

The Madison County Board of Commissioners met in special session on Tuesday, February 27, 2024, at 6:00 p.m. at the North Carolina Cooperative Extension-Madison County Center located at 258 Carolina Lane, Marshall, North Carolina.

In attendance were Chairman Matt Wechtel, Vice-Chairman Michael Garrison, Commissioner Bill Briggs, Commissioner Jeremy Hensley, Commissioner Alan Wyatt, Interim County Manager Rod Honeycutt, County Attorney Donny Laws, and Clerk Mandy Bradley.

The meeting was called to order at 6:00 p.m. by Chairman Wechtel.

Item 1: Transportation and Operations Department Operational Request

Transportation and Operations Director Daniel Metcalf presented and discussed a request from the department for the purchase and installation of a generator to provide power to the building and the vehicle propane fill station in the event of an emergency.

Discussion was had by the Board, Mr. Metcalf, County Manager Rod Honeycutt, and Maintenance Director Jesse Roberts regarding project information including installation, funding, projected cost, price quotes received, and needs assessment based on prior events.

Chairman Wechtel noted that the Transportation Authority Advisory Board recommends the generator and placed a motion on the floor for approval with no second being received from the Board and the motion dying for lack of a second.

Item 2: S.L. 2023-134 Funding Facility Improvement Plan

Project Manager Ross Young presented and discussed a proposed plan as well as answered questions from members of the Board for improvements to the Fairgrounds to be funded with allocations provided to the County through S.L. 2023-134 in the amount of \$1,200,000.00.

Information provided included a proposed request for qualifications (RFQ) and resolution to authorize the construction delivery method of the project. Additionally, the estimated project cost, timeline, and work contained in the proposal including a cover for the existing arena as well as additional equipment to build out the area were discussed with Mr. Young noting that the plan is based on another facility operating in the area.

Counsel was provided by County Attorney Laws regarding authorization of the project with Attorney Laws noting that the Board could choose to adopt the resolution and authorize staff to issue the RFQ upon the current draft being formatted correctly.

Upon motion by Commissioner Wyatt and second by Commissioner Hensley, the Board voted unanimously to adopt the resolution for design build of the Fairgrounds complex.

Additional counsel was provided by Attorney Laws.

Upon motion by Vice-Chairman Garrison and second by Commissioner Hensley, the Board voted unanimously to authorize the RFQ for design build.

Item 3: Land of Sky Public Access Broadband Expansion Grant-Marshall Wi-Fi Project Contract

Development Services Director Brad Guth discussed grant funding awarded to the County from Land of Sky for Public Access Broadband Expansion in the amount of \$50,000.00 as well as answered questions from members of the Board.

Mr. Guth noted that the current funding along with funding previously received by the County from the Hometown Strong Program would be utilized to expand wi-fi in downtown Marshall and Blannahasset Island with the funding from both grants covering the initial cost of installation and operation of the service with the Marshall Town Manager working to devise a plan for continuation of the service upon expenditure of County grant funding. Mr. Guth also noted that the contract from the proposed provider would be presented to the Board for consideration in the future.

Discussion was had by the Board, Mr. Guth, County Manager Rod Honeycutt, and Finance Officer Kary Ledford.

Item 4: Madison County Personnel Policy

Human Resources Director Brandi Rice presented and discussed the proposed updated Madison County Personnel Policy as well as answered questions from members of the Board.

Information discussed included proposed changes, additions, and clarifications to the policy contained in provisions within Sections 1.06, 3.03, 3.09, 4.08, 5.01, 5.06, 5.09, 5.17, 5.18, 7.02, 7.03, 7.04, 7.05, 7.09, 7.12 with the Board requesting the following:

- Concurrency of wording in Sections 4.08, 3.03, 1.06 to include County Manager, Department Head, and Human Resources Director regarding employee hiring, firing, and suspension decisions.
- Modification of language in Section 5.18 to reflect that when an employee has a lapse in required certifications to perform job duties, but possesses additional certifications in the employee's field of work which are in good standing that are of benefit to the County, the employee will be allowed to continue working to perform the duties of the certifications in good standing.
- Modification of language in Section 5.18 to reflect a decrease in pay for salary increases provided to an employee who obtains additional certification(s) in their field of work which then lapse.
- Modification of language in Section 7.02 to reflect the holiday pay pro-rated rate and that it will be received by part-time employees with full-time employees receiving the rate based on full-time hours of employment for observed holidays, regardless of the employee's work schedule.
- Specification of language in Section 5.06 to reflect the definition of a "relative" and modification for concurrency with use of the language of "immediate family" in Section 1.10 Definitions.
- Review of Sections 7.03 and 7.04 to ensure correct accrual rates are noted for vacation and sick leave.
- Modification of language in Section 7.09 to reflect that an employee will receive all or a portion of their regular County pay equal to that pay rate in the event that military pay received by the employee while on military leave is less than the regular pay received from the County.
- Modification of language in Section 3.09 to reflect that department heads are strongly urged to pay employees for overtime hours worked instead of utilizing the accrual of compensatory time.
- Modification of language in section 5.01 to incorporate the approval of the County Manager.

Discussion was had regarding the alternate work schedule policy as previously adopted by the Board of Commissioners with additional discussion being had by the Board and counsel being provided by County Attorney Laws regarding consideration of approval of the policy as amended.

Upon motion by Vice-Chairman Garrison and second by Commissioner Hensley with additional discussion being had by the Board, counsel being provided by County Attorney Laws, and an additional provision being included for the modification of language in section 5.09 to reflect that passengers are allowed in County vehicles as authorized by the County Manager and department head; the board voted unanimously to accept the revised personnel policy with the aforementioned modifications.

Item 5: S.L. 2021-103 Substance Abuse Block Grant Contract Amendment

County Manager Rod Honeycutt presented the contract to extend the allowance of expenditure of funding previously allocated to the County from S.L. 2021-103 from the Substance Abuse Block Grant in the amount of \$1,500,000.00 with Mr. Honeycutt noting that the extension would allow the use of funds remaining available to the County.

Upon motion by Vice-Chairman Garrison and second by Commissioner Hensley, the Board voted unanimously to approve the contract as presented.

Discussion was had by the Board with counsel being provided by County Attorney Laws regarding the sequential order of the meeting items and the need to amend the order due to participation by legal counsel for Planning and Zoning matters.

Upon motion by Chairman Wechtel and second by Commissioner Wyatt, the Board voted unanimously that Item 6 become item 9 with all other items moving in sequential order for Item 7 to become Item 6, Item 8 to become Item 7, and Item 9 to become Item 8.

Item 6: Legal Advice Regarding Planning and Zoning Matters, Item 7: Acquisition of Real Property, Item 8: Legal Advice Regarding County Leases

Upon motion by Chairman Wechtel and second by Vice-Chairman Garrison, the Board voted unanimously to enter into closed session for legal advice and acquisition of real property pursuant to N.C.G.S. 143-318.11(a)(3) and N.C.G.S. 143-318.11(a)(6) at 7:39 p.m.

Upon motion by Commissioner Wyatt and second by Commissioner Hensley, the Board voted unanimously to return to open session at 9:08 p.m.

Item 9: Public Service Judicial Complex

a. Request for Qualifications, b. Construction Delivery Method Resolution, c. Reimbursement Resolution

County Manager Rod Honeycutt presented the proposed request for qualifications (RFQ), resolution authorizing the construction delivery method of the project as design-build, and the reimbursement resolution for the proposed public service complex for consideration of the Board.

Counsel was provided by County Attorney Laws with discussion being had by the Board and Manager Honeycutt regarding the provisions of the RFQ including potential sites being identified on Medical Park Drive in Marshall and on Hwy 25/70 at the current County Administration Building, statutory requirements for issuance of the document and language contained therein, project funding with funding from S.L. 2021-180 being incorporated for Phase I, additional budgeting information, and future potential negotiations for the development of a contract with a firm to perform the work.

Discussion was had by the Board and County Manager Honeycutt regarding the process of the project with the Board requesting the following modifications to the RFQ:

- Modification in language for the project to be known as the Public Service Complex
- Removal of the Forest Service site
- Stakeholder involvement

Upon motion by Vice-Chairman Garrison and second by Commissioner Wyatt, with discussion being had by the Board, the Board voted unanimously to use design build as the mechanism for the delivery of the project.

Upon motion by Vice-Chairman Garrison and second by Chairman Wechtel, the Board voted unanimously to approve the reimbursement resolution.

Upon motion by Commissioner Briggs and second by Commissioner Wyatt with counsel being provided by County Attorney Laws, the Board voted unanimously to authorize the issuance of the RFQ through public means.

Item 4: Adjournment

Upon motion by Vice-Chairman Garrison and second by Commissioner Hensley, the Board voted unanimously to adjourn at 9:26 p.m.

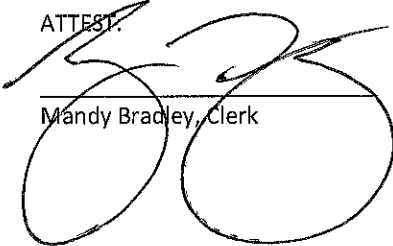
This the 27th day of February 2024.

MADISON COUNTY



Matt Wechtel, Chairman
Board of Commissioners

ATTEST:



Mandy Bradley, Clerk

RESOLUTION

Approving the Criteria for the Use of Design-Build Construction Delivery Method for the Fairgrounds Arena Complex for Madison County, NC

WHEREAS, the design build delivery method is a relatively new option for public bodies in North Carolina: and

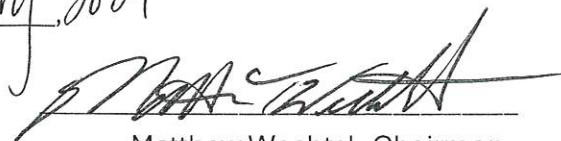
WHEREAS, the design-build delivery method allows the Board to choose one firm to provide both design and construction services.

WHEREAS, the Board is required to adopt criteria under which the design-build method is appropriate for a project.

NOW THEREFORE, be it hereby **RESOLVED**:

- 1) That in accordance with NCGS 143-128.1A, that Madison County establishes the criteria set forth in Exhibit "A" attached hereto and incorporated herein by reference as is set forth in full herein.
- 2) That the design-build method of delivery for the Fairgrounds Arena Complex conforms to the criteria set forth in Exhibit "A" and that the design-build method of delivery would be most appropriate for completion of the Fairgrounds Arena Complex.
- 3) That the County Manager, Assistant to the County Manager, Finance Director, representatives from the Fairgrounds board of directors and other planning staff as directed by the County Manager, shall:
 - a. Develop and define project requirements prior to the issuance of a Request for Qualifications.
 - b. Make a good-faith effort to comply with NCGS 143-128.2 and NCGS 143-128.4, and to recruit and select small business entities when issuing the Request for Qualifications.
 - c. Issue a Request for Qualifications seeking design-build firms to design and construct the Fairgrounds Arena Complex.

Adopted this the 27 day of February, 2024



Matthew Wechtel, Chairman

Madison County Personnel Policy



Effective February 27, 2024

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Article I. General Provisions

Section 1.01 Purpose

The purpose of this Policy and the rules and regulations set forth within are to establish a fair and uniform system of personnel administration for all employees of the County under the supervision of the County Manager, elected officials, Elections Board, Board of Health, and Social Services Board. These aforementioned entities are the official appointing authorities covered by this personnel policy. All previous personnel ordinances and policies are hereby void upon the adoption of this Policy. State requirements will supersede this policy for the positions subject to the State Human Resources Act whenever there is a conflict. This policy is adopted under authority of GS 153A, Article 5 and GS 126 of the General Statutes of North Carolina.

Section 1.02 Policy of At-Will Employment

Madison County does not offer tenured or guaranteed employment. Either the County or the employee can terminate the employment relationship at any time, with or without cause, with or without notice. This at-will employment relationship exists regardless of any other written statements or policies contained in this policy or any verbal statement to the contrary. No entity except the Board of Commissioners can enter into any kind of employment relationship or agreement that is contrary to the previous statement. To be enforceable, the arrangement reflecting such a relationship or agreement must be in writing; having been first lawfully adopted by the Board and is lawfully executed by the County.

Section 1.03 Persons of subject to this policy

The provisions of this policy shall be applicable to all employees except as provided below.

- (a) The Board of Commissioners, County Manager, and the County Attorney are exempt from the provisions of this policy.
- (b) Employees of the Sheriff's Office and the Register of Deeds Department shall be subject to this policy except that the Sheriff and Register of Deeds shall have the right to hire and discharge their employees subject to GS153A-103.
- (c) The County Board of Elections appoints and dismisses all of the board's employees except the Director of Elections, who is appointed and dismissed by the State Board of Elections (G.S. 163-35).
- (d) Persons appointed by the Board of Commissioners to advisory or special boards or commissions, or appointed per statute, and not otherwise granted employee status shall be exempt from the provisions of this policy

- (e) All employees in the competitive service area (Public Health and Social Services) shall be subject to the provisions of this policy, except when those provisions conflict with North Carolina G.S. 126 or rules and regulations as established by the State Human Resources Commission.
- (f) Employees of the North Carolina Cooperative Extension Service whose annual compensation is supplemented by State and/or Federal funds shall be subject to all provisions of this policy, except when those provisions conflict with the Memorandum of Understanding between the State of North Carolina and Madison County.

Section 1.04 Merit Principles

All appointments and personnel actions shall be made on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and salary range. No applicant for County employment or employee shall be deprived of employment opportunities or otherwise be adversely affected as an employee because of an individual's race, religion, color, national origin, sex, age, disability, or genetic information.

Section 1.05 Responsibilities of the County Board of Commissioners

The County Board of Commissioners shall be responsible for establishing and approving human resource policies and the position classification and pay plan. The Board also shall make and confirm appointments when so specified by the general statutes. The Board of Commissioners will maintain discretion to act as requested by the County Manager.

Section 1.06 Responsibilities of the County Manager

The County Manager shall be responsible to the County Board of Commissioners for the administration and technical direction of the human resources program. The County Manager shall appoint, suspend, and remove County officers and employees except those elected by the people, whose appointment is otherwise provided for by law, or who are departmental head level employees. The County Manager, Human Resources Director and the respective department head whose department is affected by the action, shall make appointments, dismissals, and suspensions in accordance with the General Statutes and other policies and procedures as provided for in this policy. In the event that County Manager and Department Head are not in agreement, the Board of Commissioners will make the final decision. The Sheriff and Register of Deeds have the exclusive right to hire, discharge, and supervise the employees in their respective departments under the authority of the General Statutes of the State of North Carolina (G.S. 153A-103).

The County Manager may delegate human resources functions, as appropriate. The County Manager or designee shall maintain the position classification plan and the pay plan and perform such other duties in connection with a human resources program, consistent with the adopted policy of the County Board.

The County Manager shall:

- a) Recommend rules and revisions to the Personnel Policy to the County Board of Commissioners for consideration.
- b) Recommend changes as necessary to maintain a current and accurate position classification plan.
- c) Recommend necessary revisions to the pay plan to the County Board of Commissioners for consideration.
- d) The County Manager shall develop written procedures establishing the hiring process as it relates to the Human Resources Director and Department Directors.
- e) The County Manager shall report each suspension or removal to the board at the board's first regular meeting following the suspension or removal.
- f) The County Manager shall report each new hire and change in employee status to the board at the board's first regular meeting following the appointment.

Section 1.07 Responsibilities of the Human Resources Director

The responsibilities of the Human Resources Director shall include, but are not limited to, the following:

- a) Apply, interpret, and carry out this Policy and the policies adopted there under, as directed by the County Manager.
- b) Establish and maintain records of all people in County service.
- c) Make recommendations to the County Manager regarding the personnel functions, as well as revisions to the personnel system, as they may consider appropriate.
- d) Issue and publish any necessary administrative directives, supplements, interpretations and necessary prescribed forms and reports for personnel matters for the proper functioning, maintenance, and documentation of the procedures established by and in accordance with this Policy.
- e) Establish and maintain a list of authorized positions in the County Service at the beginning of each year which identifies each authorized position, class title of position, pay range, any changes in class title and status, position number and other such data that the County Manager may require.
- f) Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the County.
- g) Develop and coordinate training and educational programs for County employees so as to meet current and future organizational needs and requirements.
- h) Perform such other duties as may be assigned by the County Manager.

Section 1.08 Application of Policies, Plans, Rules, and Regulations

This personnel policy and all rules and regulations adopted pursuant thereto shall be binding on all County employees. The County Manager, County Attorney, elected officials, appointed members of the County Board and advisory boards and commissions will be exempted except in sections where specifically included. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action as set forth in this policy, as well as prosecution under any civil or criminal laws which have been violated.

Section 1.09 Departmental Rules and Regulations

Due to the particular personnel and operational requirements of the various departments of the County, each department is authorized to establish supplemental rules and regulations applicable only to the personnel of that department. All such rules and regulations shall be subject to the approval of the County Manager and shall not in any way conflict with the provisions of this policy but shall be considered as a supplement to this chapter.

Section 1.10 Definitions

Adverse Action: An involuntary demotion, reduction in pay, or transfer, a suspension without pay, reduction in force, or a dismissal.

Applicant: One who applies for a vacant position by completing and applying for employment regardless of current employment status (e.g. a current county employee becomes an applicant when an application for another position is submitted.)

Board of Commissioners: The local governmental unit charged with the legislative affairs of the county.

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.

Compensatory time: Time earned by an employee for work in excess of the workweek.

Close relationship: means a mutually acceptable relationship, including dating, living together as man and wife, co- habitation, or other personal relationship between county employees.

Demotion: Demotion is the movement of an employee to a position or classification having a lower salary range than the position or classification from which the reassignment is made.

Department Heads: The highest level of supervision and coordination within a department or agency.

Exempt: An employee's classification who is not required to be compensated for overtime, in accordance with the Fair Labor Standards Act, for work performed beyond forty hours in a work week.

Full Time Employee:

- a) *Regular* – An employee, appointed to a permanent established position, who is regularly scheduled to work at least 30 hours per week.
- b) *Temporary* – An employee, appointed to a temporarily established position, who is regularly scheduled to work at least 30 hours per week.

General County Employee: A County employee assigned to a department not subject to the - State Human Resources Act.

Grievance: A claim or complaint 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, suspensions with pay, and/or voluntary demotions. A grievance does not include being turned down for promotion or transfer unless discrimination is alleged to have caused said action.

Harassment: Any unwelcome comment or treatment made because of race, religion, color, national origin, sex, age, disability, or genetic information that creates a hostile work environment or circumstance. This term includes sexual harassment.

Hostile work environment: An environment which a reasonable person would find hostile or abusive and that the particular person who is the object of the harassment 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 or working conditions.

Immediate family: Spouse, parent, sibling, children, grandparents, grandchildren, plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.

Manager: The County Manager as appointed by the Board of Commissioners.

Maximum Salary Rate: The maximum salary authorized for an employee within an assigned salary range.

Merit Increase: An increase in salary within the same salary grade, based on meritorious service and on performance of duties based on the performance evaluation system.

Non-Exempt Employee: An employee who is required to be compensated for overtime at the rate of time and one half their regular rate of pay or given compensatory time for all hours worked beyond forty hours in a workweek, in accordance with the Fair Labor Standards Act.

Part-time employee:

- a) *Regular Part-Time Employee* – An employee appointed to a permanently established position, who is regularly scheduled less than 30 hours per week but at least 20 hours per week.
- b) *Temporary Part-Time Employee* – An employee appointed to a temporarily established position, who is regularly scheduled less than 30 hours per week.

Performance evaluation system: The annual employee review is designed to facilitate fair and equitable merit pay decisions, recognizing performance as the basis for pay increases within the established pay range.

Pay Plan: A schedule of pay ranges systematized into sequential rates including minimum, midpoint, and maximum for each class assigned to any given salary range.

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

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

Probationary employee: An employee appointed to a full or part-time regular position who has not yet successfully completed the designated probationary period.

Probationary Period: The required period of time an employee serves before obtaining regular status when entering County service or is promoted, demoted, or transferred.

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.

Quid pro quo harassment: Consists of 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.

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. This could be at a higher, lower, or same pay grade.

Reduction in force: The abolishment of or reduction of all or some portions of a position based on needs of the organization, workload, and availability of funding.

Regular employee: An employee who has satisfactorily completed a probationary period. If the employee hired is designated a "trainee", the employee shall also satisfy the minimum education and work experience requirements of the position before becoming a regular employee.

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.

Salary Range: the salary/pay rate assigned to each grade of the salary plan including minimum, midpoint, and maximum pay rates.

Salary Schedule: A listing by grade of all the approved salary ranges authorized by the Board of Commissioners for the various position classifications of County government.

Temporary position: A position for which the duties and responsibilities are required based upon the needs of the county for a specified period of time.

Trainee: An employee who does not meet minimum education or experience requirements for a position but can within a specified period meet the minimum requirements. An employee designated as such, appointed to a position in any class for which the Department Head and Human Resources Director has authorized "trainee" appointments. An individual may not be appointed as a trainee if he/she possesses the acceptable training and experience for the regular class and must be appointed to the regular class when he/she gains the acceptable training and experience. A trainee must be paid at a rate below the minimum of the regular class. A trainee will remain in probationary status until they meet the qualifications of the position.

Transfer: The reassignment of an employee from one position or department to another.

Work Against: An employee who does not meet the minimum requirements for the position and there are lower levels in the series of that classification, the employee may be assigned to the level of the series for which he/she is qualified and may "work against" the experience and educational requirements of the higher-level position in the series. This appointment is for the purpose of allowing the employee to gain the qualifications needed for the full class through on-the-job experience. A work against appointment may not be made when applicants are available who meet the training and experience requirements for the full class and the position being recruited. Work against employees serves the same probationary period as other employees.

Article II. Classification Plan

Section 2.01 Purpose

The position classification plan is a complete inventory of all authorized classifications in the County Service, and an accurate description. The position classification plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities. All positions covered by this personnel policy are to be classified according to the assigned duties, responsibilities, qualifications needed and other required factors. In order to ensure its continuing value as a personnel management tool, the position classification plan shall be maintained to reflect current work assignments and other conditions and requirements which are factors in proper classification and allocation of regular positions. The classification plan shall meet the requirements of the State Competitive System for local government employees while maintaining a County-wide plan.

Section 2.02 Composition of the Classification Plan

The classification plan shall be composed of the following:

- a) A grouping of positions in classes which are approximately equal in difficulty and responsibility, and which can be equitably compensated within the same range of the pay plan.
- b) Class titles descriptive of the work of the classes.
- c) Written specifications for each class of positions; and
- d) An allocation list showing the class title and salary range of each position in the classified service.

Section 2.03 Use of the Classification Plan

The classification plan is to be used:

- a) As a guide in recruiting and examining applicants for employment.
- b) In determining lines of promotion and in developing employee training programs.
- c) In determining pay for various types of work.
- d) In determining personnel service items in departmental budgets.
- e) In providing uniform job terminology.

Section 2.04 Administration of the Classification Plan

The County Manager, or person(s) designated by the County Manager, shall be responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. The pay plan shall

be administered in a fair and systematic manner in accordance with work performed. The classification plan shall meet the requirements of the State Competitive System for local government employees while maintaining a County-wide plan.

- a) Department heads shall be responsible for bringing to the attention of the County Manager and Human Resources Director:
 - I. The need for new positions; and
 - II. Material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classification of any existing positions.
- b) New permanent positions shall be established only with the approval of the Board of Commissioners after which the County Manager, with recommendation from the Human Resources Director, shall either:
 - I. assign the new position to the appropriate class within the existing classification plan, or
 - II. Recommend that the Board of Commissioners amend the position classification plan to establish a new class to which the position may be allocated.
- c) The Human Resources Director will be responsible for reviewing the classification of existing positions and reporting the findings and recommendations to the County Manager. When the County Manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the County Manager shall:
 - I. recommend that the existing class specification be revised,
 - II. reallocate the position to the appropriate class within the existing classification plan, or
 - III. Request the Board of Commissioners amend the position classification plan to establish a new class to which the position may be allocated.

Section 2.05 Amendment of the Classification Plan

The County Manager shall present requests to the Board of Commissioners to amend the classification plan by adding, changing, or deleting classes of positions and salary grades based on internal analyses and market surveys.

Article III. Wage and Salary Administration

Section 3.01 Purpose of the Pay Plan

The pay plan includes the "Pay Schedule" and the "Assignment of Classes to Pay Grades and Ranges" recommended by the County Manager and approved by the Board of County Commissioners. The pay plan approved by the Board of County Commissioners shall consist of a minimum, midpoint, and maximum for each job classification. The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for

positions in employment in the area, changes in the cost of living, the financial conditions of the County, and other factors.

Section 3.02 Administration and Maintenance

The County Manager shall be responsible for the administration and maintenance of the pay plan. The County Manager shall be responsible for reviewing the pay plan with the Human Resources Director on an annual basis to assess the administration and maintenance needs of the pay plan. All employees covered by the pay plan shall be paid at a rate listed within the pay range established for the respective position classification, except for employees in trainee status or employees whose existing pay rates are above the established maximum rate following transition to a new pay plan. Employees being paid at a rate above the maximum rate established for their respective classes shall remain at their present pay rate as long as the maximum rate is equal to or below the employees' present pay rate. The classification and salary plan shall meet the requirements of the state competitive system for the county employees subject to that system.

The Board shall annually adopt, as part of the budget process, the pay plan and assignment of Job Classes to Pay Grades.

Section 3.03 Hiring or Starting Pay

All persons employed in positions approved in the classification/pay plan normally shall be employed at the minimum of the salary range for the classification in which they are employed or at the previously budgeted amount, except those employees with trainee/work against status. Appointments above the hiring rate may be made with the approval of the County Manager, Human Resources Director and the Department Head when deemed necessary in the best interest of the County. In the event that a position becomes vacant, the vacant position may be advertised with a pay range of the minimum salary requirement up to the previously budgeted amount.

Pay for part-time or temporary status will be paid at an hourly rate within the established range.

Section 3.04 Trainee Designation and Provisions

An applicant hired, or employee promoted to a position in a higher class who does not meet all the established requirements of the position, shall be appointed at a pay rate no greater than one (1) grade below the minimum salary range. Employees shall be designated "Trainees" based upon recommendations of the Department Head with the approval of the Human Resources Director. An employee in trainee status shall continue to receive a reduced pay rate until the appointing Department

Head and the Human Resources Director determine that the trainee is qualified to assume the full responsibilities of the position.

“Trainee” salaries will normally be no more than two pay grades below minimum. Assignment to grades below the minimum is appropriate for more than six months but no more than two years unless otherwise approved by the County Manager. A new employee designated as “trainee” shall be in a probationary status until requirements for the full job class are met.

The supervisor shall prepare a training plan, including a time schedule, to meet the minimum qualifications for the job classification. If the training is not successfully completed as planned, the employee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the minimum rate established for the job class.

Section 3.05 Performance Pay Increases

Upward movement within the established salary range for an employee is not automatic but rather based upon specific performance-related reasons. Employees may be considered for advancement within the established salary range based on the quality of their overall performance as set forth in the Performance Management Plan. Pay Increases should be requested during each Fiscal Years budget meetings in preparation for the upcoming Fiscal Year. Performance Pay Increases may occur at any point during the Fiscal Year so long as funds are available within the Department’s budget. If funds are not available, the request should be brought to the County Manager for consideration and approval to submit a budget amendment request to the Board of Commissioners.

Section 3.06 Performance Management

It is the policy of Madison County Government to provide a performance management system which evaluates employee’s accomplishments and behaviors related to goals and values associated with the mission, goals, and business objectives of the organization. The performance management system enables employees to develop and enhance individual performance while contributing to the achievement of the organizational mission and goals. The Performance Management system shall be designed to facilitate fair and equitable merit pay decisions and meet the needs of both management and employees.

Covered Employees

This policy applies to all permanent and probationary employees, as well as employees in trainee classifications. This policy does not apply to temporary employees, contract employees, or employees covered under the State Personnel Act.

Performance Cycle

The standard Madison County performance cycle is July 1 through June 30. Employees will have an annual performance evaluation completed, approved, discussed with the employee, and submitted to the Human Resources Director within sixty (60) calendar days of the cycle end date.

Document of Performance

The Human Resources Director will provide Performance Evaluation templates to be utilized by all Department Heads and individuals covered by this policy. Performance Reviews are required in the following instances:

- **Permanent Employees:** The Department Head shall conduct an annual performance evaluation within 60 calendar days of the cycle's end date.
- **Probationary Employees:** Employees are required to complete a 6-month probationary period. Department Heads shall conduct a performance evaluation after the employees have been employed for ninety (90) days and during the final month of probation. In addition, Department Heads can conduct performance feedback discussions as much as needed during the 6-month probationary period.
- **Transfers:** Once an employee transfers, they will complete a 6-month probationary period and follow the same guidelines as probationary employees.

The Performance Management Process

1. Throughout the performance cycle, the Department Head/Supervisor shall document and validate, based on direct observations and/or feedback from others, employee performance results and values-based behaviors on a regular and consistent basis. In addition, the Department Head/Supervisor shall provide feedback to the employee, both positive and correct, when appropriate. Both the Department Head/Supervisor and employee should document activities and accomplishments related to goals and values-based behaviors during the performance cycle. Formal coaching and counseling sessions should take place in a timely manner throughout the performance cycle when corrective feedback is needed. All formal coaching and counseling sessions and formal performance discussions shall be documents electronically or in writing and submitted to the Human Resources Director.
2. Department Heads/Supervisors shall conduct a minimum of one formal performance discussion annually for each employee at the end of the performance cycle.
3. If requesting performance increases, Department Heads must provide a dated and signed performance evaluation. The performance evaluation must include a request for an increase

supported by a list of achievements of job performance above and beyond the employee's normal scope of work.

Section 3.07 Pay Effect of Promotions, Demotions, Transfers, and Reclassifications

Promotions: When an employee is promoted to a position with a higher pay grade, the employee's pay shall normally be advanced to the Minimum level of the new position. The County Manager may set the promoted employee's pay within the pay range of the new position using the same authority used for setting pay for external candidates. The purpose of the promotional pay increase is to recognize and compensate the employee for assuming increased responsibility and set the pay within the new range in accordance with the qualifications of the internal applicant.

Demotions: When an employee is demoted (voluntary or involuntary) to a position for which he/ she is qualified, the pay shall be set at the rate in the lower salary range which provides pay commensurate with the employee's qualifications to perform the job.

Transfers: The pay of an employee reassigned to a position in the same class or to a position in a different class within the same salary range shall not be changed by the reassignment.

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

Section 3.08 Effect of Labor Market Conditions on Positions

Upon the documentation of adverse labor market conditions on a position(s), the County Manager may increase salaries of position(s) up to 2.5% to retain existing personnel. Such an increase shall not result in an employee being paid at a rate above the Maximum for the pay grade. The practice shall be used to remain competitive within the labor market and to avoid costs associated with recruiting and training for such competitive positions. The County Manager may request such documentation and recommendations from the Human Resources Director and Department Head as is necessary in making a decision. The County Manager shall seek approval from the County Board of Commissioners before taking such action.

Section 3.09 Overtime Pay Provisions

Madison County shall abide by all applicable sections of the Fair Labor Standards Act along with the Fair Labor Standard Amendments of 1985. Under such implementation, Madison County will properly record all applicable overtime accrued for each covered employee. This policy shall be applicable to all employees of Madison County who are covered under the provisions of the Fair Labor Standards Act. Its intention is to assure compliance with such Act to the extent applicable to Madison County. Effective February 19, 1985, the Supreme Court declared that local governments are subject to the Fair Labor Standards Act. This section is in accordance with that ruling.

- a) Every employee must record his/her timecard accurately to reflect all time worked. Failure to do so may result in disciplinary action up to and including dismissal. Should an employee be aware of any violation of this requirement or of any practice that discourages an employee from accurately recording his/her time, then the employee should report such concerns to the employee's Department Head or County's Human Resource Director.
- b) Department heads are responsible for ensuring that overtime hours are authorized, recorded, and properly documented for compensatory time off or overtime pay in accordance with the established record keeping forms and instructions.
- c) Full-time and part-time employees who have been classified as "Exempt" from the overtime provisions of the Fair Labor Standards Act are paid for the accomplishment of assigned accountabilities rather than being paid for the number of hours worked in a work week. A 100% or full-time exempt employee, as an example, would be expected to work a 40-hour week at a minimum during normally defined business hours unless prior approval to work a flexible schedule has been requested by the employee and approved by the Department Head, or the County Manager in the case of a Department Head.
- d) Full-time and part-time employees who have been classified as "Non-Exempt" from the overtime provisions of the Fair Labor Standards Act must be paid for overtime hours worked or given compensatory time off in accordance with the guidelines in this policy. Overtime is paid or compensatory time off is given to non-exempt employees for hours worked in excess of 40 hours per week. Non-exempt employees can earn up to 240 hours of compensatory time. Non-exempt employees who work in public safety activities or emergency response activities may not accrue more than 480 hours of compensatory time for overtime hours worked.
- e) Computation for overtime shall include actual hours worked over and above the scale set for Sheriff's Office employees in accordance with FLSA.
- f) Any form of leave taken such as sick leave, holidays, annual leave, and compensatory time off in a work period shall not count toward computing overtime hours.
- g) It is the goal of Madison County to provide a workload that can be processed within the normal working day. Work in excess of the regular schedule is discouraged unless absolutely necessary. Compensatory time is earned, or Overtime Pay is paid for all non-exempt employees who work additional time in conducting County business. The Human Resources Director's Office maintains a listing of all non-exempt and exempt

positions.

- h) Department heads shall be responsible for administering their compensatory policies by allowing employees to take accrued compensatory time in a timely manner so that compensatory hours shall not accrue to excessive levels. Compensatory time may not be used until it has been earned and credited to the employee's account.
- i) Employees requesting to use accrued compensatory time must make a specific request to their immediate supervisor. Use of such time will be allowed within a reasonable period following the request as long as the use does not unduly disrupt the operations of Madison County. Compensatory time must be used before sick and vacation.

Overtime Rates for Non-Exempt Employees

When overtime is paid, it is at the rate 1-1/2 times the employee's regular hourly rate for those hours worked in excess of 40 in one week (except those subject to the law enforcement exemption, where overtime is paid for hours worked in excess of the FLSA threshold for the established pay cycle).

Approval to Work Overtime

Employees are expected to work during all assigned periods, exclusive of bona fide breaks, mealtimes, or unscheduled hours, etc. Employees are not to perform work during such non-work breaks, mealtimes, or unscheduled hours unless they receive approval from their immediate supervisor, except in cases of extreme emergency.

An extreme emergency exists when an employee is called upon to perform work for Madison County that could result in damage to property or persons, or which requires immediate attention of the employee which cannot possibly be postponed. Employees who work excess hours due to an emergency should properly advise their immediate supervisor of the overtime worked as soon as practical for final approval or disapproval.

Department heads and supervisors shall hold hours worked by the employee to the County's established 40-hour workweek standard except in those cases where excessive hours of work are necessary because of weather conditions, necessary seasonal activity, routine required work activities or emergencies. Department Heads and supervisors are responsible for ensuring that overtime hours are authorized, recorded, and properly documented for compensatory time off or overtime pay with the Department Head being strongly encouraged to pay employees within their department for over-time hours worked, rather than utilizing the accrual of compensatory time, in accordance with the established record keeping forms and instructions.

Section 3.10 Compensatory Leave Buy-back Option

Madison County Government will "buy-back" accrue compensatory time at the end of each Fiscal Year if funds are available. In the event that accrued compensatory time is not used by the end of the fiscal year, employees may carry unused time forward to the next fiscal year, up to the designated accrual

cap. Alternatively, employees may also elect to be paid for up to 40 hours of accrued and unused compensatory time pending availability of funds in each department. If funding is available, Department Heads may seek approval from the County Manager to offer comp time buy-back in excess of 40 hours.

Availability of funds will be dependent on lapsed salaries, unused departmental funds for each fiscal year, and the County's financial standing at the end of each fiscal year. Department Head's will be notified of availability of funds each year. If funds are available, Department Head's may extend the Compensatory Leave Buy-back option to employees.

Employees wishing to sell back their compensatory time must complete the Madison County Governments Compensatory Leave Buy-Back Form. The completed form must be signed by the Employee's supervisor and turned in by no later than May 31st of each year.

Payment will be calculated at the employee's current rate of pay, as of May 31st. Payment will be made, via direct deposit, separate from the biweekly payroll. All applicable payroll taxes will apply to this program.

Section 3.11 On-Call and Call-Back Compensation

The County provides compensation for employees who are required to be available for after-hours on-call coverage. Compensation for time spent while on-call and for time spent when actually called back to work shall be determined according to the following:

- a) On-call standby time consists of scheduled non-work hours in excess of the standard work period when an employee is required to be available to be called back to work on a regularly scheduled or emergency basis. Called back to work time consists of actual time spent when called back to work to handle a scheduled or emergency situation.
- b) On-call standby schedules must be approved by the County Manager or designee. The Finance Office shall maintain a list of employees who are approved for on-call compensation arrangements.
- c) Compensation for on-call employees shall be determined by the County Manager or designee and shall consist of either compensatory time off or a flat payment for the time period one is on-call in accordance with the department plan.
- d) Compensation for employees called back to work shall be for actual time worked. Should this additional time exceed the standard hours of work for the workweek or pay period, overtime pay rules and regulations shall apply.

Section 3.12 Advance on Wages

The County shall not advance wages for any employee.

Section 3.13 Payroll Schedule and Deductions

The payroll schedule shall be established by the County Manager and shall be administered by the Human Resources and Finance Department.

Time Clock

Each employee is required to complete a daily time clock entry to keep a record of all hours worked, vacation, sick leave, compensatory leave etc., for the purpose of calculating and issuing pay checks. Every employee and his/her supervisor must approve the time clock to verify that all entries are accurate and submit it according to the established schedule. Intentional falsification of time sheets will result in disciplinary action up to and including termination.

Deductions

Deductions which are required by law shall be deducted from each employee's pay on a bi-weekly basis and shall include: (a) federal income tax; (b) state income tax; (c) social security; (d) all applicable Local Governmental Employees' Retirement System or Law Enforcement Officer's Benefit and Retirement Fund.

Additional deductions shall be allowable at the option of the employee under the following conditions:

- a) Hospitalization insurance for dependents and supplemental life insurance are available to all employees of Madison County through corporations or firms contracting with Madison County to make such insurance available to all employees.
- b) Additional deductions shall be allowed from time to time as deemed appropriate by the Finance Department.

In determining whether to provide payroll deduction under (b) above the following factors shall be considered in total combination:

- I) The performance, financial responsibility, and reputation of the organization requesting such deduction.
- II) Whether the service or benefits being offered are presently available to the employee and are being administered in a satisfactory manner.
- III) Whether the administration of the program would prove to be unduly burdensome to the County.
- IV) Whether a sufficient number of employees who are interested would be representative of all the agencies of the County.

Upon request of an employee, the County Manager may approve additional deductions based on consideration of the capability of payroll equipment and appropriateness of the deduction.

Improper or Unlawful Deductions from Pay

Every effort is made to ensure that compensation and pay checks are properly computed and calculated. It is against our policy for any employee's wages to have improper or unlawful deductions. If you believe that your pay is incorrect or that an improper or unlawful deduction was made to your wages or salary, contact immediately the Human Resources Director and/or the Finance Officer. Our finance department and/or human resources department will investigate the matter, make corrections as appropriate, and make prompt reimbursement as required.

The salaries of employees exempt under the Fair Labor Standards Act, 29 CFR part 541, may be reduced or be subject to deduction for the following conditions ONLY:

- a) For a full day or more absence for personal reasons other than sickness or disability and the employee has no leave to cover the absence.
- b) For sickness or disability (including workplace injury) if the employee has not qualified for our leave benefit, has not earned sufficient leave to cover the absence, or has exhausted all leave and has no earned leave remaining to cover the absence. If the employee has exhausted all leave benefits that would cover an FMLA absence, the employee's salary may be reduced in hourly increments while on FMLA leave.
- c) Deductions resulting from suspensions without pay for serious violations of our workplace conduct rules.
- d) In the initial or final workweek of employment, deductions may be made for the days of the workweek not worked. For example, in the first or last workweek of work, if the employee only works two of the five days, the employee will receive a pro-rata amount of his or her weekly salary. In the final workweek the employee may use applicable accrued leave to cover the portion of the week not worked but only as provided elsewhere in our policies.

Pursuant to Federal Regulations 29 Part 541.710, salaries of exempt salaried employees may be reduced under the following conditions since all county employees are employed under the rules of public accountability:

- a) For absences of less than a day for personal reasons, illness, or injury when accrued leave is not used because:
 - a. Permission for the absence/leave has not been sought or it has been requested by the employee and was denied.
 - b. Accrued leave has been exhausted.
 - c. The employee requests and is approved to use leave without pay.
- b) Deductions for a "budget-required furlough" implemented by agency management or the governing board/body. During such week, and only in such week, the Part 5 exemption is lost, and the employee is entitled to overtime compensation in the week of the furlough if the employee works more than 40 hours.

Deductions from salaries of employees exempt under the Fair Labor Standards Act, 29 CFR Part 541, are NOT permitted by the regulation for the following conditions:

- a) On an hourly basis except for unpaid FMLA leave and as provided in the special rules above.
- b) When the office, facility, building, or department is officially closed due to inclement weather such as snow or ice. Exempt salaried workers cannot be required to use earned leave for such closings unless it is announced that the office, facility, building, or department remains open for salaried exempt employees, and they are given the option of reporting to work or using leave.
- c) For penalties or rules violations such as performance issues, attendance issues, minor safety rules, cash shortage, losses, rules of evidence violations or damages to equipment or property, including insurance deductibles when damage has occurred.

Employees can report improper or unlawful deductions from their wages without fear of discrimination or reprisal. Upon receiving notification of an improper or unlawful deduction from pay, the Human Resources Director, or designee, in consultation with the Finance Officer, will investigate the matter and issue a finding before the next pay period entry date. If the investigation confirms the deduction was improper or unlawful, the employee(s) shall be reimbursed the amount of the deduction with the next paycheck.

Article IV. Recruitment and Employment

Section 4.01 Equal Employment Opportunity Policy

It is the policy of the County to maintain systematic, consistent recruitment program, to promote equal employment opportunity and to identify and attract the most qualified applicants for all present and future vacancies. This intent is achieved through consistently announcing all positions and evaluating all applicants on the same criteria. To avoid discrimination, equal employment opportunities are allowed without regard to race, religion, national origin, sex, age, disability, or genetic information.

Section 4.02 Recruitment- Responsibility of Human Resources Director

The Human Resources Director shall be responsible for an active recruitment program to meet current and projected manpower needs, through procedures that will assure equal employment opportunities based on reasonable performance-related job requirements. To accomplish this, the efforts of the Human Resources Director and all County departments must be coordinated in a timely manner. The Human Resources Director and Department Head shall jointly determine whether a position vacancy will be recruited by internal, external, or concurrent postings.

Section 4.03 Position Vacancy Announcements

When position vacancies occur, the Human Resources Director shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Information on job openings and hiring process will be posted to the county website, as well as NC Works Online, to inform the community and attract a quality and diverse pool of applicants. Individuals shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that well-qualified applicants are obtained for County service. Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.

Section 4.04 Application for Employment

The North Carolina State Application for employment shall be the standard application accepted for any and all position listings. No applications for recruitment may be accepted within an agency or department. All referrals are to be made through the County Human Resources Office (exceptions: Sheriff's Office, Health Department, Department of Social Services, Board of Elections, and Register of Deeds).

All persons expressing interest in employment with the County shall be given the opportunity to file an application for employment if a current vacancy exists. A separate application must be submitted for each position.

Section 4.05 Qualified Standards

- a) All applicants considered for employment or promotion shall meet the employment standards established by the class specifications.
- b) All appointments shall be made on the basis of merit and without regard to race, religion, color, national origin, sex, age, disability, or genetic information.
- c) Consideration may be given to "Trainee" appointments when there is an absence of qualified applicants from which to select. In this instance, the lack of qualifications may be eliminated through orientation and on-the-job training, and the applicant is granted a trainee status by the Human Resources Director (county general positions) and/or the Office of State Human Resources (positions subject to the State Human Resources Act).
- d) Work-against appointment. When qualified applicants are unavailable and there are lower levels in the series of that classification, an applicant may be hired and assigned to the level of the series for which he/she is qualified and may "work against" the experience and educational requirements of the higher-level position in the series. An appointment may be made below the level of the regular classification in a work-against situation, for the purpose of allowing the employee the opportunity to gain the qualifications needed for the full class, through on-the-job experience. The appointee must meet the minimum education and experience standard of the class to which initially appointed. A work-against appointment may not be made when applicants are available who meet the education and experience requirements for the full class of the position in question.

Section 4.06 Selection

Department Heads and the Human Resources Director or designee shall utilize and document, on a consistent and routine basis, a selection process which best suits the needs in filling positions within each agency/department. All selection devices administered by the County shall be valid measures of job performance. Once the established selection process has been completed, the Human Resources Director will present the County Manager with the Department Heads hire request for approval.

Section 4.07 Conditional Offer of Employment

In order to protect citizens of the county and their properties, the procedures in this subsection are established on applicants for all positions in county government (except for the Sheriff's Office, Department of Social Services, and Health Department who handles their own pre-employment process).

- a) The Human Resources Director shall conduct an investigation of any final candidate for a county government position, and it shall be a precondition of employment that an applicant for a position shall, upon request, provide all necessary personal identification, including birth certificate, social security number and drivers' license, if available, so that a thorough search can be made of criminal records to determine if the applicant has a history of criminal convictions.
- b) An evaluation of any crime for purposes of employment will consider the nature and the circumstances of the offense and the timeframe of the offense as they relate to the essential job functions for the position applied for.
- c) Employment with the county may require additional tests or investigations be conducted, after making a conditional offer of employment, but before making a final offer of employment. Such additional tests or investigations are determined by the position being filled and may include but are not necessarily limited to the following: driving records checks, credit checks, fingerprinting, and criminal background checks.
- d) Once an applicant is extended a conditional offer of employment, the applicant may be required to undergo an examination for physical, mental, or emotional fitness for duty. The appropriate test will be based on bona fide occupational qualifications.
- e) Applicants for all positions within the county will be required to undergo a pre-employment drug test prior to being made a final offer of employment.
- f) Unsatisfactory results from pre-employment testing and checks will result in the conditional offer of employment being withdrawn.
- g) The county reserves the right to consider all results and withdraw any offer of conditional employment based on the results obtained.

Section 4.08 Appointment

Before any commitment is made to an applicant either internal or external, the Department Head shall make recommendations to the Human Resources Director including the position to be filled, the pay rate to be paid, and the reasons for selecting the candidate over other candidates. The County Manager shall make all appointments of county employees under his direction, except those who are designated as departmental director level, elected, or appointed by the Board of Commissioners or other boards.

The Sheriff and Register of Deeds shall have authority over the appointment in their respective departments, with the Human Resources Director determining the class and pay rate of new employees.

By the authority of Chapter 153A-103 of the North Carolina General Statutes, the Board of County Commissioners must approve the appointment by the Sheriff or Register of Deeds of a relative by blood, marriage or nearer kinship than first cousin or a person who has been convicted of a crime of moral turpitude.

Section 4.09 Probationary Period

An employee appointed or promoted to a regular position shall serve a probationary period. Employees shall serve a six-month probationary period, except that department heads shall serve a twelve-month probationary period. Employees in trainee appointments will have specific time frames established for their probationary period. The introductory period for employees of Social Services and Public Health is described in the State Human Resources Act. Employees of those departments should seek further information on their introductory period from their department.

During probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Before the end of the probationary period, the supervisor shall determine whether or not the employee is performing satisfactory work and meeting job expectations. The employee's progress (accomplishments, strengths, and weaknesses) will be discussed with the employee and a written record maintained in the employee's personnel file. The supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. Probationary periods may be extended for a maximum of three additional months.

Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period without following the steps outlined in Article IX of this Policy. A promoted employee who does not successfully complete the probationary period may be transferred or demoted to a position in which the employee shows promise of success. If no such position is available, the employee shall be dismissed. Employees may not appeal disciplinary actions taken during the probationary period.

Employees shall not apply for other county positions during their probationary period, except where state statute mandates are different.

Section 4.10 Promotion

Candidates for promotion shall be chosen on the basis of their qualifications and their work records without regard to race, religion, color, national origin, sex, age, disability or genetic information. Performance appraisals and work records for all personnel meeting minimum qualifications for the position shall be carefully examined when openings for positions in higher classifications occur. It is the County's policy to create career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is best suited of all applicants, that applicant shall be promoted to that position. The County will balance three goals in the employment process: 1) the benefits to employees and the organization of promotion from within, 2) providing equal employment opportunity and a diversified workforce to the community, 3) obtaining the best possible employee who will provide the most productivity in that position. Candidates shall apply for promotions using the same application process as external candidates. When a current employee is chosen for a vacant position, the Department Head shall forward the request to the Human Resources Director with recommendations for classification and pay along with reasons for selecting the employee over other applicants. After considering the recommendations, the Human Resources Director shall confirm or reject the appointment and determine the starting pay rate of the employee.

Section 4.11 Demotion

An employee whose work or conduct in the current position is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. Such demotion shall follow the disciplinary procedures outlined in Article IX of this Policy.

An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a demotion for reasons other than unsatisfactory performance or failure in personal conduct. In accepting a voluntary demotion, the employee will be placed in the lower salary grade with a corresponding decrease in pay for each pay grade reduced.

Section 4.12 Transfer

If a vacancy occurs and an employee wishes to be considered for transfer to the vacant position, an application must be forwarded to the Human Resources department during the recruitment period for the position. All normal conditions of recruitment shall apply. A condition of a transfer from one department to another may include a new probationary period.

Article V. Conditions of Employment

Section 5.01 Work Schedule

The standard workweek for all employees of the various departments of the county, with the exception of law enforcement, emergency management personnel, library personnel, and waste management shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday. When the activities of a particular department require some other schedule to meet work needs, the county manager may authorize a deviation from the normal schedule. In the event that an employee is called into a departmental meeting that has been authorized by the county manager outside of the employee's regularly scheduled work hours, compensation will be provided to the employee for a minimum of two (2) hours to attend said meeting provided the meeting duration is less than the two (2) hour minimum. In the event that the meeting duration exceeds the two (2) hour minimum, the actual time duration of the meeting will be paid to the employee. The work week used for calculation of overtime shall be from 12:01AM Monday until 12:00pm on Sunday, except for law enforcement personnel.

Alternative schedules must be pre-approved in writing by the Department head for employees. Likewise, alternative schedules must be pre-approved in writing by County Manager for Department Heads.

Section 5.02 Attendance, Absenteeism, Tardiness

The quality of service provided to the public reflects the consistent and dependable performance of County employees. Unscheduled absence or tardiness places a burden on co-workers and hinders effective County operations. In situations where an employee must be tardy or absent, they must notify his/her immediate supervisor within the 30 -minute period following the normal reporting time. Excessive tardiness and absenteeism may result in disciplinary actions up to and including dismissal.

Any absence of three consecutive workdays without notification to the department head or supervisor or prior approval from the department head or supervisor shall be deemed to be a voluntary resignation.

Section 5.03 Political Activity

Each employee has a civic responsibility to support the government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate, and support the principles or policies of

civic or political organizations 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 employee shall:

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

Employees subject to the Hatch Act may not be candidates for elected office in a partisan election.

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

Section 5.04 Expectation of Ethical Conduct

The proper conduct of all employees is necessary to ensure a safe, productive, and pleasant working environment. County employees are expected to conduct themselves in accordance with the following guidelines:

- a) Know and observe relevant County policies and procedures.
- b) Perform the job assigned as instructed by the supervisor.
- c) Be prompt in reporting to work and devote full attention to work while on duty.
- d) Know and abide by the rules of the County for personal protection and for protection of co-workers and the public.
- e) Be fair, courteous, and cooperative in dealing with the public and with fellow employees.

The following actions are not permitted. Any employee discovered committing any of the following offenses while employed by Madison County is subject to disciplinary action up to and including dismissal. This list is not all-inclusive.

- a) Displaying disrespect toward or refusing to carry out the instructions of a supervisor or other authorized person unless those instructions are unsafe or illegal.
- b) Going outside the supervisory chain of command with the intent to disrespect or discredit a supervisor or co-worker(s) based on an issue of personal dissatisfaction in the workplace not otherwise provided for in the personnel policy.
- c) Making comments or engaging in behavior that is untruthful or directed as a personal attack on the professional conduct of others.

- d) Repeatedly disappearing from the work area without permission or without an acceptable reason.
- e) Allowing personal relations in the workplace to become disruptive.
- f) Removing County property from the premises without permission from the proper authority.
- g) Theft or misuse of County property or services (e.g., mailing personal things, personal use of a county car, extensive use of cell phone or office phone for personal calls, billing personal long-distance phone calls to the County, personal use of tools or supplies, etc.).
- h) Intentionally falsifying County records.
- i) Using County Internet access, e-mail, the telephone, or a facsimile machine to view, generate, send, or receive materials that could be construed as fraudulent, illegal, harassing, obscene, indecent, profane, or intimidating.
- j) Violating the Madison County drug and alcohol-free workplace policy.
- k) Fighting or provoking a fight on County property; using abusive, obscene, profane, or threatening language; or engaging in immoral conduct while on duty.
- l) Engaging in workplace violence includes, but is not limited to intimidation, threats, physical attack, domestic violence, or property damage.
- m) Operating a county vehicle without a valid N.C. driver's license or otherwise in violation of policies regarding the use of County vehicles.
- n) Unwelcome or unsolicited speech or conduct based on age, race, color, religion, sex, national origin, disability, or any other factor that creates a hostile work environment.

Section 5.05 Secondary or Outside Employment

The work of the County shall have precedence over other occupational interests of employees. All outside employment for salaries, wages, or commission and all self - employment must be reported in advance by completing the Request for Approval of Secondary Employment Form and submitting the form to the employee's supervisor and the department head for approval and who in return will forward it to the Human Resources Director. The Human Resources Director will review such employment for possible conflict of interest and then approve or deny secondary or outside employment. The assumption of secondary or outside employment without prior approval by the County may be deemed improper conduct and subject the employee to disciplinary action, up to and including dismissal. If an employee changes positions during their employment with Madison County, they must resubmit a request to continue their secondary employment. All forms will be maintained by Human Resources and placed in the employees' personnel file.

Section 5.06 Limitation on Employment of Relatives

No employees are permitted to supervise, directly or indirectly, immediate family or those of a close relationship, as defined under Section 1.10. Supervision includes, but is not limited to, any participation

in the hiring decisions, promotional decision, work assignment decision, shift assignment decision, pay decision, disciplinary decision, or the evaluation process of another employee.

Violations of this policy occurring as a result of marriage, living arrangement, promotion, or reorganization shall be resolved by transfer of one of the employees to another department, where qualified (in the opinion of the County) for such transfer. The provisions of this section shall not be retroactive, and no action will be taken concerning members of the same family employed in conflict with this section before the adoption of this policy.

The Board of County Commissioners shall approve the appointment by the Sheriff or the Register of Deeds of a relative by blood or marriage or nearer kinship than first cousin as required by Chapter 153A-103(1) of the North Carolina General Statutes.

Section 5.07 Residency Requirement

Any person hired or promoted into the position of County Manager must be or become residents of the geographic limits of the county within twelve months from the date of the appointment or employment unless otherwise approved by the Board of Commissioners prior.

Section 5.08 Workplace Harassment

Madison County has a zero-tolerance policy against any form of unlawful workplace harassment, including harassment defined as sexual, race, religion, color, national origin, sex, age, color, disability, or genetic information. No employee, regardless of position, may engage in conduct that falls under the definition of unlawful workplace harassment. This is generally defined as unwelcome or unsolicited comments or conduct based upon race, religion, color, national origin, sex, age, disability, or genetic information that creates a hostile work environment or circumstances involving quid pro quo situations. All employees have the expectation of working in an environment free from unlawful harassment and retaliation. Indifference by supervisors and other employees with authority will not be condoned either. All complaints made by employees will be investigated and appropriate remedial or disciplinary action taken on complaints that are substantiated.

- a) Reporting a complaint of any kind is difficult since complaints generally involve a supervisor or coworker. However, an employee who believes that they may have a complaint of harassment is advised to file the complaint according to the procedures outlined in Article X Section 10.04 of this policy.
- b) All complaints will be investigated pursuant to the procedure outlined in Article X Section 10.04.

Section 5.09 Use of County Time, Equipment, Supplies, and Vehicles

County supplies and equipment are to be used exclusively for the County's business. During working hours, an employee shall only engage in County Business. Use of County time, supplies, or equipment for personal or other purposes not related to the employee's County duties and responsibilities is prohibited and subjects the employee to disciplinary action, up to and including dismissal. During vacation periods or leaves of absences, an employee who is assigned a vehicle on a non-permanent basis, may be required to turn the vehicle into their department.

Only authorized county employees may operate county vehicles and equipment as approved by each department head.

Employees may not use a county vehicle for any personal business. When the county vehicle is not being used for county business purposes, it is to be kept on the premises of Madison County, except as specifically exempted by a department head or the County Manager. As directed by the department head or County Manager, on-call personnel may use a county vehicle for after-hours work-related business.

Passengers are permitted in county owned vehicles, upon authorization by the department head or the County Manager, for official county business.

Section 5.10 Acceptance of Gifts and Favors

No official or employee of the County shall accept any gift, favor, or thing of value (whether in the form of a money, service, loan, or promise) from any person, firm or corporation that may tend to influence such employee in the discharge of the employee's duties or grant in the discharge of duty an improper favor, service or thing of value. Gratuities shall be refused by all County officials and employees.

Any honorarium or payments granted while on County time, monies shall be reimbursed to the County, excluding jury duty. If annual leave is taken for a time away from work, then no reimbursement will be required.

Section 5.11 Technology Appropriate Use Policy

PURPOSE: This policy covers the use of all technological resources belonging to the County. It includes, but is not limited to, pagers, radios, all computer systems of any size and function and their attached peripherals, phones, cellular phones, faxes, voice mail systems, e-mail systems, network resources and Internet resources. All technological resources owned by the County are in place to enable the County to

provide its services in a timely and efficient manner. This is the primary function of these resources and any activity or action that interferes with this purpose is prohibited. Because technology systems are constantly evolving, the County requires its employees to use a common-sense approach to the rules set forth below, complying not only with the letter, but also the spirit, of this policy.

DEFINITIONS:

E-mail: Electronic mail, most commonly abbreviated email or e-mail is a method of exchanging digital messages. E-mail systems are based on a store-and-forward model in which the e-mail server computer systems accept, forward, deliver and store messages on behalf of users, who connect to the e-mail infrastructure, typically an e-mail server, with a network-enabled device for the duration of message submission or retrieval. This includes internal e-mail, external e-mail, and Internet e-mail.

Internet and the World Wide Web: The World Wide Web, abbreviated as www and commonly known as The Web, is a system of interlinked hypertext documents contained on the Internet.

With a web browser, one can view web pages that may contain text, images, videos, and other multimedia and navigate between them by using hyperlinks.

POLICY

Information Access and Ownership: All technology resources and all information transmitted by, received from, or stored on County systems is the property of the County and, as such, are subject to inspection by County officials, including Department Heads and Supervisors at any time. County Officials, Department Heads and Supervisors reserve the right for business purposes, to enter, review and monitor the information on all systems, including voice mail, electronic mail and information stored on computer systems or media, without advance notice. This might include investigating theft, unauthorized disclosure of confidential business or proprietary information, personal abuse of the system or monitoring workflow and productivity.

Anytime information is transmitted through electronic media, there is the possibility that it could be intercepted. Therefore, no confidential County information may be transmitted electronically without the prior approval of the Supervisor or his/her designee. If the employee is uncertain whether information is confidential, err on the side of caution and obtain approval before transmitting.

Employees are responsible for the safekeeping of all IT equipment (cell phones, tablets, laptops, radios) and must immediately alert their supervisor in the event equipment is lost, stolen, or damaged in order to protect sensitive County data. Employees are expected to immediately return all equipment at the request of their supervisor or at the direction of the IT Director.

If the County determines that an employee has used technology resources in a manner that violates this policy or other County policies, the County will take appropriate disciplinary action up to and including dismissal.

Personal Use: Personal use of a County owned technology resource by County employees is subject to the following restrictions:

- a) Personal use of a County owned technology resource is still subject to all of the rules in this policy including inspection and monitoring.
- b) There must be no cost to the County.
- c) Use must not interfere with the employee or other employees performing their jobs or undermine the use of the County resources for official purposes.
- d) Personal use of a computer or the Internet must be conducted on an employee's own time (lunch or authorized breaks). Employees may not take equipment home or on vacation for personal use.
- e) Use of the County's technology resources for operating a personal business or soliciting of any kind is prohibited

INTERNET CODE OF CONDUCT:

Acceptable Uses of the Internet: Employees accessing the Internet represent the County. All communications should be for professional reasons. Employees are responsible for seeing that the Internet is used in an effective, ethical, and lawful manner.

Unacceptable Uses of the Internet: The Internet should not be used for personal gain or advancement of individual views. Solicitation of non-County business or any use of the Internet for personal gain is strictly prohibited. Use of the Internet must not disrupt the operation of the County network or the networks of other users. It must not interfere with employee productivity. Access to social media websites (such as but not limited to Facebook, Myspace, and Pinterest) and streaming audio/video services (such as but not limited to Hulu and Netflix) for personal use are strictly prohibited. The use of video chat such as Skype, Facetime, or Google hangouts are generally prohibited for personal use.

Exceptions: The department head may make a request to the IT Director and HR Director for an exception to this policy. The IT Director and the HR Director will in turn consult with the County Manager for a final decision.

E-MAIL USAGE POLICY:

This policy is established to provide specific guidance regarding the access and disclosure of electronic mail messages created, sent, or received by County employees using the County's electronic mail system. Because of ever changing technological advances, Madison County reserves the right to change this policy at any time as may be required, necessary and appropriate.

- a) The County maintains an electronic mail system to assist employees in the efficient performance and accomplishment of their assigned duties and responsibilities. The use of e-mail is for official business only.

- b) The electronic mail system hardware is County property. Additionally, all messages composed, sent, or received on the electronic mail system, including personal password-protected emails, are and remain the property of the County. They are not the private property of any employee.
- c) The electronic mail system may not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations or other non-related solicitations.
- d) The electronic mail system is not to be used to create any offensive or disruptive messages. Among those which are considered offensive are any messages which contain sexual implications, racial slurs, gender-specific comments or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability.
- e) The electronic mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.
- f) The County reserves and intends to exercise the right to review, audit, intercept, access and disclose all messages created, received, or sent over the electronic mail system for any purpose. The contents of electronic mail properly obtained for legitimate business purposes may be disclosed within the County without the permission of the employee.
- g) The confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality.
- h) Notwithstanding the County's right to retrieve and read any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. Any exception to this policy must receive prior approval by the employee.

Any employee who discovers a violation of this policy should notify their supervisor.

TEXT MESSAGING POLICY:

In general, texting is not an authorized form of communication for conducting day-to-day County business regardless of if the message is transmitted using a County issued or personal device. In the event a county employee must utilize texting as a means of communication, the employee is responsible for assuring compliance with North Carolina Public Records Law and preserving any and all communication records.

SECURITY:

Each employee is responsible for all actions taken while using his/her user profile, password, or access code. None of these are allowed to be shared with anyone else (including other employees of the County). They should not be written down and stored, posted anywhere, programmed into a macro, or stored on the computer system in an unencrypted form.

The examination, modification, copying or deletion of files and/or data belonging to other employees without their prior consent is prohibited. Software may not be loaded onto any County computer

system through any of the above methods (cd/DVD roms, diskettes, flash drives or files downloaded from the Internet) without prior approval from the IT Department. This includes shareware, freeware, personal software, or Internet distributed programs.

Section 5.12 Personal Phone Use

Madison County realizes that all people have personal matters that need to be attended to from time to time. However, personal phone calls can be a disruption in the workplace and should always be kept short. Excessive time spent on personal phone calls can be grounds for discipline up to and including dismissal.

Section 5.13 Drug and Alcohol-Free Workplace Policy

The County is committed to maintaining a drug and alcohol-free work environment in order to ensure the safety and welfare of the general public and all County employees and to ensure an efficient and effective work force. The County prohibits employees reporting to work with their ability to perform impaired by alcohol, illegal drugs, intentionally and inappropriately used prescriptions, over-the-counter drugs, or other chemicals and substances. A separate Substance Abuse Policy will be maintained by the County and provided to all employees.

Section 5.14 Travel Rules and Regulations

The policy of the County is to reimburse employees traveling on authorized County business for work related expenses incurred as a result of the travel. Each department head is responsible for authorization of employee travel and the reimbursement of travel expenses in accordance with procedures issued periodically by the Finance Department. Employees should select remote training opportunities whenever feasible.

Section 5.15 Safety

It is the objective of Madison County to conduct all operations as safely and efficiently as possible. To accomplish this objective, the responsibility, authority, and accountability for safety is given to all department heads and supervisory personnel within their individual area of operations. The County Manager shall appoint a Safety Coordinator. All employees and managers are responsible for active participation in the safety program activities; the coordinator's role is to support and coordinate this participation to ensure the program functions efficiently.

Section 5.16 Violence in the Workplace

Madison County recognizes its responsibility to build and maintain a respectful workplace, where all employees and citizens enjoy an environment in which the dignity and self-respect of every person is valued, and which is free of offensive remarks, material, or behavior. Therefore, it is the policy of the County to expressly prohibit any acts or threats of violence by any County employee in or about County facilities or while conducting County business. The County also will not tolerate any acts or threats of violence against County employees or visitors on County premises at any time or while they are engaged in business with, or on behalf of, the County, on or off County premises.

Any employee who displays a tendency to engage in violent, abusive, or threatening behavior, or who otherwise engages in behavior that the County, in its sole discretion, deems offensive or inappropriate will be subject to disciplinary action, up to and including immediate dismissal. This list of behaviors, while not inclusive, provides examples of conduct that is prohibited:

- a) Any act or threat of bodily harm or property damage, including subtle or implied threats to an individual or his or her family, friends, or associates. (A threat is the expression of an intent to cause physical harm or property damage as would be perceived by a reasonable person, without regard to whether the party communicating the threat has the present ability to carry it out; whether the threat is subtle or overt in nature; or whether the expression is contingent, conditional, or future).
- b) Fighting or other physical altercations. (A physical altercation is unwanted or hostile physical contact such as fighting, hitting, pushing, shoving, throwing objects, grabbing, touching or any unwanted physical contact.)
- c) Making obscene, abusive, or threatening remarks.
- d) Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.
- e) Intentionally damaging or threatening to damage employer property or property of another employee.
- f) Unauthorized possession or use of any weapon or caustic/dangerous chemicals, whether concealed or visible, on County property, except by sworn law enforcement officers or other employees as required to perform their job duties.
- g) Use or threat of use of weapon on/in County property. (A weapon includes, but is not limited to, firearms, explosives, caustics/chemicals, ammunition, knives or other dangerous or deadly weapons.) Use of other items as weapons, such as tools or furniture, is also prohibited.
- h) Use of language which would be regarded by a reasonable person as likely to invoke violence.
- i) Committing acts motivated by or related to sexual harassment or domestic violence.
- j) Repeated following of another individual, known as "stalking" or threatening another person with the intent to place the other person in reasonable fear of his/her safety.
- k) Making harassing or threatening phone calls, letters or other forms of written or electronic communications.

Madison County will take appropriate action when dealing with citizens, former employees, or visitors to County facilities who engage in such behavior. Such action may include notifying the police or other law enforcement personnel and prosecuting violators of this policy to the maximum extent of the law.

In furtherance of this policy, employees have a “duty to warn” their supervisors, security personnel, or Human Resources Director of any suspicious workplace activity, situations, or incidents that they observe or that they are aware of, involving other employees, former employees, contractors, or visitors that appear problematic. This includes, for example, threats or acts of violence, aggressive behavior, offensive acts, threatening or offensive comments or remarks, and the like. Employee reports made pursuant to this policy will be held in confidence to the maximum extent possible. The County will not condone any form of retaliation against any employee for making a report under this policy.

Section 5.17 Alternative Work Schedule Policy and Procedure

Madison County Government recognizes that some of its employees may seek ways to achieve better work/life integration, reduce commuting costs or address other issues that affect their ability to work onsite at Madison County Government facilities or to work traditional work schedules. As such, Department Heads have the ability to utilize flexible work arrangements, when appropriate, to meet departmental needs while at the same time providing enhanced flexibility for employees.

Flexible work schedules are an assignment that Madison County Government may choose to make available to some employees when a mutually beneficial situation exists.

Departments are strongly encouraged to be open to alternative work arrangements with the understanding that this flexibility must be accompanied by appropriate employee accountability measures and be compatible with the operation and staffing needs of the work unit. Managers are expected to make sound judgments that balance the needs of the individual employee with the needs of the department and grant flexible work arrangements equitably for similarly situated individuals within a particular department.

Specifically, managers and employees alike must be mindful of the special accountabilities that apply to Madison County Government as a public employer. Additionally, not every Madison County Government position lends itself to flexible work arrangements, nor may every proposed arrangement be accommodated.

Policy

This policy sets out three types of flexible work arrangements available at Madison County Government: (1) temporary changes in work hours; (2) flexible work schedules; and (3) flexible work locations (“teleworking” or “telework”). Below is a description of the expectations and obligations associated with each of these flexible work arrangements.

1. Temporary Change in Work Hours

Employees may request and Department Heads may grant, with approval from the County Manager, a change in an employee's regular work schedule that is not permanent or ongoing in order to adjust for an unplanned, short-notice, or sporadic event. This change may include modifying normal work start and end times or allowing work missed on one day to be made up on another. Flexibility helps the employee to avoid taking leave or other paid time that would otherwise have to be accounted for in a given week. Department Heads, with approval from the County Manager, have the discretion to grant changes in work hours as long as the operational needs of the department are satisfied and to discontinue such arrangements when deemed necessary.

2. Flexible Work Schedules

Flexible work schedules are adjustments to the employee's reporting or departure times on a regular or recurring basis to respond to the work/life needs of an employee. When considering a flexible schedule, at least 50 percent of the revised schedules should occur during 'typical' work hours for the institution (8 a.m. to 5 p.m. daily). The revised schedule must continue to support the operational needs of the department and allow for appropriate oversight of the employees' work assignments. Department Heads may approve flexible work schedules with the approval of the County Manager. Flexible work schedules may be revoked at any time; however, Department Heads will provide reasonable advance notice to the employee, to permit the employee to make alternate arrangements.

There are two Flexible Work Schedule options:

- a) **4/10 Work Schedule**- A 4/10 work schedule consists of four, ten-hour days. This schedule allows employees to work 80 hours over eight days.
- b) **9/80 Work Schedule**- A 9/80 work schedule consists of a total of eight nine-hour days, one eight-hour day, and one day off spread over a two-workweek period. This schedule allows employees to work 80 hours over nine days.

Sample Schedule:

Week One							
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Normal Schedule	Off	8:00 AM-4:30 PM	8:00 AM-4:30 PM	8:00 AM-4:30 PM	8:00 AM-4:30 PM	8:00 AM-4:30 PM	Off
9/80 Schedule	Off	8 AM-5:30 PM	8 AM-5:30 PM	8 AM-5:30 PM	8 AM-5:30 PM	8 AM-4:30 PM	Off
4/10 Schedule	Off	Off	7 AM-5:30 PM	7 AM-5:30 PM	7 AM-5:30 PM	7 AM-5:30 PM	Off

Week Two							
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Normal Schedule	Off	8:00 AM-4:30 PM	8:00 AM-4:30 PM	8:00 AM-4:30 PM	8:00 AM-4:30 PM	8:00 AM-4:30 PM	Off
9/80 Schedule	Off	8 AM-5:30 PM	8 AM-5:30 PM	8 AM-5:30 PM	8 AM-5:30 PM	Off	Off
4/10 Schedule	Off	Off	7 AM-5:30 PM	7 AM-5:30 PM	7 AM-5:30 PM	7 AM-5:30 PM	Off

3. Flexible Work Locations (“Teleworking” or “Telework”)

Madison County Government may permit an employee to work at an alternate work location if the arrangement is mutually beneficial. This can occur on a short-term or long-term basis.

Madison County Government and the employee shall mutually agree upon teleworking arrangements; however, based on business needs, Madison County Government may deny requests for Teleworking arrangements. Once a department determines that a teleworking arrangement would be beneficial in improving general work efficiencies, a written request must be forwarded to the County Manager for review and approval.

This request will include the responsibilities of Madison County Government and the employee. A teleworking assignment must comply with the policy provisions below.

- A. Compensation and Benefits- An employee’s compensation and benefits will not change when they telework.
- B. Safety and Ergonomics- The employee is responsible for maintaining the telework site in a manner free from health or safety hazards and for notifying their supervisor immediately of any unsafe conditions in the designated workplace and of any work-related injuries. The employee is also responsible for ensuring that all furniture is ergonomically correct, and that

proper lighting and ventilation are provided. Madison County Government is not required to physically inspect the telework site.

- C. Workers' Compensation- The employee will be covered by worker' compensation for job-related injuries that occur in the course and scope of employment while teleworking.
- D. Materials and Equipment- Based on the type of work to be performed, Madison County Government may provide computer hardware and software, email, voice mail, connectivity to Madison County server resources (if and when available), and other applicable equipment as deemed necessary by the employee's Department Head. Madison County Government assumes no responsibility for the employee's personal property.
- E. The employee will provide internet access. This access must be via DSL, Cable Modem, or an equivalent bandwidth network. Teleworking computer equipment must have current malware/antivirus protection and operating system patches as provided by the Madison County Government IT Department. The employee must assure that:
 - The employee's home wireless network is secured with a password.
 - The employee is using a password-protected profile on the teleworking computer to prevent unauthorized individuals (e.g., family members, friends) from accessing Madison County Government information.
 - When working with sensitive Madison County Government information, data files are stored only on approved cloud storage or Madison County Government network drives.
- F. Restricted-Access materials- The employee's supervisor must grant permission for the employee to work on restricted- access materials at alternate work locations. Restricted access materials must not be compromised in any way and the employee must take all precautions necessary to secure these materials. The employee agrees to protect Madison County Government owned equipment, records, and materials from unauthorized or accidental access, use, modification, destruction, or disclosure. The precautions described in this agreement apply regardless of the storage media on which information is maintained, the locations where the information is stored, the systems used to process the information, or the process by which the information is stored.
- G. Work Hours- The total number of hours that the employee is expected to work will not change, whether they are working at the central workplace or the alternate work location. This does not, however, restrict the use of alternative work schedules. During their designated work hours, Teleworkers will apply themselves to their work and not engage in activities that are not work-related. Teleworkers shall not engage in overtime work unless prior approval from the Department Head has been received. Teleworkers should make themselves available via phone or email during their regularly scheduled work hours. Telework should in no way impede the operations of a department.
- H. Condition of Employment- The policies and procedures that normally apply to the central workplace will remain the same for teleworking employees. This shall include, but not be limited to, performance management. Teleworking assignments do not change the conditions of employment or require compliance with policies and rules and performance

expectations. Violations of Madison County Government policies and procedures may result in termination of the teleworking agreement and teleworking privilege and may also result in disciplinary action, up to and including termination.

Madison County Government may terminate the teleworking agreement at its discretion. Denial of or termination of a teleworking assignment is not greivable.

Scope and Applicability:

All full-time and part-time permanent employees are eligible to participate in this program. Offering flexible work arrangements is a management option and is not a universal employee benefit. Some positions have responsibilities or functions that do not lend themselves to flexible work arrangement options; therefore, such arrangements are not an option for all employees. Flexible work arrangements are voluntary for the employee and at the discretion of the Department Head and County Manager.

Employees who wish to participate in flexible work arrangements must complete the Flexible Work Arrangements form and submit it to their Department Head for approval. The Department Head will seek approval from the County Manager before approving the request. If an employee is approved to work an Alternative Schedule, the County Manager will notify the Board of Commissioners of the altered work arrangement.

Section 5.18 Licenses, Registrations, or Certifications

Madison County employees are expected to maintain any license, registration, or certification required by relevant law, rule, or provision when the duties of the position require that license, registration, or certification. Employees must obtain or maintain current valid credentials as required by law, rule, regulation, and occupational boards. The Board of Commissioners in their discretion may choose to adopt a per occurrence salary increase for employees who obtain licensures or certifications which directly correlate with the employee's work, therefore increasing the employee's ability to perform more technical work in their respective field. Authorization of the County Manager for such consideration is required prior to the employee obtaining the respective certification. Employees who have received an increase in salary due to license, registration or certification for their position but then fail to obtain the requirements for the additional license, registration, or certification, will receive a decrease in their salary, and could be subject to disciplinary action, at the discretion of the County Manager and/or The Board of Commissioners.

When an employee has a lapse in required certification to perform job duties but possesses additional certifications in the employee's field of work which are in good standing that are of good benefit to the county the employee will be allowed to continue working to perform the duties of the certification in good standing.

Article VI. Employee Benefits

Section 6.01 Eligibility

All regular employees (full or part time) are eligible for “benefits” if they meet the particular requirements for each benefit unless the classification / position is excluded from one or more benefits. Benefits are subject to change at the County’s discretion. Temporary employees are eligible only for workers’ compensation and social security

Section 6.02 Health Insurance

The County participates in a comprehensive major medical group health insurance plan to assist employees in the payment of related expenses in accordance with the plan. Regular full-time employees shall be enrolled in the programs in accordance with the provisions of the insurance contracts and on the first day of the month following a waiting period of 60 days. Deductions shall be allowable, at the option of the employee to provide insurance coverage for dependents. Current premium rates are on file with the Human Resources Office. Specific coverage amounts shall be governed by the County’s contract with the insurance company. COBRA benefits are offered consistent with policy and statutory authority.

Employees who are scheduled to work 30 hours or more per week on a continuous year -round basis are eligible to participate in the County’s group health plan. Information concerning cost and benefits shall be available to all employees from the Human Resources Office.

Section 6.03 Group Life Insurance

The County provides paid life insurance to all full-time employees. Information on costs for additional, voluntary coverage and benefits are available from the Human Resources Department.

Section 6.04 Other Optional Group Insurance Plans

The County may make other group insurance plans available to employees upon authorization of the County Manager or Board of Commissioners

Section 6.05 Retirement

Each employee who is expected to work for the County more than 1,000 hours annually shall be enrolled in the North Carolina Local Government Employees' Retirement System as a condition of employment.

Employees contribute, through payroll deduction, six percent of their gross pay to the system. The County also contributes an actuarially determined percentage of the gross payroll each month to the system.

Provisions of this system are further outlined in the North Carolina Local Government Employees' Retirement System handbook available from the Human Resources Office or on the North Carolina Treasurer's web site.

Section 6.06 Supplemental Benefits

- A. Death Benefit. If an employee dies while still in active service with at least one year as a contributing member of the Retirement System, the employee's beneficiary will receive a single lump sum payment.
- B. Law Enforcement Officers' Separation Allowance. Law Enforcement Officers who retire with 30 years creditable service in the NC Local Government Employees Retirement System (NCLGERS) at any age, or with 5 years creditable service at age 55 are entitled to a special separation allowance as defined in NCGS §143.166.41(a). Payment of the separation allowance will cease if the officer (1) reaches age 62, (2) dies or (3) is reemployed in any capacity that requires participation in the North Carolina Local Government Retirement System.

Section 6.07 Social Security

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

Section 6.08 Workers' Compensation

All employees of the County (full-time, part-time, and temporary) are covered by the North Carolina Workers' Compensation Act and are required to report all injuries arising out of and in the course of

employment to their immediate supervisors at the time of the injury in order that appropriate action may be taken at once.

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee and the supervisor. The supervisor shall file an injury report to Human Resources within 24 hours of the incident. Claims must be filed by the employee with the North Carolina Industrial Commission within two years from the date of injury. The Human Resources Director or designee will coordinate the filing of such claims.

Section 6.09 Unemployment Compensation

County employees are covered by unemployment insurance. County employees who are terminated due to a reduction in force or released from County Service may apply for benefits through the local Employment Security Commission office, where a determination of eligibility will be made.

Section 6.10 Credit Union

Membership in the Local Government Employees' Credit Union is open to all County employees and their family members for various loan services, checking, and savings accounts. Membership in the State Employees' Credit Union is open to all employees who are under the State Human Resources Act and their family members for various loan services, checking, and savings accounts.

Section 6.11 Employee Health Department Use

The Madison County Health Department is available to employees as part of the County's Health Insurance and Wellness Initiatives.

Employees must show a current health benefit insurance card and picture identification at the time of appointment. These identifications will be checked at each visit to the Clinic.

Medical Records - All personal medical services will be confidential. The medical records will be maintained by the medical provider contracted to operate the Clinic and are not considered county records or part of an employee's personnel file.

Article VII. Leaves of Absence

Section 7.01 Types of Leave Provided for Herein

The County shall provide for the following forms of leave as provided for herein and set forth in the adopted budget:

- a) holiday leave
- b) vacation leave
- c) sick leave
- d) family medical leave
- e) leave without pay
- f) educational leave without pay
- g) shared leave
- h) military leave
- i) civil leave
- j) parental school leave
- k) Workers' compensation leave.
- l) Funeral Leave

Section 7.02 Holidays

The policy of the County is to provide paid holiday leave to all employees in regular County positions except as provided for herein.

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

New Year's Day

Martin Luther King, Jr. Birthday

Good Friday

Memorial Day

Independence Day

Labor Day

Veterans Day

Thanksgiving (2 Days)

Christmas (3 Days)

Employee Appreciation Day (Flex Holiday)

*Flex Holiday- employees will be granted an additional day to use at any point throughout the year that they wish. Examples of use include using the extra day for a federally recognized holiday (Columbus Day, President's Day, or Juneteenth.) Another example of use is an employee's birthday or as an Employee Appreciation Day. Employees must seek approval from the Department Head before using the Flex Holiday. Flex Holidays are not cumulative. **Employees must use the day each fiscal year or lose it.**

All regular employees (both full-time and part-time) shall receive the designated holidays with pay, providing the employee is on pay status the day before and the day after the holiday period. Holiday leave will be given at the rate of the employees regularly scheduled shift. Regular part-time employees normally scheduled to work on the day on which the holiday falls, shall receive these holidays with pay. Employees who occupy bona fide executive, administration, and professional positions that meet the salary, primary duty, or advance knowledge tests are not eligible for overtime compensation or additional compensation for working on any holiday.

Regular part-time employees who work irregular schedules will be given holiday pay based upon the employees' original scheduled hours and the pay will be received for observed county holidays. Department Heads will be responsible for ensuring employees receive the correct amount of holiday's based on the pro-rated amount.

If a holiday falls on Saturday, the preceding Friday will be observed and when the holiday falls on Sunday, the following Monday will be observed. The schedule for the calendar year will be published by December 1 of the previous calendar year for the distribution to County employees.

Effect on Other Types of Leave

Regular holidays that occur during annual, sick, or other leave periods of any employee shall not be considered as annual, sick, or other leave. Employees who return to active status from leave without pay status must be active the day before a holiday in order to be paid for the holiday.

Compensation Provided Upon Hours Worked is Required

Employees who are required to work on a holiday will be paid for hours worked during the pay cycle in which they are working. Employees who receive pay for working the holiday will receive holiday premium pay equal to the rate of basic pay (straight time) in addition to the standard holiday pay provided for holidays as noted in Section 7.02.

Employees employed by the County prior to the effective date of this policy will have their current Holiday Leave balance transferred to a Suspended Holiday Leave Account. Employees will be eligible to use this leave or receive pay out for the accrued holiday leave. All Suspended Holiday Leave must be used or paid out by June 30, 2024.

Section 7.03 Vacation Leave

Each regular full-time and regular part-time employee of the County shall earn at the following schedule (which is based on a 40-hour work week). Regular part-time employees working at least twenty (20) hours per week shall earn vacation on a pro-rated basis, depending upon the number of hours worked per week.

Hours Per Pay Period	Years of Service Vacation Leave Accrual					
	0-2	2-5	6-10	11-15	16-20	20+

60	2.71	3.18	3.87	4.56	5.25	5.95
65	2.94	3.45	4.19	4.94	5.69	6.44
70	3.17	3.71	4.52	5.32	6.13	6.94
75	3.39	3.98	4.84	5.70	6.56	7.43
80	3.62	4.24	5.16	6.08	7.00	7.93
84	3.80	4.45	5.42	6.38	7.35	8.33

Vacation leave will be credited with each pay period to each employee at the end of each pay period for which leave is earned. Vacation leave may not be used until it has been earned and credited to the employee's account.

For vacation leave accrual purposes, prior service credit will be granted to those employees who have worked for agencies where the time of service is eligible for state or local government retirement credit.

Credit shall be given for the following with proper certification received in Madison County Human Resources from the other entities:

- a) Employment with other governmental units that are state agencies; local government agencies, including Mental Health agencies and Council of Governments eligible for memberships in the North Carolina State or Local Governmental Retirement System.
- b) Authorized military leave from Madison County.
- c) Employment with state agency, political subdivision, or local government agency.
- d) Previous employment with Madison County.

Vacation leave may be accumulated without any applicable maximum until December 31 of each calendar year. At the end of the pay period that includes December 31, any employee with more than thirty (30) days or 240 hours of accumulated leave shall have the excess accumulation converted to sick leave.

Employees shall be granted the use of earned vacation leave upon request in advance at those times designated by the Department head which will least obstruct normal operations of the County. Department heads are responsible for ensuring that vacation leave does not hinder the effectiveness of service delivery. Vacation time shall be taken in quarter 1/4-hour increments.

Employees who voluntarily separate shall be paid for vacation leave accumulated to the date of separation, which is not to exceed a maximum of 30 days or 240 hours, provided notice is given to the supervisor at least two weeks in advance of the effective date of the resignation. Employees who voluntarily separate with vacation hours in excess of 240 hours may choose to have that excess vacation converted to sick leave or donate that time to an individual approved to receive shared leave.

Employees who are involuntarily separated may receive payment for accumulated annual leave subject to the 30-day maximum.

The estate of an employee who dies while employed by the County shall be entitled to payment for all the accumulated vacation leave credited to the employee’s account, not to exceed the maximum of 30 days or 240 hours.

Employees who work fifty percent or more of their regularly scheduled hours will receive their full accrual rate. Employees who work less than fifty percent of their regularly scheduled hours will not receive any vacation or sick leave accruals.

Section 7.04 Sick Leave

- A. Sick leave with pay is not a right that an employee may demand, but a privilege granted for the benefit of an employee when sick. Notification of the desire to take sick leave should be submitted to the employee’s supervisor as soon as known or not later than 30 minutes before the beginning of a scheduled workday. Failure to do so appropriately may result in disciplinary action. Elective procedures must be approved by the supervisor 15 days before the procedure date. Any compensatory time earned by an employee shall be taken prior to using sick leave account.
- B. Each regular full-time employee will be credited sick leave hours at the end of the pay period for which leave is earned. Sick Leave will be accrued each pay period according to the following schedule:

Normal Work Hours Per Pay Period	Bi-Weekly Sick Leave Accrual Schedule by Hours
60	2.72
65	2.94
70	3.17
75	3.39
80	3.69
84	3.80

- C. Sick leave will be cumulative for an unlimited number of days. Sick leave is allowed as creditable service at the time of retirement to employees who are members of the North Carolina Local Government Employees’ Retirement System and shall be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Government Employees Retirement System. One (1) month of credit is allowed for each twenty (20) days of unused sick leave when an employee retires, and one (1) additional month is credited for any part of twenty (20) days unused sick leave left over.
- D. New or re-employed County employees may transfer to the County hour-for-hour their unused sick leave accumulated from their previous employer, if that employer participates in the North Carolina Retirement System. The transfer of sick leave is contingent upon the employee having no longer than a five-year break in the Retirement System and Human Resources receiving sick

- leave verification directly from the previous employer. Transferred sick leave can be used by employees when needed and is eligible to be reported to the Retirement System at retirement.
- E. All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the County, except as stated for employees retiring.
 - F. Absences of three (3) days or more are to be documented by a physician's note attesting to the employee's illness and period of incapacity.
 - G. Sick leave may not be used until it has been earned and credited to the employee's account.

Section 7.05 Family Medical Leave Act

Madison County will comply with the Family and Medical Leave Act and posts the mandatory FMLA Notice and upon hire provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Leave Act. The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. Under this policy, Madison County will grant up to 12 weeks (or up to 26 weeks for military caregiver leave to care for a covered service member with a serious injury or illness) during a 12 -month period to eligible employees. Employees are eligible if they have worked for Madison County for at least 12 months and at least 1250 hours during the previous 12 months. The FMLA permits, and Madison County requires, that while utilizing FMLA leave employees exhaust all accrued paid sick leave consistent with current County policy and all annual leave, compensatory leave and holiday leave, as applicable, prior to using any unpaid leave. All leave (paid or unpaid) taken for FMLA reasons will count toward the employee's annual FMLA leave entitlement. Madison County will measure the twelve-month period as a rolling twelve-month period measured forward from the date an employee uses any leave under this policy.

Madison County has the right to ask questions of an employee when they are absent from work to determine if the leave is protected by the Family and Medical Leave Act of 1993 (FMLA). All leave that qualifies will be recorded as protected time. Employees (or their supervisors, if the employee so authorizes due to the employee's inability to do so himself/herself) shall indicate FMLA time on their time sheet.

Reasons for Taking FMLA Leave

Reasons for taking FMLA leave will be granted for any of the following reasons:

- a) To care for the employee's child after birth, or placement of a child with an employee for adoption or foster care (Sick leave can only be used for the period of disability designated by a doctor.)
- b) To care for the employee's spouse, child, or parent, who has a serious health condition
- c) A serious health condition that makes the employee unable to perform his/her job

- d) Qualifying exigencies leave for families of members of the National Guard and Reserves or of a regular component of the Armed Forces when the covered military member is on active duty or called to active duty.
- e) An employee whose spouse, son, daughter, or parent has either been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post- deployment activities and, 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.
- f) "covered active duty" means (a) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and (b) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.
- g) The leave may commence as soon as the individual receives the call-up notice.
- h) This type of leave would be counted toward the employees' 12-week maximum of FMLA leave in a 12-month period.
- i) Military caregivers leave to care for an injured or ill service member or veteran.
- j) An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to take care of that service member. Next of kin is defined as the closest blood relative of the injured or recovering service member.
- k) The term "covered service member" means:
 - a. A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
 - b. A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
- l) Employees requesting this type of FMLA leave must provide certification of the family member or next-of-kin's injury, recovery or need for care.
- m) This is the only type of FMLA leave that may extend an employee's leave entitlement beyond 12 weeks to 26 weeks. Other types of FMLA leave are included with this type of leave totaling 26 weeks.

Advance Notice and Medical Certification

The employee shall provide advance leave notice and medical certification. The leave request may be denied if the following requirements are not met:

- a) The employee shall provide 30 days' advance notice to his/her Department Head when the need for leave is foreseeable. If unable to give 30 days' notice, the employee shall provide notice as soon as practical.
- b) Madison County requires acceptable certification to support a request for leave.
- c) Medical recertification may be required every 30 days. In certain cases, the County may require a second or third opinion of a health care provider at County expense.
- d) Madison County may require the employee to provide a fitness-for-duty certification to his/ her Department Head prior to returning to work if the leave involves an employee's serious health condition.

Job Benefits and Protection

- a) The employee will not be penalized for absences which are FMLA-qualified or for any decreases in productivity that result directly and solely from taking FMLA-qualified leave.
- b) For the duration of the FMLA leave, Madison County will maintain health insurance coverage under the employee group health insurance plan so long as the employee meets the obligation for payment of premiums and pays the employees' portion of the insurance premiums: (1) through normal payroll deductions while on paid FMLA leave; and/or (2) by direct payment to the County during any period of unpaid leave. Direct payments are due in the Human Resources Department by the 20th of each month to pay for the next month's coverage.
- c) With certain exceptions, upon return from FMLA leave, the employee will be restored to original position or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. Any unpaid amount of the employee's portion of insurance premiums will be deducted from the first paycheck after the employee's return to duty.
- d) The use of unpaid FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of FMLA leave.
- e) While on FMLA leave, employees are required to contact supervisor at least once per month and indicate the employee's intention to return to work as scheduled.
- f) If you exhaust all FMLA protected leave and are still unable to return to work, you may request up to a 6 week leave of absence without pay through your Department Head. (See the Leave of Absence without Pay section.) If the leave is not granted, this will be considered the end of your employment with Madison County and COBRA benefits will be offered.

Section 7.06 Leave without Pay

When all leave is exhausted, you may request, subject to the approval of your Department Head, a leave of absence without pay for up to 6 weeks. This is in addition to the 12 weeks of protected leave (with or without pay) discussed in the section on FMLA. This leave of absence would be for reasons of personal

or family illness, maternity, or paternity leave. Such requests for leave without pay must be made in writing 30 days prior to the anticipated date to the department head.

Requests for reasons other than those listed above must be approved by the County Manager and will only be granted for reasons deemed in the best interest of both the employee and the County. The job will be held for the employee during an approved leave of absence.

Failing to return to work at the end of the granted leave will be considered a voluntary resignation.

The employee's request will be granted if it is reasonable for the department to manage the workload in the absence of the employee. If the request is denied and the employee is unable to return to work, this will be considered the end of employment with Madison County. When the employee is ready to seek reemployment, and if the employee is selected for an opening, the employee would receive credit for previous service.

Employees on approved leave without pay shall not accrue vacation, sick or holiday leave and upon returning to work from an approved leave without pay, shall return either to the position they left when the leave began, or to an equivalent position with the same benefits, pay, and other terms and conditions of employment.

The Department Head shall promptly notify the Human Resources Office in writing of any leave without pay absences

Continuation of Benefits

Employees transferring from active pay status to leave without pay under the FMLA, workers' compensation, or Military Leave may continue to benefit from County-paid insurance premiums for the duration of the leave but will be responsible for timely paying the employee portion of any insurance premiums.

Employees transferring to or in a leave without pay status for any other reason shall become ineligible to benefit from County-paid insurance premiums beginning the first pay period in which they are paid for less than 1/2 of their regular work schedule.

Section 7.07 Education Leave without Pay

A leave of absence without pay may be granted to an employee, who has been employed for one (1) consecutive year or more, upon the recommendation of the Department Head and County Manager to permit an employee to take courses of study which will better equip the employee to perform his/her duties. An employee granted educational leave will be placed in a leave without pay status during the period of educational leave.

Employees on approved educational leave without pay shall not accrue vacation, sick or holiday leave and upon returning to work from an approved leave without pay, shall return either to the position they

left when the leave began, or to an equivalent position with the same benefits, pay, and other terms and conditions of employment.

Employees in a leave without pay status for educational leave shall become ineligible to benefit from County-paid insurance premiums beginning the first pay period in which they are paid for less than 1/2 of their regular work schedule. The employee, however, may elect to pay the total premium for their insurance(s) coverage during such periods of leave without pay. Failure to pay premiums within 30 days of the due date will result in termination of insurance coverage.

Section 7.08 Shared Leave

The purpose of this policy is to provide employees with an opportunity to assist fellow employees affected by serious and prolonged medical conditions. Some prolonged medical conditions cause employees to exhaust all available leave and as a result, be placed on leave without pay status. This voluntary shared leave program provides an opportunity for employees to donate some of their accrued leave so as to aid fellow county worker(s).

For purposes of this policy, medical condition means major illness, bodily injury, or medical condition diagnosed by a physician of an employee that is likely to require an employee's absence from duty for a prolonged period of time (at least twenty (20) consecutive workdays) and to result in a substantial loss of income (equal to or greater than 50% of employee's pay for the pay period) to the employee due to the exhaustion of accrued leave in the employee's account. It is not the intent of this policy to apply to incidental, normal, shorter medical conditions. There is no guarantee that one who qualifies for shared leave will receive any leave. Any employee may not intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving, or using leave under this program. Such action shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct.

Eligibility Guidelines of the Recipient

In order to receive voluntary shared leave, an employee must meet the following standards:

- a) Must be a regular full-time or part-time benefited employee with one (1) year of consecutive service with Madison County.
- b) Must have or an immediate family member must have a serious medical condition and, in all cases, submit a physician's statement of diagnosis, prognosis and estimated duration of medical leave necessary. (FMLA Certification will normally be sufficient documentation)
- c) Complete a request to receive voluntary shared leave and be approved.
- d) All applicable leave balances must be at or near zero at the time of request (to include vacation, sickness, holiday and compensatory time).
- e) Must have responsibly managed earned leave during the past years of service.

- f) A prospective recipient must request leave in writing by completing the Shared Leave Request form and submitting the physician's medical certification of the need for leave and the period of absence. Incomplete paperwork or documentation will not be considered.
- g) The request for leave must be reviewed and approved by the Department Director and Human Resources Director. If either the Department Director or Human Resources Director disapproves of the request, the request must be forwarded to the County Manager for review for a final decision. The Director's justification must be indicated for the County Manager to consider.
- h) An employee may not file a grievance or an employee appeal if his/her request to receive donations is denied.
- i) Leave hours shall be credited to the recipient's sick leave balance as needed and deducted from the donor's leave accounts in the order in which they are received.
- j) The Privacy Act makes medical information confidential. When disclosing information on an approved recipient, only a statement that the recipient met the requirements for receiving shared leave will be made. If the employee wishes to make the medical status public, the employee must sign a release to allow the status to be known.
- k) Individual leave records are confidential and only individual employees may reveal their donation or receipt of leave. Individual donors are not identified with the recipient.
- l) An employee may begin using voluntary shared leave after all available leave has been exhausted. While using shared leave, employees continue to earn leave, holidays, and benefits offered under the County's group insurance policies. Leave accrued while using shared leave should be used first.
- m) An employee may not ask other employees for shared leave. If an employee is approved for shared leave, the recipient's name and need will be advertised throughout the County Departments.
- n) Participation is limited to six months. However, continuation may be granted on a month-by-month basis for a maximum of one year with the approval of both the Department Head and County Manager.
- o) Leave cannot be applied retroactively.

Donor Guidelines

- A. Leaves must be donated in one-hour increments.
- B. Employees wishing to donate leave may donate either annual or sick leave according to the guidelines below:
 - a. There is no maximum to the amount of vacation leave that an employee may donate, however the amount donated is not to reduce the donor's vacation leave balance below 40 hours.
 - b. The maximum amount of sick leave allowed to be donated by one individual is 40 hours per calendar year. The amount donated is not to reduce the donor's sick leave balance below 40 hours.

- C. Employees wishing to donate leave must complete the Request to Donate Leave form and forward it to their department head for approval, who will then forward it to Human Resources for approval.
- D. Employees separating from service with Madison County may donate vacation leave but cannot donate sick leave.
- E. Any employee who voluntarily donates leave cannot and shall not receive any pay, benefits, or other compensation/enumerations for the donated hours.

Section 7.09 Military Leave

If an employee participates in the armed services the employee will be granted a leave of absence without pay during such participation and will be treated in accordance with state and federal law, including but not limited to the Uniformed Services Employment and Reemployment Rights or its successor. The employee has the option to use accrued annual leave instead of leave without pay for the duration of such military time. The employee shall provide the County with a copy of the orders requiring military service.

The Employee will receive all or a portion of their regular county pay equal to their regular pay rate in the event that military pay received by the employee, while on Military Leave, is less than the regular pay received from the county.

If an employee is called to armed/uniformed services, rather than routine training, and has exhausted all paid leave, the employee shall be eligible for additional military benefits, these include:

- a) Health insurance premiums the same as active employees
- b) Continued basic life insurance paid by the County
- c) Credit for the time spent in military service for annual leave accrual purposes
- d) Credit for the time spent in military service for retirement purposes
- e) Law enforcement 401(k) contribution with honorable discharge

Section 7.10 Civil Leave

A County employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the County any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty.

Department Heads may request the employee to seek a rescheduling of the civic leave if critical operations or projects would be impacted by said leave.

Section 7.11 Parental School Leave

Chapter 509 of the 1993 Session Laws amended G.S. 95 -28.3 to require at least four (4) hours of leave per year, effective December 1, 1993, so that a parent, guardian, or any person standing "in loco parentis" of a school-aged child may attend or otherwise be involved in activities at the child's school under the following conditions:

- a) The leave shall be at a mutually agreed upon time between the employer and employee and needs to be requested and approved to ensure absences do not adversely affect the County's operations.
- b) The employer may require an employee to provide the employer with a written request for the leave at least forty-eight (48) hours before the time desired for the leave; and
- c) The employer may require that the employee furnish written verification from the child's school that the employee attended or was otherwise involved at that school during the time of leave.

The definition of school includes public and private schools, church schools, and preschools. It also includes day care facilities as defined under G.S. § 110 -86. Madison County supports involvement of employees in the educational development of their children. Therefore, employees are granted four (4) hours of paid leave annually (each calendar year) for this purpose. Leaves not taken during the calendar year will be forfeited. If you leave County service, you will not be paid for unused parental school leave.

Section 7.12 Workers' Compensation Leave

Under the N.C. Workers' Compensation Act (hereinafter referred to in this section as the Act), employees may be compensated for absence from work due to injury or illness covered by the Act, subject to the following leave provisions:

- a) For the first seven (7) calendar days of absence from work due to injury or illness, employees have two leave options: They may either use approved sick, vacation, compensatory, or holiday leave or they may take leave without pay. (Under the Act, employees are not compensated for the first seven calendar days of the absence, unless the expected duration of the absence is twenty-one or more calendar days. If the duration turns into twenty-one or more calendar days, they receive retroactive workers' compensation for the first seven calendar days).
- b) Beginning on calendar day eight (8) following the injury or illness, employees who have not returned to work shall be placed on a Workers' Compensation Leave without Pay status until their return to work.

- c) Employees on a leave without pay status will retain all accumulated sick and personal leave while receiving Workers' Compensation benefits. However, while out on workers compensation, additional vacation and sick leave do not accrue.
- d) Temporary employees will go directly to a leave without pay status and will receive all benefits for which they are eligible under the Act.
- e) Upon reinstatement, an employee's pay will be computed on the basis of the last pay rate plus any pay increase to which the employee would have been entitled during the absence covered by Workers' Compensation benefits.
- f) When an employee with a Workers' Compensation claim who has returned to work is directed by County, as part of the treatment plan, to be absent from work for follow-up doctor's visits or medical treatment, the absences during his or her normal work hours will be compensated as hours worked.
- g) Any period of leave for a Workers' Compensation injury or illness that qualifies as a "serious health condition" under the Family and Medical Leave Act (FMLA) will run concurrently with FMLA leave.
- h) Madison County's personnel policies shall continue to apply to an employee on Workers' Compensation leave in the same manner as they would apply to an employee who continues to work or is absent while on some other form of leave.

Section 7.13 Adverse Weather-Unusual Conditions

It is the policy of the County that County offices will usually be open and operate on a regular schedule during periods of adverse weather. Each Department head is responsible for ensuring that his/her department or office is open to the public at the usual times.

In cases where exceptionally adverse weather conditions exist, producing very hazardous traveling conditions, County offices may be delayed in opening, may be closed early, or closed for the entire day. Decisions regarding the closings due to adverse weather shall be made by the County Manager. If the County Manager elects to delay the opening, close early, or close County Offices entirely, employees will be paid for the hours County Offices are closed. If an employee elects not to report to work following a delayed opening or if they leave prior to County Offices being closed, they will be required to use their personal leave for their full shift. Employees will not be paid for the delayed hours or early release hours unless they report to work at the end of the delay or stay until the official early release time as set forth by the County Manager. If an employee is already scheduled to be off on a day when inclement weather impacts County operations, the employee will be required to use personal leave for the full shift.

Even though other offices may be closed or delayed in opening, employees in some County positions which are identified as critical services may be required to work. Those employees will be notified by their supervisors of this status and will be advised that attendance at work for their normal shift during inclement weather is a condition of employment. Employees in those positions will not be excused from scheduled work on inclement days except in the most, dire of extenuating circumstances.

Because everyone's situation is different, each employee must evaluate the circumstances and use his/her judgment in deciding whether to report to or leave work. Individual safety should be the primary consideration for each employee. Any employee who is unable to report to work must notify the department head or his/her supervisor within one hour of the start of the scheduled work time. An employee leaving early due to weather conditions may do so only with the approval of his/her supervisor.

Employees who leave work early, report to work late, or do not report for work at all will be required to first use previously accrued compensatory time and then earned vacation time for the days or hours taken.

Section 7.14 Funeral Leave

An employee shall be granted up to twenty-four (24) hours of Funeral Leave with pay, in case of a death in the employee's immediate family. The immediate family is defined as wife, husband, mother, father, brother, sister, son, daughter, in-law, and step relationships derived from those listed above, grandparents, and grandchildren. In other cases where a relative is not covered by the definition of immediate family as stated above, and where unusual circumstances, a warrant, funeral leave may be granted by the appointing authority. If additional leave is necessary beyond three days, sick leave, vacation, or compensatory time may be taken.

Regular, part-time employees will be granted funeral leave in the same relation as to the regular hours worked. If the employee is normally scheduled to work four hours per day, then that employee would be allowed four hours of funeral leave per day for three days. Temporary employees are not entitled to funeral leave.

Article VIII. Separation and Reinstatement

Section 8.01 Types of Separations

All separations of employees from positions in the service of the County shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, reduction in force, disability, retirement, dismissal, or death. Your end of employment date will be the same as your last day worked for all cases of separation except in the case of retirement and/or certain FMLA leave periods.

Section 8.02 Resignation in Good Standing

An employee may resign by submitting the reasons for resignation and the effective date in writing to their immediate supervisor as far in advance as possible. The minimum notice requirement is 30

calendar days for Department Heads, and two (2) weeks for all other positions. Failure to provide minimum notice shall result in forfeit of payment for accumulated annual leave unless the notice is waived upon recommendation of the County Manager in the case of Department Heads, the Department Head and County Manager for all other positions. In no case shall an employee be permitted to extend his/her last working day by using unused accrued sickness, vacation, compensatory or holiday leave. Employees may not use accrued vacation, compensatory, or holiday leave without prior approval from the Department Head. Using accrued vacation, compensatory, or holiday leave without prior approval will result in a resignation not in good standing.

Resignation Not in Good Standing

Resignation not in good standing occurs when:

- a) An employee fails to submit and work their entire written notice of resignation prior to the to the effective date of the resignation.
- b) An employee fails to report to work following a leave of absence without pay.
- c) An employee is absent from work three (3) consecutive working days without authorized leave and without notifying their supervisor. Separation pursuant to this policy should not occur until the employing agency has undertaken reasonable efforts to locate the employee and determine when or if the employee is intending to return to work
- d) An employee resigns to avoid announced disciplinary action.

The separations are described above are voluntary separations from agency employment and create no right of grievance or appeal. Resignation not in good standing shall result in forfeit of payment for accumulated annual leave.

Section 8.03 Reduction in Force

Reduction in force is the involuntary separation of an employee due to lack of work or funds, or elimination of the employee's position due to reorganization. In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance, organizational needs, and seniority in determining those employees to be retained. Employees who are separated because of a reduction in force shall be given at least two weeks' notice of the anticipated action. No regular employee shall be separated while there are temporary or probationary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary or probationary employee. If a reduction in force occurs:

- a) Together with the Departmental Director(s) involved, and the Human Resources Director shall determine the employee(s) affected by the reduction in force.
- b) The Human Resources Director shall determine and list all employees, subject to the authority or control of the County Manager, serving in the same class throughout the County who are on that date listed as temporary or probationary employees. Furthermore, the Human Resources

Director shall add to that list any position(s) which, on that date, is not filled or is being advertised within the same class which is affected by the reduction in force.

- c) No regular employee, subject to the authority or control of the County Manager, shall be separated while there are unfilled positions or temporary or probationary employees serving within the County in the same class unless the regular employee is not willing to transfer to the position held by the temporary or probationary employee.
- d) The Department Director will be involved, and the Human Resources Director shall make their final determination(s) by considering the employee(s) involved by:
 - I. Showing organization needs.
 - II. Performance.
 - III. Seniority
- e) The Departmental Director will be involved, and the Human Resources Director shall advise and provide documented recommendations to the County Manager as to those employees who shall be separated because of the reduction in force.
- f) Rather than just the involved departments, the County Manager, who has the final authority to determine the employee(s) to be separated because of reduction in force, may consider the entire County work force, subject to his or her authority or control when making his or her decision.

Employees who are subject to a reduction in the workforce have priority consideration, for a period of one year, for any position that becomes available if the employee is qualified. The person must apply to the Human Resources Department documenting their priority situation

Section 8.04 Disability

An employee who cannot perform the required duties because of a physical or mental impairment with or without reasonable accommodation may be separated for disability. The employee or the County may initiate this action. In all cases, such action must be accompanied by medical evidence acceptable to the Department Head and the County Manager. The County may require an examination, at the County's expense, performed by a physician of the County's choice. Before an employee is separated for disability, an effort shall be made to continue the employee's service by making reasonable accommodations, including transfer of the employee to a vacant position for which the employee is qualified.

Section 8.05 Retirement

An employee who meets the conditions set forth under the provision of the North Carolina Local Government Employee's Retirement System may elect to retire and receive all benefits earned under the retirement plan.

Section 8.06 Death

Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of the employee.

Section 8.07 Dismissal

An employee may be dismissed in accordance with the provisions and procedures of Article IX.

Section 8.08 Reinstatement

An employee who is separated because of a reduction in force may be reinstated within one year of the date of separation, upon recommendation of the supervisor and approval of the County Manager. An employee who is reinstated in this manner shall be credited with his or her previously accrued sick leave.

Section 8.09 Rehiring

An employee who resigns while in good standing may be rehired, and shall be regarded as a new employee, subject to all the provisions of the rules and regulations of this Chapter. However, the employee shall be credited with his or her previously accrued sick leave if he or she is rehired within five years and under the conditions set forth in Article VII of this Policy.

Article IX. Disciplinary Actions

Section 9.01 General Provisions

It is the intent of Madison County to provide employees and management with a fair, clear and useful tool for correcting and improving performance problems, as well as for providing a process to assist management in handling instances of unacceptable personal conduct. However, the following procedures are designed so as not to restrict operating personnel and, in no way, guarantee an employee a right to continued employment.

Any employee, regardless of occupation, position, or profession, may be warned, demoted, suspended, or dismissed by the appointing authority. The degree and type of action taken shall be based upon the sound and considered judgment of the appointing authority. As soon as performance and/or conduct problems occur, supervisors are encouraged to counsel or give verbal warning to employees. When one

or more verbal warnings fail to resolve the problem, supervisors should proceed with the appropriate disciplinary measures.

The disciplinary procedure for employees of the departments of Public Health and Social Services are determined by the provisions of the State Human Resources Act and are different from the process described in this section. Employees in those departments who need information about their department's disciplinary procedure may access that information on the website for the Office of State Human Resources. They may check with their respective department head or a Human Resources staff member if they need further assistance locating this information.

Disciplinary action can be a result of one or a combination of the following:

- A. Unsatisfactory job performance, defined as work-related performance that fails to satisfactorily meet job requirements as specified in the relevant job description, work plans, or as directed by management of the work unit or agency.
- B. Grossly inefficient job performance, defined as instances in which the employee fails to satisfactorily perform job requirements as specified in the relevant job description, work plans, or as directed by the management of the work unit or agency when that failure results in:
 - a. the creation of the potential for death or serious harm to a client(s), an employee(s), members of the public or to a person(s) over whom the employee has responsibility; or
 - b. The loss of or damage to agency property or funds that results in a serious impact on the agency and/or work unit.
- C. Failure in personal conduct. The following causes related to failure in personal conduct are representative of, but not limited to, those considered to be adequate grounds for disciplinary action, up to and including dismissal:
 - a. conduct for which no reasonable person should expect to receive prior warning.
 - b. job-related conduct which constitutes a violation of state or federal law.
 - c. conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the agency.
 - d. the willful violation of known or written work rules.
 - e. misuse of County funds.
 - f. conduct unbecoming of an employee or public officer.
 - g. the abuse of a client(s), patient(s), student(s) or person(s) over whom the employee has charge or to whom the employee has a responsibility, or of an animal owned or in the custody of the County.
 - h. falsification of an employment application or other employment documentation.
 - i. insubordination, defined as the willful failure or refusal to carry out a reasonable order from an authorized Supervisor.
 - j. Absence from work without prior approval after all authorized leave credits and benefits have been exhausted.
 - k. Failure to maintain required credentials. Employees in positions that require a certain license, registration, or certification in order to perform assigned job duties are responsible for obtaining and maintaining said credentials.

Section 9.02 Types of Disciplinary Actions

Disciplinary and Administrative Suspension

The department head, in consultation with the Human Resources Director, must determine whether a disciplinary or administrative suspension is appropriate, based on all relevant facts and circumstances surrounding the situation or incident. All employees, hourly, salaried, exempt, and nonexempt, may be suspended for one or more whole days without pay for matters of inappropriate conduct or violations of work-safety or other rule. An employee may not take vacation, sickness, holiday, or compensatory leave while on suspension without pay.

Disciplinary Suspension without pay

- A. A suspension without pay for a pre-determined period of time may be used as the appropriate disciplinary measure to correct work performance or personal conduct deficiencies. A disciplinary suspension normally accompanies a written warning meeting the standards set below.
- B. In some cases, it may be determined that the removal from the workplace of an employee would be in the best interest of the employer and/or the employee. Possible reasons include, but are not limited to, avoiding disruption of work, to protect the safety of persons or property, or for other serious reasons.
- C. Such a suspension may also be used to provide time to investigate, establish facts and reach a decision concerning an employee's status.

Administrative Suspension with pay

The department head, in consultation with the Human Resources Director or designee, may suspend an employee with pay for a period not to exceed fifteen (15) working days (unless an extension is granted by the County Manager), during the investigation of that employee on any presumed violations of established internal policies and/or procedures if the following conditions exist:

- A. Available evidence is not substantial enough to suspend without pay.
- B. The employee's presence in his/her usual work environment causes undue disruption of work or poses a threat to persons or property for reasons not attributable to any actions by that employee.

Written Warning

When a supervisor determines that disciplinary action is appropriate for unsatisfactory job performance, a written warning is the normally the first type of disciplinary action that an employee will receive. Written warnings for grossly inefficient job performance or unacceptable personal conduct may be issued at the election of the Supervisor.

- A. For a written warning to be official, a supervisor must:
 - a. provide the employee with a written warning that meets the requirements of “b” below.
 - b. And forward a copy to the Human Resources Director to be placed in the personnel file.
- B. A written warning must:
 - a. clearly inform the employee that it is an official written warning.
 - b. clearly inform the employee of the specific issues that are the basis for the warning.
 - c. state the specific improvements, if applicable, that must be made to address these specific issues.
 - d. State the time frame allowed for making the required improvements/corrections.
 - e. correction is required for grossly inefficient job performance or unacceptable personal conduct; and
 - f. Clearly inform the employee of the consequences of failing to make the required improvements/corrections.

Demotion

A demotion to a lower position classification may be used as the appropriate disciplinary measure to correct work performance or personal conduct deficiencies. Employees demoted for disciplinary or performance-based reasons should expect to have their pay reduced, with the amount of reduction contingent on the severity of the offense or deficiency and to be determined by the department head and approved by the Human Resources Director. A proposed demotion which necessitates the reclassification of a position to an existing classification must be approved by the Human Resources Director and County Manager. The reclassification of a position to a classification not in the position classification plan must be approved by the Human Resources Director, the County Manager, and the Board of County Commissioners

Dismissal

- A. An employee who continuously fails to achieve the performance levels established and communicated by the respective supervisor(s), faces the possibility of dismissal as the appropriate disciplinary action to be taken by the appointing authority. Dismissal for performance deficiencies will normally be preceded by oral coaching and counseling and at least one or more written warnings, or, in the case of a serious infraction, may result from one incident.
- B. An employee may be dismissed on the basis of inefficient job performance, unacceptable personal conduct, or failure to maintain required credentials without any prior disciplinary action. However, nothing in this Article precludes management from using other disciplinary actions prior to proceeding to dismissal.

Section 9.03 Disciplinary Authority

It is important to note that Madison County department heads have varying authority related to disciplinary action (see below).

Department heads that are not appointed by the County Manager have the authority to suspend, demote, or dismiss employees. However, they typically consult with the Human Resources Director and/or County Manager on disciplinary actions. These department heads are the Board of Elections Director, NC Cooperative Extension Director, Public Health Director, Register of Deeds, Sheriff, Social Services Director, and Tax Administrator.

All other department heads are required to consult with the Human Resources Director and have permission from the County Manager prior to taking any disciplinary action.

Section 9.04 Inactive Disciplinary Action

Any disciplinary action is deemed inactive for the purpose of the section in the event that:

- A. The department head notes in the employee's personnel file that the reason for the disciplinary action has been resolved or corrected: or
- B. Eighteen (18) months have passed since the warning or disciplinary action, the employee does not have another active warning or disciplinary action which occurred within the last eighteen (18) months and the agency has not, prior to the expiration of the eighteen- month period, issued the employee written notice, including reasons, of the extension of the period. In no case shall formal disciplinary actions be removed from the employee's personnel file once the action becomes inactive.

Article X. Grievance Procedure

Section 10.01 Purpose

The purpose of the grievance procedure is to provide an adequate and fair means for hearing matters of concern to County employees. This procedure exists to insure employees the opportunity to be heard without fear of reprisal or retaliation, and to be heard fairly and promptly. Grievances which are not received within the time allowed as prescribed in this section or which are not filed with the Human Resources Director as prescribed in this section shall be dismissed. In this Article, the term "days" refers to calendar days.

Section 10.02 Conflict Resolution

Conflict resolution is an informal process whereby employees discuss their employment concerns with their supervisor or Department Head in order to reach a mutual understanding or solution. This process

is used to deal with concerns other than harassment/discrimination and adverse action. This is available to all employees and can be instituted by verbal request to his/her supervisor.

Section 10.03 Grievance- Adverse Action

- A. When a regular employee is dissatisfied with an adverse action of demotion, suspension without pay, or dismissal, he/she may file a formal written grievance with his/her Department Head as provided below. Employees on a probationary period are not included in this grievance process.
- B. In order to be considered, a grievance must be filed within fifteen (15) days from the date that the issue is made known to the employee. While every effort shall be made to expedite the grievance process, the time limits contained in this Section may be extended when mutually agreed upon or approved by the Human Resources Director. Provided, however, that the fifteen (15) daytime limit to initially file a grievance shall not be extended. Grievances filed outside of these fifteen (15) daytimes period shall be dismissed.
- C. In filing a grievance, the following steps shall be taken:
 - a. The employee shall present the grievance in writing to the Department Head within the fifteen (15) daytime period outlined in (b) above. The grievance should contain the following information: the decision or action that the employee does not agree with, the basis on which the action is wrong or unfair, and the proposed resolution that the employee is seeking. The employee shall also file a copy of the grievance with the Human Resources Director.
 - b. Upon receipt of the grievance, the Department Head shall arrange for the employee to present his/her case within fifteen (15) days. The employee may not be represented or assisted by others at this level of the grievance but may present evidence or have witnesses testify. The Department Head will decide within ten (10) days after the hearing, and a written copy of this decision will be immediately furnished to the employee, the Human Resources Director, and the County Manager. For employees in the Sheriff's Department and the Register of Deeds office, there shall be no appeal beyond the decision of the respective department head.
 - c. If the employee is not satisfied with the Department Head's decision, the employee may request that the grievance be referred to the County Manager. This request must be made to the Human Resources Director, in writing, within ten (10) days after the Department Head's decision.
 - d. The County Manager shall hear the employee's concerns, review the written documents and supporting evidence, and consult with whatever other sources he deems appropriate. The County Manager shall present his decision, in writing, to the employee and the Department Head within fifteen (15) days after completing the hearing.

- D. The decision of the County Manager ends the formal grievance process and is the final and binding decision of the County, except for those employees subject to the State Human Resources Act (See Section 10.05 below).

Section 10.04 Complaints of Unlawful Workplace Harassment and/or Discrimination

PURPOSE

To establish procedures for the reporting and investigation of discriminatory incidents in the workplace; to emphasize that discrimination, harassment, and retaliation will not be tolerated in the workplace.

REFERENCE

- a) Age Discrimination in Employment Act of 1967, as amended (ADEA), 29 U.S.C. '621 et seq.
- b) Americans with Disabilities Act of 1990, as amended (ADA), 42 U.S.C. '12111 et seq.
- c) Code of Federal Regulations Title 29, Part 1605.1
- d) Pregnancy Discrimination Act (PDA)
- e) Title VII of the Civil Rights Act of 1964, as amended (Title VII), 42 U.S.C. '2000e et seq.
- f) Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. '4301 et seq.

GENERAL

It is the policy of Madison County to comply with all applicable federal and state laws, rules, regulations, and guidelines regarding employment discrimination and retaliation. Discrimination or harassment against employees and applicants due to race, religion, color, national origin, sex, age, disability, military status, or genetic information is illegal. It is unlawful for any person to discriminate in any manner against any other person because that person has opposed any unlawful discrimination practice. It is also unlawful to retaliate against any person who has made a charge of employment discrimination, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing.

Madison County encourages all employees to assist in the effort to achieve equal opportunity in the workplace. Violations of this policy may cause for disciplinary action, including termination.

All existing Madison County employees and newly hired employees will receive a copy of this policy and will sign an acknowledgment that they have received this policy.

This policy shall be posted throughout county buildings and will be available on the

Madison County website <https://www.madisoncountync.gov/>

DEFINITIONS

- a) Age Discrimination means discrimination or harassment based on years of age (40 years or over.)
- b) Color Discrimination means discrimination or harassment based on skin-tone. Equal opportunity cannot be denied to any person based on his or her racial group or perceived racial group, his or her race linked characteristics (e.g. hair texture, color, facial features), or because of his or her marriage to, or association with, someone of a particular race or color.
- c) Disability Discrimination means discrimination or harassment based on a physical or mental impairment that substantially limits one or more major life activities or the individual including having a record of such impairment or being regarded as having such impairment, (42 U.S.C '12102(2).)
- d) EEOC is the abbreviation for the U.S. Equal Employment Opportunity Commission.
- e) Genetic Information means information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history).
- f) National Origin Discrimination means discrimination or harassment based on birthplace, ancestral, cultural, family descent or lineage; linguistic characteristics common to a specific nationality; marriage or association with a person of a national origin group; membership or association with organizations identified with or promoting the interests of a national origin group, attendance or participating in schools, churches, temples, or mosques generally associated with a national origin group; or a surname associated with a national origin group.
- g) Race Discrimination means discrimination or harassment based on physical, tribal, ancestral, cultural, geographical, or linguistic characteristics common to a specific ethnic group or stock including but not limited to persons having origins in any of the original people of the Americas, Europe, Africa, Australia, Antarctic, or Asia.
- h) Religion Discrimination means discrimination or harassment based on all aspects of religious observance and practice, as well as belief (C.F.R. Title 29, Part 1605.1.) Religious practices include moral or ethical beliefs as to what is right or wrong, which are sincerely held with the strength of traditional religious views.
- i) Sex Discrimination means discrimination or harassment against any employee or applicant for employment because of his or her sex in regard to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment. Decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals on the basis of pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination under the Pregnancy Discrimination Act, which is an amendment to Title VII.
- j) Military Status Discrimination means discrimination or harassment based on service in the uniformed services which is defined as performance of a duty, on a voluntary or involuntary basis, in a uniformed service under competent authority. This includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time national guard, the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency, performance of duty or training by a member of an organized militia, and the period of time for which a person is absent from a position of employment for the purpose of an examination to determine the

fitness of the person to perform any duty in a uniformed service. USERRA prohibits discrimination on the basis of an individual's past, current, or future military status in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment. USERRA similarly prohibits discrimination based on military status or service and provides certain reemployment rights for service members returning from training or active duty.

- k) Protected Class means those classes of individuals protected by law including those classes listed in (a), (b), (c), (e), (f), (g), (h), (i), (j), and (k) above.

PROCEDURE

Reporting Discrimination, Harassment or Retaliation: Any employee or applicant for employment who believes that he or she is a victim of discrimination, harassment or retaliation should report the incident with the employee's Department Head, the Human Resources Director, or the County Manager.

In filing a complaint, the following steps should be taken:

- a) Notification of an act of discrimination, harassment, or retaliation should be made within thirty (30) days of the alleged act. The complaint may be made orally to the employee's Department Head, Human Resources Director, or County Manager. Any Department Head or County Manager who receives a complaint of harassment or discrimination shall report the matter to the Human Resources Director immediately, unless the complaint directly involves the Human Resources Department. If the complaint directly involves the Human Resources Department, the employee should notify and file a complaint directly with their Department Head and County Manager. If the complaint directly involves the employee's Department Head or Supervisor, the complaint should be filed directly with the Human Resources Director and County Manager. If the complaint directly involves the County Manager, the complaint should be filed with the employee's Department Head and the Human Resources Director.
- b) A Thorough investigation of the complaint shall be conducted. This investigation shall be conducted by the Human Resources Director, or designee, and when appropriate, with the Department Head. If the complaint of harassment or discrimination directly involves the employee's Department Head, the Human Resources Director and County Manager will conduct the investigation. The County Manager or his/her designee shall investigate complaints involving the Human Resources Department. The Human Resources Director or his/her designee shall investigate complaints involving the County Manager. Confidentiality and the dignity of those involved in a complaint are important. Considering the sensitive nature of these complaints, every effort will be made to keep the complaint and the name of the employee(s) confidential and on a need-to-know basis. However, due to the importance of conducting a thorough investigation, confidentiality cannot be guaranteed. Employees involved in an investigation, whether as a complainant, alleged harasser, witness, or investigator, should keep all discussions or communications confidential.

1. The County has sixty (60) days to take remedial action, if any, in response to the complaint.
2. The decision referenced in (a)(3) above ends the complaint process and is the final and binding decision of the County, except for those employees subject to the State Personnel Act (See section 10.05.)
3. Employees can file complaints directly with the Equal Employment Opportunity Commission (EEOC) within one hundred and eighty (180) days of the last act of discrimination.

SUPERVISORY/MANAGEMENT REPORTING REQUIREMENTS

When a supervisor or management employee witnesses, is notified of, or otherwise becomes aware of offensive conduct that is based on membership in a protected class as defined by this policy, the supervisor or manager must report the conduct to the Human Resources Director. Reporting under this requirement is mandatory, not discretionary, and full disclosure of all information known to the supervisor or management employee about the incident is required.

INVESTIGATIVE PROCESS

The Human Resources Director will conduct a formal investigation of the complaint. In most circumstances, the Human Resources Director will render a decision within thirty (30) days of the filing of the complaint whether probable cause exists to believe that an act of discrimination, harassment, or retaliation occurred.

The complainant may request a hearing within fifteen days (15) calendar days of receipt of the findings by the County Manager if he or she is not satisfied with the Human Resources Director's decision.

The County Manager will schedule a time to meet with the complainant, review the case and render a decision on the case.

ENFORCEMENT

Acts of discrimination, harassment, and retaliation in the workplace are inappropriate and will not be tolerated. Acts of discrimination, harassment and retaliation may be cause for disciplinary action, up to and including termination.

Section 10.05 Employees Subject to the State Human Resources Act

Employees subject to the State Human Resources Act should follow the guidelines set forth by the State Human Resources Act.

Section 10.06 Maintenance of Records

- a) The Human Resources Director shall keep a record of all grievances and complaints filed. If a grievance/complaint is withdrawn, the record shall include any statement from the complainant indicating the reason for withdrawal.

- b) Investigation files shall remain separate and apart from personnel files. Neither the complainant, nor the alleged harasser has a right to the contents of these files. Any personnel action, such as discipline, resulting from an investigation, shall be filed in the employee's personnel file.
- c) The records above shall be retained by the Human Resources Director for a minimum of three (3) years.

Article XI. Personnel Records and Public Records Request Policy

Section 11.01 Personnel Records Maintenance

Any and all personnel records as are necessary for the proper administration of the personnel system will be maintained by the Human Resources Director. The Human Resources Director may designate an individual or individuals within the Human Resources Department to act as records custodian. The records custodian is responsible for the proper maintenance and documentation of personnel record in accordance with state and local law. The county shall maintain in each employee's personnel record only information that is necessary and relevant to accomplishing legitimate personnel administering needs.

Section 11.02 Confidential Information

All information contained in a County employee's personnel file, other than the information listed in Section 11.03 of this Article, will be maintained as confidential in accordance with the requirement of General Statute 153A-98.

No county employee or official shall use or disclose information gained in the course of employment or by reason of position for purposes of advancing a financial or personal interest, a business entity in which there is an ownership interest, a financial or personal interest of a household member or a family member as defined by this policy, or any other private or political interest. No employee or official shall disclose confidential or privileged information concerning personnel matters, property, contract negotiations, litigations -related matters, or other affairs of the county which are afforded protection under state law.

Section 11.03 Public and Confidential Information Defined

The following information on each County employee is public information but may only be disclosed by the Human Resources Director or a representative of the Human Resources Department.

- a) Name
- b) Age

- c) Date of original employment or appointment to County service.
- d) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the County has the written contract or a record of the oral contract in its possession.
- e) Current position title
- f) Current Salary/pay rate
- g) Date and amount of each increase or decrease in salary with the County
- h) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the County
- i) Date and general description of the reasons for each promotion with the County
- j) 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 for the dismissal.
- k) Office to which employee is currently assigned.

All information contained in a county employee's personnel file, other than the information listed above, will be maintained as confidential in accordance with the requirements of G.S. 160A-168 and shall be open to public inspection only in the following instances:

- a) The employee or a duly authorized agent may examine all portions of the employee's personnel file, except:
 - I. Letters of reference solicited prior to employment; and
 - II. Information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient.
- b) A licensed physician designated in writing by an employee may examine the employee's medical record.
- c) A county employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- d) By order of a court or competent jurisdiction, any person may examine all material in the employee's personnel file.
- e) An official of any agency of the state or federal government or any political subdivision of the state may inspect any portion of a personnel file when such information is deemed by the person having custody of the file to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability.
- f) An employee may sign a written notarized statement authorizing release of other specified information to prospective employers, educational institutions, or other specified persons.
- g) The County Manager, with the concurrence of the Board of Commissioners may inform any persons of the employment or non-employment, promotion, demotion, suspension, or other disciplinary action, reinstatement, transfer, or termination of a county employee and the

reasons for that personnel action. Before releasing the information, the Manager shall determine in writing that the release is essential to maintaining public confidence in the administration of county services or to maintaining the level of quality county services. A record shall be maintained in the personnel file and as part of the public record in the office of the clerk to the board.

- h) Even if considered part of an employee's file, the following information may be withheld from an employee
 - I. Testing or examination material used solely to determine qualification when disclosure would compromise testing.
 - II. Investigative reports concerning possible criminal actions against the employee until the investigation is completed.
 - III. Information which might identify undercover officers or informers.
 - IV. Notes, preliminary drafts, and internal communications unless used for official personnel decisions

Section 11.04 Access to Personnel Records

As required by General Statute 153A-98, any person may have access to the information listed in Section 11.03 of this article for the purpose of inspection, examination and copying during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Board of County Commissioners may adopt. Any person denied access to any record shall have a right to compel compliance with these provisions by application to court for writ of mandamus or other appropriate relief.

Section 11.05 Remedies and Objections

An employee who objects to material in his or her file may place in the file a statement relating to the material the employee considers to be inaccurate or misleading. The employee may seek the removal of such material in accordance with the grievance procedure.

Section 11.06 Public Records Request Policy and Procedure

The purpose of this public records policy is to assist county officials and employees in understanding and complying with North Carolina's public records laws. It is the policy of Madison County Government to preserve all public records and respond to all public records requests in accordance with the laws of the State of North Carolina as outlined in Chapter 132 of the North Carolina General Statutes.

1. Public Records Procedure
 - a. For most records held by departments that report to the Madison County Manager, the records custodian will be the Madison County Manager. Through this policy, the County

Manager designates the Clerk to the Board of Commissioners as the employee who will process all public records requests made to the County Manager. The Clerk to the Board of Commissioners is responsible for processing all Public Records requests made to the Public Records Custodian. Each department head is responsible for ensuring that their department is following this Policy and maintaining all public records in their respective department. Additionally, every county official or employee who creates or receives a Public Record is responsible for correctly preserving the record. The members of the Madison County Board of Commissioners and all Commissioner appointed boards, committees, and commissions shall be responsible for maintaining all Public Records that come into their possession. The members of any Commission appointed board, committee, or commission may after being appointed to their respective board, committee, or commission, undergo training on their obligations to maintain Public Records. Each county department head shall provide all new employees with appropriate training in Public Records preservation and management obligations related to the employee's job.

- b. Each county official and employee are responsible for retaining and managing the Public Records they create or receive, including Electronic Messaging Records. The county agrees to follow the information and guidelines provided by the North Carolina Department of Cultural Resources. County officials and employees should review all applicable Disposition Schedules and refer to them as necessary. All Public Records should be managed to meet the retention requirements set forth in any applicable Disposition Schedule. The only exception to following the retention requirements is when an outstanding Public Records request, court subpoena, court order, or state or federal grant requirement mandates that different retention requirements apply ("Special Circumstances"). In such circumstances, county officials and employees shall retain all relevant Public Records covered by the Special Circumstance until the Special Circumstance no longer exists. Personal Notes: Records that do not pertain to the transaction of county business are not Public Records, regardless of the electronic device or account from which they are generated or received. As a result, Personal Notes will not be produced in response to a Public Records request. Regardless, county officials and employees are strongly encouraged to refrain from using county issued email and electronic devices for personal business. If Personal Notes are comingled with Public Records, it can be difficult, and time consuming for the Clerk and relevant county departments to separate or redact all personal information from a public records production. Consequently, the county cannot guarantee that the information contained in personal notes will not be inadvertently disclosed in response to a Public Records request. As a result, county officials and employees are strongly encouraged to segregate personal email and documents from Public Records.
- c. Retention of Electronic Records: Any Public Record that is retained electronically, including Electronic Messaging Records, should be maintained in a secure system that controls access, storage, retrieval, and alteration. Each county official and employee

must set up their own retention procedures, including appropriate backup, to assure compliance with the law and this policy.

- d. Protected Records/Information: County officials and employees are strictly prohibited from disclosing Protected Records/Information. Department heads must take adequate steps to ensure that Protected Records/Information maintained within their department is not intermingled with unprotected Public Records. Public Records that contain protected information must be redacted by the department head prior to disclosure in response to a Public Records request. If there is any doubt about whether something is protected, county officials and employees must consult with the Clerk and the County Attorney.

2. Processing Public Records Requests

- a. Madison County is fully committed to making public records available to the public in a timely and efficient manner. To facilitate this commitment, the county has adopted a Public Records Request Policy, and all Public Records requests must be made in conformity with the Policy.
- b. If a county official or employee receives a Public Records request, they must immediately forward the request to the Clerk in the manner as directed by the Clerk. County officials and employees are prohibited from independently producing Public Records except under the direction and approval of the Clerk.
- c. The internal process for which a Public Records request must be completed is at the discretion of the Clerk. As such, the internal procedure for processing Public Record requests by departments within the County may at any time be updated by the Clerk.

3. Violations of this Public Records Policy

- a. Any county employee or member of a Commission appointed board, committee, or commission who violates this policy will be subject to disciplinary action up to and including termination or removal from appointed position. While County Commissioners are not subject to removal from office for violating this policy, the Board of Commissioners agrees that any intentional violation of this policy by a commissioner would constitute a violation of the duties of a county commissioner and may subject the commissioner to public censure by vote of the Board of Commissioners.
- b. Termination of Employment or Duties as County Official: At the end of a person's service as a county official, employee, or board, committee, or commission member, all Public Records within the person's possession, electronic or otherwise, shall be provided to the appropriate county department head or county liaison. For Commissioners and board, committee, or commission members, the appropriate county liaison is the Clerk.

Section 11.07 Destruction of Records

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with General Statute 121-5(b), without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates, or destroys a public record, will be charged with having committed a misdemeanor, and upon conviction, will be fined not less than \$10 or more than \$500, for each public record so altered, defaced, mutilated, or destroyed, as provided in G.S. § 132-3.

Article XII. Implementation of Personnel Policy

Section 12.01 Conflicting Policies Repealed

All policies, ordinances, or resolutions, or portions thereof as applicable, which conflict with the provisions of this policy, are hereby repealed. This policy constitutes a Personnel Resolution and thereby does not create any contractual or statutory guarantees of continued employment.

Section 12.02 Employee Acknowledgement

Each employee shall sign an acknowledgement sheet indicating that they have read and understand this policy.

This Personnel Policy Manual represents a brief summary of the more important Madison County policies or practices but is not intended to be all inclusive of County policies or practices. The Personnel Policy Manual describes important information about Madison County, and I understand that I should consult the Human Resource Department regarding any questions not addressed in this policy manual. I understand and agree to the following:

- Madison County retains the sole right in its' business judgment to modify, suspend, interpret, or cancel in whole or part at any time, with or without notice any of the published or unpublished personnel policies or practices. Since the information, policies and benefits described herein are subject to change, I acknowledge that revisions to this Personnel Policy Manual may occur, except to Madison County's policy of employment-at-will. Only the Madison County Board of Commissioners has the ability to adopt any revisions to the policies in this Personnel Manual.
- Madison County does not recognize verbal or implied contracts for employment. The County Manager has the authority to enter into any agreement of employment for specific durations. Such employment agreements will only be valid and binding on the County when the agreement is set forth in a written document signed by the employee and the County Manager.
- The contents of this Personnel Policy Manual do not constitute an expressed or implied contract of employment.
- I have entered into my employment relationship with Madison County voluntarily and acknowledge that there is no specified length of employment. Either I or Madison County can terminate the relationship at will with or without cause at any time, except as specified within this Personnel Policy Manual, Federal or State law.

Furthermore, I acknowledge that this Personnel Policy Manual is neither a contract of employment nor a legal document. I have received instructions on how to access this Personnel Policy Manual on the Madison County Government website and upon request may receive a hard copy of this policy manual. I understand that it is my responsibility to read and comply with the policies contained in this Personnel Manual and any revisions that are made.

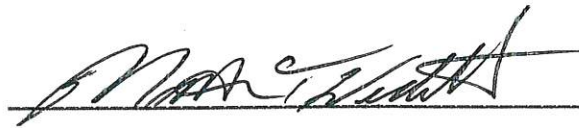
EMPLOYEE'S NAME: (Printed): _____

Section 12.03 Seperability

If any provision of this policy or any rule, regulation, or order hereunder of the application of such provision to any person or circumstances is held invalid, the remainder of the policy and the application of such remaining provisions of this policy to persons or circumstances other than those held invalid will not be affected thereby.

Section 12.04 Effective Date

This policy shall become effective as of 2/27/24.



Chairman of the Board of Commissioners

2/27/24

Date



Attachment 5.1

**Madison County Government
Amendment 01**

Date of Amendment: February 9, 2024
Date Amendment is Effective: July 1, 2023

The Parties hereby agree to amend the Provider (Non-Standard) Participation Agreement (Term: July 1, 2022 to June 30, 2023) entered into between Vaya Health and Madison County Department (hereinafter "Contract"), without prejudicing any rights of the Parties existing at law and/or under the Contract:

1. In Section 1.8, any and all mention of "June 30, 2023" is deleted in its entirety and replaced with "June 30, 2024" such that the Contract expires on June 30, 2024.
2. The Contract is supplemented to add Attachment A – Scope of Work FY 2023/2024 and Attachment A-1 – Madison County Government FY 2023/2024, each attached hereto and incorporated herein by reference.

This Amendment and all attachments thereto, and their terms, are fully incorporated into and made part of the Contract. Any capitalized terms used but not defined in this Amendment have the meanings in the Contract, except where otherwise noted in this Amendment.

This Amendment may be executed in two (2) or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

The counterparts of this Amendment and all ancillary documents may be electronically executed and/or delivered by facsimile or other electronic means by any of the Parties to any other Party. The receiving Party may rely on the receipt of such document so executed and/or delivered as if an original had been duly executed and received.

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MADISON COUNTY
ATTACHMENT A—SCOPE OF WORK
FISCAL YEAR 2023-2024

Attachment A– Scope of Work

This **Attachment A –Scope of Work** is an integral part of the Contract by and between VAYA and CONTRACTOR. This Attachment E is effective during the Term. CONTRACTOR agrees to provide MH/IDD/SU services to eligible Members as set forth in the Contract (including the provisions in this Attachment A) and in accordance with all requirements set forth or referenced in Controlling Authority, including but not limited to the VAYA Provider Manual, applicable federal and state laws, rules, and regulations, applicable DMH/DD/SAS Service Definitions (available at <https://www.ncdhhs.gov/divisions/mhddsas/servicedefinitions>), NC Medicaid Clinical Coverage Policies (available at <https://medicaid.ncdhhs.gov/providers/clinical-coverage-policies/behavioral-health-clinical-coverage-policies>), and implementation updates, bulletins and manuals issued by the Department governing the provision of services in this Attachment A, and all subsequent revisions to the foregoing. Any capitalized term not otherwise defined in this Attachment A shall have the same meaning and definitions as set forth in other portions of the Contract.

- I. **Name/Description of Service(s), Program or Initiative:** Madison County will serve residents of Madison County including at-risk individuals who have justice involvement and no insurance and educate the community on substance use and mental health prevention, treatment, and recovery.
 - A. **Description or Explanation of Program or Initiative, if applicable:** Madison County
 - B. **County or Counties Served:** Madison
 - C. **DMH/DD/SAS Service Definition(s), if applicable – CONTRACTOR shall deliver the service(s) identified herein in accordance with the following NC Medicaid Clinical Coverage Policy, DMH/DD/SAS Service Definition and/or VAYA in lieu of service definition and the Additional Service Requirements listed herein:** Not Applicable
 - D. **Additional Service Requirements:**
 - a. **Staffing Patterns and Infrastructure:** Not Applicable
 - b. **Staff Training Requirements:** Not Applicable
 - c. **Best Practices/Model Fidelity:** Not Applicable
 - d. **Service Delivery Requirements above and beyond requirements of applicable NC Medicaid Clinical Coverage Policy, DMH/DD/SAS Service Definition or VAYA in lieu of service definition: (if not covered in a Service Definition)**
 1. CONTRACTOR shall utilize funds to purchase two (2) vehicles to support individuals involved with Drug Court and/or MOUD treatment at the Health Department;

MADISON COUNTY
ATTACHMENT A—SCOPE OF WORK
FISCAL YEAR 2023-2024

2. CONTRACTOR shall utilize funds purchase equipment for the Health Department and Department of Social Services that will be used to support individuals involved with their MOUD program or dealing with substance use themselves or within their family;
3. CONTRACTOR shall utilize funds to purchase equipment for EMS/Sheriff's office that will be used when responding to overdose calls;
4. CONTRACTOR shall utilize funds for Drug Court and Health Department renovations and services;
5. CONTRACTOR shall utilize funding for medical and dental services for individuals involved with Drug Court and MOUD program at the Health Department;
6. CONTRACTOR shall utilize funding for urine drug screening for individuals with substance use and who are involved with Department of Social Services;
7. CONTRACTOR may utilize funds for training for Health Department and Drug Court staff on Internal Family Systems and CADCA;
8. CONTRACTOR shall utilize funds to purchase vehicle and equipment for Opioid Response Team;
9. CONTRACTOR shall utilize funds to purchase vehicle to support individuals with SU needs who are involved with Department of Social Services;
10. CONTRACTOR shall utilize funds to purchase equipment for the Opioid Response Team;
11. CONTRACTOR shall utilize funds to purchase Thermo Narcotics Analyzer for the Sheriff's Department;
12. CONTRACTOR may utilize funds to purchase transportation gift cards for Drug Court participants;
13. CONTRACTOR shall not use funds to provide cash payments or purchase gift cards;
14. CONTRACTOR shall not utilize funds to supplement any reimbursement for services or staff activities that are provided through NC Medicaid;
15. CONTRACTOR shall not utilize funds to purchase hypodermic needles or syringes so that members may use illegal drugs;
16. CONTRACTOR shall not utilize funds to provide treatment services for individuals who are currently incarcerated; and
17. CONTRACTOR shall not utilize funds for any law enforcement activities.

E. Documentation Requirements:

- a. CONTRACTOR shall provide and maintain a monthly summary of services provided which may include but is not limited to:
 1. Number of participants in the MOUD and Drug Court program (verified through enrollment/referral forms)
 2. Percentage of participants who complete MOUD and/or Drug Court program (verified through internal reports)

MADISON COUNTY
ATTACHMENT A—SCOPE OF WORK
FISCAL YEAR 2023-2024

3. Percentage of participants who maintain active engagement in services such as counseling, clinical visits, substance use treatment, etc. (verified by treatment providers and internal reports)

F. Community Collaboration:

- a. CONTRACTOR shall participate in community meetings with VAYA and other stakeholders to inform them of funding availability. Community stakeholders will include but not limited to:
 - Madison County Substance Use Coalition

G. Funding and Financial Requirements:

- a. **In addition to the requirements set forth in this Contract, including any attachments, CONTRACTOR shall adhere to the following additional financial requirements:**
 1. CONTRACTOR shall submit a budget for FY24 upon execution of this contract. VAYA will approve or disapprove the budget within 30 days of receipt. If the budget is not approved, CONTRACTOR shall re-submit for approval within 15 days.
 2. CONTRACTOR shall adhere to the approved Annual Budget. Any revisions to or deviations from the budget must be approved in writing by the VAYA.
 3. CONTRACTOR shall submit monthly invoices to payables@vayahealth.com with a brief description of how funds were utilized by the 15th of the following month.
- b. Specifically see Attachments A-1

H. Reporting & Performance Outcomes:

- A. **Reporting Requirements:** CONTRACTOR shall provide a monthly summary document to VAYA (Network.Management@vayahealth.com) and Community Stakeholders. Summary should include the performance measures outlined in section V. The summary should not include any Protected Health Information (“PHI”).
 - a. **Performance Outcomes:** CONTRACTOR shall monitor the following indicators and include them in their monthly summary document,
 1. Percentage of patients/clients reporting improvement in quality of life since engaging in MOUD/Drug Court?
 2. Percentage of patients/clients reporting hurdles in their recovery this past month?
 3. The number of patients/clients who have attended all their required appointments/meetings
 4. Percentage of negative Urine Drug Screens as expected

MADISON COUNTY
ATTACHMENT A—SCOPE OF WORK
FISCAL YEAR 2023-2024



Madison County Government
107 Elizabeth Lane • Po Box 579 • Marshall, North Carolina 28753
Phone: 828-649-2854 • www.madisoncountync.gov

REQUEST FOR QUALIFICATIONS

Madison County, NC Public Service Complex

Madison County Government

Madison County, North Carolina

Request for Qualifications (RFQ) for Public Service Complex

Madison County Government is requesting proposals from qualified Design-Build Contracting Firms for services associated with the design, permitting, and construction activities necessary to construct a Public Service Complex. Build-design of the multiple facility complex to begin in 2024 with an estimated completion date of 2030. The primary site is on a 60-acre county owned site between Long Branch Road and Medical Park Drive in Marshall, NC. The complex includes a Public Safety Judicial Center, Veterans Memorial, Maintenance Facility, and a community parks and recreation complex.

Firms interested in being considered for this work should submit qualifications to:

Post Office Delivery or Hand Delivery

Rod Honeycutt
County Manager
Madison County Government
Po Box 579/107 Elizabeth Lane
Marshall, NC 28753

For consideration, **three (3) hard copies and one digital version** (in PDF format) of the response to this request for qualifications must be submitted to Madison County Government in sealed packaging by **two o'clock p.m. (2:00 p.m.) on March 18, 2024**. The electronic copy shall be provided as a CD, DVD, or USB flash drive.

Submittals should be contained within an envelope or package and plainly labeled:

REQUEST FOR QUALIFICATIONS – Madison County Government – Public Service Judicial Complex

Inquiries:

Questions concerning this RFQ shall be submitted in writing to Rod Honeycutt, via email to rhoneycutt@madisoncountync.gov and copied to Mandy Bradley mbradley@madisoncountync.gov **no later than 2:00 P.M., EDT on March 9, 2024**. Please include the RFQ name in the subject line of the email correspondence.

Site Visits:

Contact Rod Honeycutt via email at rhoneycutt@madisoncountync.gov copied to Mandy Bradley at mbradley@madisoncountync.gov to schedule a site visit.

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Note that the terms "Consultant" and "Design-Build Firm" are used interchangeably in this document and both refer to entities intending to submit responses to this RFQ.

1. PROJECT SITE INFORMATION

Madison County plans to construct the facility and amenities, including landscape architecture, surveying, civil, mechanical, electrical, plumbing, structural, architectural, construction, and construction administration. All structures and work are new construction. **The project's specific Scope of Work for the selected Design-Build Team will be defined in the Design-Build Agreement.** However, at minimum, the Design-Build Team will require the following services.

- Madison County intends to build a multiple facility complex beginning in 2024 with an estimated completion date of 2030. A potential site is on a 60 acre county owned site between Long Branch Road and Medical Park Drive in Marshall, NC. The complex includes a Public Safety Judicial Center, Veterans Memorial, Maintenance Facility, NC. Forrest Service Fire Facility, and a community parks and recreation complex. There is another potential site for the Public Safety Judicial Center at 5707 US-25 Marshall, NC.
- The current county courthouse is a historical three-story building built in 1907. Due to the growth in the programs and functions within the courthouse and the County, a new facility is necessary. A space needs study of the current facility revealed the need for incorporation of space for courtrooms (s), judge's chambers, offices of the District Attorney, and offices for the Clerk of Court, integrating room for other functions in accordance with the court's operations. In addition, the complex requirement includes offices for necessary County personnel and departments, along with associated parking lots.

2. SCOPE OF WORK

- Madison County Government is seeking qualified, experienced Consultant teams to provide design-build services for the subject project to include: Design, permitting, and construction services for the public service complex as referenced above. The project must meet the Americans with Disabilities (ADA) accessibility requirements for grading and surrounding areas including access roads. Emphasis will be placed on firms that can demonstrate collaborative delivery and the ability to deliver a transparent guaranteed maximum price (GMP) proposal.
 - The following may be considered a minimal list of project requirements, and shall not be considered all-inclusive:
 - A. Working and leading discussions with the appropriate entities
 - B. including Madison County for the construction of the Public Service Judicial Complex and specifications compliance as outlined in the S.L 2021-180 Courthouse Funding Award. Ideally, having successful experience with projects acquired under such funding.
 - C. Properly Evaluate Project Areas
 - i. Perform site visits, as well as survey and subsurface soils/geotechnical evaluations to ensure proper design.
 - ii. Review existing conditions, site topography and drainage patterns.
 - iii. Understand current and proposed uses.
 - iv. Evaluate existing stormwater management permits, control measures, and conveyance systems.
 - v. Determine soil types and seasonal high-water table elevations.
 - vi. Consider seasonal climate variations, inclusive of storm events.
 - C. Utilize Effective Design and Construction Methods
 - i. Use highly qualified design professionals, licensed for practice in North Carolina and eligible to

work for NC State Agencies.

- ii. Meet with Madison County Government on a regular basis to review design opportunities and constraints.
- iii. Conduct any necessary code and zoning research on safety, function, transportation, and accessibility.
- iv. Identify regulatory agencies and permits required for the project.
- v. Assess programming and overall facility use needs as may be applicable.
- vi. Design base that meets all critical elements for long term surface stability and effective drainage.
- vii. Ensure proper materials selection and workmanship by highly skilled professionals.
- viii. Implement measures to avoid fill settlement.
- ix. Effective utilization of time and resources to meet budget and schedule constraints.
- x. Certify construction standards and warranty workmanship.
- xi. State and local permitting processes as required.
- xii. Schematic Design services.
- xiii. Design and Construction drawings.
- xiv. Project oversight, management, and inspections.
- xv. Construction administration service.
- xvi. Construction of project.
- xvii. Project reporting and closeout including record drawings.

D. Turn-Key Services:

- i. Strategic plan for best location, construction sequence, and required utility grid necessary to support the Public Service Complex.
 - ii. Architectural Design Plans, Construction Drawings.
 - iii. Structural amenities, including buildings and all site furnishings.
 - iv. Sustainable design should be taken into consideration based on Leadership in Energy and Environmental Design (LEED) principals. This project is not required to meet LEED certification.
 - v. Engineering and environmental plans and construction drawings.
- **Madison County reserves the flexibility to select contractor(s) or subcontractor(s) through the initial RFQ process or a subsequent RFQ process.** After contract award, the Design-Builder can only substitute key personnel (the contractors, subcontractors, and design professionals identified in the Design-Builder's response to the RFQ) after obtaining written approval from the County.
 - Project construction - Provide construction management and general contracting services. Public participation and meetings with the Board of Commissioners (BOC).

- Surveying, geotechnical, and environmental assessment services as required to provide base data information to complete tasks above.

3. ANTICIPATED PROJECT BUDGET

- Services performed under this RFQ will be funded in three phases with Madison County Appropriated funds. The anticipated budget for this project will have cost allowances for each phase with each containing a maximum budget. **Phase I** - Strategic Planning, Programming, design, and geotechnical tasks not to exceed \$3 Million Dollars. **Phase II** - FY2024/25 Construction not to exceed (cost determined during programming). **Phase III** - FY2025/26 Construction not to exceed (cost determined during programming). The County will leverage documents provided by the Design-Build team to secure Phase II and III funding. The total budgetary cost for the public service complex is not to exceed \$60,000,000.00.

4. PROJECT SCHEDULE

- The proposed project schedule milestones are as follows:

• RFQ Issued	February 28, 2024
• Mandatory Pre-Submittal Meeting at 1pm, 107 Elizabeth Lane, Marshall NC	March 6, 2024
• Written Questions Submitted to County	March 8, 2024
• County Response to Questions	March 13, 2024
• RFQ Due	March 18, 2024
• Select Short List of Firms	March 21, 2024
• Site Visit/Firm Interviews	March 28, 2024
• Negotiate/Issue Contract with Qualified Firm	April 10, 2024
• Design/Permitting Complete	June 15, 2024
• Construction Complete	2030
• Project Closeout; As-Builts; Deliverables	2030

5. PROPOSAL SUBMITTAL FORMAT AND CONTENTS

- The instructions below provide guidance and information to help in the preparation and submittal of concise responses this RFQ. The purpose is to establish the format and contents of the proposal so that responses are complete, contain all essential information, and can be easily evaluated.
- The qualifications proposal should be no more than 20 pages, ten (10) double-sided sheets, in length, excluding binding, covers, and tabs. Proposals shall be presented in a well-organized and concise manner and bound to allow ease of review. Please provide a cover that depicts

the Project Name and Design-Build Firm Name.

- The following items must be addressed in your package:
 - A. Introductory Letter: Respondents shall submit a clear concise response indicating the following:
 - i. Name of Firm,
 - ii. Project Manager (or Primary Contact) and his/her contact information,
 - iii. Firm's contact information (i.e., phone, facsimile, email, etc.),
 - iv. Why Madison County Government should select your firm for this work, and
 - v. Acknowledgment of any RFQ Amendments (if any).
 - B. Qualifications and Experience: Respondents shall submit the following information to demonstrate their experience and qualifications. Only include those projects in which the project team members have actively participated or led:
 - i. Provide up to five (5) projects of similar scope for work completed over the past seven (7) years. Include sub-consultants (if any) utilized and their capabilities as related to the work. List a reference with contact information for each project cited. Note whether the project was completed within scope, budget, and schedule requirements.
 - ii. Provide an additional list of up to three (3) projects of a similar nature that are currently in design, permitting, or construction phases. Include sub-consultants (if any) utilized and their capabilities as related to the work. List a reference with contact information for each project cited. Note whether any project phases were/are within scope, budget, and schedule requirements.
 - iii. Provide a brief description of current workload and management intent regarding scope and schedule if selected. Madison County Government anticipates the design work to begin quickly and would require designer availability within a short period of time of awarding this work.
 - C. Project Approach and Schedule: A summary description of how your firm proposes to approach this project. Include a summary discussion of proposed methodologies, techniques, and procedures for each work item.
 - D. Project Team(s): Provide an Organization Chart of the project team specifying the dedicated Project Manager, key personnel, licensed contractors, licensed subcontractors and licensed design professionals assigned to the design and construction teams and the availability of backup personnel that will support this project. Include a brief summary identifying roles and responsibilities and general qualifications (i.e., professional registrations, certifications and/or licenses) of each team member (including subconsultants and subcontractors) in disciplines appropriate to the project, as well as education, availability to work on this project, experience, years of experience (with current firm and other firms). Please do not list firm staff that will not work directly with the project team.

- E. Each design-build contracting firm shall submit in its response to the RFQ an explanation of its project team selection, consistent with item 4 above, or the following: An outline of the strategy the design-builder plans to use for open contractor and subcontractor selection based upon the provisions of Article 8 of Chapter 143 of the General Statutes.
- F. The design-build firm shall certify that each licensed design professional who is a member of the design-build team, including subconsultants, was selected based upon demonstrated competence and qualifications in the manner provided by G.S. 143-64-31.
- G. Insurance and Contract Statement: Provide a statement that the firm will provide insurance as follows: The Contractor shall obtain and maintain in effect during the term of this Agreement, general liability and automobile liability insurance in which the Owner and the Contractor shall each be named as insured parties, which insurance shall protect the Owner and the Contractor from claims in an amount not less than \$1,000,000 for personal injury, including death, to any one person and in an amount not less than \$1,000,000 for any one occurrence, and from claims for property damages in an amount of not less than \$1,000,000 for each occurrence arising from any act or omission of Contractor, its agents, employees or subcontractors. The Contractor shall obtain and maintain in effect during the term of this Agreement, a policy of workers' compensation liability insurance in which the policy shall protect the Owner and the Contractor from claims in an amount not less than the statutory amount. The Contractor shall promptly furnish to the Owner certificates of insurance evidencing such insurance coverage. Insurance required hereunder shall be maintained by insurance companies properly licensed by the Insurance Department of the State of North Carolina and rated A or better by Best Insurance Guide.
- H. Identification of Lawsuits and Administrative Claims/Fine: Consultants must identify all lawsuits, administrative claims or fine proceedings Consultant has been a party to in the past five (5) years. Include any fines levied by any governmental unit relating to the proposed work in this RFQ such as fines from the EEOC, Department of Labor or other unit of government.
- I. All bidders shall be required to provide Payment and Performance Bonds as required by North Carolina law.

6. EVALUATION METHOD

- All Proposals will be evaluated based on the following criteria:
 - A. (50%): Firm (including entire design team) experience/reputation and capacity to meet project constraints: The firm's experience in similar work and the record of successful results of that work. Consideration will be given to the firm's ability to take on additional work, demonstrate understanding of Madison County Government's goals and purposes of this project, specific management approach, approach to managing Madison County Government's budget and time, and the firm's ability to offer the breadth and quality of services required for this project.

- B. (10%): Response to the project objectives outlined in the scope of work: The proposed approach for performing the work for this project, including demonstrated understanding of scope of work and deliverables.
 - C. (15%): Experience of the personnel assigned to this project team: Consideration will include the Project Manager's individual qualifications, experience, and location, which key personnel will be assigned to the project, and any subconsultant's individual experience, qualifications and location. The Project Manager's past and/or current experience working on similar projects will be given consideration.
 - D. (25%): Schedule: Consideration will be given to the firm's ability to meet schedules and responsiveness to Madison County Government staff. Madison County Government anticipates the design work to begin quickly and would require designer availability within a short period of time of awarding this work.
- Madison County Government will review all RFQ submittals. A selection committee comprised of Madison County Government staff will be convened to review the qualifications packages. Madison County Government reserves the right to reject any and/or all submittals. Respondents that are deemed competitive by Madison County Government may be asked to attend an interview and should make themselves available for a presentation to the selection committee. Each firm will be responsible for all costs (e.g. travel and presentation materials) related to the presentation. The selected firm will be notified by Madison County Government and will enter into contract negotiations for receiving this work. If no agreement can be reached with the selected firm, Madison County Government will negotiate with another qualified firm(s).

7. GENERAL REQUIREMENTS AND DISCLOSURES

- All qualifications packages and materials submitted hereunder become the exclusive property of Madison County Government. Madison County Government reserves the right to reject any or all submittals. This RFQ is neither a contractual offer nor a commitment to purchase services. Madison County Government assumes no contractual obligation as a result of the issuance of this request, the preparation or submission of a qualifications statement by a Consultant, the evaluation of statements, or final selection. All submissions may be kept by Madison County Government and may be disclosed to third parties at Madison County Government's discretion.
- The Consultant shall be required to (a) furnish all tools, equipment, supplies, supervision, transportation, and other execution accessories, services, and facilities; (b) furnish all materials, supplies, and equipment specified and required to be incorporated in and form a permanent part of the completed work; (c) provide and perform all necessary labor; and (d) in accordance with good technical practice, with due diligence, and in accordance with the requirements, stipulations, provisions, and conditions of this document and the resultant contract, execute and complete all specified work to the satisfaction of Madison County Government.

- Records received by Madison County Government in response to this RFQ or a request for proposals are public records and subject to public inspection and copying. Some bid records are public as soon as received by Madison County Government, while others may become public at bid opening or at bid award. The Public Records law (N.C.G.S. 132-1 et seq.) authorizes Madison County Government to withhold from public inspection and copying legitimate and properly marked 'trade secrets. If a record meets all the following conditions:
 - A. It is a "trade secret" as defined in G.S. 66-152(3); and
 - B. It is the property of a private "person" as defined in G.S. 66-152(2); and
 - C. It is disclosed or furnished to Madison County Government in connection with a bid or proposal; and
 - D. It is marked as "confidential" or as a "trade secret" at the time of its initial disclosure to Madison County Government, then Madison County Government may withhold that trade secret from a public record inspection request.
 - E. If as part of Consultant's bid or proposal, Consultant submits to Madison County Government any record, or portion of a record, that Consultant considers to be a trade secret meeting the definition contained in G.S. 66-152 (2), Consultant shall clearly mark the particular record, or portion of the record, that meets the definition of trade secret as TRADE SECRET or CONFIDENTIAL TRADE SECRET. In the event Madison County Government receives a public records request for records Consultant designates as 'trade secret' Madison County Government will notify Consultant and give Consultant the opportunity to, within one week of such notification, (1) confirm in writing that the specific record, or portion of record, that Consultant designated as TRADE SECRET meets the requirements of G.S 132-1.2 and G.S. 66-152, and the reasons therefore, and (2) to indemnify Madison County Government in the event a challenge is brought for the withholding of a record based on Consultant having designated it a trade secret. Madison County Government will only withhold the record if both conditions have been fulfilled to Madison County Government's satisfaction.
- Licensure is required for professional Engineers, Architects, Landscape Architects, and other professional services. The Architects and Engineers performing the work must be licensed Architects or Professional Engineers in the State of North Carolina and must have good ethical and professional standing. Any consultant proposing to use corporate subsidiaries or subconsultants must include a statement that these companies shall be properly licensed in like fashion. It will be the responsibility of the prime consultant to verify license(s) of any corporate subsidiary or sub-consultant prior to contract negotiations.
- Consultants shall be required to submit evidence they have relevant experience and have previously delivered services such as those required.
- Consultant may additionally be required to show they have satisfactorily performed similar work in the past and that no claims of any kind are pending against such work. No submittal will be deemed responsive from any Contractor/Consultant who is engaged in any work which would impair their ability to perform or finance this work or from any Consultant

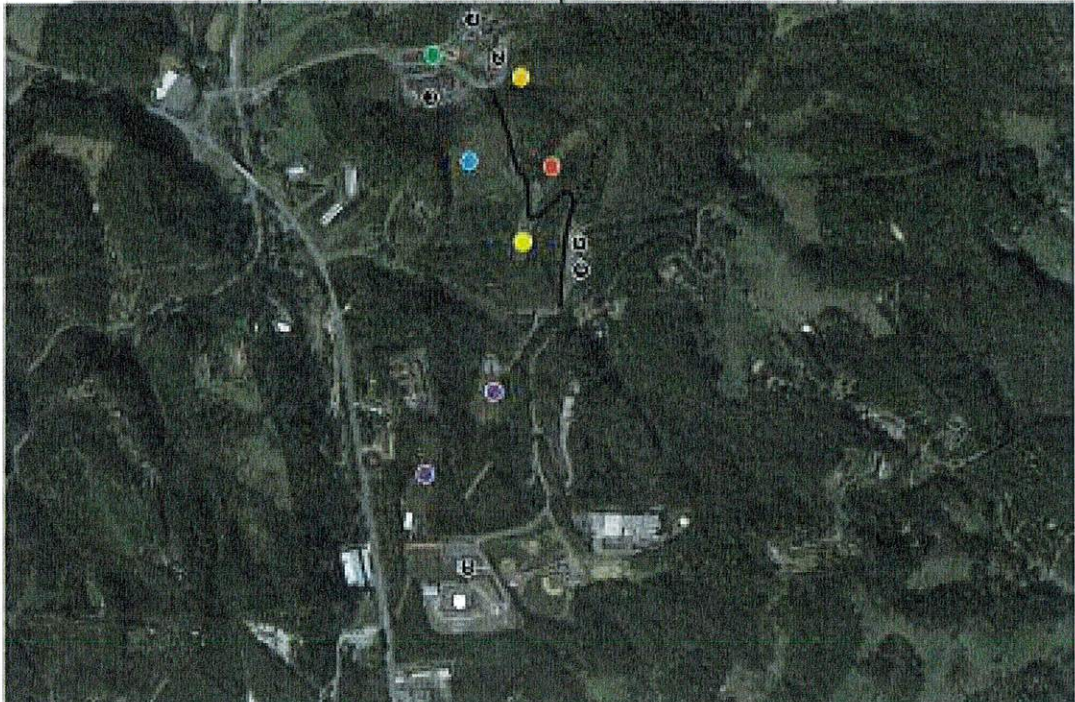
with outstanding claims pending for work of a similar nature, either completed or in progress.

- The Consultant must have the financial ability to undertake the work and assume the professional liability. The firm(s) must have an adequate accounting system to identify costs chargeable to the Project.
- The Consultant shall be fully responsible for all costs incurred in the development and submission of this submittal. Selected Consultants may be asked to present in person to Madison County Government. All costs of such presentations shall be borne solely by the Consultant.
- The Consultant will be responsible for providing a performance and payment bond in accordance with the provisions of Article 3 of Chapter 44A of the General Statutes as part of any contractual agreement. Contractors shall have the ability to be bonded for the cost of the Project.
- By submission of a response, the Consultant agrees that at the time of submittal, it: (1) has no interest (including financial benefit, commission, finder's fee, or any other remuneration) and shall not acquire any interest, either direct or indirect, that would conflict in any manner or degree with the performance of Consultant's services, and (2) will not benefit from an award resulting in a "Conflict of Interest." A "Conflict of Interest" shall include holding or retaining membership, or employment, on a board, elected office, department, division or bureau, or committee sanctioned by and/or governed by Madison County Government. Consultants shall identify any interests, and the individuals involved, on separate paper with the response and shall understand that Madison County Government, in consultation with legal counsel, may reject their proposal.
- Changes to personnel on project team(s), particularly a Project Manager, are to be avoided wherever possible. If during the contract negotiation phase the Consultant requests to make a change to any personnel listed within the Consultant's submitted Proposal, the request to Madison County Government must be made in writing and detail the proposed replacement personnel, resume(s) and reason(s) as to why the replacement is needed. Madison County Government will consider the request and may or may not accept the new personnel changes. If Madison County Government denies the Consultant's request for a change in personnel, the Consultant will be required to confirm in writing that the personnel submitted within Consultant's original qualifications package will perform the work, or Madison County Government will no longer consider the Consultant as the best qualified firm and may enter into contract negotiations with the next most qualified Consultant. The Consultant shall obtain written approval from Madison County Government prior to changing key personnel after the contract has been awarded.
- Any application and its principals and key personnel and employees may not be debarred or suspended nor otherwise on the Excluded Parties List System (EPLS) in the System for Award Management (SAM). Consultants must include verification that the service provider, as well as its principals and key personnel are not listed (are not debarred) through the System for Award Management (www.SAM.gov). Consultants are expected to enclose a print-out of search results that includes the record date.
- Small and minority businesses, women's business enterprises, and labor surplus area firms are encouraged

to participate in this RFQ. The following affirmative steps are required any successful Consultant:

- A. Placing qualified small and minority businesses and women's business enterprises on solicitation lists,
 - B. Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources,
 - C. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises,
 - D. Establishing delivery scheduled, where the requirement permits, which encourage participation by small and minority businesses and women's business enterprises,
 - E. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration (SBA) and the Minority Business Development Agency (MBDA) of the Department of Commerce.
- This RFQ is a request for the submission of qualifications and associated proposals for service and is not itself an offer, nor should it be construed as an offer.
 - Madison County Government expressly reserves the right to modify, reschedule, or cancel this request at any time, whether before or after any proposals have been submitted or received.
 - Madison County Government reserves the right to reject and not consider any or all Consultants in its discretion.
 - Madison County Government reserves the right to reject any or all companies, to waive any informality in the RFQ process, or to terminate the RFQ process at any time, if deemed to be in its best interest.
 - In the event the party selected does not enter into the required agreement to carry out the purposes described in this request, Madison County Government may, in addition to any other rights or remedies available at law or in equity, commence negotiations with another person or entity.
 - In no event shall any obligations of any kind be enforceable against Madison County Government unless and until a written agreement is entered into.
 - By submitting a response to this request, the Consultant waives all rights to protest or seek any remedies whatsoever regarding any aspect of this request, the selection of another Consultant or Consultants with whom to negotiate, the rejection of any or all offers to negotiate, or a decision to terminate negotiations.
 - Madison County Government reserves the right not to award a contract pursuant to the RFQ.
 - All items become the property of Madison County Government upon submission and will not be returned to the Consultant.
 - Proposals will be evaluated using the factors listed in this RFQ.
 - Madison County Government reserves the right to interview or to choose not to interview Consultants prior to making a final selection.

Proposed Madison County Public Service Complex



■ Road Between Long Branch and Medical Park Drive - - Secondary Road

- Veterans Memorial
- Public Safety Judicial Center
- Sports / Park Complex
- Industrial Complex
- NC Forest Service Facility
- County Maintenance Facility
- Fairground Upgrades

- Existing Facilities
- Madison County Sheriff Office
 - Madison Health Department
 - Hot Springs Health Clinic
 - Madison County Transportation
 - Madison County Animal Services
 - Cooperative Extension Center

As of: 1/22/24

RESOLUTION

Approving the Criteria for the Use of Design-Build Construction Delivery Method for the Public Safety Judicial Center within the Public Service Complex

WHEREAS, the design-build delivery method is a relatively new option for public bodies in North Carolina; and

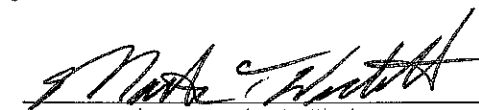
WHEREAS, the design-build delivery method allows the Board to choose one firm to provide both design and construction services.

WHEREAS, the Board is required to adopt criteria under which the design-build method is appropriate for a project.

NOW THEREFORE, be it hereby **RESOLVED**:

- 1) That in accordance with NCGS 143-128.1A, that Madison County establishes the criteria set forth in Exhibit "A" attached hereto and incorporated herein by reference as if set forth in full herein.
- 2) That the design-build method of delivery for the Madison County Judicial Complex project conforms to the criteria set forth in Exhibit "A" and that the design-build method of delivery would be most appropriate for completion of the Madison County Public Safety Judicial Center.
- 3) That the County Manager, Assistant to the County Manager, Finance, and Planning staff, and other staff as the County Manager may direct or obtain services from, shall:
 - a. Develop and define project requirements prior to the issuance of a Request for Qualifications.
 - b. Make a good-faith effort to comply with NCGS 143-128.2 and NCGS 143-128.4, and to recruit and select small business entities when issuing the Request for Qualifications.
 - c. Issue a Request for Qualifications seeking design-build firms to design and construct the Madison County Public Safety Judicial Center.

Adopted this the 27 day of February, 2024


Matthew Wechtel, Chairman

PUBLIC SAFETY JUDICIAL CENTER

Establishment of Criteria for a Design-Build delivery method for the construction of the Madison County Public Safety Judicial Center.

Abstract: In accordance with N.C.G.S 143-128.1A (as amended by SL 2021-189) Madison County is documenting criteria that the County must establish to utilize the design-build method of delivery for construction projects. Madison County is seeking to utilize the design-build method for the construction of the Madison County Public Safety Judicial Center.

Part 1. Summary of Established Criteria: In accordance with NCGS 143-128.1A Madison County staff proposes the following criteria as justification for selecting the design-build method of delivery for construction of the Madison County Public Safety Judicial Center:

Criteria 1: The extent to which Madison County Staff can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications or request for proposal for a design-builder. The design-build delivery method may be used if it is determined that, for the project, Madison County staff has professional personnel that are both qualified and experienced to thoroughly define the project requirements prior to the issuance of a request for qualifications or proposals for a design-builder.

Criteria 2: The time constraints for delivery of the project. The design-build delivery method may be used if a project has a firm date by which a facility must be operational and the normal delivery method is likely not to be timely (typically RFQ/RFP, study, design, bid, and construct). The size and cost of a project will dictate complexity and schedule.

Criteria 3. The ability to ensure that a quality project can be delivered. The design-build delivery method may be used if it is determined that, for the project, Madison County Staff has professional and experienced personnel to ensure that the design-build firm will provide a quality project, within the budget constraints established by Madison County Staff. Consideration will be given to the qualifications and experience of staff personnel.

Criteria 4. The capability of Madison County Staff to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery. The design-build method of delivery may be used if it is determined that, for the project, Madison County Staff has professional and experienced personnel that are knowledgeable of design-build project or, in the alternative, experienced consultants local to Madison County are available to be retained to perform the construction management of the design-build contract.

Criteria 5. A good faith effort to comply with NCGS 143-128.2, NCGS 143-128.4, and to recruit and select small business entities. The design-build delivery method may be used if it is determined that, for the project, requirements will be imposed which will ensure that contractors will comply with the HUB goals set by Madison County.

Criteria 6. The criteria utilized by Madison County, including a comparison of the costs and benefits of using the design-build delivery method for a given project in lieu of the other delivery methods identified. The criteria utilized by Madison County when considering a design-build delivery method for a project will be as follows:

- 1) Is the project well-defined and does it include qualitative and quantitative characteristics that make a design-build contract more appropriate than other methods of delivery?
- 2) Is the project timeline overly constrained and will it be necessary to have the facility complete and operational within a short timeframe?
- 3) Will it be necessary to have beneficial use of a portion of the facility while it is still under construction?
- 4) Given the scope of the project, is there a maximum budget that must be adhered to allow negotiations and flexibility to make appropriate decisions on scope as the project progresses?
- 5) Does the design-build delivery method meet the ultimate operational goals established for a given facility and the quality of product achieved resulting from a more fluid and flexible delivery method?

In general terms, if it is determined that the expected expense of a design-build project will be no more than 10% greater than the expected expense of a traditional RFQ, study, design, bid, and construct project, then design-build delivery method may be utilized.

Part 2. Applying the Criteria to the Madison County Judicial Complex: The second step for the process in determining whether to use the design-build delivery method for a project is to apply the criteria to the project. Applying the criteria to this project it is recommended that the design-build delivery method be used for this project. This determination is based upon a review of the above criteria as it relates to this project as follows:

Criteria 1: The extent to which Madison County can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications or request for proposal for a design-builder. Through its managerial, finance, and planning staff, Madison County has professional personnel that are both qualified and experience to thoroughly define project requirements prior to the issuance of an RFQ for a design-builder.

Criteria 2: The time constraints for delivery of the project. The project must be completed on a tight schedule.

Criteria 3. The ability to ensure that a quality project can be delivered. Through its managerial, finance, and planning Madison County Staff has professional and experienced personnel available to ensure that the design-build firm will provide a quality project within the budget constraints established for the project.

Criteria 4. The capability of Madison County Staff to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery. Through its managerial, finance, and planning Madison County Staff has professional and experienced personnel to ensure proper management and oversight of the design-build project. Should it become necessary to contract for construction management of this project, there are experienced consultants local to Madison County that could provide additional services in this regard.

Criteria 5. A good faith effort to comply with NCGS 143-128.2, NCGS 143-128.4, and to recruit and select small business entities. Madison County complies with all applicable statutes

and regulations as set forth in Criteria 5 through its adopted policies regarding HUB vendors and contractors.

Criteria 6. The criteria utilized by Madison County, including a comparison of the costs and benefits of using the design-build delivery method for a given project in lieu of the other delivery methods identified. As stated above, one of the benefits of the design-build method of delivery is that it will provide more rapid product delivery for this project. Moving ahead with the design-build method of delivery would provide a quick delivery of project construction and will afford greater flexibility in navigating potential changes in schematic design which may be necessary to provide a project which is delivered in line with the budget given recent upward fluctuations in the construction labor and materials market which may necessitate schematic alterations in finish and design as the project moves forward.

Fiscal Note: There is no fiscal impact to the establishment of this policy and approval of the utilization of the design-build delivery method. Based upon the foregoing, the County Manager recommends approval of the above-stated criteria for use of the design-build delivery method and further that Madison County Manager be authorized to move forward with design-build delivery of the construction of the County Public Safety Judicial Center.

**RESOLUTION OF THE MADISON COUNTY BOARD OF
COMMISSIONERS DECLARING THE INTENT OF MADISON COUNTY
TO REIMBURSE ITSELF FOR EXPENDITURES INCURRED IN
CONNECTION WITH THE CONSTRUCTION OF THE MADISON
COUNTY PUBLIC SERVICE COMPLEX**

THAT WHEREAS, the Madison County Board of Commissioners (hereinafter “Board”) has determined that it is in the best interest of Madison County to undertake the construction of a Public Service Complex (hereinafter “Project”); and

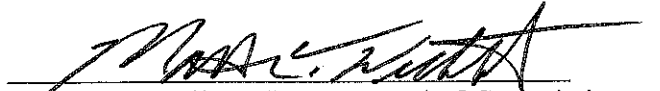
WHEREAS, Madison County intends to finance all or a portion of the cost of the Project with proceeds of tax exempt obligations and reasonably expects to execute and deliver its obligations to finance, or to reimburse itself for, all or a portion of the Project costs; and

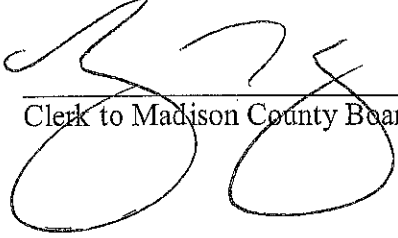
WHEREAS, the County desires to proceed with the Project and will incur and pay certain expenditures relative to the Project prior to the date and delivery of the obligation referenced hereinabove (hereinafter “original expenditures”), such original expenditures to be paid from a source other than the proceeds of the obligation, and the County intends, and reasonably expects, to be reimbursed for such original expenditures from the proceeds of the obligation to be executed and delivered at a date occurring after the dates of such original expenditures:

NOW, THEREFORE be it **RESOLVED** by the Madison County Board of Commissioners as follows:

1. That the County presently intends, and reasonably expects, to reimburse itself for the original expenditures incurred and paid by the County for a portion of the proceeds of the obligation. The County reasonably expects to execute and deliver the obligation to finance all or a portion of the costs of the Project and a maximum principal amount of obligations expected to be executed and delivered by County to pay for all or a portion of the cost of the Project is 60 million dollars.
2. That the County adopts this Resolution as a Declaration of its official intent as required by all pertinent treasury regulations.
3. That the Madison County Finance Officer is hereby authorized and directed to act on behalf of the County in determining and itemizing all of the original expenditures incurred and paid by the County in connection with the Project during the period commencing on the date of adoption of this Resolution and ending on the date of execution and delivery of the obligation.
4. That this Resolution is effective upon adoption.

RESOLVED this the 27 day of February 2024 and signed this 27 day of February 2024.


Chairman, Madison County Board of Commissioners


Clerk to Madison County Board of Commissioners