



RESOLUTION TITLE: TO APPROVE REVISIONS TO THE GASTON COUNTY PERSONNEL POLICY MANUAL RELATED TO HOLIDAY PAY, JOB POSTINGS, NEPOTISM, WORK CLASSIFICATIONS, PROBATION, DISCIPLINE, UNPAID STATUS, DONATION OF LEAVE, AND DRUG TESTS, TO APPROVE A NEW TOBACCO POLICY TO COMPLY WITH THE BOC'S TOBACCO RULE, AND TO APPROVE CHANGES TO THE COUNTY'S PAY PLAN CONSISTENT WITH POLICY CHANGES

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, a new Tobacco Policy in order to comply with the Board of Commissioner's Tobacco Rule that is effective July 1, 2020 has been written; 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 July 1, 2020.

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	JBrown	AFraley	BHovis	TKeigher	TPhillbeck	RWarley	Vote
2020-161	06/23/2020	CB	AF	A	A	A	A	A	A	A	U

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5.3 Announcing Vacancies

5.3.1 Internal Posting

At Department Director discretion, vacant positions may be posted internally for a period of not less than 7 calendar days. If an internal candidate is not identified and hired, the vacancy will be posted to the public.

To comply with Administrative Code revisions made by the Office of State Human Resources and approved by the Rules Division of the NC Office of Administrative Hearings to be effective September 1, 2019.

5.3.2 Public Posting

The general public shall be notified of job vacancies through the posting of job announcements on with the public bulletin board outside the Human Resources Department and by the listing these positions with the NC Division of Employment Security Commission and on the County website (www.co.gaston.nc.us, www.gastongov.com) for a period of not less than 7 calendar days.

Department Directors are required to ensure all employees have access to both internal and public job announcements and opportunities to apply.

All job announcements at the minimum will include the title, salary range, duties, knowledge and skill requirements, minimum training and experience standard, closing date, and contact person for each position to be filled.

Posting is not required when an agency head determines it will not openly recruit based upon a business need for vacancies:

- That are committed to a budget reduction;
- Used to avoid a reduction in force;
- Used for disciplinary transfers or demotions;
- To be filled by transfer of an employee to avoid the threat of bodily harm;
- That must be filled immediately to prevent work stoppage in constant demand situations, or to protect the public health, safety, or security;
- To be filled by a legally binding settlement agreement;
- To be filled in accordance with a pre-existing written agency workforce plan; or
- That must be filled immediately because of a widespread outbreak of a serious communicable disease.

Recruiting to fill vacant positions shall continue through a specific closing date. All applications postmarked received by midnight on this closing date will be accepted. In the event that an insufficient number of applications are available to form a reasonable selection pool, the closing date may be extended at the discretion of a Department Director. All eligible applications meeting the minimum requirements shall be considered before a final hiring decision is made.

The County is not required to accept applications for positions that are not vacant.

To comply with Administrative Code revisions made by the Office of State Human Resources and approved by the Rules Division of the NC Office of Administrative Hearings to be effective September 1, 2019 and to correct technical errors.

5.4 Filing Applications

All applications must be made on forms provided by the Human Resources Department and must be received by midnight on the closing date specified in the announcement. All applications shall be signed by the applicant attesting to the truth of all statements contained in the application forms. The County is not required to accept applications for positions that are not vacant.

To comply with Administrative Code revisions made by the Office of State Human Resources and approved by the Rules Division of the NC Office of Administrative Hearings to be effective September 1, 2019.

5.9 Nepotism

Relatives of County employees may be employed in any position in any department provided neither employee will be under the direct or indirect supervision of the other or neither member will occupy a position that has influence over another member's employment, promotion, salary administration, or other related management or personnel considerations. This includes employment on a permanent, temporary, or contractual basis. A related employee is an employee's spouse, mother, father, guardian, child, sister, brother, grandparent, grandchild, and all combinations of half, step, in-law, and adopted relationships.

In the event of employees marrying, or of a promotion resulting in the direct or indirect supervision of a County employee by another employee to whom they are related, one of the employees shall be transferred to another position within the County service within 90 days of the appointment of the supervisory employee. At the end of the 90 days, if a suitable position within the County is not secured, one of the employees may be discharged.

To comply with Administrative Code revisions made by the Office of State Human Resources and approved by the Rules Division of the NC Office of Administrative Hearings to be effective September 1, 2019.

6.1 Definitions

- **Full-time Status:** The appointment of an employee to a position which, on a continuing schedule, requires the employee to work 30 hours or more per week.
- **Part-time Status:** The appointment of an employee to a position which, on a continuing schedule, requires the employee to work less than 40 hours per week or 2,080 hours per year between 20 and 30 hours per week.
- **Half-time Status:** The appointment of an employee to a position which, on a continuing schedule requires the employee to work 19 hours per week or less.
- **Permanent Status:** The appointment of a full-time or part-time employee who has successfully completed their probationary period. As the term implies, a permanent appointment is of indefinite duration, depending upon: termination for just cause, funding for the position, or a Reduction in Force. A permanent employee is one who has completed probation and been granted permanent status.
- **Probationary Status:** The initial appointment of all County employees with the exception of those appointed to a temporary position, as defined below.
- **Trainee Status:** The appointment of an employee to a position conditioned upon their completion of an approved training plan. (See Trainee Status section.)
- **Temporary Status:** The appointment of an employee to a position of limited duration.

8 Probationary Period

The probationary period is an essential extension of the selection process and provides the time for effective adjustment of the new employee or the discharge of those whose performance will not meet acceptable standards.

8.1 Definition

A period of 9 months of service in a position to which an employee has been appointed shall constitute the probationary period. For Law Enforcement Officers, Tele-communicators, Building Inspectors, and employees of Gaston Emergency Medical Services, this period shall be 1 year. The probationary period may be extended for any employee whose training requires a greater than 9 month period provided they are notified of the probationary period at the time of hire. A probationary period shall be required for the following:

- Individuals receiving original appointments to permanent positions.
- Employees accepting a position in a different agency in the same county or in another county including those who have already achieved career status.
- Individuals being rehired following a 31 day break in service if:
 - The essential duties and responsibilities of the position into which the employee is being hired are significantly different from those of the position held at the time the employee left; or
 - In the judgment of the employing agency, a new probationary period is justified based on previous employment history and the specific reasons for the new probationary period are communicated to the employee in the job offer.

Employees with career status who serve a new probationary period shall be returned to career status following successful completion of the new probationary period.

To comply with Administrative Code revisions made by the Office of State Human Resources and approved by the Rules Division of the NC Office of Administrative Hearings to be effective September 1, 2019.

8.2 Discharge During Probationary Period

At any time during the probationary period an employee may be separated from service for causes related to performance of duties or for personal conduct detrimental to the agency without right of appeal or hearing. The employee must be given notice in writing of the effective date of discharge, including reasons. ~~The appointing authority can determine the services of an employee have been unsatisfactory that employee may be discharged from their position without the right of appeal or hearing. The appointing authority shall notify the employee in writing as to the effective date of discharge.~~

To comply with Administrative Code revisions made by the Office of State Human Resources and approved by the Rules Division of the NC Office of Administrative Hearings to be effective September 1, 2019.

9.1 Promotions

~~A promotion is a personnel action which results in an increase in pay when a pre-defined qualification for the increase has been met such as certification, education or experience. All other movement is subject to either the re-classification or hiring policy an advancement from one position to another with a higher salary grade. Selection for promotion shall be based upon demonstrated capacity and quality of work. The candidate must possess the minimum training and experience for the classification. Promotions do not require a new probationary period. In cases where an employee is promoted during their probationary period the employee's probationary period shall continue for the duration of the defined probationary period.~~

To comply with Administrative Code revisions made by the Office of State Human Resources and approved by the Rules Division of the NC Office of Administrative Hearings to be effective September 1, 2019.

9.2 Demotions

Employees who are demoted one grade will have a reduction in salary of a minimum of 3.3%. Great reductions must be approved by the Human Resources Director. If a demotion results in a greater than one grade change, The new salary must be approved by the Human Resources Director. Employees shall be advised of how and to what extent the demotion will affect their salary rate or pay grade.

Modified due to the fact there is no longer a 3.3% difference between all of our pay ranges.

11.1 Holiday Pay

Employees in unpaid status at any time during the week in which the holiday occurs, are not eligible for holiday pay. Holidays shall be compensated on the basis of the employee's standard work day up to a maximum of eight hours.

Employees who are scheduled to work a holiday and call in sick will not be paid holiday pay. Sick leave must be used to cover the absence.

To tighten up procedures on how to fill out time sheets when an employee calls in sick on a holiday.

11.1 Holiday Pay

Permanent employees including part-time permanent employees required to work on regularly scheduled holidays shall receive additional compensation equivalent to up to a maximum of 8 hours multiplied by their hourly rate.

To eliminate a separate holiday pay incentive for Part-time employees and pay them in accordance with the Holiday Pay policy.

11.4 Calculating Leave for Part-Time Employees

Holiday Leave, Annual Leave, and Sick Leave earned by permanent part-time employees scheduled to work at least 20 hours a week, or 1,040 hours a year, but not more than 29 hours a week or 1,508 hours a year and less than 40 hours a week, or 2,080 hours a year, shall be determined on a pro-rated basis in accordance with the following calculation:

- 1) The number of hours scheduled to be worked by such employees shall be divided by the number of hours in the basic workweek;
- 2) The number obtained in Step One shall be multiplied by the number of hours of leave earned annually by employees working the basic workweek; and,
- 3) The number of hours obtained in Step Two, after rounding to the nearest hour, shall be the amount of leave earned annually by the employees concerned.

Employees who work 30 hours per week or 1,560 hours per year shall be considered full-time and shall accrue benefits at the rate of full-time employees.

Part-time employees who work less than 20 hours per week or less than 1,040 per year receive no leave benefit.

11.13 Unpaid Status

Unpaid status is any period of time in which an employee is not being paid though Gaston County Payroll.

Employees in unpaid status (including but not limited to suspension without pay, unpaid FMLA, Workers Compensation or unpaid Military Leave) will not accrue Annual or Sick Leave. Employees in unpaid status are not contributing to the Retirement System.

For employees on unpaid Military Leave, Gaston County is required to pay the employer and employee contributions to the retirement system for the full period of your military service up to 5 years if you return to work within two years after your earliest military discharge date and meet the following requirements:

- You were an eligible LGERS member when you entered active duty, and;
- You returned to employment for 10 or more years with the same LGERS employer after discharge from the military, or
- You returned to LGERS membership service within the time limit mandated by federal law for reporting back to work and meet all of the following requirements:
 - You did not provide written notice of intent not to return to work after military service.
 - You are not eligible for benefits from any other retirement plan based on this service.

You purchased your LGERS withdrawn service credit, if any.

To clarify unpaid status as it relates to accruals and the retirement system.

11.14 Donation of Leave

When an employee is in need of sick leave due to exhaustion of all leave while on FMLA, other employees may donate sick leave to the employee in need. Sick leave may be donated when a serious illness/injury has occurred. The Shared Sick Leave Form must be used to donate sick leave. Receipt and donation of shared leave is subject to the following provisions:

- Regular full-time employees donating sick or annual leave must have a minimum combined total of 160 sick leave and/or annual leave hours remaining after the donation.
- Part-time employees must have a minimum of 80 sick or annual leave hours remaining after the donation.
- ~~An employee may not donate more than 24 hours per pay period per recipient.~~
- An employee may not donate more hours than are needed by a recipient.
- Donated leave will be deducted from the donating employees sick leave balance and added to the receiving employees sick leave balance. Unused donated leave will not be deducted from the donating employee's leave.
- An employee who is leaving employment with Gaston County may donate all of their sick leave to an employee currently qualified to receive it or to the shared Emergency Leave Pool. (Employees leaving to take other jobs that are in the NC Retirement System are encouraged to check with their new employer to see if all or some of their sick leave accrual is transferable.)
- If an employee exhausts their benefit accrual and receives a subsequent sick leave donation, they will be returned to pay status on a current basis.

Employees wishing to donate sick leave to another employee should first gain written approval from their Department Director. The name of the donor will not be released to the recipient without the written approval of the donor.

To allow employees to donate as much leave as they want provided they maintain the minimum balance and to allow them to donate it upon separation from the County.

15.11 Confirming Positive Drug Tests Results

Following a positive result on an initial drug test, the employee has 90 days to request a confirming test of the same sample at the lab of their choice. The employee will remain on Administrative Leave (with pay) while waiting for results of a confirming drug test.

The use of CBD oil will not be considered a valid defense for testing positive for THC.

To address the growing use of CBD oil which is unregulated and may contain THC.

23 DISCIPLINARY ACTIONS

The steps involved in the disciplinary process are a written warning, suspension without pay, demotion and, if necessary, discharge. Such disciplinary actions may only be taken for just cause. In serious cases In matters of gross inefficiency and misconduct, an employee may be suspended, receive a written warning, or be discharged without any prior corrective or disciplinary action. In matters of unsatisfactory job performance, employees must receive at least one prior disciplinary action prior to demotion or suspension without pay. Prior to discharge for unsatisfactory job performance an employee must receive at least two prior disciplinary actions. While supervisory personnel shall initiate and be responsible for documenting corrective actions, only a Department Director may suspend or discharge an employee.

To comply with Administrative Code revisions made by the Office of State Human Resources and approved by the Rules Division of the NC Office of Administrative Hearings to be effective September 1, 2019.

23.1.2 Misconduct

- Conduct that constitutes a violation of State or Federal law;
- The willful violation of work rules/policy;
- The abuse of client(s), patient(s), or person(s) over who the employee has charge or to whom the employee has a responsibility, or of an animal owned or in the custody of the agency;
- Absence from work after all authorized leave credits and benefits have been exhausted;
- Failure to maintain or obtain credentials or certifications;

To add to our list of examples of Misconduct to comply with Administrative Code revisions made by the Office of State Human Resources and approved by the Rules Division of the NC Office of Administrative Hearings to be effective September 1, 2019.

23.2.1 Written Warning

It places responsibility for corrective action(s) on the employee and is intended to provide formal notice of the County's expectations. A Written Warning shall:

- Inform the employee that it is a written warning;
- Be specific about what the behavior is;
- Explain why the behavior is a problem;
- Be specific about what changes are expected;
- Set a deadline for when you expect the changes to be made or be complete; and
- Include the consequences of failing to make the required corrections.

To comply with Administrative Code revisions made by the Office of State Human Resources and approved by the Rules Division of the NC Office of Administrative Hearings to be effective September 1, 2019.

23.2.2 Suspension Without Pay

Suspension is a temporary removal of an employee from duty without pay, by the Department Director on the basis of either unsatisfactory or grossly inefficient work performance or misconduct.

- An employee may be suspended without pay for unsatisfactory work performance after the employee has received at least one prior disciplinary action.
- An employee may be suspended without pay for grossly inefficient job performance without any prior disciplinary action.
- An employee may be suspended without pay for misconduct without any prior disciplinary action.

To comply with Administrative Code revisions made by the Office of State Human Resources and approved by the Rules Division of the NC Office of Administrative Hearings to be effective September 1, 2019.

23.2.4 Demotion

Any employee may be demoted as a disciplinary measure. Demotion may be made on the basis of either unsatisfactory or grossly inefficient work performance or misconduct.

- An employee may be demoted for unsatisfactory work performance after the employee has received at least one prior disciplinary action.
- An employee may be demoted for grossly inefficient job performance without any prior disciplinary action.
- An employee may be demoted for misconduct without any prior disciplinary action.

As noted in Policy 9.2 employees who are demoted will have a reduction in salary. The new salary must be approved by the Human Resources Director. Employees shall be advised of how and to what extent the demotion will affect their salary rate or pay grade.

Prior to a demotion, the employee must have a pre-disciplinary conference. Employees will receive written notice of the reason for the conference prior to the conference. Employees will have the opportunity to respond to the written notice during the conference. No attorneys or other third parties may be present to represent supervisory staff or the employee. Security personnel may be present when, in the opinion of the person conducting the conference, a need for security exists.

The employee must be notified of their rights to appeal.

To add to Policy 23 Disciplinary Actions to comply with Administrative Code revisions made by the Office of State Human Resources and approved by the Rules Division of the NC Office of Administrative Hearings to be effective September 1, 2019. Demotion policy was previously in Policy 9 Promotions and Demotions.

23.2.5 Discharge

Discharges may only be made by Department Directors, in consultation with Human Resources and the County Attorney.

In order to be discharged for a current incident of unsatisfactory job performance, an employee must first receive at least two prior disciplinary actions including notification that failure to make the required performance adjustments may result in discharge.

To comply with Administrative Code revisions made by the Office of State Human Resources and approved by the Rules Division of the NC Office of Administrative Hearings to be effective September 1, 2019.

23.2.6 Employee Appeal for Suspensions, Demotions, and Discharges

The Employees who have appeal right with the Personnel Commission shall have ~~has~~ three business days from the date of written notice of the action to notify their Department Director in writing of intent to appeal. The notification must include the basis for appeal. Employees who are qualified for appeal rights with the Office of State Human Resources (Office of Administrative Hearings) or Civil Service may appeal ~~directly to the appropriate agencies, but have no right to appeal to the Gaston County Personnel Commission.~~ as defined in G.S. 126-1.1 shall have 15 calendar days from the date of written notice of the action to appeal. Employees who are qualified to appeal to the Civil Service Board shall have 5 working days from the date of written notice of the action to appeal directly to the Civil Service Board. Employees with appeal rights to the Office of State Human Resources or the Civil Service Board have no right to appeal to the Gaston County Personnel Commission.

To comply with Administrative Code revisions made by the Office of State Human Resources and approved by the Rules Division of the NC Office of Administrative Hearings to be effective September 1, 2019 and define the appeal period for those who appeal to the Civil Service Board.

29 TOBACCO USE

29.1 Description

Gaston County recognizes the health risks associated with tobacco use and secondhand smoke and aerosol for non-users. Gaston County is committed to providing a safe work environment for employees, volunteers, contractors, and the public and seeks to promote healthy environments in all of its buildings, parks, and vehicles. The Gaston County Board of Commissioners has passed an ordinance prohibiting the use of tobacco products in local government buildings, grounds, vehicles, parks and indoor public places.

29.2 Definitions

29.2.1 Electronic Cigarette or E-cigarette

An electronic oral device that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution or any other substance, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.

29.2.2 Smoking

The use of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product including Electronic Cigarettes.

29.2.3 Tobacco or Tobacco Product

Any product containing or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, or ingested by any other means, including but not limited to cigarettes; e-cigarettes; cigars; little cigars; snuff; and chewing tobacco. A tobacco product excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose. Electronic Cigarettes are also considered to be a Tobacco Product.

29.3 Tobacco Use Prohibited

The use of all tobacco or tobacco products, is prohibited in local government buildings, grounds, vehicles, parks and indoor public places.

Tobacco use is prohibited along any path-way or walk-way leading to entrances of County buildings.

In instances where County buildings are not on County owned property, tobacco use is prohibited within a 50 foot radius of the building.

29.4 Smoking Areas

Gaston County no longer provides smoking areas for employees or members of the public.

29.5 Tobacco Cessation

Gaston County will provide programs and assistance to the extent of its ability to help employees quit tobacco use.

29.6 Policy Violations

Violation of the tobacco use policy will be considered misconduct as defined in this policy manual and subject to disciplinary action.

To comply with the BOC's Tobacco Rule.

GASTON COUNTY PAY PLAN

FY 2020-2021

PREFACE

The policies, procedures, classifications, and pay rates as identified within the Gaston County Pay Plan apply to all county departments and agencies, except as noted.

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Fiscal Year: July 1, 2017 through June 30, 2018

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SECTION I: COMPENSATION POLICY

The primary objective of the compensation policy of Gaston County is to ensure that wages and salaries paid to its employees are externally competitive, internally equitable, and linked to the organization's goals and objectives. The level of pay is based on the County's financial ability to pay, its fiscal policy, and local prevailing rates. Gaston County is required to comply with the Fair Labor Standards Act. County policies are intended as a supplement or an enhancement of F.L.S.A. and should contradiction occur; the F.L.S.A. will take precedence over County policy.

A. PAY PLAN

The Gaston County Pay Plan includes an alphabetical list of classifications, salary ranges assigned to the classifications; and rules and procedures for salary administration.

B. COVERAGE

All employees, regardless of budget status, are covered by the Pay Plan Provisions and Pay Administration Procedures and are deemed to be employed under merit principles. However, certain employee pay rates are set by the separate actions of the Board of County Commissioners, State of North Carolina, or otherwise provided in absence of the pay schedule. Those classifications and/or positions that are covered under the County Pay Plan but are exempt from the pay administration procedures are as follows:

There are none at this time.

C. COMPENSATION

1. Calculation

All salary ranges represent the minimum and maximum base compensation for a given classification. Official payroll computations for non-exempt employees are based on an hourly rate (calculated to four decimal places). Exempt employees are paid on a salary basis.

2. Pay Periods

All employees are paid on a biweekly basis representing twenty-six (26) pay periods in a calendar year.

3. Time Keeping

All non-exempt employees must complete a time sheet for each pay period that indicates total hours worked and any variations or exceptions to their regularly scheduled work week for each pay period. Exempt employees complete time sheets only when there is an exception to their regular salary; as an example, when taking annual leave, sick leave, or when a paid holiday occurs in the pay period. All time sheets must be signed by the employee and approved by the appropriate level of supervisor or manager or director. The timesheets are to be turned into the Finance Department.

D. WORK WEEK HOURS

All Salary Ranges in the Pay Plan are established on the basis of a forty (40) hour work week, unless otherwise noted. The majority of classifications in the County service are assigned to a forty (40) hour work week and this is considered their regular working hours. Classifications designated as "exempt" under the Fair Labor Standards Act (FLSA) are required to work varying schedules as necessary to accomplish the required work. The majority of these positions will work a forty (40) hour work week, but if more than forty (40) hours are required, overtime compensation provisions shall not apply.

For the period of July 1, 2020 until June 30, 2021 the work week for all County employees shall be from 12:01 A.M. Saturday to 12:00 P.M. (midnight) the following Friday. The work week as defined shall be the basis for determining overtime compensation, except for those employees engaged in law enforcement activities that may be assigned other work schedules authorized under the FLSA.

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E. PAY STATUS

Pay status shall be defined as that period of time when the employee is actually working, when they are utilizing annual leave, sick leave, or other authorized paid leave. ~~or when they are being paid under workmen's compensation.~~ An employee in non-pay status shall not earn or accrue any leave, retirement credits, or other benefits with the exception of employees on authorized leave without pay under the provisions of the Family Medical Leave Act, who will continue to receive medical insurance benefits. To be in pay status, the employee must have actually worked or been on authorized paid leave. ~~or under workmen's compensation.~~ An employee occupying an allocated permanent full-time position shall be in pay status and accrue all eligible benefits. ~~depending on the actual hours worked.~~ An employee occupying an allocated permanent part-time position shall be in pay status and accrue eligible benefits on a prorated basis depending on the actual hours worked. An employee is not in pay status after their last day of work when separated because of resignation, retirement, death, dismissal, reduction in force, or when beginning an approved leave of absence without pay.

All requests for leave without pay are submitted to, and must be approved by the employee's department director.

F. OVERTIME COMPENSATION

For all non-exempt employees, the calculation of overtime hours worked, or portions of hours worked, shall be in accordance with prevailing Fair Labor Standards Act requirements. All non-exempt employees serving in eligible positions will receive one and one-half times their regular hourly rate of compensation for work performed in excess of the standard work week or work period as defined by the Fair Labor Standards Act. Gaston County's Comp time policy provides that any non-exempt employee may request the substitution of time and one-half off for hours of overtime worked by signing and submitting an agreement to voluntarily do so. Once the agreement is accepted, the employee is locked into the agreement for at least thirteen (13) pay periods and a maximum of 160 overtime hours at time-and-one-half for a total of 240 hours. For the purpose of defining and computing overtime, **authorized or unauthorized absences from duty shall not be considered as time worked.** Actual time worked, including actual time spent on jury duty, is considered as time worked.

The work week as defined in section D shall be the basis for determining overtime compensation, except for those employees engaged in law enforcement. Employees engaged in law enforcement activities may be assigned other work schedules authorized by the Fair Labor Standards Act. The rules for computing a law enforcement employee's overtime compensation are the same as those applied to all other non-exempt employees except that the term **work period** should be substituted for the term **work week**.

SECTION II: GENERAL SALARY ADMINISTRATION PROCEDURES

A. ORIGINAL APPOINTMENT

Original appointment shall be defined as the first appointment to the County service, regardless of employment status (full-time, part-time, seasonal, temporary, etc.).

The entrance salary or hourly rate for new employees shall be at the minimum of the salary range for the position's classification, with the following exceptions:

1. Appointment Above Minimum: In certain circumstances, and based upon the County's needs and the applicant's qualifications for a position, the recruitment and employment of individuals may require initial rates of

pay to be above the minimum of a salary range. ~~The department director may authorize appointments up to the midpoint of the salary range with written notification to and approval by the Director Human Resource Department. A request above the midpoint must be submitted to the Director Human Resource Department and have prior authorization from the County Manager or their designee. All salary offers above the minimum shall be approved by the Human Resources Department.~~

2. Appointment Below Minimum: An exception to the appointment at the minimum of the salary range is provided to recognize approved trainee programs in selected classifications. Salary increases necessary to advance the trainee to the minimum of the salary range shall be based on a defined performance and training or certification criteria and/or specific time intervals. Pay increases may be granted at specific time intervals based on satisfactory completion of specified training requirements, however, there will be no permanent employee evaluation date established during the trainee period. An employee may not remain on a trainee appointment beyond the time they meet the specific requirements for the class. After the employee has successfully completed all educational and experience requirements for the class they shall either be given permanent status in the position and a new employee performance evaluation date is established; or shall be terminated. ~~All trainee programs and appointments must have the prior approval of the Director of the Human Resource Department. Under no other circumstances shall an employee's salary fall below the minimum of the range for the employee's job class.~~

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While in training status, an employee's base rate may be advanced due to 1) the successful completion of a major portion or all of the required training according to specified time intervals, and/or 2) general wage adjustments (i.e. COLA) as authorized by the Board of County Commissioners. However, while in training status, an employee's base rate shall not be advanced to the minimum of the salary range for the class (except as provided in Sec. II, B, Promotion). When an employee completes a trainee program, the employee is advanced to the minimum of the new salary range.

B. PROMOTION

~~Promotion shall be defined as an increase in pay when a pre-defined qualification for the increase has been met such as certification, education or experience advancement from one position to another with a higher salary grade.~~

Trainee: Promotions which require the employee to work as a trainee, because they do not yet fully meet the minimum qualifications for the position, shall result in placement in the trainee progression according to the employee's educational and training qualifications. The employee is not considered promoted until the training period is completed even though there may be a salary change when entering the trainee progression and during the training period. **Once the training period is completed, the employee's salary is advanced according to the pre-defined promotion plan or as determined by the Human Resources Director and the Department Director.**

Employees accepting a Promotion will have to serve a new probationary period with the exception of employees who are promoted from a non-law enforcement position to the position requiring law enforcement certification, which requires a one-year probationary period, which only covers due process and not benefits.

C. RECLASSIFICATION

A reclassification is a personnel action which may increase, decrease, or otherwise change a position's salary range, classification title, and/or duties and responsibilities. This action may be the result of changes in the actual job responsibilities and duties assigned as required by management, a budgetary reduction in force, new or eliminated services or functions through reorganization, or other factors.

When the salary range of a position is changed due to an increase or decrease in duties and responsibilities, the incumbent's pay rate will increase or decrease by ~~3.3% for each salary range~~ an amount determined by the Human Resources Department. The employee retains their permanent status.

D. DEMOTION

Demotion is the appointment of an employee to a new position with decreased responsibility and pay. ~~Employees who are demoted will be demoted by a minimum 3.3% when it is a one ranged demotion. If a demotion results in a greater than one range change, the new salary must be approved by the HR Director. The employees' new pay rate will be determined by the Human Resources Department.~~

E. TRANSFER

A transfer is defined as the lateral movement of an employee from one position, in a given classification and salary range, to another position in the same or similar classification and salary range. The transfer may be within a department (intra-departmental) or between departments (interdepartmental). In all transfers the employee's range, permanent status, performance evaluation date, and benefits remain the same.

In situations where an employee is newly appointed to the county service, but is coming from another city, county, or other State Retirement System agency, the employee's sick leave balance will be transferred from that agency to Gaston County upon receipt of a written certification of sick leave balance from the previous employer. For sick leave to be transferred, the new employee must be considered as a transfer by the State Retirement System. If the new employee has elected to withdraw their retirement contributions prior to employment with Gaston County, then the transfer of sick leave balances is prohibited. Accumulated annual leave and length of service credit for longevity pay is not transferable from other cities, counties, or State of North Carolina agencies.

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F. SALARY ADJUSTMENTS

1. Pay for Performance

Salary advancement within a job classification's salary range shall be based solely on the basis of merit and not the passage of time. Permanent employees (both full-time and part-time employees working a regularly recurring schedule in a position) are eligible for a merit increase regardless of the number of hours worked.

The performance evaluation date is established as ~~the date of original date of hire.~~ October 1st through December 15th.

~~**NOTE** an employee's performance evaluation date is not adjusted for an absence classified under Worker's Compensation. In addition, an employee that is being paid under Worker's Compensation continues to accrue sick leave and earn annual leave benefits.~~

An employee's salary cannot be raised by merit or market adjustments to exceed the maximum salary rate for the salary range assigned to the employee's job class. In those circumstances, employees will receive a lump sum payment in lieu of a base pay increase.

2. Pay Plan Adjustments

All increases in an employee's pay shall be based on performance. However, as part of the County's Performance Management System, external wage and salary surveys will be conducted periodically to ensure the competitiveness of the County's salary structure. Based upon these wage and salary surveys, the County's ability to pay, and County pay policy, a general adjustment in employee wages and salaries and/or an adjustment in salary ranges may be authorized by the Board of County Commissioners. An employee's pay rate may be affected by a change in salary ranges in the Pay Plan.

When pay adjustments are recommended to and approved by the Board of County Commissioners, each eligible employee's pay rate shall be advanced by an amount as determined by the Board. However, if the employee's pay rate remains equal to or is greater than the new adjusted maximum rate of their salary range, they will receive a lump sum payment equal to the approved percentage based on their regular base pay. An employee's employment status or performance evaluation date is not affected by a pay scale adjustment.

The maximum pay rate for a given salary range is the maximum rate of pay which can be allocated to an employee, excluding income authorizations. Once the employee reaches the maximum rate in their respective salary range, additional increases in the rate is based only on pay scale adjustments to the salary range for the classification.

G. ADDITIONAL COMPENSATION / INCOME AUTHORIZATIONS

1. Lead Worker

Lead Worker is defined as an income authorization for an employee in a particular position in an organization for the performance of limited supervisory related duties not normally associated with the position's classification. A Lead Worker generally performs the same or similar tasks as other employees in a given job classification. **Lead Worker authorization is applicable only to job classifications which are classified as non-supervisory.** Those positions and/or employees designated as Lead Worker shall receive a three (3%) percent income authorization added to their regular earnings. However, the pay rate paid to the employee will not change.

Requests for the assignment of Lead Worker are processed as a Personnel Action and are authorized through an Income Authorization. Similarly, pay for Lead Worker ends with the deletion of these duties. **Only those employees classified as Non-Exempt under the Fair Labor Standards Act are eligible for this allowance.**

2. Field Training Officer

Field Training Officer (FTO) pay is defined as an income authorization for certain employees in the public safety classifications only. The income authorization is not permanent and is based on the length of assignment as a trainer. Employees assigned to this function serve as on-the-job trainers of probationary public safety (Trainees). Those employees designated as FTO's shall receive a five (5%) percent income authorization added to their regular earnings. The employee's pay rate will not change.

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

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3. Longevity

In addition, other compensation for longevity of service will be provided to those full-time and permanent part time County employees who: 1) were employed prior to October 24, 2002 (per BOC Resolution 2002-337); 2) have at least eight (8) years of continuous uninterrupted service and; 3) are employed by Gaston County on the last payday of the fiscal year. Longevity pay will be issued to eligible employees following the adoption of the annual budget. **Board resolution 2002-337 terminated Longevity pay for all employees hired after 10/24/2002. Employees who were eligible for longevity but who terminated employment with Gaston County for any reason and then were re-hired after 10/24/2002 will not be eligible for Longevity.**

Years of Service	Percentage of Actual Salary
At least eight but less than eleven	1.50
At least eleven but less than fourteen	2.50
At least fourteen but less than seventeen	3.50
At least seventeen but less than twenty	4.50
Twenty or more years	5.00

4. Certification Pay

Employees in certain classifications, as designated by the Department of Human Resources and approved by the County Manager, are eligible for additional compensation based on attaining and maintaining a specific level of certification related to their job classification. The actual amount of compensation is determined by the Department of Human Resources on the basis of the classification and is paid annually in a lump sum on the anniversary of the employee's certification date. If an employee is promoted or demoted to a classification not authorized certification pay, the additional income authorization shall cease as of the date of the classification change.

5. Travel Expenses

All employees are eligible to receive a specified mileage allowance when using a private vehicle for official business and reimbursement of travel related expenses. Specific guidelines are set forth in the County Travel Policy. In addition, new professional level employees may receive reimbursement for relocation expenses upon the approval of the County Manager as authorized by the Board of County Commissioners Resolution #89-99, effective May 1, 1989.

6. Tool Allowance

Employees in classifications designated as trades or maintenance categories, and who are required by their department or the County to provide their own hand and/or power tools, are eligible for an income authorization for an annual tool allowance of \$1,040.00, which is paid on a biweekly basis (\$40.00 for twenty six pay periods). The required list of tools is determined and maintained by the employee's department and approved by the County Manager. Tool allowances are treated as income authorizations and are not considered part of the employee's base rate. Employees receiving tool allowances are responsible for replacing any lost, stolen, or damaged tools at their own expense. **Only those employees classified as Non-Exempt under the Fair Labor Standards Act are eligible for this allowance.**

7. K-9 Allowance

Employees in the Police Officer and/or Police Supervisor classifications that are trained and assigned the responsibility for caring, handling, and operating with a department canine animal shall receive an additional five (5%) income authorization added to their regular earnings for such an assignment. This income is not permanent and is based on the length of assignment as a K-9 officer. This income authorization is to comply with existing Federal Fair Labor Standards Act requirements. The hourly rate paid to the employee will not change.

Requests for the assignment of K-9 are processed as a Personnel Action and are authorized through an Income Authorization. Similarly, pay for K-9 ends with the deletion of these duties.

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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 ~~7%~~ 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. ~~An employee's performance evaluation date is not affected by serving in an Acting Status role. If, however, the employee is permanently appointed to the new position, the performance evaluation date will~~

be changed retroactive to the date of appointment to Acting Status. The base pay rate paid to the employee will be changed to a step the equivalent of the employee's previous current pay rate plus the 7% without a reduction in pay.

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.

9. Law Enforcement Incentive

Sworn law enforcement personnel in the Sheriff's Department and Animal Control Division, that complete Basic Law Enforcement School and function in the capacity of a sworn law enforcement officer, are paid an annual educational pay incentive according to the following schedule (the amount paid is not cumulative):

<u>Amount</u>	<u>Type of Certification or College Degree Attained</u>
\$ 120.00	State Intermediate Law Enforcement Certificate
\$ 600.00	State Advanced Law Enforcement Certificate
\$1,000.00	Associates Degree
\$2,000.00	Bachelors Degree

Sworn law enforcement personnel hired by the County Police Department after July 1, 1984 are not eligible for the above certifications, with the exception of the State Advanced Law Enforcement Certificate. This policy is based on 1) the setting of a minimum education standard of a Bachelors Degree from an accredited institution as approved by the Human Resources Department for newly hired Police Officers & 2) the starting pay rate for a Police Officer is higher than law enforcement officers employed by the Sheriff Department & Animal Control Division. The incentives supplements are paid based on the highest level attained and are not cumulative. The incentive supplements will be prorated as of July 1st based on the remaining pay periods of the fiscal year when the certificate of degree is conferred.

10. Protective Services Pay

Employees in the Department of Social Services assigned to Protective Services classifications (Social Worker I, Social Worker II, or Social Worker III) which are non-supervisory shall receive an additional five (5%) income authorization added to their regular earnings for the duration of such an assignment. This income is not permanent and is based on the length of assignment to Protective Services. The hourly rate paid to the employee will not change.

Requests for the assignment of Protective Services Pay are processed as a Personnel Action and are authorized through an Income Authorization. Similarly, pay for Protective Services ends with the deletion of those duties.

SECTION III: SALARY ADMINISTRATION PROCEDURES

A. WAGE SCALE ADJUSTMENT

On June 9, 2020, the Gaston County Board of Commissioners passed the budget for fiscal year 2019-2020. The budget contains a XXX Salary Adjustment. All employees are at a minimum of Salary Range 99 above \$7.25, in compliance with federal minimum wage requirements. Seasonal and part-time employees are paid at a flat rate at or above minimum wage.

B. SALARY RANGE ADJUSTMENT

The Board of Commissioners did not authorize continuation of the step rates adopted with the fiscal year 13-14 budget. Eligibility is defined as employees working in a permanent full-time or permanent part-time capacity (full-time and part-time employees working a regularly recurring schedule). All permanent employees currently are on uniform ranges within their classification.

The 2020-2021 Pay Plan includes 42 pay ranges (salary range 99 thru 140)
Range 99-119-55% Range Spread; Range 120-134-60% Range Spread; Range 135-140-65% Range Spread
Grade progression: 103-110, 4%; 111-119, 5%; 121-140-7%

C. PERFORMANCE EVALUATIONS

All employee evaluations must be completed on an official Gaston County Employee Evaluation Form. The employee's Performance Evaluation is an integral part of the County's Performance Management System and is required as a means of identifying and planning of individual goals and objectives and standards as well as a means of evaluating how well the employee and organization achieved or exceeded them. The Performance Evaluation scores for FY20-21 are as follows:

Performance Evaluation Score Performance Determination

- 1-----Consistently Does not Meet Performance Expectations
- 2-----Periodically Meets Performance Expectations
- 3-----Successfully Meets Performance Expectations
- 4-----Periodically Exceeds Performance Expectations
- 5-----Consistently Exceeds Performance Expectations

Updates needed to reflect current policy.

29 TOBACCO USE

29.1 Description

Gaston County recognizes the health risks associated with tobacco use and secondhand smoke and aerosol for non-users. Gaston County is committed to providing a safe work environment for employees, volunteers, contractors, and the public and seeks to promote healthy environments in all of its buildings, parks, and vehicles. The Gaston County Board of Commissioners has passed an ordinance prohibiting the use of tobacco products in local government buildings, grounds, vehicles, parks and indoor public places.

29.2 Definitions

29.2.1 Electronic Cigarette or E-cigarette

An electronic oral device that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution or any other substance, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.

29.2.2 Smoking

The use of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product including Electronic Cigarettes.

29.2.3 Tobacco or Tobacco Product

Any product containing or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, or ingested by any other means, including but not limited to cigarettes; e-cigarettes; cigars; little cigars; snuff; and chewing tobacco. A tobacco product excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose. Electronic Cigarettes are also considered to be a Tobacco Product.

29.3 Tobacco Use Prohibited

The use of all tobacco or tobacco products, is prohibited in local government buildings, grounds, vehicles, parks and indoor public places.

Tobacco use is prohibited along any path-way or walk-way leading to entrances of County buildings.

In instances where County buildings are not on County owned property, tobacco use is prohibited within a 50 foot radius of the building.

29.4 Smoking Areas

Gaston County no longer provides smoking areas for employees or members of the public.

29.5 Tobacco Cessation

Gaston County will provide programs and assistance to the extent of its ability to help employees quit tobacco use.

29.6 Policy Violations

Violation of the tobacco use policy will be considered misconduct as defined in this policy manual and subject to disciplinary action.



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Human Resources

Board Action

File #: 20-279

Commissioner Chad Brown - Human Resources - To Approve Revisions to the Gaston County Personnel Policy Manual Related to Holiday Pay, Job Postings, Nepotism, Work Classifications, Probation, Discipline, Unpaid Status, Donation of Leave, and Drug Tests, To Approve a New Tobacco Policy to Comply with the BOC's Tobacco Rule, and to Approve Changes to the County's Pay Plan Consistent with Policy Changes

STAFF CONTACT

Pam Overcash - Manager's Office - 704-866-3722

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

The current Personnel Policy Manual was approved by the Board of Commissioners July 1, 2010. The manual is reviewed periodically and updated and revised as necessary. All changes to policy must be approved by the Board of Commissioners.

POLICY IMPACT

See attached for full details of the changes.

ATTACHMENTS

Resolution, Summary of 2020 Personnel Policy Changes and Tobacco Policy

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	JBrown	AFraley	BHovis	TKeigher	TPhilbeck	RWorley	Vote
2020-161	06/23/2020	CB	AF	A	A	A	A	A	A	A	U

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