CUMBERLAND COUNTY

Personnel Policy & Procedures Manual

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Introduction

Employment Laws

Cumberland County complies with all applicable Federal, State and Local employment laws.

Equal Employment Opportunity Statement

All applicants and employees of the county shall be given equal opportunity for employment without regard to race, color, religion, sex, national origin, age, handicap, political affiliation or genetic information except where specific physical requirements constitute bona fide occupational qualifications necessary to proper and efficient administration. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline, salary increases, or any other term or condition of employment because of race, color, religion, sex, national origin, age, handicap, political affiliation or genetic information is prohibited.

The county manager shall develop and implement personnel policies and practices that will guarantee equal opportunity for employees and applicants for employment.
(Ref. CC Personnel Ordinance, Article I, Section 102)

Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA)

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), Cumberland County will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: Cumberland County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: Cumberland County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in county programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: Cumberland County will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in county offices, even where pets are generally prohibited.
(Ref. CC Board action adopted May 20, 2013)

Section 1:
The Human Resources Management System

The policies and procedures outlined in this manual represents the County Manager's policies that establish the system for personnel administration to recruit, select, develop and retain an effective and responsible workforce. This manual contains personnel policies and procedures applicable to all managers, department heads and employees, except as noted in specific sections and topics herein.

The provisions of the County Ordinance and all rules and regulations adopted pursuant to it shall apply to county employees, officers and officials as follows:

(1) Elected officials shall be exempt from the provisions of this ordinance except for section 501, Code of Ethics.

(2) Appointed officials, not serving as county employees, shall be exempt from the provisions of this ordinance except for section 501, Code of Ethics.

(3) The county manager, county attorney, and clerk to the board of commissioners shall be subject to the provisions of this ordinance except for Article IV, Recruitment, Selection and Appointment; Article VII, Employee Discipline; and Article VIII, Grievances; provided, however; that in the event the provisions of any contracts of employment with any of these employees are in conflict with any provisions of this ordinance, the contract provisions shall supersede the ordinance provisions.

(4) Employees of the offices of the sheriff and register of deeds shall be subject to the provisions of this ordinance except for Article IV, Recruitment, Selection and Appointment; Article VII, Employee Discipline; and Article VIII, Grievances.

(5) The director of elections and all other employees of the county board of elections shall be subject to the provisions of this ordinance except for Article IV, Recruitment, Selection and Appointment; Article VII, Employee Discipline; and Article VIII, Grievances; provided, however; that the county board of elections may agree to subject its employees to these articles by giving written notice to the county manager.

(6) All county employees subject to the *North Carolina Human Resources Act* shall be exempt from Article VII, Employee Discipline and Article VIII, Grievances; provided, however; that these employees shall be subject to all employee discipline and grievance rules, policies and procedures applicable to these local government employees as established by the State Human Resources Commission pursuant to Chapter 126 of the North Carolina General Statutes and the administrative code regulations promulgated pursuant to it.

(7) Employees of the North Carolina Cooperative Extension Service shall be subject to all provisions of this ordinance which are not inconsistent with the provisions of any contract between the county and The North Carolina Cooperative Extension Service North Carolina State University and The North Carolina Cooperative Extension Program North Carolina A&T University for the operation of a Cooperative Extension Agency in

the county (the "MOU"). To the extent any provisions of the MOU conflict with any provisions of this ordinance, the contract provisions shall supersede the ordinance provisions.

These policies and procedures are not intended to create a contract, nor do they confer any contractual right, express or implied, to employment with Cumberland County or guarantee any fixed terms and conditions of employment. Employees of Cumberland County are at-will employees. They are free to resign at any time, with expected advance notice. Similarly, the County may terminate the employment relationship, as long as there is no violation of applicable federal or state law. These policies and procedures may not address all possible applications or exceptions.

The personnel policies and procedures may be amended or canceled at any time, with proper approvals as set forth herein. The County shall communicate revisions to all employees. **Violation of the policies contained in this manual may result in disciplinary action up to and including dismissal.**

(Ref. Cumberland County Personnel Ordinance Article I, Section 103)

Section 2: Position Classification and Pay Plan

2.0 Policy Statement

The county shall maintain a position classification plan that ensures the accuracy of position duties and responsibilities and consolidates similar job functions into defined classifications. The county manager shall determine the duties of each position and shall promulgate procedures to establish, revise and maintain the classification plan to ensure it reflects the duties performed by each employee in the classification system.

DEFINITIONS

Position: A group of duties and responsibilities, assigned by competent authority, to be performed by one individual employed on a full-time or part-time basis.

Class: A group of positions which are sufficiently similar as to the kind or subject matter of work, level of difficulty and responsibility, work conditions, and the qualification~~s~~ requirements to warrant similar treatment in selection, compensation, and other employment processes.

Salary Grade: A system used to group classes of positions together that have approximately the same relative internal worth and are paid at the same rate or salary range. Each salary grade will include a minimum and maximum salary rate. Salary grades facilitate the employment process by providing a fixed framework of salary ranges.

Job Evaluation: A method for comparing different jobs to provide a basis for a grading and pay structure. Its aim is to evaluate the job, not the jobholder, and to provide a relatively objective means of assessing the demands of a job.

Some of the factors that are relevant to a job evaluation include:

1. Experience
2. Education
3. Complexity of Duties
4. Communication with Others
5. Budgetary Responsibility
6. Level of independence
7. Supervisory responsibility
8. Working Conditions/Physical Effort

(Ref. CC Personnel Ordinance Article II)

2.1 Position Action Types

Position changes listed on the position action are:

New Position: A new position is established when a need is identified, and a new position is funded and approved by the Board of Commissioners.

Reclassification: A position may be reclassified to a classification of higher or lower grade when there is a substantial change in position duties. A position classification may change horizontally when the level of responsibility and relevant labor market indicate the assigned salary grade is appropriate, but the nature of work; knowledge, skills and abilities; and training and experience requirements are better described by a different classification.

Abolishment: A position is abolished when it is no longer needed and no longer funded.

New Classification: A new classification is established when an appropriate classification title does not exist in the Classification and Pay Plan.

Position Funding Change: Changes to the assigned position budgeted salary.

Position Transfer: A position that is reassigned either within the same department/office or between departments/offices.

Position Type Change: A position changing from part-time to full-time or vice versa.

Range Revision: A change in the salary grade assigned to a classification based on labor market analysis and internal comparisons.

2.2 Procedures

Approval of Position Action Requests: Departments may make requests throughout the fiscal year for position classification reviews, to include, establishing new positions, reclassifying existing positions or requesting organizational, unit or labor market studies. These requests shall be made to the County Manager, (or designated county management representative) where upon approval, may be submitted to Human Resources to conduct these reviews. Requests should include the following supportive documentation:

1. Routing Checklist
2. Position Action Form
3. Justification for the requested action including funding source
4. Position Description Form(s)
5. Updated organizational chart

Upon a recommendation by the Human Resources Director, the County Manager may:

- Reallocate the position to a more appropriate classification
- Amend the classification plan to establish a new classification or revise existing classification and salary grade

**Note:* For departments subject to the State Human Resources Act, an additional level of review and approval is required. Implementations of changes are based on the availability of funding.

Section 3: Salary Administration

3.0 Policy Statement

It is the policy of Cumberland County to compensate employees at a level sufficient to encourage excellence of performance that contributes to the County's mission and strategic goals, and to maintain the labor market competitiveness necessary to recruit, motivate, develop and retain a competent and diverse work force.

The following pay polices are subject to change based upon funding and the needs of the County. These policies apply except for when special pay provisions are approved by the County Manager.

3.1 Promotion

Promotion is a change in status resulting from assignment to a position having a higher salary grade. The salary of the promoted employee shall be the higher of the minimum of the new salary grade or 5% percent increase above the employee's current salary and will be effective the first pay period following the promotion. County management may set an employee's salary based on his or her education, experience and qualifications based on relative labor market.

An employee is not entitled to a promotional increase if the employee was reduced to a lower salary grade through reallocation within the past 12 months without reduction in salary, unless the promotion is to a salary grade higher than that held prior to the salary grade reduction.

An employee with an active disciplinary action is not eligible for promotional consideration.

3.2 Demotion or Voluntary Reassignment

Demotion or reassignment is a change in status resulting from an assignment to a position assigned a lower salary grade. If the change in status results from a disciplinary action, the action is considered a demotion. If the change results from a mutual agreement between the employee and employer, the action is considered a voluntary reassignment.

The adjusted salary of the employee shall be within the range of the lower classification based on salary grade with consideration to special pay provisions and equity within the department. (Ref. 9.3 Procedures-Progressive Discipline)

3.3 Lateral Transfer

A lateral transfer is the movement of an employee from one position to another position with the same salary grade. The salary shall remain unchanged and the employee must possess the minimum qualifications and competencies required for the new position.

3.4 Reallocation

Reallocation is the assignment of a position to a different classification, documented through data collection and analysis. When a position is reallocated upward, the employee must possess the minimum recruitment standards, or the equivalent, as set forth in the class specification. If a classification audit has verified that duties, skills and knowledge are being demonstrated at a higher level and the position is reallocated, the employee may be reallocated by waiver of the stated education and experience requirements.

The purpose of a reallocation pay increase is to compensate employees for additional responsibilities considered broader in scope and variety. Subject to salary equity issues and satisfactory performance, the salary of the reallocated employee shall be the higher of the minimum of the new salary grade or up to a 5 percent increase above the employee's current salary, effective the next pay period. County management may set an employee's salary based on his or her education, experience and qualifications based on relative labor market.

If reallocation downward is made to a position within the same field of work, the employee automatically qualifies. However, if a reallocation down is to a different field of work, the employee must meet the minimum education and experience requirements.

If an employee has been reduced to a lower salary grade through reallocation or salary grade revision within the past 12 months without a corresponding reduction in salary, the employee shall not be considered for a reallocation increase unless the reallocation is to a salary grade higher than that held prior to the salary grade reduction. If reallocated to a higher grade, prior salary actions within the past twelve months will be considered in establishing the new salary.

When a position is assigned to the same grade level, the salary shall remain the same.

3.5 In-Grade Salary Adjustment

In-grade salary adjustments are intended to supplement the existing pay policies and will be administered with the following guidelines:

- Only available to regular or career status employees who have a "meets expectations", as defined in Section 9 of this manual, on their most recent performance review
- Does not cause the employee's salary to exceed the maximum of the assigned salary grade
- Does not consider duties and responsibilities which have been used as a basis for salary adjustments through position reallocation or other salary administration policies

In-grade salary adjustments ensure flexibility in compensation practices in response to the following:

Job Growth and Development: Salary adjustments may be awarded when additional duties or responsibilities have been assigned to a position, but do not warrant reallocation to a higher classification.

Labor Market Adjustments: Salary adjustments considered in cases where relevant labor market conditions indicate that an occupational family or job classification is below the market pay rates.

Law Enforcement Career Development: Salary adjustments of five percent for sworn Law Enforcement Officers once they complete the 3rd, 7th, 11th, 15th, 19th and 23rd years of service.

Retention Adjustments: Salary adjustments for retention purposes may be granted for employees who receive an offer of employment outside of Cumberland County and possess competencies critical to meeting the departmental mission. In order to be considered for an in-grade salary adjustment based on retention, the employee must provide a bona-fide written offer from the outside employer.

Salary Equity: Salary adjustments to balance equity–either within a department or county-wide–when the salaries of similarly classified employees with similar duties, responsibilities, education and experience in a work unit vary significantly or situations where employees are below the appropriate salary. Other factors which shall be considered in determining an incumbent's eligibility for an adjustment include total County service and documented related work history. No equity pay adjustment can exceed 10% of the employee's current salary.

Interim Salary Adjustments: Salary adjustments when an employee is placed in an interim assignment for a specified period of time. The salary shall return to the previous rate (plus any approved cost of living allowances) when the interim assignment ends.

3.6 Salary Grade Revision

Salary grade revision is any change in a salary grade approved by the County Manager and reported to the Board of Commissioners.

Salary grade revisions aid the County in maintaining market competitive pay levels. Subject to satisfactory performance, salary increases may be given providing it does not exceed the maximum of the range. When a classification is assigned to a higher grade the employee's salary shall be the higher of the minimum of the new salary grade or up to 5 percent of the employee's current salary.

If an employee has been reduced to a lower salary grade within the preceding twelve months and without a corresponding reduction in salary, the employee shall not be considered for a salary grade revision increase unless the new salary grade is higher than that held prior to the reduction.

3.7 Business Realignment

Business realignment is the movement of positions and/or employees within or between departments to more effectively use resources and competencies based on changing business needs.

Business realignment does not require posting vacancy announcements. When an employee is realigned, the employee's salary rate shall not be reduced. When the realignment provides a promotion for the employee, the promotional policy prevails. The employee should possess the minimum qualifications required for the classification to which position is realigned; however, when necessary management may maintain the employee's current classification using a work-against appointment as defined in Section 4 of this manual.

3.8 Reinstatement

Employees reinstated in accordance with Section 4.6 of this manual, may receive the previous salary and shall earn the rate of leave accrual held prior to the separation or transfer.

3.9 Reemployment

Anyone re-employed after a 30-calendar daybreak in service is subject to the same provisions as a new hire. If the break in service is less than one year and an employee is returning to the same or higher salary grade, the hiring department may request reemployment at the previous salary or a promotional increase as applicable.

3.10 Holiday Pay

Holiday pay is eight hours of normal compensation for County observed holidays when the holiday falls on a regularly scheduled workday. Part-time employees working twenty (20) or more hours per week shall be eligible for holiday pay at a prorated rate. Employees must be in paid status the day before a holiday to be eligible for holiday pay.

Eligible employees who are required to work on County observed holidays shall receive their normal compensation for hours worked on these days and holiday pay or compensatory time equal to their regular straight-time hourly rate.

3.11 Longevity Pay

Longevity pay shall be granted to all employees hired prior to July 1, 2012, and who work 30 or more hours per week. Employees with three or more years of completed consecutive service by November 30 are eligible for longevity pay. The amount of longevity pay shall be based on employee's current salary and years of service. Longevity is paid on the first pay date in the month of December. This payment shall not be a part of the employee's base salary. Employees who separate from service prior to November 30 forfeit longevity pay and are no longer eligible if reemployed or reinstated.

Employees reemployed after July 1, 2012 are not eligible for longevity.

Longevity pay shall be paid at the following rates:

Completed Consecutive Service	Percentage of Annual Salary
3 years	0.75
5 years	1.00
7 years	1.25
10 years	1.50
15 years	2.25
20 years	3.25
25 years	4.50

3.12 Military Assignment Pay

See Section 7.7 of this manual for policies and pay procedures regarding military service.

3.13 Leave Without Pay

Leave without pay occurs when the employee has exhausted all accrued or donated leave. An employee who returns from leave without pay shall be reinstated to the same type of appointment held prior to the leave. Employees on leave without pay status do not receive credit toward a probationary or trainee period or accrue annual or sick leave hours – credit resumes when the employee returns to active status. Generally, leave without pay is not authorized unless employee's absence is approved as provided in section 7.5.

3.14 Fair Labor Standards Act (FLSA) Policy Statement

County Human Resources shall determine which positions are exempt and non-exempt according to the Fair Labor Standards Act (FLSA). Exempt/Compensatory time may be used before Annual or Sick Leave as appropriate, at the discretion of the employee.

Hours Worked
All hours worked during a workweek at the job site or at home must be counted as time worked if the employer knows or has reason to know of such practice. Hours worked outside of the assigned normal work schedule must be pre-approved by the employee's supervisor.

Non-Exempt Employees
Non-Exempt employees subject to the provisions of FLSA are compensated at a rate of time and one-half for every hour worked over 40 in the work week. At the discretion of the department head, overtime compensation for non-exempt employees may be in the form of pay or compensatory time.

Supervisors shall make every effort to adjust the work schedule, so employees do not accrue overtime.

Non-exempt employees shall be paid for any accumulated compensatory time above 240 hours at the next pay date and for all accumulated compensatory time upon separation from employment or when reclassified or promoted to an FLSA exempt position.

Non-exempt Law Enforcement Officers shall be paid for any accumulated compensatory time above 480 hours at the next pay date and for all accumulated compensatory time up to 480 hours upon separation from employment or when reclassified or promoted to an FLSA exempt position.

A non-exempt employee who has accrued compensatory time at the time of separation from employment shall be paid for all unused compensatory time at a rate of compensation equivalent to the employee's rate of pay at the time of separation.

Exempt Employees
Exempt employees are not subject to the overtime provisions under the FLSA.

The County grants time off (i.e., Exempt Time) to exempt employees on an hour for-hour basis for hours actually worked over regularly scheduled hours in a work week up to 80 hours.

Upon separation, exempt employees shall not receive payment for unused exempt time balances.

Employees who go from Exempt status to Non-exempt status will be allowed to retain their Exempt Hours (not to exceed 80 hours) under the condition that the Exempt Time be used prior to any other paid leave. These employees will accrue overtime and compensatory time as described above for Non-Exempt employees with the effective date of the transfer to a Non-exempt position.

In the case of a severe circumstance including, but not limited to natural disasters, an official "State of Emergency" may be declared by the County Manager.

In the event of a declared a "State of Emergency", the County Manager shall determine the method for compensating Exempt employees who work during the specified emergency period.

The County Manager may consider several options such as:

1. Allowing Exempt employees to earn exempt time on an hour for hour basis or at a different rate for hours worked during the specified emergency period.

2. Allowing Exempt employees to accumulate exempt time beyond the 80-hour cap. The County Manager shall determine when the accumulated exempt time earned during the State of Emergency shall be used.

3. Allowing Exempt employees to receive monetary compensation, based on the employee's hourly rate of pay, for the hours worked during the specified emergency period.

Should the designation of the "State of Emergency" continue for an extended period due to severe and unusual circumstances or its aftermath, the County Manager may re-evaluate and modify the exempt time and/or compensation rate.

Note: During an emergency, it is not unusual for Exempt employees to be assigned non-exempt work. Normally, the FLSA does not permit an employer to assign nonexempt duties to an exempt employee. 29 CFR 541.706 provides where a dangerous condition exists or where conditions are such that an employer will have to close if it cannot reassign some nonexempt work to an exempt employee:

> (a) An exempt employee will not lose the exemption by performing work of a normally nonexempt nature because of the existence of an emergency. Thus, when emergencies arise that threaten the safety of employees, a cessation of operations or serious damage to the employer's property, any work performed in an effort to prevent such results is considered exempt work.
>
> (b) An "emergency" does not include occurrences that are not beyond control or for which the employer can reasonably provide in the normal course of business. Emergencies generally occur only rarely and are events that the employer cannot reasonably anticipate.

Travel Pay Provisions
Regular travel to and from work is not counted as hours worked. The following travel situations are counted as hours worked under this policy:

1. Special assignments that require travel outside of Cumberland County
2. Travel from one job site to another during the regular workday
3. Travel that keeps an employee away from home overnight
4. Travel to and from the worksite as a result of callback for on-call employees

3.15 On-Call and Callback

On-Call Status: Employees in on-call status are required to be readily accessible and available to report to work for a designated period of time outside of normal on-duty work hours.

Call-Back: Time worked when departments require employees to report back to a worksite because of operational needs.

This policy applies to non-exempt and exempt employees (as defined by the Fair Labor Standards Act). * Elected Officials and their employees are exempt from this policy. Appointed officials are also exempt from this policy.

POLICY AND PROCEDURES

The following provide guidelines to departments regarding the process and procedures to be followed for employees who are in on-call/callback status and the compensation policy that shall apply.

Identification and Notification
Departments shall identify positions and employees who are required, as a condition of employment, to be on-call to return to work outside of the employee's regular work schedule. At the beginning of each budget year planning cycle, department heads shall submit to Human Resources the listing of positions and employees recommended for on-call along with a proposed on-call schedule. The proposed schedule shall specify the period of time employees will be serving in an on-call capacity. Human Resources will review the department recommendations and forward to County Management for review and approval.

Once County Management approves these positions, Human Resources will notify the department. The department shall then notify the employee in writing that the essential functions of his or her job requires the employee to maintain an on-call status on a regularly scheduled or as needed basis. The position descriptions for designated on-call positions shall be updated to ensure they include a statement relative to the department's on-call requirements and submitted to Human Resources. Human Resources will notify the county payroll section of the approved on-call employees and schedules.

On-Call Procedures
Management shall provide employees who are required to be on-call with a schedule of the time and date that the employee must be on-call. In addition, the following guidelines apply:

1. Unless otherwise advised, the employee is not required while on-call to remain on the county's premises. However, the employee must remain available by telephone, text or other communication devices while off site and respond within the time designated by the department.

2. The employee is not required to restrict his or her activities while on-call, but the employee must remain free of the influence of alcohol or illegal drugs. In addition, the employee should not take any prescription drug that adversely affects his or her ability to safely and effectively perform his or her job duties. If an employee has a medical condition and has concerns about complying with this requirement, the employee shall consult with the Department Head and Human Resources.

3. If the employee has a conflict and is unable to be on-call during his or her assigned time, it is the employee's obligation to pre-arrange with his or her immediate supervisor for a replacement to cover the employee's on-call schedule.

4. The employee must be on call for a specified period, usually seven-day increments, designated in advance. The on-call period may differ depending on departmental needs.

5. The employee must respond to the call within the timeframe established by the department and if needed, must report to work within the timeframe established by the department.

6. If an on-call employee becomes unable to remain in an on-call status or report to their assignment due to an emergency, the employee must notify the department designee as soon as possible.

7. For emergency closure, the Emergency Closing Policy, Section 6.5, will apply.

On-Call Pay
The rate for on-call pay is $1.00 per hour for qualifying exempt and non-exempt employees for the designated on-call period of time.

Employee may not receive on-call pay for any period in which he/she is in any approved leave status.

An employee who fails to respond within the designated timeframe will be removed from the schedule, forfeit on-call pay for the entire rotation and be subject to disciplinary action up to and including dismissal.

Example:

Total hours in 5 workday period = 120 (24 hours x 5 days)

For Monday – Friday, employee would receive $75.00 (since 120 hours minus 45 hours (i.e., employee is actually in non-on-call time for 40 work hours + 5 hours for 1-hour lunch break each day) = 75 hours)

Employee would also receive $48.00 for weekend for on-call time representing 48 hours.

Total amount the employee will receive = $123.00 ($75 + $48)

Note: The total paid for 7 days of scheduled on-call may cross overpay periods.

Call-Back Procedures
Callback is when an employee has left the worksite and is requested to respond on short notice to an emergency work situation. Emergency callback may involve either going back to work or responding via telephone or computer.

Call-Back Pay
Employees returning to work shall receive a minimum of two hours compensatory or exempt time or additional pay at the rate based on their FLSA designation for each occasion of callback.

If the time on callback is more than two hours, the employee shall be compensated for time actually worked and travel time to and from the worksite. Holiday pay and overtime pay shall be received in addition to call back pay, if applicable.

Employees responding via telephone and/or computer shall record a minimum of 30 minutes for each occasion of callback.

If more than one callback occurs within a given shift, total callback time cannot exceed two hours unless the actual work time exceeds two hours.

Recordkeeping and Administration

On-Call Status: Time spent on-call does not count as hours worked for the purposes of:

a) calculating eligibility for overtime or compensatory time

b) meeting an employee's scheduled work hour requirements

c) meeting eligibility requirements for FMLA

d) sick, annual or other leave accrual

Call-Back Status: Callback work time does count towards:

a) calculating eligibility for overtime or compensatory time

b) meeting eligibility requirements for FMLA

c) leave accrual

Timesheets: Departments shall report total hours on-call time on the on-call log sheet for the pay period in which the on-call is scheduled. Call back time shall be recorded on the timesheet as time worked.

(Ref CC Personnel Ordinance, Section 104 a2) (Ref CC Personnel Ordinance, Article III)

Section 4: Recruitment and Selection

4.0 Policy Statement

Cumberland County meets workforce needs through a systematic recruitment and selection process designed to recruit, select, employ and retain the most qualified and best-suited candidates for position vacancies. The County is an equal opportunity employer and comply with all applicable federal and state employment laws.

4.1 Vacancy Announcements

The Human Resources Director is responsible for posting vacancy announcements. Announcements shall be based on job-related requirements and shall be coordinated with department heads to determine recruitment methods needed.

Vacancy announcements will include:

1. Dates of the posting period
2. Position title
3. Salary grade and salary
4. Primary duties
5. Minimum education and experience
6. Background check and drug test requirements
7. Pre-employment skills test requirement
8. Position-specific requirements and instructions

Vacancy announcements shall be posted either internally or externally for a minimum of three days.

Departments subject to the State Human Resources Act (SHRA) may post position vacancy announcements externally in accordance with the State Human Resources Act.

Exceptions to posting requirements are made through the Human Resources Director or designee when it is determined not to recruit for a position. The decision shall be based on a legitimate business need. Examples include, but are not limited to:

1. Management reorganization/business realignment
2. Established pre-existing formal understudy arrangements
3. Lateral transfers for effective use of current resources

4. Disciplinary transfers or demotions
5. Prevention of work delays
6. Legally binding settlement agreements
7. Temporary positions
8. Reinstatement within 30 days of separation or transfer
9. Same position title located in the same work unit that becomes vacant within 60 days of the closing date of a previous vacancy announcement for non-SHRA agencies

4.2 Applicant Information

Applicants must furnish true, accurate and complete information and documentation. An employee who provided false or misleading information on an application is subject to disciplinary action up to and including dismissal.

4.3 Priority Considerations

Priority consideration for interview shall be given to the following applicants:

Promotional Priority: Current county employees who have been employed for a minimum of one year who apply for a position and are in the highly qualified applicant pool, and do not have an active disciplinary action or work plan.

Veterans' Preference: Preference in employment for positions within the county subject to this ordinance shall be given to those who served in the Armed Forces of the United States on active duty (for reasons other than training) during periods of war or any other campaign, expedition, or engagement for which a campaign badge or medal is authorized by the United States Department of Defense and are in the highly qualified applicant pool. The preference to be accorded shall apply in initial employment.

Eligibility includes:

1. A veteran who served during a period of war
2. The spouse of a disabled veteran
3. The surviving spouse or dependent of a veteran who died on active duty during a period of war either directly or indirectly as a result of such service
4. A veteran who suffered a disabling injury for service-related reasons during peacetime
5. The spouse of a veteran who suffered a disabling injury for service-related reasons during peacetime

6. The surviving spouse or dependent of a person who died for service-related reasons during peacetime

Interview consideration shall be provided to all eligible veterans who apply for a position and are in the highly qualified applicant pool.

To claim veterans' preference, all eligible persons shall submit a DD Form 214, Certificate of Release or Discharge from Active Duty, at the time of interview.

Reduction-in-Force (RIF): (Reference RIF Policy, Section 11.2) Any regular employee, who is otherwise in good standing at the time of his or her termination due to a RIF, shall be referred for interview and evaluation for any vacancy for which his or her training and experience qualify him or her for a period of one year from the date of the official RIF notification.

RIF employees who reject required testing, an interview or employment offer for a position that is equal to or above the salary grade of the RIF position forfeit their RIF reemployment rights.

Exceptions to Priority Considerations
Former employees who were terminated for cause and current employees who have an active disciplinary action do not receive priority consideration.

(Ref. CC Personnel Ordinance Article V Section 507)

4.4 Immigration Reform and Control Act

Cumberland County shall hire only properly identified US citizens and aliens with proper work authorization from the Department of Homeland Security, Bureau of US Citizenship and Immigration Services.

4.5 Types of Appointment

Probationary: The probationary period is an essential extension of the selection process and provides the time for effective adjustment of the new employee or the dismissal of the new employee whose performance does not meet acceptable performance or conduct standards. The initial appointment of an employee to a regular position shall be a probationary appointment, for which the employee is in paid working status for a period of 12 months.

Regular: Regular appointment is an appointment to a permanent position following the satisfactory completion of a probationary and/or trainee appointment or the reinstatement of an eligible employee. For those employees subject to the State Human Resources Act, the appointment shall become regular when the employee attains career status in accordance with 25 NCAC 01I.2002.

Trainee: For those positions not subject to the State Human Resources Act, a trainee appointment may be made to a permanent position when the county is unable to recruit an experienced or otherwise qualified employee. An employee may not remain on a trainee

appointment beyond the time when education and experience requirements for the position have been completed. After the employee has successfully completed all education and experience requirements, he or she shall be given regular status.

Temporary: For those positions not subject to the State Human Resources Act, a temporary appointment may be made to a regular or temporary position for a specific duration of time which will not exceed ninety days, except where a temporary appointment is necessary due to an on-the-job injury. All temporary appointments or extensions of temporary appointments must be approved in advance by the county manager. Temporary employees shall not be entitled to receive any of the employee benefits available to regular employees unless mandated by state or federal law. For those positions subject to the State Human Resources Act, such additional forms of appointment as are appropriate for the position being filled shall be made in accordance with 25 NCAC 01I.2002 and shall comply with all program requirements applicable to the position.

Appointments to positions requiring a normal work week of at least 40 hours shall be full-time appointments and those which require a normal work week less than 40 hours shall be part-time appointments.

(Ref. CC Personnel Ordinance Article IV Section 405)

4.6 Reinstatement

At the department head's discretion, a former employee may be reinstated to their previous position without going through the normal recruitment process, if the separation or transfer occurred within 30 calendar days.

An employee who is reinstated within 30 days of separation may be required to serve a probationary period and will be reinstated with the benefit package that the County offers at the time of the reinstatement.

4.7 Hiring Procedure

Selection Determination
Departments shall discuss all selection criteria for each vacancy with County Human Resources to ensure all selection methods are legally defensible and consistently applied to all qualified applicants.

Interviewing Protocol
Human Resources, considering management qualification preferences, will identify and refer qualified candidates. The department will use this referral to select a minimum of three candidates, if available, for interview.

Departments shall conduct a panel interview consisting of at least two employees using a structured format.

A telephone or video interview may be used as an initial screening process; however, an in-person interview with the applicant is strongly encouraged before extending an offer for employment.

Upon arrival for an interview, the applicant must:

1. Read the job description and vacancy announcement
2. Complete a written candidate acknowledgement form
3. Sign release of information forms:

   Employment Reference Check (three copies for external candidates or one from the current department for internal candidates)

   Background Information Form

   Authorization and Consent for Release of Information

   - Fair Credit Reporting Act – Disclosure and Authorization 2019

Selection of Applicants
When the interview process has been completed, the department head or designee is responsible for verifying the education, license, credentials and accuracy of statements made in the application of the recommended candidate.

Department heads must complete and submit a hiring packet to Human Resources.

The hiring packet shall contain:

1. Hiring Checklist Sheet
2. Completed information for all interviewees

   Interview questions and applicant responses

   Background Information form

   Authorization and Consent for Release of Information

   - Fair Credit Reporting Act – Disclosure and Authorization 2019 form
   - Employee Reference Check forms
   - Applicant Acknowledgement form
   - Any other information/forms gathered during process

3. Additional information for recommended candidate

   Completed Employee Reference Check forms (three for external candidates or one from the current department for internal candidates)

   Form DD-214 Member 4 copy (if prior military-this will be used as one of the required references)

No offer of employment shall be extended until the hiring packet is completed, submitted and approved by the Human Resources Director.

Background Records Check
Prior to an employment offer, a national criminal record history will be conducted on all job applicants recommended for hire. Other background checks, which may include a driver's license record, will be completed based on the requirements of the position and to ensure compliance with the Fair Credit Reporting Act. The following practices and procedures will apply.

Unless otherwise provided by law, a criminal record will not automatically disqualify an job applicant/employee. The job applicant/employee will be informed that they may be excluded because of past criminal conduct and provided an opportunity to demonstrate that the exclusion does not properly apply to them based on regulatory requirements and the following criteria:

- The nature and gravity of the offense
- The time that has passed since the offense, conduct and/or completion of sentence
- The nature of the job held or sought

Any job applicant who is found to have deliberately withheld or falsified information pertinent to an application for employment may be disqualified from consideration for any position with the County. If the false or misleading statement is discovered after employment, the employee may be subject to termination.

Job applicants and employees of Cumberland County Child Enforcement who have access to Federal Tax Information (FTI) must complete a separate suitability background investigation prior to hire and thereafter every 10 years in accordance with NCGS 143B-935.1 and IRS Publication 1075. Employees and applicants of Child Support Enforcement will be provided this information in a timely manner in accordance with the regulation.

When conducting criminal background checks the County will follow all applicable state and federal laws.

(Ref. CC Personnel Ordinance Article IV Section 404)

Drug Screening
Employment offers are contingent upon a negative pre-employment drug test. Drug test must be completed within 24 hours of the conditional offer of employment.

Applicants who refuse a drug test or test positive will not be hired and shall be excluded from consideration of employment for a minimum of one year.

Failure to show or leaving the testing site prior to submitting a sample shall be considered a refusal to test.

For more information see Cumberland County Alcohol and Drug-Free Workplace Policy in Section 5.7 of this manual.

License/Certification/Transcripts
For positions requiring a license or certification, a copy of the license/certification must be provided no later than the first day of employment. For positions requiring a degree, the employee must provide the hiring department head with official transcripts within thirty (30) days of hire. Employees in such classifications are responsible for maintaining current, valid credentials as required by law. Failure to maintain required credentials may result in disciplinary action up to and including dismissal.

(Ref CC Personnel Ordinance, Article IV)

Section 5: Conditions of Employment

5.0 Policy Statement

This section sets forth the workplace conditions and environment County employees can expect as well as the County's expectations of its employees.

5.1 Work Week

The established work week for the county for pay purposes is a seven-day period beginning Sunday at 12:00 a.m. and ending Saturday at 12:00 p.m.

County offices shall be open for business on weekdays from 8:00 a.m. until 5:00 p.m.; provided, however; that department heads, with the approval of the county manager, shall schedule those hours necessary to conduct the operations of their departments and may vary work schedules and business hours to best meet the needs of the department's customers and the operations of the department.

Full time employees shall normally work forty (40) hours per week.

Department heads shall work the hours necessary to assure the satisfactory performance of their departments but not less than forty (40) hours per week.

Overtime compensation policies will be administered according to the Fair Labor Standards Act (FLSA) guidelines as outlined in Section 3 of this manual.

(Ref CC Personnel Ordinance, Article V Section 503;504)

5.2 Breaks

Department heads have the discretion to grant employees breaks where the duties and responsibilities of the job permit. Breaks may be up to two 15-minute periods, one in the morning and one in the afternoon and shall not exceed a total of 30 minutes. Breaks may not be used to extend lunch breaks, leave or reduce work hours and cannot be combined into one 30-minute break. Employees must not leave County premises during these break periods. Employees who smoke on break shall move off county property in order to comply with the County Smoking Ordinance. Abuse of the break policy may result in loss of the privilege. Supervisors shall inform employees of scheduled break periods.

In accordance with Federal law, Cumberland County provides reasonable break time for an employee to express breast milk for their nursing child for one year after the child's birth each time such employee has need to express the milk. Contact Human Resources, who with the assistance of the Department Head, will assign a private area in your department designated for this purpose.

5.3 Identification (ID) Badges

The County's badge system provides identification for all county employees. All employees are expected to wear their ID badge while in an official working capacity.

5.4 General Expectations of Employees

Attendance
Employees are expected to arrive to work based on their scheduled time. Employees who cannot report to work as scheduled must notify their immediate supervisor (or designee) as soon as possible, but no later than 30 minutes prior to the employee's regularly scheduled starting time, unless an emergency prevents the employee from reporting 30 minutes prior.

Excessive absences or tardiness and/or a pattern of absences or tardiness may result in disciplinary action up to and including dismissal. This will be handled on an individual basis by respective department head.

Unexcused Absence from Work without Leave
If an employee is absent from work for three consecutive days without notice, the County will consider the employee to have abandoned their employment which constitutes a voluntary resignation.
(Ref CC Personnel Ordinance, Article VII Section 703(b) (12))

Dress Code
Clothing and appearance should be clean, neat and appropriate for the professional work environment and not contain any art, word or meaning that would violate Title VII of the Civil Rights Act of 1964. Department heads are responsible for establishing and enforcing the dress code appropriate to the work being performed and for ensuring that all employees comply with that established dress code.

Employees reporting to work improperly dressed may be sent home by their supervisor to change clothing and will be required to use annual or unpaid leave.

Fraternization
The County encourages employees to develop friendships and share a spirit of teamwork and camaraderie both in the workplace and outside of work. County employees may date, develop friendships and relationships both inside and outside of the workplace as long as the relationships do not negatively impact work. Adverse workplace behavior or behavior that affects the workplace that arises because of personal relationships will not be tolerated and the employee will be subject to discipline up to and including termination of employment.
(*Ref CC Personnel Ordinance, Article VII)*

In general, it is against county policy for individuals who have a supervisory, economic, social, or family relationship, to supervise the other or to work in positions that have an audit or control function over the other.

Economic relationships include roommates, landlord-tenant, creditor-debtor, and the like. Social relationships include dating, intimate relationships, close friendships, regular hosting,

and frequent attendance at social gatherings together. Family relationships include spouses, parent-child, siblings, in-laws, aunts, uncles, and stepfamily.

Employees and applicants are expected to disclose these relationships whenever they may come into existence. Normally, if these relationships come into existence after employment, an attempt will be made to transfer employees to comparable (but separate) positions to avoid any appearance of favoritism, preferential treatment, or conflict of interest. If a transfer is not possible, the employees may be requested to decide among themselves which individual is to resign. If the employees are not able to make a decision about who is to resign, the county may take appropriate action, which can include requiring both employees to resign or requiring one of the individuals to resign based on a neutral factor such as seniority.

Employees who are managers/supervisors or above are prohibited from dating, engaging in a romantic or sexual relationship, or establishing a live-in relationship with employees within the departments for which they have responsibility, regardless of whether there is a direct supervisory relationship.

If a manager decides to pursue a close relationship with an employee, he or she shall inform their manager and Human Resources immediately. The county will then decide what, if any, actions are necessary to take in regard to assignments and jobs.

The County recognizes that employees have different definitions and understandings about what constitutes a close relationship, a friendship, or romantic involvement. Consequently, if you have questions or need further clarification, please contact Human Resources. Their goal of implementing policies consistently and fairly will help inform you of your choices.

Outside Employment
Except for county elected officials or appointees, no employee shall engage in outside employment without prior approval of the employee's department head. Approval will be granted except where the employment has a probability of creating a conflict with the performance of the county's business or creating a division of loyalty, or where the performance of the outside duties would most likely impair the employee's ability to perform his or her county duties.

Personal Cell Phone Use
At the discretion of the department head, employees may communicate using their own personal devices as long as such use does not disrupt the workplace or interfere with the employee’s job performance. It is expected that personal communications be kept to a minimum during work hours.

Smoking Prohibition
Smoking is prohibited within all public buildings; on the grounds of all public buildings except the civic center facilities and parks and recreation facilities; and in county-owned or leased vehicles. The civic center commission is authorized to develop rules and policies to regulate smoking on the grounds of civic center facilities. The parks and recreation advisory committee is authorized to develop rules and policies to regulate smoking on the grounds of parks and recreation facilities.
(Ord. of 5-6-2013; Ord. of 3-17-2014)

Editor's note— An ordinance adopted March 17, 2014, amended the provisions of § 9.5-92 to read as herein set out, effective Sept. 1, 2014.

Editor's note— An ordinance adopted March 17, 2014, effective Sept. 1, 2014, repealed § 9.5-93, which pertained to smoking prohibited on designated grounds and derived from an ordinance adopted May 6, 2013.

The county shall provide county employees with resources for quitting smoking or tobacco use, including information about the free quitting support services of the North Carolina Tobacco Use Quitline (1-800-QUIT-NOW (1-800-784-8669)).
(Ord. of 5-6-2013)

Enforcement and Penalties

(a) Penalty for violation. Following oral or written notice by the person in charge of an area described in section 9.5-92, or his or her designee, failure to cease smoking constitutes an infraction punishable by a fine of not more than $50.00. A person duly authorized by the board of county commissioners shall be authorized to send a civil penalty citation to the violator by certified mail or personally deliver such citation to the violator stating the nature of the violation, the amount of the penalty, and directing that the violator pay the penalty to the county tax collector office within 14 days of receipt of the citation.

(b) Additional sanctions for employees. In addition to any penalty under subsection (a), employees of the county who violate this article shall be subject to disciplinary action consistent with the county's human resources policies.

5.5 Health/Safety Evaluation for Duty

This policy applies when employees have observable difficulty performing their essential job function work duties in a safe manner or pose a safety threat to self or others; or that employee’s ability to perform the essential job functions is impaired by a medical condition. Application of this policy is not intended as a substitute for discipline or any other County policies or procedures. In any situation involving misconduct or violation of County policy, disciplinary action may be taken.

The purpose of this policy is:

1. To promote the safety and health of employees and customers
2. To establish procedures by which the County can evaluate the employees’ ability to safely and competently perform their duties when a health or safety problem arises
3. To comply with applicable policies

Supervisors may refer employees for an evaluation as provided by these procedures:

1. Before referring an employee for an evaluation, the Department Head must obtain approval from County Human Resources Director unless the circumstances require

immediate action. The Department Head may place an employee on administrative leave pending a determination whether to require an evaluation if the employee poses a threat to his or her own safety or the safety of others.

2. The County may require a statement from the employee's healthcare provider that the employee's continued employment poses no significant risk to the health or welfare of the employee, other employees, or third parties, and such other information as may be relevant. Employees are responsible for any costs associated with their own healthcare provider. The employee's healthcare provider will be asked to review the job description on the form provided by Human Resources that outline the essential functions of the job for which they are performing.

3. The County reserves the right to require an additional Health/Safety evaluation by a County-designated healthcare provider, if in the best interest of the County. The county will pay the cost of this evaluation and the employees' time in the evaluation, will be considered hours worked.

4. Requests for psychological testing shall be sent through the Human Resources department. The Human Resources' designee will contact the Employee Assistance Program (EAP) provider to initiate the evaluation. The provider will be directed to report the results of the healthcare provider's recommendation to Human Resources.

5. Payment agreements, either for an additional healthcare provider or evaluation or psychological fitness recommended by EAP, will be signed by the Assistant County Manager for General Government and Stewardship, prior to scheduling the evaluation.

6. An employee referred for an evaluation will be placed on administrative leave pending the results of the evaluation based on the administrative leave policy for both the county and SHRA, if applicable.

7. The final determination of an employee's work status will be based on the results of the healthcare provider's recommendation.

8. If an employee is found to be unfit for some or all assigned duties by the healthcare provider, the employee's employment status will be determined on an individual basis, in accordance with County policies, practices and applicable laws. The employee may be placed on an appropriate leave status or restricted duty.

9. The County must receive a health/safety certification from the employee's healthcare provider or from the county-designated healthcare provider before an employee may return to full or restricted duty. This form shall be created by Human Resources based on an employee's job description.

10. A re-entry conference with the supervisor, department head or their designee, shall be required prior to the employee's return to work.

11. Employees who fail to fully cooperate with a determination of their fitness for duty shall be subject to dismissal from employment.

Records of health/safety evaluations will be treated as confidential medical records and kept separate from existing personnel files. The information will be shared only as permitted by the Health Insurance Portability and Accountability Act of 1996(HIPPA). After an evaluation, information available to the employee's supervisor will be limited to:

1. Whether a person is fit to resume some or all of his or her essential job functions with or without reasonable accommodations

2. Whether a person is a direct threat

3. Whether a person needs specific reasonable accommodations

5.6 Unlawful Workplace Harassment Policy

Policy Statement
Cumberland County prohibits employees from harassing clients, subordinates, supervisors, colleagues, community representatives or other persons or groups with whom they have contact as representatives of the organization. Internal interference, coercion, restraint, retaliation or reprisal against any person complaining of alleged workplace harassment is prohibited.

Cumberland County will promptly and thoroughly investigate all complaints of workplace harassment and will take appropriate action.

This policy provides guidance and procedures to department heads, supervisors and employees in recognizing and dealing with unlawful workplace harassment, sexual harassment, retaliation and complaints or grievances concerning workplace harassment.

Unlawful Workplace harassment is unwelcome or unsolicited speech or conduct based upon race, color, national origin, religion, age, disability, genetic information, or sex that creates a hostile, abusive, or intimidating work environment or alters the terms and conditions of the individual's employment.

Unlawful workplace harassment includes, but is not limited to, the following:

1. Demeaning, insulting, intimidating, or sexually suggestive comments, in any form, about an individual or group which is communicated or published by any means unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances or propositions

2. The invasion of personal space, blocking movement, pushing, or making indecent gestures

3. Posters, calendars, drawings, cartoons, e-mail or other media which are displayed or used inappropriately

4. Other offensive conduct, directed at individuals because of their race, color, religion, sex, national origin, age, handicap, political affiliation or genetic information No supervisor is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms and conditions of employment.

Supervisors are required to report in writing to the department head any unlawful harassment of which they have knowledge. This applies even if the harassment occurs in another department or the harasser is not a County employee.

Retaliation against an employee who complains of unlawful workplace harassment or engages in protected activity is prohibited. Protected activity includes, but is not limited to, filing a complaint in good faith, cooperating in an investigation and serving as a witness in an EEO investigation or litigation.

Unlawful Workplace Harassment Reporting Procedures
Any employee or applicant who alleges unlawful workplace harassment based on race, color, religion, sex, national origin, age, handicap, political affiliation or genetic information shall submit a written complaint of the alleged harassing action within thirty (30) calendar days to the employee's immediate supervisor, the appropriate department head, or the Human Resources Director. Supervisors shall forward complaints to the department head and the Human Resources Director.

The Human Resources Director shall conduct an investigation promptly to determine whether the alleged conduct constitutes unlawful workplace harassment. Management shall be sensitive and responsible to the reporting employee’s fear of reprisal and will maintain confidentiality to the extent possible, releasing information only on a need-to-know basis. Whenever possible, the investigation shall be conducted within sixty (60) calendar days from receipt of the written complaint. The Human Resources Director shall provide the complainant with a written response when there is a determination of what action, if any, will result from the employee's written complaint.

If the Department Head is subject of the complaint, County management shall conduct the investigation, in cooperation of with the Human Resources office.

Advisory Notes

1. Non-SHRA employees may grieve the decision to the County Manager through the County Ordinance, Article VIII section 801.

2. Employees subject to the State Human Resources Act with a grievance concerning a denial of employment, promotion, training, or transfer, or concerning a demotion, layoff, transfer or termination due to discrimination based on age, sex, race, color, national origin, religion, creed, political affiliation, handicapping condition, or a grievance based on retaliation for opposition to alleged discrimination may still appeal directly to the Office of Administrative Hearings and the State Personnel Commission.

3. A grievant has a right to file a simultaneous complaint, or within 180 days, under Title VII with the Equal Employment Opportunity Commission (EEOC).

(Ref. CC Personnel Ordinance, Article V, Section 502 and Article VIII, Section 802)

5.7 Alcohol and Drug Free Workplace Policy

(Revised 7/19/2017)

Purpose
Alcohol and drug abuse pose a threat to the health and safety of the County employees and to the security of the county's equipment and facilities. For these reasons the County is committed to the elimination of drug and alcohol use and abuse in the workplace.

Scope
This policy outlines the practice and procedures designed to correct instances of identified alcohol and drug use in the workplace. Department heads are responsible for holding supervisors accountable for the daily implementation of this policy and for ensuring employees are aware of the Employee Assistance Program offered by the County.

This policy applies to all employees and all applicants for employment with the County.

Employee Assistance
Department heads and supervisors shall be responsible to identify abuse-related behavioral and performance problems and alert employees to the support network offered through the Employee Assistance Program. The County will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline or termination under this or other county policies. Such employees will be allowed to use accrued paid time off, or placed on leave without pay, when referred to treatment providers and otherwise accommodated as required by law. Such employees will be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose to the county underlying medical conditions unless directed to do so.

Work Rules
Whenever employees are working, are operating any county vehicle, are present on county premises or are conducting county-related work offsite, they are prohibited from:

1. The use, consumption, possession or storage, manufacture, distribution, dispensation or sale of illegal drugs or illegal paraphernalia on county premises or any county work area, in county vehicles, or while on county business

2. The use, consumption, or sale of alcohol on county premises or any county work area, in county vehicles, or while on county business is prohibited with the exception of the authorized sale and consumption of alcoholic beverages at Crown Coliseum complex events.

3. Reporting to work or working on county premises or any county work area, in county vehicles or on county business while under the influence of alcohol, illegal drugs, or non-prescribed drugs

4. The use or possession of alcohol or illegal drugs off county premises and while not on duty where such conduct could likely have a direct and material adverse impact on the county's interest, including public image

5. Conviction of selling illegal drugs or of possession with intent to sell illegal drugs at any time or place

6. Conviction of any criminal drug or alcohol statute at any time or place may be evaluated on a per-case-basis for relevancy to job

7. Failure to notify the supervisor of any conviction under any criminal drug or alcohol statute by the next workday following the conviction

8. Failure to notify the supervisor, before beginning to work, of any prescription or over-the-counter medication use which may interfere with the safe and effective performance of duties

9. Refusal to immediately submit to an alcohol and drug test when requested by a supervisor, in accordance with this policy

10. Failure to adhere to the requirements of any drug or alcohol treatment program in which the employee is enrolled as a condition of continued employment

11. Tampering with or obstruction of a drug or alcohol test being administered by or for the County

Required Testing

Pre-Employment
All applicants must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing or testing positive as for drugs or alcohol as defined in Work Rules will result in disqualification for further employment consideration.

Reasonable Suspicion
Employees are subject to testing based on (but not limited to) observations by the supervisor of apparent workplace use, possession or impairment. Human Resources should be consulted before sending an employee for testing. All levels of supervision making this decision must use the Observation Checklist to document specific observations and behaviors that create a reasonable suspicion that the person is under the influence of illegal drugs or alcohol. If the results of the Observation Checklist indicate further action is justified, the manager or supervisor should confront the employee with the documentation with another member of

management. Under no circumstances will the employee be allowed to drive to the testing facility. A member of supervision/management must escort the employee; the supervisor/manager will make arrangements for the employee to be transported home.

Post-Accident Testing
Employees are subject to testing when they cause or contribute to accidents that seriously damage a county vehicle, machinery, equipment or property or result in an injury to themselves or another employee requiring offsite medical attention in which there is a reasonable basis for concluding that drug use could have contributed to the incident. A circumstance that constitutes reasonable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle including any machinery or equipment is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place within eight hours following the accident. Under no circumstances will the employee be allowed to drive to the testing facility.

Random Testing
Employees in designated safety-and security-sensitive positions will be subject to random, unannounced drug and alcohol screening. The Human Resources Director will develop and maintain a list of jobs selected for random testing and will provide the list to the Risk Management Director. This list will be updated as the need exists. When an employee is selected for random testing, the employee will be notified in writing by the Risk Management Officer and must report immediately to the designated drug testing facility. Any employee selected for random testing who refuses to submit to testing or who has a positive test will be placed on administrative leave and scheduled for a pre-disciplinary conference with the department head.

Collection and Testing Procedures

Drug Testing
Employees subject to drug testing should be driven to a county designated medical facility and directed to provide a urine specimen. The collected specimen shall be sent to an approved laboratory and the specimen shall be screened as required by N.C.G.S. § 95-232.

The laboratory shall transmit all positive drug test results to a medical review officer (MRO) retained by the County who should offer persons with positive results a reasonable opportunity to rebut or explain the results. Individuals with positive test results may also ask the MRO to have their split specimen sent to another federally certified laboratory to be tested at the applicant's or employee's own expense. Such requests must be made within 72 hours of notice of test results. The employee must request release of the sample in writing specifying to which approved laboratory the sample is to be sent. The applicant or employee incurs all reasonable expenses for chain of custody procedures, shipping, and retesting of positive samples related to this request.

If the second facility fails to find any evidence of drug use in the split specimen, the employee or applicant will be treated as a negative drug screen. In no event shall a positive test result be communicated to the county until such time that the MRO has confirmed the test to be positive.

Alcohol Testing
A positive test for alcohol at a level of .04 percent blood alcohol content (BAC) or higher will result in the employee immediately being placed on administrative leave and scheduled for a pre-disciplinary conference with the department head for unacceptable personal conduct.

A positive test for alcohol between .02 and .04 percent BAC will result in the employee being immediately sent home and not allowed to return to work until their next scheduled shift. Employees may use accrued leave or leave without pay for this absence.

Testing Procedure
Prior to leaving for the testing facility, supervision/management will contact the testing facility to inform it that a staff member from the county will be arriving and will need a drug or alcohol test completed.

The employee to be tested must present a photo ID (i.e. a driver's license) to the testing facility staff before the specimen can be obtained. Ensure that the employee brings the photo ID with him or her when leaving the county premises

The employee to be tested must sign a consent form provided by the testing facility. Refusal to sign is addressed under the "Consequences" section of this document.

A County representative must sign as a witness to the collection procedure, along with the tested employee.

After returning to the county or when leaving the testing facility, the supervisor/manager must make arrangements to transport the person home (unless a negative test result is immediate). Under no circumstances will the tested employee be allowed to drive home

Consequences
Employees who have tested positive, or otherwise violated this policy, are subject to discipline, up to and including dismissal.

Applicants or employees who test positive will be eligible for employment with the county when they produce documentation proving they have completed a drug or alcohol rehabilitation treatment program through the Employee Assistance program and pass a pre-employment drug screen.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be placed on administrative leave and scheduled for a pre disciplinary conference with their department head. If the employee refuses to be tested, yet the county believes he or she is impaired, under no circumstances will the employee be allowed to drive home.

Employees will be paid for time spent in alcohol or drug testing and then pending the results of the drug or alcohol test. After the results of the test are received, employees who test positive are subject to disciplinary action up to and including dismissal. If the results are negative, the employee will be returned to work.

Confidentiality
Information and records resulting in positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO are kept confidential to the extent required by law and maintained in the Risk Management Department. Information will not be released without written consent of the applicant or employee except as a result of action initiated by or on behalf of the applicant or employee or in compliance with a legal subpoena reviewed and approved by the county legal department. Test results are to be maintained accordance with the county records retention schedule.

Inspections
The County reserves the right to inspect all portions of its premises for drugs or other contraband. All employees may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Any illegal drugs or drug paraphernalia discovered on county premises will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline up to and including dismissal.

Definitions
"County premises" includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by the County or on any site on which the county is conducting business.

"Illegal drug" means a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed healthcare professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308)

"Refuse to cooperate" means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will be subject to dismissal.

"Under the influence of alcohol" means an alcohol concentration equal to or greater than .04.

"Under the influence of drugs" means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient's name, the name of the substance, quantity/amount to be taken and the period of authorization).

Enforcement
The Human Resources department partnering with Risk Management and the respective Department Head are responsible for policy interpretation, administration and enforcement.

5.8 County Cell Phone Use

Purpose
The purpose of this policy is to establish the extent to which Cumberland County will provide a cellular phone or a stipend for personally owned cellular phones used to conduct official business for Cumberland County when the use of such telephone is required of the position description. The intent of implementing a stipend reimbursement program (when appropriate as determined by the Department Director with input from County Finance) is to reduce overall costs and ease the administrative burden related to providing employees with County issued cellular phones.

Scope
This policy applies to all employees identified in a position that requires the use of a cellular phone for conducting business on behalf of Cumberland County.

Policy
Cumberland County will provide cellular telephones to employees for business use when the use of such telephones will increase the level of service provided to the County's customers, increase the level of safety for County employee and/or satisfy legal requirements.

Business Use of County Issued Cellular Phones
A county cellular phone shall be used for County business purposes. Such use is defined to be when an employee must make a call related to furthering County operations, does not have access to a regular County telephone, and the call cannot or should not wait until returning to the office. 411 calls are not permitted.

County business shall include circumstances in which an employee must make a personal phone call but does not have access to another County phone, and such circumstances are at the County's request and/or relate to County business.

For example, an employee may need to notify immediate family members that he/she is working past normal working hours and his/her expected arrival time. Such calls are to be made from a cellular phone only when a regular County telephone is unavailable and such calls shall be limited to no more than three (3) minutes.

Personal Use
Personal calls, texts and downloads are not permitted.

Incoming Calls
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 the employee. All incoming calls are discouraged unless the calls relate directly to the employee's County duties and the Department Director specifically authorizes such incoming calls.

Cellular Phone Misuse
The Department Director and County Auditor shall monitor cellular phone use and charges. Any misuse of a County cellular phone may result in but is not limited to one or more of the following actions: requiring a phone log detailing all calls; blocking all incoming calls; loss

of cellular phone; employee reimbursement of phone charges; disciplinary actions; and/or termination of employment. Lost or damaged cellular phones will be replaced at the employee's expense.

Procedure for Stipend Reimbursement for Personally Owned Cellular Phone Used to Conduct County Business

Overview
Cumberland County will provide a stipend instead of a County issued cellular phone for employees in positions that require the use of a cellular telephone to satisfy job requirements. The stipend reimbursement amount will be $25.00 per month (non-taxable) automatic deposit.

Criteria for Reimbursement

1. Employee must complete the Stipend Request Form and obtain approval from the Department head.

2. Employee agrees to publish their cellular number within their department for business purposes and to accept business calls on the phone.

3. Employee must retain an active cellular phone contract/prepaid plan as long as a cellular phone stipend is in place. Each Department will request a copy of the front page of the employee's cellular phone bill on a quarterly basis to verify the plan is active. If the phone is purchased and minutes are prepaid the employee will be requested to bring in sales receipt.

4. Employee will be responsible for all costs related to the phone including accessories. If for any reason Cumberland County should terminate an employee's cellular phone stipend, the County shall not be responsible for any costs or fees associated with ongoing service cost or contract termination fees.

5. If for any reason Cumberland County should terminate an employee's cell phone stipend, the County shall not be responsible for any costs or fees associated with ongoing service cost or contract termination fees.

6. Cell phones covered by this policy are used in part to conduct County business and/or to create, receive, send, or store County data. As a result, information contained on cell phones covered by this policy are also subject to Federal and State data maintenance and protection laws (e.g., FERPA, records retention requirements), as well as all County policies, including those pertaining to data security, acceptable computing use, and email.

7. As applicable, any cell phone that is utilized for data capabilities must be secured based on current County security standards including password protection and encryption software provided by County Information Services.

8. If a cell phone with data capabilities is stolen or missing, it must be reported to the employee's supervisor, the wireless device service provider, and to County Information

Services as soon as possible.

9. All employees who receive cellular phone stipends under this policy must agree to abide by all the provisions of this policy. Any employee found to be out of compliance with this policy may have their stipend cancelled and are subject to other disciplinary measures.

10. Each County Department is responsible for maintaining up-to-date records relating to stipend reimbursement eligibility. Any personnel action resulting in removal of an employee's stipend reimbursement must be communicated from the Department to Finance in a timely manner to ensure payment is stopped as needed.

5.9 Work Options

Cumberland County offers the following work options program for County departments.

Purpose
The purpose of this program is to establish a Work Options Program for employees. Work/Life balance is a critical consideration for employees where flexibility to establish work hours will benefit both the employee and the County. Based on business necessity, it is recognized that not all county positions or departments are suitable for the work options program. The opportunity to participate in this program is not a benefit or entitlement but is an option when it is determined by the department head, that increased productivity and the ability to extended services to our citizens are achieved.

Scope
This program may apply to all regular full-time, non-probationary employees of Cumberland County. It may not be applied to part-time staff, contract staff or staff who work shifts outside of the traditional department core business hours.

Program Guidelines
A standard work week for full-time employees is 40 hours per week. The traditional work schedule is five days per week, eight hours a day plus a meal period of 60 minutes. The nature of work and the services provided will provide guidance as to the possibility of the work options program and where circumstances may warrant differing work options as stated below.

1. However, options should consider and allow for adequate coverage during department traditional core business hours. For emergency closure, the Emergency Closing Policy, Section 6.5, will apply.

Schedule Options

Option 1: Compressed Work Week Schedule

- Compressed 4-day work week at 10-hours work time per day and one day off per work week

- Designed to reduce the number of days employees will report to work
- When holidays impact the 10-hour workday, the employee may need to adjust, or take leave to make them whole.
- For emergency closure, the Emergency Closing Policy, Section 6.5, will apply.

Option 2: Flexible Work Schedule

- Nine-hours work time per workday for four days in one work week; the 5th workday is 4 work hours
- When a holiday impacts this option, the employee may need to adjust or take leave to make them whole.
- For inclement weather, the Inclement Weather and Emergency Closing Policy will apply.

Option 3: Staggered Work hours Schedule

- Eight-hour work time per workday five days a week with differing staggered hours from the traditional hours or workdays of operation.
- For emergency closure, the Emergency Closing Policy, Section 6.5, will apply.

Work Rules

Department Head Responsibilities:

- Report to County Manager the work options approved to be utilized within the department
- Receive employee request for work options schedule and approve/deny Work Option agreements
- Track and monitor Work Options program being utilized within the department
- Ensure that core business hours are adequately staffed, and that productivity is not negatively impacted

Employee Responsibilities:

- Submit Work Options agreement through supervisory channels
- Ensure that work expectations and productivity are maintained as defined by the department
- Communicate immediately any concerns or work issues while participating in the Work Options program

5.10 Standards of Conduct

Employees must in all instances maintain their conduct at the highest standards. Employees are responsible to conduct themselves in accordance with the Code of Ethics.

(Ref. CC Personnel Ordinance, Article V, Section 501)

5.11 Telework

Scope:
This Policy applies to all teleworking activities of the County. Regular employees who have completed their probationary period are eligible to participate. Employees in a training capacity are not eligible. All managers, supervisors, and teleworkers should be familiar with the contents of this policy.

Policy Statement:
This policy establishes the criteria for participation in the telework option that allows the practice of working at a remote work location one or more days per pay period instead of working at the primary place of work (i.e. the office).

Employee participation must consider the suitability of the position, business need, employee past performance and technology/equipment needs. Each employee must receive approval to participate in this option from the department head, and enter the program based on signing a Work Options Agreement for a defined time period. At the end of that period, an evaluation of the success of the arrangement will determine if teleworking will continue and/or if any adjustments should be made.

Teleworking is encouraged only where it is a clear viable work option with tangible benefits to the County. This is not an employee benefit but provides alternative means to fulfill work requirements. The telework program is a management option where participation may result from an individual employee request or for a business need as determined by the department head for a section and/or unit. As such, the opportunity to engage in telework must be approved by both the employee and the Department Head and must demonstrate mutual benefit. Telework is not an entitlement, a promise or contract of employment, nor is it a promise or contract of any specific terms or conditions of employment. Telework is a cooperative arrangement that may be terminated at any time by the County at its discretion.

Telework employees must comply with the County Code of Ethics and Conduct, and all policies, practices, procedures, and instructions. Failure to comply may result in cancellation of the arrangement and/or disciplinary action up to and including dismissal. The employee's compensation, benefits, work status, and work responsibilities will not change as a result of participation in the telework program. For emergency closure, the Emergency Closing Policy, Section 6.5, will apply.

The Department Head may create internal policies specific to department rules and regulations.

Work Rules:

Department Head Requirements:

- Makes decision to allow an employee to telework on a case-by-case basis. Factors considered include:
  - Overall job performance as documented in performance reviews
  - Degree of self-motivation
  - Degree of organizational, prioritization, and time-management skills
  - Ability to work independently in an unsupervised environment
  - Disciplinary record especially in the areas of reliability, punctuality, and attendance
  - Consistently exhibits strong work ethics in completing tasks including meeting deadlines
  - Possess a high degree of comfort with technology and troubleshooting technology
  - Consider if job tasks require extensive use of onsite resources, hands-on service, or face-to-face interaction
- Approve a Telework agreement that establishes regular telework schedule prior to the start of the work option. The number of hours the employee is expected to work per day, or per pay period, will not change as a result of participating in the telework program.
- Reserves the right to require a teleworking employee to return to the primary work location on a regularly scheduled teleworking day if warranted. If this situation becomes frequent, then the supervisor may re-evaluate the appropriateness of the teleworking for that individual's job responsibilities.
- Review telework agreement on a periodic basis to determine if the agreement continues to be beneficial to both the employee and the County.

Employee Requirements:

- Have a private, quiet and distraction-free dedicated workspace.
- Check in and update from work location as required by supervisor.
- Contact your insurance carrier to determine to what extent County property is covered under the homeowner or renter's policy should theft or damage occur. County of Cumberland should be listed as a loss payee for all County property at the remote work location. In any event the employee must contact their supervisor and risk management to get instructions on how to proceed.
- Take reasonable precautions to protect the equipment from theft, damage or misuse as the security of County property in the possession of the teleworker is as important as it is in the office.
- Maintain safe working conditions at the secondary work location and practice the same safety habits in the designated secondary workspace as in their primary workspace. The secondary work location should be free from hazards and other dangers to the employee or others.

- Determine any income tax implications of maintaining a home office area. The County will not provide tax guidance nor assume any additional tax liabilities. Teleworkers are encouraged to consult with a qualified tax professional for advice.
- Make arrangements for any children or other dependents for dependent care. Telework is not to be viewed as a substitute for dependent care.
- Teleworking employee shall not be allowed to utilize personally owned equipment or software in the performance of their work duties.
- Respond to supervisor within 30 minutes of initial contact (except during the meal period).
- Required to be available by softphone or cell and/or home phone during scheduled hours, except for during the meal period. The softphone will be installed by County IS Technology on approved device prior to telework beginning. In the case of softphone use, must have backup options, such as a cell and/or home phone to which they can be contacted.
- Attend meetings, training sessions, or other similar events as requested by the supervisor.
- Ensure ability to complete work assignments timely during scheduled work hours and adhere to County policies, procedures and HIPAA requirements.
- Report sick time for hours not worked if sick while working at home.
- Contact respective supervisor immediately to review the situation and make a determination regarding the employee's status should the employee be unable to work from the remote work location, due to power loss or internet connection, system repairs or any condition that prevents or restricts connectivity. County equipment that is not working properly should be returned to IS Technology for additional troubleshooting upon return to the primary work location.
- Complete bi-weekly timesheet to certify by signing and submit to supervisor within the deadline required for bi-weekly payroll processing.

IS Technology Requirements:

- County will provide the necessary equipment and software at the secondary workspace.
- County-owned/supplied equipment is to be used for County business only.
- Laptops will be the primary computer utilized for all telework employees.
- IS Technology shall ensure device is up to date on all Windows updates, anti-virus and security-based software.
- Screen protectors shall be installed on all laptops for security purposes.
- Must have approved hard drive encryption software installed by IS Technology on any laptop.
- When the telework agreement is terminated, the employee must return all County-owned/supplied equipment and software to the County within 3 business days.

HIPAA Compliance:

- Teleworkers shall not save medical records on the local hard drives.
- Medical records are required to be stored in the electronic health record system (EHR).
- Do not access patient/client information if you do not need it to complete your assigned task or job responsibility.
- Must log off applications containing (PHI) Protected Health Information or (SI) Sensitive information when not in use.
- Must use County approved VPN connection to connect to medical records systems.
- Only use approved electronic communication devices to obtain sensitive information.
- Work environment must be secured, and screens should not be viewable by anyone other than the teleworker.
- Keep your passwords private and do not share your access.
- Do not discuss sensitive information or PHI at the remote work location with anyone that does not have a need to know.
- Be aware of your volume when speaking with a patient or discussing a patient's personal information with someone who has the need to know.
- Work area must be configured so that HIPAA protections are achieved and maintained.
- County documents taken to the alternative work location should be kept in the designated work area and not be made accessible to others. In no case can the employee take proprietary or confidential materials to the alternative work location except with the written approval of the employee's manager.
- Dispose of all SI or PHI by using an approved shredder or shredding bin.
- Department head must approve the retention of forms, documents or any protected information at the remote work location. All documents must be stored in a locking file cabinet as to safeguard Protected Health Information and to comply with HIPAA and confidentiality rules and regulations.
- When transporting sensitive or protected information it must be placed in a locked box or bag.
- Never send emails containing SI or PHI without using a secured encrypted system that has been approved by the IT department
  Never leave SI or PHI in a vehicle overnight.

Safety Compliance:

- Desk must be adequately designed in order to safely accommodate the equipment used, such as the laptop, keyboard and telephone.
- A comfortable chair with adequate back support should be used. County will not provide furniture for employee's remote work location.
- The County reserves the right to visit the remote work location upon reasonable notice, to ensure performance, security, privacy of confidential information, and for occupational health and safety reasons.

- The County will not be held responsible for injuries incurred by others in the employee's remote work location during working hours. In the event of an employee injury while working in the secondary workspace, the employee must contact their supervisor immediately (or as circumstances permit) to get instructions for obtaining medical treatment.
- The County will be responsible for any work-related injuries under North Carolina's, and other states as applicable, workers compensation laws, but this liability is limited to injuries resulting directly from your work and only if the injury occurs in your remote work location during scheduled work hours. Any claims will be handled according to the normal procedure for Worker's Compensation claims.

Section 6: Safety

6.0 Safety Statement

Cumberland County strives to ensure a safe and healthful workplace for all employees. The county is responsible for administering a safety program that adheres to all applicable federal, state and local laws, codes and regulations pertaining to employee safety. It shall be the responsibility of every employee to display a positive attitude toward safety and injury prevention by following all safety rules and regulations. Employees will report all accidents and unsafe conditions to their immediate supervisor.

6.1 Building Access

Department heads shall determine building access for employees according to business needs.

6.2 Workplace Violence Policy

Policy Statement
This policy:

1. Defines prohibited acts of violence or threats of violence
2. Gives guidance to managers, supervisors and employees in recognizing and reacting to acts of violence or threats of violence
3. Provides procedures to deal with acts of violence or threats of violence that may occur during business hours or on County premises
4. Provides for review and evaluation of incidents which occur

Policy
The County prohibits any type of threats or acts of violence against persons and/or property committed by or against its employees. Cumberland County shall:

1. Make reasonable efforts to deter the threat of workplace violence and provide a safe workplace for employees and citizens
2. Create a supportive work environment where employees feel comfortable discussing and seeking assistance with workplace violence
3. Educate employees about workplace violence
4. Handle all reports of workplace violence in a confidential manner

Employees who have information pertinent to workplace violence but do not report it as provided in this policy shall be subject to disciplinary action up to and including dismissal.

DEFINITIONS

Workplace Violence: Any assaultive act within the workplace including intentional harassment, physical attack, communicating threats and/or verbal or written threats of such acts, as well as actions that are perceived as violent or threatening and which investigation confirms were reasonably interpreted to be violent and includes, without limitation, stalking, threatening communications, bullying, intimidation, shoving, kicking, spitting or violation of restraining orders, but does not include agitated bodily gestures or loud or rude verbalization in and of themselves, but would include that conduct directed at another person in such a manner as to put a person of reasonable fortitude in fear of harm

Workplace violence includes:

1. Violence between non-employees and employees
2. Violence between employees
3. Domestic violence involving employees which may include spouses or domestic partners coming to the worksite
4. Violence between non-employees on County property

Intimidation: Engaging in actions that includes but is not limited to behavior intended to frighten, coerce, or induce duress

Bullying: Offensive and malicious behavior which undermines an individual or group through persistently negative verbal attacks with an element of vindictiveness and the behavior is calculated to undermine, patronize, humiliate, intimidate or demean the recipient

Stalking: Harassing or pestering an individual, in person, in writing, by telephone or electronic format and includes following an individual, spying on them, alarming the recipient or causing them distress

Threat: The expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present ability to carry it out and without regard to whether the expression is contingent, conditional or future

Physical Attack: Hostile physical contact such as hitting, fighting, pushing, shoving or throwing objects

Domestic Violence: Physical attack or communicating threats, either verbal or written, of such acts by a person with whom the object of the assault or threat has a personal relationship such as spouses, people who live together or date or who have been married, lived together or dated

Property Damage: Intentional damage to property and includes property owned by the County, employees, visitors or vendors

Workplace Violence Reporting Form: Form to report occurrences of violence and/or threats of violence within the scope of this policy

Workplace Violence Assessment Team (WVAT): A team which:

1. Assists in trying to prevent a difficult situation from escalating into violence
2. Serves as a resource in assessing warning signs and potential threats
3. Suggests possible strategies in response to acts of violence or threats of violence
4. Includes a representative from the affected department, County Management, Risk Management, County Attorney's Office, Sheriff's Office, Public Information Office and County Human Resources
5. Determine whether an employer workplace violence restraining order should be obtained

Assessment of Workplace Violence
When a threat has been reported or management determines that a potential for violence exists, Department Head may require an employee to undergo an assessment to determine the risk of danger. This assessment will be conducted by making a supervisory referral to the county Employee Assistance Program.

Cumberland County reserves the right to search County vehicles, County workspaces and other County property.

Retaliation
Retaliation against any employee who, in good faith, reports a violation of this policy is prohibited. Every effort will be made to protect the safety and anonymity of anyone who comes forward with concerns about a threat or act of violence.

Workplace Violence Reporting Procedures
Any employee who experiences or witnesses any acts, conduct, behavior or communication in violation of this policy must:

1. Secure your own safety. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede. Do not try to handle a violent or potentially violent incident
2. If the threat of violence is imminent, as soon as safely possible, contact law enforcement by your department's internal procedure or by calling 911 (9-911 from a County phone)
3. After contacting law enforcement or if the threat is not imminent inform your supervisor (unless the supervisor is alleged to have committed the reported act, in which case the report shall be made to the immediate supervisor of the alleged offender)

4. The Department head shall take immediate action

5. The supervisor completes or causes to complete the Workplace Violence Reporting Form. When reporting the threat of violence, you should be as specific and detailed as possible

6. Submit the Workplace Violence Reporting Form to your department head or designee.

7. The department head or designee will immediately submit the Workplace Violence Reporting Form to County Human Resources

An employee that is alleged to have violated this policy may be removed from the County work site until an investigation has been completed. At the end of the investigation, the Workplace Violence Assessment Team shall determine the County's official response.

Human Resources Response
Upon receipt of the Workplace Violence Reporting Form:

1. Review the report and determine if activation of the Workplace Violence Assessment Team is required

2. Notify all members of the team of the impending threat and nature of reported incident

3. Assemble the team promptly and provide details of reported violence

4. Monitor, track and record all incidences and action taken of workplace violence reports

Workplace Violence Assessment Team
In the event of a workplace violence incident, the Assessment Team shall:

1. Coordinate the County’s response from the time of notification until the threat no longer exists

2. Implement action to protect the employee in the workplace considering the various the levels of response, which may include, but not limited to: no response, notifying EAP, removing the employee from the work site, seeking an employer workplace violence restraining order, referring to law enforcement for investigative follow-up and/or incident response and intervention (including possibly for arrest and charge of a criminal offense)

3. Strive to ensure both the needs of the victims and the department are addressed

4. Offer debriefing sessions as needed

Media Inquiries
Requests by the media for information regarding an act or threat of violence shall be directed to the County Public Information Officer. Such request should not be directed or responded to by any other county employee.

(Ref. NCGS 95-260 et. Seq Occupational Safety and Health Act of 1970)

6.3 Weapons Prohibition Policy

Policy Statement
Cumberland County prohibits employees from possessing, carrying or storing firearms or other weapons on any property or facilities, or in any building or structure, owned, leased as lessee, operated, occupied, managed or controlled by Cumberland County, as well as the appurtenant premises to such premises.

This policy serves to further the safety and well-being of Cumberland County employees and persons present on County premises.

General Prohibition
The possession, carrying or storage of weapons, to include but not limited to any firearm, bowie knife, dirk, dagger, slung shot, loaded cane, metallic knuckles, razors, shuriken, stun gun, or other weapon of any kind by County employees is prohibited on any property or facilities, or in any building or structure, owned, leased as lessee, operated, occupied, managed or controlled by Cumberland County, as well as the appurtenant premises to such premises owned, leased, occupied, managed or controlled by Cumberland County.

This policy specifically applies to, and prohibits, possession, carrying or storage of weapons in personally-owned-vehicles while parked on County property.

Exceptions
This policy shall not apply to:

1. Sworn law enforcement officers of Cumberland County, including off-duty officers, who are carrying weapons in accordance with departmental standard operating procedures

2. County contracted armed security guards

3. The Sheriff, County Manager, or their respective designee authorizing the public possession or display of a firearm or other weapon as part of an official program or event sponsored or sanctioned by the County

4. County employees in the courthouse in possession of a weapon for evidentiary purposes, to deliver same to a law-enforcement agency, or for purposes of registration

5. County employees in possession of County owned firearms and acting within the scope of their duties

6. A person who is elected and serving as a register of deeds

7. County employees with a concealed handgun permit issued in accordance with the laws of the state of North Carolina or issued in another state and recognized by the state of North Carolina who have a firearm in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle. The employee may unlock the vehicle to enter or exit the vehicle provided the firearm remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit.

6.4 Safe Driving Practices Policy

Purpose

The purpose of this policy is to ensure that all employees understand their responsibilities relating to County Safe Driving Practices during the normal course of employment.

Scope

The scope of this Safe Driving Practices Policy is to ensure the safety of every County employee who operates a motor vehicle while on Cumberland County business and safety to the general public. This policy applies to employees, contractors, consultants, temporaries, and others conducting business for Cumberland County, and to all equipment that is owned or leased by Cumberland County.

Policy

The Cumberland County Safe Driving Practices Policy is for all County employees who will be operating motor vehicles for Cumberland County. Employees who will be operating motor vehicles for Cumberland County shall have a valid North Carolina Driver's License. Employees who have been residents of the State for more than thirty (30) days will be required to obtain a North Carolina Driver's License in accordance with N.C.G.S 20-7(a).

Safe driving practices of employees are of substantial concern to the County. County employees with driving records containing accidents and serious vehicular traffic violations pose an increased threat to public safety. County drivers with unacceptable driving records cause a tremendous increase in County automobile insurance premiums. The public loses confidence in the County's ability to manage its affairs when little or no action is taken to correct County employees who exhibit unsafe driving practices. More importantly, employees with unacceptable driving records could be cause for the County to lose its automobile liability insurance coverage. These possibilities require County Department Heads to take immediate action to stress safe driving practices to our employees and to identify and remove from driving status those employees with unacceptable driving records.
Therefore, any employee with an unacceptable driving record is prohibited from driving a County motor vehicle or a private motor vehicle on County business. Any employee who violates this policy will be subject to disciplinary action, up to and including termination.

Notification of Vehicle Collisions, Traffic Violations and/or Revocation of Driving Privileges

Each employee shall report to his or her Department Head any involvement in a county or private vehicle accident resulting in injury involving treatment more than first aid to or death of any person or total property damage to an apparent extent of $1,000.00 or more, not later than two (2) business days. Additionally, the employee shall be responsible for notifying his or her Department Head of his or her conviction of a moving traffic violation, the revocation of driving privileges, or the determination of fault in an accident. Failure to make any such report may result in disciplinary action, up to and including termination.

Written Warnings to Employees

The Department Head shall immediately notify and provide a written warning to employees whose driving record is deemed marginal. Department Heads will be notified of those employees whose records are deemed marginal. Employees will be required to acknowledge receipt of the warning and to take steps to improve their safe driving practices. Department Heads will insure that the acknowledgement is delivered to the Human Resources Department for filing in the employee's personnel file. The written warning will be removed from the employee's personnel file when the employee's driving record is no longer marginal. A Written Warning of Marginal Driving Record Form should be completed and used for the purpose of warning the employee and obtaining his acknowledgement of such warning.

Unacceptable Driving Records

The Department Head shall immediately remove any employee from driving status upon receipt of credible information that the employee has an unacceptable driving record. Department Heads will give written notice of non-driving status and will require the employee to acknowledge receipt and understanding that he or she has been removed from driving status by providing the employee a Notification of Non-Driving Status form. Department Heads will ensure that a copy of the Non-Driving Status and Acknowledgement of such notice is delivered to the Human Resources Department for filing in the employee's personnel file. The Notification of Non-Driving Status and Acknowledgement will be removed from the employee's personnel file when the employee's driving record is no longer unacceptable. In those cases where driving constitutes a condition of employment and the Department Head determines that there is no other suitable position in which the employee may serve, the employee will be processed for termination under the provisions of Cumberland County Personnel Ordinance, Article 7, Section 701).

Conditions of Employment

No applicant shall be employed by the County who has an unacceptable driving record if the position applied for requires driving as a condition of employment.

Promotions or Transfers

No employee who has an unacceptable driving record shall be promoted or transferred to a position requiring driving as a condition of employment.

Cellular Telephone Usage While Driving

To improve the safety of employees, passengers and the public, this section addresses the use of cellular phones in vehicles. This policy suggests the circumstances under which a county employee should use a cellular telephone, whether such telephone is issued by the county or personally owned by the employee, when operating a motor vehicle on county business.

Employees operating a motor vehicle on county business are encouraged to not make or receive calls on a cellular phone, whether hand-held or hands-free, while driving.

If it is necessary to use a cellular phone while operating a motor vehicle on county business the employee should drive the vehicle off the road to a location where the vehicle does not create a safety hazard and bring the vehicle to a stop, prior to using the cellular phone.

Marginal Driving Records

A marginal driving record is a driving record which contains either convictions or accidents fewer in number or severity than an unacceptable driving record. It is based on an analysis of all of the facts surrounding the conviction or accident. Further, it is based on a case-by-case determination of whether it is more likely that the person poses a higher risk than normal of future accidents or injuries. A person may remain in marginal driving status for three years or less, provided there are no intervening accidents or convictions.

Unacceptable Driving Record Criteria

The following criteria shall be followed in determining an unacceptable driving record for job applicants and for the evaluation of existing County employees. Any one of the following constitutes an unacceptable driving record:

A. A conviction of driving while intoxicated, impaired, or under the influence of drugs within the last three years.

B. A conviction of reckless driving or racing on streets and highways within the last three years.

C. A conviction of speeding in excess of 15 miles per hour over the posted limit within the last three years.

D. A conviction of manslaughter involving an automobile or death by vehicle within the last three years.

E. A combination of any three or more moving violations or at-fault automobile accidents within the last three years.

F. A combination of any two or more moving violations or at-fault automobile accidents within the past year.

G. A revocation of driving privilege within the last year.

Provided there are no intervening convictions or accidents, an unacceptable driving record status will be removed after three years.

A conviction is based on a decision by a judge or an admission of guilt by signing the back side of the citation and paying the fine. The fact that a plea of *nolo contendre* was accepted or that a prayer for judgment continued or limited driving privilege granted shall not affect the determination of an unacceptable driving record.

6.5 Emergency Closing

Purpose
The purpose of this policy is to establish guidelines to account for time during an emergency closing event when the Emergency Closing Policy is implemented. The intent in implementing this policy is to provide a level of fairness in the most equitable manner to the majority of employees across the County. It is understood that not every employee of the County works in the same location, has the same work hours, responsibilities, or functional roles. It is understood that the majority of full-time employees have the requirement of a 40-hour work week and that the majority of departments are open for business five days per week. That is the basis for the eight-hour reference within this policy and is consistent with the accounting for holiday time.

It is Cumberland County's policy to remain open for business whenever possible during regularly scheduled hours of operation to the maximum extent allowable. The County Manager may close government offices to the community for the safety of the employees and/or the public. This may result in the activation of the Emergency Operations Center and a Declaration of Emergency being declared and instituted by the County Manager. The County Manager or his/her designee shall determine if emergency conditions exist and make closing decisions.

County department heads shall determine which of the required functions of their departments must continue during an event. County department heads must also inform their respective employees who are required to report to work during an emergency event, the reporting location and the time.

Notification of Emergency Closing
Employees will be notified of emergency closures by some or all the following:

- Cumberland Alerts Notification System
- Radio and/or television broadcast
- County Website & Social Media
- Supervisor Phone Tree

Scope
This policy applies to all Cumberland County full-time and permanent part-time employees with benefits. County employees without benefits will adhere to closing decisions and shall only record actual hours worked on the timesheet.

Accounting for Time
When a decision is made to officially close County offices the following apply:

- Employees shall be paid based on the County Fair Labor Standards Act Policy (Section 3.14).

- Employees required to report to work will record all hours worked in the top section of the timesheet, by recording time in and time out as applicable per day.

- Employees not required to report to work during an event will not record hours in the top section of the timesheet.

- In addition, employees shall record emergency closure time in the bottom section of the timesheet using code 360 as follows:

    - Closure for a full day:

        - Full-time employees will record 8 hours of emergency closure time.

        - Part-time employees or full-time employees scheduled to work a partial day will record emergency closure time based on their scheduled hours, not to exceed 8 hours.

    - Closure for a partial day:

        - All employees shall record emergency closure time based on their scheduled hours, not to exceed 8 hours.

- All employees are required to record their scheduled meal period as required by the Fair Labor Standards Act.

- Employees who have been notified that they are required to report to work and do not, must notify their supervisor as to the circumstances preventing them from reporting to work as soon as they are aware and are not eligible for emergency closure time. These employees may be subject to disciplinary action and must use their own accrued leave.

- Employees who were previously approved for annual, sick, exempt or compensatory time during an emergency closure event will not record emergency closure time.

- Employees who were previously scheduled for a non-workday or non-work hours during an emergency closure event will not record emergency closure time.

- The department head may allow employees to make up the time missed, as a result of an emergency closure, within the same work week of the closure.

- Employees will be required to utilize annual, exempt, or comp time to make up any shortfall of required hours in timekeeping for the pay period.

- Employees who are out of work on Family Medical Leave, Workers' Compensation, Military or leave without pay during an event are not eligible for emergency closure time.

- Once County offices reopen, employees not able to report to work must notify their supervisor as to the circumstances as soon as they are aware and will be required to use their own accrued leave.

- Departmental supervisors and department heads are responsible for ensuring that accounting for time on the timesheet has been reported accurately and in compliance with this policy before signing the employee timesheet and submitting through payroll.

(Ref. CC Personnel Ordinance, Article V, Section 504)

6.6 OSHA Hazard Communication Policy

Policy Statement
It is the policy of Cumberland County to reduce employee exposure to hazardous chemicals and the overall incidence of chemical-related injuries and illnesses. All employees who are potentially exposed to hazardous chemicals in their assigned jobs must be fully informed of both the hazardous properties of the chemicals and the protective measures that are available to minimize exposure to these chemicals. This type of information will be made available to employees by means of labels on chemical containers, Safety Data Sheets (SDS), and training. Employees will be informed of any known hazards associated with chemicals to which they may be exposed before their initial assignment, whenever the hazards change, or when new hazardous chemicals are introduced into their respective work areas.

This policy describes how to protect the safety and health of our employees who are exposed to hazardous chemicals in the workplace, and to comply with the provisions of 29 CFR 1910.1200.

Risk Management is responsible for monitoring all related activities to ensure compliance with both the intent and specifics of this program. Each supervisor will be held responsible for strict adherence to these policies and will closely monitor all activities involving hazardous chemicals. Each employee will carefully follow established work practices and promptly report observed or potential problems to supervision. Ask when in doubt. Proceed with a job only after being satisfied that it is safe for you to do so.

A list of all hazardous chemicals for each workplace has been made and is readily available, upon request, to any employee, working on any shift. It is located at with the Safety Officer designated for each department.

Safety Data Sheets (SDS)
A Safety Data Sheet (SDS) for each hazardous chemical referenced above is on file for each department with the Safety Officer. The SDS are accessible during each work shift for any employee to review. If you have further questions about the SDS program, contact your Department Head or Safety Officer.

The departmental Safety Officer is responsible to ensure that the list of hazardous chemicals is kept current and that a current SDS for each hazardous chemical used is on hand.

All containers of hazardous chemicals in each workplace will be labeled per the requirements of the Globally Harmonized System (same as on the applicable SDS), and the appropriate hazard warnings. If the chemical is a known or suspected cancer-causing agent (carcinogen), or if it is known to affect a specific organ of the body, this information will also be placed on the container label. The person having supervisory responsibility for the storage or use of each hazardous chemical will ensure that such labels are not defaced and that they remain legible at all times.

The Safety Officer or responsible supervisor will ensure that an adequate supply of labels is kept on hand and made available to the responsible supervisors.

Each department is responsible for anticipating, as much as possible, the hazards that would be present for non-routine tasks, such as chemical spill or container rupture. Clean-up procedures and proper personal protective equipment shall be considered and adequate training for such tasks shall be addressed.

When an outside contractor will be used, it will be the responsibility of the departmental Safety Officer to advise the contractor of any hazardous chemicals to which the contractor's employees may be exposed and the appropriate protective measures to be taken. The departmental Safety Officer shall also determine if the contractor will be using any hazardous chemicals during this work that would expose employees. Appropriate training and protective measures must be taken in order to protect employees. Prior to any work being performed by an outside contractor involving hazardous chemicals, Risk Management is to be advised.

Training

All employees exposed to any hazardous chemicals will complete an information and training program which includes at least the subjects listed below. New employees must complete similar instruction before initial exposure to any hazardous chemical in the workplace.

Adequate training of all employees exposed to hazardous chemicals will be given by the departmental Safety Officer assisted as needed by the Hazard Communication Program Monitor.

Employee training shall include at least the following:

1. The purpose and need for such a Hazard Communication program, including the Globally Harmonized System that gives every employee the right to understand the hazards associated with the chemicals with which they work.

2. The location and availability of the written Hazard Communication Program, plus the list of hazardous chemicals and their corresponding SDSs.

3. The identity upon request, of any chemical to which the employee is exposed. In the case of a trade secret chemical, the name shown on the SDS will be provided.

4. Methods and observations used to detect the presence or release of a hazardous chemical in the work area such as monitoring devices, appearance or odor.

5. The physical and health hazards associated with each chemical, as specified in the SDS.

6. Action that employees can take to protect their own safety and health, including specific procedures that have been established for normal work practices, emergency procedures, and policies on the use of personal protective equipment.

7. Details of the Hazard Communication Program, including an explanation of the labeling system used on in-house containers of hazardous chemicals. Also, details of how employees can obtain and use information contained in the SDS.

6.7 Workers' Compensation

Policy Statement
As required by the North Carolina Workers' Compensation Act (NCGS 97), Cumberland County provides Workers' Compensation coverage for all employees, as defined under the act. Cumberland County has a self-insured Workers' Compensation program that provides coverage for lost wages and medical costs defined as "reasonable and necessary" for work-related injuries and illnesses. Work related claims should not be filed under the County's regular group health plan. Further, work related injuries are not treated by the County Employee Wellness clinic and the County Employee Pharmacy cannot be used to fill prescriptions provided by Worker's Compensation treating physicians.

Work Related Injuries
Any absences from work resulting from work related injuries must be authorized by the designated health care provider

1. Employees will be paid regular time while seeking medical treatment for the injury or illness on the day of the accident.

2. No worker's compensation is paid during the first seven days of absence following a workplace illness or injury. Employees have the option of using sick leave, annual leave, exempt or compensatory time (comp time), or they may take leave without pay during this period.

3. Employees may not supplement worker' compensation benefits by using any available leave credits.

4. Part-time employees who do not accrue leave, will go directly into leave without pay status for the first seven days of missed work following an on the job injury. Full and part-time employees who are absent from work due to a work-related injury or illness for longer than seven days will receive compensation at 66.67 percent of their average weekly wage, beginning on the eighth day following the injury or illness.

5. Employees who are not released to return to work for 21 days will be reimbursed for the first seven days of absence.

6. Employees will continue to accrue sick and annual leave while on worker's compensation leave.

7. Employees have the option to purchase retirement credits for the time lost through the Retirement System when in worker's compensation leave status and absent from work for an entire calendar month.

8. Employees will continue to receive longevity credit, if applicable, in accordance with the Longevity Pay policy while out on Worker's Compensation leave.

9. Employees who return to work after being in Worker's Compensation pay status will be allowed reasonable time and will not be required to use leave credits for any required follow-up medical or therapy appointments that occur during their normal work hours.

10. Employees who have not been in Worker's Compensation pay status must use sick leave or other accrued leave for any appointments after the original day of injury.

Work Rules

Workers' Compensation leave shall run concurrent with FMLA leave for a serious health condition that qualifies under the Family and Medical Leave Act (FMLA)

Personnel policies shall continue to apply while on Workers' Compensation leave

Employees are responsible for payment of the employee portion of the insurance premiums and other elected benefit options while on workers' compensation leave

Employees must submit to a post-accident drug screen per the County Alcohol and Drug Free Workplace Policy

Employee Requirements

1. Report all work related injuries/ incidents to the supervisor immediately.

2. Prepare a written statement of the injury or illness and submit to the supervisor as soon as is reasonable, but preferably the day of the accident.

3. Obtain medical treatment with the county approved medical provider.

4. Provide return to work information to supervisor after initial and follow up doctor visits.

5. Submit original receipts along with completed forms for reimbursement of any out-of- pocket expenses.

6. Comply with treatment prescribed by approved treated medical provider, including light duty restrictions.

7. Maintain regular contact with their supervisor will out on workers' compensation leave.

Supervisors/Department Head Requirements

1. Direct the employee to provide a written statement regarding the incident

2. Provide the employee with the name and location of the approved medical provider(s).

3. Report the incident to the Risk Management Coordinator immediately at 910-323-6107, and conduct a thorough incident investigation with the assistance of Risk Management

4. Complete and provide the following to the Risk Management office within two days:

   Supervisors incident report

   Employees written statement

   Related video if applicable

5. Ensure compliance with any work restrictions and/or light duty assignments.

6. Maintain regular contact with the employee while on workers' compensation leave.

7. Ensure the employee's timesheet is faxed to both payroll and risk management bi-weekly.

Return to Work Program for Injured Employees
The County has an active Return to Work Program to benefit employees with a work-related injury resulting in a temporary disability. The Return to Work program is designed to provide temporary, transitional duty assignments, consistent with the Primary Care Provider's recommendations, to promote quick recovery, improve morale and allow the injured worker to earn their normal wage.

Return to work transitional duty assignments are coordinated by Risk Management and the employee's supervisor who strive, whenever possible, to have the employee returned to their normal work unit with appropriate modifications or place the employee in another temporary assignment.

If the employee declines a modified duty assignment that meets all restrictions set forth by the designated healthcare provider, the workers' compensation lost wage benefit will cease and, in some cases, the employee may be scheduled for a pre-disciplinary conference consistent with applicable law.

If the employee is also on Family and Medical Leave (FMLA leave) while on workers' compensation then per FMLA regulations, section 825.207 (e), "If the healthcare provider treating the employee for the workers' compensation injury certifies the

employee is able to return to a “light duty job” but is unable to return to the same or equivalent job, the employee may decline the employer’s offer of a “light duty job.” As a result, the employee may lose workers’ compensation payments, but is entitled to remain on unpaid FMLA leave until the employee’s FMLA leave entitlement is exhausted.

Employees who dispute the workers’ compensation findings or recommendations of the County’s designated healthcare provider must address those concerns with Risk Management and/or the County’s Third-Party Administrator. Departments must adhere to the findings of the designated healthcare provider and workers’ compensation staff. Employees released by the designated healthcare provider to return to work must do so on the next business day.

(Ref. CC Personnel Ordinance, Article VI, Section 609)

Section 7: Leave Policies

7.0 Policy Statement

Paid leave policies apply to all employees working 20 hours or more weekly.

All leave shall be authorized in minimum increments of one-quarter hour periods (15 minutes) but only with appropriate notice and the approval of the department head or other appropriate appointed authority in order to ensure the business operations of the department run effectively.

When in paid leave status an employee continues to accumulate leave, is entitled holiday leave and is eligible for any salary increases during that period.

Employees on Worker's Compensation shall be credited with annual and sick leave accrued during time lost due to on the job injuries but cannot use leave to supplement the remaining salary not paid through Worker's Compensation.

Strict adherence to the terms and conditions of these policies are required. Failure to do so could result in the loss of benefits.

7.1 Holidays

In accordance with North Carolina Office of State Human Resources, Cumberland County will observe the following 12 holidays:

New Year's Day	Labor Day
MLK Birthday	Veterans Day
Easter (Good Friday)	Thanksgiving (2)
Memorial Day	Christmas (3)
Fourth of July	

A yearly schedule will be distributed that shows the actual dates of the above holidays distributed by the office of the County Manager.

(Ref. CC Personnel Ordinance, Article VI, Section 605)

7.2 Annual Leave

Covered Employees and Annual Leave Credits
All employees working at least 20 hours or more per week will accrue annual leave per pay period at a prorated accrual based upon years of Cumberland County service and hours worked per week. Employees on leave without pay at the end of the pay period, do not accrue leave credits for the pay period.

The following table indicates the amount of annual leave accrued per pay period based on years of ***Cumberland County*** service:

Leave Code	Years of Completed Aggregate Service	Hours Earned Each Pay Period	Days Earned Annually
1	0-2	3.7000	12.0250
2	2	4.6167	15.0043
3	5	5.5500	18.0375
4	10	6.4667	21.0168
5	15	7.4000	24.0500
6	20	8.3167	27.0293

The following table indicates the amount of annual leave accrued per pay period based on years of ***Cumberland County*** service for ***Law Enforcement Officers Only***.

Leave Code	Years of Completed Aggregate Service	Hours Earned Each Pay Period	Days Earned Annually
A	0-2	3.9500	12.0117
B	2	4.9333	15.0018
C	5	5.9333	18.0428
D	10	6.9167	21.0234
E	15	7.9000	24.0234
F	20	8.8833	27.0135

Annual leave may be used for an absence from work as approved by supervisor including, but not limited to:

1. Vacation
2. Other periods of absence for personal reasons
3. Absences due to adverse weather conditions when the office is open
4. Personal illness (in lieu of sick leave)
5. Illness in the immediate family
6. Time lost for late reporting
7. Donations to an employee who is an approved voluntary shared leave recipient
8. To attend the funeral of anyone with whom the employee had a close relationship for a maximum of three days

In accordance with the Uniform Services Employment and Reemployment Rights Act (USERRA) an employee may choose to use annual leave to supplement guard and reserve duty pay but cannot be required to do so.

Accumulation
Leave may be accumulated without any applicable maximum until June 30 of each calendar year. Leave accumulations over two hundred forty (240) hours will be transferred to sick leave on the first pay period in July. Employees separating from service will be paid for no more than 240 hours in accumulated annual leave. Law enforcement officers are paid out max of 257 hrs.

Reemployment
Former employees who are reemployed will be credited with their total years of completed cumulative service in determining their annual leave accrual rate.

(Ref. CC Personnel Ordinance, Article VI, Section 606)

7.3 Sick Leave

Policy
Sick leave is to be used for reasons as outlined below. Sick leave cannot be substituted for other types of leave.

For the purposes of sick leave, immediate family shall be defined as child, spouse or parent as stated in the *Family and Medical Leave Act.*

Uses of Sick Leave
Sick leave may be used for:

9. Personal illness or injury;
10. Medical appointments; and
11. Illness, injury, or care for a member of employee's immediate family.

Accumulation
All employees subject to the Local Government Employees' and Law Enforcement Officers' Retirement Systems who are in a pay status for ten or more workdays, 80 hours, in a pay period earn sick leave at the rate of 3.7000 hours per pay period or 12.0117 days per year. Employees whose normal work week is less than or more than 40 hours per week shall earn sick leave proportionally. There is no maximum accumulation for sick leave.

Annual leave in excess of 240 hours on June 30th each calendar year shall be converted to sick leave.

Verification
A statement from a medical provider or other acceptable proof may be required for an employee out on leave for three or more consecutive days or if abuse of leave is suspected.

Acceptance of Sick Leave
Cumberland County accepts transferrable sick leave earned from an employer under the North Carolina Retirement System, with the following conditions:

1. From the most recent qualifying employer where the employee was employed within the past three years;

2. Documented on official letterhead from the transferring employer which includes the employee's name, social security number and unused sick leave balance; and dates of service

3. Requested from the previous employer by the employee and received by Cumberland County Payroll within six months of hire.

Separation
The county shall not pay for any unused sick leave upon the employee's separation from employment. Unused sick leave may be used for service credit upon retirement under the rules of the applicable retirement system.

Reinstatement
Sick leave may be reinstated when an employee returns to work within three years of a resignation from the last workday. Sick leave may be transferred out within this same three year period.

(Ref. CC Personnel Ordinance, Article VI, Section 607)

7.4 Voluntary Shared Leave

Policy Statement
Cumberland County allows employees to donate annual leave to other employees appointed to regular full-time, part-time, and time-limited positions who have exhausted all of their accumulated leave.

Temporary employees do not earn leave and therefore, are not eligible to donate or receive shared leave.

Probationary employees who are not eligible for Family Medical leave coverage until one year of service may receive Voluntary Shared Leave during their first year of employment if they have a medical condition that meets Family Medical Leave guidelines.

Eligibility
An employee in an approved Leave-Without-Pay Status may be eligible to receive shared leave if:

1. The absence is due to a qualifying serious health condition or other qualifying conditions as defined by the Family and Medical Leave Act, or an extreme hardship exists.

2. Consideration of shared leave requests for non-medical reasons will be subject to a case-by-case review and approval by the department head.

3. Recipients of shared leave must have exhausted all accumulated leave before any donated leave is applied.

Restrictions
Shared leave is not a right, but a privilege offered by Cumberland County. Employees are expected to be good stewards of their leave and make a reasonable effort to effectively and responsibly manage their accrued leave balance. Therefore, unjustified, excessive use, or abuse of leave may result in requests for shared leave being denied. Leave sharing shall not be available to employees who are receiving Worker's Compensation.

Donation of leave is strictly voluntary. An employee may not attempt to or coerce pressure, intimidate, or threaten any other employee to donate, receive, or use leave under this program. Such action shall be grounds for disciplinary action up to and including dismissal on the basis of unacceptable personal conduct. Individual leave records are confidential, and only individual employees may reveal their donation or receipt of leave.

County-wide requests for shared leave are limited to one time per qualifying event during a 12-month period.

Employees on extended leave of absence without pay, as defined in section 7.5, are not eligible for voluntary shared leave.

Procedures
An eligible employee may begin using donated leave only after all other available leave credits have been exhausted; this includes compensatory/exempt time, sick and annual leave. Therefore, the application for shared leave should be submitted when employees have used or expect to use all accrued leave or at such time as medical evidence is available to support the need for leave beyond their available accumulated leave.

1. To request shared leave the employee or a third person acting on the employee's behalf shall complete the Application to Receive Shared Leave form and submit the form to the department head.

2. The department head shall verify eligibility for participation by reviewing the basis for the request; the employee's leave balance and history of leave use and approve or deny the request to participate in the shared leave program. All approved requests for shared leave shall be forwarded to County Payroll within three workdays.

3. Notice of approved shared leave requests may be disseminated throughout the department where the recipient is employed or posted by email throughout the county. When announcing the need for leave donations for health purposes, only a statement that the recipient is out on an approved FMLA qualifying condition shall be made.

4. Employees donating leave must complete and submit to County Payroll the Request to Donate Leave form and may only donate up to 40 hours per form. The donors of voluntary shared leave shall remain confidential.

5. Donated annual leave will be applied to the recipient's sick leave account for qualifying medical conditions or to the recipient's annual leave account for qualifying non-medical circumstances.

6. The minimum amount of annual leave that may be donated is four (4) hours. Employees cannot donate more than the amount of the donor's annual accrual rate. Donations shall not reduce the donor's annual leave balance below one-half of the donor's yearly annual leave accrual rate. Sick leave may be donated to an immediate family member that is also a County employee. Immediate family member is defined as parent, spouse or child. County Payroll shall ensure that these requirements are met.

7. If an employee is retiring and wishes to donate unused annual leave, the employee may do so with no limit to the maximum amount donated. The donations may only be applied to those approved for voluntary shared leave.

8. The following procedures will be followed by county payroll for approved Shared Leave requests:

   a) County payroll shall date stamp leave donations upon receipt and apply leave as needed in the order in which it is received.

   b) When accounting for leave, county pay shall use the employee's newly earned annual and sick leave prior to posting shared leave to the employee's leave account.

   c) Donated leave shall remain in the donor's leave account until it is applied to the recipient;

   d) County payroll will verify with Human Resources if multiple requests for shared leave within a 12-month period is for new or existing qualifying event.

Participation in the program ends at the point the department head or County Management no longer approves the employee to be away from work, the employee returns to work, the employee no longer qualifies for FMLA or the employee is separated from employment.

(Ref. CC Personnel Ordinance, Article VI, Section 616)

7.5 Leave Without Pay

Definition
Leave without pay status occurs when an employee has exhausted all applicable accrued or donated voluntary shared leave time and exhausted all Family Medical Leave entitlement.

Policy
The department head may grant extended leave of absence without pay not to exceed six months for reasons of personal or family illness or injury or personal cogent reasons. A request for leave of absence without pay shall be submitted to the department head in writing

prior to the requested starting date of such leave. Employees who return to work upon completion of approved leave without pay shall be reinstated.

Employees in leave without pay status do not accrue any type of leave. Employees are responsible for payments of all applicable cost associated with their benefits.

Special Provisions
Leave without pay provisions for Military Leave, Family and Medical Leave and Workers' Compensation events are covered in this manual under their respective sections.

Employees shall be granted a military leave of absence without pay to serve in the military, for a longer period of time if needed, in accordance with the Uniformed Services Employment and Reemployment Rights Act of l994 (USERRA) and the Military Leave section of this Article.

LEAVE WITHOUT PAY PROCEDURES

Employee

1. Apply in writing to the department head to request leave without pay 30 days prior to proposed start date when feasible
2. Provide documentation to support request
3. Give written notice of intention to return to work, or inability to return to work, within a reasonable time prior to the expiration of your leave
4. Return to duty by the end of the leave extension
5. Failure to report at the expiration of a leave, unless an extension has been requested and approved, shall be considered as a resignation.

Department Head

- Consider leave without pay requests based on the following factors:
- Needs of the employee requesting leave
- Workload
- Need for filling employee's job
- Ensure leave without pay is accurately tracked

Human Resources
Provide technical assistance in applying the leave without pay policy.

Retention and Continuation of Benefits
Leave Credits – Employees transferring from an active pay status to any leave without pay status shall become ineligible to accrue leave credits beginning the first pay period in which

they perform no work or have no paid leave. Employees returning to an active pay status from leave without pay shall begin to accrue leave credits in the first full pay period in which they return to work and work 80 hours.

County-paid Insurance Premiums – Employees transferring from active pay status to leave without pay under the FMLA, other medical leave, Workers' Compensation, or Military Leave may continue to benefit from county-paid insurance premiums for the duration of the leave up to 24 months, as long as they make timely payment of the employee portion of the premiums.

Employees in a leave without pay status are responsible for the timely payment of the employee portion of the premiums for any insurance programs they wish to continue. The same rules shall apply to these employees as they return to work from leave without pay status.

Reinstatement
Reinstatement to the same position or classification, status and pay must be made upon the employee's return to work unless other arrangements are agreed to in writing.

Filling a Position Vacant Due to LWOP
If it is necessary to fill a position vacant by leave without pay, the position may be filled by a temporary appointment for the duration of the leave without pay period.

(Ref. CC Personnel Ordinance, Article VI, Section 615)

7.6 Workers' Compensation Leave

Under the N.C. Workers' Compensation Act, employees may be compensated for absence from work due to injury or illness covered by the Act.

(Ref. Section 6.7 Workers' Compensation)

7.7 Military Leave

Military leave shall be provided in accordance with NC General Statute 127 and the Uniformed Services Employment and Reemployment Rights Act of l994.

Leave Options
County employees who are members of the reserve components are authorized military leave with full County pay for one hundred 120 working hours and 128:15 for Law Enforcement Officers annually (prorated for part-time employees). Approved military leave hours are based on the Federal Fiscal Year (October 1 to September 30).

This leave allotment covers active duty for training. Additionally, military leave with pay is permitted for summer camp, mandatory or voluntary service school attendance, and required physical examination by the military service, and active state duty not exceeding 30 consecutive days by members of the National Guard and Civil Air Patrol.

Compensation
Military leave without pay shall be granted to County employees for regularly scheduled unit assemblies occurring during County duty hours; attendance at military service schools where attendance is not required for retention in military service, hospitalization for service-connected disability, and extended active duty.

Employees shall not be entitled to County pay nor leave for duties resulting from disciplinary action imposed by the military authorities, for unscheduled or incidental military activities such as volunteer work in military facilities, unofficial military activities, etc., or for inactive duty training (drills) performed for the convenience of the member such as equivalent training, split unit assemblies or makeup drills.

Military leave without pay shall be granted for periods of extended active duty in the Armed Forces of the United States. Use of military leave with pay is not authorized upon entry into extended active duty. Extended active duty shall mean that period of time for which an employee is ordered to active military service under the following circumstances:

1. Upon voluntary enlistment or entry into any of the active military services for a period of no less than 31 days and no more than five years at any time during the employee's career as a County employee or for all such enlistments or entries made during a declared state of national emergency or during time of war.

2. Upon call up or order to federal active service for an employee in the National Guard or one of the reserve components.

Employees on extended active duty (not less than 31 days) have the following benefits:

1. **Pay:** Employees will receive payment for their entitlement up to 120 hours (128:15 for Law Enforcement Officers) of annual active duty for training pay. Employees also may request a lump sum payment of accrued compensatory time and annual leave time. The employee shall retain all accumulated sick leave.

2. **Retirement Status:** Full retirement membership service credit is given for the period of extended active duty after separation or release from active military service. No contribution is required to receive this credit. The separation must be under honorable conditions. The employee must file with the Local governmental Employees' Retirement System a copy of the service record showing dates of entrance and separation. Filing with the Local Governmental Employees' Retirement System should be done within 90 days of separation in order to determine retirement service eligibility.

3. **Reinstatement:** An employee must be reinstated to the same position or one of like status and pay upon their return from service. The employee's salary shall be based on the salary just prior to leave plus any general salary increase occurring while on leave without pay. The employee must be reinstated to the same position or one of like status, seniority and pay. If, during military service, an employee is disabled to the extent that the duties of the original position cannot be performed, the employee shall be reinstated to a position with duties compatible with the disability.

To be eligible for reinstatement, the employee shall provide the department head with a copy of discharge orders and shall apply for reinstatement on the within the following timeframes:

1. Less than 31 days service: Employee must report to work not later than the beginning of the next scheduled work period

2. 31 -180 days service: Employee has up to 14 days following release from duty to apply for reinstatement

3. 181 days or more: Employee has up to 90 days following release from duty to apply for reinstatement

(Ref. CC Personnel Ordinance, Article VI, Section 610)

7.8 Civil Leave

Policy
Employees called for jury duty or as a court witness for the Federal or State Government or a subdivision (City or County Government), are entitled to leave with pay. It is the responsibility of the employee to inform the supervisor when the duty is scheduled and the expected duration.

General Provisions
This leave applies to all employees.

Employees may keep fees and travel allowances received for jury or witness duty in addition to their regular compensation unless attending court in connection with their official duties. When county employees attend court in connection with their official duty, no leave is required.

All time spent in court and in travel to and from home, or place of work to court will be considered working time. Travel out-of-town will be compensated in accordance with the Fair Labor Standards Act (FLSA).

When employees are on jury duty, they are allowed full pay plus any jury duty compensation they receive. It is therefore required, if employees are released early from jury duty, they are to return to work to finish out their regularly scheduled shift.

While serving as witnesses or for court appearances in connection with their official duties, the County compensates employees for travel, room, board, and special expenses incurred and employees must turn over to the County any fees or travel allowances awarded by the court.

While on civil leave, benefits and leave will accrue as though on regular duty.

This policy shall not apply in private court actions unrelated to the County, involving the employee directly as a plaintiff or defendant.
(Ref. CC Personnel Ordinance, Article VI, Section 611)

7.9 Administrative Leave

Administrative leave is used to temporarily remove an employee from the job site in order to conduct a fact-finding investigation. The department head has the authority to place an employee on administrative leave only after consultation with County Human Resources. This action does not constitute a disciplinary action or a loss of pay or property rights and therefore cannot be grieved.

Management must notify an employee, in writing, of the reasons and instructions for placement on administrative leave not later than the second scheduled workday after the being placed on leave. Administrative leave shall last no longer than 30 calendar days without written notice of extension by the department head and only after consultation with the Human Resources Director and SHRA as applicable.

When an extension beyond the 30-day period is required, the employee must be notified in writing of the extension, the length of the extension and the specific reasons for the extension. If no action has been taken by the end of the 30-day period and no further extension has been granted, management must either take appropriate disciplinary action on the basis of the findings upon investigation or return the employee to active work status.

Under no circumstances is it permissible to use administrative leave for the purpose of extending an employee's absence from work pending the resolution of a civil or criminal court matter involving the employee. It is permissible to place an employee on administrative leave only under the following circumstances:

1. To investigate allegations of performance or conduct deficiencies that would constitute just cause for disciplinary action

2. To provide time within which to schedule and conduct a pre-disciplinary conference

3. To avoid disruption of the workplace and/or to protect the safety of persons or property

(Ref. CC Personnel Ordinance, Article VI, Section 617)

7.10 School Participation Leave

Policy
Based on NC GS95-28.3, Cumberland County will grant four hours of leave per year so that employees may become involved in their children's school activities. School Participation Leave, within the parameters outlined below, may be granted to:

1. Parents for child involvement in the schools (as defined below)

2. Any employee for tutoring and mentoring in the schools

DEFINITIONS

School: Authorized to operate under the laws of the State of North Carolina and is:

1. Elementary school
2. Middle school
3. High school
4. Childcare program

For the purpose of this policy, school means any public school, private church school, church of religious charter, or non-public school as described in parts 1 and 2 of Article XXXIX of Chapter 115C of the NC General Statutes, that regularly provides a course of grade school instruction, a preschool, and child day care facilities, as defined in NC Statute 110-86(c).

Child: A son or daughter who is:

1. A biological child
2. An adopted child
3. A foster child
4. A stepchild
5. A legal ward
6. A child of an employee standing in loco parentis

Covered Employees and Credits
Any employee who is a parent, guardian, or person standing in loco parentis of a school age child shall be granted four hours of paid leave per fiscal year (July 1 through June 30) so that the employee may attend or otherwise be involved in school activities.

Approval of Leave
Leave approval is subject to the following:

1. Employees must receive advance approval from their supervisor to use this leave
2. Leave shall be at a mutually agreed upon time between the supervisor and the employee
3. The employee may be asked to provide a written request for the leave at least 48 hours before the time desired for the leave

4. The employee may be asked to furnish written verification from the child's school that the employee attended or was otherwise involved at that school during the time of the leave

Noncumulative
Leave not taken is forfeited and shall not be carried into the next calendar year.

Separation
Employees shall not be paid for this leave upon separation.

(Ref. CC Personnel Ordinance, Article VI, Section 612)

7.11 Family and Medical Leave Act

Purpose
The purpose of this policy is to ensure Family and Medical Leave is provided in compliance with the Family and Medical Leave Act (FMLA), which entitles eligible employees to take up to 12 workweeks of job-protected leave in a 12-month period for specified family and medical reasons, or for any qualifying exigency arising out of the fact that a covered military member is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. The FMLA also allows eligible employees to take up to 26 workweeks of a job-protected leave in a single 12-month period to care for a covered service member or veteran with a serious injury or illness.

Scope
This policy applies to all employees who have been employed with the County for at least 12 months and who have worked a minimum of 1,250 hours during the 12-month period immediately preceding the start of the leave. Employees with any questions about their eligibility for FMLA leave should contact the Human Resources Department for more information.

Policy
Cumberland County shall administer FMLA leave in compliance with the FMLA of 1993, as amended, the rules and regulations of the U.S. DOL concerning FMLA as published at 29 C.F.R. Part 825, and the Cumberland County Personnel Ordinance.

Determining the 12-Month Period
The method used in determining the 12-month period in which the employee is entitled to the 12 workweeks for all FMLA leave except for care for a covered service member begins when an employee first takes FMLA leave and ends 12 months later.

Care of a Covered Service Member or Veteran
The single 12-month period for leave to care for the covered service member or veteran begins on the first day the employee takes leave for this reason and ends 12 months later. (Only 12 of the 26 weeks total may be for a FMLA qualifying reason other than to care for a covered service member or veteran.)

Use of Leave
The County requires the use of all accumulated paid leave (compensatory time, exempt time, sick leave, annual leave) prior to leave without pay. Approved FMLA leave is not an exception. Employees on approved FMLA leave must exhaust all paid leave before entering leave without pay status.

A husband and wife who are both County employees and eligible for FMLA leave are limited to a combined total of 12 workweeks of family leave during the applicable 12-month period for the birth and care of a child or placement of a child for adoption or foster care. Any period of disability before or after the birth of a child would not be subject to the combined limit.

Workers' Compensation and FMLA leave shall run concurrently. The leave will be designated as FMLA leave and shall be deducted from the employee's FMLA leave entitlement within the applicable 12-month period.

Intermittent and Reduced Work Week Use of FMLA Leave
FMLA leave does not have to be taken as a continuous 12-week leave. An employee may request intermittent time off or a reduced work schedule in cases of a serious health condition of the employee or immediate family member, when medically necessary.

Continuation of Health Benefits
Employees using unpaid FMLA leave are responsible for payment of the employee portion of the insurance premiums under the same conditions which apply to employees in other types of leave without pay.

Designation of Leave County Responsibility
It is the County's responsibility to designate leave as FMLA leave.

Required Medical Certification
For leave related to serious health conditions or childbirth, the employee is required to provide medical certification(s) from the employee's or family member's qualified healthcare provider. FMLA forms can be found on the Cumberland County Intranet by following the Human Resources link in the Department drop down menu.

Certification of Treatment Scheduling
The employee must make reasonable efforts to schedule any medical treatments so as not to unduly disrupt the operations of the employee's department or work unit.

FMLA Abuse
The Human Resources Director or designee shall review, investigate and resolve suspected cases of bad faith, fraud or abuse of the FMLA leave program. Abuses of the FMLA leave program may result in, but are not limited to, revocation of the leave, refusal to restore employees to their job, recovery of County costs for paid leave and insurance benefits and disciplinary action up to and including dismissal.

Failure to Return to Work
An employee who will not be returning to work at the conclusion of FMLA leave must notify the supervisor in writing as soon as practicable. An employee who does not return to work within three working days after their FMLA expires will be terminated due to unavailability for work.

An employee that has a remaining leave balance and is not eligible to return to work at the conclusion of the 12 weeks of FMLA due to the continuation of a serious health condition of the employee or approved family member, may request additional time off and will be afforded the same protections of the FMLA while in paid leave status.

An employee that does not have a leave balance and is not eligible to return to work at the conclusion of the 12 weeks of FMLA due to the continuation of a serious health condition of the employee or approved family member, may request additional time off as leave without pay in accordance with Cumberland County Ordinance Article 6, section 615. The approval of such request is at the discretion of the department head. If leave without pay is approved, the employee will be afforded the same protections of the FMLA as though in a paid leave status.

Additional Information
Employees who desire to take family or medical leave should contact Human Resources for information concerning their eligibility for such leave under the FMLA of 1993, as amended.

For more information regarding employee rights under the FMLA, employees may also refer to the U.S. Department of Labor's Notice "Employee Rights and Responsibilities under the Family and Medical Leave Act" attached to this policy and the Department of Labor website at http://www.wagehour.dol.gov.

FMLA PROCEDURES

Employee Responsibility
Regardless of the reason for the FMLA leave or whether leave is paid or unpaid, the employee is responsible for properly requesting and using FMLA leave as follows:

1. Inform supervisor as soon as practical of request to use FMLA leave;

2. Discuss plans with supervisor to assure department operations are not unduly disrupted, if possible;

3. Provide information for paid leave to departmental administration or Human Resources so that a determination of whether the leave would qualify as FMLA. (Not to their direct supervisor);

4. Submit a completed Cumberland County Leave Request form to supervisor as soon as practical before taking the leave, considering the facts of the case;

5. Provide the appropriate medical certification (or legal certification of adoption or foster child placement) to the Human Resources Department (County, Sheriff, Social

Services) as soon as practical before taking the leave, considering the facts of the case, but no longer than 15 days after receipt of FMLA leave information packet;

6. Provide periodic reports to supervisor, as instructed, regarding intent to return to work;

7. If needed provide reasonable notice of a need to extend FMLA leave beyond the initial period planned; and provide a return to work certification, including limitation, prior to returning to work.

Supervisor/Department Head Responsibility
The department head is responsible to administer the FMLA benefit provisions for employees as follows:

1. Receive notice of employee's request to use FMLA leave

2. If there is not a notice of intent to use FMLA, when an employee is out on paid leave, after a period of more than five workdays, contact the Human Resources Department. (unless the absence is known to be for a non-FMLA qualifying reason, e.g., vacation, or non-recurring illness like flu).

3. Clearly communicate to the employee the department's expectations for the employee's continuing contact or notice regarding return to work.

4. Ensure the FMLA hours are documented appropriately on the employees Application for Leave (pink slip) and timesheet.

5. Keep the Human Resources Department informed of any developments.

6. Design intermittent or reduced work schedules if requested by the employee and if feasible.

7. Work with the employee upon reinstatement to facilitate a smooth transition back into the work environment.

8. Once employee returns to work, notify the Human Resources Department.

Human Resources Department Responsibility
The Human Resources Department are responsible for the interpretation and application of all regulations associated with the Family and Medical Leave Act as follows:

1. Upon receipt of the FMLA leave request form/notification from department that the employee has a need for FMLA, notify the employee of eligibility, rights, and responsibilities and request medical documentation from the employee.

2. Designate leave as FMLA leave once it is confirmed that the leave is being taken for qualifying FMLA reason(s) and give designation to employee.

3. Complete personnel action and notify payroll to begin employees FMLA accrual record.

4. Notify the department of FMLA designation and expectations.

5. Monitor the FMLA usage.

6. Assist supervisor/department head on arrangements for intermittent or reduced schedule, when required;

7. Post notices concerning FMLA as required in the law.

8. If additional information is needed, consult with healthcare providers to determine and obtain medical and/or leave documentation to support FMLA leave requests and/or return to work provisions;

9. Maintain all records related to the employee's leave under FMLA (keeping all medical documentation separate from the employee's personnel file) and oversee and maintain tracking, monitoring, and reporting system of FMLA usage and remaining entitlement.

10. Complete personnel action and notify payroll to end employees FMLA accrual record.

Provisional Designation

Where leave must begin prior to confirmation of a FMLA qualifying event, the leave will be provisionally designated and so communicated to the employee in writing. Upon receipt of the requested information or medical certification which confirms that the leave either is or is not for a FMLA reason, the provisional designation will either be withdrawn or made final by providing written notice to the employee.

Extension of Leave

Employees may extend the date of return from FMLA leave to the extent they have FMLA leave entitlement available. A request for an extension must be accompanied by new appropriate medical or legal certification.

(Ref. CC Personnel Ordinance, Article VI, Section 608)

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current 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 (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

***The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months*, and if at least 50 employees are employed by the employer within 75 miles.

***Special hours of service eligibility requirements apply to airline flight crew employees.**

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.

For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Wage and Hour Division

WHD Publication 1420 · Revised February 2013

7.12 Wellness Clinic Leave

The County provides a Wellness Clinic which is open to all employees. To encourage use of the facility, which positively impacts both employee health and medical insurance costs, employees are provided with a special leave for visits to the clinic. Employees who leave from their worksite to visit the wellness clinic, are not required to use sick leave for their appointment. Employees who do not report to their worksite prior to their appointment during the workday, must use their leave for missed time.

Employees are not required to use sick leave to visit the Wellness Clinic. If they are sent home by the practitioner because of illness, sick leave starts after departure from the clinic. If a pharmacy visit immediately follows and is part of the Wellness Clinic visit, the pharmacy time will be included on the special leave documentation form. If the pharmacy visit is a separate drop off or pick up visit, employees are on their own time.

Employees are not required to use accrued leave to visit the clinic for an appointment for themselves. If a dependent has an appointment at the clinic, leave must be used.

(Ref. CC Personnel Ordinance, Article VI, Section 614)

7.13 County Manager's Authority to Implement Leave Policy Changes

The County Manager may institute policy changes to any paid leave policies for the effective administration and implementation of the county's personnel system as outlined in this policy manual. Such changes may be for as long as the County Manager deems necessary.

(Ref. CC Personnel Ordinance, Article I, Section 104(2))

Section 8: Benefits

8.0 Policy Statement

Cumberland County offers a full range of standard and voluntary benefits in order to attract and retain the best workforce possible. The county makes a generous contribution toward the cost of the standard benefit plan. Employee contributions, where allowable, are made on a pretax basis to provide additional savings. Below is a brief summary of the benefits offered by the County. In each case, the benefit plan document is the only official document of record regarding the benefit plan. The benefit plan includes:

1. Comprehensive medical insurance plan for employees and eligible dependents
2. Dental insurance
3. Vision insurance
4. Basic life insurance
5. Supplemental term life insurance
6. Whole life insurance
7. Disability insurance
8. Pre-tax medical reimbursement spending account
9. Pre-tax daycare reimbursement spending account
10. Cancer insurance
11. Local Government Retirement Plan
12. 401K and 457 retirement savings plans
13. Employee Wellness Program
14. Employee Wellness Clinic
15. Employee Pharmacy
16. Multiple paid leave plans that includes holidays, sick leave, annual leave

All employees working 30 hours per week or more are eligible to enroll in the benefit plan during orientation. Medical insurance coverage begins with your first day of employment. All other insurance benefits begin the first day of the month following your date of employment. Employees can make changes to their benefit plan during the annual enrollment period or if they have life changes during the plan year such as marriage, divorce, death, birth of a child, or a spouse gaining or losing employment.

Benefits and costs are subject to change from year to year. For information regarding the employee benefit plan, contact the Benefits Coordinator, in the Finance department for current detailed benefit information.

(Ref. CC Personnel Ordinance, Article VI, Section 601,614)

8.1 Local Government Retirement Benefits

(Administered by North Carolina Local Governmental Employees Retirement System or North Carolina Law Enforcement Officer's Retirement System)

Eligibility
To be eligible for participation in the retirement system, you must be working in a regular position at least 1,000 hours per year (20 hours per week).

Contributions: Each employee contributes 6% of salary each pay period. The County pays 9.01% of all salaries for civilians and 9.70% for Law Enforcement

Unreduced Benefits
You may retire with an unreduced service retirement benefit after:

- 30 years of creditable service at any age
- Age 65 with 5 years creditable service
- Age 60 with 25 years creditable service
- Law Enforcement Officers (LEO) qualify at age 55 with 5 years of creditable service as an officer

Creditable service means the total period during which you contribute to the retirement system.

Reduced Benefits
You may retire early with a reduced retirement benefit after:

- Age 60 with 5 years creditable service
- Age 50 with 20 years creditable service
- Law Enforcement Officers (LEO) qualify at age 50 with 15 years of creditable service as an officer

Disability Retirement
After five years of creditable service, if you become totally and permanently disabled for work – as approved by the Medical Review Board – you become eligible for disability retirement benefits. Your disability benefit is based on the same formula as at service retirement, which means your creditable service is counted as though you continue working to the earliest date you would have qualified for an unreduced service retirement allowance.

Death Benefits
If the employee dies after one year while active as a contributing member to the retirement system, the beneficiary shall receive one-year salary with a minimum of $25,000 and a maximum of $50,000. The death benefit is also paid if an employee dies:

1. Within three hundred sixty-six (366) days of the last day for which you were paid salary if you are receiving disability retirement benefits

2. Within one hundred eighty (180) days of the last day which you were paid salary if you stop working for your employer for any other reason

Refund of Contributions
If you leave the system for any reason other than retirement or death, you can either:

1. Leave your Contributions in the System and keep all the creditable service you earned to that date

2. If you have five years of creditable service, receive a refund of the amount you contributed plus interest

3. If you have less than five years of creditable service, receive a refund of the amount you contributed without interest

(Ref. CC Personnel Ordinance, Article VI, Section 602)

8.2 Continuation Coverage of Group Medical Insurance (COBRA)

If you are an employee of Cumberland County covered by the group health plan, you have a right to choose this continuation coverage for yourself and your covered dependents if you lose your group health coverage because of a reduction in your hours of employment (for reasons other than gross misconduct on your part).

If you are the spouse of an employee covered by Cumberland County's group health plan, you have the right to choose continuation coverage for yourself (and dependents if applicable) if you lose group health coverage for any of the following three reasons:

1. The death of your spouse

2. Divorce or legal separation from your spouse

3. Your spouse becomes eligible for Medicare

In the case of a dependent child covered by Cumberland County's group health plan, he or she has the right to continuation coverage if group health coverage is lost for any of the following three reasons:

1. The death of a parent

2. A parent becomes eligible for Medicare

3. The dependent ceases to be a "dependent child" under the group health plan

Under the law, the employee or a family member has the responsibility to inform the Benefits Coordinator of a divorce, legal separation, or a child losing dependent status under the group health plan. The employee's department head has the responsibility to notify the Benefits Coordinator of an employee's death, termination of employment or reduction in hours, or Medicare eligibility.

When the Benefits Coordinator is notified that one of these events has happened, he/she will in turn notify you that you have the right to choose continuation coverage. Under the new law, you have at least 60 days to inform the Benefits Coordinator that you want continuation coverage.

If you do not choose continuation coverage, your group health insurance coverage will end.

If you choose continuation coverage, Cumberland County is required to give you coverage which, as of time coverage is being provided, is identical to the coverage provided under the plan to similarly situated employees or family members. The law requires that dependents be afforded the opportunity to maintain continuation coverage for three years. The required continuation coverage period is 18 months for employees who lose group health coverage because of employment termination or reduction in hours. However, the law also provides that continuation coverage may be cut short for of the following reasons:

1. Cumberland County no longer provides group health coverage to any of its employees

2. The premium for your continuation coverage is not paid by the 5th of the month

3. You become covered under another group health plan

4. You become eligible for Medicare

You do not have to show that you are insurable to choose continuation coverage. However, under the new law, you must pay all (including County match) of the premium for your continuation coverage. In addition, two percent of your total premium will be charged as an administrative fee. The law says that, at the end of the 18-month or 3-year continuation coverage period, you must be allowed to enroll in an individual conversion health plan.

If any of the situations described above apply to you, your spouse or your dependents, please contact the Benefits Coordinator for additional information.

8.3 Employee Health Services

Wellness Program
The Wellness Program gives employees an opportunity to learn about health lifestyle choices and participate in fun fitness activities. The topics include:

1. Fitness
2. Nutrition
3. Weight Management
4. Safety
5. Smoking Cessation
6. Diabetes
7. Heart Disease
8. Cholesterol
9. Cancer
10. Stress Management

Employee Wellness Clinic
Cumberland County has a Wellness Clinic available to all Cumberland County government employees, their dependents ages 12 and over who are covered under the county's medical insurance plan. The Wellness Clinic is also available to retirees. Employees may access the services of the Wellness Clinic during work hours with approval of their supervisor. Leave time is not charged for visits to the Wellness Clinic when leaving from the worksite. There is no cost to the employee for Wellness Clinic services.

The Wellness Clinic provides evaluation, diagnosis and treatment of:

1. Minor illnesses and injuries
2. Chronic disease health screenings for diabetes, hypertension, cholesterol, obesity, lung diseases and smoking
3. Chronic disease co-monitoring in partnership with your primary care physician
4. Patient education and information
5. Medication education and drug interaction screenings

All employees (including part-time) may seek treatment for minor illnesses/injuries by obtaining permission from the immediate supervisor. The employee calls or completes an appointment form to schedule a visit to the clinic. Walk-ins are accepted but may have to

wait. The supervisor will complete the Visit Authorization form (noting time of departure) for the employee to present to the front desk at the clinic. Work time is used for the visit. The employee returns to work after treatment with no loss of work time unless the Nurse Practitioner determines the employee should be released from work due to illness. Sick leave use begins upon release from the clinic/pharmacy or must be utilized if employee does not report to worksite prior to their appointment. The authorization form is signed by the practitioner and time of release is noted. The employee gives the form to the supervisor upon return to work. The supervisor holds the form to compare with the time sheet for that pay period for accuracy purposes. Employees' covered dependents may also be treated at the clinic and utilize the pharmacy.

(Ref. CC Personnel Ordinance, Article VI, Section 614)

Employee Pharmacy

The Employee Pharmacy is available to all Cumberland County government employees, their dependents ages 12 and over who are covered under the county's medical insurance plan. The Pharmacy is also available to retirees that are on the County Blue Cross/Blue Shield Health plan. All retirees are eligible to purchase over-the-counter medications from the employee pharmacy. The Pharmacy provides both prescription and over-the-counter medication at reduced rates.

The employee may receive a prescription from the Nurse Practitioner after treatment at the clinic and can take it directly to the pharmacy to get it filled at that time. The pharmacy accepts county employees' Blue Cross/Blue Shield insurance. In this situation, continuous use of work time is appropriate as this is part of the authorized treatment process. The pharmacy technician will sign and note time of exit on the Visit Authorization form. However, work time is not used to drop off/pick up prescriptions otherwise.

HOPE Program

The HOPE Program is a worksite wellness opportunity for any employee who has been employed with Cumberland County for at least 6 months and agrees to the terms of the plan. This plan was designed to promote better health among employees and has been a tremendous success with positive effects and results. County Management has authorized that the HOPE Program continue indefinitely.

Please have employees that are interested in starting with the program fill out the HOPE 30-Minute Wellness Plan Agreement and Release of Liability forms.

1. Employees who want to participate must have Department Head approval.

2. Employees signing an agreement to participate will be allowed to use 30-minutes before work, added to their lunch hour, or at the end of the day as long as the time is used for exercise or health classes. This 30-minute option is available to the employee up to three (3) times per week. Employees are encouraged to exercise with a co-worker also enrolled in HOPE. Participants may opt to exercise alone or at a local fitness facility that requires members to sign in.

3. This 30-minute incentive is contingent upon supervisor approval. Employees who use it must have supervisor approval and arrange section coverage with their co-workers who will fill in for them during their lunch/health and physical activity with no exceptions.

4. Employees who use the 30-minute Incentive must sign out in a log to be maintained in each department.

5. Employees participating in any HOPE activity must sign a Release of Liability form in order to participate.

Cumberland County does not assume any responsibility for employees experiencing medical problems resulting from participation in any formal or informal exercise program. Participants should consult their physician prior to engaging in physical activity.

Employee Assistance Program (EAP)

Cumberland County cares about the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their work lives. When employees are unable to solve such problems on their own, confidential professional assistance and advice is offered through the County EAP.

This program has four objectives:

1. To retain valued employees

2. To restore performance through early identification of personal behavior problems

3. To motivate employees to seek help

4. To refer employees to appropriate resources for assistance.

Professional counseling and referral treatment services offered through the Employee Assistance Program (EAP), include the following:

1. alcohol and other substance abuse

2. marital and family difficulties

3. financial or legal troubles

4. emotional distress

The EAP is available to all county employees and their immediate family members (defined as spouse and dependent children).

Service is provided by BHS Licensed clinicians are available by phone 24 hours a day, 7 days a week. Contact information:

1. Telephone: 1-800-326-3864
2. Online: www.bhsonline.com

Confidentiality
The EAP is strictly confidential and is designed to safeguard an employee's privacy and rights. Information given to the EAP counselor may not be released to anyone without the express written consent of the employee. All counselors in the EAP program are licensed clinical counselors guided by a professional code of ethics.

No information related to an employee's participation in the program is entered into the personnel file.

Cost
Counseling sessions with our EAP provider are at no cost to employees. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also notify employees when costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the employee.

Supervisory Referral
The county may make an employee supervisory referral to EAP when job performance, attendance, or job responsibilities are affected by behavioral or medical problems. Since management typically does not have the professional qualifications to diagnose and treat such illnesses, this EAP has been established.

Leave
Leave time for counseling appointments for a supervisory referral to EAP will be counted as time worked during the workday for the first counseling session. Employees must utilize available leave to cover any counseling sessions beyond the initial counseling session, or schedule appointments outside their normal work hours. Employees must utilize available leave for self-referrals.

PROCEDURES

Self-Referral
Employees who are experiencing a problem which they feel may impair job performance, or any other aspect of their life, are encouraged to seek information and assistance voluntarily by contacting the Employee Assistance Program. Disclosure of participation in the program will not be made for self-referrals.

Supervisor Referral When used in conjunction with the Disciplinary Policy
The Employee Assistance Program supplements, but does not replace, the existing disciplinary policy for dealing with problem employees.

When an employee's job performance, personal conduct or attendance becomes unsatisfactory and the employee is unable or unwilling to correct the situation alone or with

normal supervisory assistance, the employee's Department Head (or designee) may make a supervisory referral to the Employee Assistance Program.

Reports of the employee's participation in the program will be provided to the Department Head. The employee will be required to sign a release of information form to enable the EAP provider to release attendance information only.

When an EAP supervisory referral is made, supervisors should follow these steps:

1. Document all specific instances in which an employee's work performance or behavior fails to meet established standards (i.e., lateness, chronic absenteeism, decreased efficiency and/or production, friction with co-workers, violation of Center policies, etc.).

2. During the disciplinary process if the employee voluntarily admits or if the supervisor suspects that a personal problem is contributing to declining work performance or conduct, he/she shall be referred to the Employee Assistance Program, who will make arrangements for employee counseling. The EAP liaison will report to the supervisor that arrangements have been made. Appropriate disciplinary actions may be taken whether the employee accepts or declines participation in the Employee Assistance Program. Participation in the program does not negate the employee's responsibility to perform or conduct himself/herself in a satisfactory and appropriate manner.

3. If the employee chooses to utilize EAP services, the supervisor shall remind the employee that choosing to utilize the EAP services does not jeopardize the employee's job nor entitle the employee to special privileges.

8.4 Tuition Assistance

Policy Statement
Tuition assistance is to aide employees to obtain job related skills to enhance their career with the county. Continuing education is a benefit that directly impacts job satisfaction, improves employee retention and enhances the County’s professionalism and service delivery to our citizens. It is expected that employees approved for tuition assistance will utilize this opportunity for career development within the County.

Department Heads may approve tuition assistance in the form of reimbursement to any regular full-time employee who has completed their probationary period. Employees pay costs associated with coursework upon class enrollment and approval. An employee can be reimbursed up to the annual limit for successfully completing coursework towards a degree/certification program that is directly related to an employee’s current position, or for classes that prepare employees for promotions or transfers to other positions within the County. Funds are limited and provided on a first-come, first-serve basis up to $500 per eligible employee per fiscal year.

Tuition assistance funding is contingent upon Board of County Commissioners appropriation of funds in the annual budget ordinance.

Program Requirements:

- **Eligible Employees:** All regular full-time employees who have successfully completed their probationary period of one full year of county service and who do not have any active disciplinary action in their personnel file. Employees must be actively employed at the time of course completion. Employees approved for tuition assistance who leave county employment prior to course completion are not eligible for tuition reimbursement.

- **Prior Approval**: Employees must submit Employee Tuition Assistance Approval Request before taking classes to be eligible for reimbursement.

- **Assistance Subject to Availability of Funds:** Tuition reimbursement is subject to availability of budgeted funds. Employees are encouraged to apply early as funds are limited each budget year.

- **Eligible Courses:** An eligible course is one which gives credit toward a related degree or certification that will either improve the employee's ability to perform the present job or help prepare them for a job within the county which requires a higher level of skills or responsibilities.

- **Eligible Institutions:** Courses must be offered by a college, university, community college or other school or training academy accredited through recognized agencies.

- **Reimbursement Amounts**: Up to $500.00 per eligible employee per fiscal year for course(s) completed during that fiscal year. For classes that span more than one fiscal year the reimbursement will be made during the fiscal year in which the course completed.

- **Eligible Expenses:**

    - Tuition
    - Registration fees
    - Lab fees
    - Student fees
    - Books

- **Non-Eligible Expenses:**

    - Special equipment
    - Tools
    - Supplies
    - Travel

  - Meals
  - Any expenses that were paid for by grants or scholarships

- **Grade Requirement:** Employees must complete and pass the course with a grade C or higher. For courses with non-traditional grading employees must show proof of successful pass or credit by examination.

- **Leave Time:** Employees may use pre-approved annual leave to cover educational absences during regularly scheduled work hours. (Ref. Section 7.2 Annual Leave)

- **Work Rules:**

  Employee Responsibilities:

  - Complete Employee Tuition Assistance Approval Request and submit to Department Head for approval.
  - Submit documentation from approved institution that course has been paid in full.
  - Successfully complete course with grade of C or higher or as described in Grade Requirements above.
  - Complete Employee Tuition Assistance Reimbursement Request within thirty days of successful completion of course according to criteria stated above.

  Department Head Responsibilities:

  - Review Employee Tuition Assistance Approval Request for approval/denial and submit to Human Resources.
  - Submit Employee Tuition Assistance Reimbursement Request and supporting documentation to Human Resources upon receipt of request from employee.

  Human Resources Responsibilities:

  - Receive Employee Tuition Assistance Approval Request from Department Head and review for policy compliance.
  - Notify employee of approval/denial of Tuition Assistance Approval Request in writing.
  - Receive Tuition Assistance Reimbursement Request from Department Head and submit for payment to employee through accounts payable.

Section 9: Performance/Discipline

9.0 Performance Development and Management

Policy Statement
The Performance Management System is a documented three-step process to plan, manage, and appraise the performance of employees. Under this system, the supervisor shall:

(1) meet with and provide the employee with notice of performance goals/expectations and methods used to manage performance at the beginning of the work cycle,

(2) discuss the employee's progress in meeting the expectations at the midpoint of the work cycle, and

(3) appraise employee performance at the end of the work cycle to establish the overall performance rating.

Supervisors may meet with employees more frequently during the first year the employee occupies the position or when the supervisor determines the employee's performance dictates more frequent conferences.

This policy applies to all full-time and part-time recurring employees. A performance work cycle shall be based on a twelve-month period that begins on the employee's date of hire or start date in a new job classification.

Performance management is not a part of progressive discipline, but discipline for performance shall require supportive documentation that shows adherence to this process. Refer to the Progressive Discipline Policy in this section for guidance on disciplinary actions.

(Ref. CC Personnel Ordinance, Article V, Section 508)

9.1 Performance Management System Process

The following procedure outlines the automated process to document the three-step Performance Management System:

Planning Performance

Initial Talk-Listen-Conference (TLC)

1. Utilizing the "essential functions of the job" as outlined in the job description, supervisors shall establish the goals/expectations of the position and define how success will be measured.

2. Supervisors shall meet with the employee to discuss the employee's goals and competencies for the upcoming work cycle and how performance will be measured.

3. Upon completion of the Initial TLC, both the supervisor and employee should sign the work plan

Managing Performance

Check-Ins

1. Supervisors shall assess the employee's performance to date and document the assessment in the online system.

2. The supervisor shall meet with the employee, as needed, to discuss the employee's progress and any changes in the employee's progress responsibilities since the initial TLC. The supervisor may also address any problem with the employee's goals and competencies since the initial TLC.

3. Supervisor and employee will complete the check-in form in the online system based on established timeline.

Coaching/Reinforcing Expectations
At any time during the work cycle, when the supervisor recognizes an employee is not meeting the key goals/competencies described in the initial TLC or check-in, a counseling meeting shall occur. Supervisors shall review pertinent job requirements, goals and competencies to ensure the employee understands the expectations and to determine the most effective method(s) for improving the performance or behavior and document in check-in.

Appraising Performance

Summary of Performance (SOP)
All employees shall receive a performance appraisal at end of their defined work cycle. The supervisor shall summarize appraisal results considering both work goals and competencies defined and (behaviors) exhibited. The employee's performance for the defined work cycle shall be rated as "Unacceptable Job Performance", "Meets Expectations" or "Exceeds Expectations", based on defined measurements for the position.

Cumberland County Rating Scale – Performance Definitions

Exceeds Expectations
A rating of "Exceeds Expectations" means work measurements that exhibits performance accomplishments that are consistently beyond job expectations as defined in goals and competencies for the work period. Performance results demonstrates direct impact to organization and operational efficiencies that are continuous. The manager/supervisor rarely has to instruct or guide the employee in accomplishing work goals where review of performance is limited or after the fact.

Meets Expectations
A rating of "Meets Expectations" means work measurements that are within performance expectations as defined in goals and competencies for the work period. Work accomplishments achieve results expected. The manager/supervisor provides periodic guidance with some review as needed prior to completion of work expectations.

Unacceptable Job Performance
A rating of "Unacceptable Job Performance" means work measurements do not meet performance expectations as defined in goals and competencies for the work period. Work results require immediate development/improvement plans in order for employee to reach desired expectations. Work requires frequent and close supervision.

The supervisor shall meet with the employee and discuss the Summary of Performance.

1. Upon completion of the appraisal conference, the supervisor shall submit evaluation for signature approval through the online system.

2. If an employee receives a rating of "unacceptable job performance" on any competency or goal, a development plan will be generated by the online system.

Development Plans
If the unsatisfactory job performance or behavior continues without improvement, a Development Plan shall be established to document areas of improvement expected.

The Development Plan shall:

1. Document the unacceptable performance or behavior;

2. Provides strategies and timelines for improvement;

3. Note potential consequences for failure to improve;

4. The timeline for performance improvement is contingent upon the nature of the work performed and shall be defined in the plan.

Separation/Transfers
Completion of the current evaluation is required upon an employee's separation from County service or transfer to another County department. Supervisors shall complete the evaluation prior to the employee's separation or transfer.

9.2 Progressive Discipline

Policy Statement

Employees who violate any condition of their employment shall be subject to discipline. Discipline shall be progressive, unless the employee is temporary or probationary or the nature of the employee's conduct is such as described in section 10-703(b) of the Personnel Ordinance, as grounds for immediate dismissal. **Note:* Human service agencies are subject to the progressive discipline process defined in the State Human Resources Act.

The purpose of disciplinary actions is to bring about a permanent improvement in job performance and/or personal conduct. Disciplinary actions should be discussed with County Human Resources prior to implementation.
(Ref. CC Personnel Ordinance, Article VII)

9.3 Procedures

This process provides action steps and documentation requirements for addressing unacceptable personal conduct and unsatisfactory job performance. No final action may be taken without the required supporting documentation. Progressive discipline shall take the form of written warnings, suspension without pay, demotion and dismissal.

Written Warnings
A written warning is given when performance and/or personal conduct requires a supervisor/manager to warn employees of potential punitive action that may lead to a loss of property rights.

The supervisor shall:

1. Provide the employee with a written document, form provided by human resources, stating that it is a warning and outlining the basis for the warning. The warning must state the expected improvements, timeframes for improvement, and the consequences for failing to make the required improvements;

2. Discuss the warning with the employee and allow the employee to voice any comments or concerns the employee may have;

3. Request the employee's signature as acknowledgement of receipt of the warning;

4. Provide a copy of the warning to the employee showing the date it was reviewed and discussed;

5. Send the original written warning to county human resources for inclusion in the employee's personnel file. Written warnings are a part of the personnel file for a period of 18 months. Further warnings will reactivate the initial warning.

Suspension Without Pay
Suspensions without pay shall be a minimum of one w and not greater than ten workdays.

The employee must have been at least one active written warning (i.e. a warning received within the previous eighteen 18 months) <u>and</u> a current offense, before a suspension without pay may be implemented for unsatisfactory job performance.

Demotion
The employee may be demoted to a lower salary grade.

1. The employee must have e at least one active written warning (i.e. a warning received within the previous eighteen 18 months) <u>and</u> a current offense, before a demotion for unsatisfactory job performance may be implemented.

2. The adjusted salary of the demoted employee shall be within the range of the lower classification.

3. The employee must possess the required qualifications of the position to which he or she is demoted.

4. In no event, shall an employee's salary rate be reduced to less than the minimum rate for the lower position.

5. Salary reductions will consider promotions received prior to the demotion.

6. A demotion may result in a reclassification downward or to a vacant position.

Dismissal
There must be at least two active disciplinary actions and a current offense before an employee can be dismissed for unsatisfactory job performance.

Unacceptable Personal Conduct
Depending on the nature, severity and frequency, any progressive disciplinary action may be applied for issues of unacceptable personal conduct.

Process Requirements for discipline other than a written warning:

1. Schedule a pre-disciplinary conference

2. Place employee on administrative leave if applicable

3. Provide written notice to the employee outlining the details of the pre-disciplinary conference

4. Conduct a pre-disciplinary conference and allow employee to respond

5. Provide written notification to the employee of outcome of pre-disciplinary conference

6. Submit all original documentation to County Human Resources for the employee's personnel file

7. Send final notice with disciplinary decision and appeal rights

Administrative Leave
The county manager and department heads are authorized to place an employee on administrative leave with pay when it is determined to be in the best interest of the county and only after prior consultation with the human resources director. Any proposal to extend administrative leave with pay more than thirty (30) days must be approved in advance by the county manager. Administrative leave with pay shall not be construed as an adverse personnel action and is not subject to the grievance procedure.

(Ref. CC Personnel Ordinance, Article VI, Section 617)

9.4 Appeals/Grievances

Policy Statement

The grievance policy of the county is outlined in Article VIII section 801 of the personnel ordinance. A grievance is a complaint by an employee alleging a violation of local, state or federal law or concerning a term or condition of employment, to include but not be limited to, adverse personnel actions. Performance evaluations, written warnings, the department's organization, staffing, method of operation, hours, or the employee's assignment, classification, salary or benefits are not subject to grievance.

Employees of the Cumberland County Sheriff's Office and Register of Deeds serve at the pleasure of their respective elected official (Sheriff and Register of Deeds). These employees do not have grievance or appeal rights (NCGS 153-A-103(1).

Employees of the Department of Social Services and the Cumberland County Health Department who have *Career Status* (those having 12 months of consecutive service) have appeal rights through the Office of Administrative Hearings. For these departments appeals go to Agency Director for final agency decision. Appeal of final agency decision is made to the Office of Administrative Hearings as outlined in NCGS 126. The County Manager does not hear appeals from these employees. An appeal to the Director must be received, in writing, within fifteen (15) calendar days from the delivery, by certified mail, of the decision handed down from the Pre-Disciplinary Conference to take adverse personnel action. If the Agency Director upholds the decision to take adverse personnel action, employees with *Career Status* may appeal the decision to the Office of Administrative Hearings, and will be advised such, in writing, by the Agency Director within ten (10) days of the appeals meeting. Employees must file their appeal directly with Agency Director prior to filing with the Office of Administrative Hearings. If an employee does not file their appeal first with Agency Director, the employee cannot file their appeal with the Office of Administrative Hearings.

For all other county departments employees who have attained permanent status may appeal their department head's decision to take adverse personnel action to the County Manager as follows:

An employee may appeal any decision of a department head to take adverse personnel action by submitting a written appeal request to the county manager within ten working days of receipt of the department head's decision. The appeal request shall state the nature of the employee's complaint and the resolution the employee seeks from the county manager. The employee shall attach a copy of the department head's decision to the appeal request.

The county manager shall review the appeal request and may request additional documents from the employee and department head. The county manager may decide the appeal solely based on the documents provided. The county manager shall issue a written decision on the appeal.

The county manager may, at his or her discretion, conduct a hearing concerning the appeal. If the county manager conducts an appeal hearing, the following rules and procedures shall apply:

Appeals Hearings

1. **Notice of the Hearing** – The County Manager shall determine the date, time and place of the hearing and the Human Resources Director shall notify both parties in writing of the time and location of the hearing and the issue(s) to be heard at least five working days prior to the scheduled date of the hearing.

2. **Witnesses at the Hearing** – Each party shall submit a list of proposed witnesses to the County Manager, through Human Resources, at least three working days prior to the hearing. This list should contain a brief summary of the proposed testimony of each witness. Any witnesses listed by the appellant must be County employees. County Human Resources shall arrange for the attendance of the employees at the hearing. The County Manager has the authority to determine the relevance of any proposed testimony and to limit the attendance and testimony of county employees at appeals hearings.

3. **Access to Information** – The employee shall have access to their personnel record and shall be furnished copies of documents contained in the personnel file in accordance with Section 12 of this manual. Within five working days prior to the scheduled date of the hearing, the employee should advise County Human Resources of the desired documents. Management shall also respond to reasonable requests for copies of such information and to other relevant public records prior to the hearing. Questions as to the reasonableness of a particular request may be referred to County Human Resources.

4. **Documentary Evidence** – Copies of documents to be used by the parties as evidence for the appeal shall be prepared in triplicate. These documents should be identified by exhibit number and in a folder appropriately marked as “Employee Exhibits” or “County Exhibits”.

5. **Burden of Proof** – Management has the burden of proving, by the greater weight of the evidence, that there was just cause for an adverse personnel action (dismissals, demotions, disciplinary suspensions without pay). In all other cases, the grievant has the burden of proof.

6. **Hearing Format** – The administrative hearing shall be recorded.

   Opening – The County Manager shall identify the parties present, explain the purpose of the hearing, summarize the issues to be resolved and describe the procedures to be followed.

   Presentation of Evidence:

   1) The representative of the department shall present its testimony, evidence and/or witnesses first. The responding party then presents an

account of the issue(s) and statements as well as statements of any witnesses and any documentation or other relevant evidence.

2) Each party shall have the right of cross-examination.

3) At the conclusion of the presentation of all evidence, each party may present an oral argument summarizing their position. The oral argument shall be no longer than ten minutes for each party.

Notice of Decision –

1) The county manager shall issue a written decision on the appeal.

2) The decision shall be final.

3) Copies of all appeals and responses shall become a permanent part of the employee's personnel file.

(Ref. CC Personnel Ordinance, Article VIII)

Section 10: Career Development and Training

10.0 Policy Statement

Cumberland County is committed to employ motivated, professional and well-trained personnel who offer excellent customer service to all our citizens. This goal is achieved in the implementation of a comprehensive staff development program that begins on day one of employment with opportunities for employees to maximize their full work potential that continue throughout the work career. All regular employees are eligible to participate.

10.1 Training Options

The Continuous Learning Environment Series (CIRCLE) recognize job development beginning with the onboarding process and continue with options for personal growth or supervisory skills development at both the basic and advanced levels. Specific courses are designed by category within the training catalog with time requirements for completion identified.

Training options link career development to specific job skills within three basic key competencies, to include leading self, leading people and leading the organization

Building future leaders is a priority within the training program, where course options may be selected as a part of the CIRCLE program or partnerships with external providers.

10.2 Training Notifications

Training opportunities are communicated to employees electronically via email or can be found within Employee Self-Serve (ESS).

10.3 Training Registration

Employees are encouraged to register for classes once published. Both employees and supervisors are responsible to participant in these learning opportunities and are required to:

Employees:

1. Seek out, register and complete the courses selected in the course offerings
2. Request approval from the immediate supervisor to attend training
3. Attend training as scheduled
4. Provide two-day advance notice when unable to attend
5. Print and bring all training materials as instructed

Supervisors:

1. Approve appropriate employee training requests
2. Plan for employees to attend training
3. Assign training based on individual and/or departmental needs

10.4 Career Development

Consideration is given to employees who complete job-related training for promotional opportunities during the recruitment process.

Section 11: Separation and Reemployment

11.0 Policy Statement

These policies set forth conditions under which employees separated from employment and former employees may return to County service. They are applicable to all County employees, except as otherwise noted herein.

11.1 Types of Separations

Separation of employees from positions will be designated as one of the following: resignation, reduction in force, disability, retirement, dismissal or death.

Resignation
Employees may voluntarily resign at any time. A minimum of two weeks' working notice is expected of all resigning personnel. Department heads are expected to give 30 days' notice, if possible, to the County Manager or designated hiring authority.

If the department head determines it would be in the department's best interest for the employee not to serve out a notice, he or she may accept the resignation and make it effective before the end of the full notice given. The employee will be compensated through the last date of work.

Use of Leave After Notice of Resignation
Employees may not use any type of paid leave to extend the effective date of separation. Employees who's accumulated annual leave is above the County's maximum payout hours, will be addressed at the time that notice is given to the hiring authority.

It is the responsibility of exempt employees to request to use any exempt time balance prior to their notice of the effective date of separation.

Supervisors are responsible for ensuring that sick leave and exempt time privileges are not abused during the period the employee is serving out the notice.

11.2 Reduction in Force

In the event that a reduction in force ("RIF") becomes necessary, employees will receive written notification a minimum of 30 days prior to their dismissal date due to the RIF. Consideration will be given to the needs of the county, seniority, and relative job performance in determining those employees to be retained.

Any regular employee who is otherwise in good standing at the time of his or her dismissal due to a RIF shall be referred for interview and evaluation for any vacancy for which his or her training and experience qualify him or her for a period of one year from the date of the official RIF notification, or until he or she should decline an interview for or an offer of a position at the same or higher classification held at the time of the RIF, whichever should first occur.

The county manager shall establish further policies and procedures to implement this section.

Policy
To the extent that these policies/procedures do not fully address the requirements for implementing a RIF which impacts a human services department subject to the 25 NCAC 011.2005, those departments shall adopt a reduction in force plan that complies with those requirements.

Reduction in Force – In choosing positions to be retained, department/agency head shall give due consideration appropriate to the essential mission and program requirements of their department/agency. Having determined mission-essential positions and job functions, each department/agency head shall then evaluate employees subject to RIF on the basis of length of service, relative job performance and knowledge as well as education, experience, job function and the type of appointment (i.e., temporary, probation, regular). Consideration shall be given to abolishing positions that have been vacant more than six months and are not critical to the essential mission and program requirements of the department/agency. Department/agency head shall provide a RIF Plan, including employees affected, to the Human Resources Office, prior to submitting to the Office of the County Manager.

Each department/agency head shall certify to the County Manager that he or she has made every effort to implement the reduction in force pursuant to the factors listed above, and that every effort has been made to eliminate unlawful discrimination, and bias, in arriving at the department/agency's RIF list.

Priority
Any regular employee who is otherwise in good standing at the time of his or her dismissal due to a RIF shall be referred for interview and evaluation for any vacancy for which his or her training and experience qualify him or her for a period of one year from the date of the official RIF notification, or until he or she should decline an interview for or an offer of a position at the same or higher classification held at the time of the RIF, whichever should first occur.

Employees will receive written notification a minimum of six weeks prior to the final date of employment. Employees will be granted transitional time to include five of those six weeks to address issues related to the transition, such as Employee Assistance (EAP) counseling, benefits counseling, and job search. Employees will not be required to report to work during this five-week paid transitional period.

Employees subject to RIF will receive payment of all accumulated overtime for non-exempt employees and payment for up to 240 hours of accumulated annual leave in their final paycheck. (Exempt time is not paid out and must be used or lost.)

RIF actions may not be appealed and are not subject to the grievance procedures of the Cumberland County Personnel Ordinance, Article VIII: Section 801.

Reemployment
All employees terminated due to a RIF are eligible for the following:

Reinstatement of sick leave balances if reemployed with the county within three years of termination

Former employees who are reemployed will be credited with their total years of completed cumulative service in determining their annual leave accrual rate of leave credit.

Procedures

Departments
Submit a written RIF plan to the County Manager through Human Resources for approval

Implement the RIF pursuant to the adopted Personnel Ordinance Article V: Section 507 and any policies and directives issued by the County Manager

Human Resources
Provide assistance to departments in preparing a written RIF plan

Review RIF plan prior to submission to the County Manager

Provide an individual or group meeting with respective partners for information and assistance regarding the following:

1. Health insurance coverage
2. Unemployment insurance benefits
3. Retirement options
4. Job search

(Ref. CC Personnel Ordinance, Article V, Section 507)

Section 12: Personnel Records

12.0 Policy

All custodians of any information that constitute an employee's personnel file, as that term is described in G.S. §153A-98(a), shall maintain such information in accordance with G.S. §153A-98. For convenience, G.S. §153-A-98 is copied below. It is important to note that a knowing and willful failure, with malice, to comply with the requirements of this statute constitutes a class 3 misdemeanor.

12.1 Public Records Requests for Information Contained in a Personnel File

Any public records request for information contained in a personnel file shall be forwarded to the county's Public Information Officer. The Public Information Officer shall determine what information shall be provided to the request and shall respond to the request. A written statement of what information was disclosed by the Public Information Officer shall be placed in the employee's personnel file.

12.2 Employee Request for Information Contained in the Employee's Personnel File

Any request by an employee for information contained in the employee's own personnel file shall be forward to the Human Resources Director. The Human Resources Director shall determine what information contained in the employee's file shall not be disclosed and advise the custodian of the information accordingly. The Human Resources Director shall place a notice of what is not to be disclosed to the employee in the employee's personnel file.

12.3 Supervisory Request for Information Contained in a Personnel File

All information in an employee's personnel file shall be disclosed to a county employee having supervisory authority over the employee. Any county employee in the direct chain of command of an employee shall be deemed to have supervisory authority over that employee, up to the department head of that employee's department. For those department heads who are appointed by the County Manager, the chain of command shall not include the county manager.

12.4 Court Ordered Request for Information Contained in a Personnel File

A custodian of any information contained in an employee's personnel file that is ordered to be disclosed by a court of competent jurisdiction shall comply with that court order. A subpoena that is not issued by a judge in a court of competent jurisdiction is not a court order. If the custodian has any questions about the application of a court order or a subpoena, the custodian should consult with the county attorney. The county attorney will make a

determination as to the application of the court order or subpoena in writing. A copy of the count attorney's written determination shall be placed in the employee's personnel file.

12.5 Disputed Information

This section shall only apply to employees and former employees whose positions are or were not subject to the State Human Resources Act and applicants for positions which were not subject to the State Human Resources Act.

An employee, former employee, or applicant for employment who objects to material in the employee's file may place in his or her file a written statement relating to the material the employee considers to be inaccurate or misleading.

An employee who objects to material in the employee's file because he or she considers it inaccurate or misleading may seek to amend or attach a rebuttal of such in accordance with the grievance procedure of Article VII, Employee Discipline, of the Personnel Ordinance. A former employee or applicant may see to amend or attach a rebuttal of material he or she considers inaccurate or misleading by written request to the county manager. If the department head, county manager, or board of commissioners determines that material in the employee's file is inaccurate or misleading, the human resources director is authorized to amend or attach a rebuttal to the inaccurate material to ensure that the file is accurate. Nothing in this subsection shall be construed to permit an employee to appeal the contents of a performance appraisal or written disciplinary action.

(Ref. CC Personnel Ordinance, Article V, Section 509)

12.6 Privacy of Employee Personnel Records (§ 153A-98)

(a) Notwithstanding the provisions of G.S. 132-6 or any other general law or local act concerning access to public records, personnel files of employees, former employees, or applicants for employment maintained by a county are subject to inspection and may be disclosed only as provided by this section. For purposes of this section, an employee's personnel file consists of any information in any form gathered by the county with respect to that employee and, by way of illustration but not limitation, relating to his application, selection or non-selection, performance, promotions, demotions, transfers, suspension and other disciplinary actions, evaluation forms, leave, salary, and termination of employment. As used in this section, "employee" includes former employees of the county.

(b) The following information with respect to each county employee is a matter of public record:

(1) Name.

(2) Age.

(3) Date of original employment or appointment to the county service.

(4) 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.

(5) Current position.

(6) Title.

(7) Current salary.

(8) Date and amount of each increase or decrease in salary with that county.

(9) Date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification with that county.

(10) Date and general description of the reasons for each promotion with that county.

(11) 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 of the dismissal.

(12) The office to which the employee is currently assigned.

(b1) For the purposes of this subsection, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity.

(b2) The board of county commissioners shall determine in what form and by whom this information will be maintained. Any person may have access to this information 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 commissioners may have adopted. Any person denied access to this information may apply to the appropriate division of the General Court of Justice for an order compelling disclosure, and the court shall have jurisdiction to issue such orders.

(c) All information contained in a county employee's personnel file, other than the information made public by subsection (b) of this section, is confidential and shall be open to inspection only in the following instances:

(1) The employee or his duly authorized agent may examine all portions of his 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 his patient.

(2) A licensed physician designated in writing by the employee may examine the employee's medical record.

IS Technology

Section 13: Acceptable Use Policy

13.0 Overview

The intentions for publishing an Acceptable Use Policy are not to impose restrictions that are contrary to the expectations of trust and integrity. Cumberland County ("the County") is committed to protecting its employees, partners, and the County from illegal or damaging actions by individuals, either knowingly or unknowingly.

All County technology resources, and related temporary and permanent files are the property of Cumberland County. These systems are to be used for business purposes in serving the interests of the County, and of our clients and customers in the course of normal operations.

The Cumberland County Information Services (IS) Technology Department is the sole responsible agent to ensure that the network and devices, attached directly or indirectly to the network, are in keeping with adequate production levels through sound security practices, timely and thorough maintenance procedures, and providing a highly available computing environment for the employees of Cumberland County.

Effective security is a team effort involving the participation and support of every Cumberland County employee and affiliate. It is the responsibility of every County technology user to know these guidelines, and to conduct their activities accordingly. The Acceptable Use Policy is available on the IS Technology intranet/extranet page and is included in the Human Resources Personnel Policy Manual. This policy is required to be reviewed and signed by all County employees that will be utilizing County network technology resources.

13.1 Purpose

The purpose of this policy is to outline the acceptable use of the County network, equipment, and technology resources. These rules are in place to protect the employee and the County. Inappropriate use exposes Cumberland County to risks, including virus attacks, compromise of network systems and services, and legal issues.

13.2 Scope

This policy applies to employees, contractors, consultants, temporary employees, and others conducting business on Cumberland County grounds, and applies to all technology resources owned or leased by Cumberland County.

13.3 Policy

Access to any and all Cumberland County technology resources requires explicit approval from authorized IS Technology personnel prior to use[1], and all users must be authenticated with a unique user ID and password[2].

Approved Access
Each Cumberland County supervisor or manager is responsible for approving access to technology, electronic media, and telecommunications. In this role, the supervisor or manager must ensure that each employee receives the equipment and services necessary to perform his or her job function, but no more than is needed to perform his or her job.[3]

Each user account must have a unique identity. That unique identity cannot be shared. Each user account must only provide access to those systems and services needed by that user/account owner at that time.[4]

Every potential employee must pass an employment screening process prior to hire to minimize the risk of attacks from internal sources. Examples of background checks include previous employment history, criminal record, credit history, and reference checks.

Each user account must have a password that conforms to current password standards for that system and passwords must NOT be shared.[5]

Remote users must use two-factor authentication for remote access to the network if accessing the Cardholder Data Environment.[6]

General Use and Ownership
County electronic communication systems are not personal communication systems. The following guidelines are to ensure users understand the general use and ownership of data and information stored on County technology resources.

While Cumberland County IS Technology desires to provide a reasonable level of privacy, users should be aware that the data they create on County systems remains the property of Cumberland County. Therefore, there should be no expectation of privacy in anything that you create, store, send or receive on the County's system. Because of the need to protect the County network, IS Technology cannot guarantee the confidentiality of information stored on any technology device belonging to Cumberland County.

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[1] PCI DSS 7.1.3 Assign access based on individual personnel's job classification and function.

[2] PCI DSS 8.1 Define and implement policies and procedures to ensure proper user identification management for non-consumer users and administrators on all system components.

[3] PCI DSS 12.3.1 Explicit approval by authorized parties.

[4] PCI DSS 7.1.2 Restrict access to privileged user IDs to least privileges necessary to perform job responsibilities.

[5] PCI DSS 12.3.2 Authentication for use of the technology.

[6] PCI DSS 8.3 Secure all individual non-console administrative access and all remote access to the CDE using multi-factor authentication.

5. For security and network maintenance purposes, authorized IS Technology personnel and 3rd parties authorized by IS Technology may monitor equipment, systems and network traffic at any time.

6. Authorized IS Technology personnel may, with the coordination of County Management, Human Resources, and Legal, read, recover, and/or store the data or information contained in an electronic communications account.

7. Cumberland County reserves the right to audit technology equipment and systems on a periodic basis to ensure compliance with this policy.

8. Cumberland County IS Technology recommends encrypting any information considered to be sensitive or vulnerable.

Password Guidelines

Passwords are an important aspect of computer security. They are the front line of protection for user accounts. A poorly chosen password may result in the compromise of Cumberland County's entire network. As such, all Cumberland County employees, contractors and vendors with access to Cumberland County system are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords.

General
These guidelines establish a standard for the creation of strong passwords, the protection of those passwords, and the frequency of change. They apply to all personnel who have or are responsible for an account, or any form of access that requires a password, on any system that resides at any County facility, has access to the County network, or stores any County information.

All system-level passwords (e.g., root, enable, admin, application administration accounts, etc.) must be changed at least every 90 days.

All user-level passwords (e.g., email, web, desktop computer, etc.), must be changed at least every 90 days.[7] Users will be prompted by the system to change their passwords.

All production system-level passwords must be part of the Cumberland County administered global password management database.

User accounts that have system-level privileges granted through group memberships or programs must have a unique password from all other accounts held by that user.

Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts.

All PCs, laptops and workstations should be secured by logging-off or locking (control-alt-delete for Microsoft Windows users) when the device will be unattended.[8]

7 PCI DSS 8.5.9 Change user passwords at least every 90 days.

8 PCI DSS 8.5.15 If a session has been idle for more than 15 minutes, require the user to re-enter the password to re-activate the terminal.

All user-level and system-level passwords must conform to the guidelines described below.

General Password Construction Guidelines

Passwords are used for various purposes at Cumberland County. Some of the more common uses include: user level accounts, web accounts, email accounts, and voicemail. Everyone should be aware of how to create strong passwords.

DO NOT use the following examples as passwords

Poor, weak passwords have the following characteristics:

The password is a word found in a dictionary (English or foreign)

The password is a common usage word, such as:

Names of family, pets, friends, co-workers, fantasy characters, etc.

Computer terms, usernames, commands, sites, companies, hardware or software

Birthdays and other personal information such as addresses and phone numbers

Word or number patterns like aaabbb, qwerty, zyxwvuts, 123321, etc.

Any of the above spelled backwards

Any of the above preceded or followed by a digit (e.g., secret1, 1secret)

Description of an item found on or around your workstation (pictures, plants, etc.)

Common slang, dialect, or jargon

Enforced Password Requirements

Must contain at least eight alphanumeric characters.

Cannot be one of the last six passwords used.

Must contain special characters, numbers, and letters.

Are not a word in any language, slang, dialect, jargon, etc.

Are not based on personal information, names of family, etc.

Create passwords that can be easily remembered, such as one based on a song title, affirmation, or other phrase. For example, the reminder phrase "This May Be One Way to Remember" could be password "TmB1w2R!" or "Tmb1W>r~" or other variation.

Password Protection Standards

The following includes, but is not limited to, a list of "DO NOTs" for managing passwords:

DO NOT use the same password for County accounts and non-County accounts.

DO NOT use the same password for various Cumberland County access needs.

DO NOT reveal a password over the phone to ANYONE.

DO NOT reveal a password in an email message or other electronic communication.

DO NOT reveal a password to the boss.

DO NOT talk about a password in front of others.

DO NOT hint at the format of a password (e.g., “my family name”).

DO NOT reveal a password on questionnaires or security forms.

DO NOT share a password with family members.

DO NOT reveal a password to co-workers while on vacation.

DO NOT use the “Remember Password” feature of applications.

DO NOT write passwords down and store them anywhere in your office.

DO NOT store passwords in a file on ANY computer system or device without encryption.

If someone demands a password, refer them to this document or have them call IS Technology. If an account or password is suspected to have been compromised, report the incident immediately to IS Technology and change all passwords.

Password cracking or guessing may be performed on a periodic or random basis by Cumberland County or its delegates. If a password is guessed or cracked during one of these scans, the user will be required to change it through the help desk.

Security and Proprietary Information

General

1. Information contained on Internet/Intranet/Extranet systems should be classified as confidential or not confidential, as defined by County confidentiality and HIPAA guidelines. Confidential information includes, but is not limited to, cardholder data, social security numbers, other personally identifiable information, and medical related information. Employees should take all necessary steps to prevent unauthorized access to this information.

2. Sensitive information should be encrypted in compliance with the *Acceptable Use Policy*.

3. Because information contained on portable devices is especially vulnerable, special care should be exercised. All data must be kept on either a network drive or on secured removable media approved by IS Technology. Ensure that the removable media is scanned by a virus checker before introducing the data to applications.

4. All devices used by an employee, whether owned by the employee or the County, that connect to the County network, shall be continually executing approved virus-scanning software with a current virus database.

5. Employees must use extreme caution when opening email received from unknown senders. Email from unknown senders may contain malicious code. Do not click on links or open attachments in emails received from unknown senders.

6. It is highly recommended that auto-preview is not used when viewing e-mail.

Application Development Standards

Application developers must ensure their programs contain the following security precautions:

- Should support authentication of individual users, not groups
- Should not store passwords in clear text or in any easily reversible form
- Should provide for some sort of role management, such that one user can take over the functions of another without having to know the other's password
- Should support TACACS+, RADIUS and/or X.509 with LDAP security retrieval, wherever possible

Unacceptable System and Network Activities

The following activities are, in general, prohibited. Employees, upon documented approval from an authorized member of IS Technology, may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., authorized systems administration staff may have a need to disable the network access of a device if that device is disrupting production services).

Under no circumstances is an employee of Cumberland County authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing Cumberland County-owned resources.

The following activities illustrate activities which constitute unacceptable use:

- Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by Cumberland County.
- Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books, music, or other copyrighted sources.
- Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws. The IS Infrastructure Manager should be consulted prior to export of any material that is in question.
- Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, email bombs, etc.).
- Using any Cumberland County technology resource to actively engage in obtaining or transmitting material that is in violation of sexual harassment, hostile workplace, or illegal discrimination laws.

- Making fraudulent offers of products, items, or services originating from any County account.
- Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient, or logging into a server, technology device or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
- Port scanning or security scanning is expressly prohibited unless prior written approval from an authorized IS Technology staff member has been given.
- Executing any form of network monitoring which will intercept data not intended for the employee's device, unless this activity is a part of the employee's normal job/duty.
- Circumventing user authentication or security of any device, network or account.
- Interfering with or denying service to a user other than the employee's device (denial-of-service attack).
- Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.
- Providing information about, or lists of, County employees to parties outside the County. The Public Information Office will designate disclosure of public records and respond to public information requests from the media or outside third parties.

Unacceptable Internet Usage Activities

Access to the Internet is provided to conduct official Cumberland County business only. General internet usage, to include web streaming, audio streaming, video streaming, etc., will be at the discretion of the IS Technology Department. Cumberland County expects its employees, as public servants, to present a favorable and professional image of the County to the entire Internet community, and to adhere to customary Internet ethics and accepted practices and standards of conduct.

Using the County's information technology resources to perform any of the following activities are strictly prohibited, unless a specific exception is indicated:

1. Conducting transactions for personal financial gain or political activities.
2. Accessing or attempting to access information, programs, services, or sites to which you do not have specific authorization.
3. Illegal, immoral, or improper activities.
4. Threatening or harassing another.
5. Transmitting graphic depictions or representations of any sexual matter.
6. Violating any software license agreements or IS Technology contracts by unauthorized duplication of software, files, codes, operating instructions, or reference manuals.
7. Installing County-owned software on – or using County-provided Internet access from – an employee's personal computer without the express prior approval of that employee's supervisor.

8. Using another employee's password or access code.
9. Playing games during work hours.
10. Streaming non-business-related audio or video. (i.e., Netflix, Hulu, Video on Demand, Pandora, iTunes, Spotify, radio stations, etc.)

Notwithstanding the specific prohibitions listed immediately above, an employee may make limited use of County information technology resources for personal or charitable purposes during non-work hours, provided that the employee's supervisor approves, consumable supplies such as paper are replaced, and such use does not impact County resources or normal business operations.

Electronic Communications

The purpose of these guidelines are to ensure the proper use of electronic communications as it relates to County business. This includes Cumberland County's electronic mail (email) system, as well as text messaging and instant messaging. These guidelines will ensure high availability to the email server, establish consistent standards and best practices, and emphasize appropriate employee workplace communications using the County email system, and alternate electronic communications.

These guidelines apply to all personnel who have an active email account on any Cumberland County email server, as well as all employees that perform work-related electronic communications through text messaging and/or instant messaging.

General

All electronic communications and stored information transmitted, received or archived in the County's information technology systems are the property of the County. This consists of all email messages, text messages, and instant messages distributed via the various County information technology systems, to include personal emails, text messages and instant messages.

Your electronic communications can be monitored without prior notification if Cumberland County deems this necessary. Cumberland County reserves the right, at any time, with or without notice, at its discretion, to review any user's electronic files and messages and usage to the extent necessary, to ensure that electronic media and services are being used in compliance with law and with this and other Cumberland County policies.

The user is responsible for using retention policies to meet requirements pertaining to HIPAA, Sarbanes-Oxley or any other privacy act.

Employees are prohibited from unauthorized disclosure of confidential information. Communication about County business in all formats, to include email, text messaging and instant messaging, are considered public record and must be retained and managed in accordance with the requirements of state law as defined in NCGS § 132 and further explained in the Public Records Act section below.

To protect against misrepresentation, if posting to a news group or forum via a web page, all electronic communications must include the disclaimer, "Opinions expressed in this message may not represent the policy of my agency."

The IS Technology Department utilizes a mobile application solution to capture and encrypt electronic communications to remain in compliance with the state-mandated public records requirements. This solution will assist with e-discovery by maintaining all electronic communications in one location, and making it easier to search, find, and present data for public records requests.

Unacceptable Electronic Communications Activities

Sending unsolicited email, text, or instant messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (spam).

Any form of harassment via email, telephone, text messaging, or instant messaging, whether through language, frequency, or size of messages.

Unauthorized use, or forging, of email header information.

Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.

Creating or forwarding "chain letters," "Ponzi" or other "pyramid" schemes of any type.

Use of unsolicited email originating from other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by the County or connected via the County network.

Posting non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam).

Use of County email address for non-business-related accounts and communications (i.e., LinkedIn, job search sites, etc.), unless posting in the course of business duties.

Employees are responsible for exercising good judgment regarding the reasonableness of personal use. Measures of reasonableness will be determined by the department head. Cumberland County allows personal use if it does not interfere with work and follows the guidelines set forth in this policy. Personal use should be limited to non-work hours, such as breaks and lunch. If there is any uncertainty, employees should consult their supervisor or manager.[9]

Procedures

Encryption - The transmitting and receipt of all communication designated as confidential shall utilize an encrypted system provided by the IS Technology Department. Users may not utilize an unauthorized method to encrypt an email message. Confidential information as identified below shall not be transmitted via email or any other electronic communication method without the proper encryption:

[9] PCI DSS 12.3.5 Acceptable uses of the technology.

- Information covered by HIPAA (Health Insurance Portability and Accountability Act), including, but not limited to health care, medical records, treatment, and billing information.
- Social security numbers and other personal identifying information.

End User – Employees are accountable for the creation of the communication generated and transmitted by the use of email, text, and instant messages and compliance with County policy.

Content Standards

Following are guidelines employees should observe for the general content and distribution of County electronic communications:

All electronic communications should be treated as a formal document with proper business standards being followed to include spelling, grammar and punctuation.

Electronic communications should be composed of appropriate workplace language. Employees are prohibited from sending abusive, harassing, threatening or ethical-oriented messages, even in jest.

Employees should use good judgement about what an electronic communication says or to whom it is sent. Electronic communications may be read and transmitted by recipients not intended by the sender. A good rule of thumb is to never write anything in an electronic communication that you would not want to become public knowledge.

Employees should review all electronic communications before they are sent for clear meaning and correct tone. Make sure they convey the intended message without the tone of your voice or facial expressions to add meaning.

Employees should think before sending an electronic communication to more than one person. Respect other employees' time and consider whether additional people really need or want to see the message.

Personal Devices

Employees shall not use personal devices for text messaging regarding County business unless an IS approved mobile application for capture and encryption is installed on the personal device. The mobile application will provide a separate phone number on the device so the employee can separate County business related text messages from personal text messages. It will also encrypt text messages sent to the separate phone number. If the employee does not want to install this application on their personal device, then all text messages about County business must be conducted using workplace-issued devices or equipment.

Personal Use of County-Owned Devices

Employees shall not use workplace-issued devices or equipment to send email messages, text messages, instant messages, or any other method of communication, for political purposes, to conduct private commercial transactions, or to engage in private business activities.

Professional Use of County-Owned Devices

Employees should keep personal and work-related messages separate and apply the same professional standards to text and instant messaging communications as they do to work-related email or letters. All messages related to County business can be disclosed under NC public records law. Therefore, employees using text or instant messaging, must pay careful attention to the responsibilities for maintaining public records.

County-Owned Cell Phones

Cell phones issued by the County are the property of the County and are to be used to conduct County business as outlined below:

- County-owned cell phones should not be used for personal use, except for necessary work-related situations such as unanticipated overtime or family emergencies. Calls of this nature should be infrequent in number and brief.
- Cell phone use in violation of any local, state, or federal law is prohibited.
- Cell phone use in violation of County or department work policies or for the purpose of personal financial gain is prohibited.
- Cell phones may not be used for jokes, gambling, or games.
- Cell phones may not be used for blogging or social networking unless during the course of legitimate job responsibilities.
- Cell phone use for any discriminatory, derogatory, sexual, illegal, unethical, or otherwise inappropriate remarks or purposes is strictly prohibited.
- Cell phone use and text messaging with a County-owned or privately-owned cell phone is prohibited while the employee is operating a County-owned motor vehicle. Speaking on the cell phone while driving should be done so only with a hands-free device. If no hands-free device is available, the driver shall pull to the side of the road in a safe location prior to answering or initiating cell phone calls.

Employee Responsibilities Regarding County-Owned Cell Phones and Devices

Employees should treat County-owned cell phones as potential avenues for information theft and protect them as they would any point of access to secure information. All employees should follow the guidelines below as best practice to protect the County-owned cell phone or device from theft, loss, or damage.

- Do not let strangers use a County-owned cell phone or device.
- Do not leave a cell phone or device unattended, as this can provide easy access to install software or steal information.

- Do not use unsecured cell phones or devices to send sensitive or confidential information about County business.

- Immediately report the loss or theft of a County-owned cell phone or device to your supervisor or department head.

- As cell phones are not secure, discretion should always be used while making calls of a sensitive or confidential nature.

- Immediately return the County-owned cell phone or device to your supervisor or department head if it is determined that it is no longer necessary for your job or upon leaving employment with the County.

No Right to Privacy

Employees have no right to privacy with respect to the use of workplace-issued devices or equipment. The County has the right to inspect any and all County-owned devices and equipment used by employees at any time and without notice.

Support of Privately Purchased Devices

Privately purchased devices shall not be supported in any capacity by Cumberland County IS Technology, nor should it be assumed that they will be supported by any other Cumberland County entity. This includes, but is not limited to, the support of email and internet access.

No accommodations shall be made to connect such devices to the Cumberland County Network, whether it is by wireless or other means of connectivity. “Docking” or using a cable or cradle to attach a mobile device to the PC or laptop shall be considered the unauthorized installation of hardware.

Support of County-Purchased Devices

County devices shall only be supported by the technology department that provides your help desk support. If that technology department deems it acceptable to “dock” your phone for the purposes of synchronization, then they will provide all needed support. Likewise, all email, data, and voice support will be handled in the same manner.

For those departments, whose help desk support is provided by IS Technology, the devices will be supported to the extent possible. All such devices shall be approved by County Management and subsequently by IS Technology prior to purchase. Approval for purchase does not guarantee complete functionality due to the multitude of different devices and constantly changing technology.

Wireless Communication

Access to County networks via unsecured wireless communication mechanisms is strictly prohibited. Only wireless systems that meet the criteria of this policy or have been granted an exclusive waiver by IS Technology are approved for connectivity to Cumberland County's networks.

Public Records Act

Employees should be aware that work-related electronic communications, such as email, text and instant messages are public records subject to the Public Records Act. Employees have a duty to maintain such records in accordance with the NC Local Government Record Retention Schedules. Cumberland County records include all electronic communications related to County business. All records are required to be saved and retained on the County's network.

Notwithstanding the provisions of NCGS § 132-6 or any other general law or local act concerning access to public records, personnel files of employees, former employees, or applicants for employment maintained by a county are subject to inspection and may be disclosed, only as provided by NCGS § 153A-98.

Education – Human Resources will educate employees as to the specifics of this policy as it relates to the Public Records Law and designation of confidential information.

Disclosure: The Public Information Office will designate disclosure of public records and respond to public information requests from the media or outside third parties.

Electronic Records

1. Electronic records must be retained in electronic format and remain useable, searchable, retrievable, and authentic for the applicable retention period. Printing and retaining a hard copy is not a substitute for the electronic version.

2. Electronic records must be retained and disposed of based on content rather than format. The same retention schedule applies to paper and electronic records.

3. In making decisions about how long to retain electronic records, first check the retention schedule to ensure compliance and verify the records are not subject to a legal hold. Many electronic records can be disposed of at the discretion of the employee under the following guidance:
    a. If the electronic record is the primary or only copy of an official document, it must be retained for the time period specified by the retention schedule. Once the required retention has been met, the record should be deleted and documented on a records destruction certificate. Departments should contact the NC Department of Cultural Resources for direction on electronic records designated as "archival."

Examples of official records include policies, procedures, executive level correspondence, and final reports.

b. If the electronic record is transitory in nature with no administrative, legal, fiscal, or archival value, then the record can be deleted at the discretion of the user. Examples include secondary copies of memos, general office notices, general information, working copies, transmittal memos, meeting announcements, invitations to events, drafts, etc.

c. Electronic communications records are subject to the same retention schedule as paper records. Many electronic communications records are transitory in nature and may be deleted when they are no longer needed. Electronic communications, both sent and received, that require retention must be managed accordingly. The County may use programs to aid in the management, retention, and disposition of electronic communications, including deletion of records after specific retention periods based on record series. Employees are expected to make use of these programs to ensure that proper retention is applied and that electronic communications that do not need to be retained are deleted appropriately.

4. Most electronic communications consist of transitory messages and attachments that may be deleted as soon as it has served its purpose. Some examples of electronic communications not subject to retention include personal messages and announcements not related to official business; information only or duplicate copies; copies of publications; miscellaneous notices or memoranda of a general and non-continuing nature (meeting notices, reservations, confirmations); preliminary drafts of notes, letters, reports, worksheets which do not represent significant steps in the preparation of record documents; requests for routine information or forms.

5. Records created related to County business—including email messages, text messages, instant messages, and other electronic communications—are County records. These records therefore (1) should be managed according to the applicable retention schedule, and (2) may be subject to disclosure under the Public Records Act. The following is intended to help manage the business-related messages you send or receive on mobile devices.

   a. With department head authorization, employees may use text and/or instant messaging only for routine or transitory messages that don’t need to be retained by the County. Examples include informal notices of meetings, directions, scheduling information, and other routine messages that would not be kept in a file if it were a paper communication. If there is any questions as to whether or not it is considered transitory, err on the side of caution and do not use text or instant messaging.

   b. Text and/or instant messages may not be used to send policy, contract, formal correspondence, or personnel related data. Sensitive information should not be sent by text or instant message, including social security numbers, credit card numbers, and passwords.

c. Delete transitory business-related text and instant messages as soon as possible.

Legal Holds and Public Records Requests

Records involved in litigation or reasonably anticipated or foreseeable litigation will be placed on legal hold and must be preserved until the legal hold is released by the County Attorney's office. If a record(s) covered by a public records request is scheduled for destruction, the record(s) must be retained until the request is fulfilled.

Remote Access and Virtual Private Network (VPN) Access

This section defines standards for connecting to Cumberland County's network from any technology device, and to provide guidelines for remote access IPSec, SSL, MSEC, or Virtual Private Network (VPN) connections to the County network. These standards are designed to minimize the potential exposure to Cumberland County from damages which may result from unauthorized use of Cumberland County resources. Damages include the loss of sensitive or confidential data, intellectual property, damage to public image, damage to critical Cumberland County internal systems, etc.

These standards apply to all Cumberland County employees, contractors, consultants, temporary employees, vendors and agents with a technology device used to connect to the Cumberland County network, and to all other workers and personnel affiliated with third parties utilizing VPNs to access the Cumberland County network.

These standards also apply to remote access connections used to do work on behalf of Cumberland County, including reading or sending email and viewing County web resources, and to all implementations of VPN through a County designated VPN device. Remote access implementations that are covered by this policy include, but are not limited to, dial-in modems, direct attached networks, VPN, SSH, cable modems, etc.

Approved Cumberland County employees and authorized third parties (customers, vendors, etc.) with a completed request form, may utilize the benefits of VPN to connect to the Cumberland County network as outlined in these standards.

General

It is the responsibility of Cumberland County employees, contractors, vendors and agents with remote access and VPN privileges to Cumberland County's network to ensure their remote access connection is given the same consideration as the user's on-site connection to Cumberland County, and that unauthorized users **are not** allowed access to Cumberland County internal networks. General access to the Internet for recreational use by immediate household members through the Cumberland County Network on personal computers is not permitted.

Organizations or individuals who wish to implement non-standard Remote Access solutions to the Cumberland County production network must obtain prior approval from Cumberland County IS Technology. For additional information regarding Cumberland County's remote access connection options, including how to request or deactivate service, obtain cost comparisons, troubleshooting, etc., contact the Cumberland County IS Technology Department.

Requirements

1. If using VPN, secure remote access must be strictly controlled. Remote Access to the Cumberland County Network is controlled via authentication using username/password and authorized based on group membership and other attributes determined by the IS Technology department. The Password Guidelines section of this policy also applies to remote access.
2. At no time should any Cumberland County employee provide their login or email password to anyone, not even family members.
3. When actively connected to the county network, VPN will force all traffic to and from the PC over the VPN tunnel.
4. VPN gateways will be set up and managed by Cumberland County network personnel.
5. Reconfiguration of a home user’s equipment for the purpose of split-tunneling or dual homing is not permitted at any time.
6. All devices that are connected to Cumberland County internal networks via remote access technologies must use the most up-to-date anti-virus software. This includes personal computers. Third party connections must comply with requirements as stated in the *Third-Party Network Connection Agreement*.
7. Personal equipment that is used to connect to Cumberland County’s networks must meet the requirements of Cumberland County-owned equipment for remote access.
8. Pings or other artificial network processes are not to be used to keep the connection open, with the exception of essential public safety VPN users with proper approval from IS Technology.
9. Users of computers that are not Cumberland County-owned equipment must configure the equipment to comply with Cumberland County's VPN and Network policies.
10. Only Cumberland County-approved VPN clients may be used.
11. By using VPN technology with personal equipment, users must understand that their machines are a de facto extension of Cumberland County's network, and as such are subject to the same rules and regulations that apply to Cumberland County-owned

equipment, i.e., their machines must be configured to comply with Cumberland County's security and anti-virus policies.

Anti-Virus Requirements

General

This section is to establish requirements which must be met by all technology devices connected to Cumberland County networks to ensure effective virus detection and prevention. This section applies to all Cumberland County computers that are PC-based or utilize PC-file directory sharing. This includes, but is not limited to, desktop computers, laptop computers, file/ftp/sftp/proxy servers, and any PC-based equipment such as traffic generators.

Requirements

All Cumberland County PC-based computers must have Cumberland County's standard, supported anti-virus software installed and scheduled to run at regular intervals. In addition, the anti-virus software and the virus pattern files must be kept up to date. Virus-infected computers must be removed from the County network until they are verified as virus-free. IS Technology is responsible for creating procedures that ensure anti-virus software is run at regular intervals, and related technology devices are verified as virus-free. Any activities with the intention to create and/or distribute malicious programs into Cumberland County networks (e.g., viruses, worms, Trojan horses, email bombs, etc.) are strictly prohibited in accordance with the *Acceptable Use Policy*.

Recommended processes to prevent virus-related incidents:

- Ensure your anti-virus software is running and updated to the current version. Anti-virus software updates, as they become available, will be automatically downloaded.
- NEVER open any files attached to an email from an unknown, suspicious or untrustworthy source. Delete these attachments immediately, then "double delete" them by emptying your Trash.
- Delete spam, chain, and other junk email without forwarding.
- Never download files from unknown or suspicious sources.
- Avoid direct disk sharing with read/write access unless there is absolutely a business requirement to do so.
- Always scan all portable drives or disks from an unknown source for viruses before using it.
- If testing conflicts with anti-virus software, run the anti-virus utility to ensure a clean machine, disable the software, then run the test. When the anti-virus software is disabled,

do not run any applications that could transfer a virus, e.g., email or file sharing. After the test, re-enable the anti-virus software.

- New viruses are discovered almost every day. Practice extreme caution when dealing with attachments or files downloaded from the Internet or copied from a disk.

Risk Assessment and Technology Audits

This section empowers IS Technology to perform periodic information security risk assessments (RAs) for the purpose of determining areas of vulnerability, and to initiate appropriate remediation. It also provides the authority for authorized members of IS Technology, County Internal Auditors, and other IS approved third parties to conduct security audits on any system or technology resource owned by the County. This covers all technology resources owned or operated by the County, as well as any technology devices that are present on County premises, but which may not be owned or operated by Cumberland County.

Audits may be conducted to:

- Ensure confidentiality, integrity and availability of information and resources.
- Investigate possible security incidents.
- Ensure conformance to County security policies.
- Monitor user or system activity where appropriate.
- Ensure that all installed software is licensed.

General

Cumberland County IS Technology is responsible for ensuring the confidentiality, integrity and availability of critical information and computing assets, while minimizing the impact of security procedures and policies upon business productivity.

The execution, development and implementation of remediation programs is the joint responsibility of Cumberland County IS Technology and the department responsible for the system area being assessed. Employees are expected to cooperate fully with any RA being conducted on systems for which they are held accountable. Employees are further expected to work with the IS Technology Risk Assessment Team in the development of a remediation plan.

Risk Assessment Access

This access may include:

- User level and/or system level access to any technology device.

- Access to information (electronic, hardcopy) that may be produced, transmitted, or stored on Cumberland County equipment or premises.
- Access to work areas (offices, cubicles, storage areas).
- Access to interactively monitor and log traffic on the County network.

13.4 Roles and Responsibilities

The following will outline user expectations of IS Technology as related to technology devices attached to the Cumberland County network. The user's role in their day-to-day computing activities will also be addressed. This applies to all users of Cumberland County-owned technology devices and resources.

Human Resources

- Notify the Chief IS Director immediately of all major violations.
- Assist with investigations as necessary.
- Ensure that personnel screening is conducted in accordance with Cumberland County's policy.

Manager

- Give a copy of this policy to all contractors and temporary agency employees using electronic communications equipment during their orientation meeting with the manager.
- Ensure all employees attend mandatory IT Awareness training class conducted by IS Technology at least every two years.
- Provide a current copy to each contractor on the anniversary of their employment with Cumberland County or within 30 days of the anniversary of the contractor's last review of this agreement, whichever is later.

IS Technology Department

Information technology management in accordance with the Cumberland County *Information Technology Management Policy*.

1. Evaluate network product solutions, vendor contracts, and obtain all related quotes.
2. Plan, design, or modify existing or new network infrastructure or new construction. For new construction, IS Technology will coordinate the IT design in conjunction with the project architect and/or IT consultant.
3. Coordinate and process all network equipment purchases.

- Maintain and manage a help desk that provides appropriate support for users. Response times will be determined by the severity of the problem, availability of personnel, and the order in which the problem was received.

- Solely responsible for installation of all applications for accessing Internet and Email systems.

- Software and hardware installations and repairs will be performed by authorized IS Technology personnel only. To schedule hardware installs/repairs, submit a request through the help desk. Only licensed software and software for the purpose of conducting County business will be installed.

- All original software will be maintained by IS Technology. Copies will not be passed out to departments. When ordering software, the software must be delivered to IS Technology where the license will be maintained. Upon receipt of software/license, IS Technology will check for any recent updates and then schedule a time with the department to install the software and updates.

- Monitor and periodically audit software and licenses that exist on County technology devices.

- Security updates will be performed on an "as required" basis. Server updates will not be performed unless under the supervision of IS Technology personnel.

- Whenever a PC is replaced due to an upgrade, the replaced PC and all its components will be turned in to IS Technology where it will be used to fill existing needs within the County.

- Backup business critical information from approved network storage areas for safekeeping.

- Notify HR of all violations of this policy, manage and perform or assist with investigations as necessary, and coordinate such investigations with HR and Legal.

- Install, at their discretion, systems to monitor for compliance of this policy.

- Conduct routine IT Awareness training to ensure all users understand and avoid common security threats and remain up to date on IS Technology policies.

Users

- Submit computer problems using the help desk upon encountering an issue. When a help desk request is made, please provide a brief summary in the Title, and be as descriptive as possible in the Comments field to aid help desk personnel to assign appropriately and resolve the reported issue. Include all system error messages, attach screen shots if possible, and state whether you can connect to other network sources, such as the internet and email.

- Use all necessary precautions to ensure your technology devices are protected from environmental damage. For example, do not keep open liquid-filled containers near a device where it can be knocked over, and cover your devices if needed due to occupational byproducts or possible leaks from inclement weather.

- Change passwords in accordance with the Cumberland County *Acceptable Use Policy*, and do not use power on passwords.

- Practice good judgement in performing routine day-to-day activities in a professional manner, based on best practices presented in the regularly scheduled IT Awareness training courses conducted by IS Technology.

- Anything suspicious or considered out of the ordinary should be immediately reported to IS Technology via the help desk. Report any security violation or loss to IS Technology immediately. When in doubt, always check with IS Technology first.

- Store all data on a fileserver. Do not keep data on the PC. Data cannot be protected when it resides on the PC, however, data on a fileserver can be backed up.

- Do not move any technology resources, to include computers, printers, phones, or any network device without prior approval from IS Technology.

- Keep areas around PC accessible for maintenance and ventilation.

- Obtain approvals from their manager for: using telecom equipment, Internet access, access to Cumberland County network from outside County property, and access to other users' electronic communications storage.

- Obtain approvals from authorized IS Technology personnel for emailing broadcast messages and installing non-standard software on electronic communications equipment.

- Understand the potential security impacts of activities they may be involved in and get advice from an authorized IS Technology staff member when a question arises related to security.

- All County network users are mandated to attend IT awareness training conducted by IS Technology. This training should be taken on at least a bi-annual basis to ensure all users understand and avoid common security threats and remain up to date on IS Technology policies.

13.5 Definitions

Application Administration Account	Any account that is for administration of an application (e.g., SQL database administrator).
Cable Modem	Cable companies provide Internet access over Cable TV coaxial cable. A cable modem accepts this coaxial cable and can receive data from the Internet.
Dual Homing	Having concurrent connectivity to more than one network from a computer or network device. (e.g., Being logged into the County network via a local Ethernet connection, and connecting to an Internet service provider).
Entity	Any business unit, department, group, or third party, internal or external to the County, responsible for maintaining County assets.
Information Technology Resources	All computers, networks, servers, email accounts, applications, operating systems, printers, scanners, telephone lines, source code, other hardware and software, and electronic transmission paths and media of all kinds.
Instant Messaging	Text messaging, sometimes called "texting", usually refers to the use of a "short message service" (SMS) to send an onscreen message to a recipient's phone. Forms of text messaging include multimedia message service (MMS), which allows users to send pictures, video, and other non-text media, and enhanced message service (EMS), which include formatted text. Every text message also contains data about the message, including the sender and recipient's phone numbers, a time stamp, and the format.
IPSec Concentrator	A device in which VPN connections are terminated.
Issue	A risk that has occurred, a current problem.
Remote Access	Access to the County network through a non-County controlled network, device, or medium.
Risk	ITIL defines "Risk" as a possible event that could cause harm or loss or affect the ability to achieve objectives. Risk can affect confidentiality, integrity, and availability of the County's key information assets and systems.

Spam	Unauthorized and/or unsolicited electronic mass mailings.
Split-tunneling	Simultaneous direct access to a non-County network (Internet, home network, etc.) from a remote device (PC, cell phone, etc.) while connected to the County network via VPN tunnel.
Text Messaging	Text messaging, sometimes called "texting", usually refers to the use of a "short message service" (SMS) to send an onscreen message to a recipient's phone. Forms of text messaging include multimedia message service (MMS), which allows users to send pictures, video, and other non-text media, and enhanced message service (EMS), which include formatted text. Every text message also contains data about the message, including the sender and recipient's phone numbers, a time stamp, and the format.
User Authentication	A method by which the user of a wireless system can be verified as a legitimate user independent of the computer or operating system being used.
Users	Any person (employees, contractors, service providers, etc.) using County-owned technology equipment inside or outside of County premises.
VPN	Virtual Private Network - method for accessing a remote network by "tunneling" through the Internet.

13.6 Enforcement

Any employee found to have violated any section of this policy may be subject to disciplinary action, up to and including termination of employment. Any non-county employee found to have violated this policy may be subject to punitive action, up to and including access suspension and/or legal prosecution.

Section 14: Print Management Policy

14.0 Terminology

Multi-Functional Device (MFD) is an item of equipment which functions may include copying, scanning, faxing, and printing. Throughout this document, when the word "printer" is used, the term is referring to an item of equipment that functions only as a printer. The two apparatuses require different processes and approvals and are not interchangeable.

14.1 Purpose

The purpose of this policy is to implement a uniform and consistent approach to the allocation, access and usage of printing devices for business purposes with the intent of reducing costs, creating a sustainable strategy, and improving business efficiencies.

14.2 Background

Printing documents and other materials is an essential business function for maintaining records, reporting and other communication requirements. While printing is necessary in certain circumstances, it should be limited and carried out in an efficient manner. MFD are more cost effective to operate than printers; therefore, the provision of printers must be based on business need. All staff should be encouraged to consider the need to print and should consider using or storing electronic copies where possible.

14.3 Scope

This policy applies to all employees of Cumberland County. This policy covers all printing devices and MFD owned or utilized by Cumberland County.

14.4 Policy

a. Requests for printer approval will only be granted to an individual or work group in exceptional circumstances, based on a business need substantiated and recommended by the Department Head/Director, justified by the respective IT Department, reviewed by County IS Technology and approved by County Management.

b. To ensure compliance with this policy, all existing printers acquired prior to May 1, 2018 must have a completed *Printer Request Form* on file. If there is not a form currently on file for an existing printer, one must be obtained immediately. It is the responsibility of the Department Head to ensure that proper documentation is in place for the equipment located in their respective department(s).

   Approval must be reobtained once every two years.

c. New printers will be provided by the County contracted vendor only. The contracted vendor will also provide toner and maintenance for all new and existing printers. Departments may not under any circumstances purchase a printer or printer supplies

using County funds. Such purchases will be required to be returned and the County reimbursed for the cost.

14.5 Guidelines

Access and Usage

a. Copiers/Printers should be used for business purposes only; however, personal copies will be charged at the Board adopted fee per copy. Payment must be made immediately in accordance with daily deposit statute requirements.

b. Employees found to be in violations of personal usage requirements will be subject to disciplinary action in accordance with the County's policies and procedures relating to disciplinary action. This section is not intended to circumvent any departmental policies and procedures in regards to personal usage of copiers. Departments must continue to follow those established policies and procedures.

c. Substantial copies exceeding a volume of 500 must be directed to the County Print Shop. Departments should contact the Print Shop directly to discuss the best options available to meet their specific departmental needs.

d. Network copiers will be made available to staff within close proximity to their work area.

e. The IT Department can work with the unit to create pass codes to release confidential information routed to MFDs upon request.

f. Black-and-white prints should be made in preference to color prints.

g. All MFDs have "scan to email" and "scan to folder" functions available which may limit hardcopies and manual distribution.

h. Only the necessary pages in the document are to be printed and double-sided printing is to occur where possible.

Contracted Copier/Printer Request

a. County IS Technology should be consulted, via the helpdesk, prior to the request being submitted to County Purchasing, to ensure that the appropriate equipment is requested.

b. Request must be submitted using the Copier Request form. This form is located on the County Intranet/Extranet.

c. Request for new and replacement copiers/printers must be processed through County Purchasing.

d. The vendor may coordinate directly with the department regarding specific delivery details once they receive the copier request form from County Purchasing.

14.6 Implementation

Cumberland County Information Services will audit the location and volume of all existing printers. Department Heads are responsible for ensuring compliance within the provisions of this policy.

Public Information

Section 15: Solicitation Policy

Soliciting donations for charitable causes or non-profit organizations within an employee's department is allowable with prior approval of the department head. Soliciting donations from employees in other departments must be approved by the department head of the affected department.

Soliciting, taking and delivering orders, receiving payments and related activities shall not interfere with the employee's work or the work of others. These activities should be restricted to employee breaks and lunch times.

Fund-raising campaigns endorsed by the County are exempt from the prohibitions in this policy. The County endorses three annual fund-raising campaigns – the United Way, American Heart Association and the Holiday Food Drive to benefit the Salvation Army and Fayetteville Urban Ministry.

Section 16: Social Media Policy

16.0 Purpose

This policy is intended to ensure that Cumberland County's social networking sites are secure and appropriately used and managed. It is, therefore, designed to protect Cumberland County employees and ensure consistency. This document is not meant to address one form of social media, rather social media in general, as technology will inevitably change, and new tools will emerge. This policy applies to employees, contractors, consultants, temporaries, and others conducting business on behalf of Cumberland County.

16.1 Definitions

"Social media" and "Web 2.0" are umbrella terms that encompass the various activities that integrate technology, social interaction, and content creation. Social media uses many technologies and forms, such as blogs, wikis, photo and video sharing, podcasts, social networking, mashups, and virtual worlds.

Throughout this document, any reference to "employees" shall refer to anyone conducting business on behalf of Cumberland County.

In this document, the following phrases will be abbreviated accordingly:

1. Cumberland County Information Services Technology – CCIS
2. Public Information Office – PIO

16.2 Role of Social Media

Social media platforms facilitate interactive information sharing, interoperability, and collaboration to a large, loyal user base. As a result, they are increasingly important as outreach and communication tools for government entities including at the local level.

In order to make use of these communication outlets, the PIO will work with CCIS to carefully choose which types of social networks make the most sense for the type of information that needs to be disseminated. Emphasis will be given to tools that provide more information across multiple outlets to the broadest audience.

The application of social media within Cumberland County must always be professional and be used in a way that maintains the security of the network and minimizes risk.

16.3 Implementation

All social media accounts must be approved by the appropriate department director and the PIO. When a department determines it has a business need and desires to establish a social media account, the department director or other department supervisor with department director approval, will submit a request for a social media account to the PIO.

The PIO will spearhead this activity by establishing social media accounts in conjunction with departments. The PIO will provide login information to CCIS. All subsequent modifications to credentials should be provided to the PIO, which will also provide the information to CCIS.

The PIO will be responsible for creating social media accounts and, therefore, will maintain a list of all social networking application domain names in use, the names of all employee administrators of these accounts, as well as, the associated user identifications and passwords currently active within their respective departments. CCIS reserves the authority to enforce password changes for any passwords that do not meet security requirements.

The PIO will consult with CCIS to determine the best method to archive the content. Any Cumberland County social networking usage implemented prior to the release of this document should be reviewed by the PIO to make sure it is brought into compliance with these guidelines.

In summary, the PIO will:

1. Create social media sites in conjunction with departments.

2. Consult with CCIS to ensure social media material is archived, including providing a list of all social media URLs and contact information.

3. Consult with CCIS on the best archival method for the content; if one cannot be provided, another communication outlet will be used.

4. Review social media websites for policy compliance, notify departments of any violations, and inform CCIS of any deactivations or removals needed.

The CCIS department will:

1. Review passwords to ensure security guidelines are met in accordance with the Cumberland County Network Use Policy.

2. Maintain a list of social media domains, active account logins and passwords.

3. Change passwords if employee is removed as administrator in order to maintain Cumberland County control.

4. Deactivate accounts where unauthorized password changes have occurred.

5. Determine if an archive method for the social media outlet requested is feasible and, if possible, provide the PIO with archive method options.

6. Review social media websites for policy compliance and notify PIO of any necessary deactivations or removals needed.

7. Consult PIO about deactivations or removals of accounts if any Cumberland County social media website is found to be in non-compliance with this policy.

With the approval of the PIO, a County department may use social media sites in order to market services to the public. Those departments will follow County policy in the administration of these sites and appoint a staff member to act as the site administrator, functioning as the PIO. In order to obtain approval, departments will need to submit to the PIO a suggested URL for the site, the name and contact information for the staff member who will be administering the site, and the method that will be used for posting information to these sites. The PIO will provide this information to CCIS. These departments will need to coordinate directly with the PIO, in collaboration with CCIS, to develop and document their data archiving process for these social media sites.

Any departmental social media site in operation prior to the release of this policy will have three months to comply. Social media sites found to be in non-compliance after the three months will be deactivated until brought into compliance.

16.4 Acceptable Use

All use of social networking sites by those conducting business on behalf of Cumberland County should be consistent with applicable state, federal, and local laws, regulations, and policies including all information technology security policies. This includes the Cumberland County Network Use Policy and Information Technology Management Policy, and any applicable Records Retention and Disposition Schedules or policies, procedures, standards, or guidelines officially announced by the NC Department of Cultural Resources. All usage should be governed by these policies as well as the guidelines in this document.

Separate Personal and Professional Accounts
Employees should be mindful of blurring their personal and professional lives when administering their personal and any County social media sites.

Personal Use
Employees are allowed to have personal social networking sites. As indicated by the Network Use Policy, these accounts should not be visited or administered during their working hours with Cumberland County. These sites must remain personal in nature and be used to share personal opinions or non-work-related information. This helps ensure a distinction between sharing personal and department views. Employees should be mindful that inappropriate usage of social media can be grounds for disciplinary action. In addition, employees should never use their Cumberland County e-mail account or password in conjunction with a personal social networking site.

Professional Use
All communication through County social media outlets should remain professional in nature and should always be conducted in accordance with Cumberland County's policies, practices, and expectations. Employees must not use the County's social networking sites for political purposes, to conduct private commercial transactions, or to engage in private business activities. Employees should be mindful that inappropriate usage of social media can be grounds for disciplinary action up to and including termination of employment.

Be Clear as To Identity
When creating social media accounts that require individual identification, Cumberland County employees should use their actual name, not pseudonyms. However, using actual names can come with some risks and employees doing so should be mindful of the following:

1. Do not assume privacy. Only post information that you are comfortable disclosing.

2. Use different passwords for different accounts (both social media and existing work accounts). Using the same password for all accounts increases the vulnerability of the accounts being compromised.

Terms of Service
The PIO should be aware of the Terms of Service (TOS) of the particular social media and will determine whether use of such media is appropriate.

Scheduled Postings
Each social media outlet that is put in use must be continually active. Any outlet that is made available and is not regularly updated will be discontinued or deactivated. Deactivation will be at the discretion of the PIO. CCIS will alert the PIO before discontinuing the account.

Social media outlets that are not regularly updated serve no purpose and waste County resources.

Content of Posts and Comments
Employees using social media to communicate on behalf of Cumberland County should use discretion before posting or commenting. Once these comments or posts are made. they can be seen by anyone and may not be able to be “taken back.” Consequently, communication should never include:

1. Vulgar, obscene, or abusive language, content, or links.

2. Personal attacks of any kind, or offensive terms targeting individuals or groups.

3. Disparaging remarks that promote, foster, or perpetuate discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation.

4. Conduct or encouragement of illegal activity.

5. Endorsement of commercial products, services, or entities.

6. Endorsement of political parties, candidates, or groups.

7. Copyright violations.

8. Confidential or non-public information.

Employees should always consider whether it is appropriate to post an opinion, commit oneself or one's department to a course of action, or discuss areas outside of one's expertise. If there is any question or hesitation regarding the content of a potential comment or post, it is better not to post. Screening any communication made on a social media site will be the responsibility of the PIO.

Both the PIO and CCIS will regularly review Cumberland County's social media websites. If any of these sites are found to be in non-compliance with this policy, the site's social media account will be discontinued, deactivated, or removed and will no longer be linked through the Cumberland County website.

Any social media accounts that allow comments will either be moderated by the PIO or efforts will be made to disallow all comments from the public.

Posts and Comments Are Public Records
Like e-mail, communication via County social networking websites is a public record. This means that both the posts of the employee administrator and any feedback by other employees or non-employees, including citizens, will become part of the public record. Because others might not be aware of the public records law, the following statement (or some version of it) will be included somewhere on the site:

Representatives of Cumberland County local government communicate via this social media site. Consequently, any communication by a County employee or the general public may be subject to monitoring and disclosure to third parties.

16.5 Security

From a security standpoint, persons doing business on behalf of Cumberland County should be mindful of how to prevent fraud or unauthorized access to either the social media site or the County network. Please refer to the requirements set forth in the Cumberland County Network Use Policy.

Methods to Prevent Breach of IT Security
It is important to note that security related to social media is fundamentally a behavioral issue, not a technology issue. In general, employees unwittingly providing information to third parties pose a risk to the core Cumberland County network.

In order to prevent potential harm, users of social networking sites representing Cumberland County should minimize the amount of information an attacker is likely to gain from a successful attack. For example, individual user IDs and passwords must never be duplicated across multiple sites. In this way, if one site is compromised, the attacker cannot also gain access to other sites for which the user is authorized.

Also, a Cumberland County employee must never use a current government domain password as a password on any other site. With this in mind, PIO maintains the responsibility to issue usernames and passwords for any social networking site that

represents Cumberland County and meets the requirements set forth in the County Network Use Policy.

16.6 Records Management and Preservation

Communication through department-related social media is considered a public record under North Carolina's G.S. 132 and will be managed as such. Therefore, the following items apply:

1. All comments or posts made to walls or pages are public, not private.
2. Private messages that account administrators receive should be treated as constituent e-mails and therefore, as public records. In this way, all replies to these messages will be issued from a Cumberland County e-mail account.
3. All social media accounts will have privacy settings to public.
4. All social media websites will adhere to the public records law and the schedule of collection as determined by the North Carolina State Archives.

16.7 Procedures

Facebook

1. Cumberland County will maintain an organizational Facebook account that is branded with the County logo.
2. Cumberland County's Facebook account will be used for the purpose of sharing timely information with citizens about County government.
3. The PIO and CCIS will be the only staff with access to post content on Facebook.
4. County departments should e-mail requests to place information on Facebook to pio@co.cumberland.nc.us or by submitting a PIO helpdesk request.
5. The PIO must review and approve all Facebook content prior to posting. Facebook content will be reviewed for quality, consistency with overall County messages, priority goals, etc. Additional time may be needed to edit or upgrade the content, if needed.
6. Facebook content will follow content guidelines in the Social Media Policy posted.

Twitter

1. Cumberland County will place appropriate messages and information online using Twitter.

2. Cumberland County will use two Twitter accounts; one for the purpose of sharing timely information with citizens about County government, and another for emergency communications only.

3. Cumberland County tweets will link users back to the Cumberland County website (www.co.cumberland.nc.us) for more information when appropriate.

4. Related content must be on www.co.cumberland.nc.us before posting a "tweet."

5. E-mail requests to post information on Twitter to pio@co.cumberland.nc.us.

6. The PIO must review and approve all Tweets prior to posting; Tweets will be reviewed for quality, consistency with overall County messages, priority goals, etc.

7. Twitter content, or tweets, will follow content guidelines in the Social Media Policy.

Instagram

1. Cumberland County will maintain an organizational Instagram account.

2. Cumberland County's Instagram account will be used for the purpose of sharing photos related to Cumberland County and Cumberland County government.

3. The PIO and CCIS will be the only staff with access to post content on the County's Instagram.

4. County departments should e-mail requests to place photos on Instagram to pio@co.cumberland.nc.us.

5. The PIO must review and approve all Instagram content prior to posting. Instagram content will be reviewed for quality, consistency with overall County messages, priority goals, etc.

6. Instagram content will follow content guidelines in the Social Media Policy posted.