qualifying County service date, whichever is earlier).

The accrual rate is as follows:

Length of Service	Days Per Annum (40 Hour Week)	Hours Earned Per Regularly Scheduled Hour Worked
Under 2 years	10	.03847
2 - 5 years	12	.04615
5 - 10 years	15	.05770
10 - 15 years	18	.06924
15 - 20 years	21	.08077
Over 20 years	24	.09231

The following policies govern the use of vacation leave:

1. Employees are entitled to vacation leave earned; however, the scheduling of vacation is at the discretion of the employee’s supervisor/manager in accordance with staffing needs. The supervisor/manager is responsible for approving or disapproving the vacation request within a reasonable period of time.
2. Pay instead of vacation will not be allowed unless it occurs as part of the Vacation Cash-Out Program (see the description of this program below).
3. The County does not advance vacation leave.
4. At the end of each calendar year, the maximum amount of vacation that can be transferred to the next year is 240 hours. Accrued vacation beyond the maximum will be converted to sick

leave and policies regarding sick leave will apply. The rollover will be reflected in the first paycheck in January.

5. An employee may use vacation days for illness, if approved.
6. If an employee is on vacation and becomes hurt or ill, they may use sick leave. The department director may request medical verification.
7. Employees who leave the County will be paid a maximum of 240 hours of accrued vacation. Employees may make a written request for less than the amount accrued under special circumstances, i.e., transfer of vacation to another agency.
8. Employees who resign or retire will be allowed to use accrued vacation prior to the effective date of the resignation or retirement if approved by the department director.
9. A day of vacation will not be charged for a County holiday if that holiday falls during the employee's vacation.
11. Four hours of vacation will be added to the accumulated benefit of the full-time employee who does not use sick leave and/or Leave without Pay (LWOP) for a period of seven consecutive pay periods. A part-time employee will receive the corresponding percentage of vacation.
12. Vacation leave will always be paid at the straight time rate and will be excluded from hours worked in calculating overtime.

**VACATION CASH-OUT PROGRAM**

Employees who have more than 30 days (240 hours) of accrued vacation will be allowed to “cash-out” a minimum of one (1) day (8 hours) up to a maximum of five (5) days (40 hours) per year for the amount of days over 30. Cash-outs will be funded through the County’s lapsed salaries. This cash-out will be included in the second paycheck of June. Vacation hours accrued as of the first paycheck in June will be used as the vacation cash out eligibility criteria. Vacation hours used, accrued, or earned during the cash out pay period will not be considered in determining vacation cash-out eligibility. All cash-outs must be in increments of 8-hours only. No partial days will be accepted.

Vacation cash-outs are wages and subject to all taxes and payroll deductions. Cashed-out vacation days cannot be reinstated.

Revised: October 14, 1998 Revised: June 30, 1999 Revised: November 8, 1999	Revised: May 4, 2000 Revised: November 16, 2004 Revised: December 6, 2004	Revised: January 2, 2008 Revised: July 1, 2014
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**HOLIDAYS**

Holidays are recognized for full-time employees and are given as they occur. Approved holidays are as follows:

1. New Year's Day
2. Martin Luther King's Birthday
3. Good Friday
4. Memorial Day
5. Independence Day
6. Labor Day
7. Veterans Day
8. Thanksgiving Day
9. Day after Thanksgiving
10. Christmas Day
11. One other day at Christmas (as designated by the County Manager)

The following policies govern the use of holiday leave:

1. Holiday benefits begin on the first day of employment. New employees will not begin work on a holiday.
2. If a holiday falls on a Saturday or a Sunday, the holiday will be observed on Friday or Monday and will be coordinated with federal, state, and city holidays whenever possible.
3. The employee must be in a pay status on the day before the holiday occurs to be eligible for a holiday benefit. Pay status will be defined as scheduled day off, sick leave with pay, vacation with pay, unused holiday, or a regularly scheduled work day.
4. Holidays occurring during vacation leave will be paid and recorded as holidays and not as vacation.
5. If employees have excused absences for illness during a period in which the holiday falls, they will receive the holiday pay if they are in a pay status.
6. Holidays will not be advanced.
7. Holidays will always be paid at the straight time rate and will be excluded from hours worked in calculating overtime.
8. Employees may bank holiday leave not to exceed a maximum of 80 hours.
9. Holidays are typically observed as 8 hours or less, depending on the full time hours established for the employee within a typical pay period. The County Manager or designee has the authority to approve more than 8 hours of holiday leave, if necessary. Requests for holiday leave of more than 8 hours must be submitted in writing to the HR Director.
12. When staffing permits, holiday leave may be taken on the day of the holiday. With approval, employees who are required to work on the holiday may:
  - Take a different day off within the same pay period in which the holiday occurs;
  - Bank the holiday leave, or;
  - Request pay in lieu of accruing the holiday, provided pay is requested within the same pay period.
13. When an observed holiday falls on an employee's scheduled day off, the employee may, with approval:
  - Take a different day off within the same pay period in which the holiday occurs, or;
  - Bank the holiday leave.
13. With the approval of the supervisor, an employee may take time off for the purpose of observing a religious holiday. The employee may take time off without pay or use accrued vacation or banked holiday leave.
14. Employees must exhaust their banked holiday balance before using their vacation accrued balance, subject to departmental approval procedures for leave. Employees who terminate employment will be paid for banked holiday time up to a maximum of 80 hours.
15. Employees who work on a holiday without specific authorization will:
  - Not accrue a holiday benefit, and;
  - Be subject to disciplinary action.

Revised: October 12, 1998 Revised: June 2, 2004	Revised: August, 2009 Revised: July 1, 2014	Revised: July 1, 2015
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**BEREAVEMENT LEAVE**

When death occurs to a full-time employee's close relative, the employee will be granted time off to remember the deceased family member. If the employee is in a pay status, they will be paid their regular pay (excluding any shift premium) up to 24 consecutive hours of regularly scheduled

work time. Part-time, limited part-time and temporary employees are not eligible for Bereavement Leave.

An employee's close relatives are defined as the employee's spouse; biological parent or an individual who stood in loco parentis to an employee when the employee was a son or daughter; biological, adopted, or foster child; a stepchild, a legal ward, or a child of a person standing in loco parentis; brother, sister; mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandparent, great-grandparent, grandchild ; spouse's grandparents, spouse's great-grandparents and step relationships.

Bereavement Leave is available from the first day of employment.

The department director or supervisor/manager may require reasonable proof of the employee's eligibility. With the approval of the department director, any additional time off for the death of a close relative may be charged to vacation, holiday leave, or LWOP.

Revised: July 1, 1997 Revised: June 30, 1999 Revised: November 8, 1999	Revised: September 18, 2001 Revised: November 16, 2004 Revised: January 1, 2011	Revised: July 1, 2014 Revised: January 1, 2016
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**SICK LEAVE**

Sick leave is not intended to provide time off for recreation, personal reasons, or to extend vacations. Limited part-time and temporary employees are not eligible for sick leave benefits.

Individuals employed by the County who have creditable service in the NCLGERS are eligible to have up to 96 hours of earned unused sick leave transferred to the County. Proper documentation of accrued sick leave from the previous employer is required.

The following policies govern the use of sick leave:

1. Sick leave is accrued on a bi-weekly basis at a rate of .04615 hours per each regularly scheduled hour worked. There is no maximum accrual limit.
2. Sick leave may be used from the first day of employment.
3. Sick leave may be used for the illness of the employee or the employee's immediate family. Immediate family includes: the employee's spouse (husband or wife in accordance with applicable State law); parent (biological parent or an individual who stood in loco parentis to an employee when the employee was a son or daughter); and child (biological, adopted, or foster child, a stepchild, a legal ward, a child of an employee standing in loco parentis), who is under 26 years of age.
4. The County does not advance sick leave.
5. If an employee is on Family-Medical Leave, the employee must use a minimum of benefit hours (40%) per pay period to remain in an active pay status unless the employee has less than 32 hours remaining.
6. If an employee is receiving Temporary Disability Income (TDI) or Workers' Compensation, they may use sufficient sick leave to equal but not exceed their normal gross pay.

A department director or designee may request documentation from a physician when there is a serious health condition or a pattern of absenteeism. If it is necessary for an employee to leave the work site because of illness, the employee must notify their supervisor/manager before leaving. If an employee is unable to report to work, the employee must notify their supervisor/manager as soon as practical after the beginning of the regular scheduled work day. If the employee cannot call, the employee must have someone else call. For those County services where advance notification is necessary, the employee must notify the supervisor/ manager as soon as possible before the start of the scheduled shift. The employee is responsible for keeping their supervisor/manager informed on a regular basis that the use of sick leave is for the illness of the employee or the employee's immediate family and when they expect to return to work. Failure to

properly notify the supervisor or provide necessary medical documentation may result in disciplinary action.

Sick leave will always be paid at the straight time rate and will be excluded from hours worked in calculating overtime.

An employee who terminates will be paid for 25% of all remaining accrued sick leave. The employee may be paid for less than 25% or may waive the payout under special circumstances by written request, i.e., transfer of time to another agency. If the employee is leaving employment due to a medical disability and the employee's physician has stated in writing that the employee will be incapacitated for a period that will exceed the number of accrued sick days, the employee may be paid for 100% of the accrued sick days.

Revised: December 9, 1998 Revised: November 16, 2004	Revised: January 1, 2011 Revised: July 1, 2014	Revised: January 1, 2016 Revised: May 12, 2016
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**DONATION OF SICK LEAVE**

In medical situations which may cause an employee’s Leave accrual balance to approach exhaustion, Sick Leave may be donated by other employees, subject to the following:

Donating Employee:

1. Full-time employees donating the Sick Leave must have a minimum of 240 Sick Leave hours remaining in their own Sick Leave accrual balance after a donation is submitted. Part-time employees must have a minimum of 120 Sick Leave hours remaining in their own Sick Leave accrual balance after a donation is submitted.
2. Employees eligible to donate Sick Leave may donate a maximum of 20 hours per pay period to a recipient employee. Each donation must be a minimum of 4 hours, but additional hours may be included in one-hour increments. Donations cannot exceed 40 hours per recipient employee per calendar year. An employee’s total Sick Leave donations per calendar year may not exceed 80 hours.
3. Donated Sick Leave cannot be returned to the employee who made the donation.

Receiving Employee:

1. The receiving employee must be in an approved Leave status and be under the care of a physician for a serious health condition, or caring for their spouse, child, or parent who is under the care of a physician for a serious health condition.
2. The receiving employee must have completed 90 calendar days of employment with Mecklenburg County.
3. Employees will be eligible to have donations reserved for them when their total benefits leave accrual balance is 60 hours or less (30 hours or less for part time employees). Employees become eligible to receive the earmarked donations when combined sick, vacation and holiday leave benefits total less than 32 hours.
4. Sick Leave donations will be available for use in the pay period following the one in which they are submitted.
5. Sick Leave donations cannot be applied retroactively.
6. Employees may receive a maximum of 160 hours of donated Sick Leave during a calendar year.

Revised: July 1, 1997 Revised: September 18, 2001	Revised: August 1, 2009 Revised: January 1, 2011	Revised: July 1, 2014 Revised: January 1, 2016
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**COBRA**

COBRA provides certain former employees, retired former employees, spouses, former spouses, and dependent children the right to temporary continuation of health coverage at group rates. This

coverage, however, is only available when coverage is lost due to certain specific events.

## **HEALTH INSURANCE**

### **Health Insurance for Employees**

Mecklenburg County offers group health insurance coverage to all fulltime employees. Employees hired after January 1, 2017, are restricted to the High Deductible Health Plan with the Health Savings Account (HSA). For detailed information on plan design, employees should contact the Employee Services Center (704-432-6947). Full-time employees may elect to cover eligible dependents and are responsible for the paying the full premium for all dependent coverage. Coverage is effective the first day of the pay period starting on or after 30 days from the first day of employment.

**Part-time, limited part-time, temporary, leased, casual, seasonal, substitute and contract employees are not eligible to participate in any Mecklenburg County group health insurance plans.**

**Retired former employees and their dependents are not eligible to participate in the Mecklenburg County dental plan.**

Revised: January 1, 2017		
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### **Medical Insurance for Non-Medicare Eligible Retirees**

#### ***Eligibility***

To be eligible to participate on behalf of themselves and their eligible dependents in Mecklenburg County's retiree medical plan, the former employee must continue to meet all of the following criteria:

- The former employee must have been hired for the first time by Mecklenburg County as a full-time or part-time employee on or before July 1, 2010;

Anyone employed by Mecklenburg County for the first time after July 1, 2010 is not eligible to participate in any of the County's retiree medical plans

- The former employee must have ten or more years of Mecklenburg County service and, if applicable, active military service time purchased and credited with the Local Governmental Employees' Retirement System ("Qualifying Service") and must be receiving monthly benefits from the Local Governmental Employees' Retirement System ("Retired");
- The Retired former employee ("Retiree") must not decline the one-time offer, at the time of retirement, to participate in the retiree medical plan.

If this offer is declined, neither the Retiree nor his or her otherwise eligible dependents will be eligible to participate in any County sponsored retiree medical plan at a later date.

- The Retiree must not be convicted of or entered a plea of guilty or no contest to a criminal act which caused financial injury to the County;
- The Retiree must not retire from another jurisdiction that participates in the North Carolina Local Government Employee Retirement System; and
- The Retiree must not be eligible for Medicare.

Any employee or eligible dependent who is a participant in the non-Medicare medical plan and who becomes Medicare eligible may be eligible to participate in the County's Medicare supplement medical plan provided they enroll in Medicare Part A and B and meet other eligibility criteria.

***Surviving Spouse***

Surviving spouses may be eligible to continue to participate in Mecklenburg County’s retiree medical plan provided all of the following criteria are met:

- The Retiree and the surviving spouse were active participants in Mecklenburg County’s medical plan at the time of the Retiree’s death;
- The spouse is not eligible for Medicare either due to age or disability;  
Eligibility to continue under Mecklenburg County’s retiree medical plan ceases the first of the month in which the surviving spouse becomes eligible for Medicare.
- The spouse has no other group medical insurance;
- The spouse pays the full cost of the monthly premium when due; and
- The spouse did not refuse or leave Mecklenburg County’s retiree medical plan prior to Medicare eligibility

***Premium Payments***

For those eligible to participate in the County’s retiree medical plan. Mecklenburg County subsidizes retiree medical insurance premiums based on the following:

<u>Qualifying Service</u>	<u>Paid by the County</u>
10 -19 years	50% of the County portion of the individual premium
20+ years	100% of the County portion of the individual premium

Retirees are responsible for paying their portion of the individual premium and the full premium for dependents.

**Medical Insurance for Medicare Eligible Retirees and Dependents**

***Eligibility***

To be eligible to participate in Mecklenburg County’s Medicare supplemental medical plan, the Retiree must meet all of the following criteria:

- The Retiree must have been hired for the first time by Mecklenburg County as a full-time or part-time employee on or before July 1, 2010;  
Anyone employed by Mecklenburg County for the first time after July 1, 2010 is not eligible to participate in any of the County’s retiree medical plans
- The former employee must have ten or more years of Mecklenburg County service and, if applicable, active military service time credited and/or purchased from the Local Governmental Employees’ Retirement System (“Qualifying Service”) and must be receiving monthly benefits from the Local Governmental Employees’ Retirement System (“Retired”);
- The Retiree must not decline the one-time offer, at the time of retirement, to participate in the retiree medical plan.  
If this offer is declined, neither the former employee nor his or her otherwise eligible dependents will be eligible to participate in the County sponsored retiree medical plans at a later date;
- The Retiree must not be convicted of or entered a plea of guilty or no contest to a criminal act which caused financial injury to the County;
- The Retiree must not retire from another jurisdiction that participates in the North Carolina Local Government Employee Retirement System; and
- The Retiree must be eligible for Medicare and must have enrolled in Medicare Parts A & B.

In situations where the Retiree is not yet eligible for Medicare but his or her dependent is, the eligible Retiree may remain in Mecklenburg County’s retiree medical plan and the eligible dependent may enroll in the Mecklenburg County’s Medicare supplemental medical plan.

***Surviving Spouse***

Surviving spouses are not eligible to participate in Mecklenburg County’s Medicare supplemental medical plan.

***Premium Payments***

For Retirees eligible to participate in the Medicare supplement medical plan, Mecklenburg County subsidizes retiree medical insurance premiums based on the following:

<u>Qualifying Service</u>	<u>Paid by the County</u>
10 -19 years	50% of the County portion of the individual premium
20+ years	100% of the County portion of the individual premium

***Opting-Out of Mecklenburg County’s Medicare Supplemental Medical Plan***

Medicare eligible Retirees may decide to participate in another Medicare supplement plan in lieu of the County’s plan and the County will reimburse them up to the same amount that the County would have contributed towards their individual premiums had they been in the County’s plan. If Medicare eligible Retirees opt-out of the County’s plan, neither they nor their otherwise eligible dependents are eligible to participate in the plan at a later date.

***Additional Information about Health Insurance for Employees and Retirees***

For additional information about any benefits described in this policy, please consult the applicable *Summary Plan Description (SPD)* or the actual full-length plan. In the event that there is any conflict between the information in this policy, the SPD and/or the actual full-length plan, the plan document always governs.

Participation in any of the County’s benefit plans does not create and should not be viewed as a contract of employment. While Mecklenburg County intends to provide these benefits for an indefinite period of time, it reserves the right to terminate, suspend, withdraw, amend, or modify a plan at any time. Any such change or termination of benefits will be based solely on the decision of the County.

Revised: February 1, 1996 Revised: July 1, 1997 Revised: August 11, 1998 Revised: June 30, 1999 Revised: February 16, 2000	Revised: March 8, 2002 Revised: January 1, 2004 Revised: June 16, 2004 Revised: July 1, 2009 Revised: July 1, 2010	Revised: January 1, 2011 Revised: October 1, 2013 Revised: July 1, 2014 Revised: January 1, 2016
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**DENTAL PLAN**

**ACTIVE EMPLOYEE PLAN**

The County provides a dental plan to assist full-time employees in the payment of the cost of covered dental procedures. Mecklenburg County contributes to the cost of employee individual coverage. Employees may cover dependents. The employee is responsible for the cost of dependent coverage. Coverage is effective the first day of the pay period starting on or after 30 days from the first day of employment.

Originally Approved: July 1, 1997 Revised: January 1, 2004	Revised: July 1, 2009 Revised: July 1, 2010	Revised: July 1, 2014
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**LEAVES OF ABSENCE**

The County will grant leaves of absence to employees according to the criteria established for each type of leave. Leaves include: Administrative Leave, Family-Medical Leave, Extended Medical Leave, Extended Family Leave, Military, and Disaster Response Leave.

**ADMINISTRATIVE LEAVE**

Administrative Leave is LWOP and may be granted for compelling personal reasons for all employees. The length of the leave will be determined by the circumstances surrounding the

situation. In any case, Administrative Leave will not exceed 30 calendar days. Each case will be considered on its own merit.

A written request must be made to the department director stating the reason for the leave and the date that the County can expect the employee to return. Final approval for the leave will be made by the department director.

All benefits will remain intact until the employee returns to active employment. While the employee is on Administrative Leave, they are responsible for all (employee and the County's portion) medical, dental, and life insurance premiums for individual and dependent coverage. Should an employee decide not to return at the end of Administrative Leave, they will be paid for all vacation leave and 25% of accrued sick leave.

Employees returning from Administrative Leave will experience an adjustment to their aggregate date and County service date equal to the amount of time they were actually off the County's payroll.

Failure to return from administrative leave days will be considered a resignation. If an employee who is on Administrative Leave decides to resign, a letter of resignation is requested stating that the employee wishes to terminate their employment.

Revised: July 1, 2014	Revised: July 1, 2015	
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**FAMILY-MEDICAL LEAVE**

**Eligibility**

An employee is eligible for Family-Medical Leave if he/she has:

1. At least one year of cumulative service in a permanent position with the County (if an employee has completed the first 90 days of employment but does not have enough service to be eligible for Family-Medical Leave, they may use Extended Medical or Extended Family Leave) and
2. Worked a minimum of 1250 hours (including overtime) with the County in the 365 calendar days prior to the beginning of the requested leave.

**Purpose**

The County will grant up to 12 weeks of Family-Medical Leave to all eligible employees in the event of the employee's serious health condition, birth of a child or placement of a child for adoption or foster care, and/or caring for the employee's child, spouse, the child of the employee's spouse, or parent who has a serious health condition. Family-Medical Leave is a leave without pay unless the employee elects to use accrued benefit hours.

Revised: January 1, 2016		
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**Definition of Serious Health Condition**

A serious health condition is defined as an illness, injury on or off the job, impairment, or physical or mental condition of an employee, spouse, parent, or child that involves:

1. Any period of incapacity or treatment connected with in-patient care (overnight stay) in a hospital, hospice or residential medical facility, or home confinement.
2. Any period of incapacity requiring the absence of more than three calendar days from work, school, or other regular daily activities and that also involves continual treatment by (or under supervision of) a health care provider; or
3. Continuing treatment by (or under the supervision of) a health care provider for prenatal care, or for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days.

## **Duration**

An employee will be granted 12 weeks of leave during the year beginning on the first date Family-Medical Leave is taken. Leave may be intermittent for illnesses but must be used consecutively for the birth or adoption of a child.

Leave must be used consecutively for up to 12 weeks by the mother for the birth of a child. For either and/or both parents, 12 consecutive weeks of bonding leave may be granted until the child is one year of age. For the adoption of a child, the 12 consecutive weeks of leave may be granted for either and/or both parents until the first anniversary of the child's placement.

## **FMLA and the National Defense Authorization Act**

**Family Leave Due to a Call to Active Duty.** This benefit provides 12 weeks of FMLA leave due to a spouse, son, daughter or parent being on active duty or having been notified of an impending call or order to active duty in the Armed Forces. Leave may be used for any “qualifying exigency” arising out of the service member’s current tour of active duty or because the service member is notified of an impending call to duty in support of a contingency operation.

Revised: January 1, 2016		
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**Caregiver Leave for an Injured Service member.** This benefit provides 26 weeks of FMLA leave during a single 12-month period for a spouse, son, daughter, parent, or nearest blood relative caring for a recovering service member. A recovering service member is defined as a member of the Armed Forces who suffered an injury or illness while on active-duty that may render the person unable to perform the duties of the member’s office, grade, rank or rating.

## **Required Documentation**

An employee must initiate a request for leave electronically through myHR. If assistance is needed, or if the employee is unable to initiate the leave request, Human Resources can complete the initiation. **Employees of the Sheriff’s Office will initiate leave by contacting their department’s Human Resources representatives.** Documentation to support the request for Family-Medical Leave should be signed by the employee and the physician at least 30 days prior to the beginning leave and submitted to Human Resources. Any additional documentation needed will come through a request sent from Human Resources.

In more urgent situations, the Leave initiation and supporting physician documentation should be submitted as soon as possible to help keep insurance benefits intact. The dates of the entire leave must be supported by updated documentation as necessary. The first day of leave is the date designated on the medical or legal documentation or the day following the last day worked.

When employees return to work, they must present a physician's return-to-work statement that supports their return to work. Employees should contact Human Resources as soon as they become aware of the physician supported return-to-work date. Any restrictions placed on the employee must be included in the statement. If the County is able to reasonably accommodate the employee's restrictions, the employee may return to work. Employees may not return to the workplace until all supporting documentation from the attending physician has been provided and the employee is approved by Human Resources to return to the workplace.

If the County is unable to accommodate the employee’s restrictions, they will not be able to return to work in their original position.

## **Temporary Transfer to another Position**

To better accommodate recurring periods of leave, an employee requesting intermittent leave or reduced work schedule because of an illness, may be temporarily transferred to another position for which they qualify, while maintaining equivalent pay and benefits.

**Extension of Leave**

If an employee is unable to return to work or requests additional time for family bonding at the end of the 12 week period, the employee will be placed on Extended Medical Leave or, if approved by the department director, Extended Family Leave, depending upon the circumstances of the extension.

**Use of Sick Leave, Vacation and Accrued Holiday Time**

Sick leave, vacation, or accrued holiday time may be used during Family/Medical Leave for illness. Vacation or holiday time may be used during the bonding portion of Family/Medical Leave or for the placement of a newly adopted or foster care child.

A minimum of at least 40% of the employee's regularly scheduled work time must be used in benefit hours to remain in a leave with pay status. If an employee is receiving Temporary Disability Income (TDI) or Workers' Compensation, they may use sufficient sick, vacation or holiday leave to equal but not exceed the salary they were earning when they became disabled.

If the employee elects not to use accrued benefit hours, they will be placed in a LWOP status. Vacation, sick leave and holiday accruals cease when an employee is in a LWOP status.

**Medical, Dental and Life Insurance Premiums**

During Family/Medical Leave, the County's portion of insurance premiums will continue to be paid by the County. The employee is responsible for paying the employee portion of the insurance premium. Individual basic term life insurance premiums will also be paid by the County. The employee is responsible for dependent/spouse premiums under both plans.

If an employee does not return to work following Family/Medical Leave, the employee will be expected to reimburse the County for individual medical insurance premiums paid during the time the employee was in a leave without pay status. This does not apply if the employee is medically unable to return to work.

Revised: January 1, 2004 Revised: January 1, 2011	Revised: March 1, 2011 Revised: July 1, 2014	Revised: January 1, 2016
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**Job Protection Rights**

When the employee is able to return to work, the County will return the employee to the same or equivalent position with the same salary, benefits and responsibilities. In rare circumstances where operational needs require replacement of that position, such replacement will be done only with the approval of the department director and the Human Resources Director.

**Aggregate Date and County Service Date**

Employees returning from a LWOP status will have their aggregate date and County service date adjusted equal to the amount of time they were actually off the payroll.

Revised: July 1, 2015		
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**Accommodation for Mecklenburg County Employees that are Nursing Mothers**

In accordance with the Patient Protection and Affordable Care Act (H.R. 3590) Mecklenburg County will provide accommodations for nursing mothers to express breast milk for her nursing child for up to one year after birth by doing the following:

1. Designated Space - Mecklenburg County will provide a designated place, other than a bathroom, shielded from view and free from intrusion from co-workers and the public which may be used by an employee to express breast milk.
2. Time - Mecklenburg County will provide reasonable break time for an employee to express breast milk. Mecklenburg County will compensate employees for this break time.

Revised: February 11, 2013		
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## **EXTENDED MEDICAL LEAVE**

Extended Medical Leave is LWOP unless accrued or donated benefit hours are used. This leave may be used in the event of an eligible employee's serious health condition, birth of a child, and/or caring for the employee's child, spouse or parent who has a serious health condition. With proper documentation employees may continue in Extended Medical Leave up to but never more than a combined leave total of 52 consecutive weeks, including up to 12 weeks of Family Medical Leave with and/or without pay.

Revised: January 1, 2016		
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An employee is eligible for Extended Medical Leave if:

1. The employee has completed the first 90 calendar days of employment but does not have sufficient service time to be eligible for Family-Medical Leave or
2. The employee is unable to return to work after 12 weeks on Family Medical Leave due to their own or their child's, spouse's or parent's serious health condition.

If an employee is still in the first 90 calendar days of employment, the department director may request approval from the Human Resources Director to place the employee in Extended Medical Leave.

The leave request should be submitted by the employee at least 30 days prior to beginning leave or, in more urgent situations, as soon as possible. The dates of the entire leave must be supported by updated medical documentation as necessary.

After the Extended Medical Leave document has been signed by the employee and the physician, the forms and/or documentation must be submitted to Human Resources to be put in the employee's medical file. Human Resources is responsible for making all required changes as soon as possible to place the employee in Extended Medical Leave.

The first day of leave is the date designated on the medical documentation or the day following the last day worked.

If employees have over five years of service in the NCLGERS or are receiving workers' compensation benefits, the County will continue to pay the County's portion of the individual medical and dental insurance. If an employee has less than five years of service, he/she is responsible for paying the total premium (employee and County portion) for individual medical and dental insurance while on Extended Medical Leave, if they are in a LWOP status.

Sick leave, vacation and holiday accruals are held intact with no additional accrual when an employee is in a LWOP status. Employees returning from a LWOP status will have their aggregate date and County service date adjusted equal to the amount of time they were actually off the payroll. Employees using benefit time will continue to receive normal leave accrual and their service dates and annual review date will not be adjusted.

When the employee returns to work from an illness, he/she must present a physician's statement that they are able to return to work. Any restrictions placed on the employee must be included in the statement. If the County is able to reasonably accommodate the employee's restrictions, the employee may return to work in their original position.

If the County is unable to accommodate the employee's restrictions, they will not be able to return to work in their original position.

If an employee returns to work for 30 days or more before going out again for the same condition, the time out will be counted as separate incidents and the 52 consecutive weeks will begin again. If the employee returns to work for less than 30 days, the time out will be counted as the same incident and the 52 week count will resume. A return to work status of 30 days or less will not entitle the employee to a new 52 week LWOP authorization.

Revised: July 1, 2014	Revised: July 1, 2015	Revised: January 1, 2016
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**REPLACEMENT AND RETURN FROM EXTENDED MEDICAL LEAVE**

When an employee is placed in Extended Medical Leave, the employee's position may be filled if approved by the Human Resources Director. If the employee's position has been filled when the employee is released to return to work, the employee will be reinstated to an equivalent position, if available, within the department provided that the employee meets the minimum qualifications of the position and returns to work within 52 consecutive weeks of combined leave.

Prior to requesting approval to fill an employee's position, the department must consider all other alternatives including reassignment of duties within the department, employing staff from a temporary agency, creating a temporary position, and/or temporarily promoting a qualified employee. Approval will be granted only when leaving the position vacant will cause an undue hardship on the department and when other staffing alternatives are not feasible.

If appropriate documentation is received from the department to justify filling the position, Human Resources will contact the employee regarding the status of their availability for work. If the employee is able to return to work within a reasonable length of time, the position will not be filled.

If the employee is able to return to work within the 52 week limit and their position has been filled, they will be entitled to an offer of a position with the same classification or an equivalent position for which they meet the minimum qualifications within the department. The employee will return to this position at the same pay unless there has been a market adjustment. If no position is available at the equivalent classification of the employee's original position, the department must offer the employee a position in a lower classification for which the employee qualifies, if available. Salary may not exceed the maximum for the position. An offer of a position at a lower classification may be declined by the employee without forfeiting the one-time entitlement for reinstatement to an equivalent position.

If no position is available in the employee's department, they may pursue employment in another department by contacting the Human Resources Department. The employee will be guaranteed an interview for any position at the same or lower classification for which they meet minimum qualifications.

If the employee returns to a position in a lower classification in another department they will be entitled to a one time offer of a position equivalent to the employee's former position in their original department for which they meet minimum qualifications. No time limit applies to this entitlement if the employee returns to work within the 52-week limit.

If an employee does not return to work within 52 consecutive weeks of Extended Medical Leave, they may be terminated. If terminated, the employee will be paid for any accrued benefits.

Revised: July 1, 2014	Revised: July 1, 2015	
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**EXTENDED FAMILY LEAVE**

The County will grant eligible employees Extended Family Leave for the purposes of bonding following the birth of a child, legal adoption, or placement of a foster child, for a period up to six months including time the employee was in a Family-Medical Leave and/or Extended Medical Leave status. An additional six months but not over a combined leave total of 52 consecutive weeks may be granted if approved by the employee's department director. An employee on Extended Family Leave is placed in a LWOP status unless accrued vacation is used.

An employee is eligible for Extended Family Leave if:

1. The employee has completed the first 90 calendar days of employment but does not have sufficient service time to be eligible for Family-Medical Leave, or
2. The employee began a leave of absence in Family-Medical Leave or Extended Medical Leave for the birth, adoption, or placement of a foster child and elects to continue on leave past the initial 12 weeks to bond with a new child.

If an employee is still in the first 90 calendar days of employment, the department director may request approval by Human Resources to place the employee in Extended Family Leave.

Required documentation must be submitted to Human Resources to place the employee in Extended Family Leave. Documentation must certify the birth or placement of a child. The request should be received by Human Resources at least 30 days prior to the beginning of the extended leave.

Documentation to place the employee on Extended Family Leave will be in the employee's permanent personnel file.

An employee on Extended Family Leave is responsible for paying the total premium (employee and County portion) for medical and dental insurance.

Sick leave and vacation are held intact with no additional accrual when an employee is in a LWOP status. Employees returning from LWOP will have their aggregate date and County service date adjusted equal to the amount of time they were actually off the payroll.

Revised: July 1, 2015		
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Employees using vacation time will continue normal leave accrual and will not have their service dates or annual review date adjusted.

### **REPLACEMENT AND RETURN FROM EXTENDED FAMILY LEAVE**

When an employee is placed in Extended Family Leave the employee's position may be filled if approved by the Human Resources Director. If the employee's position has been filled when he/she is ready to return to work, the employee will be reinstated to an equivalent position, if available, within the department provided that the employee meets the minimum qualifications of the position and returns to work within 52 consecutive weeks of combined leave.

Prior to requesting approval to fill an employee's position, the department must consider all other alternatives including reassignment of duties within the department, employing staff from a temporary agency, creating a temporary position, and/or temporarily promoting a qualified employee. Approval will be granted only when leaving the position vacant will cause an undue hardship on the department and when other staffing alternatives are not feasible.

If appropriate documentation is received from the department, Human Resources will contact the employee regarding the status of their availability for work. If the employee is able to return to work within a reasonable length of time, the position will not be filled. If the employee is unable to return prior to their position being filled, they will be entitled to an offer of a position with the same classification or an equivalent position for which they meet the minimum qualifications within the department. If no position is available at the equivalent classification of the employee's original position, the department must offer the employee a position in a lower classification for which the employee qualifies, if available. Salary may not exceed the maximum for the position. An offer of a position at a lower classification may be declined by the employee without forfeiting the one-time entitlement for reinstatement to an equivalent position.

If the employee returns to a position in a lower classification in another department, they will be entitled to a one-time offer of a position equivalent to their former position in their original department, provided they meet the minimum qualifications. No time limit applies to this entitlement if the employee returns to work within the 52 week limit.

If no position is available in the employee's department, they may pursue employment in another department by contacting Human Resources. The employee will be guaranteed an interview for any position at the same or lower classification for which they meet minimum qualifications.

If the employee returns to a position in a lower classification in another department they will be entitled to a one time offer of a position equivalent to the employee's former position in their original department for which they meet minimum qualifications. No time limit applies to this entitlement if the employee returns to work within the 52-week limit.

If an employee does not return to work within the 52 consecutive weeks of Extended Medical Leave, they may be terminated. If terminated, the employee will be paid for any accrued benefits.

### **TEMPORARY DISABILITY INCOME (TDI)**

TDI will be paid to full-time employees after 25 calendar days if an employee is medically disabled because of a non-work related illness or accident, is under the care of a licensed physician, and unable to work. To be eligible, an employee must have completed the first 90 days of employment and provide medical documentation from the physician to cover the entire absence from work. Sixty percent of the employee's weekly earnings will be paid for up to 26 weeks.

A disabled employee must use a minimum of 40% of accrued sick, vacation, or holiday leave during the 25 calendar day waiting period to remain in a pay status. TDI will begin on the 26th calendar day and employees may use the minimum of 40% of accumulated sick, vacation, or holiday leave to supplement the insurance payment. Employees who do not use sick, vacation or holiday leave will be placed in a LWOP status.

Revised: July 1, 2014		
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### **MILITARY LEAVE**

#### **National Guard, Reserve and Volunteer Training Leave**

The County will grant leave for uniformed service in accordance with federal and state law, including the Uniformed Service Employment and Reemployment Rights Act (USERRA) or its successor. The intent of these guidelines is to assure that employees will not earn less than they would have earned in working in their normal position.

Uniformed services includes the performance of duty on a voluntary or involuntary basis in the active or reserve components of the armed forces (Army, Navy, Air Force, Marine Corps, Coast Guard, Army and Air National Guard, the Commissioned Corps of the Public Health Services, and any other category of persons designated by the President in time of war or national emergency.

#### **Annual Reserves Training**

Regular employees shall receive two weeks of leave with pay each Federal fiscal year (October—September) for annual reserves training. While an employee receives annual reserves training pay, he or she shall be credited for vacation and sick leave accrual as if the employee was actively working.

Employees are required to provide proof of military duty and to provide copies of the military orders. Compensation will not be granted under this policy without proper documentation.

#### **Active Military Duty Leave**

Employees ordered to uniformed service on active duty status will be granted unpaid leaves of absence for uniformed service of up to five years and are eligible for Supplemental Compensation and other benefits, as described below. This five year period of military leave is cumulative during

your employment with the County but certain types of service may be excluded from the five year period as designated by USERRA. While on Active Military Duty Leave, the employee will be considered to be on LWOP. This means retirement credit is not earned and there is no accrual of benefits.

The County will supplement employees' military pay for a specified time approved by the Board of County Commissioners up to the amount they receive for working their regularly scheduled hours excluding overtime and other salary additions that may have been earned if the employee were on the job. For purposes of calculating the supplement, military pay shall be the employee's military base pay. Taxes will be deducted from the pay supplement. Other optional deductions will not be deducted. Supplemental pay will be direct deposited or mailed to the employee's home address.

Employees are required to provide proof of active military duty and copies of orders and pay vouchers so the County can determine the amount of pay supplement. This information will become part of the employee's official personnel record. Compensation will not be granted without proper documentation. The difference between military pay and County salary will be paid monthly, quarterly or annually after required documents are presented to Human Resources.

Eligibility requirements for military pay supplement:

- Leave without Pay status from the County (not using vacation hours)
- Military pay is less than County salary
- Proof of active military duty, copies of orders and pay vouchers

In lieu of the pay supplement, the employee has the option to use accrued vacation or holiday leave.

Benefits for employees on active military duty will be affected as follows:

- Medical and Dental Insurance:** The County will continue to pay the County's portion of the insurance premiums for employees on military leave. During the time of the employee's leave, the County's medical and dental insurance will pay secondary to the Federal plan for non-service related injuries or illnesses. The federal government covers all service-related injuries and illnesses. If employees want to continue to cover their family members, they must mail a check to County Payroll by the first of each month for the amount of the dependent coverage. Dependent and/or spouse/domestic partner premiums will not be deducted from the supplemental pay. Once the employee returns from leave, payroll deduction for family coverage will be reinstated.
- Basic Term Life Insurance:** Even though there is no act of war exclusion, employees have to be actively at work to be covered by this benefit. However, the County's provider is extending coverage to employees on military leave for 12 weeks. After this period of time, coverage can be converted to an individual plan for the duration of leave. Premiums after the 12 week period are paid by the employee directly to the provider. Employees should contact Human Resources for conversion forms. Group coverage is reinstated upon return to work.
- Supplemental Term Life Insurance:** Even though there is no act of war exclusion, employees have to be actively at work to be covered by this benefit. However, the County's provider is extending coverage to employees on military leave for 12 weeks. Since employees on Military Leave are not on the payroll, premiums should be paid by the employee directly to the provider. After the 12 week period, coverage can be converted to an individual plan for duration of leave. Employees should contact their Departmental Human Resource Representatives for conversion forms. Group coverage is reinstated upon return to work.
- Accidental Death and Dismemberment:** Does contain exclusion for acts of war. Coverage ends upon employee's last day of work. Coverage is reinstated upon return to work.

- e. **Short Term Disability:** Does contain exclusion for acts of war. Coverage ends upon employee's last day of work. Coverage is reinstated upon return to work.
- f. **Flexible Spending Account:** Deductions for medical spending accounts and dependent care spending accounts will cease. Upon return from military leave, employees' goal amounts will be adjusted to reflect their leave.
- g. **Vacation and Sick Leave and Holidays:** Accruals of these benefits will cease for as long as the employee is in a military leave status.
- h. **Retirement:** Retirement deductions will not be made from employees' supplemental pay. The County's contributions to the retirement system for these employees will also cease, but will not affect length of service in the retirement system if the employees complete Retirement System Form 462 and attach form DD214 to request service credit for this time. Neither the employee nor the County is required to retroactively contribute to the retirement system.
- i. **401k and 457 Deferred Compensation:** Voluntary and employer match/contributions to both the 401k and 457 plans will cease. After the employees return from leave, they will be allowed to contribute retroactively to their accounts. If employees choose to do this, then the County will be required to contribute its match/contribution retroactively.
- j. **Law Enforcement Supplemental Retirement Income Plan (401(k)):** The County will make retroactive contributions to the Law Enforcement Supplement Retirement Income Plan (401(k)) on behalf of employees who are law enforcement employees as required by applicable law based on the salary the employee would have earned if the employee had not been on Military Leave.
- k. **Aggregate Date, County Service Date, Annual Review Date:** These dates will not be adjusted for time off the payroll.
- l. **Merit Increase:** If an employee's annual review date occurs while they are on active military leave, the employee will receive the average merit increase budgeted for the year in which their review occurs. The increase is effective when the employee returns to active status.
- m. **Loans from 401(k) and/or 457 Accounts:** Employees may request suspension of payments on loans against 401(k) and/or 457 accounts during their period of Military Leave. Suspension of payments on 401(k) and/or 457 loan accounts can be sought by making a written request and providing a copy of the Orders to Active Duty to the 401(k) and/or 457 Plan Provider(s) for a decision. Employees may also request that loan interest accrued during the Military Leave to be limited to no more than 6% by making a written request and providing a copy of the Orders to Active Duty to the 401(k) and/or 457 Plan Provider(s).

#### Initiating Military Leave

Employees must provide advanced notice to their supervisor and the Human Resources Employee Services Center of their intent to take military leave and must provide the appropriate documentation unless giving such notice is impossible, unreasonable, or precluded by military necessity. As soon as an employee receives active military orders, he or she should promptly provide the orders to the Employee Services Center. If an employee is unable to coordinate his or her own Military Leave due to the nature of their orders, their supervisor should do so.

If an employee does not provide the required documentation, their Military Leave and any associated benefits, may be denied or withdrawn, and the employee will be placed on an unapproved leave and may be subject to discipline, up to and including termination.

#### Reemployment

Upon an employee's prompt application for reemployment (as defined below), an employee will be reinstated to employment in the following manner depending upon the employee's period of military service:

1. Less than 91 days of military service: (i) in a position that the employee would have attained if employment had not been interrupted by military service; or (ii) if found not qualified for such position after reasonable efforts by the County, in the position in which the employee had been employed prior to military service.
2. More than 90 days and less than 5 years of military service: (i) in a position that the employee would have attained if employment had not been interrupted by military service or a position of like seniority, status and pay, the duties of which the employee is qualified to perform; or (ii) if proved not qualified after reasonable efforts by the County, in the position the employee left, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform.
3. Employee with a service-connected disability: if after reasonable accommodation efforts by the County, an employee with a service-connected disability is not qualified for employment in the position he or she would have attained or in the position that he or she left, the employee will be employed in (i) any other position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts by the County; or (ii) if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.

#### Exceptions to Reemployment

In addition to the employee's failure to apply for reemployment in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:

1. The County's circumstances have so changed as to make reemployment impossible or unreasonable.
2. Reemployment would pose an undue hardship upon County.
3. The employee's employment prior to the military service was merely for a brief, non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.
4. The employee received a dishonorable discharge, a bad conduct discharge or a separation under other than honorable conditions, as characterized pursuant to regulations prescribed by the Secretary of the applicable military branch.

#### Application for Reemployment

An employee who has engaged in military service must, in order to be entitled to the reemployment rights set forth above, submit an application for reemployment according to the following schedule:

1. If service is less than 31 days (or for the purpose of taking an examination to determine fitness for service): The employee must report for reemployment at the beginning of the first full regularly scheduled working period on the first calendar day following completion of service and the expiration of eight hours after a time for safe transportation back to the employee's residence. No application for reemployment is required if the service was for less than 31 days.
2. If service is for 31 days or more but less than 181 days: The employee must submit an application for reemployment with Human Resources no later than 14 days following the completion of service.
3. If service is over 180 days: The employee must submit an application for reemployment with Human Resources no later than 90 days following the completion of service.
4. If the employee is hospitalized or convalescing from a service-connected injury: The employee

must submit an application for reemployment with Human Resources no later than two years following completion of service.

Revised: June 8, 1998 Revised: June 30, 1999 Revised: May 4, 2000	Revised: March 8, 2002 Revised: April 27, 2005 Revised: July 1, 2009	Revised: January 1, 2011 Revised: July 1, 2015 Revised: January 1, 2016
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**DISASTER RESPONSE LEAVE**

The County will recognize employee participation in both domestic and international disaster relief operations as determined by the County Manager. Before directing employees to participate in disaster relief outside the County, the County Manager should consult with the County Attorney.

Employee participation in disaster relief operations shall be recognized as follows:

1. Directed to participate by the County Manager

Employees directed to participate by the County Manager will be considered on-the-job and will be paid the same salary as working their regularly scheduled hours. Pay from other sources must be turned over to the County. There is no break in retirement service credit and all benefits will continue. Individual health and life insurance premiums will be paid by the County.

2. Approved by the County Manager

Domestic or internationally recognized relief organizations may contact departments requesting volunteers for specialized assistance in relief operations. These requests will require approval by the County Manager, giving the employees permission to take a leave of absence from their jobs. These employees will not be considered as on-the-job, but are not required to use accrued vacation or banked holiday leave during their absence. If the employee elects not to use benefit time, they will be placed on LWOP. However, in order for individual health and life insurance premiums to be paid, the employee must work directly for the County or submit vacation or holiday leave for at least 16 hours of each pay period. Employees returning from LWOP will have their aggregate date and County service date adjusted equal to the amount of time they were actually off the payroll.

3. Volunteered services on an individual basis

Employees may volunteer on an individual basis for disaster relief operations. These employees must use accrued vacation or holiday leave and are subject to the usual supervisory approval based on business needs and job performance.

Revised: February 16, 2010	Revised: July 1, 2015
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**WORKERS' COMPENSATION**

The County participates in a Workers' Compensation program at no cost to employees. If an employee is accidentally injured or contracts an occupational disease, as defined by the NC Workers' Compensation Act, in the course of their employment with the County, the employee's medical expenses related to the injury or disease will be paid through the program. If the employee is unable to work, after a seven-day waiting period, they will also receive a weekly cash benefit up to two-thirds of their salary, but not over the maximum established by the State law.

The City-County Risk Management Division handles all County Workers' Compensation claims. All claims are managed in accordance with the NC Workers' Compensation Statutes and the North Carolina Industrial Commission. Benefits are determined by law, as provided in General Statutes of North Carolina, Chapter 97. Human Resources will assist employees if unresolved problems arise.

To qualify, an employee must immediately report any job-related injury or accident to their supervisor/manager or department director who will complete an electronic, treatment authorization document. This on-line, "On the Job Injury Report" is forwarded to both the County's Occupational Health Provider and Mecklenburg County Human Resources immediately upon completion and the employee is sent to the Novant Health Urgent Care as soon as possible.

If it is a life-threatening emergency requiring immediate attention, 911 will be called. Novant Health Urgent Care will assess all injuries and illnesses, provide initial treatment and coordinate outside medical care if necessary. Under NC Workers' Compensation law, the County has the

right to direct medical care for employees who suffer work related injuries or illnesses. Employees may not seek medical treatment for work related injuries from healthcare providers other than those designated by the County. After hours treatment at hospital emergency rooms is strongly discouraged. However, if emergency treatment is necessary outside of the normal work hours of the designated healthcare provider, the employee should go to the Novant Health Urgent Care Emergency Room. Information on Novant Health Urgent Care locations and hours is available by calling Novant Health Urgent Care at (704) 316-1071 or the Risk Management Division office at (704) 336-3301.

After treatment from the Occupational Health Provider or the health care provider, the employee will return to their supervisor with the completed forms. The injured employee will not be charged sick, vacation, or holiday leave while receiving initial or follow up medical care. The County encourages early return to work for employees who suffer work related injuries or illnesses. If the health care provider determines that the injured employee cannot return to their job without restrictions, a modified work assignment or reassignment to a different job will be considered. In all cases, managers and supervisors are expected to work with employees to identify modified duty opportunities, with the primary focus of returning the employee to their regular job by making reasonable accommodations. If a suitable modified duty position cannot be found, Human Resources should be contacted to assist in finding reasonable accommodations, including tasks within the department that may be different than the employee's regular job or reassignment to a different job. Employees who return to a modified duty assignment must perform the work within the restrictions indicated by the healthcare provider.

Employees must report to their next scheduled shift once the healthcare provider releases them to work. Failure to report to a modified duty assignment may result in disciplinary action. Employees are responsible for providing their supervisor with written notice of the health care provider's change in restrictions. The modified duty assignment will end when the employee is released to pre-injury job status by the healthcare provider, the Workers' Compensation claim is closed, the employee has accepted an alternate position, or when the employee reaches maximum medical improvement. If the employee reaches maximum medical improvement but cannot return to the original job, Human Resources will consider all other options available under County policy.

An employee unable to work due to a work related injury or illness may use accrued sick, vacation, or holiday leave during the first seven calendar day waiting period. These benefits can also be used to supplement the Workers' Compensation payment after it begins, up to the amount of the employee's normal gross pay. If the injury results in a disability of more than 21 days, the Workers' Compensation shall be allowed from the date of disability at the established rate. All sick, vacation, or holiday leave used during the first seven days in excess of the maximum allowed to supplement the Workers' Compensation payment will be returned to the employee and income received from the County in excess of the employee's regular salary will be repaid to the County by the employee. Under no circumstances will the employee be permitted to draw an income from the Workers' Compensation and/or use accrued benefits in excess of their regular salary.

If the work related disability exceeds three days, the employee will be placed in Family-Medical Leave or Extended Medical Leave. The County will continue to pay the County's portion of premiums for the medical insurance, life insurance, and dental benefits. The employee is responsible for their portion of the insurance premiums and for premiums for dependent coverage. If the employee does not use sick, vacation, or holiday leave, they will be in a LWOP status and must send payments for dependent coverage to the Finance Department.

When accrued benefits are exhausted, the only income is Workers' Compensation. If total disability exists, employees may receive additional assistance through a Social Security disability and/or a disability retirement through the NCLGERS, provided the employee has reached maximum medical improvement and has received a permanent total disability rating from the approved healthcare provider. Contact Human Resources for more information.

Employees on Workers' Compensation can expect to return to an equivalent position if they return within the 52-week limit. However, if the employee is medically unable to perform previous job duties, they will be placed in a suitable position according to their qualifications, availability of a position, and North Carolina Workers' Compensation Law.

Revised: December 2, 2002 Revised: January 2, 2007	Revised: January 2, 2008 Revised: July 1, 2009	Revised: July 1, 2014
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**RETURN TO WORK (RTW)**

Mecklenburg County provides the "Managed Return to Work Program" for employees who have experienced work-related injuries or illnesses. This Managed Return to Work Program provides injured employees with temporary/alternate work during a period of medical recovery when they are unable to perform pre-injury essential job functions. Eligibility for our Return to Work Program is contingent on a compensable disabling workers' compensation claim.

County department/agency directors are encouraged to include Return to Work outcomes in strategic planning as a means of controlling Workers' Compensation losses and improving productivity.

**Purpose**

The purpose of this Program is to provide Mecklenburg County employees with modified duty assignment when a work-related illness or injury prevents them from performing their regular job duties. A successfully Managed Return to Work Program will result in:

1. Reduction in Workers' Compensation costs
2. Continued productivity
3. Decreased recovery time
4. Improved employee morale

**Program Administration**

Mecklenburg County will make all reasonable efforts to enable employees injured on the job to return to work within the temporary work restrictions as prescribed by the physician. The responsibility of implementing the Return to Work practices ultimately lies with the department/agency director/designee.

**Risk Management Responsibilities**

Risk Management for Mecklenburg County will oversee the Managed Return to Work Program. Risk Management shall be responsible for working closely with County Human Resources staff, and the injured employee's supervisor to administer the procedures established through this policy.

The duties of Risk Management shall include, but are not limited to, the following:

1. Ensure that all potential workers' compensation claims are properly documented and the relative information maintained current
2. Maintain communication with interested parties including the employee, supervisor, and medical provider
3. Determining if the injury or illness is a compensable claim
4. Directing the employee to the authorized medical provider and authorizing the employee's medical care
5. Assist the injured employee's supervisor in a timely implementation of modified duty for employees released to work with restrictions by the authorized workers' compensation physician

### **Human Resources Responsibilities**

Human Resources will support the workers' compensation unit in their management of work-related injuries and illnesses, as follows:

1. Review First Report of Injury form to identify possible FMLA, ADA, and/or FLSA implications of the claim
2. Follow up with department when injuries and illnesses are not properly reported and ensure the First Report of Injury is submitted
3. Administer and manage FMLA rights when applicable
4. Participate in case review
5. Facilitate and/or is present during communication between department and workers' compensation investigation, follow-up, and return to work activities
6. Collect and review return to work information prior to employee placement to ensure complete information in order to facilitate the return of employees to full and/or modified duty
7. Identify positions within and outside of departments to temporarily place employees on leave or with modified duty requirements. Confirms in writing the temporary offer of these positions
8. Encourage and assist employees in finding an alternative position when they have reached maximum medical improvement but are unable to return to their previous position due to permanent restrictions
9. Balance the needs of workers' compensation with County needs to ensure policy and employment laws are followed, including FMLA, ADA, and FLSA
10. Maintain an internal HR communication system that manages return to work for employees suffering from work injury or illness
11. Ensure proper follow-up and close out with Risk Management for actions done

### **Employee Responsibilities**

With regard to the Workers' Compensation Program, all employees of Mecklenburg County Government have the following responsibilities:

1. The employee must immediately report any work-related injury or illness to the employee's supervisor. Failure to report a work-related injury or illness of the accident could result in the denial of the employee's workers' compensation claim.
2. Employees cannot seek medical treatment for work related injuries from health care providers other than those designated by the County. Violation of this procedure may result in denial of Workers' Compensation benefits. However, employees who suffer serious or life threatening injuries (i.e. loss of consciousness, severe bleeding, breathing difficulties, or fractures) may be transported to nearest emergency room for treatment without loss of Workers' Compensation benefits.
3. The employee must immediately provide any written documentation, including work restrictions, to his or her supervisor. Any subsequent change in his or her restrictions or work status must be reported to the supervisor immediately.
4. If the authorized treating physician instructs the employee to remain out of work for any length of time, the employee shall forward written documentation to their supervisor immediately (in person, by fax, email).
5. The employee must follow the physical restrictions imposed by the authorized workers' compensation physician. Restrictions imposed by the workers' compensation physician must be followed during non-working hours as well as working hours in accordance with the Human Resources Policy & Procedures Manual.

6. All employees should understand their benefits and responsibilities under the Workers' Compensation system.

### **Department Responsibilities**

*Under this policy, the department/agency has the following responsibilities:*

1. Ensure that all injured employees receive information on the Managed Return to Work program
2. Maintain an open line of communication with both the employee and Risk Management and Human Resources
3. Collaborate with Human Resources in identifying appropriate transitional work assignments for employees who have been returned to work with restrictions
4. Ensure that an employee does not, under any circumstances, return to work until the employee has been cleared to work with restrictions by the authorized workers' compensation physician or released to full duty
5. Ensure that the restrictions, as prescribed by the physician, are not violated
6. Inform Risk Management about the status and progress of all employees assigned to restricted, modified, or transitional duty
7. Complete a detailed investigative accident report indicating the facts, the cause, and corrective actions taken
8. Return the injured employee to his or her regular job assignments when the workers' compensation physician authorized by the county has released the employee to full duty

### **Procedure**

1. In event of a work-related injury or illness, the employee immediately reports the injury to the supervisor, per the "Employee Injury and Vehicle Accident Reporting Policy and Procedures."
2. The supervisor completes an On-The-Job-Injury Report and a Medical Treatment Referral Form (available at <http://riskmgmtonline.ci.charlotte.nc.us>). The employee is then sent or taken to the designated medical provider.
  - a. **If the injury or illness is serious or life-threatening**, 911 should be called. When possible, the injured employee should be transported to the preferred hospital emergency room.
3. Employees are required to submit to a *post-accident drug/alcohol screen* within 8 hours as described in the Mecklenburg County Human Resources Policy Manual.
4. The health care provider completes the *Medical Treatment Referral Form* to show any restrictions in relation to the specific job demands required. The designated medical provider faxes a copy of the forms to Risk Management Workers Compensation Section.
5. Completed forms must be submitted from the employee to the supervisor immediately. If the employee does not return following medical treatment, the supervisor will attempt to contact the injured employee.
6. After receiving notification that an employee has been released for modified duty, it is the responsibility of the department and employee to follow the employee's restrictions. The employee will be returned to their regular assignment if workplace considerations can be reasonably accommodated. If this is not possible, other assignments or jobs may be considered.
7. If the department determines that work is not available within the restrictions outlined by the health care provider, the supervisor must contact Risk Management and inform them that suitable work is not available. The department/agency, in conjunction with Human Resources, will attempt to find suitable work, possibly in another department that meets the work restrictions.

8. Should an injured employee receive permanent work restrictions that their regular position cannot accommodate, Human Resources will assist the employee in researching available positions within the county for which they are qualified and work restrictions can be reasonably accommodated,. The employee must still submit an application for the approved position and may be required to compete for the position.

### **Employee's Obligation to Accept Suitable Employment**

Once released by the authorized workers' compensation physician to return to work in a modified duty status, the employee is expected to accept a suitable position consistent with the restrictions imposed by the physician.

When possible, employees will be returned to their pre-injury position. If the employee is not able to return to their pre-injury position, the employee's department/agency director/designee, in conjunction with Human Resources, should attempt to provide a modified duty position in their department/agency within the employee's restrictions.

When suitable work is found, the employee's supervisor, in conjunction with Human Resources, should provide the job to the employee in writing, which will include job duties along with reporting date and time. Copies of any correspondence must be forwarded to the appropriate Workers' Compensation Claims Representative in Risk Management.

If there be a question of suitable employment, a job description for the assignment (either temporary or permanent) must be provided to Risk Management for submission to the treating physician for his/her approval.

Once the treating physician has approved the job assignment, the job assignment and reporting date and time must be sent to the employee in writing with a copy being sent to Risk Management.

When the injured employee reports to work, the supervisor and a Human Resources representative will meet with the employee to review his/her responsibilities, modified duty tasks and the restrictions as defined by the authorized treating physician. During the meeting, the employee will be made aware of the need for two-way communication. Failure to follow the restrictions will be treated as unsafe conduct, which may result in disciplinary action.

If the employee fails to report for the modified duty assignment, Human Resources and Risk Management should be notified immediately.

Should the employee refuse modified duty approved by the authorized workers' compensation physician, Mecklenburg County Government will exercise its legal rights under the Workers' Compensation Act, which may result in denial of workers' compensation benefits. In addition, the employee may be subject to disciplinary action, up to and including termination.

Temporary modified duty status will end when the employee is released to pre-injury job status by the health care provider, the workers' compensation claim is closed, the employee has accepted an alternate position, the employee has reached maximum medical improvement, or the duration of the modified duty assignment has reached 52 weeks.

### **Wage Compensation**

When an employee returns to work full time, but with medical restrictions, he or she will receive his or her regular salary. If an employee has limited work hours, he or she will receive regular salary for the hours worked and workers' compensation benefits. Such benefits shall equal 2/3 of the difference between the employee's average weekly wage and the wage he or she receives while working limited hours.

Employees may be considered for a position in other departments, provided that work is available and they meet the qualifications of the position. Employee’s salary while on modified duty is the responsibility of the department/agency to which the employee is permanently assigned.

If an employee cannot return to work in a modified duty status, the employee must immediately provide his or her supervisor written documentation from the authorized workers’ compensation physician. In such cases, the employee will receive workers’ compensation benefits. The amount of workers’ compensation benefits is based on the employee’s average weekly wage over a period of fifty-two (52) weeks prior to the date of the work-related injury or illness. Benefits equal 2/3 of the employee’s average weekly wage subject to the current statutory maximum.

Currently, under the Workers’ Compensation Act, there is a seven-day waiting period during which no compensation for time lost shall be allowed, except where the injury results in a disability for more than 21 days. If the disability exceeds 21 days, compensation will be allowed from the date of disability.

Effective: January 1, 2011		
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**LIFE INSURANCE**

The County participates in a group life insurance plan and pays the full cost of the premium for individual coverage for all full-time employees.

**GROUP TERM LIFE INSURANCE**

1. A death benefit will be paid to the employee's beneficiary in accordance with the plan.
2. Employees may name anyone as beneficiaries. The beneficiary may be changed at any time by providing the appropriate information.
3. The amount of life insurance for each full-time employee will be equal to their annual salary rounded to the next highest thousand dollars.

Revised: July 1, 2014		
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**LIFE INSURANCE FOR DEPENDENTS**

As an optional benefit, full-time employees may purchase coverage for their dependents and are responsible for paying the full cost of the additional coverage. A dependent is defined as an employee's spouse, unmarried children (including the employee’s stepchildren, legally adopted children, or foster children) up to age 26. The dependent may be 26 or over if they are mentally or physically disabled and the disability began prior to age 19. For additional information, employees should contact Human Resources.

1. The amount of insurance provided for each dependent is payable to the employee in the event of the dependent's death from any cause in accordance with the plan.
2. The employee is the only beneficiary allowed under dependent coverage.

Full-time employees are insured for accidental death (double indemnity) and dismemberment. Benefits will be paid as referenced by the plan. Indemnity for specific losses is payable to the employee according to the plan.

If the employee is in a LWOP status, the employee is responsible for paying the individual and dependent life insurance premiums unless the employee is medically disabled and has five or more years of service in the NCLGERS or is unable to work because of a work-related injury. Under these circumstances the County will pay the premiums for individual coverage. Premiums for dependent coverage are always the employee's responsibility.

Revised: July 1, 1997 Revised: October 14, 1998	Revised: January 1, 2011 Revised: July 1, 2014	Revised: January 1, 2016
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**SUPPLEMENTAL LIFE INSURANCE**

The County provides full-time employees with the opportunity to purchase supplemental life insurance for themselves and/or their dependents.

Employees interested in obtaining more information should call Human Resources.

Revised: July 1, 1997 Revised: October 14, 1998	Revised: January 1, 2011 Revised: July 1, 2014	
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**FLEXIBLE SPENDING ACCOUNT**

Full-time employees may pay for eligible prescriptions and medical expenses which are not covered by their insurance plans and for dependent child care expenses through pre-tax deductions by opening a flexible spending account. There are certain limitations and special tax guidelines that affect these accounts. Employees interested in obtaining more information or enrolling in a medical spending account or a dependent care account should call Human Resources.

Revised: October 14, 1998	Revised: January 1, 2011	Revised: July 1, 2014
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**RETIREMENT SAVINGS PLANS**

Full-time and part-time employees are eligible to participate in one or both of the County's two Supplemental retirement savings plans: a 457 Plan and a 401(k) Plan. All employee contributions are voluntary. As required by State law, the County contributes 5% of gross salary to the 401(k) plan for sworn and certified law enforcement officers. For non-law enforcement employees who are contributing members of 401(k) and/or 457, the County may contribute a matching percentage of annual salary as approved by the Board of County Commissioners. (1% effective 1/1/01, up to 3% effective 1/1/02, up to 4% effective 1/1/05 and up to 5% effective 1/1/06).

If you have any questions regarding retirement supplements, please contact Human Resources.

Revised: January 1, 2001	Revised: January 1, 2011	Revised: July 1, 2014
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**RETIREMENT**

Employees in positions that require 1,000 or more hours of service in any 52 week period (full-time and part-time) are automatically contributing members of the NCLGERS and begin to earn service credit on the first day of employment. Each participating employee contributes 6% of their gross compensation, through monthly payroll deduction, to the Retirement System. The County contributes a percentage of its gross monthly payroll to the Retirement System. The contribution amounts are set by Department of State Treasurer. The County's contributions are not credited to an employee's individual account; rather, the County and other local government employers' contributions are placed in a trust account which is used to pay benefits to retirees.

New employees who have active service credit in the Retirement Systems Division of the NCLGERS through another employer may receive service credit with the County by notifying Human Resources to have the service credit verified. Employees who fail to notify Human Resources within 90 days of their most recent employment date with Mecklenburg County will have their service time adjusted, but no benefits accrual time (vacation and/or sick leave) will be applied retroactively for the employee, prior to the date of the service time adjustment request.

For questions about vesting, refunds, transferring service credit, withdrawals, or any additional information about the Retirement System, please review LGERS publications and forms on its Web site at [www.myncretirement.com](http://www.myncretirement.com).

Should you have questions about your individual account, you may contact the Retirement System at:

- The Retirement System's ORBIT System, located at [www.myncretirement.com](http://www.myncretirement.com),
- The LGERS Member Service Section at 1-877-627-3287,
- [nc.retirement@nctreasurer.com](mailto:nc.retirement@nctreasurer.com), or
- write to:

North Carolina Retirement Systems  
Members Service Section  
325 North Salisbury Street  
Raleigh, North Carolina 27603-1385

Revised: July 29, 2013	Revised: July 1, 2014	Revised: October 30, 2015
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REEMPLOYMENT OF RETIREES

This policy applies to retirees of Mecklenburg County as well as retirees of any other LGERS Local System employer.

Retirees receiving benefits from LGERS (“Active LGERS Retirees”) will only be permitted to work for the County provided they comply with the LGERS reemployment provisions. Pursuant to those provisions, Active LGERS Retirees may not perform work for the County in any capacity, including part-time, limited part-time, temporary, substitute, interim, or contract work through a third-party vendor:

- during the month they retire;
- if they receive compensation in excess of their LGERS annual earning limitations; or
- if in a position requiring 1,000 or more hours of service in any rolling 52 week period.

If LGERS retirees wish to perform services for the County in a position requiring 1,000 or more hours of service or with compensation in excess of their LGERS annual earning limitations, they must comply with the LGERS reemployment provisions and suspend their monthly retirement benefit and reenroll in LGERS as a contributing member of the Retirement System.

Prior to performing work for the County, all retirees must provide the County with a completed North Carolina Retirement Systems Form ESRR:

<https://orbit.myncretirement.com/Orbit/Info/Pages/ListAllForms.aspx?renderForm=true&formCode=ESRR>.

For additional information regarding reemployment after an LGERS retirement, please consult the North Carolina Local Government Employees’ Retirement System at: [nc.retirement@nctreasurer.com](mailto:nc.retirement@nctreasurer.com).

Revised: July 29, 2013	Revised: July 1, 2014	
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INCLEMENT WEATHER

The County Manager may decide to close early or open late when inclement weather conditions require a modified work schedule. This policy does not apply to 24 hour operations that must maintain their regularly scheduled hours during inclement weather or to functions determined essential by the department director.

Employees who report to work when the County hours are modified will be paid for all normal work hours that the County is closed. Employees who work however, must account for all hours the County is open. For example, if the County Manager delays opening from 8:00 a.m. to 10:00 a.m., all employees reporting at 10:00 a.m. will be given credit for the two hours as work time. If an employee reports at 11:00 a.m., they must charge one hour of vacation or holiday leave. A non-exempt employee will be charged LWOP if there is insufficient benefit accrual. Exempt employees are not subject to LWOP for partial day absences.

Employees who elect not to report for work must use vacation leave, holiday leave or LWOP to account for official operating hours. For example, if the County closes at noon, an employee who has not reported to work must charge 4 hours to vacation leave or LWOP.

Employees who are scheduled for sick or vacation leave must use sick or vacation leave as scheduled. A department may require appropriate medical documentation to verify the use of sick leave.

Overtime calculations are based on actual hours worked according to FLSA guidelines.

Employees will be notified of the hours the County will be open through the media, if possible. However, the official notification of any change in the County's operating hours will be made on Employee News Now (ENN) at 336-3636. It is the employee's responsibility to call the ENN number anytime there is a question regarding changes to the County's operating hours.

Revised: April 7, 1998	Revised: February 26, 2004	
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**MECKLENBURG COUNTY PAY AND LEAVE PRACTICES  
FOR INCLEMENT WEATHER**

- To be considered under the inclement weather policy employees must:
  - Be scheduled to work on the day that Inclement Weather alters the County’s operating hours AND
  - Be scheduled for actual hours in which non-essential offices are closed.

<b>Event</b>	<b>Employee...</b>	<b>Non-exempt</b>	<b>Exempt</b>
Late Opening	Elects not to report	Must use vacation or LWOP to account for the official operating hours. Time reflects TRC <b>TOOH</b> (Time Off Other-Hourly) plus vacation or LWOP to equal scheduled hours.	Must use vacation or LWOP to account for official operating hours.
	Reports to work at announced opening time	Paid for full day; time reflects actual hours worked plus TRC <b>TOOH</b> to equal scheduled hours	Full day pay No time entry required
	Reports later than announced opening	Paid for actual time worked plus TRC <b>TOOH</b> for hours closed + must use vacation or LWOP to equal scheduled hours	Full day pay No time entry required
	Is scheduled for vacation/sick leave	Still uses vacation or sick leave	Still uses vacation or sick leave
County Offices Closed	Is scheduled to work	Awarded Leave for the day – Use TRC <b>TOOH</b>	Awarded Leave for the day. No time entry required.
	Is scheduled for vacation/sick leave	Still uses vacation or sick leave	Still uses vacation or sick leave
Early Closing	Elects not to report	Must use vacation or LWOP to account for the official operating hours. Time reflects TRC <b>TOOH</b> plus vacation or LWOP to equal scheduled hours	Must use vacation or LWOP to account for official operating hours.
	Reports to work	Paid for actual time worked plus TRC <b>TOOH</b> to equal scheduled hours	Full day pay No time entry required
	Leaves work earlier	Paid for actual hours worked, uses Vacation or LWOP to account for early departure, plus TRC <b>TOOH</b> to equal scheduled hours	Full day pay No time entry required
	Is scheduled for vacation/sick leave	Still uses vacation or sick leave	Still uses vacation or sick leave

**BENEFITS ELIGIBILITY**

Employees are eligible for the following benefits based on employment status of full-time (FT), part-time (PT), limited part-time (LPT), or temporary (T) and after satisfying length of service requirements.

<b>Benefit</b>	<b>Employment Status</b>	<b>When Eligible</b>
Administrative Leave	FT, PT, LPT	The first day of employment.
Bereavement Leave	FT	The first day of employment.
Employee Assistance Program	FT, PT, LPT	The first day of employment.
Extended Family Leave	FT, PT, LPT	After the first 90 days of employment.
Extended Medical Leave	FT, PT, LPT	After the first 90 days of employment.
Family-Medical Leave	See "Eligibility"	After one year of cumulative service in a permanent position and 1250 hours in the year prior to beginning leave.
Flexible Spending Account (voluntary plan)	FT	The first day of employment.
Holidays	FT	The first day of employment.
Jury Duty (excused absence from work)	FT, PT, LPT, T	The first day of employment.
Jury Duty (excused absence from work with pay)	FT	The first day of employment.
Life Insurance	FT	The first day of employment.
Medical/Dental Insurance	FT	Coverage is effective the first day of the pay period starting on or after 30 days from the first day of employment.
Military and/or Disaster Response Leave	FT, PT, LPT, T	As may be required by law or as directed by the County Manager.
Novant Health Urgent Care & County/Fitness Centers	FT, PT, LPT, T	The first day of employment.
Retirement Supplements	FT, PT	The first day of employment.
Sick Leave	FT, PT	The first day of employment.
Supplemental Term Life (voluntary plan)	FT	The first day of employment.
Temporary Disability Income	FT	After the first 90 days of employment.
Vacation Leave	FT, PT	The first day of employment.
Vested in the North Carolina Local Government Employees' Retirement System	FT, PT	Vested after five years of qualifying service.
Worker's Compensation	FT, PT, LPT, T	The first day of employment.

\* Employees who were in part-time status prior to July 1, 2014 will be eligible for all County benefits provided to full-time (FT) employees.

Revised: July 1, 1997 Revised: December 1, 1998 Revised: June 30, 1999	Revised: July 26, 2001 Revised: January 1, 2004 Revised: January 2, 2008	Revised: January 1, 2011 Revised: July 1, 2014
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**Section III:**

**CLASSIFICATION AND COMPENSATION**

Mecklenburg County uses a broad job classification system and a market-based pay plan, including pay for performance. Both components are designed to enhance workforce recruitment and retention and to increase employee motivation and satisfaction. The key objectives are to:

- Provide market pay for market performance
- Provide clearly defined career paths
- Base compensation decisions on market data
- Provide compensation rewards based on performance
- Maintain internal equity

**FOR MORE INFORMATION ABOUT CLASSIFICATION AND COMPENSATION,  
PLEASE CONTACT THE  
EMPLOYEE SERVICES CENTER  
(704) 432-6947**

CLASSIFICATION

**BROAD BAND METHOD**

Mecklenburg County uses a broad band job classification system and a market-based pay plan, including pay for performance. Both components are designed to enhance workforce recruitment and retention.

The County maintains a classification system for budgeted positions as approved by the BOCC. The classification system shall include all full-time, part-time, limited part-time, and temporary positions defined as follows:

1. **Full Time** – Positions scheduled to be filled for at least 1560 hours (typically averaging 30 to 40+ hours per week) during a 52 week period. (FTEs include positions working 30 hours or more.)
2. **Part-Time** – Positions having a regular work schedule, on a year round basis, and requiring a minimum of 1000 hours and a maximum of 1559 hours (typically averaging 20 to less than 30 hours per week during a 52-week period).
3. **Limited Part-Time** – Positions scheduled to work less than 20 hours per week (or an average of less than 20 hours per week during a 52-week period) and restricted to less than 1000 hours in any 52-week period.
4. **Temporary** – Positions that have been identified to work within specified start and end dates. Temporary employees work less than 1000 hours (typically averaging less than 20 hours/week) during a 52-week period. The duration of any temporary assignment cannot exceed 52 weeks without approval from the HR Director/designee. Requests to extend the temporary assignment beyond 52 weeks must be submitted in writing with justification for the extension to the HR Director/designee 30 days in advance of the termination date.

(State law reference - Authority to adopt position classification plan G.S. 153A-92(a)).

Revised: October 1, 2013	Revised: July 1, 2014	Revised: July 1, 2015
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**CLASSIFICATION METHOD**

The County has adopted the classification method of job evaluation. This method is used to classify jobs based on the type of work performed and the level of decisions made. This information is used to determine the appropriate job family series and position classification. Job descriptions will be developed for each classification and will include legally required information, essential functions and minimum qualifications. Position descriptions are used to describe the primary purpose and essential duties of positions in the County.

Revised: July 1, 1997	Revised: June 2, 2004	Revised: July 1, 2014
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SALARY ADMINISTRATION GUIDELINES

The County’s compensation philosophy is to pay employees competitive with the market rate for their positions depending upon their qualifications, the job requirements and performance that is successful and above. Employees’ salaries that are within +/- 5% of the market rate for their position are considered at market. Department directors will have the flexibility to make salary decisions consistent with the following guidelines as long as they manage within their approved budget allocation for salary increases. Human Resources will serve as a consultant to departments, will monitor results and will report regularly to the Executive Team.

**HIRING NEW EMPLOYEES**

The recommended hiring range is between 80% and 105% of the market rate for the position. When negotiating salaries, department directors should consider the education, skill and experience level of the new hire as well as those of existing staff to avoid creating equity issues. Equity considerations should include an assessment of the applicant’s salary history and qualifications in comparison to the market rate and requirements for the job. Equity is defined as fair pay for the job performed considering the candidate’s qualifications in comparison to the requirements for the job; equity is not defined as paying all employees in the job class the same rate.

Department directors must consult with Human Resources prior to making an offer above 105% of market to insure consistency and equity throughout the organization.

Positions should be advertised with the hiring range of 80%-105% of market. When advertising for hard-to-recruit positions, departments have the option to indicate salary negotiable rather than posting the hiring range. Departments should not advertise the minimum and maximum of the band to which the position is assigned.

**PROMOTIONS**

Promotions are job changes for employees who move to a different position with a higher market rate. Department directors have the authority to determine promotional salary increases. General parameters to consider are the County’s philosophy to pay around the market rate and equity issues as described under the hiring guidelines. Directors should also consider the difference between the market rates and the relationship of the employee’s proposed salary to the market rate of the new position. Directors must stay within their salary administration allocation for awarding all salary increases. Human Resources will monitor promotional increases to insure they are consistent with the County’s overall compensation philosophy. The annual review date (ARD) will remain the same. Employees are not subject to a provisional period as a result of promotion. A drug test is required prior to all promotions.

**TRANSFERS**

Transfers are job changes for employees who move to a different position with the same classification and/or same market rate. Employees transferring within a department or across departments will not be eligible for a salary increase. The ARD will remain the same.

**REASSIGNMENTS**

Reassignments are job changes for employees who move to a different position with a lower market rate. Salary decreases due to reassignments are at the discretion of the department director; however, salaries will not exceed the maximum of the pay band. Department directors should work with Human Resources on this decision. In considering a salary change, the department director should review the relationship of the employee’s salary to the market rate of the new position, the employee’s performance, and whether the reassignment is voluntary or involuntary. Employees subject to reassignment will maintain their ARD. Reassignments will not result in a second provisional period.

Employees who accept a voluntary reassignment retain their salary and then are promoted or accept an equivalent position in the same band within 24 months will retain their current salary and ARD.

Revised: April 7, 1998 Revised: June 30, 1999 Revised: November 8, 1999	Revised: July 26, 2001 Revised: March 2, 2004 Revised: June 2, 2004	Revised: January 18, 2006 Revised: March 1, 2011
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**RECLASSIFICATION**

Department directors have the authority to approve position reclassifications within the same band if it is within the defined occupational group or job family series unique to that department and consistent with the approved job description and market rate. Department directors do not have

the authority to change the job descriptions for a classification or reclassify positions merely to obtain a higher market rate. Human Resources will monitor all reclassifications to insure they are consistent with the classification structure and approved market rates.

Departments should consult with Human Resources for reclassifications that move positions to a higher band or involve adding new classification titles or series.

Department directors have the authority to approve salary increases when positions are reclassified to a higher market rate, consistent with the guidelines for promotions. Directors should consider the difference between the market rates as a guideline for determining an appropriate salary increase and the relationship of the employee’s proposed salary to the market rate for the new position. Department directors should consult with Human Resources when considering salary increases of more than 15% or that exceed 105% of the market rate. Reclassifications are effective the pay period after receiving approval from the Human Resources Director and are not retroactive.

**SALARY PROGRESSION THROUGH THE PAY BAND**

Consistent with the County’s philosophy of pay for performance, employees’ salaries progress through the pay band to which they are assigned based on their performance. Department directors may award base salary increases, cash or a combination of base increase and cash consistent with the Board approved pay matrix. Consideration should be given to the relationship of the salary to the market rate for the position and the need for salaries to keep pace with the market. Performance increases will be calculated on the market rate for the position rather than the employees’ current salary. This awards the same amount of money to employees above and below market for comparable performance, moves employees’ salaries to the market more quickly, and incorporates market movement in the performance pay calculation. Department directors may award performance increases to an employee’s base pay as long as the salary does not exceed the maximum of the band.

The total amount of all performance increases granted during the fiscal year must stay within the established salary increase allocation for departments. Any requests for exceptions must be reviewed and approved by the County Manager.

Revised: July 1, 1997 Revised: May 4, 2000	Revised: March 8, 2002 Revised: June 2, 2004	Revised: January 18, 2006 Revised: July 1, 2014
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**INTERIM PAY**

Interim pay adjustments occur when an employee assumes the duties of a position with a higher market rate and will apply only as long as the employee continues to assume the duties of the other position. Compensation guidelines described in the section on promotional increases will apply. Increases are limited to 6 months unless prior written approval is obtained from the Human Resources Director.

Performance appraisals occurring while an employee is receiving interim pay will be conducted on schedule.

Generally, an employee placed in an interim assignment should not be a candidate for the position on a permanent basis.

Revised: July 1, 1997 Revised: March 8, 2002	Revised: June 2, 2004 Revised: January 1, 2015	
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**ESTABLISHING REVIEW DATES**

ARD’s may be realigned to coincide with department goals. Realignment procedures will be outlined in an implementation plan developed by each department and submitted to Human Resources and the Executive Team for review.

The ARD will be reestablished based on the effective date of the following actions: reassignments due to loss of certification, annual performance appraisals, and completion of job requirements for employees in a trainee status.

Employees on Leave with Pay and Leave without Pay (LWOP) are eligible to receive an increase based on performance. The supervisor will complete the timely processing of the performance summary and the appropriate salary increase in myHR on schedule.

The ARD will remain the same as a result of promotions, reclassifications, reassignments, equity and retention adjustments, in-band assignments, interim pay and paid/unpaid leaves of absence.

Revised: June 2, 2004	Revised: July 1, 2015
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**BILINGUAL PREMIUM**

**Bilingual Premium Program Guidelines**

**Effective Date**

The revised Bilingual Premium structure will become effective August 13, 2008, thereby replacing the 5% Bilingual Premium.

**Purpose**

As Mecklenburg County’s population has become more diverse, hiring and retaining employees with bilingual skills (especially Spanish/English), has become a necessity in order to provide satisfactory services to customers and clients. The objectives of the program are to establish a language incentive program for Mecklenburg County to better communicate with citizens, strengthen relationships in Hispanic and other communities where English is a second language, provide bilingual services on a consistent basis and aid in the recruitment and retention of bilingual staff. Bilingual employees provide valuable services to Mecklenburg County citizens above the normal scope of their job classification and the County recognizes this additional contribution.

**Bilingual Premium Structure**

CATEGORY	DESCRIPTION	PROFICIENCY and USE	REQUIRED ASSESSMENT/ RATING	FLAT RATE <i>per pay period</i>	ANNUAL AMOUNT
Category A	Required / Preferred	High Proficiency High Frequency	Oral and Written / Advanced - Superior	\$200	\$5200
Category B	Conversational	High Proficiency High Frequency	Oral Advanced -Superior	\$100	\$2600
Category C	Internal Capacity Builder	High Proficiency Low Frequency	Oral and Written / Advanced - Superior	\$50	\$1300

**Administration**

Departments with a business need for bilingual skills may identify the necessary languages to meet their specific customer’s needs and identify positions to function in this role. Full time and Part time employees who use their bilingual skills in direct communication with customers and/or clients and who meet the language proficiency requirements will receive a flat-rate premium. This premium is based on the level of proficiency and frequency of use and is separate from regular base salary. Departments should work with Human Resources to determine proper administration of the Bilingual Premium.

To function in this capacity, employees will be required to pass a proficiency test arranged by the department through the University of North Carolina at Charlotte or an appropriate alternate site. The acceptable proficiency level for the County is advanced or superior as defined by the American Council on the Teaching of Foreign Languages (ACTFL). All eligible employees, including native speakers, are required to be tested. Testing is paid for by the Department. Employees will be tested for one of three categories. The appropriate category should be determined by the department prior to testing.

**Category A** – Employee serves in a position where the bilingual skill is required or preferred. This is a high frequency category where employees use their bilingual skills on a regular basis, more than several times a week. Eligible candidates for this category must pass a written and oral proficiency assessment at the advanced – superior level. This assessment should be completed pre-hire or prior to filling the position internally.

**Category B** – Employee serves in a position with a need for a conversational bilingual skill set to provide simple instructions and directions to customers or clients. This is a high frequency category where employees use their bilingual skills on a regular basis, more than several times a week. Eligible employees functioning in this category must pass only the oral proficiency assessment at an advanced – superior level. The assessment can be completed post-hire.

**Category C** – Employees who increase the internal bilingual capacity of the County by providing bilingual services on an as needed basis. Employees may be called upon to provide bilingual services in other County departments as needed. This is a low frequency category where employees use their bilingual skills less than several times a week, but at least on a monthly basis. Eligible employees functioning in this category must pass the written and oral proficiency assessment at the advanced – superior level. The assessment can be completed post-hire.

Employees who pass the language proficiency assessment for their respective category must adhere to the expectations of the County’s Bilingual Premium Memorandum of Understanding (MOU). See the MOU at the end of this Section. The department will review the MOU with the employee and a signed copy will be placed in the employee’s personnel file.

The premium rate is effective the pay period following the results of the proficiency test and is not retroactive. Eligible part-time employees will receive a percentage of their category's flat rate amount equivalent to their standard hours percentage. Merit increases will continue to be calculated on the market rate for the job. If an employee moves to another County position where their bilingual skills are not utilized or if the bilingual skills are no longer utilized or needed in the position an employee currently occupies, the premium rate will be removed or adjusted as appropriate. An employee’s bilingual skills should be evaluated as part of the regular performance review process. As part of the evaluation process, departments may request an employee’s bilingual skills be reassessed. This should be arranged by the department through the University of North Carolina at Charlotte or an appropriate alternate site.

Any eligible employee who is being rehired by the County within one year of their most recent termination date who had been receiving a bilingual premium is not required to pass the same proficiency test again, however a department may still request an assessment as needed. If an employee is being considered for a higher premium than what he/she was originally receiving, he/she will be required to pass the applicable proficiency test. If department management had concerns during the employee’s last performance review process regarding bilingual performance, they may request the employee’s bilingual skills be reassessed.

Any eligible employee who is being rehired with the County with a termination date exceeding 1 year from the new hire date is required to pass a proficiency test arranged by the department through the University of North Carolina at Charlotte or an appropriate alternate site if they are being considered for a bilingual premium.

Revised: July 14, 2003 Revised: August 14, 2008	Revised: April 7, 2010	Revised: February 15, 2016
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**DUAL EMPLOYMENT**

When employees, solely at their option, work occasionally or sporadically on a part-time basis for another department in a different capacity from their regular employment, the hours worked in the different job shall not be combined for the purpose of determining overtime liability. Such hours worked are excluded from computing overtime only where the assignments are not within the same occupational category as the employee's regular work.

All payments for hours worked in another department will be made by the employee's primary department. Normal withholdings apply.

**EQUITY ADJUSTMENTS**

Equity adjustments are one-time salary changes provided to an employee outside the normal salary administration policies. On rare occasions, equity adjustments occur to correct a significant

deviation from internal equity and to ensure compliance with fair pay practices. These situations may link to the hiring process or issues with the application of salary administration policies. Salary differences based on performance or seniority are not considered equity issues.

Department directors have the authority to adjust salaries to resolve equity issues. Normally, equity adjustments are not retroactive. Departments should consult with Human Resources regarding equity adjustments greater than 10%. The ARD will remain the same.

Revised: July 14, 2003	Revised: January 18, 2006	
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RETENTION ADJUSTMENTS

In special circumstances and for positions considered critical to accomplishing the key business objectives of the County, department directors may adjust an employee's salary in response to a bona fide external job offer provided there are no equity issues. The salary will not exceed the maximum of the salary band. This policy will not apply if the employee is transferring within the County.

PAY ADJUSTMENTS

Pay adjustments may be required due to administrative error or oversight. If an overpayment is made, proper documentation and prior notification will be given to the employee before the overpayment is recovered. Effective May 1, 1995, the County will arrange a reasonable repayment schedule with the employee in order for the County to recover 100% of the overpayment. The [repayment form](#) indicating recovery schedule and amounts recouped per pay period is to be sent to Finance and to Human Resources for placement in the employee's personnel file. (Please see form at the end of Section III.)

Pay adjustments owed to employees for all actions except time reporting issues will be documented through additional pay in myHR and processed through Human Resources. These adjustments will be processed as soon as possible as additions to the next paycheck issued. Time reporting or leave issues impacting pay should be directed to the Payroll Division in the Finance Department by the payroll/HR representative.

Revised: July 1, 1997 Revised May 4, 2000	Revised: July 26, 2001 Revised: March 8, 2002	Revised: October 30, 2002
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PERFORMANCE COMPENSATION GUIDELINES

The performance management system allows employees to earn additional compensation based on achievement of performance expectations. Since performance varies from employee to employee, the compensation program recognizes these differences by rewarding employees at varying rates based on performance. In general, performance increases move an employee's pay to a position in the salary band that best reflects results and achievements over the performance appraisal period. Performance increases may be given in base salary, one time cash award or a combination. Supervisors should consider the level of performance and relationship of salary to the market rate when deciding whether to award performance increases in base salary, cash or a combination. Outlined below are several examples:

- an employee whose performance is successful or exemplary and their current salary is below market should be considered for a base salary increase;
- an employee whose performance is successful and their current salary is above the market rate for their position should be considered for a cash award or a combination of base salary increase and cash, depending on the extent to which the current salary is above the market rate for that position;
- an employee whose performance is exemplary and their current salary is above the market rate should be considered for a base salary increase if the relationship to market is reasonable or a combination of base increase and cash.

Other factors that may be relevant to consider are the difficulty of recruiting for the position and the need to retain an employee with unique skills and experience.

The amount of performance awards is calculated on the employee’s market rate for their position in all cases. Pay band maximums cannot be exceeded; therefore, employees at or above the maximum of the pay band are eligible for a cash award only.

All full-time, part-time and limited part-time employees are eligible for salary increases based on the year-end performance appraisal on their Annual Review Date (ARD). Department Directors have the discretion to provide prorated merit increases to employees who have been employed with the County for less than 1 year.

The salary increase matrix insures equitable and consistent distribution of available salary increase funds provided for salary increases based on performance. Percentages shown on the matrix may vary from year to year in response to changing fiscal and labor market conditions.

Employees will be eligible for increases as defined by the matrix. If an employee is having performance problems, he or she may not be eligible for an increase. In this case, the supervisor is required to develop with the employee an improvement action plan establishing improvement goals and timelines. The department may also take other actions, which include:

1. Reassignment
2. Disciplinary action up to and including termination according to the Discipline without Punishment policy described in Section V.

Performance appraisal documentation supporting any of the above actions must be submitted through the department director or designee to Human Resources.

Revised: July 1, 1995 Revised: July 1, 2002	Revised: July 14, 2003 Revised: January 18, 2006	Revised: September 9, 2011 Revised: July 1, 2014
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REINSTATEMENT/REEMPLOYMENT

Employees who previously worked for the County may be considered for reemployment. If reinstatement occurs within 30 calendar days from the date of separation and the employee returns to their former job or a comparable position, the employee may be returned to their former status without any changes to salary or benefit accrual.

If the employee chooses to return the monetary payout received at termination for accrued sick leave, 100% of the sick leave accrual at the time of that termination will be restored. If the employee chooses not to return the monetary payout, 75% of the total accrued sick leave at the time of termination will be restored for sick leave usage. If the employee chooses to take the 75% sick leave accrual balance determined during their final payout, a future termination of employment, and subsequent benefits payout, will be calculated based on the amount of sick leave accrued since the reinstatement date of employment.

The aggregate date will be adjusted based on the length of time the employee is off the payroll. Normally salaries will not exceed the market rate for employees whose reemployment occurs after 30 days from separation.

Employees returning from military service to the same or a comparable position will be returned to their former status without changes to salary or benefit accrual, provided they have had no other employer following their return from military service.

Revised: July 1, 1997	Revised: March 1, 2011	Revised: July 1, 2015
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LONGEVITY PERFORMANCE BONUS

The County places a priority on offering competitive compensation and rewarding employee performance. Full-time and part-time employees hired prior to July 2004 will be eligible to receive a longevity bonus once they have attained at least 10 years of accumulated credit for service as indicated by the County service date and at least 10 years of service with the North Carolina Local Governmental Employees' Retirement System based on the employee’s aggregate date maintained by the Human Resources Department.

Employees hired after June 30, 2004 will not be eligible to receive a longevity performance bonus. Employees who have an original hire date prior to July 2004, but who have been rehired since are not eligible for the longevity bonus, except as otherwise provided in [Section IX](#) of this manual. Rehired employees include those who have left both voluntarily (i.e. accepting a new job) and involuntarily (i.e. RIF employees who have exhausted their [RIF Placement rights](#)). For longevity purposes, no credit will be given for years for which retirement contributions have been withdrawn from the retirement system.

Annual longevity performance bonuses will be computed according to the following schedule:

<b>Years of Aggregate or Qualifying County Service</b>	<b>Annual Longevity Performance Bonus</b>
10 but less than 15 years	25% of bi-weekly salary
15 but less than 20 years	50% of bi-weekly salary
20 but less than 25 years	75% of bi-weekly salary
25 years and over	100% of bi-weekly salary

Longevity performance bonuses will be paid once a year to all eligible employees. Payment will be made in the second paycheck in November of each year. The amount to be paid to each eligible employee is calculated using the information recorded in myHR (PeopleSoft) on October 31st of each year. For example, if an employee reaches 10 years of retirement credit on or before October 31st, the employee is eligible for a bonus of 25% of bi-weekly salary. This amount is automatically calculated on October 31st and paid to the employee in the second paycheck of November. If an employee reaches 10 years of LGERS retirement credit after October 31st, the employee will not be eligible for a longevity performance bonus until the following year. Before October 31st of each year, each employee must inform the Human Resources Department of any increase in their LGERS creditable service or their county service resulting from the purchase of past service or from any other action taken by the employee. Once paid, longevity payments for a particular year will not be recalculated or adjusted.

If an employee eligible for a longevity performance bonus terminates their employment, a pro-rated longevity amount based on the elapsed time from November 1st to the date of termination will be paid to the employee in their final paycheck. Prorated payments will not be made to employees who are terminated for cause or who resign in lieu of termination. Employees who receive a “Needs Improvement” rating with their most recent annual performance appraisal are not eligible for a longevity performance bonus for that year. Longevity performance bonuses owed to a deceased employee will be paid to their estate.

Longevity performance bonuses are not considered a part of the annual base pay for classification and payment purposes, nor are they recorded in personnel records as a part of annual base salary.

Revised: March 5, 2001 Revised: July 26, 2001 Revised: July 1, 2002 Revised: September 16, 2002	Revised: June 16, 2004 Revised: August 25, 2009 Revised: July 1, 2010 Revised: November 5, 2010	Revised: March 21, 2011 Revised: October 21, 2013 Revised: July 1, 2014
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**FAIR LABOR STANDARDS ACT**

As an integral part of job responsibilities, department directors and supervisors/managers are required to ensure compliance with the applicable standards, regulations, and guidelines of the Fair Labor Standards Act (FLSA). State and Federal law requires that non-exempt employees be paid for all overtime worked. Overtime is defined as work performed in excess of 40 hours per workweek or hours in excess of the work period according to 7(k) exemption. If supervisors/managers do not request but do permit an employee to work in excess of the permissible hours, it must be considered overtime work and compensated accordingly.

**NON-EXEMPT, AND 7(k) EXEMPTIONS**

FLSA distinguishes between those employees who must receive pay for overtime work (non-exempt) and those who do not receive pay for overtime work (exempt).

The distinction is based on the nature of their work and the wages paid. FLSA also establishes record keeping requirements for hours worked. A special provision of the law, 7(k) exemption, allows for overtime payments in excess of a defined work period for law enforcement or security-related positions. In the event an individual's responsibilities change significantly, a position questionnaire should be completed and submitted through the department director to Human Resources to determine if the FLSA status should change.

**EXEMPT EMPLOYEES**

In order to comply with the FLSA salary basis test, exempt employees regularly receive a predetermined salary amount each pay period. Exempt employees will work the number of hours necessary to fulfill their job responsibilities and do not receive additional wages for hours worked in excess of the scheduled hours. Full-time, exempt employees are expected to work an average of 40 hours a week. The County does not recognize compensatory time off for exempt employees. Part-time, exempt employees earning less than the minimum FLSA salary threshold will be non-exempt until the threshold is reached.

Revised: July 1, 2014	Revised: November 23, 2016	
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**EXEMPT SALARY DEDUCTIONS**

Exceptions to the salary basis requirement allow salary reductions under specific circumstances. An exempt employee’s salary may be reduced for:

- Full day absences for personal reasons (not due to illness), this includes full day absences for inclement weather when the workplace was opened
- Partial days absences for public sector employees when there is not accrued sick or vacation leave
- Partial weeks when beginning or terminating employment
- Penalties imposed by the County Manager for infractions of safety rules of major significance

Improper salary reductions from exempt employees’ pay are expressly prohibited. Employees are required to report improper reductions to Human Resources by filing a written complaint. The complaint should provide the date the reduced paycheck was issued, the circumstances that led to the deduction and the name of the manager who authorized the reduction. Employees will be promptly reimbursed for improper salary reductions at the next available pay period.

Revised: March 5, 2001 Revised: November 16, 2004	Revised: March 1, 2011	Revised: November 23, 2016
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**NON-EXEMPT OVERTIME**

All non-exempt employees are covered under the provisions of FLSA and must be paid for all overtime worked.

Non-exempt employees are eligible to be paid time-and-one-half for all hours worked in excess of 40 hours in a work week or hours in excess of the work period under 7(k) exemption. Benefit and County holiday hours are excluded from the calculation of overtime and are paid at straight time.

At the discretion of the supervisor/manager, a non-exempt employee may be given equivalent time off within the same work week or work period in lieu of overtime.

**DAYLIGHT SAVINGS TIME**

Nonexempt employees required to work when daylight savings time begins or ends will be paid for the hours actually worked. In the spring, employees will be paid one hour less when clocks are set forward one hour. Conversely, in the fall when clocks are set back one hour, employees will be paid for the extra hour. The extra hour is work time and included for purposes of calculating overtime.

**OVERTIME APPROVAL**

All overtime must be approved by the supervisor/manager prior to the employee working overtime. Employees who work overtime will be entitled to compensation; however, employees who work overtime without proper authorization may be subject to disciplinary action. Unless authorized by the supervisor/manager, employees may not elect to work outside their established schedule in order to make up for lost time.

When it is essential to maintain department operations or during emergencies, disasters, etc., supervisors may require employees to work overtime.

When non-exempt employees work, they are paid the hourly rate established for their position; however, when employees do not work they are not paid unless accrued benefits are available to make up for lost time. The County does not allow employees to accumulate overtime hours. Overtime must be paid within the authorized work week.

Non-exempt employees who voluntarily continue to work before or after the beginning or close of normal work hours are engaged in working time. The reason for the work is immaterial; as long as supervisors suffer or permit employees to work on the organization's behalf, compensation must be paid. Department directors and supervisors are required to make certain that overtime work is approved. The publishing of a rule prohibiting unauthorized overtime is not sufficient to avoid compensation for additional hours worked.

**VOLUNTARY WORK**

Bona fide volunteers who work outside the organization may do so without any obligation of the County to provide wages. Non-exempt employees are requested to indicate in writing outside volunteer services that are similar to work performed for the County. Outside volunteer work becomes compensable when employees are required or requested by their supervisors/managers to perform services in a capacity for which they are employed by the County. The County encourages the participation of employees as community volunteers through its policy on Volunteer Activities (see Section I, Board Policy.)

Revised: July 1, 1997

Revised: November 23, 2016

**VOLUNTEER ACTIVITIES AND MATCHING TIME**

County Management recognizes the Board's commitment to Volunteer activities which support the quality education of children; enhance the community's quality of life through community support agencies; and practice environmentally sound behaviors in support of our Environmental Leadership Policy.

Time away from work, up to 24 hours in a calendar year, can be taken to match time employees may take to volunteer for these activities. Unused hours do not accumulate or carry over from year to year.

An employee's job responsibilities take precedence over volunteer activities. Prior approval by the employee's supervisor is required. Employees are eligible to participate after the first 90 days of employment. County employees whose job responsibilities include these activities or who are employed by County departments responsible for these activities are not eligible for the match in time away from work, and shall not be required by the County to volunteer.

Matching Time Away may be approved for the following school-related functions, community agency involvement, or environmentally sound activities:

**Examples of school-related activities in public or private schools:**

1. Parent-Teacher Conferences
2. Tutor, Guest Lecturer, or Supplemental Instructor Programs
3. Lunch Buddies
4. Mentoring Program

5. School Support Activities
6. Parent Training Programs
7. After School Enrichment Programs
8. Graduations

**Community Service Agencies which qualify for volunteer service are:**

A Child's Place

Adolescent Pregnancy Prevention Coalition of North Carolina

Alcohol/Drug Council of North Carolina

American Red Cross, Greater Carolinas Chapter

The Arc of Mecklenburg County

Arthritis Patient Services

Arts & Science Council affiliate organizations

(See ASC's website at <http://www.artsandscience.org> for a list of current affiliates)

Big Brothers Big Sisters

Birthday Blessings

Boys and Girls Club of Charlotte

Boy Scouts of America, Mecklenburg County Council

Carolinas Medical Center

Charlotte Emergency Housing

Charlotte Mecklenburg Council on Aging

Charlotte Speech & Hearing Center

Charlotte-Mecklenburg Senior Centers

Child Care Resources, Inc.

Children's Law Center

Communities in Schools of Charlotte-Mecklenburg

Community Health Services

Community Link

Consumer Credit Counseling & Housing Services

Council for Children

Crisis Assistance Ministry

Emergency Women's and Children's Shelter

Energy Committed to Offenders

Epilepsy Association of North Carolina, Inc.

Family Center Family Counseling

Florence Crittenton Services

Girl Scouts, Hornets Nest Council

Goodwill Industries of the Southern Piedmont

Hands On Charlotte

Habitat for Humanity International

Hearts and Hands Project

HIV/AIDS Consortium, Regional

Hope Haven, Inc.

Information & Referral Services

Johnston Memorial YMCA

Juvenile Diabetes Foundation

Kids Voting

Kinder-Mourn

Legal Services of the Southern Piedmont

Love INC/Neighbors Who Care

Leukemia and Lymphoma Society

Mecklenburg Council on Adolescent Pregnancy

Medical Research Fund

Mental Health Association of Mecklenburg County

Metrolina AIDS Project

Metrolina Association for the Blind

The National Conference for Community and Justice (NCCJ)

Programa Esperanza

Programs for Accessible Living

ReachLine Telephone Counseling

The Salvation Army

Seigle Avenue Preschool Cooperative  
 The Shelter for Battered Women in Mecklenburg County  
 Sickie Cell Regional Network  
 Special Olympics  
 Success by 6  
 Teen Health Connection  
 Traveler's Aide Society of Charlotte, Inc.  
 United Family Services  
 United Way of Central Carolinas, Inc.  
 Uptown Day Shelter  
 Urban League of Central Carolinas, Inc.  
 Victim Assistance  
 Voluntary Income Tax Assistance (VITA)  
 Volunteer Center  
 The YMCA of Greater Charlotte, Inc.  
 Young Women's Christian Association of Central Carolinas, Inc.

Any community service agency wishing to solicit County employee volunteers may contact the County Manager with a request to be approved as a participating agency.

**Environmental Protection Volunteer Activities:**

Adopt-A-Highway  
 Adopt-A-Stream  
 Big Sweep  
 Storm Drain Marking  
 Ground Water Guardian

Any environmental protection volunteer program wishing to solicit County employee volunteers may contact the County Manager with a request to be approved as a participating program.

Originally Approved: April 2, 1990 Revised: February 7, 1994 Revised: July 1, 1997 Revised: February 6, 2001	Revised: September 18, 2002 Revised: March 3, 2003 Revised: December 19, 2003 Revised: June 2, 2004	Revised: July 10, 2007 Revised: September 15, 2008 Revised: March 1, 2011
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**Environmental Leadership Policy**

***Volunteer/Education Employee Incentives Program***

In an effort to continue meeting the Environmental Leadership Policy goals for employee incentives, the following eligible activities (including the use of alternative transportation) are eligible to receive credit towards accrual of vacation paid time off.

**Eligible Activities**

Eligible Activities, as listed below, will apply toward department goals for environmental volunteer and educational hours. Training priorities should be consistent with the developmental needs of the employee and the business needs of the department. Participation in any eligible activity will be credited toward a department's annual goal, provided that it is documented by the employee and submitted via the WorkGreen MeckWeb survey tool.

An employee's job responsibilities take precedence over volunteer activities. Prior approval by the employee's supervisor is required. Employees are eligible for this program after the first 90 days of employment. County employees whose job responsibilities include these activities or who are employed by County departments responsible for these activities are not eligible for the match in time away from work, and shall not be required by the County to volunteer.

Employees participating in the eligible activities below receive the following incentives:

- **4 hours** paid time off/vacation time for accumulating a minimum of **10 credits\*** per year; and
- **8 hours** paid time off/vacation time for a maximum of **20 credits\*** per year.

\*Credits are measured via the following chart:

Activity	Credit Value per Month
Adopt-A-Highway	1 Credit
Adopt-A-Stream	2 Credits
Storm Drain Marking	1 Credit
Big Sweep	2 Credits
County Sponsored Tree Planting	2 Credits
Nature Center Volunteer	2 Credits
Groundwater Guardian	2 Credits
Special Event	2 Credits
Participation on Environmental Boards and Commissions	1 Credit
Environmental Lunch and Learn or Other Training	1 Credit
Alternative Commute to Work: Transit, Carpool, Bicycle*, Walk (must participate minimum of 2 days per month)	2 Credits

\* In accordance with OSHA regulation, County employees who participate in the B-Cycle program or otherwise voluntarily use a bicycle during their workday must wear a bicycle helmet. To learn more about Charlotte B-Cycle, visit [Charlotte.bicycle.com](http://Charlotte.bicycle.com).

### Tracking and Reporting

Employees will be responsible for completing the Volunteer / Education Participation survey tool on the WorkGreen MeckWeb site to document hours toward vacation time accrual.

Completed surveys will allow verification of activities claimed and appropriate credit toward both the employee and the department with regard to participation in the eligible activities herein. A vacation certificate of completion for those employees accumulating 1/2 a day or full day of vacation for the year will be awarded at the end of each fiscal year. Department Directors will be provided with a list of those employees receiving Environmental Volunteer/Education vacation certificates of completion.

Approved: July 28, 2010	Revised: March 1, 2011	Revised: May 5, 2016
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### WAITING TIME

Whether waiting time for non-exempt employees is compensable depends on the particular factual circumstances. Required waiting time is compensable; however, non-exempt employees who wait before starting their duties because they arrive at work earlier than the required time are not entitled to be paid. The same circumstances are true for those non-exempt employees who may wait at the end of the required shift. All time spent by non-exempt employees in waiting while on duty must be counted as hours worked. If employees begin, while waiting to start their shift, to perform duties for which they were employed, such time becomes compensable.

Under FLSA regulations, waiting time by non-exempt employees who have been relieved of duty need not be counted as hours worked if: employees are completely relieved from duty, allowed to leave the job, and free to do as they please; employees are relieved until a definite specified time. It is the responsibility of the department director to evaluate the facts and circumstances in each case to determine eligible work time.

### TRAVEL TIME

Travel time may be compensable time depending on the kind of travel involved. Normally, the County will not be responsible for time spent by non-exempt employees in walking, riding, or otherwise traveling to their principal job related activity.

Home-to-work travel or vice versa is not compensable, even if employees must travel from a town to an outlying site to get to the job or the County is providing transportation. Employees are not at work until they reach the work site and their work period begins. If employees are required to report at a special time to a meeting place where they are to pick up materials, other employees, or to receive instructions, compensable time starts at the time of the meeting or their arrival.

Traveling from one job site to another during the workday is compensable work. Also, traveling from an outlying job at the end of the scheduled work day back to the employee's assigned County work location is compensable.

- a. Home to work on special one-day assignment in another city

Traveling for a special one-day assignment in another town or city outside of Mecklenburg County away from the employee's principal place of employment is compensable work. Traveling time is compensable work regardless of if the employee drives a motor vehicle or is a passenger.

- b. Overnight travel.

Travel that keeps an employee away from home overnight is travel away from home. The time spent in travel is considered work time and is compensable when this time occurs during the employee's normal daily work hours (e.g., 8:00 a.m. to 5:00 p.m.). This is true not only when this occurs during regular work days (e.g., Monday through Friday) but also non-working days (e.g., Saturday and/or Sunday). Time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile is not considered work time. Non-exempt employees who are driving are considered working all the time they are driving, regardless of when the driving occurs. Any actual work performed by non-exempt employees while traveling is considered compensable.

### **CALL BACK COMPENSATION**

Call back is when an employee is required to return to work. The following guidelines apply for call back compensation for non-exempt employees:

1. Unless given a specific time to report to duty, work begins when employees are notified to return to the job, including reasonable allowances for travel back to the job. The department director has discretion on what is considered reasonable travel time.
2. In addition to compensation for call back, employees may also request auto allowance at the established mileage rate for all mileage from home to the work site and back home provided employees are using their own car or have not been offered County transportation.
3. These stated guidelines on call back are also applicable for required meeting/training whereby employees are scheduled off and must return to County premises for a required meeting.

### **ON-CALL**

The nature of operating the County is such that employees may be subject to being called back to their work area in unusual situations after having completed their normal work schedule. In some cases, call back requirements are of sufficient volume and frequency to justify scheduling and designating employees in advance to accept this responsibility for a given period of time. In such cases, a bona fide on-call status may exist. To be eligible for on-call pay, department directors must have written approval from the County Manager before commitments can be made for on-call pay and before premiums will be paid.

Employees required by the department director to be available for possible return to work outside their normal working hours may be eligible for on-call pay. The administrative guidelines to obtain approval for on-call pay are as follows:

1. On-call situations must reflect services which have to be provided on-the-spot within a limited number of minutes and must be a service that cannot wait.
2. On-call will be the exception rather than the routine situation. Departments will be required to find alternative schedule options and other techniques within management's discretion for covering

the more routine types of situations that occur. On-call status will not become a mechanism that encourages over dependence on off-duty supervisors/managers.

**RESTRICTED ON-CALL**

Restricted on-call exists when employees are restricted to the work unit or a specific location without freedom to pursue normal activities. This means that employees are engaged to wait and will be counted as regular hours worked. All hours worked will be included to determine the eligibility of overtime for hourly employees.

**NON-RESTRICTED ON-CALL**

Non-restricted on-call will be construed to mean the employees are only waiting to be engaged and will not be counted as hours worked. Non-restricted on-call exists when the following conditions are met:

1. Employees are restricted only to the vicinity of Mecklenburg County.
2. Employees during non-work on-call hours are free to engage in their own personal pursuits.
3. Employees are given beepers as a means to communicate with their department or must leave a telephone number at which they may be contacted.

**ON-CALL COMPENSATION**

The premium for on-call pay is equivalent to one hour of pay at the employee's actual hourly salary rate and will cover a 24-hour period or any portion thereof. Exempt employees are not eligible for additional compensation if they return to work.

Nonexempt employees will be paid at the established hourly rate of pay for hours worked outside their normal schedule if they are actually required to return to work and will receive overtime for eligible overtime hours. The minimum of two hours pay is guaranteed for nonexempt employees who are called or actual hours worked whichever is greater.

For hourly employees on duty for more than 24 hours but less than five days, up to a maximum of eight hours of rest time may be excluded from compensable working time if:

1. An expressed or implied agreement excluding sleep time exists;
2. Adequate sleeping facilities are provided;
3. At least five hours of rest is possible - hours of rest do not have to be consecutive, and
4. Interruptions to perform duties are considered hours worked.

Live-in employees whose work schedule is designated by the supervisor/manager to end before a 24-hour period in which hourly employees are permitted to sleep or rest are compensable working hours as long as they are not on duty and must work when required.

Revised May 4, 2000	Revised: November 23, 2016	
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**DOUBLE SLOTTING**

Under limited special circumstances, including training and the need to have sensitive areas covered, a position may be double slotted for up to two pay periods. Exceptions require the approval of the Human Resources Director.

Revised: July 1, 1997	Revised: March 1, 2011	
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**MECKLENBURG COUNTY**

**DEDUCTION AUTHORIZATION REPAYMENT  
FOR OVERPAYMENT OF WAGES**

I, \_\_\_\_\_, authorize that my gross pay be reduced by \$ \_\_\_\_\_ for \_\_\_\_\_ pay periods for a total of \$ \_\_\_\_\_. I understand this will be done through an entry on the department's time reporting screen as a minus adjustment. This deduction will begin with the pay check dated \_\_\_\_\_. Failure to return this document by \_\_\_\_\_ will result in the total amount being applied against the final paycheck and/or payout.

In the event of my termination from employment prior to the full repayment, the balance of funds owed the County will be deducted from my final paycheck and/or payout.

Reason for deduction:

-----  
Employee Signature                      Date                      Employee ID

-----  
Supervisor Signature                      Date

Copy to:      Finance Department  
                  Human Resources Department



## MECKLENBURG COUNTY

### EMPLOYEE REQUEST FOR CONSIDERATION FOR BILINGUAL PREMIUM PAY

Employee Name \_\_\_\_\_ Position \_\_\_\_\_

Division \_\_\_\_\_ Work Telephone \_\_\_\_\_

Supervisor's Name \_\_\_\_\_ Telephone \_\_\_\_\_

I wish to be tested for proficiency in the following language.

\_\_\_\_\_ Spanish      \_\_\_\_\_ Vietnamese      \_\_\_\_\_ Cambodian      \_\_\_\_\_ Thai  
\_\_\_\_\_ Bosnian      \_\_\_\_\_ American Sign Language

*Please do not write below this line.*

---

Test scheduled for \_\_\_\_\_ at \_\_\_\_\_  
(Date) (Location)

Results:

\_\_\_\_\_ Qualified      \_\_\_\_\_ Not Qualified

If qualified:

5% Increase \$ \_\_\_\_\_ Effective Date \_\_\_\_\_

Approved: \_\_\_\_\_  
Department Director



Memorandum of Understanding  
for Bilingual Employees

Date:  
Employee ID:  
Employee Name:  
Department:  
Language:

Dear **Employee Name**,

Thank you for participating in the County's foreign language proficiency testing. Your skills have been assessed as proficient in **(Category A. Category A is defined as having a high proficiency and a high frequency of use – on regular basis, more than several times per week.)**

As a Bilingual employee, you will be providing valuable services to Mecklenburg County citizens above the normal scope of your job classification. The County recognizes this additional contribution with a bilingual pay premium as follows:

- \_\_\_ Category A: \$200 per pay period
- \_\_\_ Category B: \$100 per pay period
- \_\_\_ Category C: \$50 per pay period

This flat-rate premium is separate from your regular base salary and is added to reflect the level of bilingual service you will provide the County. Your bilingual skills will be evaluated as part of the regular performance review process.

Your merit increases will continue to be calculated on the market rate for your job. If you should move to another County position where your bilingual skills are not utilized, or if the bilingual skills are no longer utilized or needed in the position you currently occupy, the premium rate will be removed or adjusted as appropriate. Any resulting salary overpayment will be subject to the Pay Adjustment policy in the Compensation and Classification section of the HR Policy and Procedure Manual.

We are pleased that you will be a part of the County's efforts to provide outstanding bilingual services to our customers with Limited English Proficiency (LEP). As part of this program, it is the County's expectation that you provide these services at the proficiency and frequency levels required by your designated category and in compliance with this Memorandum of Understanding.

The following are expectations with respect to the performance of Mecklenburg County Bilingual employees:

- Bilingual Employees shall strive to maintain the purity of their languages and to enhance the integrity of the interpreter profession.
- The Bilingual Employee shall render a complete and accurate interpretation.
- The Bilingual Employee will conserve the essence of the message by maintaining the language level, style, tone, and linguistic intent of the speaker. This includes conveying pauses, hesitations, grammatical errors, etc.
- Bilingual Employees will take into consideration cultural differences and linguistic variations while interpreting.
- The Bilingual Employee will gain clarification from the appropriate party if they believe that information they are asked to interpret is incorrect or will be misunderstood.
- The Bilingual Employee shall remain unbiased and impartial at all times.
- The Bilingual Employee will disclose any real or perceived conflict of interest.
- The Bilingual Employee is bound by any confidentiality policies as they relate to the department being served.
- A Bilingual Employee shall not divulge any information obtained through their assignment including, but not limited to, information gained through access to documents, computer systems or other written materials.

Failure to meet the expectations outlined may result in a reclassification of your level and/or removal from the Bilingual Program.

Bridging the language barrier with the LEP community is our number one goal. Your participation in this program helps strengthen the County's relationships with all our customers and enhance our ability to better serve the needs of our customers.

Your signature indicates that you have read, understand, and agree to the contents of this memorandum.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Manager's Signature

\_\_\_\_\_  
Date



## **Section IV:**

### **EMPLOYEE RELATIONS**

This policy is built on the foundation of the County's Vision and emphasizes a philosophy of personal responsibility and commitment. This policy also addresses prohibited employment practices, a progressive discipline policy based on mutual responsibility, grievance procedures, termination procedures and appeal process.

**FOR MORE INFORMATION ABOUT EMPLOYEE RELATIONS,  
PLEASE CONTACT THE  
EMPLOYEE SERVICES CENTER  
(704) 432-6947**

## **WORK EXPECTATIONS**

Mecklenburg County recognizes employees as its most important resource and is committed to treating others with courtesy and respect. Mecklenburg County employees are hard-working professionals dedicated to providing excellent public service by doing their best to contribute their skills in the most efficient and effective ways.

## **VISION**

To be the best local government service provider.

Mecklenburg County expects employees to:

- Set and achieve high standards for performance, conduct and attendance.
- Serve the residents of Mecklenburg County and be committed to meeting their needs.
- Provide customers with services they can depend on
- Be committed to ethical conduct, excellent service and teamwork

The following expectations for performance, conduct and attendance guide us in our decision making. Violating these expectations may result in appropriate disciplinary action.

## **PERFORMANCE, CONDUCT AND ATTENDANCE**

We are dedicated to excellence and quality and are accountable for our performance, conduct and attendance.

## **PERFORMANCE**

Mecklenburg County expects employees to:

- Know the established standards for performance and be accountable for meeting them
- Accept responsibility for doing accurate and timely work
- Learn the job at hand and the jobs to come
- Be accountable to their team
- Be productive on the job
- Be willing to perform extra work when asked
- Work responsibly without supervision
- Know and follow policies and procedures
- Learn from constructive criticism and accept coaching positively
- Accept the consequences when mistakes are made

## **CONDUCT**

Mecklenburg County expects employees to:

- Be honest, tell the truth and not withhold information
- Respect county property and use it only for business purposes
- Refrain from conducting personal business on company time
- Avoid office gossip, excessive socializing and excessive personal phone calls
- Use access to information for performing official duties only
- Maintain confidentiality of information
- Be impartial in the delivery of services and performance of duties
- Comply with all policies prohibiting the acceptance of gifts in exchange for favors or special privileges
- Comply with all policies regarding outside employment or business ventures
- Comply with all policies regarding solicitation for charitable groups

- Observe all safety guidelines
- Comply with all policies prohibiting the possession, sale and use of alcohol, drugs and weapons on county property
- Dress appropriately for work.
- Show respect and courtesy for others.
- Cooperate and work well with others.
- Comply with all policies prohibiting violence in the workplace, including domestic violence

### **ATTENDANCE**

Mecklenburg County expects employees to:

- Report to work as scheduled, on time
- Use sick leave only as allowed by policy
- Give advance notice or call if unable to come to work as scheduled
- Take only appropriate time for lunch and breaks and work until the end of their schedule
- Work scheduled overtime and try to accommodate needs for short-notice overtime

**Absence of three consecutive scheduled work days without notification and proper authorization will be considered a voluntary resignation with no right of appeal.**

### **PROHIBITED EMPLOYMENT PRACTICES**

#### **HARASSMENT**

The County is committed to maintaining a professional and productive work environment that is free from discrimination and in which employees at all levels can devote their full attention and best efforts to the job. We take this commitment seriously. Discrimination, including harassment has no place in the work environment, and individuals who engage in such conduct will be subject to disciplinary action. The County does not authorize and will not tolerate any form of harassment based on the following factors:

**race, religion, color, national origin, ancestry, citizenship, sex, sexual orientation, gender, gender identity, age, genetic information, political affiliation, protected disability or military/veteran status, and any other status protected by federal, state, or local law**

This policy applies to management and non-management employees alike, and even to non-employees who harass our employees. Prohibited conduct includes but is not limited to conduct on County property, in County vehicles, on County communication systems, during County-sponsored events, and in connection with County business.

Within this policy, the definition of “harassment” includes offensive language, jokes, or other physical, verbal, written, or pictorial conduct relating to the employee’s race, religion, color, national origin, ancestry, citizenship, sex, sexual orientation, gender, gender identity, age, genetic information, political affiliation, protected disability or military/veteran status, and any other status protected by federal, state, or local law that would make a reasonable person experiencing such behavior feel uncomfortable or would interfere with the person’s work performance.

The examples below are just that – examples. It is impossible to list every type of behavior that can be considered harassment in violation of this policy. In general, any conduct based on these traits that could interfere with an individual’s work performance or could create an offensive environment will be considered harassment in violation of this policy. ***This is the case even if the offending employee did not mean to be offensive. It is essential that employees be sensitive to the feelings of others.***

**Violating this policy, including the failure to report a violation of this policy, is grounds for discipline, which may include termination of your employment or affiliation.**

### **Sexual Harassment**

Sexual harassment (whether opposite-sex or same-sex or based on sexual orientation or identity) is strictly prohibited. Examples of the types of behavior that may be considered sexual harassment in violation of this policy, depending on the totality of circumstances present, including frequency and severity, include the following:

- Sexually offensive jokes or comments
- “Sexist” comments or behavior (conduct that demeans other individuals because of their sex, even if not vulgar, lewd, or sexually provocative), sexual gestures or leering
- Physical assaults, stalking behavior, impeding or blocking actions, or other touching that is sexual in nature
- Promising favorable treatment or threatening unfavorable treatment based on the individual’s response to sexual demands
- Failure to observe the appropriate boundaries of the supervisor/subordinate relationship
- Displays of sexually oriented reading materials or pictures, including electronic materials
- Punishing an employee for complaining about sexual harassment, including but not limited to, any of the above
- Nonsexual, offensive conduct directed at an individual because of their gender

### **Consensual Relationships**

Participation of a supervisor in a consensual romantic or sexual relationship with a subordinate employee in all cases creates a prohibited conflict of interest that must be addressed under the policy on Consensual Relationships.

### **Other Forms of Harassment**

Harassment on the basis of any other protected characteristic also is strictly prohibited. Under this policy, protected characteristics are:

**race, religion, color, national origin, ancestry, citizenship, sex, sexual orientation, gender, gender identity, age, genetic information, political affiliation, protected disability or military/veteran status, and any other status protected by federal, state, or local law**

Examples of the types of behavior that may constitute harassment based on the above characteristics in violation of this policy, depending on the totality of circumstances present, including frequency and severity, include the following:

- Jokes or negative comments about these characteristics
- Displays of reading materials or pictures containing negative material about these characteristics, including electronic materials
- Name-calling based on these characteristics
- Unwelcome conduct that unreasonably interferes with an individual’s work or creates an intimidating, hostile, or offensive work environment.
- Punishing an employee for complaining of these types of harassment

### **Faith in the Workplace**

The County embraces and promotes diversity and inclusion. This commitment includes respecting the religious and spiritual beliefs and traditions of all employees. Consistent with federal and state

law, the County will make good faith efforts to provide a reasonable accommodation of an employees' sincerely held religious belief.

### **“Harassing” Use of the County Computer System**

Use of the County computer system, social media sites or other communication devices for any harassing purpose (as defined above) may be treated as a violation of **both** this Harassment Policy **and** the Mecklenburg County Acceptable Use and Social Media Policies. Examples of “dual violations” include the following:

- Using e-mail, social media, instant messaging or other electronic medium to transmit messages, jokes, or other material that is defined as “harassing” in this Policy (***this includes forwarding or even saving such material that has been sent to you by others***)
- Viewing pornographic or other offensive sites on County computers, including County-issued iPads, phones, laptop computers or other devices
- Electronic “pranks” – for example, “mail-bombing” or “spamming” – based on the race, religion, color, national origin, ancestry, citizenship, sex, sexual orientation, gender, gender identity, age, genetic information, political affiliation, protected disability or military/veteran status, and any other protected status of the victim, or in retaliation for a harassment complaint

Those detecting violations of this policy must report the violation to their direct manager immediately, who will verify the nature of the violation and report it to Information Technology and/or Human Resources as appropriate.

This policy applies to:

- activities conducted on workplace computers, including County-issued iPads, phones, laptop computers or other devices
- transmissions from “outside” computers or other devices into the County systems transmissions between different “outside” computers or other devices if the intended recipient finds the material unwelcome and is an employee, customer, or vendor of the County, or is in some other business relationship with the County.

### **Reporting Harassment**

The County cannot resolve matters that it does not know about. Every employee has a duty to immediately report harassment so that the County can try to resolve the situation. You must report harassment when

- You believe that you have been or are being harassed
- You believe that someone else has been or is being harassed

This is true whether the alleged harasser is an employee, a supervisor or manager, or even a non-employee, such as a customer, contractor, or vendor with whom the County does business.

If you believe that you or someone else is being harassed, you must report it immediately to one of the following:

- Your supervisor or manager
- Your Department Director
- Employee Services Center at (704-432-MyHR (6947)
- The HR Director

These individuals have been trained to respond appropriately to reports of harassment. You are not required to report or allege a violation of this policy to the person who is the subject of the

complaint. Incidents should be reported immediately, if for some reason that is not possible, reporting should occur as soon as possible after the time of the occurrence.

Any manager or supervisor, who receives a complaint of harassment or learns of or observes harassing behavior, even if it is in another business group, must immediately report the complaint or behavior to HR.

The County will not tolerate retaliation against any employee who in good faith reports or provides information about alleged harassment in the workplace or who complains of or opposed harassment or participates in an investigation.

**The failure to report a violation of this policy is grounds for discipline, which may result in the termination of your employment or affiliation.**

**Investigatory Process**

Once your report has been received, the County will

- Conduct a prompt and thorough investigation. The investigator will interview both the complainant and the respondent(s) and persons who are considered to have pertinent factual information related to the complaint. The investigator shall also gather and examine documents relevant to the complaint. Facts will be considered on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular sensitivity or reaction of an individual. Findings will be based on the totality of circumstances surrounding the conduct complained of, including but not limited to: the context of that conduct, its severity, frequency, whether it was physically threatening, humiliating, or was simply offensive in nature.
- Discuss the results with the complaining employee and, where appropriate, the action to be taken
- Keep the investigation and results as confidential as possible
- If the complaint is verified, take appropriate corrective action, up through and including termination

All employees are required to cooperate fully in any investigation or fact-finding process initiated by the County. Even if you would rather not be involved, you can't choose to withhold information if you are asked to provide it. You are also required to respect the confidentiality of the process.

Revised: October 27, 1999 Revised: September 23, 2005	Revised: March 1, 2011 Revised: July 15, 2014	
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**NO RETALIATION POLICY**

The County will not tolerate retaliation against any employee who:

- in good faith reports or provides information about suspected unethical or illegal activities including fraud, discrimination or possible violations of any County policies;
- complains of or opposes an employment practice that the employee, in good faith, believes violates federal or state law;
- files a charge, truthfully testifies, provides assistance, or participates, in good faith, in an investigation, proceeding, or hearing related to or arising from an allegedly unlawful employment practice.

If you believe that you or someone else has been retaliated against, you must report it as soon as possible to one of the following:

- Your supervisor or manager

- Your Department Director
- Employee Services Center at 704-432-MyHR (6947)
- The HR Director

**Violating this policy, including the failure to report a violation of this policy, is grounds for discipline, which may include termination of your employment or affiliation.**

Approved: July 15, 2014

## **CONSENSUAL RELATIONSHIPS**

Consensual relationships, as defined in this policy, create conflicts of interest and/or appearances of impropriety that impair the integrity of employment decisions. A **consensual relationship** is a mutually acceptable, romantic and/or sexual relationship between a supervisory employee and a subordinate within that supervisory employee's chain of command. Such relationships also contain the potential for exploitation of the subordinate employee and the possible professional disadvantage of third parties, and can subject both the County and individuals to the risk of liability. Therefore the County prohibits consensual relationships between supervisors and subordinates.

### **Reporting Responsibility**

In the event that a consensual relationship exists or begins to develop, the individual in the supervisory position shall immediately notify his or her immediate supervisor of the relationship and cooperate with that supervisor in making the arrangements necessary to resolve the conflict of interest.

### **Immediate Supervisor Responsibility**

A supervisor who is notified, or becomes aware, of a consensual relationship, shall take immediate steps to alter the conditions that create the conflict of interest and/or the appearance of impropriety caused by the relationship. In most instances, that will be accomplished by providing an alternative means for the supervision and/or evaluation of the subordinate employee.

### **Failure to Report or Cooperate**

Employees in positions of authority who enter into or persist in consensual romantic or sexual relationships without reporting them, or who fail to cooperate in efforts to eliminate the conflict of interest or appearance of impropriety they present, will be subject to disciplinary action, up to and including termination.

Approved: July 15, 2014

## **WORKPLACE VIOLENCE**

### **POLICY STATEMENT**

Mecklenburg County is committed to promoting and maintaining a workplace that is safe and free from violence for staff and customers using county facilities by strictly prohibiting workplace violence, outlining preventative measures, and educating staff on appropriate responses.

All employees, customers, vendors and business associates should be treated with courtesy and respect at all times. Acts of violent behavior including direct or indirect threats, intimidation, bullying, or similar acts, and/or coercion between or among employees in the work place or job related contacts with residents or persons outside County employment will not be tolerated. Employees are expected to refrain from fighting, "horseplay" or other conduct that may be dangerous to others.

## **SCOPE AND AUDIENCE**

This policy applies to the following (including but not limited to):

County employees, contract and temporary workers, and anyone else on property owned, operated, or controlled by the County. Moreover, this also applies to off County premises, where the perpetrator is someone who is acting as an employee or representative of the County at the time, or where the victim is an employee who is exposed to workplace violence (as defined in this policy), or where there is a reasonable basis for believing that this violence may affect the safety of personnel within the workplace.

## **DISCIPLINE AND CRIMINAL PROSECUTION**

Any employee who exhibits violent behavior, makes threats or otherwise violates this policy may be subject to criminal prosecution and will be subject to disciplinary action up to and including termination.

## **DEFINITIONS**

For purposes of this policy, workplace violence is defined as a single behavioral act or series of behaviors which constitutes actual or potential assault, battery, harassment, intimidation, threats or similar actions, attempted destruction, or threats to county or personal property, or any other behavior that creates reasonable fear or intimidation in response to others; which occurs while using county resources, at a county work location, or while an individual is engaged in county business.

- **Threat:** The expression of the intent to cause harm to property or to cause mental or physical harm to persons or engaging in behavior that causes a reasonable fear of such contact
- **Physical Attack:** Unwanted or hostile physical contact such as, but not limited to, hitting, fighting, pushing, shoving or throwing objects
- **Intimidation:** Includes, but not limited to, stalking or engaging in actions reasonably perceived by the victim to menace, frighten, and/or coerce, or to be placed in reasonable fear for his or her safety
- **Strictly Prohibited:** Neither the spirit nor intent of this policy shall be violated. Violations will result in disciplinary action up to and including termination of employment.
- **Court Order:** An order by a Court of competent jurisdiction that specifies and/or restricts the behavior of an individual.
- **Domestic Violence:** Any act of violence prohibited by North Carolina law. Mecklenburg County recognizes that domestic violence may occur in relationships regardless of the marital status, age, race, or sexual orientation of the parties.
- **County Security Director:** is the primary contact person and has the authority to assume or delegate the duties required of this policy (see contact information below in next section).
- **Threat Management Team:** multi-disciplinary leadership team designated under this policy to receive, respond to, and resolve reports of problematic behavior. This team includes the following, and may be expanded at the team's discretion: Security Director, Risk Management Senior Safety Coordinator, Deputy County Attorney, Human Resources Director, and Sr. Associate Attorney (HR).

## **REPORTING THREATS OR ACTS OF VIOLENCE**

Anyone who believes that he or she is a victim of threatening or violent conduct in the workplace, or who observes such behavior or reasonably believes a credible threat of such behavior exists, should immediately report the conduct. Those who make such reports in good faith will be

protected from any retaliatory employment actions. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior.

- If an emergency exists and the situation is one of immediate danger, the individual shall contact the local police officials by dialing 911 when it is safe to do so, and may take whatever emergency steps are available and appropriate to protect and defend himself/herself from immediate harm, such as leaving the area or hiding out.
- If the situation is not one of immediate danger, the individual shall report the incident to County Security Director (o) 980-314-2505 or (m) 704-622-0554 or [Security@Mecklenburgcountync.gov](mailto:Security@Mecklenburgcountync.gov) and the appropriate supervisor or manager.

Employees who have a signed court order against an individual due to acts of violence, who would be in violation of the order by coming near them at work, shall immediately supply a copy of the signed order to their supervisor. The supervisor shall provide copies to the Department Director, the Director of Human Resources, and County Security Director.

Behavior or changes in an individual's behavior that might indicate a propensity for violent behavior shall also be reported to a supervisor, the Employee Service Center, or the County Security Director.

Indicators of potentially violent behavior may include:

- Use of drugs and/or illegal drugs
- Unexplained increase in absenteeism, and/or vague physical complaints
- Depression and/or withdrawal
- Severe mood swings, and noticeably unstable or emotional responses
- Increasingly talks of problems at home
- Unsolicited comments about violence, firearms, and other dangerous weapons and violent crimes.

Reports made under the policy will be treated with the highest degree of discretion and will be promptly investigated by the County Threat Management Team. The County is committed to maintaining a non-retaliatory environment for employees who make a good faith report under the policy.

The following procedures shall apply in the event of an emergency situation:

- All communication with immediate relative(s) and other employees shall be handled by the Director of Human Resources, or his or her designee.
- All communications with the media shall be directed to and handled by Public Information.

### **PREVENTING FUTURE ACTS OF VIOLENCE**

Mecklenburg County establishes a workplace violence prevention and intervention program, which provides the following:

- *Awareness* – Provide all employees with awareness of the County's Workplace Violence Prevention Policy and any related requirements under this policy (e.g., reporting requirements).
- *Training* – Opportunities for employees to participate in workplace violence prevention and intervention training to include applicable risk factors associated with workplace violence and proper handling of emergency situations in order to minimize the risks of violent incidents occurring in the workplace.

All department directors shall:

- Make available to all department employees any and all material related to the County's workplace violence prevention and intervention program that has been distributed to each respective department, including but not limited to this workplace violence prevention policy, safety and security awareness announcements, alerts, newsletters, etc.
- Complete the departmental workplace violence awareness and the prevention program assessment checklist and submit the completed checklist to [security@mecklenburgcountync.gov](mailto:security@mecklenburgcountync.gov) (annual requirement)
- Ensure workplace violence and active shooter emergency procedures are identified in departmental building emergency action plans.

Where there are concerns of threats of violence, any of the following should be considered:

- Save any threatening e-mail or voice-mail messages. These can potentially be used for future legal action, or can serve as evidence that an existing restraining order was violated.
- Obtain a restraining order that includes the workplace, and keep a copy on hand at all times. The employee may consider providing a copy to the police, his/her supervisor, security, or human resources.
- Provide a picture of the perpetrator to reception areas and/or security.
- Identify an emergency contact person should the employer be unable to contact the victim.
- If an employee receives what they believe to be a threat, it is recommended they contact law enforcement to file a police report (law enforcement will not accept third-party reporting).

**Follow the above reporting guidelines within this policy.**

### **PROHIBITED POSSESSION AND USE OF HANDGUNS AND WEAPONS**

Employees, contractors, and visitors are prohibited from the possession of a firearm, with or without a concealed carry permit, or any other deadly weapon on County property or in County owned or leased vehicles. Employees and contractors, who are required to possess a weapon as a part of their job duties, are exempt from this provision if approved by the County Security Director and County Attorney's Office. Moreover, sworn law enforcement officers are exempt from this provision if acting in an official law enforcement capacity.

Employees with a concealed handgun permit may, nevertheless, secure their handgun on County property in a locked, private vehicle within a trunk, glove box, or other enclosed compartment or area within or on the private vehicle. While off-duty, employees with concealed handgun permits may carry their guns on County parks and recreation facilities subject to the same restrictions as other members of the public.

For purposes of this policy the terms and provisions of the County Ordinance on deadly weapons applies.

### **RIGHT TO SEARCH**

The County reserves the right to search County vehicles, County work spaces, and other property owned, operated, or controlled by the County. Any illegal object found will be turned over to law enforcement authorities.

**FITNESS-FOR-DUTY EVALUATION**

At the discretion of the Director of Human Resources, an employee showing symptoms of potentially violent behavior may be ordered to submit to a psychological evaluation to determine the employee’s fitness for duty.

Revised: July 1, 1997 Revised: November 2, 1998	Revised: April 20, 2005 Revised: September 23, 2005	Revised: March 1, 2011 Revised: March 12, 2012
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**DOMESTIC VIOLENCE PROTECTION**

Pursuant to GS 95-270 (a) the County shall not discharge, demote, deny a promotion, or discipline an employee because the employee took reasonable time off from work to obtain or attempt to obtain a domestic violence protective order pursuant to Chapter 50B of the NC General Statutes or a Civil No-Contact Order pursuant to Chapter 50C of the NC General Statutes. An employee who is absent from the workplace shall follow the County’s usual time-off policy or procedure, including advance notice to their supervisor, unless an emergency prevents the employee from doing so. The County may require documentation of any emergency that prevented the employee from complying in advance with the usual time-off policy or procedure, or any other information available to the employee which supports the employee's reason for being absent from the workplace. The County may also seek a Civil No-Contact Order on behalf of an employee who has suffered unlawful conduct from any individual that can reasonably be construed to be carried out, or to have been carried out, at the employee’s workplace pursuant to The NC Workplace Violence Protection Act (GS 95-260, et seq.)

Approved: July 29, 2013		
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**MECKLENBURG COUNTY TOBACCO AND SMOKING REGULATIONS**

The Mecklenburg Board of County Commissioners (BOCC) approved tobacco and smoking regulations, effective March 18, 2015. These regulations establish smoke-free government buildings, vehicles, and grounds and a tobacco-free Mecklenburg County park system (excluding six golf courses and some regional parks). The regulations apply to County employees, contractors, volunteers, and others performing services for the County and provide that violations of these regulations may result in disciplinary consequences. For more information about these regulations, please visit the Tobacco Free Mecklenburg webpage.

**TOBACCO USE POLICY**

In recognition of the health risks identified in the BOCC’s smoke-free and tobacco-free regulations, County employees, contractors, volunteers, and others performing services for the County are prohibited from smoking, using smokeless tobacco (chew, dip, snuff) and/or electronic or other nicotine delivery devices (electronic cigarettes, cigars, hookahs, pipes, etc.) in:

- County, City and Town Buildings.
- County, City and Town Grounds.
- County, City and Town Vehicles.
- County Park System, and
- Buildings located within the County Park System.

Employees who violate this policy or the BOCC’s smoke-free and tobacco-free regulations will be subject to disciplinary action.

**Quitting/Cessation Resources**

The County is committed to providing a healthy work environment. To help achieve this goal, employees are encouraged to seek assistance in cutting back or quitting smoking or other tobacco use. The County offers access to and supports voluntary employee participation in a variety of

smoking and tobacco-use cessation programs. In addition, the North Carolina Tobacco Use Quitline 1-800-QUIT-NOW (1-800-784-8669) is a free quit support service.

**Definitions**

For purposes of this policy, the following shall be defined as:

- City** - The City of Charlotte
- Town** - The Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville
- Building** - A building or enclosed area leased, owned, or occupied by the County, City, or Town(s).
- Grounds** - An area leased, owned, or occupied by the County, City, or Town(s), including parks, greenways, and parkland. The following are excluded from this definition and therefore not subject to this policy or the BOCC regulations: Charlotte Douglas International Airport; the state of North Carolina property; and public streets, sidewalks, or alleyways.
- Park System** - County parks, playgrounds, natural areas, recreational trails and greenways, and streams or other bodies of water.
- Vehicle** - A vehicle leased, owned, or otherwise controlled by the County, City, or Town(s)

Approved: October 21, 2014	Effective Date: March 18, 2015	
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**MEDIATION**

Conflict sometimes occurs in the workplace and, if left unresolved, may create bigger problems. Mecklenburg County Human Resources has a mediation service designed to help employees, teams, supervisors and managers resolve disputes before they develop into lost productivity, decreased morale, disciplinary actions or grievances. The County’s mediation program emphasizes personal responsibility, helping people move from an adversarial mode to a problem-solving mode and creating solutions that last.

Mediators from a pool of trained County employees guide disputing parties to resolution. Any employee, supervisor or manager may request mediation services from Human Resources. Participating in mediation may either be voluntary or mandated by the department director/designee.

Revised: October 14, 1998 Revised: July 14, 2003	Revised: September 23, 2005 Revised: March 1, 2011	
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**GRIEVANCES**

The County is committed to providing employees an effective and responsive grievance process. Prior to filing a formal grievance, employees are encouraged to discuss their concerns with their supervisor. Grievances follow 2 procedures—one for general grievances and one for grievances alleging prohibited practices.

**GENERAL GRIEVANCES**

Full-time, part-time and limited part-time employees may file a general grievance with their supervisor related to the following actions:

- Needs Improvement Performance Review Rating (For all other ratings, an employee may write a response indicating any concerns).
- Transfer
- Promotion
- Unsafe working conditions

Employees must file a written grievance with their supervisor/manager within 10 working days from the date an issue which is the basis for the grievance occurs or is discovered. A copy will be sent to Human Resources. The grievance should contain the following information:

- The decision, action, or policy the employee does not agree with
- The basis on which the action is wrong or unfair
- The proposed resolution the employee is seeking

Supervisors must submit a written response to the employee within 10 working days. A copy must be sent to Human Resources. If the employee is not satisfied with the response, they may appeal up to the department director.

Revised: March 12, 2012

Revised: July 1, 2014

## **GRIEVANCES ALLEGING PROHIBITED PRACTICES**

Every employee has a duty to immediately report harassment so that the County can try to resolve the situation and conduct a prompt and thorough investigation. Refer to the [Harassment Policy](#) for more information about harassment and how to report it. Full-time, part-time and limited part-time employees may file a grievance with Human Resources if it involves allegations related to the following:

- Harassment or Discrimination based on **race, religion, color, national origin, ancestry, citizenship, sex, sexual orientation, gender, gender identity, age, genetic information, political affiliation, protected disability or military/veteran status, and any other status protected by federal, state, or local law**
- Discrimination against the disabled
- Pregnancy discrimination
- Retaliation

Employees must file a written grievance with Human Resources within 30 days from the date of the alleged event. The grievance should contain the following information:

- The decision, action, or policy that allegedly violates prohibited practices, for example, discrimination based on age, race, color, sex, national origin, religion, disability or political affiliation
- A list of witnesses or relevant documents supporting the allegation
- The proposed resolution the employee is seeking

Human Resources will investigate and will make a written report to the appropriate department director, who will take appropriate action to resolve the grievance. The employee will be notified by letter of the grievance finding(s) and closure.

## **APPEALS OF PROHIBITED PRACTICE GRIEVANCE FINDINGS**

If the employee or department director is not satisfied with the findings of Human Resources in a prohibited practices grievance, either may appeal to the County Manager's Office. The County Manager will designate two Assistant County Managers to review the appeal.

The appellant must file the appeal within 10 working days from the date of his/her receipt of the grievance findings from Human Resources. The Assistant County Managers will review the grievance within 30 working days. The scope of the appeal shall be limited to those issues raised in the written grievance.

The Assistant County Managers will review the following documents before rendering a decision:

- Witnesses statements gathered during the HR investigation
- The Human Resources investigation documents

- The Human Resources written report
- The written appeal of the employee or department director.

The Assistant County Managers shall make a recommendation and submit a written report to the County Manager, who will make a final determination.

Revised: July 29, 2013	Revised: July 1, 2014	
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### REASSIGNMENT

Reassignment is an option for managers and employees which may be initiated by either party.

Voluntary reassignment is not a component of the disciplinary process or intended to be used in lieu of termination. It may be used as a positive tool to recognize the abilities of employees and the possibility of misplacement in a particular job. Voluntary reassignment represents a mutual decision between the employee and the manager; therefore it is not subject to appeal. See Section III for a discussion of compensation issues related to reassignment.

Involuntary reassignment is an option for management when an employee is unwilling to accept voluntary reassignment. Involuntary reassignment is subject to applicable law, is subject to the approval of the department director or directors if the employee is crossing departmental lines, and is subject to prior review by the Human Resources Director. In the event department directors disagree as to whether an employee should be involuntarily reassigned across departmental lines, the County Manager or his designee will decide. Employees may appeal involuntary reassignments in writing within 10 working days to the County Manager whose decision will be final. Employees who undergo involuntary reassignment may be subject to compensation changes consistent with the difference in position classifications at the discretion of the County Manager or his designee. If an employee chooses not to accept the involuntary reassignment, the employee will be deemed to have resigned from the County.

Revised: May 4, 2000	Revised: March 2, 2004	Revised: September 23, 2005
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### DISCIPLINE

As an organization, we are deeply committed to our work philosophies and expectations which serve as guidelines for our conduct and performance. When employees do not perform or behave in a manner consistent with these philosophies and expectations, leaders are expected to address these issues through the disciplinary process.

The approach to discipline begins with an understanding that improvement is the primary emphasis while disciplinary action is the final resort. The focus of the disciplinary process is corrective action.

### **RESPONSIBILITY**

All supervisors/leaders are responsible for a consistent approach to discipline for inappropriate conduct and unsatisfactory job performance and attendance. Consistency is very important; however, given the diversity of the work processes within our organization, leaders are expected to use their best judgment for the appropriate application of discipline. The County's policies and procedures, and particularly Employee Relations policies, as well as organizational/departmental missions and accountabilities, serve as the foundation for disciplinary decision making. All problems should be addressed and solved as quickly as possible and at the lowest appropriate level.

Each department director or designee is responsible for the timely and thorough documentation of all disciplinary actions. Copies of all formal disciplinary documentation must be included in the employee's permanent personnel file. It is the supervisor's responsibility to apply discipline on a consistent basis in accordance with County policy. It is the employee's responsibility to correct problems on which disciplinary action is based.

## DISCIPLINARY PROCESS AND EMPLOYEE STATUS

When disciplinary action is necessary, supervisors will follow the appropriate disciplinary process depending upon employee status as outlined below:

### Full-time, Part-time, and Limited Part-time Employees

Except as otherwise provided herein, progressive discipline is used to correct unsatisfactory job performance, attendance or conduct of an employee who has successfully completed a provisional period.

Progressive discipline consists of (a) coaching, (b) a first and a second written reminder, (c) a decision-making deliberation, and (d) termination, as the final step. While the County is committed to the principles of progressive discipline, it reserves the right to combine or skip steps depending on the facts of each situation and the nature of the conduct. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling or training; the employee's work record; and the effect the conduct and performance issues have on the County.

Progressive discipline is not applicable in every instance where disciplinary action is warranted. An employee may be terminated immediately without prior reminders or progressive discipline for gross misconduct or grossly inefficient job performance. Gross misconduct includes, but is not necessarily limited to: any act or omission which may seriously disrupt or disturb the normal operation of the County; any work-related conduct which could subject the employee to criminal conviction; theft or dishonesty; gross insubordination; intentional destruction of County property; falsification of records; acts of moral turpitude; reporting for duty under the influence of intoxicants; use of County vehicles while under the influence of intoxicants; the illegal use, manufacture, possession, distribution, or dispensing of controlled substances or other illegal substances; disorderly conduct; workplace violence; or such other similar acts involving intolerable behavior by the employee. Gross insubordination is a willful disregard of express or implied directions of the County or a supervisor, or a refusal to obey reasonable orders. Grossly inefficient job performance is performance that fails to satisfy requirements of the job or of the employee's work plan where such failure results in: (1) the creation or continuation of a risk of death or serious bodily injury to an employee or to any other person, or (2) loss of or damage to county property or funds that results in significant negative impact on the County or on the department or on the ability of that employee to function effectively thereafter.

**Employees may be terminated from employment if they can no longer, with or without reasonable accommodations, meet the essential functions and requirements of their jobs.**

Revised: July 1, 2014	Revised: September 13, 2016	
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### Provisional Employees

Employees who have not attained full-time, part-time, or limited part-time status and are still in the provisional period may be terminated for unsatisfactory job performance, attendance or conduct without following the progressive discipline process. There is no right of appeal for provisional employees.

Appropriate documentation of the termination will be included in the employee's personnel file.

### Temporary Employees

Temporary employees may be terminated immediately without following the progressive discipline process. There is no right of appeal for temporary employees. Appropriate documentation of the termination will be included in the employee's personnel file.

Revised: July 1, 2014	Revised: October 5, 2016	
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## **PROGRESSIVE DISCIPLINE PROCEDURES**

In general, supervisors should take the following progressive steps in the event an employee has a conduct, performance or attendance problem that needs correcting.

### **Coaching**

When unsatisfactory conduct, job performance or attendance is first observed, the supervisor should coach the employee to see if it can be corrected without becoming a disciplinary issue.

Coaching is a planned-for discussion between a supervisor and an employee about the need to improve conduct, performance or attendance. It is not a formal step of disciplinary action, but shall be documented using a performance discussion worksheet or an improvement plan. The supervisor maintains the document, which shall not become part of the personnel file unless problems continue. Coaching is appropriate anytime a supervisor believes an employee should be performing an element of the job more effectively, needs to improve availability for work, or is not following rules, procedures or policies.

If unsatisfactory conduct and/or job performance continues, the supervisor shall begin formal disciplinary procedures to include two written reminders, a decision-making deliberation and, if the problem is not corrected, termination. A supervisor may move directly to the decision making step in the disciplinary process or recommend termination without written reminders for serious misconduct or grossly inefficient job performance. Decision-making deliberation is the final step prior to termination in the progressive discipline process.

### **Written Reminder 1**

The first written reminder serves as notification to an employee that a level of conduct, performance or attendance is currently below the standards that are expected. It places the responsibility for corrective action(s) on the employee and reminds the employee of the organization's work philosophies and expectations. Employees may provide a written response to be included in the personnel file. With a written reminder, the supervisor and the employee will develop an improvement plan establishing specifically what needs to be corrected within a reasonable period of time. The Written Reminder 1 and improvement action plan shall be signed, dated and filed in the employee's County personnel records. A copy shall be given to the employee.

### **Written Reminder 2**

If the conduct, performance or attendance does not improve after the first written reminder, a second written reminder may be issued outlining further corrective action and appropriate time frames for improvement.

The County's discipline policy is progressive in nature; therefore, the Written Reminder 1 and Written Reminder 2 need not be related. The Written Reminder 2 and improvement action plan shall be signed, dated and filed in the employee's County personnel records. A copy shall be given to the employee.

### **Decision-making Deliberation**

If there is insufficient improvement following the second written reminder, the employee may be issued notice for decision-making deliberation. On the day this notice is issued, the employee will be provided time off for the remainder of the work day to consider this matter and prepare a response. The response is due no later than the start of the next business day. This action is not subject to appeal. The decision-making deliberation serves as a demonstration of management's seriousness, a time for the employee to consider their responsibilities and the expectations of the supervisor, and a time for the employee to consider future options, which are to correct the immediate problem and return to their job with a commitment to successfully perform in every area of the job, or resign.

If the employee decides to return to their job, he/she will meet with the supervisor to develop in writing an improvement plan establishing specifically what needs to be corrected and within what time frame. It is the employee's responsibility to solve the specific problem and commit to acceptable performance in every area of their job. If conduct, performance or attendance continues to be unsatisfactory, it may lead to termination.

If the employee resigns, a letter of resignation must be submitted to the supervisor. The resignation is effective immediately.

Revised: July 1, 1997 Revised: May 4, 2000	Revised: July 1, 2002 Revised: September 23, 2005	Revised: August 22, 2011 Revised: October 5, 2016
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## TERMINATION PROCEDURES

If disciplinary action proceeds toward termination of employment, the supervisor shall consult with the HR Director or designee to ensure consistency and equitable treatment when gathering needed information. If the recommended termination is for grossly inefficient job performance, the department representative and/or HR representative shall notify the County Manager/Designee prior to the Fact-Finding Conference.

Except for terminations based on an employee's failure of, or refusal to take, a drug or alcohol test, the he following steps must be completed as expeditiously as reasonably possible:

1. Fact-finding Conference—An information gathering session between the employee, their supervisor, and the Human Resources Director or designee to discuss conduct, performance or attendance and to evaluate circumstances that may lead to disciplinary action up to and including termination.
2. Pre-determination Review (PDR): A conference between management and the Human Resources Director or designee to determine if fact-finding results support a recommendation for termination and to insure consistency and equitable treatment. If a department director delegates PDR responsibilities, the designee must be a division manager or higher.
3. Presentation of the Statement of Allegations - A meeting involving the employee, the employee's supervisor, department director or designee and HR Director or designee to present the details of the allegations that have resulted in a recommendation for the employee's termination. The Statement of Allegations will include exactly what actions have occurred, what improvements have not been made, and that termination has been recommended. The employee will be given the opportunity to respond to the basis for recommended termination at the Pre-Termination Conference.
4. Pre-Termination Conference (PTC) - A meeting which includes the employee, the employee's supervisor, department director or designee and HR Director or designee, and is held to allow the employee the opportunity to provide a response to the Statement of Allegations.
5. Final Decision Conference - A meeting involving the employee, the employee's supervisor, department director or designee and HR Director or designee to provide the employee the final decision regarding termination. In the event termination is decided, a termination letter stating the specific reasons for termination and the employee's appeal rights will be given to the employee. A copy of the letter will be placed in the employee's permanent personnel file.

The termination meetings shall, to the extent practical, be held in person. The County may require an employee on leave to report to work for purposes of conducting the termination meetings. If the employee will not or cannot meet in person for any of the termination meetings, the meetings shall be held via conference call or similar communication method, or through written or electronic communication. Failure of an employee to participate in the termination meetings shall result in

the employee's termination based on the Statement of Allegations.

When a termination is based on an employee's failure of, or refusal to take, a drug or alcohol test, the HR Director or designee will provide the employee a termination letter stating the specific reason for termination and opportunity to resign. A copy of the letter will be placed in the employee's permanent personnel file.

Revised: February 26, 2010 Revised: December 21, 2010	Revised: August 22, 2011 Revised: September 13, 2016	Revised: October 5, 2016
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### TERMINATION APPEAL

Mecklenburg County policy affords full-time, part-time and limited part-time employees the right to appeal termination and be heard by an Employee Review Panel. An employee may waive their right to appeal in writing in order to expedite termination. Failure to appear for hearing waives the employee's right to be heard.

The right to a termination appeal before an Employee Review Panel does not apply to reductions in force. Refer to **Reduction in Force** policy for appeal procedures.

### EMPLOYEE REPRESENTATIVE

If an employee decides to appeal a recommendation for termination, they may choose to select an Employee Representative who has received training in Human Resources policy and procedures. The role of an Employee Representative is to assist the employee with completing the forms necessary to file an appeal, but does not participate in the hearing. The employee should contact Human Resources immediately so an Employee Representative may be assigned.

### APPEAL PROCEDURES

The appeal hearing is an informal hearing where the supervisor and the employee can both be heard before an impartial panel. The purpose of the hearing is to establish facts and assess the basis of the recommendation for termination. The designated representative from Human Resources or the County Attorney's Office will facilitate the appeal process according to the following procedures:

After receiving a recommendation for termination notice, an employee has 10 working days to file an appeal. If an employee appeals, they will be in a leave without pay status pending a final decision on the appeal and applicable benefits will not be paid out until that time. Failure by the employee to file a written [Request for Appeal](#), including the [Position Statement form](#), within the 10 working days will constitute abandonment of all appeal rights. If an employee does not appeal within the designated time frame, the recommendation for termination is final and all benefits owed to the employee will be paid out in the next pay period. All forms for filing a request for appeal and position statement are available from the employee's department or from Human Resources. The procedures for filing an appeal are as follows:

1. [Request for Appeal](#) - A written Request for Appeal must be filed with County Human Resources at 700 East Fourth Street, and must include a Position Statement.
2. [Position Statement](#) - The Position Statement should contain the decision, action, or policy that adversely impacted the employee, the basis on which the action is wrong or unfair, the employee's proposed resolution, and a list of witnesses and/or documents that support the employee's position. After the request for an appeal is filed, department representative(s) must identify its list of witnesses that may be called at the hearing. The scope of the hearing will be limited to the issues and witnesses identified in the Position Statement.

Revised: July 1, 1997 Revised: September 23, 2005	Revised: February 26, 2010 Revised: March 1, 2011	Revised: January 18, 2012
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### THE FACILITATOR

To ensure the hearing process is completed in a consistent and efficient manner, the Employee Review Panel will function with a facilitator. The role of the facilitator will be filled by the designated representative from Human Resources or the County Attorney's Office. Primary responsibilities include:

1. Ensuring panel members are free of conflict.
2. Facilitating the selection of a Panel Chairperson.
3. Convening the hearing.
4. Informing all parties of the hearing procedures.
5. Notifying witnesses.
6. Acting as parliamentarian.
7. Closing the hearing.
8. Sending the final ERP decision to the employee and the department.
9. Advising the panel on policy interpretation and precedents.
10. Providing training to panel members.

The facilitator will remain impartial to all discussions and will be available to clarify procedural issues. The facilitator will be present during the presentation of facts but will not be present during the deliberations by the Employee Review Panel unless requested by the chairperson to clarify policy, procedures or precedents necessary to the decision making process.

### THE HEARING

An effort will be made to hold the hearing in a place convenient and accessible to everyone participating in the hearing. The hearing will not be more than 20 working days after receipt of the completed Request for Appeal. Hearings may be postponed beyond 20 days for good cause with the approval of the Human Resources Director.

The Employee Review Panel may access any relevant confidential information which may have significance to the recommendation for termination. Panel members will sign a statement of confidentiality prior to each hearing.

### CONDUCT OF HEARING

Each party will be given up to one hour to present oral and written testimony on the events leading to the recommendation for termination and pertinent information to justify the appeal, including witnesses. Any additional time needed for the presentations must be approved by the Hearings Facilitator. Questions by panel members will not be charged against the time period for presentations. Each party will be given up to 15 minutes for a closing summary. Legal and/or personal representatives will not be present during this proceeding. Persons with disabilities requiring assistance may utilize a qualified interpreter and/or reader. All hearings will be audiotape recorded.

Revised: July 1, 1997 Revised: September 23, 2005	Revised: March 1, 2011 Revised: July 1, 2014	
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### DECISIONS OF THE PANEL

The decisions of the Employee Review Panel will be consistent with County policy. Panel decisions are to be made within three working days after completion of the hearing. The Panel chairperson will prepare the recommended findings and decision. The Panel will either recommend reinstatement or uphold the recommendation for termination. The Panel's recommendation will be sent to the County Manager who will make a final and binding decision on behalf of the County, including terminations involving allegations of prohibited practices. Once a final decision is made, Human Resources will notify the employee, the department director, and

the Panel Chairperson within three working days of receipt of the final decision. A copy will be included in the employee's permanent personnel file.

EMPLOYEE REVIEW PANELISTS SELECTION

A pool of panelists will be established and maintained at a level sufficient to facilitate timely appeals hearings. Panelists must meet the following criteria:

1. Two years of employment with the County (not applicable to Assistant County Managers or Department Directors)
2. No record of written disciplinary actions during the past 2 years or while serving on panel
3. Good communication skills
4. Good listening skills
5. Honesty
6. Fairness/impartiality
7. Objectivity
8. Ability to make decisions based only on the evidence
9. Commitment to maintain confidentiality
10. Successful completion of panelist training

Department directors will be notified of employees wishing to serve as panelists to insure the department's support for time away from work to participate. Panelists will serve a three year term and may serve more than one term, depending on the need as determined by the HR Director.

Panelists will be selected for the pool as needed, by the HR Director or designee who will monitor the size and diversity of pool representation, along with expiration dates and vacancies.

Revised: July 1, 1997 Revised: September 23, 2005	Revised: March 21, 2011 Revised: July 1, 2014	
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EMPLOYEE REVIEW PANEL COMPOSITION

All appeals are heard by an Employee Review Panel comprised of three members. If the appellant is a non-supervisory (i.e., hourly) employee, the panel will consist of one management representative and two employee representatives. If the appellant is an exempt supervisor, manager or professional level employee, the panel will consist of two management representatives and one employee representative. Every panel will have either an Assistant County Manager or a Department Director. Selection of panel members will be facilitated by an HR representative and will take place immediately after an appeal has been filed with HR. The appellant will randomly select the names of management level and employee level panelists from the appropriate pools, along with one alternate from the employee pool and one alternate from the management pool. To avoid an actual or apparent conflict of interest, the Human Resources representative will review the names drawn and will disqualify the selected panelists who work in the same department as the appellant, have specific knowledge of the circumstances, and/or are relatives of the appellant. The selected panelists will be promptly notified to verify availability and to schedule the hearing.

Revised: March 21, 2011		
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REMOVAL OF DISCIPLINARY DOCUMENTATION

Employees may request removal of disciplinary documentation after two years.

Revised: March 21, 2011		
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NON-DISCIPLINARY SUSPENSION

A County employee may be suspended with pay for investigatory purposes for the following reasons:

1. To investigate the circumstances surrounding an alleged violation of County policy;

2. To investigate an act allegedly done in the scope and course of employment which might constitute a criminal or civil offense;
3. To investigate when an employee is charged with a criminal offense or becomes a party to a civil action not arising out of the scope and course of employment, to determine if the circumstances cast substantial doubt on the employee's ability to satisfactorily perform their normal duties or result in a lack of public confidence in the delivery of County services were the employee to remain in their position.

A department director, with the approval of the Human Resources Director, may suspend an employee for up to three working days to conduct an investigation. When additional time is needed to complete the investigation, the County Manager or designee may authorize an extension.

Following an investigation of an employee's actions which involve possible criminal charges or civil actions, the department director will determine what disciplinary action, if any, to take. The department director may take disciplinary action even if criminal charges or civil actions are pending or dismissed. After conclusion of the criminal or civil proceedings, the department director may review pending disciplinary decisions to determine if disciplinary action is necessary.

Originally Approved: July 1, 1997	Revised: September 23, 2005	
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### UNPAID SUSPENSION

Depending on the seriousness of the infraction being investigated, an employee may be suspended without pay in full-day increments consistent with federal, state and local laws. Nonexempt/hourly employees may not substitute or use an accrued paid benefit time in lieu of the unpaid suspension. Due to Fair Labor Standards Act (FLSA) compliance issues, unpaid suspension of salaried/exempt employees is reserved for infractions of workplace conduct rules or serious workplace safety issues involving the safety of the workplace or other employees. Pay may be restored to the employee who was placed on an unpaid suspension if an investigation of the incident or infraction absolves the employee. The employee has the right to appeal an unpaid suspension. The procedure for filing an appeal is set forth in Section IV of Human Resources Policy and Procedure.

Approved: February 24, 2015		
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### EXIT INTERVIEWS

The County requires all full-time and part-time employees who leave County employment voluntarily participate in an exit interview.

Human Resources will assure exit interviews are completed no later than the last working day of the employee's employment.

Human Resources will follow a standard checklist and interview format to serve as a guideline for conducting the interview. (See "[Separation of Employment Checklist](#)" at the end of **Section V**.) Depending on the extent of the information to be discussed, the interview may be conducted in private, electronically, or through a combination of both methods. The purpose of these interviews is to allow the employee the opportunity to provide feedback on the reason the employee is leaving County employment and to request suggestions for improvement in County operations. The exit interview will cover information regarding the employee's accrued leave benefits, the date the employee will receive the final pay check, conversion/withdrawal options for insurance and retirement benefits, any outstanding financial obligations the employee might owe the County, and all County-issued property the employee must return, including parking garage cards, cell phones, security badges, and keys. A repayment plan is determined for any financial obligations owed the County prior to the last date of employment. The interview will also include a request for a correct mailing address for the employee to facilitate the forwarding of correspondence, including COBRA notification and W-2 forms. At the conclusion of the interview, the employee and the

interviewer (if participating) will sign and date the exit interview checklist. Automated exit interviews will request electronic signature verification from the employee. If there are questions regarding pay and benefits that cannot be answered during this process, the employee should be referred to the appropriate Human Resources representative.

A copy of the completed exit package is submitted along with letters of resignation or other related documentation to Human Resources and filed in the employee's permanent file. Any feedback provided by the employee on improvements or concerns regarding County operations should be evaluated and shared with the appropriate County officials.

Originally Approved: July 1, 1997	Revised: September 23, 2005	Revised: July 1, 2014
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## MECKLENBURG COUNTY EMPLOYEE'S GRIEVANCE FORM

***Note to employee: You must select the type of grievance from the three options below.***

### **General**

- Performance increase, Transfer, Promotion, Unsafe Working Conditions

### **Prohibited Practices**

- Harrassment and/or Discrimination based on race, religion, color, national origin, ancestry, citizenship, sex, sexual orientation, gender, gender identity, pregnancy, age, genetic information, political affiliation, protected disability or military/veteran status, and any other status protected by federal, state, or local law.
- Retaliation

\_\_\_\_\_  
Employee Name/Title

\_\_\_\_\_  
Phone or E-mail

\_\_\_\_\_  
Department/Division

***Instructions: Please complete the following questions and attach documents that support your statements.***

1. What decision, action or policy has had an adverse impact on you?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. On what basis is the action wrong or unfair?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. What do you recommend should be done to resolve this issue?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date



## MECKLENBURG COUNTY EMPLOYEE REVIEW PANEL REQUEST FOR APPEAL

**(Must be filed within ten (10) working days following notice of termination. Failure to file within the designated time-frame will constitute abandonment of appeal rights.)**

I am appealing the recommendation for my termination. Attached is my Position Statement and documentation on this issue.

**I AUTHORIZE THE EMPLOYEE REVIEW PANEL TO ACCESS ANY CONFIDENTIAL INFORMATION FROM MY PERSONNEL FILE THAT IS RELEVANT TO THIS MATTER, CONSISTENT WITH THE REQUIREMENTS OF G. S. 153A-98(a)(6).**

I understand that the Employee Review Panel (ERP) will convene a hearing within twenty (20) working days. At that hearing I will have a maximum of one (1) hour in which to present to the ERP any additional pertinent information, including witnesses, to support my position. An equal amount of time will be given to the department to support the recommendation for termination, and each will be afforded a fifteen (15) minute summary. I understand that I will represent myself during this proceeding.

A decision will be rendered by the ERP within three (3) working days, unless additional time for investigation is required by the Employee Review Panel.

I understand that the recommended decision of this Panel will be referred to the County Manager for a final and binding decision.

I understand that if I wish to withdraw my appeal, it must be done in writing no later than 2 working days before the scheduled hearing.

All requests to re-schedule a hearing will be decided on a case-by-case basis.

Failure to appear within 15 minutes of the scheduled hearing forfeits your right of appeal.

**YOU MUST FILE THIS APPEAL IN PERSON. PLEASE CONTACT COUNTY HUMAN RESOURCES AT (980) 314-2709 TO SCHEDULE AN APPOINTMENT.**

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Employee Signature

Date

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Human Resources Representative

Date



## MECKLENBURG COUNTY EMPLOYEE REVIEW PANEL EMPLOYEE'S POSITION STATEMENT

\_\_\_\_\_  
Employee/Title

\_\_\_\_\_  
Department/Division

**INSTRUCTIONS:** Please complete the following questions. This statement must be submitted with a Request for Appeal form.

(1) On what basis is the recommendation for termination unfair?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) What do you recommend should be done to resolve this issue?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) List of witnesses

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(4) List of documents you intend to present

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date



**MECKLENBURG COUNTY EMPLOYEE REVIEW PANEL  
DECISION AND FINDINGS**

**APPELLANT:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**SUBJECT:** A HEARING was convened on \_\_\_\_\_  
(Date and Time)

It is the decision of this Employee Review Panel that the following action is to be taken:

Recommendation for Termination Affirmed ( )  
Recommendation for Termination Reversed ( )

Summary of Findings:

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\_\_\_\_\_  
Employee Review Panel Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Panel Member                      Date

\_\_\_\_\_  
Panel Member                      Date

\_\_\_\_\_  
Panel Member                      Date

\_\_\_\_\_  
Panel Member                      Date

**SEPARATION OF EMPLOYMENT CHECKLIST**

**To Be Discussed With the Employee Prior to Separation:**

- \_\_\_ Continuation of health benefits under COBRA (if applicable).
  - \_\_\_ Withdrawal or roll-over of retirement contributions (if applicable).
  - \_\_\_ Life insurance conversion information and form given to employee.
  - \_\_\_ 401 (k) and/or 457 termination information.
  - \_\_\_ Payment of unused vacation and sick leave.
  - \_\_\_ Payment of pro-rated longevity (if applicable).
  - \_\_\_ Forwarding address for W-2's and final check and date of final check
  - \_\_\_ Outstanding travel advances owed to the County (if any).
  - \_\_\_ Status of tuition repayment (applicable if separation of employment is less than two years from date of reimbursement).
  - \_\_\_ Sum of any other outstanding financial obligations the employee might owe the County and the repayment plan established.
- =====

**To Be Completed On or Before Employee's Separation Date:**

- \_\_\_ Exit Interview Form/on line process completed and sent to Human Resources
- \_\_\_ County documents and property turned in with appropriate follow-up (keys, manuals, car, County ID card, parking card, credit cards, etc.)
- \_\_\_ County uniforms turned in (if applicable)
- \_\_\_ Computer system security ID deletion form completed (to be submitted by employee's manager upon completion of voicemail and e-mail access)
- \_\_\_ Voicemail and e-mail passwords given to supervisor

**Failure to return all County property and resolve any outstanding financial obligations may result in a delay in receiving your final check. Outstanding financial obligations owed to the County may be deducted from the last paycheck and/or the employee's payout check.**

\_\_\_\_\_  
**Interviewer**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Employee**

\_\_\_\_\_  
**Date**

**Section V:**

**EMPLOYMENT PROCEDURES**

**STATEMENT OF EQUAL EMPLOYMENT OPPORTUNITY  
AND AMERICANS WITH DISABILITIES ACT**

Mecklenburg County will not engage in unlawful discrimination with respect to employment policy and practice, including with respect to race, color, religion, sex, national origin, disability, age and sexual orientation. Discrimination on the basis of age, sex, or physical disability is prohibited except where age, sex, or disability requirements constitute a bona fide occupational qualification necessary for performance of the essential functions of a job.

The County will comply with the Americans with Disabilities Act (ADA) which prohibits discrimination on the basis of a disability. The County will make reasonable accommodations upon requests of otherwise qualified disabled applicants and employees to enable them to perform essential job functions except where such accommodations may constitute an unreasonable hardship or jeopardize the health and safety of employees, applicants or the general public.

Revised: May 15, 2005	Revised: March 1, 2011	
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**FOR MORE INFORMATION ABOUT EMPLOYMENT PROCEDURES,  
PLEASE CONTACT THE  
EMPLOYEE SERVICES CENTER  
(704) 432-6947**

## EMPLOYMENT PROCEDURES

Human Resources has the responsibility for recruiting job applicants to fill budgeted job vacancies. This responsibility also includes limited part-time and temporary employment throughout the County. The department director has the authority to hire employees as long as the action complies with established policies and procedures. This authority may be delegated as the department director sees fit.

It is the joint responsibility of the Human Resources Director and the Budget Administrator to control employment in conformity with the budget. Any exceptions to this rule must be specifically approved by the Board of County Commissioners (BOCC); however, the Budget Administrator may approve limited part-time and temporary positions provided funds are available within the approved budget.

No positions will be filled unless properly posted. Any exceptions must be approved by the Human Resources Director.

### **LIMITED PART-TIME OR TEMPORARY STATUS TO FULL-TIME OR PART-TIME STATUS**

From time to time, Mecklenburg County will hire individuals to work in positions that have a limited part-time or temporary work status. These individuals are County employees and not temporary staffing agency employees. County limited part-time and temporary employees may be considered for comparable full-time or part-time positions posted departmentally (in-house). Limited part-time and temporary employees applying for promotional opportunities must follow the normal competitive selection process. Staffing agency temporary employees engaged through temporary agencies are not County employees and are not eligible to be considered for positions posted departmentally. These employees of staffing agencies can only be considered for positions posted externally through a competitive selection process.

Limited part-time and temporary County employees who meet minimum qualifications and are applying for comparable full-time and part-time positions should be interviewed. After the interviews have been completed, the applicant best suited for the position will be offered the position. All final candidates must satisfy all pre-employment requirements prior to beginning employment. Any limited part-time or temporary employee who has been drug tested more than eight weeks prior to the conditional job offer associated with the full-time or part-time position must be re-tested as a condition of employment, and the results must be negative.

Approved: October 9, 1998	Revised: December 19, 2003	Revised: July 1, 2014
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### **POSTING VACANT POSITIONS**

**All vacant positions within the County shall be posted a minimum of six (6) business days to provide internal and external candidates the opportunity to submit updated job applications, based on their interests in these openings.**

**Mecklenburg County has three posting options to use when filling vacant positions:**

#### **1. In-house Posting (Departmental)**

This option should be used first if departments are able to identify candidates from their current staff. All candidates must meet the minimum qualifications for the position as established by County Human Resources. The department will interview those candidates who have responded and are qualified. Once the interview is completed and references are checked, the final applicant must be scheduled for a drug test if their new position is a promotion. After a negative drug test result is received, the department will complete the offer.

**2. Internal Posting (For County Employees Only)**

This option has been established to provide County employees the first opportunity to apply for vacant positions. Internal postings are accessed via the employee intranet (<http://meckweb/cohr>) and are not accessible to the population at large. These postings may be updated on a daily basis. Candidates within the County will apply on-line for screening by the appropriate department.

**3. External Posting (All Candidates Interested in County Positions)**

This option allows departments to consider anyone who is interested in County positions. External vacancies may be updated on a daily basis and accessed in the following ways:

- ◆ **The website for Charlotte-Mecklenburg at [www.mecklenburgcountync.gov](http://www.mecklenburgcountync.gov)**
- ◆ **Human Resources at 700 E. 4<sup>th</sup> Street, Charlotte, NC 28202**

County employees applying for a position, within or outside their current department, who meet minimum qualifications, must be given serious consideration.

Revised: July 1, 1997 Revised: October 12, 1998	Revised: March 10, 2009 Revised: December 19, 2003	Revised: March 1, 2011
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MINIMUM QUALIFICATIONS FOR JOBS

All posted vacancies will include minimum qualifications and essential job functions. Minimum qualifications are determined by the Human Resources Director in accordance with policy obligations under the County's Equal Employment Opportunity (EEO) Program, the ADA, and other applicable laws. Applicants for all positions must at least meet the minimum qualifications, as determined by Human Resources, in order to be considered for employment. For hard to recruit positions, Human Resources may establish special trainee progressions if qualified applicants are not available. Trainees will be paid below the minimum of the salary range. Preferences may not be stated as minimum qualifications, but may be included under special requirements in the vacancy posting. Applicants between the ages of 16 and 18 must have a work permit from the Department of Social Services (DSS). Individuals in positions funded by certain Federal Grants may be as young as 14. The work permit will become a part of the employee's permanent personnel file.

Revised: June 8, 1998	Revised: October 12, 1998	
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LICENSING AND REGISTRATION

There are job classifications for which employees must be licensed, registered, and/or certified. These requirements will be included in the minimum qualifications on the vacancy posting.

It is the policy of the County to employ graduates after they have passed their boards or examinations. In some instances, individuals who are eligible to be licensed may be employed as trainees. Continued employment will be based upon successful completion of requirements for being licensed, registered and/or certified.

RECRUITING

Human Resources may use many sources to recruit qualified personnel to fill various vacant positions. Among these sources are the State Employment Security Commission (Job Service), advertisements in newspapers, professional journals, schools, colleges, business and trade schools, referrals from special interest groups, and walk-in applicants.

County employees are urged to refer qualified persons to Human Resources. Department directors are also encouraged to use their special knowledge of their fields to aid in recruiting.

RELOCATION AND TRAVEL EXPENSES

To enhance recruitment of key positions, Mecklenburg County may reimburse applicants and new hires for travel, lodging and moving expenses deductible under IRS regulations. Department Directors will be responsible for preauthorizing reimbursements on a case by case basis and

identifying the source of funds. Authorized expenses must be actual and reasonable and will be reimbursed to the applicant or new hire rather than paid to a third party. The applicant or new hire being reimbursed must provide itemized expenses and receipts.

### **Applicant Travel and Lodging**

Department Directors may reimburse preauthorized travel expenses to out-of-area job applicants for costs related to interviews when such reimbursements are considered essential to successful recruitment of key positions. These expenses are subject to the following restrictions:

1. Travel expenses include the cost of transportation and lodging and are limited to round trips in excess of 100 miles. Meals are excluded.
2. Transportation reimbursements using personal automobiles will be calculated at the current Mecklenburg County mileage reimbursement rate.
3. Commercial transportation will be reimbursed at actual cost with air fares limited to coach rate.

### **Relocation**

Department Directors may reimburse preauthorized relocation expenses to out-of-area new hires when such reimbursements are considered essential to successful recruitment of key positions. Reimbursements are limited to those expenses eligible for tax preferences under IRS regulations. In general, those expenses are limited to:

1. The cost of moving household goods including packing, transporting and unpacking
2. The cost of travel and lodging from the former residence to the new residence, not including meals.

Examples of expenses not eligible for reimbursement include house hunting trips, temporary living expenses, home sales assistance, home purchase assistance and meals.

The County Manager or Human Resources Director may approve reimbursements for additional relocation and travel expenses for Department Directors and Senior Executives in the County Manager's Office.

Revised: September 24, 2004		
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## **APPLICATION FOR EMPLOYMENT**

All inquiries for employment should be forwarded to Human Resources. All candidates must apply on-line for vacant positions. Applications will remain active for one year. After one year, applications will be placed in an inactive file for 12 additional months, after which they will be purged in accordance with North Carolina record retention statutes.

## **DEPARTMENTAL SELECTION PROCESS**

Human Resources is responsible for screening employment applications to determine candidates qualified for a position. With the assistance of Human Resources, each department will establish an internal selection committee when interviewing prospective, full-time and part-time employees. It is recommended that the committee consist of 3 to 5 members and reflect the diversity of the workforce. Employees with family or personal relationships with any applicants for a particular position should not participate on the selection committee. Human Resources will generate a list of applicants who meet and/or exceed the minimum qualifications for the position. With the assistance of Human Resources, the department is responsible for scheduling interviews and notifying the interviewees of their scheduled interview date, time and place. It is recommended that departments follow a structured interview format with all applicants being asked the same questions that directly relate to the job to be performed. The Selection Committee may ask follow-

up questions as appropriate based on the applicants' initial responses. Human Resources reserves the right to review the questions to assure compliance with established recruitment and selection practices and is available for consultation with departments as requested. After the interviews have been completed, an interview record form is completed by each committee member and then reviewed and discussed by the Selection Committee.

After final applicants have been interviewed, the Committee will recommend to the appointing authority or designee the candidate best suited for the position based on the committee participants' evaluation of each candidate. Departments should maintain all interview records for a period of two years following the date of the interview.

Original: Approved: July 1, 1997 Revised: October 9, 1998	Revised: December 19, 2003 Revised: July 1, 2014	
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REFERENCE AND CREDENTIAL VERIFICATION

References are checked to verify information provided on the application or during the employment interview. Human Resources is required to do a reference check on the applicant considered the top candidate.

Any reference check, background investigation, or education credentials verifications, whether by telephone or letter, will become a part of the employee's permanent personnel file. Employment references and background information should be sent to Human Resources and marked CONFIDENTIAL.

Criminal history and motor vehicle record checks are required for positions that include handling money, direct client services and those positions identified as safety sensitive. (Please refer to Section I, [Board Policy](#) and Section X, [Drug-Free Workplace Policy](#))

The hiring department will verify the educational credentials of all final applicants being considered for positions. Employees applying for promotions, which require an undergraduate or graduate degree, will have previously unverified credentials confirmed. Departments may continue to request transcripts, as appropriate, to verify course work. Educational verification will occur during the same period in which the final applicant is undergoing a substance test so as not to further delay the hiring process.

When material falsification of credentials is discovered, the applicant will not be hired for that position and may be disqualified from further consideration for County employment.

Human Resources will notify both the applicant and the hiring department that the credentials could not be verified. Any current employee who falsifies credentials will be subject to disciplinary action.

For those positions requiring a special license, certificate, or registration, Human Resources is responsible for verifying those credentials. Copies of appropriate documentation should be sent to Human Resources for placement in the employee's permanent personnel file.

INTERNAL REFERENCE CHECKS

An internal reference check procedure is established to enhance the hiring of current County employees across divisional/departamental lines. This procedure gives the hiring department access to the candidate's employment history with Mecklenburg County. Human Resources must have the final applicant's authorization in writing to release information. Applicants will not be considered without [written consent to release information](#). Please refer to the end of this section for instructions and [forms](#).

Revised: April 7, 1998 Revised: June 8, 1998	Revised: May 4, 2000 Revised: December 19, 2003	Revised: January 2, 2008 Revised: March 1, 2011
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**PUBLIC RECORDS**

Mecklenburg County is subject to G.S. 153-A-98 regarding the privacy of personnel records and information. This statute prohibits disclosure of personnel records and information except as specifically allowed by the statute. The following information with respect to county employees and former county employees is a matter of public record:

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

All other information is considered confidential and is subject to release only in the following instances: when the employee or their agent wishes to inspect the employee’s personnel file; when there is written authorization from the employee; inspection by another employee having supervisory authority over the employee; or as directed by Court order. Upon request by an official agency of the State or Federal Government, or any political subdivision of the State, records may be released if inspection is determined to be necessary and essential to the pursuance of a proper function of the inspecting agency, except that no information shall be disclosed for the purpose of assisting in a criminal investigation of the employee or in an investigation of the employee’s tax liability. However the name, address, and telephone number of an employee may be released to assist in a criminal investigation.

Originally approved: July 1, 1997	Revised: October 1, 2010	
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**PRE-EMPLOYMENT SUBSTANCE ABUSE TESTING**

As a condition of employment, all final applicants for positions with the County are required to submit to substance abuse testing. Results must be negative before a final offer is made by the hiring department. Test results are valid for a period of eight (8) weeks prior to reporting to work. (Please refer to **Section X**, [Drug Free Workplace](#) Policy.)

Human Resources or the departmental designee is to schedule an appointment for the test at Novant Health Urgent Care and notify the individual to be tested on the morning of the day the test is scheduled. (Refer to [Attachment A](#) at the end of this section.) The applicant is to be informed of test preparations which include: a picture-identification or two other forms of identification, and a full bladder.

Without authorization from the department director, an applicant who cancels their appointment or fails to show up for a substance test will no longer be considered for employment. There are no exceptions to these conditions.

In the event of a positive test, the applicant may request, within 72 hours, that the retained portion of the sample be tested at a Substance Abuse Mental Health Services Administration (SAMHSA)

approved laboratory at the applicant's expense. The request must be directed to Novant Health Urgent Care which will coordinate the second test. If the re-confirmatory test is negative, the County will reimburse the applicant the amount charged for the test. Applicants who test positive will be denied employment with the County and may be disqualified from further consideration for County employment.

Revised: April 7, 1998 Revised: June 8, 1998 Revised: May 4, 2000	Revised: December 19, 2003 Revised: January 2, 2008 Revised: March 1, 2011	Revised: July 1, 2014
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**COMMITMENT TO EMPLOYMENT**

The final steps in any employment process are to place the individual on the payroll and to provide an opportunity for the new employee to understand the conditions of employment. These events occur before the individuals are allowed to work in their assigned area/department. For critical situations, the Human Resources Director may authorize employment at any time and the hiring department will be required to disclose when the employee will be paid. These obligations will be met through the New Employee Orientation (NEO) program.

The PAR and personal information forms are documents required to initiate hiring. It is the responsibility of the hiring department's HR representative to complete and submit these forms to the Human Resources Employee Services Center by 5:00 p.m. on non-payday Friday. Failure to provide these forms timely may result in the delay of the hiring until the next pay period.

Formal commitment to employment will be made in writing by the Human Resources Director. It is the responsibility of the hiring department to notify by mail all unsuccessful applicants who have been interviewed for any given vacancy.

Revised: October 2, 2000	Revised: December 19, 2003	Revised: March 1, 2011
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**ORIENTATION**

The purpose of the general New Employee Orientation (NEO) is to ensure that all employees have the opportunity to gain a better understanding of County benefits, policies, and procedures.

Typically, NEO is held every other Wednesday at 8:00 a.m. and is facilitated by Human Resources staff. Employees will be notified of the location for the session. During NEO, all necessary forms, introduction, and general County procedures will be explained.

During NEO the County shall verify the identity of each employee and the eligibility of that employee to work in this country. New employees are required to bring documents which will establish identity and eligibility for employment consistent with the regulations of the Immigrations and Naturalization Service (INS).

Acceptable documents can include any one item from List A or one item from List B and List C.

**LIST A**

1. U.S. Passport (unexpired or expired).
2. Unexpired foreign passport, with I-551 stamp or attached INS Form I-94 indicating unexpired employment authorization.
3. Alien Registration Receipt Card with photograph (INS Form I-151 or I-551).
4. Unexpired Temporary Resident Card (INS Form I-688).
5. Unexpired Employment Authorization Card (INS Form I-688A).
6. Unexpired Employment Authorization Document issued by the INS which contains a photograph (INS Form I-688B).

**LIST B**

1. Driver's license or ID card issued by a state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, sex, height, eye color, and address.

2. ID card issued by federal, state, or local government agencies or entities provided it contains a photograph or information such as name, date of birth, sex, height, eye color, and address.
3. School ID card with a photograph.
4. Voter's registration card.
5. U.S. Military card or draft record.
6. Military dependent's ID card.
7. U.S. Coast Guard Merchant Mariner Card.
8. Native American tribal document.
9. Driver's license issued by a Canadian government authority.

**For persons under age 18 who are unable to present a document listed above:**

10. School record or report card.
11. Clinic, doctor, or hospital record.
12. Day-care or nursery school record.

**LIST C**

1. U.S. social security card issued by the Social Security Administration (other than a card stating it is not valid for employment).
2. Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1350).
3. Original or certified copy of a birth certificate issued by a state, county, municipal authority, or outlying possession of the United States bearing an official seal.
4. Native American tribal document.
5. U.S. Citizen ID Card (INS Form I-197).
6. ID Card for use of Resident Citizen in the United States (INS Form I-179).
7. Unexpired employment authorization document issued by the INS (other than those listed under List A).

New employees shall complete an INS I-9 Form. If they cannot produce the required documentation, they must provide evidence of applying for the required documentation (e.g., Social Security card) within three days and produce the actual documentation within 90 days. Otherwise, failure to do so will result in loss of job and will be treated as a voluntary resignation with no right of appeal.

At the end of NEO, each new employee will:

1. Be properly enrolled into the payroll system,
2. Have completed the necessary tax forms,
3. Have been informed regarding benefit privileges and responsibilities,
4. Have been provided an overview of the County and general operating philosophies and guidelines.

Male employees between the ages of 18 and 26 are reminded to register with the Selective Service System as a requirement of federal law.

Department directors are responsible for orientation on specific departmental procedures and job assignments.

Revised: June 30, 1999		
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**VERIFICATION OF SOCIAL SECURITY NUMBERS**

Effective June 18, 2008, all new employees (including limited part-time and temporary employees) with Mecklenburg County must have Social Security numbers verified through the Federal Government's E-Verify process. E-Verify is an internet-based system operated by the Department of Homeland Security in partnership with the Social Security Administration that allows participating employers to electronically verify the employment eligibility of their newly hired employees by validating assigned Social Security numbers.

Human Resources will submit all Social Security numbers through the E-Verify process after Employees have completed the INS I-9 form during New Employee Orientation.

Identity verification should be received from Homeland Security within three (3) days of submission.

Employees will be immediately notified of any discrepancies which may occur during the validation process. E-Verify procedures are to be followed in the event of a mis-match of numbers to names. Employees will be informed of this process and what recourse is needed for issue resolution.

**BLOODBORNE PATHOGENS**

At the end of the New Employee Orientation session, Blood Borne Pathogen (BBP) training will be provided. Employees hired into positions which require this training will be expected to remain. Positions requiring a Tuberculosis (TB) test and/or an initial Hepatitis B (Hept) vaccination are coded as such in myHR.

The Tuberculosis skin test is administered at the conclusion of the Blood Borne Pathogen training at New Employee Orientation. Tested employees are to report to the nearest Novant Health Urgent Care facility for a reading after 48 hours, which is the Friday immediately following the New Employee Orientation, unless otherwise directed.

The first Hepatitis B vaccination will be administered at the conclusion of the Blood Borne Pathogen training at New Employee Orientation. Thereafter, the two remaining vaccinations (series of three) will be administered at the Novant Health Urgent Care facility nearest to the employee's work location. Appointments will be needed for these additional procedures.

Revised: December 20, 2007 Revised: January 2, 2008	Revised: March 1, 2011 Revised: July 1, 2014	
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**PROVISIONAL PERIODS OF EMPLOYMENT**

Every new full-time, part-time and limited part-time employee will serve an initial provisional period to allow the supervisor/manager time to evaluate the performance of a new employee. It is the responsibility of the department director or designee to inform the new employee how long the provisional period will last. The department director will determine the length of the provisional period which can be from three to twelve months. For certain job classifications requiring specialized or extended training, department directors may request up to an additional six months from the Human Resources Director. Coaching sessions will typically occur throughout the provisional period. Prior to completion of the provisional period, the department director or designee will complete a written summary of the employee's progress.

Within the provisional period, the employee may be terminated for unsatisfactory job performance, attendance, or conduct without following the progressive discipline process. There is no right of appeal for provisional employees.

After successful completion of the provisional period, employees remain at-will, but are not subject to a second provisional period as a result of transfer, reassignment, or promotion within the same department or to another County department.

Revised: July 1, 1997 Revised: March 1, 2011	Revised: October 29, 2012 Revised: July 15, 2014	
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**OUTSIDE EMPLOYMENT**

County employees are permitted to engage in outside employment provided they comply with this policy and the Mecklenburg County Board of County Commissioners' Code of Ethics.

**Definitions**

*Outside Employment* is defined as:

- self-employment,

- contractual work, or
- providing services to an employer other than the County which results in earnings compensation, profits or commissions

### **Policy**

Outside Employment must *not*:

- take precedence over County employment
- adversely affect an employee's performance of County duties
- result in an impairment of an employee's independent judgment or mental or physical capacity to perform the duties of County employment in a satisfactory manner
- have the appearance of a conflict of interest
- create or result in a conflict of interest

In addition, all outside employment must comply with Mecklenburg County Board of County Commissioners' Code of Ethics including the requirements that County employees *not*:

- enter into any contract or undertaking with the County if the employee will privately benefit or profit from the contract or if such undertaking would violate N.C.G.S. 14-234
- engage in *Incompatible Service* meaning employment with, or rendering services for a Business Entity for compensation when such employment or service is or would be incompatible with the proper discharge of an employee's official duties or would tend to impair his/her independence of judgment or action in the performance of his/her official duties, unless disclosure is made in accordance with the Code of Ethics.

County employees engaged in Outside Employment or otherwise are prohibited from utilizing County property or communication systems for purposes other than County business and from conducting any non-County or personal business on County time.

### **Procedure**

All Outside Employment, and any changes to such employment, requires prior written approval by the Department Director. To seek approval, employees must submit a completed [Request to Engage in Outside Employment Form](#) to their Department Director. The approved Form will remain valid until withdrawn, updated or renewed. Failure to obtain prior written approval is a violation of this policy and may subject an employee to discipline, up to and including termination.

The Department Director or his or her designee has the responsibility for determining whether or not Outside Employment complies with this policy and the [Code of Ethics](#). If it is determined that Outside Employment does not comply with the policy and/or the Code of Ethics, the employee will be notified and provided the option to resign from the outside employment. If the employee does not resign, the employee will be subject to termination, according to the termination process described in the [Employee Relations](#) section.

Revised: June 10, 2013	Revised: July 1, 2014	
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**Novant Health Urgent Care Intake Form for Pre-Employment Drug Testing**

**Applicant Name:** \_\_\_\_\_

**Applicant ID #:** \_\_\_\_\_

**HR Consultant/Designee:** \_\_\_\_\_

**Applicant's Department:** \_\_\_\_\_

**Position Applied For:** \_\_\_\_\_

**Job Opening #:** \_\_\_\_\_

**Expected Hire Date:** \_\_\_\_\_

**Fax to: 704-316-8507**

**Mecklenburg County**  
**Request to Engage in Outside Employment**

Part I. Information and Certifications

Employee's Name: \_\_\_\_\_ Org#: \_\_\_\_\_  
Job Title: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Name, address, county of other employer/business:

\_\_\_\_\_  
Type of Business: \_\_\_\_\_  
Hours worked per week: \_\_\_\_\_  
Days work per week: \_\_\_\_\_  
Total hours worked per month: \_\_\_\_\_  
Basic job duties: \_\_\_\_\_

I certify that I have read and understand the policy on outside employment. Outside employment will not constitute a conflict of interest with my County employment. I further understand that this approval is valid until withdrawn or outside employment changes.

I certify that employment is outside of my assigned duties and scheduled work hours and as such, I hereby waive any rights to Workers' Compensation associated with outside employment and release Mecklenburg County from any claims or liabilities that may result from outside employment.

\_\_\_\_\_  
Employee's signature Date

Part II. Considerations (to be completed by your supervisor)

Length of departmental service: \_\_\_\_\_ Attendance: \_\_\_\_\_  
Comments: \_\_\_\_\_

Part III. Approval/Disapproval (to be completed by your supervisor)

\_\_\_\_\_ Approved \_\_\_\_\_ Disapproved

\_\_\_\_\_  
Department Director's signature Date

Reason for disapproval: \_\_\_\_\_

Part IV. Termination of Outside Employment

Date outside employment terminated: \_\_\_\_\_

\_\_\_\_\_  
Employee's signature Date

**MECKLENBURG COUNTY  
INTERNAL REFERENCE CHECK PROCEDURES**

**The attached Release of Information and Reference Check Form is to be used for current Mecklenburg County employees seeking employment in another County Agency or Department.**

**PROCEDURES**

1. The Agency/Department must have final applicant(s) complete Release of Information form. Applicants will not be considered for hiring if the Release of Information form is not authorized.
2. The hiring agency or Human Resources representative completes Section I of the Reference Check form.
3. The applicant's departmental human resources representative completes Section II of the Reference Check form. The form is then forwarded to the applicant's current supervisor.
4. The applicant's current supervisor completes Section III of the Reference Check form and returns to the hiring agency's representative designated in Section I of the Reference Check form. The hiring agency may request additional and/or clarifying information from Human Resources as appropriate.
5. The hiring agency returns the Release and completed Reference Check forms to Human Resources with other recruitment documents, if the applicant is hired by the new agency/department. If the applicant is not hired, the release and reference form should be kept along with the other interview/recruitment records by the hiring agency.

**RELEASE OF INFORMATION**

I, \_\_\_\_\_, authorize the Mecklenburg County Director of Human Resources or the Director's designee to contact persons, firms, agencies, or corporations for the purpose of providing any and all relevant records concerning my former or present employment and verification of my experience, education, licensure credentials and other job related information. This specifically includes my current department or prior departments within Mecklenburg County Government. I hereby release and discharge Mecklenburg County and any person, firm, agency or corporation providing said information from all claims, demands, loss, damage, actions, causes of actions, or suits at law or in equity of whatsoever kind or nature resulting from the dissemination of information as described above.

\_\_\_\_\_  
APPLICANT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
DATE

# MECKLENBURG COUNTY REFERENCE CHECK FORM

## SECTION I (To be completed by Hiring Agency or Human Resources Representative)

The following County employee is a final applicant for the position of: \_\_\_\_\_

Name: \_\_\_\_\_

Date of Hire: \_\_\_\_\_

Current Title: \_\_\_\_\_

Current Salary: \_\_\_\_\_

Please return to: \_\_\_\_\_

Phone #: \_\_\_\_\_

Job Title: \_\_\_\_\_

Date: \_\_\_\_\_

## SECTION II (To be completed by Human Resources Representative – Applicant's Agency)

**Please complete the following:**

Date of most recent promotion, reassignment, transfer, written reminders, decision making day: \_\_\_\_\_

Explain: \_\_\_\_\_

Awards or recognition received: \_\_\_\_\_

Explain: \_\_\_\_\_

If applicable, were the following references checked?

Police	Yes / No	Date:
Education	Yes / No	Date:
Personal References/Employment	Yes / No	Date:
DMV/County Driver's Permit	Yes / No	Date:

If no, explain: \_\_\_\_\_

### Job Performance

(Please provide last two overall performance evaluation ratings, if applicable)

Rating	Date

HR Representative: \_\_\_\_\_

Phone #: \_\_\_\_\_

Job Title: \_\_\_\_\_

Date: \_\_\_\_\_

**SECTION III- Work Ethics (To be completed by Applicant's current supervisor)**

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Please rate the following using one of the three levels: Needs Improvement (I), Successful (S), Exemplary (E)

Rating		Example/Comment
	Attendance	
	Punctuality	
	Interpersonal Relations (internal/external customers)	
	Flexibility	
	Ability to work in stressful environment	
	Ability to work with minimal supervision	
	Willingness to accept accountability for own performance	
	Job knowledge	
	Team player (if applicable)	

**SECTION IV - Additional Information (To be completed by applicant's current supervisor)**

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What is this applicant's biggest contribution to your department?

Would you rehire this applicant in their current position?  
If not, why?

Has this applicant ever displayed violent behavior in the workplace? If yes explain:

What is this applicant's overall performance rating for the current review period?

Exemplary

Successful

Needs Improvement

Immediate Supervisor: \_\_\_\_\_ Phone No. \_\_\_\_\_

Job Title: \_\_\_\_\_ Date: \_\_\_\_\_

**Section VI:**

**EQUAL EMPLOYMENT OPPORTUNITY**

Mecklenburg County will make all decisions regarding the terms and conditions of employment including hiring, training, promoting and terminating employees without discriminating on the basis of race, religion, color, national origin, ancestry, citizenship, sex, sexual orientation, gender, gender identity (perceived gender as expressed through dress, appearance or behavior), age, genetic information, political affiliation, protected disability or military/veteran status as defined by applicable state and federal law and BOCC policy and any other status protected by federal, state, or local law.

Revised: May 17, 2005		
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**FOR MORE INFORMATION ABOUT EQUAL EMPLOYMENT OPPORTUNITY,  
PLEASE CONTACT THE  
EMPLOYEE SERVICES CENTER  
(704) 432-6947**

## EQUAL EMPLOYMENT OPPORTUNITY

Mecklenburg County provides equal opportunities to all employees and qualified applicants for employment without regard to race, religion, color, national origin, ancestry, citizenship, sex, sexual orientation, gender, gender identity (perceived gender as expressed through dress, appearance or behavior), age, genetic information, political affiliation, protected disability or military/veteran status, and any other status protected by federal, state, or local law. This policy applies to hiring, promotions, and all terms and conditions of one's employment.

Mecklenburg County prohibits employee discrimination, including harassment, on the basis of race, religion, color, national origin, ancestry, citizenship, sex, sexual orientation, gender, gender identity, age, genetic information, political affiliation, protected disability or military/veteran status, and any other status protected by federal, state, or local law.

Mecklenburg County also prohibits retaliation for filing, in good faith, a complaint, charge, or grievance alleging unlawful employment discrimination and for truthfully testifying, assisting, or participating in any investigation, hearing, or proceeding alleging unlawful employment discrimination.

Mecklenburg County will make reasonable accommodations to the known physical or mental impairments of otherwise qualified individuals, unless the result would create an undue hardship on the County. Throughout its recruitment and employment efforts Mecklenburg County will do whatever is required and legally permissible to maintain a drug free workplace.

Adoption of this policy does not constitute approval or expansion of any County benefits beyond those which are expressly provided by the Board of County Commissioners at the date of adoption of this resolution.

Revised: May 17, 2005	Revised: October 21, 2013	Revised: July 15, 2014
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The County will continue to do the following things in its effort to provide equal employment opportunities:

1. Each year, the County will conduct a statistical study of its workforce to determine the extent to which population groups covered under Title VII and included in the EEO 4 form may be underutilized in any established job categories, and will identify and eliminate any employment practices which may contribute to such under-utilization.
2. The County will use affirmative recruitment efforts and other lawful measures to reduce within established job categories any under-utilization of groups covered under Title VII and included in the EEO 4 form.
3. The County will ensure that all employees work in an environment which is free from harassment and discrimination and will promptly investigate any allegations of such.
4. The County will ensure that no retaliatory action is taken against any employee for opposing employment practices which are prohibited by federal and North Carolina laws or by the County's own policies and procedures.
5. The County will develop, maintain, and utilize job descriptions outlining the essential functions of each County position. Accommodations for the disabled, where reasonable and required by law, will be considered and implemented for otherwise qualified disabled applicants for employment and employees to enable them to perform essential job functions. Equal employment does not require preferential treatment for the disabled, and qualifications and job-related criteria will provide the basis for all employment actions.

6. Discrimination on the basis of age, sex, or physical disability is prohibited except where age, sex, or disability requirements constitute a bona fide occupational qualification necessary for performance of the essential functions of a job.

#### RESPONSIBILITY FOR ADMINISTRATION

The County Manager is responsible for the administration of the County's EEO policy. The County Manager has assigned operational responsibility for the Human Resources role with this work plan to the Human Resources Director. The statistical evaluation and monitoring of the overall program of providing equal employment opportunities has been assigned to the Human Resources Director or designee.

#### UTILIZATION ANALYSIS

Human Resources will conduct an annual analysis of the eight job groups and, if needed, job sub-groups as defined through the EEO-4 report. The guidelines provided by Equal Employment Opportunity Commission (EEOC) will be used as the definition of a job group, family, or category.

The purpose of the analysis is to identify areas within the work force in which gender/racial groups are being under/over-utilized In comparison to the Census Special EEO File for the County's metropolitan statistical area. The analysis will consist of a work force analysis, identification of job groups, an availability analysis, and also an under/over-utilization analysis. The analyses to be used for any under/over utilization evaluations are:

1. Work Force Analysis - Will include a listing by established job groups of current employees indicating job title, salary band assignment, sex, and race. Within each established job group, employees will be listed in descending order of pay band assignment. With larger departments which have identifiable divisions, work, or budget units, a work force analysis may be prepared for each of its work units rather than for the department in its entirety.
2. Job Group Analysis - Will combine jobs requiring similar skills or having similar job content, salary band, and promotional opportunities, regardless of the department. The total number of incumbents by race and sex will be listed for each job title.
3. Availability Analysis - Availability of applicants by race and sex will be analyzed for all job groups on a county-wide basis utilizing the job groups as defined in the EEO-4 Report. The level at which each race and sex group would be expected to be represented in a job group when employment decisions are made without regard to race, sex, or national origin will be indicated. Availability will be determined by the consideration of eight specific factors; population, unemployment, the work force in the immediate labor area, availability of persons having requisite skills in the immediate labor area, availability of persons having requisite skills in an area in which the County can reasonably recruit, availability of promotable and transferable persons within the internal work force, the existence of training institutions capable of training persons in the requisite skills, the degree of training that the County is reasonably able to undertake as a means of making all job classes available to all persons.
4. Under/over-utilization Analysis - Compares the availability estimate as determined through the availability analysis with the figures on current utilization by EEO job group.

The 80% rule or two or more standard deviation rule will be used to determine over/under-utilization of job groups. Any such disparity will be reason to investigate possible causes of under/over-utilization.

### INVESTIGATION OF UNDER/OVERUTILIZATION

The Human Resources Director or designee is responsible for investigating possible causes of under/over-utilization of population groups covered under Title VII and recommending remedial action to the County Manager. The possible causes (and possible remedial action as shown below in parenthesis) may include, but are not limited to the following:

1. Lack of qualified members of over/underutilized gender/racial group in pool of applicants (improve recruitment efforts).
2. Employment practices contribute to over/under-utilization gender/racial groups (remove or modify practice, if possible, recognizing that some may be mandated).
3. Persons in charge of hiring for job category may be discriminating in hiring or promoting (counseling/disciplinary action/assistance and guidance by supervisor).
4. Statistics showing over/under-utilization are inaccurate (re-evaluate statistics and correct errors).
5. Lack or failure of training programs for skill enhancement opportunities (establish new training programs or study and enhance effectiveness of existing programs).
6. Minimum job qualifications are set higher than necessary (revise minimum job qualifications).

### AFFIRMATIVE RECRUITMENT

The County will conduct a program of open recruitment in all positions to avoid the possible discriminatory effects of informal job networks and similar practices. Posting job vacancies within a department for internal promotion opportunities will constitute open recruitment.

The County will establish a program to recruit members of an underutilized gender/racial group to fill vacancies in any job categories in which members of the group are found to have been under-utilized.

The County's affirmative recruitment program will include, but is not limited to, the following specific actions:

1. Within available resources, development of search strategies for qualified minorities and women for executive level appointments;
2. All vacancies for positions in the County will be openly posted in places which are prominently visible to all employees in all departments, divisions, and satellite offices, etc. **Vacancies shall be posted a minimum of six (6) business days to provide internal and external candidates the opportunity to submit updated job applications, based on their interests in these openings.** Certain limited exceptions to posting may be approved by the Human Resources Director in instances involving reorganizations, reductions-in-force, or reassignments necessitated by return to work by employees on leave without pay (LWOP).
3. Affirmative action recruitment efforts will include public announcements in such media as help wanted columns of area newspapers, professional journals, and publications which specifically serve minorities and women. Public service time on television and radio may be used to inform a greater number of potential minority and women applicants of employment opportunities with the County, and to encourage dissemination to sensory-

impaired individuals. In addition, copies of vacancy announcements will be provided to agencies specializing in recruitment of minority and women applicants, as feasible.

4. Colleges and universities whose enrollments are predominately minorities or women will be included in the recruitment process for all positions in which minorities and women have been underutilized and for which college or university recruitment is a normal procedure.
5. Media will be informed that help-wanted ads cannot be placed in sex-segregated columns. Statement that County is an "Equal Opportunity Employer" will be included in all advertising.

#### CLASSIFICATION REVIEW

The County is committed to the principle consistent with law and BOCC policy that individual employees should be compensated without discrimination on the basis of race, religion, color, national origin, ancestry, citizenship, sex, sexual orientation, gender, gender identity (perceived gender as expressed through dress, appearance or behavior), age, genetic information, political affiliation, protected disability or military/veteran status and any other status protected by federal, state, or local law.

#### CAREER DEVELOPMENT AND TRAINING

To assure that all population groups are given equal opportunities to all available positions, the following policies and practices shall apply:

1. Initial referrals of applicants for vacant positions will be made consistent with the EEO Policy Statement under established recruitment procedures. All persons directly involved in the interviewing process and in decisions regarding assignments will be given specific orientation concerning these administrative guidelines.
2. All employees will be permitted to apply through transfer, promotion, or otherwise, for employment in any other position provided they meet the minimum job qualifications. Employees who apply will not be required to receive advance approval from their present supervisors.
3. Human Resources will provide counseling to employees on promotional opportunities. Minority and women employees will be encouraged to participate in career progression and development activities, with emphasis placed on advancement into positions in which members of these population groups have been excluded or significantly under represented.
4. In-house training, refund of tuition expense, and similar programs will be reviewed periodically for possible modification or expansion to better achieve the purposes of this plan. Special efforts will be made to encourage participation in training programs by members of all population groups. Departments will be encouraged to communicate all notices of available training opportunities.
6. Reasonable accommodations with respect to career development and training will be made for disabled individuals.

#### EQUAL BENEFITS

The HR Director or his/her designee will periodically review all benefit programs provided for employees to assure that all benefits are available to employees without discrimination on the basis of race, religion, color, national origin, ancestry, citizenship, sex, sexual orientation, gender, gender identity (perceived gender as expressed through dress, appearance or behavior), age,

genetic information, political affiliation, protected disability or military/veteran status and any other status protected by federal, state, or local law.

Revised: June 28, 2007 Revised: January 1, 2011	Revised: July 15, 2014 Revised: January 1, 2016	
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GENERAL POLICIES

The Human Resources Director will review all general Human Resource policies for compliance with the intent of the EEO policy. Revisions will be proposed accordingly and will be reviewed by the Personnel Commission for recommendation for adoption to the County Manager and the BOCC when appropriate.

DISSEMINATION OF EEO POLICY

This EEO policy is a public document. Copies will be kept on file in Human Resources and will be made available for review to any interested persons upon request. The Human Resources Director is responsible for disseminating the EEO policy.

All Human Resources employees having any direct responsibilities in the selection process will be fully trained regarding the provisions of EEO law, the EEO policy, and implementation guidelines.

The department directors and principal supervisory personnel will be provided with copies of the EEO policy and guidelines, and periodic training to fully acquaint them with EEO law and all applicable local policies and state and federal regulations. Training will be used to sensitize managers and supervisors to the kinds of employment barriers and stereotypes which often hinder equal employment opportunity. These individuals, in turn, will be held responsible for communicating the EEO policy and implementation guidelines to all employees in their respective departments. The County will inform employees about the EEO policy in a variety of ways including New Employee Orientation (NEO), publicity in County newsletters and publications, EEO posters and the Human Resources Policy and Procedures Manual.

IMPLEMENTATION

The Human Resources Director will keep the County Manager informed of any area(s) which may deserve attention in the County's commitment to achieve the principles described in this EEO Policy.

The designated hiring authority or authorities will identify plans of action and implementation schedules to address under/over-utilization with assistance from Human Resources. Reports of progress to comply with policies and laws such as EEO, Fair Labor Standards Act (FLSA), and Americans with Disabilities Act (ADA) will be made to the County Manager at least on an annual basis.

Revised: March 8, 2002	Revised: March 1, 2011	Revised: July 15, 2014
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**Section VII:**

**REDUCTION IN FORCE**

In the event that a reduction in force (RIF) is under consideration as a result of budgetary constraints or organizational needs, the County Manager will establish procedures for the RIF, and reemployment if applicable. To minimize the impact of any potential RIF, the County Manager may incorporate in the procedures some or all of the following measures:

1. Deletion of vacant positions or imposition of a hiring freeze on vacant positions;
2. Establishment of an internal placement service for employees;
3. Development of retirement incentives and severance packages for consideration by the Board of County Commissioners (BOCC);
4. Implementation of temporary unpaid leave for some or all, of the workforce;
5. Establishment of out-placement services.

**FOR MORE INFORMATION ABOUT REDUCTION IN FORCE,  
PLEASE CONTACT THE  
EMPLOYEE SERVICES CENTER  
432.6947**

**DEPARTMENTAL REORGANIZATIONS**

At times, business needs may require a reorganization to align services, streamline processes, address inefficiencies, or improve service delivery.

Reorganization requiring approval of the County Manager or designee includes but is not limited to changes in the department vision, mission, values, name, scorecard goals (desired results), performance measures and/or targets, programs/services, and substantively altered reporting at the level of department director, deputy director, division director, or other equivalent functional levels. In addition, departments shall not adopt or use a new or revised logo or County seal for the department, division, unit, program or service without approval of the County Manager or designee.

A restructure of services may have a direct impact on occupied positions and may result in classification changes for one or more employees. Changes may result in the reduction of the employee’s overall compensation package. This may include, but need not be limited to, market rate, salary and benefits.

If the restructure results in one or more employees being reassigned to a lower classification, the County’s reassignment policy will apply to those affected employees. Departments are asked to manage employee salaries to their new market rate. An employee reassigned to a lower market rate may have their base wage adjusted accordingly.

The Department Director in collaboration with the HR Director/designee must submit a formal written request to the County Manager/designee to obtain authorization for reorganization. The request must specify the proposed changes, including any potential employee salary impact.

Originally Approved: October 18, 1976 Revised: April 6, 1981 Revised: July 11, 1983	Revised: November 18, 1985 Revised: July 11, 1994 Revised: April 17, 2009	Revised: March 4, 2010 Revised: October 8, 2012
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**REDUCTION IN FORCE**

At times budgetary constraints and organizational needs may require the elimination of an occupied position and/or the termination of an employee. A Reduction in Force (RIF) plan must be developed by the department and submitted for review to the Human Resources Director/designee. The plan is then forwarded to the County Manager/designee for final approval.

Each plan must include, but not be limited to:

- Management rationale for the RIF
- Position(s) assessment
- List of affected employees
- Recommended transitional benefits
- Financial Summary Impact Statement

The County Manager must inform the BOCC 30 days prior to any reduction in force.

***Position(s) Assessment***

The rationale used for the selection of positions to be eliminated shall be included in the RIF plan. When evaluating positions to eliminate, consideration shall include, but need not be limited to, the following:

- Vacant Positions
- Limited Part-Time and Temporary Positions (filled and unfilled)
- Funding Sources
- Customer Service Impact
- Business/Operational Impact

- Service Ratios (If Applicable)
- Part-Time and Full-Time Coverage Needs Assessment

The considerations listed above will help departments identify the affected business unit(s), job classification(s) and/or full and part time service requirements.

Position assessments shall only identify positions/classifications which will be affected by the RIF. Position identification shall not be based upon the person(s) in the affected positions. Incumbent job performance and length of service are considered in the next phase.

***Determination of Employee Impact***

After the business unit, job classification and service requirements are identified, standard criteria shall be used to determine which employees will and will not be affected in the reduction in force. The criteria (with a weighting assigned to each) shall include the following:

- Mecklenburg County Seniority (Service time as a Mecklenburg County Employee)
- Performance Appraisals from the past two years or more
- Documented Disciplinary Actions from the past three years
- Service Elimination

Additional criteria may include, but need not be limited to:

- Business Unit Seniority
- Special Skills
- Professional Licenses and Certifications

Under no circumstance may any of the following factors be considered in selecting employees for reduction in force: age or eligibility for retirement; sex, national origin, race, or religion of the employee; pregnancy, veteran status, sexual orientation and disability status of the employee.

Originally Approved: October 18, 1976 Revised: October 3, 1983	Revised: March 21, 1994 Revised: February 13, 2008	Revised: March 4, 2010 Revised: July 1, 2014
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***Transitional Benefits***

To minimize the impact of any potential RIF, each department will include in their RIF plan a section pertaining to recommended transitional benefits to be approved by the County Manager/designee. This could include some or all of the following measures:

1. Establishment of an internal placement service for employees
2. Establishment of out-placement services.
3. Development of severance packages for consideration by the Board of County Commissioners.

***Financial Impact***

All RIF plans must include the financial impact associated with the elimination of positions, and the payout costs associated with the affected employees. This will include both short-term (current budget year) and long-term costs and savings (next budget year and beyond). Payout costs associated with the affected employees would include unused vacation, sick leave payout, and prorated longevity (if applicable). Payout costs and savings are based on the proposed effective date of the reduction.

If retirement incentives are offered as an option, these incentives should be defined and included in each department's financial analysis.

**AUTHORIZATION**

Once the RIF plan has been completed, it will be submitted for review to the HR Director/designee, and then forwarded to the County Manager/designee for final review and authorization.

## **NOTIFICATION**

Once RIF plans have been approved by the County Manager/designee, the affected employees will be formally notified in writing by their department directors that they will be separated from employment with the County once the effective date of the RIF is established. Employees will receive at least two weeks' notice prior to the effective date of separation or equivalent pay in lieu of notice. Human Resources will counsel employees separated as a result of the RIF with respect to COBRA, life insurance options, retirement (if applicable), deferred compensation, 401K, final payout of leave, the Employee Assistance Program (EAP), and unemployment insurance.

## **PLACEMENT**

Priority Placement and Priority Consideration rights are effective for a maximum of one year from the effective date of the termination. Employees who are on Active Military Leave and are terminated from employment due to a RIF may utilize these rights up to one year from the date of their release from Active Military Duty. An employee who declines placement within the County to a position with the same job classification forfeits all rights to additional Priority Placement and Priority Consideration opportunities. However, any offer to a lower classification may be accepted or declined without forfeiting Priority Placement and/or Priority Consideration rights.

Employees may choose at any time during their eligibility not to participate in the placement process and must submit this notification in writing to Human Resources.

### **Priority Placement**

Priority Placement is the non-competitive re-employment within the department from which the employee was terminated. Priority placement is contingent upon the following:

- A position within the same job classification is available for placement
- The RIF employee possesses the minimum qualifications, certifications and licenses required for the available position
- The RIF employee has completed the County's provisional period of employment

The criteria used in determining the order of employees to be affected by reduction in force (i.e., performance, County service time, disciplinary actions) will be used to determine the order of the priority placement offers for multi-incumbent positions.

Disciplinary action or investigation processes discontinued due to the RIF will be finalized upon reinstatement.

The Department Director may submit to the County Manager/designee a request to hire outside the reemployment bank even though there may be qualified employees eligible for reemployment. This approval will be granted only in special circumstances when supported by appropriate documentation of a demonstrable business need from the requesting department.

### **Priority Consideration**

Priority consideration is a competitive employment opportunity. Departments with posted vacancies will review the applications of qualified RIF employees and seek to provide them with an interview opportunity. Employment offers will be extended to the top candidate as determined by the selection process.

## **APPEALS**

Employees terminated as a result of a RIF do not have appeal rights through the employee review panel process. An employee's only appeal is to the Human Resources Director, if they believe

that their department did not follow County policy and/or the departmental policy applicable to their RIF. This appeal must be filed in writing within 10 business days of their RIF notification.

**REINSTATEMENT OF SICK LEAVE AND LONGEVITY PAY**

If an individual is re-employed within one year from the date of the termination, the employee will be given the option of reinstating 100% of the final sick leave balance by paying back the 25% for which they were compensated at the time of the RIF separation or reinstating only the remaining 75% sick leave accrual balance calculated during their final payout. (If the employee chooses to reinstate only the 75% sick leave accrual balance calculated during their final payout, any subsequent benefits payout following a future termination of employment will be calculated based on the amount of sick leave accrued since the date of re-employment.)

Effective July 1, 2010, RIF employees who have a previous Mecklenburg County hire date of June 30, 2004 or earlier may be eligible for the reinstatement of their Longevity Pay. If an eligible RIF employee is re-employed with Mecklenburg County within one year from the date of the RIF termination, Longevity Pay status will be reinstated. County Service Time will be adjusted to account for any time the employee was off County payroll. The same adjustment will apply for Longevity pay eligibility and payment calculation. Pro-rated Longevity pay included in the employee's RIF termination pay-out will be deducted from any additional Longevity payment eligibility for that year.

Revised: September 23, 2005 Revised: April 17, 2009	Revised: March 4, 2010 Revised: July 1, 2010	Revised: March 30, 2011
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Any changes to this policy, or any procedures established therein, must be approved by the Human Resources Director.

Revised: September 23, 2005	Revised: March 4, 2010	
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**Section VIII:**

**DRUG FREE WORKPLACE**

The use of illegal drugs and misuse of legal substances by a significant segment of the American work force has major adverse effects on the welfare of all citizens and results in the loss of considerable money and productivity each year. Because the safety of its employees and the delivery of service to its citizens are adversely affected by alcohol and substance abuse, the County cannot afford to ignore this critical problem.

The County is committed to provide, within its means, a healthy, safe, and drug\_free work environment; to provide the best possible services to citizens; to maintain the public's confidence in its employees; and to protect the County from the economic losses that can occur due to substance abuse. To meet these goals, the County policy is to:

1. Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner;
2. Create an environment free from the adverse effects of drug abuse and alcohol misuse;
3. Prohibit the unlawful manufacture, distribution, dispensing, possession or use of controlled substances; and
4. Encourage employees to seek professional assistance through the Employee Assistance Program (EAP) anytime personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

**FOR MORE INFORMATION ABOUT A DRUG FREE WORKPLACE,  
PLEASE CONTACT THE  
EMPLOYEE SERVICES CENTER  
432.6947**

## PURPOSE

The purpose of this policy is to assure employee fitness for duty and to protect employees, citizens receiving services, and the public from the risks posed by the misuse of alcohol and use of prohibited drugs. The policy is also intended to comply with all applicable Federal and State regulations governing anti-drug and alcohol programs, including those adopted by the U.S. Department of Transportation (DOT).

The County recognizes that an employee's on or off the job involvement with drugs and alcohol can have an impact on work productivity and on the ability to provide a work environment free from the effects of substance abuse. It is inappropriate for the County to intrude into the private lives of its employees, but employees are expected and required to be in a condition to safely and effectively perform their duties throughout the workday.

The Board of County Commissioners (BOCC) or the County Manager reserves the right to make any amendments or revisions to this document without notification. Procedures are at the discretion of the County Manager. Any revisions will be communicated to employees within a reasonable period of time.

## RESPONSIBILITY

The Human Resources Director serves as the County's Drug Program Coordinator and is responsible for administering this policy and ensuring that employees are informed of County policy during new employee orientation. Human Resources will offer periodic training pertaining to the County's drug-free workplace policy. The County will provide training to all supervisors and managers on this policy. The Human Resources Director, under the direction of the County Manager, will identify safety-sensitive positions, will maintain a list of safety-sensitive positions and will make the list available upon request. The Human Resources Director in consultation with department directors will determine appropriate disciplinary action for violation of the County's drug-free workplace policy.

All supervisors and managers are responsible for attending training and ensuring that appropriate employees attend training on the County's drug-free workplace policy and procedures.

Supervisors and managers of employees in positions requiring a commercial drivers license (CDL) are required to receive sixty (60) minutes training on drug use and sixty (60) minutes training on alcohol misuse. Supervisors and managers are responsible for communicating information on County policies and procedures to all employees. In cooperation with the Human Resources Director, department directors will be responsible for the proper application of these procedures in their departments and any disciplinary measures that may be necessary.

As a condition of employment, all employees are responsible for knowing and following the requirements of this policy. Employees are expected to share the responsibility of ensuring that the work place is safe and free from the abuse of alcohol and other drugs.

The Sheriff as an elected official is responsible for drug-free workplace issues in the Sheriff's Department. The Human Resources Director will make available to the Sheriff all test results on Sheriff's Department employees and applicants. The Sheriff will be responsible for reporting test results to the North Carolina Sheriff's Education and Training Standards Commission on personnel holding certification from that Commission as required.

Test results on other law enforcement personnel, such as Security Officers who hold certification from the Criminal Justice Education and Training Standards Commission, will be reported to that Commission by the Human Resources Director as required.

Law enforcement and jail personnel who lose their state certification as a result of violations of this policy will be dismissed.

DEPARTMENT OF TRANSPORTATION REGULATIONS

The County’s drug-free workplace policy complies with Department of Transportation (DOT) Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) regulations (49 CFR, Part 40 and 49 CFR, Part 655) governing the use of drugs and alcohol by employees who hold a Commercial Driver’s License (CDL) and drive a Commercial Motor Vehicle (CMV).

The regulations apply to every person who operates a CMV in interstate, foreign, or intrastate commerce, to all employers of such persons and to all States.

CMV is defined as a motor vehicle or a combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- Has a gross combination weight of 11,794 or more kilograms (26,001 or more pounds), inclusive of a towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or
- Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of materials found to be for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to have a placard under the Hazardous Materials Regulations.

DOT safety-sensitive function is defined as and includes all time, from the time an employee begins to work, or is required to be in readiness to work, until the time he or she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include the following:

- All time at a County building, facility, or other property, or on any public property, waiting to be dispatched, unless the employee has been relieved from duty by the County;
- All time inspecting equipment as required by DOT regulations or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time loading or unloading a vehicle, supervising, assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Supervisors and managers of employees in positions requiring a commercial drivers license (CDL) are required to receive sixty (60) minutes training on drug use and sixty (60) minutes training on alcohol misuse.

The County’s drug-free workplace policy complies with DOT regulations governing safety-sensitive functions from the time an employee begins work, or is required to be in readiness to work, until the time he or she is relieved from work and all responsibility for performing work.

Revised: July 14, 2003		
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### CONFIDENTIALITY

The County and any approved laboratory with access to drug reports and other information acquired in the testing process shall keep this information confidential. Information will not be released to any person other than the employee, job applicant, Human Resources Director, or other personnel as designated by the employer on a need-to-know basis, unless the employee or job applicant has expressly granted permission in writing for the release of information related to substance abuse testing. The Human Resources Director may communicate any confidential information to the proper authority on a need-to-know basis. Any employee who violates the policy on confidentiality will be subject to dismissal.

Test results will be maintained as part of the employee's medical records and not included in any employee's personnel file. Results may be released when legally required or in case of an appeal hearing.

### AMERICANS WITH DISABILITIES ACT

The County is committed to providing reasonable accommodation to employees whose drug or alcohol problem classifies them as disabled under the Americans with Disabilities Act (ADA).

An employee who voluntarily reveals a substance abuse problem to their supervisor before being notified to be tested, before testing positive for substance abuse, and before other discovery of a substance abuse problem may voluntarily enroll in a drug or alcohol rehabilitation program and is encouraged to use the Employee Assistance Program by contacting them and scheduling a confidential appointment.

Employees who are found to have violated the substance abuse policy and are not successfully engaged in a treatment/rehabilitation program will be dismissed.

### EMPLOYEE ASSISTANCE PROGRAM

The County offers an Employee Assistance Program (EAP), which provides 24-hour on-call assistance for employees with problems affecting their job performance or well-being. Employees should contact the appropriate supervisor or manager or Human Resources for information on the current EAP provider. An employee's voluntary participation in the EAP may be favorably considered in any proposed disciplinary action for previous substance abuse infractions. After the fact participation in EAP or another drug and alcohol rehabilitation program approved by the County will not influence disciplinary action.

### CONDITIONS FOR TESTING

Drug and/or alcohol testing are required under the following circumstances.

- Applicant testing as a condition of employment
- Promotion
- Random testing for designated positions
- Reasonable suspicion
- Post-accident
- Return to duty and follow up

### **Applicant Testing As a Condition of Employment**

The final applicant selected for each full-time or part-time position must take a drug test and show a negative result within the eight (8) weeks prior to being hired. The final applicant for a limited part-time or temporary position may also be required to take a test as approved by the Human Resources Director. Applicants for positions requiring a CDL must also take a drug and alcohol test.

DOT regulations require that prior employers supply a new employer with the employee’s previous testing information for any position requiring a CDL. The new employer must make a good faith effort to obtain the information. Departments should consult Human Resources for guidance in obtaining this information.

The department director or designee is to schedule an appointment for the test at Novant Health Urgent Care and notify the individual to be tested on the morning of the day the test is scheduled. (Refer to Attachment A at the end of this section.) Without authorization from the department director, applicants who cancel their appointment or fail to show up for a substance abuse test will no longer be considered for employment. There are no exceptions to these conditions.

In the event of a positive drug test result, the applicant may request a retest within seventy-two (72) hours of receipt of the test result. The applicant must contact Novant Health Urgent Care to make the request. The retest is performed on the initial specimen given by the applicant at a DHHS/SAMHSA certified laboratory. The retest is at the applicant’s expense. If the retest is negative, the County will reimburse the applicant the amount charged for the test.

Applicants who test positive for drugs or alcohol will not be considered for employment and may be disqualified from further consideration for County employment.

Revised: March 1, 2011	Revised: July 1, 2014	
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**Promotion**

An employee must take a drug test and have a negative result prior to a promotion to any position. A drug test will also be required before any existing employee in a non-DOT regulated position will be assigned, transferred, or promoted to any DOT regulated position or otherwise permitted to operate a CMV on behalf of the County for the first time.

Revised: July 1, 2014		
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**Random Testing For Designated Positions**

The Human Resources Director will identify and recommend for approval by the County Manager positions for random testing. Some jobs are required by State or Federal regulations for random testing, for example, law enforcement, safety-sensitive, and positions requiring a CDL.

When these positions are identified, the department director must notify the affected employees in writing. The list of approved positions for random testing is available upon request from Human Resources.

Employees in these jobs will be subject to random, unannounced drug and/or alcohol tests. The rate of random selection will be a percentage of the annual average number of employees.

Employees selected for random testing will be notified verbally by the supervisor or manager or designee and the appointment time will be communicated. If no appointment is scheduled, the employee will be given the appropriate paperwork and directed to make a “drop-in” visit to one of the five Novant Health Urgent Care locations. The employee must make the “drop-in” visit within two hours of being notified of the random drug test.

Without a valid excuse confirmed in writing by the department director, an employee's failure to appear for testing will be considered refusal to participate in testing and will constitute grounds for termination. The employee will not be considered for reemployment for at least one year from the date of the scheduled test.

Revised: September 22, 2015		
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### **Reasonable Suspicion**

Supervisors and managers will receive training on how to determine when reasonable suspicion exists for drug and alcohol testing. When a supervisor or manager has a reasonable suspicion that an employee is impaired and would be incapable of safely performing their assigned duties and responsibilities, they will arrange for another supervisor or manager to verify their reasonable suspicion. Reasonable suspicion is that quantity of proof or evidence that is more than intuition or strong feeling. Reasonable suspicion must be based on specific observations concerning the appearance, behavior, speech, and/or body odors of the employee. Observations supporting reasonable suspicion include but are not limited to any one or more of the following:

1. Direct observation of prohibited drug or alcohol use
2. Slurred speech
3. Alcohol beverage odor on breath
4. Unsteady walking and movement
5. An accident involving County property
6. Physical altercation
7. Verbal altercation
8. Lapse in cognitive abilities
9. Aggressive, hostile, threatening, disruptive, or unusual behavior
10. Report of prohibited drug or alcohol use by a reliable and credible source
11. Evidence that the employee is involved in the use, possession, sale, solicitation, or transfer of prohibited drugs

These observations must be personally observed and documented by at least one (1) supervisor or manager who has received training covering the physical, behavioral, speech, and performance indicators of probable drug and/or alcohol use. The supervisor or manager will contact the Human Resources Director or designee before scheduling the test for the employee.

After notifying the Human Resources Director or designee, the supervisor or manager will direct the employee to a confidential area away from other employees and will verbally inform the employee that a reasonable suspicion test is an obligation and refusal to submit to such testing will result in termination. If the employee agrees to take the test, the employee will be informed that they are suspended from work with pay and will be notified whether or not and under what circumstances they will be permitted to return to work. It is the responsibility of the supervisor or manager to transport the employee to Care or to the County-designated facility for testing. If the employee refuses to take the test, the Novant Health Urgent employee will be terminated and will be notified in writing by the department director. Arrangements will be made to have the employee taken home. The employee will not be allowed to drive. If the employee insists on driving, inform the police and/or building security immediately and attempt to delay the employee until law enforcement personnel arrive. The supervisor or manager must immediately inform their department director or designee of the request for the substance abuse test. After the test is completed, the supervisor or manager should arrange to have the employee taken home unless the employee is admitted to a hospital.

The supervisor or manager must complete a Mecklenburg County [Reasonable Suspicion form](#). If the employee refuses to be tested, it should be noted on the form. The completed form should be forwarded to the Human Resources Director marked PERSONAL AND CONFIDENTIAL no later than the close of business on the day of the occurrence. The department director will ensure that the employee receives a copy of this form or any other supporting documentation relevant to the incident.

When a supervisor or manager is making observations about an employee holding a CDL concerning alcohol, these observations must be made just before, during, or just after the driver performs a safety-sensitive function. Alcohol tests should be administered within two (2) hours of the observation. If unable to test within the two (2) hour period, the County must document the reason for the time delay. If this test is not performed within eight (8) hours, the County will cease attempts to administer the test and document the reason(s) why the test was not conducted.

If reasonable suspicion is observed and a test has not yet been performed, the employee will not perform a safety-sensitive function until an alcohol test has been performed and the result is less than 0.02 or twenty-four (24) hours have passed following the reasonable suspicion determination.

Drug testing should be administered as soon as possible after making a reasonable suspicion determination. The documentation of the employee's conduct must be prepared and signed by a witness within twenty-four (24) hours of the observed behavior, or before the results of the drug test are released, whichever is earlier. If unable to drug test within thirty-two (32) hours, the County must cease attempts and document the reason(s) why the test was not conducted.

### **Post-accident**

Employees will be tested for the presence of drugs and alcohol following an on the job accident or other occurrence that involves one or more of the following events:

1. A fatality
2. An injury to an employee or other individual
3. Substantial damage to vehicles
4. Substantial damage to other property
5. The employee receives a citation under state or local law for a moving traffic violation arising from the accident.

Employees may also be tested after a series of minor on-the-job accidents or injuries as determined by the department director.

Following an accident, the employee must report immediately to Novant Health Urgent Care for drug and/or alcohol testing unless the employee is hospitalized for injuries. If the employee is unable to report, arrangements will be made to have the testing conducted at the appropriate medical facility to which the employee has been admitted.

An employee who is performing a DOT safety-sensitive function must submit to a post-accident drug and alcohol test as soon as possible after any occurrence that meets the description of a DOT accident. A DOT accident is defined as an occurrence involving a CMV operating on a public road in commerce which results in:

1. A loss of human life
2. The driver receiving a citation under State or local law for a moving traffic violation arising from the accident if the accident involved bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; and/or one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

An employee may be directed to submit to a drug and/or alcohol test at the accident scene by a Federal, State, or local law enforcement officer. Whenever a test is conducted by a law enforcement officer, the employee is required to immediately contact their supervisor or manager or other County official to report the test result and to provide the County with the name, badge number, and telephone number of the law enforcement officer who conducted the test. Whenever an employee is involved in a DOT accident and is not tested for drugs and/or alcohol by the law

enforcement official, the employee is required to immediately report to Novant Health Urgent Care for testing. The procedures should be followed as detailed on the employee's post-accident checklist, which every DOT regulated employee is given at the time they are hired.

Post-accident drug and alcohol tests will be administered as soon as possible, but not more than eight (8) hours following the time of the accident. An alcohol test for a DOT accident should be administered within two (2) hours of an accident. If unable to test within the two (2) hour time period, the County must document the reason(s) for the time delay. If the test is not performed within eight (8) hours, the County will cease attempts to administer the test and document the reason(s) why the test was not conducted. The employee must refrain from consuming alcohol for eight (8) hours following an accident or until the alcohol test has been completed, whichever comes first. A drug test for a DOT accident should be administered within thirty-two (32) hours after an accident. If the test was not performed within thirty-two (32) hours, the County will cease attempts and prepare and maintain a record stating the reason(s) why the test was not conducted. The employee must remain available for drug and alcohol testing or it may be considered a refusal unless the employee is seriously injured.

### **Return to Duty and Follow Up**

Employees who have voluntarily removed themselves from their job duties and followed recommended rehabilitation for substance abuse must submit to and furnish a negative drug and/or alcohol test result prior to returning to duty. The result of an alcohol test must be less than 0.02. The return-to-duty test may not be limited to a specific substance. If the substance abuse professional determines that a multiple substance abuse problem exists, a drug test may be performed in conjunction with an alcohol test. This test must be completed after an evaluation by a substance abuse professional and before returning to duty.

Employees who have undergone voluntary treatment for substance abuse will be subject to random, unannounced drug and/or alcohol tests six (6) times a year for a period of up to five (5) years, as a condition of continued employment. The SAP may terminate the requirement for the follow-up testing at any time after the first six (6) tests have been administered, if the SAP determines that such testing is no longer necessary.

### **DRUG TESTING PROCEDURES**

#### **Current Employees and Applicants for DOT Regulated Positions**

All drug tests for current employees and applicants for DOT regulated positions will be conducted from urine specimens collected by the medical staff at Novant Health Urgent Care or at a County-designated facility. The specimen will be analyzed by a DHHS/SAMHSA certified laboratory for the following drugs:

Amphetamines	Cannabinoids (Marijuana)
Cocaine	Phencyclidine (PCP)
Opiates	

Novant Health Urgent Care and the approved laboratory will, at a minimum, follow effective quality control procedures and use instrumentation recommended by DHHS/SAMHSA. All urine specimens will undergo initial Immunoassay Test (IT). If any of the above listed substances are detected on the initial screening by the IT, the specimens will be confirmed through a Gas Chromatograph/Mass Spectrometer (GC/MS) test. The test results will be confidentially reported to the County's Medical Review Officer (MRO), Novant Health Urgent Care medical staff and the Human Resources Director or designee.

If an applicant or employee engages in conduct that clearly obstructs the testing process, it will be considered a refusal to take a drug test. A refusal to submit to a drug test will have the same consequences as a verified positive drug test result. If the drug test result is reported as adulterated, it will be considered as obstructing or interfering with the testing process and will have the same result as a verified positive drug test result. Insufficient specimen without valid medical explanation by the MRO has the same result as refusal to submit to testing.

**Applicants for Non-DOT Regulated Positions**

All drug tests for applicants for non-DOT regulated positions will be conducted from urine specimens collected by the clinical staff at Novant Health Company Care or at another County-designated facility. The specimen will be analyzed by a DHHS/SAMHSA certified laboratory for the following drugs:

- |                |                          |
|----------------|--------------------------|
| Amphetamines   | Cannabinoids (Marijuana) |
| Barbiturates   | Methadone                |
| Benzodiazepine | Methamphetamines         |
| Cocaine        | Phencyclidine (PCP)      |
| Opiates        |                          |

Test results will be confidentially reported to the County’s Medical Review Officer and the Human Resources Director or designee.

If a test result is positive, the specimen will follow a chain of custody to a certified DHHS/SAMHSA laboratory for verification of positive result.

If an applicant engages in conduct that obstructs the testing process, it will be considered a refusal to take a drug test. A refusal to submit to a drug test will be treated as a confirmed positive drug test result. If the drug test result is reported as adulterated, it will be considered as obstructing or interfering with the testing process and will be treated as a confirmed positive drug test result. Insufficient specimen without valid medical explanation by the MRO will be treated as a refusal to submit to testing.

**Applicants for DOT Regulated Positions**

Applicants for DOT regulated positions will be conducted from urine specimens collected by the clinical staff at Novant Health Company Care or at another County-designated facility. The specimen will be analyzed by a DHHS/SAMHSA certified laboratory for the following drugs:

- |              |                          |
|--------------|--------------------------|
| Amphetamines | Cannabinoids (Marijuana) |
| Cocaine      | Phencyclidine (PCP)      |
| Opiates      |                          |

Novant Health Company Care and the approved laboratory will, at a minimum, follow effective quality control procedures and use instrumentation recommended by DHHS/SAMHSA. All urine specimens will undergo initial Immunoassay Test (IT). If any of the above listed substances are detected on the initial screening by the IT, the specimen will not be considered positive. That specimen will then be subjected to a confirmatory test utilizing Gas Chromatography-Mass Spectrometry (GC/MS). The test results will be confidentially reported to the County’s Medical Review Officer (MRO) and the Human Resources Director or designee.

If an applicant or employee engages in conduct that obstructs the testing process, it will be considered a refusal to take a drug test. A refusal to submit to a drug test will be treated as a confirmed positive drug test result. If the drug test result is reported as adulterated, it will be considered as obstructing or interfering with the testing process and will be treated as a verified

positive drug test result. Insufficient specimen without valid medical explanation by the MRO will be treated as a refusal to submit to testing.

Revised: June 30, 1999  
Revised: September 24, 2004

Revised: January 2, 2008  
Revised: July 7, 2008

Revised: July 1, 2014

### **POSITIVE DRUG TEST RESULTS**

The results of a positive drug test shall not be released until the test is verified.

In order to provide privacy and confidentiality to the greatest extent possible, all positive drug test results will be sent to the County's Medical Review Officer. When a positive result is verified, the Medical Review Officer will:

1. Provide the applicant or employee with an opportunity for an interview as part of the verification process,
2. Review applicant or employee medical histories or any other biomedical factors,
3. Review all medical records made available by the tested employee when a confirmed positive test could have resulted from legally prescribed medications.

Applicants and employees who test positive will be given an opportunity to consult with the Medical Review Officer to provide evidence which may justify a positive drug test. Information that may be used to justify a positive result may include, but is not limited to, a valid prescription or over-the-counter medication. After review of the facts and additional information that may be provided by the applicant or employee, the Medical Review Officer will forward the findings to Novant Health Urgent Care medical staff and the Human Resources Director or designee. If an employee is continuing in or returning from a rehabilitation program, any positive test will be reviewed by the Human Resources Director or designee in consultation with a medical provider to determine appropriate actions.

If the Medical Review Officer determines a legitimate medical explanation does exist for a confirmed, positive test result, the test result will be reported as a negative.

Under special circumstances, expanded testing may be performed if approved by the Human Resources Director.

The applicant or employee has the right to request a retest following a verified positive drug test result. The retest is performed on the original specimen. The retest is at the applicant's or employee's expense and will be performed at a DHHS/SAMHSA certified laboratory. If the retest results are negative, the County will reimburse the applicant or employee for the cost of the retest.

If the Medical Review Officer finds no legitimate medical explanation for a positive drug test, the applicant will not be considered for employment and the employee will be discharged. Neither will be eligible for employment with the County and may be disqualified from further consideration for County employment.

Revised: April 22, 1998  
Revised: January 2, 2008

Revised: March 1, 2011  
Revised: July 1, 2014

### **ALCOHOL TESTING PROCEDURES**

All alcohol tests will be conducted from either a saliva or breath specimen collected by Novant Health Urgent Care medical staff or at a County-designated facility.

Employees/applicants who are to be tested for alcohol will report to Novant Health Urgent Care where they will be taken to an area where privacy is assured. They will be asked to provide a breath sample adequate to perform an initial test. If the screening test result reads positive (0.02 or greater), a confirmatory test by breath will be performed. The employee/applicant must remain within sight of the collector for at least fifteen (15) minutes after which the confirmatory test will

be performed. During the waiting period, the employee/applicant may not drink any liquid or put any other substance into his/her mouth. A confirmatory test result that reads less than 0.02 will be reported as negative. A confirmatory test reading between 0.02 and 0.039 will result in a rescheduled test for an applicant and removal from safety-sensitive duties for an employee for twenty-four (24) hours or until a retest shows a result of less than 0.02. An employee whose confirmatory test result reads between 0.02 and 0.039 is prohibited from performing safety-sensitive duties until his/her next regularly scheduled work period, but for no less than twenty-four (24) hours.

For DOT regulated positions, alcohol tests must be administered just before, during, and just after performing a safety-sensitive function.

If an employee/applicant engages in conduct that clearly obstructs the testing process, it will also be considered a refusal to take an alcohol test. A refusal to submit to an alcohol test will have the same consequences as a confirmed, positive alcohol test result (0.04 or greater). Insufficient sample without valid medical explanation by the MRO has the same result as refusal to submit to testing.

### **POSITIVE ALCOHOL TEST RESULTS**

A confirmatory test result that reads 0.04 or higher is considered positive and will result in termination for an employee. An applicant whose confirmatory test result reads 0.04 or greater will not be eligible for employment with the County and may be disqualified from further consideration for County employment.

Revised: March 1, 2011	Revised: July 1, 2014	
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### **PROHIBITED SUBSTANCES**

Prohibited substances addressed by this policy include the following:

#### **Illegally Used Controlled Substances or Drugs**

Any illegal drug or controlled substance as identified in federal regulations is prohibited. This includes, but is not limited to, marijuana, amphetamines, opiates, phencyclidine (PCP) and cocaine, as well as any drug not approved for medical uses by the United States Drug Enforcement Agency (USDEA) or United States Federal Drug Administration (USFDA). Illegal use includes use of any illegal drug, misuse of legally prescribed drugs and use of illegally obtained prescription drugs.

#### **Legal Drugs**

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates mental functioning, motor skills or judgment may be adversely affected must be reported to the appropriate supervisor or manager and medical advice must be sought by the employee, as appropriate, before performing work-related duties. This requirement is essential for employees in positions designated as safety-sensitive.

A legally prescribed drug means an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing County business is prohibited.

### **Alcohol**

The use of beverages or other substances containing alcohol is prohibited while on County property, in County vehicles, or while engaged in County business. Alcohol concentration of 0.04 and higher, as measured by an Evidential Breath Testing (EBT) device, is considered positive and is prohibited. All County employees are subject to alcohol testing for reasonable suspicion or for certain post-accident situations, or return-to-duty and follow-up testing for employees returning to work from a voluntary alcohol or substance abuse rehabilitation program.

All DOT regulated drivers are subject to alcohol testing for random, reasonable suspicion, post-accident situations, or return-to-duty and follow-up testing for drivers returning to work from a voluntary alcohol or substance abuse rehabilitation program.

### **PROHIBITED CONDUCT**

The following conduct is expressly prohibited and violations will result in disciplinary action, which may include termination:

1. Unauthorized use, consumption, possession, manufacture, distribution, dispensation or sale of alcohol, controlled substances, illegal drugs or drug paraphernalia on County premises, in County supplied vehicles, or in any County work area. Law enforcement officials shall be notified, as appropriate, where criminal activity is suspected.
2. Being under the influence of an unauthorized or controlled substance, an illegal drug, or alcohol on County premises, in County supplied vehicles, or in any County work area.
3. The use or possession of alcohol or illegal drugs off County premises and while not on duty where such conduct could likely have a direct and material adverse impact on the County's interests, including public image.
4. The conviction for the sale of or possession with intent to sell illegal drugs at any time or place.

### **Drug Prohibitions**

This policy prohibits any drug use that could affect performance of a safety-sensitive function particularly for positions requiring a CDL. Listed below are the prohibitions for drug use.

1. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the employee uses any drugs, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the drug will not adversely affect the employee's ability to safely operate a CMV or perform safety-sensitive duties.
2. No supervisor having actual knowledge that an employee has used a controlled substance shall permit the employee to perform or continue to perform a safety-sensitive function.
3. An employer may require an employee, subject to DOT regulations, to inform the employer of any therapeutic drug use.
4. No employee shall report for duty, remain on duty, or perform a safety-sensitive function if the employee tests positive for controlled substances. No employer having actual knowledge that an employee has tested positive for controlled substances shall permit the employee to perform or continue to perform safety-sensitive functions.
5. Refusal to submit to a required controlled substances test.

### **Alcohol Prohibitions**

This policy prohibits any alcohol misuse that could affect performance of a safety-sensitive function, particularly for positions requiring a CDL. Listed below are the prohibitions for alcohol misuse.

1. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. No supervisor having actual knowledge that an employee has an alcohol concentration of 0.04 or greater shall permit the employee to perform or continue to perform safety-sensitive functions.
2. No employee shall use alcohol while performing safety-sensitive functions. No supervisor having actual knowledge that an employee is using alcohol while performing safety-sensitive functions shall permit the employee to perform or continue to perform safety-sensitive functions.
3. No employee shall perform safety-sensitive functions within four (4) hours after using alcohol. No supervisor having actual knowledge that an employee has used alcohol within four (4) hours shall permit an employee to perform or continue to perform safety-sensitive functions.
4. No employee required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.
5. No employee shall perform safety-sensitive functions while the employee possesses wine, beer, and/or distilled spirits.
6. Refusal to submit to a required alcohol test.

If any of the above prohibitions are violated, the employee shall not perform, nor be permitted to perform, a safety-sensitive function. An employee removed from performing a safety-sensitive function because of a policy violation occurring in conjunction with 11,794 kilogram (26,001 pound) or greater vehicle in interstate or intrastate commerce also is prohibited from driving a 4,536 kilogram (10,001 pound) or greater vehicle in interstate commerce.

### **ON OR OFF THE JOB VIOLATIONS**

If an employee is arrested on or off the job for Driving While Impaired (DWI) or Driving Under the Influence (DUI) or for the use, sale, or possession of a controlled dangerous substance and it is found to have a direct relationship to the employee's job duties and responsibilities, appropriate disciplinary action may be taken. The employee is required to report the arrest to their supervisor/manager within forty-eight (48) hours of the incident. Failure to report an arrest may result in disciplinary action. The supervisor or manager will investigate the incident and inform Human Resources within two working days.

Conviction by a court for DWI or DUI while driving a County vehicle or equipment will result in a mandatory one-year suspension of County driving privileges and appropriate disciplinary action.

Conviction of an employee for the sale of or possession with intent to sell illegal drugs at any time or place is cause for immediate dismissal and may be disqualified from further consideration for County employment. The employee is required to report the conviction to their supervisor or manager.

The use or possession of alcohol or illegal drugs off County premises and while not on duty where such conduct can be shown to have a direct and material adverse impact on the County's interests, including public image, may be cause for discipline.

Revised: November 5, 2002 Revised: July 14, 2003	Revised: January 2, 2008 Revised: March 1, 2011	
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### INSPECTIONS AND SEARCHES

The County reserves the right to conduct searches or inspections of property assigned to an employee and their personal belongings whenever a supervisor or manager has reasonable grounds for suspecting that the search will result in evidence of a violation of this policy. Such searches or inspections may include, for example, an employee's locker, desk, and County assigned vehicles. The employee's supervisor or manager and at least one (1) individual from an outside source or department will conduct the search.

Revised: April 22, 1998	Revised: March 12, 2012	
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**MECKLENBURG COUNTY SUBSTANCE ABUSE PROGRAM  
REASONABLE SUSPICION TEST REFERRAL/REFUSAL FORM**

Send this form marked "Confidential" to the Human Resources Director

Employee Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Social Security #: \_\_\_\_\_ Dept: \_\_\_\_\_  
Supervisor: \_\_\_\_\_  
Supervisor consulted: \_\_\_\_\_

**REASONABLE SUSPICION**

Reasonable suspicion is the quantity of proof or evidence than can be articulated by the supervisor and is more than intuition or strong feeling. The checklist below is a guide to aid in documenting and articulating changes in an employee's behavior that result in the decision to require a reasonable suspicion drug test.

Speech:

- \_\_\_\_\_ Not understandable
- \_\_\_\_\_ Mumbled
- \_\_\_\_\_ Slurred
- \_\_\_\_\_ Confused
- \_\_\_\_\_ Stuttered

Unusual behaviors:

- \_\_\_\_\_ Hiccupping
- \_\_\_\_\_ Belching
- \_\_\_\_\_ Crying
- \_\_\_\_\_ Laughing
- \_\_\_\_\_ Nausea/vomiting

Eyes:

- \_\_\_\_\_ Bloodshot
- \_\_\_\_\_ Glassy
- \_\_\_\_\_ Dilated Pupils

Demeanor:

- \_\_\_\_\_ Impatient
- \_\_\_\_\_ Over-reaction to criticism
- \_\_\_\_\_ Irritable
- \_\_\_\_\_ Argumentative
- \_\_\_\_\_ Physical fights
- \_\_\_\_\_ Temper outbursts

Absence from Job:

- \_\_\_\_\_ Tardy
- \_\_\_\_\_ Excessive sick leave
- \_\_\_\_\_ Takes ½ days off w/o adequate notice
- \_\_\_\_\_ Gets sick while at work
- \_\_\_\_\_ Gives unlikely excuses for absence
- \_\_\_\_\_ Wanders around the work site

Odor:

- \_\_\_\_\_ Strong alcohol/marijuana odor
- \_\_\_\_\_ Moderate alcohol/marijuana odor
- \_\_\_\_\_ Faint alcohol/marijuana odor

Additional objective observations or comments (not based on intuition):

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\_\_\_\_\_  
Supervisor's signature

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**REFUSAL**

When an employee refuses to submit to a required test for alcohol or drugs, the refusal must be documented and it results in termination of employment with Mecklenburg County.

\_\_\_\_\_ The above named employee refused to submit to a required test.

\_\_\_\_\_  
*Supervisor's signature*

\_\_\_\_\_  
*Witness to refusal*

**Section IX:**

**WORK OPTIONS**

Mecklenburg County policy provides for a variety of different work schedules or arrangements including teleworking, flex time and job sharing.

**FOR MORE INFORMATION ABOUT WORK OPTIONS,  
PLEASE CONTACT THE  
EMPLOYEE SERVICES CENTER  
432.6947**

**WORK OPTIONS**

Mecklenburg County recognizes that while the majority of County employees report to work at a County facility from 8:00 AM to 5:00 PM, Monday through Friday, there may be times when it is more beneficial to both the County and the employee to have other work options. These other options include flextime, compressed work week, job sharing and teleworking. Irrespective of the agreed to work schedule, regular and dependable attendance is an essential function of every job at Mecklenburg County and it is the responsibility of the department director to avoid any alternative schedule or work arrangement that may adversely affect service delivery. An alternative schedule or work arrangement does not change the basic terms and conditions of employment with the County, and employees are subject to the same policies that apply when working at a County facility. Alternative schedules or work arrangements are not a benefit or entitlement, but a voluntary alternative work arrangement intended to enhance productivity, creativity, employee satisfaction and/or reduce operating costs.

FLEXTIME

Flextime provides work schedules that offer employees choices of job arrival and departure times while still working the required number of hours each day or work week. Before a department director may determine flextime variances, he/she must first identify the department’s block time. Block time is defined as the designated hours in the work day when all employees who are scheduled to work must be on duty unless they are on approved leave. Block time is most often established between 9:00 AM and 4:00 PM. Flextime is defined as hours outside the established block time but within the work day. Hours worked during flextime, when added to block time, must equal the typical 8-hour day, otherwise nonexempt employees face the possibility of lost income. Hourly employees using flextime will be paid for only the hours actually worked in any given work day. Hourly employees will not be permitted to work more than an 8-hour day or 40-hour week unless specifically authorized to work overtime. Hourly employees who work overtime must be given equal time off within the work week or be compensated according to the requirements of the Fair Labor Standards Act (FLSA.)

COMPRESSED WORK WEEK

Compressed work week allows full-time employees to work 40 hours in fewer than 5 days in exchange for a partial day or an entire day off in the work week. Non-exempt employees may condense hours worked according to the County’s pay week beginning Wednesday and ending the following Tuesday. Examples are as follows:

W	T	F	S	S	M	T	
10	10				10	10	Total 40 hours
W	T	F	S	S	M	T	
9	9	4			9	9	Total 40 hours

Alternative schedules may be developed provided hours worked in the seven day work week do not exceed 40 hours.

Exempt employees are expected to be available for work as necessary and must average 40 hours of work per week.

Employees participating in a compressed work week schedule must complete a written agreement, a copy of which should be included in the employee’s County personnel file. ([Sample format](#) is included at the end of this section.)

Revised: July 14, 2003	Revised: July 1, 2014	
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## JOB SHARING

Job sharing is a version of part-time employment where two employees work against one authorized full-time position. The position may be shared by employees working full days on different days of the week or working different portions of each work day. All job sharing arrangements are to be made through the Director of Human Resources to ensure compliance with policy, disclosure of benefits and proper payroll authorization. Accrual of sick and vacation leave are provided on a pro rata basis along with full employee health, dental and life insurance.

Employees engaged in job sharing must complete a written agreement, a copy of which should be included in the employee's County personnel file. ([Sample format](#) is included at the end of this section.) The agreement will identify which employee has priority to the position should the job sharing arrangement terminate for any reason.

Revised: October 2, 2000		
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## TELEWORKING

Teleworking, the practice of working at home or away from an employee's assigned work location, is an alternative work arrangement that the County may offer to some employees when it would benefit both the employee and the County. Teleworking does not change the basic terms and conditions of employment with the County, and employees are subject to the same policies that apply when working at a County facility. Teleworking is not a benefit or entitlement, but a voluntary alternative work arrangement intended to enhance productivity, creativity, employee satisfaction and/or reduce operating costs. Teleworking employees must complete a formal teleworking agreement that is approved by the appropriate Department Director/designee. The employee or the County may terminate the agreement at any time for any reason. Should the employee terminate the agreement, they must give the department up to two weeks to find a work space.

Employees who participate in teleworking are required to maintain the same standards of confidentiality for County records and information as if they were working at a County facility. The responsibility for maintaining confidentiality applies to all types of records including paper, electronic records or other media. Failure to maintain confidentiality will result in disciplinary action up to and including termination.

Teleworking is appropriate for the right position, the right employee and the right manager. It is important to consider certain factors before approving any teleworking arrangement. The Department Director/designee (most often the direct supervisor) has the authority to approve individual teleworking arrangements consistent with these guidelines. The Department Director has the discretion to make a final decision on all teleworking arrangements. It is up to the Department Director whether to cede this authority to a designee. Department Directors may develop more specific guidelines based upon the business needs of their departments, subject to approval by the Assistant County Manager responsible for the department and the Human Resources Director. The guidelines must be consistent with the County guidelines as outlined below:

### **Position Criteria:**

Department Directors/designees must consider the following criteria when approving a teleworking arrangement:

- Full-time or part-time positions are eligible. Limited part-time and temporary positions are not eligible;

- Position evaluation completed by the Department Director/designee using the “Customer Service Priority Assessment for Positions” (Addendum A) to determine that the position has a low to moderate level of customer interaction in an office setting.
- Position has a well-developed work plan with clear objectives and appropriate measurement criteria to ensure accountability.
- Information security is addressed by the employee without additional cost to the County.
- Needs of customers and co-workers can be met from alternative location

**Employee Criteria:**

Department Directors/designees must consider the following criteria when approving a teleworking arrangement:

- Employee has successfully completed the required provisional period and is a good performer as demonstrated by successful or exemplary performance reviews and no record of disciplinary actions within the past two years.
- Employee has thorough knowledge of the job and supervisor’s expectations.
- Employee has reviewed the Flexible Work Proposal document (Addendum B) and outlined why the arrangement is of value to the County. Employee must provide justification to the Department Director/designee for review and consideration when a teleworking arrangement is proposed.
- Employee telecommutes from a location in North Carolina.

**Management Criteria:**

Department Directors/designees must consider the following criteria when approving a teleworking arrangement:

- Management must be committed to making the teleworking arrangement successful.
- Management and the employee will have developed a results-oriented work plan that allows independent performance and accountability prior to the commencement of the teleworking agreement.

**Teleworking Requirements**

Teleworkers are permitted to work from a remote location within North Carolina for a maximum of three days per week. This limitation is designed to encourage collaborative relationships among co-workers. The only exceptions are employees whose work is primarily field work. These employees are heavily engaged in community activities and are in the office regularly for meetings, to complete paperwork, and to fulfill other administrative duties. However, given the type of work they do (highly mobile) they do not need an office space on site. Examples include some Social Workers, Building Inspectors, Code Inspectors, and similar positions. The final determination of whether the position is a field worker is left to the Department Director/designee.

Specific hours and days of the week must be defined and approved through a formal teleworking agreement between the employee and the Department Director/designee. Business visits, meetings with customers or regularly scheduled meetings with co-workers may not be held at the home worksite.

Teleworkers, by virtue of their regular absence from the office, may forfeit their assigned office space and may share space with another employee. The Department Directors/designee will determine how shared spaces will be utilized. In certain instances, a hoteling arrangement may be initiated by the department for teleworkers so that a space is available when they are in the office. If the teleworking agreement is modified or canceled by the County, the Department Director/designee is responsible for identifying office space within the department. If the

agreement is canceled by the employee, the County may have up to two weeks to address office space issues.

### **Compliance with Law and Policies and Procedures**

Telecommuting arrangements must comply with federal, state and municipal laws that apply to County employees. This includes, but is not limited to, the Fair Labor Standards Act (FLSA) and Occupational Safety and Health Act (OSHA). All employees that telework must adhere to all County policies and procedures including those pertaining to computer equipment including, but not limited to, the following: Human Resources policy, Information Security, Internet, E-Mail, Virus, Software Licenses, Remote Access, etc. The current version of all Mecklenburg County policies can be found on Meckweb.

### **County Equipment**

The equipment and supplies necessary to telework will be provided by a combination of both the employee and the County. The equipment issued to a teleworker should be sufficient to support the employee's work requirements; however, the Department Director/designee should make cost effective decisions as it relates to equipment.

Teleworkers must have the ability to communicate with other employees and customers in a manner consistent with a non-teleworking employee. In other words, teleworking employees must be readily available. Examples of the technology needed to ensure availability include access to cell phone communication, Voice over Internet Protocol (VOIP) Instant Messaging or similar instant communication methods.

County provided computer equipment that adheres to County standards for hardware, software and related equipment will be provided to teleworkers. The specific type of equipment depends on the job and will be recommended by departmental or County ITS staff for approval by the Department Director/designee. **County employees must be aware that any County work done on an employee's personal computer is considered County property and a public record, subject to public access unless an exception applies.**

The County is responsible for the maintenance and support of County owned equipment, including hardware and software. Support will be provided by ITS and/or the teleworker's departmental ITS staff. Customer Support Center support and equipment maintenance will be provided Monday – Friday from 8:00 a.m. to 5:00 p.m.

Any County equipment needing repair or software installation must be returned to a County facility for service. If there is a delay in the repair or replacement of the equipment or any other circumstance which would make it impossible for the teleworker to work off site, then the teleworker will be reassigned to a County facility until the repair has been made, or the circumstance has been corrected. The Department Director/designee will be responsible for identifying appropriate office space for the teleworker if the County office space has been reallocated.

The teleworker is responsible for establishing and maintaining an adequate and safe workspace and for providing a work environment free of interruptions and distractions that would affect performance. The home office must meet safety guidelines, and the County reserves the right to make on-site inspections during normal business hours as defined in the teleworking agreement. The home work office should function in the same way and with the same safety awareness as if working at a County facility. Teleworkers are expected to follow basic safety precautions in their homes. These include:

- **Walking surfaces**- Keep floor surfaces level and dry. Ensure that carpets are in good condition and secured to the floor. Keep telephone and electrical cords out of walkways. Outdoor walkways, porches, and steps should also be kept clear of obstacles, debris, ice, and snow.
- **Fire Hazards** – Keep combustible materials to a minimum and dispose of trash promptly. Be sure to have a functioning smoke detector and fire extinguisher in the work area. Be sure that all paths of egress are clear of any obstacles. If you use a portable heater, keep it away from combustible materials and be sure that it has a tip over switch in case it tips over. Be sure that all equipment is UL approved.
- **Electrical Safety** – Keep electrical plugs, cords and receptacles in good repair. Use surge protectors with computers. Do not place electrical cords under rugs or heavy furniture. Don't overload extension cords or plugs.
- **Air Quality** – Work in a well-ventilated area.
- **Lighting**-Ensure all lighting is adequate and computer equipment is not subject to glare from lighting or windows.
- **Ergonomics** – Make the work area adjustable to the person working in the space. Maintain proper posture. Be sure office furniture is in good repair.

Since the home office is an extension of County work space during the hours and days established in the teleworking agreement, any on-the-job accidents or injuries will be covered under the County's Workers' Compensation Program provided that such accidents or injuries are within the course and scope of the job and occur during the specified teleworking schedule.

Teleworkers must report any work-related accidents or injuries immediately to their supervisor as if working in the normal office environment and report to Concentra for assessment and treatment. Worker's Compensation claims are subject to review and investigation by the Risk Management Division, who reserves the right to inspect home workspaces following any reported on-the-job injury.

Normal business expenses reimbursed by the County will be handled similarly for teleworkers. Teleworkers are expected to obtain necessary office supplies when they are at the regular County office. Local internet service provider charges will be the responsibility of the teleworker. Other business expenses must be submitted and approved using the normal reimbursement process established by the teleworker's department and the County Finance Department.

Teleworking is not a substitute for dependent care. Teleworkers will not act as the primary caregiver for dependents during scheduled work hours. Employees working at home will manage dependent care and other personal responsibilities in a manner that allows them to successfully meet job responsibilities.

Teleworkers must have reliable transportation and are required to be able to be at their regular County office within one hour of a call should a situation arise. Any exceptions outside one hour must be discussed with the teleworker and their manager or supervisor.

A teleworking employee may sometimes, but not always, be affected by an emergency requiring the regular County office to close. For example, on a snow day where the County Manager releases County employees early or opens late, the teleworking employee would be expected to follow their normal work schedule if working at home. If an emergency such as loss of power affects the teleworker's home office for a major portion of the day, the employee may be required to report to a County office or take vacation leave.

Revised: January 1, 2014 Revised: July 1, 2014	Revised: July 1, 2015 Revised: August 13, 2015	Revised: November 23, 2016
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**Teleworker’s Agreement**

This agreement is to be completed by all employees whose normal duties are in an office setting who want to transition those duties to a teleworking arrangement. Field workers (defined in the teleworking policy) do not need to complete this agreement. Mecklenburg County agrees to permit employees to work at an offsite location including home, mobile office, etc. and employee agrees to work offsite under the following terms and conditions. Employee agrees to maintain confidentiality of all County records and information as required by County policy and/or department regulations. All other employee expectations regarding performance, conduct and attendance remain unchanged.

This document does not constitute a contract of employment, either express or implied. Employee expressly acknowledges that he/she cannot rely on or take actions in reliance upon any particular duration of the permission to work at home.

I have read the following documents and agree to follow the policies and procedures outlined in them:

- Mecklenburg County Telework Policy and related documents
- Mecklenburg County Human Resources Policy Manual (found on Meckweb)
- Mecklenburg County’s policies and procedures for information security, Internet, e-mail, viruses, software licenses, remote access, and County phone (found on Meckweb)

The location from which I will work is: *(give full address)*

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In establishing the home office area, I have determined that all common safety practices have been followed and this area provides a safe work environment. I understand the County may conduct an onsite inspection to verify safe working conditions during normal business hours as defined by the schedule outlined below. My telework schedule, on a weekly basis, will be as follows:

Teleworker’s Weekly Schedule (limit of three days per week)

Day	Hours	County Office	Home Office
Monday			
Tuesday			
Wednesday			
Thursday			
Friday			
Saturday			
Sunday			

If not scheduled on a weekly basis, describe the telework schedule (*teleworking that doesn't recur weekly*):

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During scheduled telework times, I can be reached at \_\_\_\_\_ and if applicable at \_\_\_\_\_.

I agree to obtain my telephone messages at least \_\_\_\_\_ times on each scheduled work day while teleworking.

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**A. Working Conditions Applicable to All Employees:**

*I agree:*

1. I am expected to be actively working during the agreed upon teleworking schedule above in the same manner as I am on an office-based workday. It is my responsibility to request/inform my supervisor/manager if my availability changes in the same manner as I would on an office-based workday, subject to my department/division procedures.
2. I will take my regularly scheduled lunch/meal break, unless otherwise agreed to in advance with my supervisor/manager.
3. I will request the use of personal leave time (vacation, sick and/or holiday accrued time) in the same manner as I would for an office-based workday, subject to my department/division procedures.
4. I understand that my supervisor/manager may call me to work at an assigned worksite for business reasons on a scheduled teleworking day.
5. I will not hold in person business meetings with internal or external clients, customers, or colleagues at my residence.
6. I will not conduct any unauthorized external (non-county) work or activities during my teleworking schedule.
7. I will not act as the primary caregiver for dependents during my scheduled work hours.
8. I am working from a remote location within North Carolina.

**B. Additional Working Conditions Applicable to Non-Exempt Employees:**

*I agree:*

1. As an overtime-eligible (non-exempt) employee under the FLSA, I understand all work performed at home is considered work time and is compensable.

2. I will clock-in and clock-out in accordance with County policies and procedures to record all hours worked (and not worked) in the same manner as I would during an office-based workday. (i.e. if I am not performing work for the County beyond customary work breaks that I would normally take in the office then I will clock out).
3. I understand any hours beyond my normal work schedule must be authorized in advance by my supervisor/manager.
4. I understand I will be compensated for all hours worked, including both approved and unapproved overtime, however disciplinary action may be taken if I have worked time that was unauthorized.

This telework agreement may be terminated at any time for any reason by me or the County. If I terminate the agreement, I must give my assigned department up to two weeks to identify office/work space for me. Violations of this agreement are subject to the County's disciplinary process as outlined in the Mecklenburg County Human Resources Policy & Procedure Manual.

Employee's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Employee's name: (print) \_\_\_\_\_

Employee's title: \_\_\_\_\_

Supervisor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Supervisor's name: (print) \_\_\_\_\_

Supervisor's title: \_\_\_\_\_

Organization: \_\_\_\_\_

Department Director's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Department Director's name: (print) \_\_\_\_\_

Department Name: \_\_\_\_\_

**Teleworking-Addendum A**

**CUSTOMER SERVICE PRIORITY ASSESSMENT for POSITIONS\***

<b>LOW</b>	<b>MEDIUM</b>	<b>HIGH</b>
<b>External Customers:</b>	<b>External Customers:</b>	<b>External Customers:</b>
Low to medium volume of customer interaction	Medium to High volume of customer interaction	High volume of customer interaction
Customer needs can be documented. Assessment can occur through follow-up phone call.	Customer needs are time-bound, to be assessed at initial visit	Customers' needs urgent, to be assessed and determined at initial visit
Employee accessibility is available as needed.	Employee accessibility is a part of daily business transactions	Employee accessibility is critical for daily business transactions
Face-to-face customer interaction is limited; phone call or e-mail communication is priority	Face-to-face customer interaction is moderate and needed daily	Face-to-face customer interaction is extensive and needed daily
Customer information needed is generally at hand, but can be provided through follow-up contact	Work flow representation and decision-making accountability can be attained daily	Complete work flow representation and decision-making accountability are immediately accessible
<b>Internal Customers and Business:</b>	<b>Internal Customers and Business:</b>	<b>Internal Customers and Business:</b>
Accessibility for support, information, action and/or decisions can be covered through appropriate planning	Accessibility for support, information, actions and/or decisions can be attained. Supervises and/or provides oversight or mentoring.	Accessibility for support, information, action, and/or decisions is critical
Employee coverage for customer interaction will be priority for available staff	Employee coverage for customer interaction will be priority for available staff	Employee coverage for customer interaction stays constant
Back-up support/coverage requires knowledge and understanding of addressed customer needs and the ability to appropriately respond and/or refer requests as needed.	Back-up support/coverage requires knowledge and understanding of addressed customer needs and the ability to appropriately respond and/or refer requests as needed	Back-up support/coverage requires full abilities and skills of position(s) covered.

\* SUGGESTED ASSESSMENT BY GENERAL POSITION JOB DESCRIPTION

## **Teleworking-Addendum B**

The below guidelines/questions are to be considered by the employee prior to completing the teleworking agreement. The items contained below should be discussed by the employee and the Department Director/Designee prior to beginning teleworking. The employee and the Department Director/Designee will agree that the questions asked below have been addressed to the satisfaction of both individuals. Once agreement is reached, the teleworking agreement can be completed.

### **FLEXIBLE WORK CONSIDERATIONS**

As a staff member of *(name of division or department)* for *(number)* years, I propose adjusting my work plan to incorporate *(brief explanation of proposed arrangement)* into my work assignment. I have considered the needs of our *(department/office/unit)* and the expectations of my position and have identified several potential benefits to this arrangement:

- *Highlight opportunities for improved cost effectiveness, productivity, and customer satisfaction, resulting from a teleworking agreement.*

I believe that this will be a successful arrangement because:

- *Describe aspects of the job that make this option feasible.*

This arrangement will be most successful if we:

- *Determine how you and your supervisor will measure productivity and satisfaction.*

To further ensure success, I plan to:

- *Be sure to address how you will accommodate holidays and peak productivity time periods in your department.*

Final thoughts/justifications: I feel that my work record as a *(personal characteristics, such as self-directed, goal oriented, self-disciplined, reliable, independent, etc.)* employee will support this flexible work arrangement.

Summary: I would like to discuss this proposal with you further and address any concerns that you may have. I understand that you are responsible for the success of this organization and must determine whether or not this plan fits appropriately within the goals for the department. I am aware that approval of this proposal means that we may pilot the arrangement and that we may need to make adjustments to this plan. I understand that I may also need to return to my original work schedule/arrangement if the flexible work arrangement is not going well or the needs of the organization require a change. My teleworking agreement is included.

**Sample Compressed Work Week/ Flex Time Agreement**

I understand that due to application of the Fair Labor Standards Act for local nonexempt government employees and/or in order to make a compressed work week or flex time schedule, my work week is now defined as follows:

Beginning at \_\_\_\_\_ and  
Ending at \_\_\_\_\_

This is according to a \_\_\_\_\_ compressed work week or  
\_\_\_\_\_ flex time schedule  
which has been approved by the County Manager.

I understand that in order to convert from the current standard County defined work week to the above work week schedule there is an overlap of \_\_\_\_\_ hours. I choose for these to be adjusted in the form of:

Leave without pay \_\_\_\_\_(initial)

Earned vacation leave \_\_\_\_\_(initial)

I understand that if I change schedules and there is additional time owed to me, I will be compensated in like manner.

In addition, it is required that I work a minimum of four hours on my designated eight-hour day before I may take a lunch break.

I understand that flex time and/or compressed work schedules are subject to change at the discretion of the department director and should not be considered a permanent condition or contract of employment.

I understand the above changes will be reflected in my pay check to be received on \_\_\_\_\_.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

**Mecklenburg County**

**Job Sharing Agreement**

The following position will be converted from 80 standard hours to two 40-hour positions.

**Complete Org Number:** \_\_\_\_\_  
(Example: 1HRS2101300)

**Position Number:** \_\_\_\_\_

**Position Title:** \_\_\_\_\_

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**Job Duties and Responsibilities:**

The responsibilities for each position will be as follows:

**Work Schedule:**

In order to meet the business needs of the department, the schedule for each employee will be as follows:

**Work Space and Equipment:**

Describe employee's work space and arrangement for shared or individualized equipment based on program needs.

**Termination of Agreement:**

If the business needs or circumstances surrounding this agreement change,  
\_\_\_\_\_ has priority for the full time position.

(Employee name)

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Employee Signature

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Date

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Employee Signature

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Date

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Supervisor Signature

---

Date

---

HR Director Signature

---

Date