

## **ARTICLE I. ORGANIZATION OF PERSONNEL SYSTEM**

### **Section 1. Purpose**

- A. The purpose of this Ordinance is to establish a personnel system which will promote a fair and effective means of employee recruitment and selection; develop and maintain an effective and responsible work force; promote understanding, cooperation, equal treatment, and efficiency; and provide the means for removal of unsatisfactory employees. This Ordinance is established under the authority of Chapter 153A-Article 5 and Chapter 126 of the General Statutes of North Carolina.
- B. These policies and procedures cannot alter, modify, or otherwise change the controlling legal documents, rules or General Statutes in any way nor can any right accrue by reason of any statement or omission of any statement in this document, except as specifically stated.

### **Section 2. Coverage**

- A. All employees in the County's service shall be subject to this Ordinance, except as provided in this section.
- B. The following are exempt from this Ordinance:
  - 1. Elected Officials
  - 2. County Manager
  - 3. County Attorney
  - 4. Consultants
  - 5. Contract Employees
  - 6. Volunteers
- C. The following employees are covered only by the specifically designated Articles and Sections:
  - 1. Health and Social Services employees are subject to all provisions of this Ordinance except those that conflict with North Carolina G.S. 126 or rules and regulations as established by the State Personnel Commission.
  - 2. Employees of the North Carolina Cooperative Extension Service shall be subject to all Articles except Articles II, III, IV, and IX.
  - 3. The Supervisor of Elections shall be subject to all Articles except Articles IV, V, and VIII.
  - 4. Temporary employees, as designated by the Board of Commissioners, shall be subject to all Articles except Articles VI, VII, and IX.

### **Section 3. Definitions (Listed Alphabetically)**

- A. **Adverse Action.** A demotion, dismissal, reduction in pay, layoff, or involuntary transfer or suspension without pay. (A suspension with pay, whether for disciplinary or any other reason, is not considered an adverse employment action and does not qualify as a grievable action.)
- B. **Appointing Authority.** Any board or position with legal or delegated authority to make hiring decisions.
- C. **Career Status.** Employees who are subject to the State Personnel Act are afforded rights of appeal to the Office of State Personnel once they achieve career status. Career status for these employees is achieved when an employee has completed 24 continuous months of employment in a position subject to the State Personnel Act, whether as employees of Randolph County government or as employees of another office or agency. However, when an employee transfers to another office or agency, that employee's career status is suspended during his/her probationary period and restored upon successful completion of the probationary period if the transfer was completed within 31 calendar days. Career status is lost when an employee experiences a break in service of more than 31 days. (25 NCAC 01I.2002)
- D. **Class.** A position or group of positions having similar duties and responsibilities requiring similar qualifications, which can be properly designated by one title indicative of the nature of work performed, and which carry the same salary range.
- E. **Demotion.** The reassignment of an employee to a position or classification having a lower salary range than the position or the classification from which the reassignment is made; or the reduction in pay of an employee without also reassigning the employee to a position or classification having a lower salary range.
- F. **Full-time Employee.**
1. Regular - An employee, appointed to a regular position, who is regularly scheduled to work thirty (30) hours or more per workweek and is designated by the Board of Commissioners as regular full-time.
  2. Temporary - An employee, appointed to a temporarily established position, who is regularly scheduled to work thirty (30) hours or more per workweek and is designated by the Board of Commissioners as temporary full-time.
- G. **Grievance.** A claim or complaint by a regular employee based upon an event or condition which affects the circumstances under which the employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. A grievance may involve allegations of involuntary demotion, suspension, dismissal, sexual harassment, discriminatory practices, and/or hostile work environment. A grievance is not allowed for Performance Evaluations, Investigatory Suspensions, and Voluntary Demotions.
- H. **Hatch Act.** A federal act limiting political activity for state and local government employees whose principal employment is in an activity that is financed either in

whole or in part by loans or grants from the federal government in order to limit possible bias and political coercion.

- I. **Hiring Rate.** The salary paid an employee when hired into County service (usually the first step of the salary range).
- J. **Hostile Work Environment.** An environment which a reasonable person would find hostile or abusive and which the complaining employee in fact perceives to be hostile or abusive. Hostile work environment is determined by looking at several circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and how it interferes with an employee's work performance.
- K. **Maximum Salary Rate.** The maximum salary authorized for an employee within an assigned salary grade (the last step of the salary range).
- L. **Merit Increase.** An increase in salary within the same salary grade, based on meritorious performance of duties.
- M. **Part-time Employee.**
  - 1. Regular Part-time Employee - An employee appointed to a regular position, who is regularly scheduled less than thirty (30) hours per week, and is designated by the Board of Commissioners as regular part-time.
  - 2. Temporary Part-time Employee - An employee appointed to a temporarily established position, who is regularly scheduled less than thirty (30) hours per week and is designated by the Board of Commissioners or County Manager as temporary part-time.
- N. **Position.** A group of current duties and responsibilities, assigned by competent authority, requiring full- or part-time employment.
- O. **Position Classification Plan.** An approved plan by the Board of Commissioners that assigns classes (positions) to the appropriate pay grade.
- P. **Probationary Employee.** A person appointed to a regular position who has not completed the probationary period. (See Article IV, Section 8.)
- Q. **Probationary Period.** The required period of time an employee serves when entering County service before becoming a regular employee. (No less than six (6) months, nor more than one (1) year, except employees subject to the State Personnel Act shall not serve in a probationary status for more than nine (9) months.)
- R. **Promotion.** The reassignment of an employee to an existing position or classification in the County service having a higher salary range than the position or classification from which the reassignment is made.
- S. **Quid Pro Quo Harassment.** Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's

employment, or (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

- T. **Reclassification.** The reassignment of an existing position from one class to another based on changes in job content such as duty, kind, difficulty, required skill, and responsibility of the work performed.
- U. **Regular Employee.** An employee who has the probationary period and has been approved as a regular employee by his/her Department Head, Personnel Director and County Manager.
- V. **Regular Position.** A position which has been approved by the Board of Commissioners, and in which the duties and responsibilities are required to be attained on a continuous and annually recurring basis, normally requiring full-time employment of an individual. Exceptions to full-time employment occur when duties and responsibilities of a regular position can be attended to in less than a regular workday and/or workweek.
- W. **Retaliation.** Any form of adverse treatment that occurs because an employee reported, testified, assisted, or participated in any manner in a hearing, proceeding or investigation of unlawful workplace harassment or employment discrimination.
- X. **Salary Grade.** All positions which are sufficiently comparable to warrant one range of pay rates. For the purpose of this definition, the words "grade," "salary range," "level" and "range" are used interchangeably.
- Y. **Salary Plan Revision.** The uniform raising and lowering of the salary ranges of every grade within the salary plan.
- Z. **Salary Range.** The minimum and maximum salary levels for a given classification.
- AA. **Salary Range Revision.** The raising or lowering of the salary range for one or more specific classes of positions within the classification plan.
- BB. **Salary Schedule.** A listing by grade and step of all the approved hiring, minimum, intermediate and maximum salary ranges authorized by the Board of Commissioners for various position classifications of County government.
- CC. **Sexual Harassment.** Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when such conduct is made a term or condition of an individual's employment or a rejection of such conduct by an employee is used as a basis for future employment decisions affecting such individual or when such conduct interferes with an individual's work performance, or creates an intimidating, hostile or offensive working environment for an employee or group of employees.
- DD. **Temporary Employee.** A person appointed to serve in a position for a definite duration, normally not to exceed twelve (12) months. Employee is not eligible for participation in benefit programs unless approved by the Personnel Director and County Manager.

- EE. **Temporary Position.** A position which the duties and responsibilities are required for a short period of time, normally not to exceed twelve (12) months and may or may not require an employee to work a full workday and/or workweek.
- FF. **Trainee.** An individual who does not possess the minimum education and experience for the classification and is designated as a trainee. A trainee is paid at a rate below the minimum of the regular class as approved by the Personnel Director, and must be appointed to the regular class when he meets the minimum education and experience.
- GG. **Transfer.** The reassignment of an employee from one position or department to another.
- HH. **Unlawful Workplace Harassment.** Unwelcome or unsolicited comments, treatment or conduct based upon age, race, sex, religion, color, national origin, political affiliation, or non-disqualifying handicap that creates a hostile work environment or circumstances involving quid pro quo. This includes sexual harassment.
- II. **Work-Against.** An employee who does not meet the specific qualifications of the vacant position and who is hired when suitable qualified applicants are not available and there is no trainee provision for the vacancy. A work-against designation is made to allow the employee to gain the qualifications needed for the full class through on-the-job experience. A work-against hiring must be approved by the Personnel Director.
- JJ. **Workplace-Violence.** Actions in the workplace by employees, clients, customers, relatives, acquaintances, or strangers against county employees that include, but are not limited to, intimidation, threats, physical assault, domestic violence, and property damage, whether physical, verbal, or non-verbal, to cause emotional duress or to intimidate or coerce an individual or group.

#### **Section 4. Merit Principle**

All appointments and promotions hereunder shall be made solely on the basis of merit and fitness. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same salary range. No employee or applicant for County employment shall be deprived of employment opportunities or otherwise adversely affected as an employee because of such individual's race, color, religion, sex, national origin, political affiliation, handicap or age.

#### **Section 5. Responsibility of Board of Commissioners**

The Board of Commissioners shall establish personnel policies, including the classification plan and salary schedule, and shall make and confirm appointments when so specified by law.

#### **Section 6. Responsibility of County Manager**

The County Manager shall be responsible to the Board of Commissioners for the administration of the personnel program. The duties and responsibilities of the County Manager in administering the personnel program are, but not limited to, the following:

- A. Appointing, suspending, and removing all County officers and employees, except those elected by the people or whose appointment is otherwise provided for by law, in accordance with Chapter 153A-82 of the General Statutes of the State of North Carolina and the Personnel Ordinance;
- B. Appointing a Personnel Director to assist in the preparation and maintenance of the position classification plan and the salary schedule, and to perform such other duties in connection with the personnel program as the County Commissioners and County Manager shall require;
- C. Performing the duties of the Personnel Director or appointing someone to perform said duties if needed.

### **Section 7. Responsibility of Personnel Director**

The duties and responsibilities of the Personnel Director are, but not limited to, the following:

- A. Applying, interpreting, and carrying out the Ordinance and the procedures adopted thereunder, as directed by the County Manager;
- B. Establishing and maintaining records of all persons in the County service, setting forth each officer and employee, position classification, pay or status history and other relevant employment data. All matters pertaining to personnel shall be routed through the Personnel Director;
- C. Developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the County;
- D. Encouraging and exercising leadership in the development of effective personnel administration within the various County departments, and making available the facilities of the personnel office to this end;
- E. Investigating, from time to time, the operation and effect of the Ordinance and of the policies and procedures made thereunder, and reporting his findings and recommendations to the County Manager;
- F. Making such recommendations to the County Manager regarding the personnel functions, as well as revisions to the personnel system;
- G. Issuing and publishing necessary administrative directives, supplements, interpretations, prescribed forms and reports for any personnel matters for the proper functioning, maintenance, and documentation of the procedures established by and in accordance with this Ordinance.

### **Section 8. Responsibility of County Employees**

County employees are responsible for complying with the contents of the Ordinance. Other responsibilities are, but not limited to, the following:

- A. Maintaining a neat, well-groomed and appropriate business appearance while on duty for the County;
- B. Reporting to work on time and notifying the Supervisor as soon as possible when late arrival is necessary;
- C. Conducting themselves in a professional, business-like manner, avoiding loud or disruptive behavior or discussing personal problems within the hearing range of visitors;
- D. Handling their personal issues in private and not permitting personal obligations to extend to the business premises;
- E. Following safety and health practices in the performance of their duties and responsibilities, and adhering to operational requirements and training as provided;
- F. Striving to perform duties and responsibilities more effectively every day, learning more about the work and how to improve by asking questions and reading related materials, and submitting ideas for suggested improvements to the Supervisor and/or Department Head;
- G. Presenting a positive public image for Randolph County and its services by serving the public in a professional way that projects courtesy and a helpful attitude;
- H. Conducting themselves as law abiding, ethical citizens;
- I. Resolving problems and conflicts by going to the person responsible, ensuring that departmental problems remain within the Department and not become gossip;
- J. Reporting to the Department Head or Personnel Director inappropriate, illegal, or unethical behaviors such as safety violations, discriminatory actions, unlawful workplace harassment, etc. Employees making such reports (i.e. whistleblowers) shall be afforded protection in two important areas, confidentiality and retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their legal rights of defense. The County will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, reduction in compensation or poor work assignments and threats of physical harm. Any whistleblower who believes that he is being retaliated against must contact the Personnel Director immediately. The right of a whistleblower against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.