



**RESOLUTION TITLE: TO APPROVE THE ADDITION OF MATERNITY/ PATERNITY AND DOMESTIC VIOLENCE POLICIES TO THE GASTON COUNTY PERSONNEL POLICY MANUAL**

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 policy was approved effective July 1, 2010; and,

WHEREAS, new policies addressing maternity/paternity leave and domestic violence have been written; and,

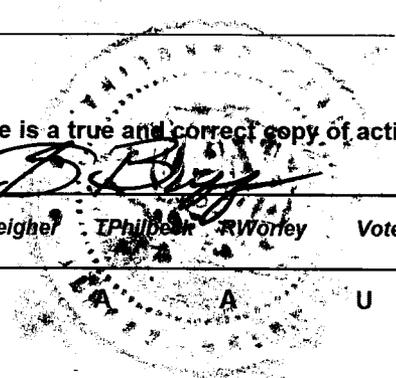
WHEREAS, the Gaston County Board of Commissioners must adopt all changes to the Gaston County Personnel Policy Manual.

NOW, THEREFORE, BE IT RESOLVED that the Gaston County Board of Commissioners adopts revisions to the Gaston County Personnel Policy to be effective January 28, 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:

*Donna S. Buff*



NO.	DATE	M1	M2	CBrown	JBrown	AFrale	BHovis	TKelgher	TPhillips	RWorley	Vote
2020-025	01/28/2020	TK	JB	A	A	A	A	A	A	A	U

**DISTRIBUTION:**  
Laserfiche Users

## Maternity/Paternity Policy

Gaston County is firmly committed to protecting the rights of expectant mothers and complying with Title VII of the 1964 Civil Rights Act as amended by the Pregnancy Discrimination Act of 1978. Gaston County's policy is to treat women affected by pregnancy, childbirth or related medical conditions in the same manner as other employees unable to work because of their physical condition in all employment aspects, including recruitment, hiring, training, promotion and benefits.

Further, Gaston County fully recognizes eligible employees' rights and responsibilities under the Family and Medical Leave Act (FMLA), applicable state and local family leave laws, and the Americans with Disabilities Act.

Pregnant employees may continue to work until they are certified as unable to work by their physician. At that point, pregnant employees are entitled to receive benefits in accordance with FMLA and Gaston County's Maternity/Paternity Leave Policy.

Both, mothers and fathers, can take FMLA leave any time in the first 12 months after a child's arrival. However, employees must conclude their leave before the 12-month period ends.

When both parents work for Gaston County, they are limited to a combined total for 12 workweeks of leave in a 12-month period. In this case, each parent would have the difference between 12 weeks and the amount of leave they took for the child to use for any other legitimate FMLA reason in that year.

Maternity/Paternity leave may be taken for the following FMLA-qualifying reasons:

- The birth of a son or daughter and bonding with the newborn child.
- The placement of a son or daughter with the employee for adoption or foster care and bonding with the newly-placed child.

In addition to the provisions under FMLA, Gaston County offers the following Maternity/Paternity benefits:

- An additional 2 weeks of paid leave for the first two weeks following the birth or placement of a child. Maternity/Paternity Leave and FMLA leave will run concurrently.
- The ability to request shared sick leave in accordance with Gaston County policy.
- Five (5) additional days of sick leave upon return to work.

Employees will be considered to be on Unauthorized Leave if they do not return to their positions after their Maternity/Paternity Leave is exhausted. Unauthorized Leave is considered voluntary resignation and grounds for discharge.

## **15 DOMESTIC VIOLENCE POLICY**

Gaston County is committed to providing a safe and healthy environment for all employees and recognizes the negative impact domestic violence can have on employees and the workplace. Gaston County is committed to increasing awareness regarding domestic violence, creating a culture of support for employees who are experiencing domestic violence or abuse, and acknowledging that secure employment is often necessary for victims to break the cycle of abuse.

### **15.1 Scope and Application**

This policy applies to all employees.

### **15.2 Definitions**

#### **15.2.1 Domestic Violence**

Domestic Violence, also called intimate partner violence (IPV) or power based violence, is a pattern of coercive behavior used by a perpetrator to gain power and control over a current or former spouse, family member, intimate partner, or person with whom the perpetrator shares a child in common. Domestic violence includes, but is not limited to: physical violence, injury, or intimidation; sexual violence or abuse; emotional and/or psychological intimidation; verbal abuse; threats; harassment; stalking; or economic abuse and control.

#### **15.2.2 Survivor or Victim**

A domestic violence survivor or victim is an individual who is currently subject to or has in the past been subjected to domestic violence, sexual violence, stalking or other forms of violence.

#### **15.2.3 Perpetrator**

A perpetrator is an individual who commits or threatens to commit an act of domestic violence.

#### **15.2.4 Stalking**

Stalking is harassing, intimidating or threatening conduct that causes the victim to fear for his or her safety or the safety of a family member. Stalking conduct includes but is not limited to: following or spying on a person; appearing at a person's home or work; engaging in unwanted harassing, or threatening phone calling, emailing, texting, etc.; waiting at places in order to make unwanted contact with the victim or to monitor the victim; leaving unwanted items, presents, or flowers for the victim; and posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth. Stalking may occur through use of technology including but not limited to: email; voicemail; text messaging; and use of GPS and social networking sites.

#### **15.2.5 Work Related Incidents**

Incidents of domestic violence, include acts, attempted acts, or threatened acts by or against an employee that imperil the safety or well-being of others, regardless of whether the act occurred within or outside the physical workplace.

#### **15.2.6 Protection or Restraining Order (50B or 50C)**

Protection orders, sometimes called restraining orders or stay away orders, allow a victim to petition the court for protection from a perpetrator.

### **15.3 Employee Absence and Leave**

Gaston County recognizes the victims of domestic violence, may need time off to obtain or attempt to obtain a protections/restraining order, to appear in court, or obtain legal assistance to help ensure his or her health/safety, or welfare, or that of his or her child. Gaston County will work collaboratively with the employee to provide flexible work schedules, as well as paid and unpaid leave options when an employee is a victim of domestic violence. Employees who are victims of domestic violence may use sick or annual leave when there is a verifiable need for leave. When an employee's leave balance reaches 80 hours combined, the employee will be eligible for up to 80 additional hours of emergency leave in a 12 month

period beginning with the first use of emergency leave. If a victim of domestic violence runs out of leave, they would be eligible for Shared Emergency Leave.

### **15.5 Shared Emergency Leave**

Employees may donate sick leave to a pool for victims of domestic violence who run out of accrued leave due to a verifiable need related to domestic violence. The Shared Emergency 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.
- Donated leave will be deducted from the donating employees sick leave balance and added to the pool.
- Recipients of Shared Emergency Leave shall make the request through their supervisor.
- Recipients of Shared Emergency Leave shall remain confidential.

### **15.4 Non-Discrimination and Non-Retaliation**

Gaston County will not discharge, or in any manner discriminate or retaliate against an employee because of the employee's status as a victim of domestic violence, if the victim provides notice to the organization of the status, or the organization has actual knowledge of the status.

### **15.5 Confidentiality**

Gaston County recognizes and respects an employee's right to privacy and the need for confidentiality. Gaston County will maintain the confidentiality of an employee's disclosure regarding domestic violence to the extent practical, and unless to do so would result in physical harm to any person, and/or jeopardize safety with the workplace.

### **15.6 Safety at Work**

Gaston County will take every measure to help ensure that the employee is safe while at work by providing support to minimize risk. In collaboration with the complainant, a strategy plan will be developed by human resources and/or appropriate personnel within the department to provide and implement workplace safety options such as: alerting security personnel of threats or incidents; temporary or permanent adjustments to work schedules, temporary change of work locations (when the alleged perpetrator works in the same department and an order of protection exists), security escorts to and from the building where applicable and/or if security is already located within the department.

### **15.7 Employee Assistance Program (EAP)**

Gaston County's Employee Assistance Program is available for all employees and may be used by victims of domestic violence as well as perpetrators of domestic violence who need mental health counseling. Counseling is also available through the County's Workplace Wellness Clinic for a \$20.00 co-pay.

### **15.8 Reporting Domestic Violence**

#### **15.8.1 Complainant**

Any employee who is a victim of domestic violence may report the incident(s) to their immediate supervisor and/or the human resources department. The supervisor and human resources will work together and seek to provide appropriate support, resources, and assistance as outlined in this policy.

#### **15.8.2 All Other Employees**

Employees who have information about or witness an act of violence against an employee are encouraged to report the information to the human resources department.



# Gaston County

Gaston County  
Board of Commissioners  
www.gastongov.com

## Human Resources

### Board Action

File #: 20-018

Commissioner Chad Brown - Human Resources - To Approve the Addition of Maternity/Paternity and Domestic Violence Policies to the Gaston County Personnel Policy Manual

#### STAFF CONTACT

Pam Overcash - Human Resources - 704-866-3722

#### BUDGET IMPACT

N/A

#### BUDGET ORDINANCE IMPACT

N/A

#### BACKGROUND

It is the desire of the County to support new parents and the building of strong families as well as victims of domestic violence through policies that will provide additional assistance to its employees under these circumstances.

#### POLICY IMPACT

New Policy

#### ATTACHMENTS

Resolution, Maternity/Paternity Policy & Domestic Violence 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	TKelgher	TPhilbeck	RWorley	Vote
2020-025	01/28/2020	TK	JB	A	A	A	A	A	A	A	U

#### DISTRIBUTION:

Laserfiche Users