



RESOLUTION TITLE: TO APPROVE REVISIONS TO THE GASTON COUNTY PERSONNEL POLICY MANUAL RELATED TO THE CELL PHONE POLICY, REFUNDS/REIMBURSEMENTS/DEDUCTIONS POLICY, RESIDENCY POLICY, HOLIDAYS, WORKER'S COMPENSATION, AND PAY PLAN FOR ACTING STATUS PAY AND CLOTHING ALLOWANCE PAY

WHEREAS, Gaston County believes it is important to have a Personnel Policy Manual for employees and supervisors to follow; and,

WHEREAS, it is prudent to review and revise the policy manual periodically to make sure it is understandable, consistent, and up to date with current law, regulations and philosophy; and,

WHEREAS, the current personnel policy manual was approved effective July 1, 2010; and,

WHEREAS, the proposed revisions to the personnel policy are outlined in Exhibit "A" (attached); and,

WHEREAS, the Gaston County Board of Commissioners must adopt all changes to the Gaston County Personnel Policy Manual and Pay Plan.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners adopts revisions to the Gaston County Personnel Policy and Pay Plan to be effective October 2, 2023, as outlined in Exhibit "A".

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

| NO. | DATE | M1 | M2 | CBrown | CCloninger | AFraleley | BHovis | KJohnson | TKeigher | RWorley | Vote |
|----------|------------|----|----|--------|------------|-----------|--------|----------|----------|---------|------|
| 2023-322 | 09/26/2023 | BH | AF | A | A | A | A | AB | AB | A | U |

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EXHIBIT A

26.13 Cell Phone Policy

~~It is the policy of Gaston County to provide cell phones or other mobile devices to employees for business use when use of such telephones will increase the level of service provided to the County's customers, increase the level of safety for the applicable County employee, reduce cost of providing services, and/or satisfy legal requirements.~~

The purpose of this policy is to provide cell phones to employees to be used to conduct official business for Gaston County when the use of the cell phone meets the criteria for eligibility.

Gaston County will provide County employees, whose responsibilities have been identified as requiring the use of mobile devices and authorized for a cell phone by their department head, with a County purchased device and related equipment. These devices and all services (technical support, cellular, and data) are paid for by the County. Eligible employees must complete and sign the County issued Cellular Device Agreement Form. This form must be approved by the Department Director and forwarded to the IT Department.

26.13.1 Cell Phone and Mobile Device Ownership

Cellular devices and cell phone numbers are the property of Gaston County and are non-transferrable to employees. For example, if you are separated from the County (voluntarily or involuntarily), you will not be allowed to transfer your County cell number to a personal phone.

~~26.13.2 In compliance with IRS guidelines, Gaston County's business justification for employee issued cellular devices include the following:~~

- ~~• The employee is a key staff member needed in the event of an emergency.~~
- ~~• The employee is away from access to traditional land-based phone service in their assigned work location at least 50% of his/her scheduled work hours.~~
- ~~• The employee is involved in frequent off hours/on-call activity.~~
- ~~• The nature of the employee's work is critical to the operation of the County and immediate response is required.~~

26.13.3 Procurement/Activation

Only the CIO or his/her designee in the Information Technology Department is authorized to contact the County's current cellular provider to procure/activate new or replacement cell phones. Other employees are prohibited from entering into cellular agreements with providers for County cellular devices.

26.13.4 Use

EXHIBIT A

~~A County issued cell phone should be used when:~~

- ~~• An employee must make a call related to County business,~~
- ~~• They do not have access to a regular County telephone, and~~
- ~~• The call cannot or should not wait until returning to the office.~~

County-owned cellular phones and other technological devices are intended for business purposes only. Such use is defined to be when an employee must make a call related to County operations, does not have access to a regular County telephone, and the call cannot or should not wait until returning to the office.

~~Personal calls are permitted, but are reimbursable to the County. Personal calls should be for the well being of the individual or his/her immediate family or for personal business that requires immediate attention and the employee cannot otherwise get to a regular telephone. Costs for personal calls along with all applicable charges must be reimbursed by the applicable employee to the County by the end of the month in which the detailed telephone bill is received. Cell phones with data access and internet/email capability are to be utilized for business purposes only and are subject to the applicable policies herein.~~

26.13.5 Review and Approval of Requests

Determining an employee's eligibility for a cellular device is at the discretion and authority of the department director. Department directors will be responsible for reviewing requests for technical devices, determining the funding sources, and making a determination regarding the request based upon the IRS and County business justification for a County issued cellular device. Furthermore, the department director is responsible for monitoring and ensuring that the employee's responsibilities continue to meet the specified requirements.

26.13.6 Cellular Phone Misuse

The Department Director shall monitor cellular phone use and charges. Any misuse of a County cellular phone will result in but is not limited to one or more of the following actions: requiring a phone log detailing all calls; loss of cellular phone; disciplinary actions up to and including termination.

The use of a cell phone while driving is not a requirement of Gaston County. Safety comes before all other concerns. It is recommended that employees stop their vehicle in a safe place to place or receive a phone call. Employees are discouraged from using a cell phone, hands on or hands free, while driving. This includes receiving or placing calls, text messages, surfing the Internet, receiving or responding to email, checking for phone messages, or any other purpose related to employment.

In North Carolina it is illegal to text while driving. Employees who are charged with traffic violations resulting from the use of a phone or personal electronic device while driving will be solely responsible for all liabilities that result from such actions. This includes both sending and reading received texts.

~~26.13.5 Giving Out Cell Phone Numbers- Section Removed~~

EXHIBIT A

~~The County discourages the disclosure of cellular telephone numbers to members of the public as the telephones are the property of the County and not of the employee. All incoming calls are discouraged unless the calls are part of the business operations of the employee and their respective Department Director specifically directs the employee to encourage incoming calls for such purposes.~~

26.13.7 Operation of Cell Phones

Employees that are required to be available by a County-provided cell phone as part of their job duties must maintain their cell phone in a useable and active status. Employees in possession of County cell phone are expected to protect the equipment from loss, damage, or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the device for return or inspection. Employees unable to present the device in good working condition within the time period requested may be expected to bear the cost of replacement. In the event that the County issued cellular phone and/or other technological device is lost or stolen, the responsible Department Director must be notified immediately. The IT department should be notified to have the cellular number disconnected. The employee may be responsible for reimbursing the County for any additional charges from the cellular phone company before another one is issued. If the loss or damage of the County issued cellular phone/wireless device is determined to be a result of employee negligence, the employee may be held responsible for the full cost of a replacement.

~~**26.13.6 Personal Cell Phones Used for County Business – Section Removed**~~

~~If an employee uses their personal cell phone to conduct County business, and in doing so incurs charges above their normal phone charges, the employee may request reimbursement from the County. Personal cell phone reimbursements must be approved by the employee's Department Director.~~

26.13.8 Separation of Employment

Upon separation, the County cell will be returned to the department.

EXHIBIT A

7.4 Paycheck Deductions

Pursuant to NCGS 95-25.8(2) employees must provide a written authorization for deductions or withholdings (other than taxes or other amounts empowered by law). If the deduction is for the benefit of the employer, then the employer cannot bring the employee below the minimum wage for the first 40 hours in a workweek. Repayment of wage advances or unpaid loans is not a deduction and do not require written authorization from the employee. All deductions to employees pay will occur on the regular pay cycle.

7.4.1 Final Paycheck Deductions Change to

Employees' final paycheck is subject to deductions allowable by law. This may include garnishments, payment in arrears, and deductions for equipment/clothing that was issued but not returned or damaged beyond use. Pursuant to NCGS 95-25.11(a) an employee's wages can be held without written authorization if criminal process has been issued against an employee, if the employee has been indicted, or if the employee has been arrested pursuant to NCGS Article 17, 20, and 32 of Chapter 15A for a charge incident to a cash shortage, inventory shortage, or damage to an employee's property. If the amount in dispute is equal to or more than the employee's final pay the employer may withhold all of the employee's wages.

At the time of termination, any repayments that are still owed for deductions, equipment, and uniforms will be recouped from last check or vacation payout.

7.4.2 Paycheck Reimbursements to an Employee– If an employee needs to be reimbursed due to an error, it will occur within two pay cycles of the original date that the reimbursement was discovered.

7.4.3 Employee Reimbursements to the County – If an employee owes money to the County, the employee may refund the money due to the County by either direct payment or payroll deduction. If an employee chooses to refund the County by direct payment it must be paid in one lump sum. If the employee elects payroll deductions all money due to the County must be refunded within four consecutive pay cycles.

******The above timeline for reimbursements and deductions will be adhered to unless otherwise written or formal approval is given by the Finance Director or Human Resource Director. ******

EXHIBIT A

Policy shall read as:

5.2 Residency Requirements

Gaston County residency will be required of the following positions:

- County Manager
- Tax Director
- Police Chief

Newly hired individuals in these positions will be given a reasonable time frame in which to relocate.

Removing - It is the intention of the County for all department directors to reside within the County. It is recognized that Gaston County is in a major metropolitan area, and competition for jobs is keen. The County seeks the most qualified applicants, therefore the County Manager is authorized to make an exception to the residency requirements only for directors whose primary work is the internal functioning of the County operations. Every effort should be made to select candidates who would reside in Gaston County. Jobs must have been advertised and unfilled for at least 90 days and a clear distinction in qualifications must exist before the manager can use this exception. In the event this exception provision is used, the County Manager shall furnish each Commissioner with an explanation of why a candidate was selected who required the use of the exception rather than candidates who would not require an exception. This policy shall also apply to any current employee who meets these criteria.

EXHIBIT A

11.1 Holiday Worked

Non-exempt full-time and part-time employees (not including half-time employees) required to work on regularly scheduled holidays shall receive additional compensation up to a maximum of eight hours multiplied by their hourly rate.

Requests for this pay are processed as a Personnel Action Form submitted by the requesting department to Human Resources. **Only those employees classified as Non-Exempt under the Fair Labor Standards Act are eligible for this allowance.**

Removing - Permanent employees including part-time permanent employees required to work on regularly scheduled holidays shall receive additional compensation up to a maximum of eight hours multiplied by their hourly rate.

EXHIBIT A

10.4

County employees are covered by the North Carolina Worker's Compensation Act. ~~Employees are required to report all injuries which arise out of or occur in the course of employment to their supervisor immediately.~~

Replacing with -- Every injured employee or his representative shall immediately on the occurrence of an accident, or as soon thereafter as practicable, give or cause to be given to the employer a written notice of the accident, and the employee shall not be entitled to physician's fees nor to any compensation which may have accrued under the terms of this Article prior to the giving of such notice, unless it can be shown that the employer, his agent or representative, had knowledge of the accident, or that the party required to give such notice had been prevented from doing so by reason of physical or mental incapacity, or the fraud or deceit of some third person; but no compensation shall be payable unless such written notice is given within 30 days after the occurrence of the accident or death, unless reasonable excuse is made to the satisfaction of the Industrial Commission for not giving such notice and the Commission is satisfied that the employer has not been prejudiced thereby.

EXHIBIT A

8. Acting Status

~~Employees, who are temporarily promoted to a position of a higher salary range and meet minimum qualifications for the position, will receive a 20% income authorization added to their regular earnings, or an amount which equals the minimum of the new salary range (whichever is higher). At no time shall the Acting Status pay exceed the actual pay of the position being filled at the time the position became vacant. This income is not permanent and is based on the length of assignment in the Acting Status capacity. Should the employee be permanently appointed to the position, the Acting Status income will be incorporated into the new pay rate when assigned a salary range.~~

~~Requests for the assignment of Acting Status are processed as a Personnel Action and are authorized through an Income Authorization. Similarly, pay for Acting Status ends with the deletion of these duties.~~

Employees, who are temporarily promoted to a position of a higher salary range and meet minimum qualifications for the position, will receive an income authorization added to their regular earnings, or an amount which equals the minimum of the new salary range (whichever is higher). The additional income authorization will be based on the following percentages:

- 20% for employees temporarily promoted to executive level positions (County Manager, Executive Leadership, County Attorney, or Clerk)
- 15% for employees temporarily promoted to department director level positions
- 10% for employees temporarily promoted to assistant department director level positions
- 7% for employees temporarily promoted to a position of a higher salary range than their own, yet not at the executive, department director, or assistant department director level

This income is not permanent and is restricted to the length of the assignment in the Acting Status. In normal circumstances, such an assignment shall last no longer than six (6) months. Assignments requiring longer than six (6) months will require the approval of the Director of Human Resources. Should the employee be permanently appointed to the position, the Acting Status income will end and the employee's new rate of pay will be determined by established Gaston County salary placement methods.

Requests for the assignment of Acting Status are processed as a Personnel Action Form, submitted by the requesting department to Human Resources. Final approval is determined by the Director of Human Resources.

EXHIBIT A

14. Clothing Allowance

Clothing Allowance is defined as an income authorization for certain employees within the Police Department, Sheriff's Office, and Building Inspections. Payment amounts will be bi-weekly, on the following schedule:

- County Police Personnel: \$32.00
- Sheriff's Office Personnel: ~~\$28.00~~ \$32.00
- Building Inspections Personnel: \$10.00

Requests for Clothing Allowance pay will be processed as a Personnel Action Form submitted by the requesting department to Human Resources. Clothing Allowance pay ends upon the employee no longer working in a capacity that requires this income authorization and will be similarly processed with a Personnel Action Form.



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Human Resources

Board Action

File #: 23-456

Commissioner Fraley - Human Resources - To Approve Revisions to the Gaston County Personnel Policy Manual Related to the Cell Phone Policy, Refunds/Reimbursements/Deductions Policy, Residency Policy, Holidays, Worker's Compensation, and Pay Plan for Acting Status Pay and Clothing Allowance Pay

STAFF CONTACT

Amia Massey - Human Resources Department - 704-866-3160

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

The current Personnel Policy was approved by the Board of Commissioners on July 1, 2010. The manual is reviewed periodically and updated and revised as necessary. All changes to the policy must be approved by the Board of Commissioners. Upon approval of this request, the Personnel Policy will incorporate the Cell Phone Policy, Refunds/Reimbursements/Deductions Policy, Residency Policy, Holidays, and Worker's Compensation and Revisions to the Pay Plan for Acting Status Pay and Clothing Allowance Pay

POLICY IMPACT

See attached for full details of proposed policies.

ATTACHMENTS

Resolution; Exhibit "A"

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I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

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|----------|------------|----|----|--------|------------|---------|--------|----------|----------|---------|------|
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