
ARTICLE V

CONDITIONS OF EMPLOYMENT

NORTHAMPTON COUNTY
LOCAL GOVERNMENT

ARTICLE V: CONDITIONS OF EMPLOYMENT

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Section 1. Code of Ethics

It is the responsibility of Northampton County employees to ensure that all citizens, contractors, patients and co-workers are treated with dignity and respect without regard to race, sex, age, religion, disabilities, political beliefs, economic conditions or national origin.

Employees shall strive to increase accessibility of all services and resources including providing a prompt and professional response to identifiable needs of consumers and the general public. Employees shall ensure the rights of those served are observed with privacy and with appropriate and professional care.

Employees shall conduct themselves in accordance with widely accepted professional standards of behavior and shall perform their duties in compliance with laws, statutes, and regulations relevant to the operations of Northampton County.

Section 2. Work Week

General County offices will be open to the public each Monday through Friday continuously from 8:30 a.m. to 5:00 p.m. The normal workday shall be 7.5 hours between the hours of 8:30 a.m. and 5:00 p.m. with one (1) hour permitted for lunch.

Exceptions may be made if authorized by the County Manager and when it is an observed holiday or the activities of a particular department require some other schedule to meet the needs of the County. Written approval of all exceptions will be placed in the employee's personnel file. The standard schedule shall not apply to "on call" personnel or those County departments which operate on a different schedule.

A workweek shall be defined as follows: From 12:01 am Sunday through 12:00 midnight on Saturday for all employees.

Section 3. Emergencies

County employees, as a condition of their initial and continued employment, shall be available for work during emergency situations. Unless *exempt* under the Fair Labor Standards Act, employees shall be given *compensatory time* for such work as required. (See "Compensatory Time" – Article III)

Once the emergency condition is declared, the employee is not required to stay at home for possible call back, but is required to report to the appropriate authority to ascertain the need for his/her services. Failure to comply with direct orders pertaining to emergency/disastrous situations may result in disciplinary actions up to and including dismissal.

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Section 4. Gifts, Tips, Favors and Gratuities

Northampton County officials and employees shall not accept gifts, favors, gratuities or other things of value which may influence, tend to influence or appear to have the capacity to influence that official or employee in the discharge of his/her duties.

No County official or employee shall accept any gift, whether in the form of a service, loan, item or promise from any person, firm or corporation who, in the official's or employee's knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the County.

All promotional gifts received during the conduct of County business shall be delivered to and accounted for by the Finance Officer or his/her designee.

No County official or employee shall grant any improper favor, service or other thing of value in the discharge of duties. All County officials and employees shall refuse gratuities in the form of money. The only exception to this policy may be the acceptance of a meal(s) during a work-business setting.

Section 5. Conflict of Interest

Northampton County employees shall conduct themselves in their public employment and in their personal transactions in such a manner as to merit public confidence in their performance and profession. Employees are prohibited from engaging in any public or private activity which presents a conflict of interest or which could be reasonably interpreted as a conflict of interest.

Conflict of interest is defined as any condition, circumstance, event or transaction in which a County employee's prospect of actual or potential personal gain results in the County employee acting in his/her own interest rather than in the County interest. Even when the potential for personal gain seems remote, the mere appearance of a conflict between County affairs and private interests may undermine public confidence in the County, its administrators and employees. Therefore, it is imperative that employees and administrators avoid conduct and situations that could represent the pursuit of personal gain at the expense of or in conflict with the County interest.

Employees shall not use County supplies, equipment, vehicles or facilities for any private enterprise or personal convenience. Equipment, supplies, materials and tools purchased by and for County business may not be removed from the County premises *except* when authorized in the conduct of official duties.

Employees shall not disclose to others or use to further their personal interests any confidential information acquired by them in the course of their official duties.

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Employees shall not endorse commercial products or services or any private enterprise where there exists, directly or indirectly, a personal or family economic interest whether or not such endorsement is for compensation.

Employees shall not grant any special considerations, treatment or advantage to any citizen or public or private entity beyond that which is available to every other citizen or entity. County employees and administrators shall not enter into any contract involving the County with any person or entity with whom the employee or administrator has any personal or family economic interest or sexual or romantic interest. Participation by an employee in a sexual or romantic relationship or in any way soliciting or encouraging such a relationship with a contractor or business shall be grounds for the immediate termination of employment for reasons of unacceptable personal conduct.

Employees shall not invest nor hold any investment directly or indirectly in any financial business, commercial or private enterprise that creates a conflict or is incompatible with their official duties.

Employees may purchase products and services from companies affiliated with the County so long as the employees do not use their employment with the County as the basis for eligibility for discounts, loans, favors or other personal benefits not routinely available to customers of those companies.

Employees are specifically prohibited from giving or lending money or other items of value to any contractor or business and from borrowing or receiving money or other items of value from any party, business or individual.

Section 6. Political Activities

Every County employee has a civic responsibility to support good government by every available means and in every appropriate manner. Any employee, outside work hours, may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and of the United States of America.

However, no County employee shall, while on duty, do the following:

1. Engage in any political or partisan activity;
2. Use official authority or influence for the purpose of interfering with or affecting the results of an election of a nomination for office;
3. Be required, as a duty or conditions of employment, promotion, or tenure to contribute funds for political or partisan purposes;

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4. Coerce or compel contributions for political or partisan purposes by another employee of the County; or
5. Use County funds or property for political or partisan purposes.
6. No employee of the County may continue his/her employment with the County after filing a declaration of candidacy or after he/she is officially nominated by a political party for public office. This does not include Town Offices or the Board of Education. The elected Sheriff and the elected Register of Deeds are *exceptions* to this rule.

Local Government Employees subject to STATE HUMAN RESOURCES ACT and employees in certain federally aided programs are subject to the Hatch Act, as amended. The federal act, in addition to prohibiting activities as set forth in all above, also prohibits candidacy for elective office in a partisan election.

Section 7. Drug Free Workplace

The purpose of this policy is to promote and maintain a drug free environment in the workplace and to protect County employees and the public by ensuring that employees are fit to perform their assigned duties.

Definitions:

Reasonable Suspicion means a belief based on specific objective facts and rational inferences drawn from those facts that an employee has consumed or is under the influence of illegal drugs while at work. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to: observable occurrences, such as direct observation of drug use and/or the physical symptoms of being under the influence of a drug; a report of drug use by an employee while at work, provided by a reliable and credible source; slurred speech, glossy eyes, flushed face, smell of alcohol, absences on Fridays and Mondays, a pattern of unexplained preventable accidents and/or information based on specific objective facts that an employee has caused, or contributed to, an accident at work while under the influence of drugs; or evidence that an employee is involved in the unauthorized possession, sale, solicitation or transfer of drugs while working or while on the County's premises or operating or in possession of a County vehicle.

Approved Laboratory means a laboratory certified to perform drug screening or testing by the National Institute on Drug Abuse (NIDA), which also meets the requirements of N. C. General Statute Section 95-231(1).

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A. Prohibited Conduct

The following conduct is prohibited under this policy:

1. The unauthorized use, consumption, possession or storage, manufacture, distribution, dispensation or sale of alcohol, controlled substances, illegal drugs or drug paraphernalia on County premises or any County work area, in County vehicles, or while on County business.
2. Reporting to work or working while under the influence of illegal drugs, non-prescribed drugs or alcohol, on County premises or any County work area, in County vehicles, or while on County business.
3. 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 interests, including public image.
4. Conviction of selling illegal drugs or of possession with intent to sell illegal drugs at any time or place. Conviction of any criminal drug or alcohol statute at any time or place—for some positions, to be evaluated on a per case basis for relevancy to job.
5. Failure to notify the County of any arrest or conviction under any criminal, drug or alcohol statute by the next workday following the arrest or conviction.
6. Failure to notify the employee's Supervisor, before beginning to work, that the employee is taking prescription or over-the-counter drugs which may interfere with the safe and effective performance of duties.
7. Refusal to immediately submit to an alcohol and drug test when requested by a Supervisor and/or Department Head, in accordance with this policy.
8. 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.
9. Tampering with or obstruction of a drug or alcohol test being administered by or for the County.

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The foregoing is not intended to be an exhaustive list of conduct prohibited by this policy.

B. Drugs to be Tested

When drug screening is required under the provisions of this policy, a blood, urine, or breath test will be conducted to detect the presence of drugs, including but not limited to: amphetamines, alcohol, barbiturates, benzodiazepines, cocaine, methaqualone, opiates, phencyclidine (PCP), propoxyphene, THC (Marijuana), and any other controlled substance as defined in North Carolina General Statute Section 90-87(5), as amended.

For purposes of this drug testing policy, alcohol is considered a drug. Any employee found to have abused prescription drugs would be subject to the terms and conditions of this policy.

C. Prescription Medication Use

Employees using medications prescribed by a physician that have stated side effects with the potential to significantly affect or impair work performance shall be responsible for notifying their Supervisor of such potential. An employee need not give the Supervisor specific medical information, but the employee should inform their Supervisor of the potential impact of any medication on job performance to allow the Supervisor to evaluate and determine the appropriate course of action.

Supervisors shall be encouraged to monitor employee behavior and assess possible warning signs indicating that the employee's work performance while under the influence of prescribed medication is impaired or is causing an unsafe work environment for the employee, his or her coworkers, or the public. If there is cause for serious concern with regard to the employee's behavior or performance, the employee shall be advised to take a leave of absence using accrued sick, annual, or compensatory leave, if applicable or leave without pay if all paid leave has been exhausted pursuant to any applicable County policy for all time away from work, until such time the employee can safely return to work.

D. New Hire Drug Testing

All new hires are subject to the testing provisions of this program. All new hires will be provided with written notification of this drug testing policy, and a drug test will be conducted. New Hires will be formally notified in their offer letter that their continued employment with Northampton County will be contingent upon negative test results.

Applicants scheduled for a drug test will be asked to sign a consent form authorizing a drug test and permitting release of the test results to County officials with a need to know. An employee who refuses to consent to a drug test will be recommended for, and is subject to, immediate dismissal.

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The County shall also require drug testing in cases of temporary employment or part-time employment as well as a Commercial Driver's License (CDL) to perform the duties as an employee of the County and persons performing transit related safety sensitive functions using federally funded vehicles.

E. Current Employee Testing

Department Heads who have reasonable suspicion (as defined herein) that an employee in his/her department is using or under the influence of drugs, is authorized to schedule a drug test and require the employee to cooperate fully with testing personnel.

An employee must submit to a drug test following an on-the-job accident or other occurrence that involves one (1) or more of the following events: a fatality, a serious injury to an employee or other individual, damage to vehicles or other property, or if the employee receives a citation under state or local law for a moving traffic violation arising from the accident.

An employee may also be tested after a series of minor on-the-job accidents or injuries as determined by the Department Head.

Before a drug test is administered, the Department Head shall ask the employee to sign a consent form authorizing the test and permitting release of test results to County officials with a need to know.

The consent form shall also set forth the following information:

1. The procedure for confirming an initial positive test result;
2. The consequences of a positive test result;
3. The right of an employee to explain a positive drug test result and the appeal procedures available; and
4. The consequences of refusing to undergo a drug test.

An employee who refuses to consent to a drug test, when reasonable suspicion of drug use has been identified and documented, will be recommended for, and is subject to, dismissal.

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F. The Test

Normally a urine, breath, and/or blood test will be used to determine the presence of drugs. All personnel involved with the sample collection, transporting and testing, will maintain a strict chain of custody. Tests will be made in accordance with Article 20 of Chapter 95 of the North Carolina General Statutes and other applicable laws.

A certified toxicologist of the approved laboratory will determine the content level of each substance needed to determine whether an employee has consumed or is under the influence of a drug.

G. Consequence of a Positive Test Result

If a test result is positive and after informing the County Manager, the Human Resources Director or Department Head will notify the employee in writing. The letter of notification shall identify the particular substance found. Such an employee shall have the right to request a retest as provided by N. C. General Statute Section 95-232(f), as amended.

An employee, who has a positive drug test result, following the Department Head informing the County Manager, may be immediately terminated.

H. Use of Results in Criminal Action

No test results of the County's drug testing program may be used as evidence in a criminal action against the employee or job applicant *except* by order of a court of competent jurisdiction or otherwise as required by law.

I. Notification of Conviction

Each employee shall notify his or her Supervisor of any charge or conviction for being in violation of any criminal drug statute no later than two (2) days after being charged or convicted with a drug violation.

The County Manager and the respective Department Head may place an employee who has been charged with violating a crime involving drugs on Investigation with Pay until such time as pertinent details have been researched. It is not recommended that management place an employee on long periods of Investigation with Pay pending criminal court action. Department Heads are encouraged to research the circumstances and make a decision based upon available facts.

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J. Additional Standards

All applicants for and all employees in positions subject to the provisions of the North Carolina Criminal Justice Training and Standards Council will be subject to the drug testing policies and procedures of the Council.

Various federal laws require drug testing of certain safety sensitive employees who must meet CDL requirements or who operate or maintain transit vehicles purchased with federal funding. Such tests will be conducted in accordance to federal guidelines and will include the following:

1. Pre-employment testing for controlled substances.
2. Testing upon reasonable suspicion of alcohol or drug use;
3. Post-accident testing within two (2) hours of an accident that involves:
 - a. a fatality; or
 - b. the County driver receiving a citation and/or contributing to the cause of the accident and/or the accident results in any personal injury and/or a vehicle is required to be towed from the scene.

K. Inspections and Searches

When there is reasonable suspicion, the County reserves the right to search employer-owned items used by employees (e.g., desks, lockers, vehicles, equipment, etc.), and employees should not expect privacy in these containers. The employee's Supervisor or Department Head and a witness may conduct search efforts.

L. Enforcement

Department Heads are responsible for the proper application of the procedures in their departments and for holding Supervisors accountable for the daily implementation of this policy.

Department Heads and Supervisors shall be responsible for identifying abuse-related behavioral and performance problems, following the proper referral for testing, and taking appropriate disciplinary measures.

Failure to take action when the Supervisor has reasonable cause to believe an employee is impaired while at work will result in disciplinary action being taken against the Supervisor. If in doubt about what action to take, the Supervisor should consult with the Department Head or the County Manager.

Supervisors shall make every effort to protect the privacy, confidentiality, and dignity of employees by minimizing the number of employees who learn of suspicions involving a co-worker's possible substance abuse or actions taken against that employee.

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Alcohol and drug free workplace issues in the Sheriff's Office will be the responsibility of the Sheriff. The Sheriff will be responsible for reporting tests results as required to the North Carolina Sheriff's Education and Training Standards Commission on employees holding certification from that Commission.

Section 8. Identification Badge Policy

Northampton County recognizes the need to provide proper identification for its employees and other individuals that represent the County to the public. The following guidelines have been established in regard to the administration of the identification badge system in order to provide uniformity among County employees and representatives. The Northampton County Identification Badge System is administered and maintained through the Northampton County Human Resources Department.

1) Procedures

1. Picture identification badges – All Northampton County employees, including full time, part time, volunteers will be issued identification badges. All employees with the office of the Register of Deeds will be included in this policy. The Sheriff of Northampton County will designate those employees within his department that will be included in this policy. Requests for picture identification badges for other individuals must be approved by the Human Resources Director and County Manager.

2) Badge Logo and Design

All identification badges have a consistent logo and format designed by the Northampton County Human Resources Department. Specialized badges have been designed for law enforcement due to special requirements of the Sheriff's Office. The design and format are the property of Northampton County and may not be reproduced.

3) Badge Content

1. Name – All badges will include the individual's first and last name as listed on the payroll logs, unless specifically approved by the Human Resources Director and County Manager.
2. Credentials – Credentials will be included on badges for employees in high public contact positions as required by law (i.e. R.N.). The Health Department will maintain a database of their own, however HRD shall be updated of changes in their database.

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3. Title - Position titles will be included on badges for all exempt/department head employees.
4. Department – The name of the employee’s department will appear on all badges.
5. Law Enforcement – Badges for enforcement officers will include additional information required by the Office of the Sheriff.

4) **Eligibility**

1. Picture Identification badges- All regular Northampton County employee, including fulltime, part-time and auxiliary (Temp) employees in EMS and the Sheriff’s Office employees. Requests for picture identification badges for other individuals must be approved by the Human Resources Director and the County Manager.
2. Non-picture identification badges- County departments that have temporary or volunteer workers can request a restricted number of non-picture identification badges.
3. County Boards and Committees- The County Manager and Human Resources Director may approve the issuing of picture or non-picture identification badges based on requests by the Department Head, Board Chairperson or Committee Chairperson.

5) **Procedure for issuing and Displaying Identification**

The Northampton County Human Resources Department will issue all Northampton County identification badges.

1. After the initial county-wide issuance of badges, persons eligible for picture badges should contact Human Resources to schedule an appointment to have their picture taken and pertinent information entered into the database. The Human Resources Department shall maintain the identification badge master database.
2. Human Resources will issue non-county employee identification badges to departments with temporary workers, i.e. contractual, maintenance or volunteers. Department Heads will be responsible for notifying Human Resources of the need for such badges. Department Heads will also be responsible for tracking the usage and return of all non-county employee badges issued to their respective departments. These badges will clearly indicate temporary or volunteer status and are to be issued as needed and

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returned by the temporary worker or volunteer upon completion of assignment.

3. Badges will be issued with a Northampton County lanyard and/or a mylar snap clip. Identification Badges are to be worn at all times while on County property and when conducting official County business. All badges are to be displayed using the Northampton County issued lanyard or clip and worn on the upper torso unless otherwise authorized by the Human Resources Director and County Manager.
4. Picture identification badges will be issued to emergency personnel (i.e., EMS), but for safety purposes, they may continue to wear engraved badges as a part of their uniform with the picture ID badges. Department Heads who have other employees for whom wearing badges may pose a safety hazard may propose an alternative for approval by the Human Resources Director and the County Manager.
5. Human Resources will issue replacements for lost or damaged identification badges using the existing database. Replacements will **not** regularly be issued due to cosmetic or physical changes.

A. Care and Use of Identification Badges

1. Employees are individually responsible for their assigned Identification Badges. If lost or damaged, due to the fault of the employee, the employee will be responsible for the replacement badge.
2. If an Identification Badge is lost or damaged, the employee is required to notify the Human Resources Department within twenty-four (24) hours. The Human Resources Department will make arrangements to issue a new card.
3. Employees shall not allow the use of their Identification Badge to any other individual. Such action may result in disciplinary action as determined by the Human Resources Director and County Manager.
4. Identification Badges remain the property of Northampton County and must be returned to the Human Resources Department upon separation from the County.
5. Badges shall not be altered or defaced in any way.

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B. Procedure for Issuance of Initial Identification Badges and Replacements

1. During the initial new employee enrollment process the employee will be required to complete and sign the Identification Badge acknowledgement Form. The Badge will then be issued.
2. If an employee requires a replacement card, he/she must complete the Replacement/Change Request Form before a replacement badge can be issued. Identification badges will be replaced at a cost of \$10.00 to the employee.
3. The Identification Badge Acknowledgement Form and Replacement Request Form will be kept on file in the Human Resources Department.

Employees that fail to abide by this policy may be subject to disciplinary action in accordance to Article VIII. The Sheriff of Northampton County and the Register of Deeds of Northampton County, respectively, consent to the employees of the Sheriff of Northampton County and Register of Deeds of Northampton County signing and being subject to and abiding by the terms and conditions of the Identification Badge Policy as a condition of initial and continued employment with the Sheriff of Northampton County and Register of Deeds of Northampton County; however, notwithstanding, the Sheriff and Register of Deeds shall retain the exclusive right to hire, discharge and supervise the respective employees of their offices, as described in N.C. General Statutes 153A-103.

Section 9. Personal/Professional Demeanor

All employees are required to keep themselves neat, clean and groomed in a professional manner. All employees shall present a professional appearance appropriate to their position, proper for the work activity and in a manner which reflects favorably upon the County. Employees shall by virtue of their speech, dress, mannerisms and any other observable behaviors, promote a general atmosphere of respect for the general public and fellow employees.

Section 10. Dress Code

In an effort to maintain an excellent overall appearance at all times, each County employee is expected to present himself/herself in a professional manner and should consider their attire for appropriateness. While each employee is allowed to use reasonable judgment to determine what appropriate professional attire is, the Department Head or designee has the authority to deem dress or appearance unprofessional and can require the employee to immediately make changes in dress or appearance.

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Employees that consistently abuse the Dress Code Policy are subject to disciplinary action up to and including termination of his/her employment. Department Heads and Supervisors are encouraged to discuss overall expectations in regard to appropriate work attire and assist employees in understanding what is not acceptable.

Department Heads, upon receiving prior approval from the County Manager, may modify the above-referenced policy for an entire Department based upon valid reasons for specific situations.

Section 11. Solicitation

Northampton County prohibits solicitation for the sale of goods or services by employees or others on premises owned or operated by the County. Staff is not allowed to solicit donations for the Department or program they represent or the County without the knowledge and approval of the respective supervisor, Department Head and County Manager.

All solicited funds or merchandise solicited on behalf of the County must be submitted to the County Finance Officer. No solicited funds are to be maintained outside the County's accounting system.

Section 12. Possession of Firearms, Weapons

Possession of firearms, weapons, or any items that may be used as weapons are prohibited on property owned, leased, or operated by the County with the exception of employees whose job responsibilities and duties require them to carry a weapon. Violations are strictly prohibited and will be grounds for disciplinary action up to and including dismissal.

Section 13. Internet Use Policy

Internet and computer network access is available to authorized employees of the County. The goal of the County in providing this service is to promote performance by facilitating research, resource sharing, innovation and communication as outlined in the policy.

Internet service and e-mail are considered County property and are provided solely to facilitate official County business. Every employee has an obligation generally and in particular with respect to use of Internet and e-mail, to enhance the public image of the County.

As a condition of providing Internet access to its employees, the County places certain restrictions on workplace use of the Internet. This Internet Use Policy is designed to inform employees of the permitted uses of Internet access provided by the County, and the

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restrictions placed on such use. Other conditions and requirements may exist external to this policy for an employee that is allowed use of the Internet and/or e-mail.

1. Permitted Activities

The County encourages employee use of the Internet to:

- a) Perform research and acquire information related to or designed to facilitate the performance of regular assigned duties;
- b) Communicate with fellow employees regarding matters within an employee's assigned duties;
- c) Transfer files and other information pertaining to matters within an employee's assigned duties; and
- d) Facilitate performance of any task or project in a manner approved by an employee's Supervisor.

2. Prohibited Activities

The following uses of Internet access provided by the County are expressly prohibited (this list is intended to be for purposes of illustration only, and is not an exhaustive list of all prohibited uses):

- a) Copying, disseminating or printing of copyrighted materials, including articles and software, in violation of copyright laws;
- b) Downloading unauthorized software or any software not registered to the County;
- c) Sending, receiving, printing or otherwise disseminating proprietary data or confidential information in violation of federal law, state law, County policy or proprietary agreements, including but not limited to protected health information under HIPAA;
- d) Using offensive or harassing statements or language including disparagement of others based on their race, national origin, sex, age, disability, religious or political beliefs or other legally protected basis;
- e) Sending, receiving, printing or soliciting sexually oriented messages or images;
- f) Operating a business, soliciting money for personal gain or searching for other employment;

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- g) Sending chain letters, gambling or engaging in any other activity in violation of local, state or federal law;
- h) Gaining access to the Internet by using any access-control mechanism not assigned to the particular user, or permitting another person to have access to the Internet by using the employee's assigned access-control mechanism;
- i) Gaining or attempting to gain unauthorized access to any computers, computer networks, databases, data or electronically stored information;
- j) Using, transmitting, changing or deleting another user's files or software without permission;
- k) Introducing destructive software or programs such as computer viruses, Trojan horses or worms into any computer, computer system or network; or
- l) Using access for personal use unrelated to assigned duties.

3. Electronic Mail

As part of the Internet Access provided by the County, employees may be given e-mail capabilities. The County encourages the use of e-mail for any purpose identified as a permitted use in this policy. However, the County, solely for official use, provides e-mail accounts. E-mail may not be used in connection with or in furtherance of any prohibited activity identified in this policy or for personal use.

The following specific restrictions apply to the use of e-mail provided by the County to its employees:

- a) Employees shall not use e-mail accounts provided by the County to subscribe to, submit messages to or read messages from Internet Mailing Lists, Discussion Groups or News Groups that are of purely personal interest and not related to the County's business.
- b) All e-mail transmissions using e-mail access provided by the County must contain the first and last name of the sender.
- c) Unauthorized password protection or encryption is prohibited. Passwords or encryption keys must be made available to the County so that the County can have access to any transmission or stored data at any time.

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4. World Wide Web

As part of the Internet access provided by the County, employees may have access to the vast resources of the World Wide Web. In addition to the restrictions and prohibitions generally outlined in this policy, the following restrictions apply to use of World Wide Web:

- a) Employees using Internet access provided by the County may not access any service for which there is a fee or conduct any purchase without prior authorization from the County or the employee's Supervisor;
- b) Employees may not use Internet access provided by the County to maintain personal Websites or Web pages; and
- c) Employees should use any storage access with which they may be provided for County-related files only; duplicative, outdated or unnecessary files should be deleted when possible.

5. Audits

Employees of the County should be aware that e-mail and Internet activity on access provided by the County and any stored data on systems and equipment provided by the County are subject to auditing and inspection.

Employees should be aware that they have no right or legitimate expectation to privacy with respect to data stored on computer networks, systems or other electronic devices provided by the County, or any data received or transmitted by means of Internet access or e-mail provided by the County.

Electronic auditing may be implemented within all County networks that connect to the Internet or other publicly accessible networks to support identification, termination and prosecution of unauthorized activity.

These electronic audit mechanisms may be capable of recording:

- a) Access to the system, including successful and failed log-in attempts and log outs.
- b) Inbound and outbound file transfers.
- c) Terminal connections to and from external systems.
- d) Sent and received e-mail messages.
- e) Web sites visited, including uniform resource locator (URL) of pages retrieved.
- f) Date, time and user associated with each event.

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6. Supervisory Responsibility

All County Department Heads and other County employees with supervisory responsibilities shall be responsible for ensuring appropriate Internet use for all employees under their direction.

7. Virus Protection

All employees of the County with e-mail or Internet access must exercise caution to avoid the introduction of computer viruses or other destructive files or programs into their computers or the network.

Precautions, which should be taken, include the following:

- a) Employees should not download e-mail attachments from unknown senders.
- b) Employees should exercise caution when downloading files from the Internet. When downloading files, other than those from an official government server, employees should look for a statement at the site stating that an anti-virus program has checked its files. If the files have not been checked or if the employee is not sure, then he/she should either download the file to a flash drive/CD and have it scanned with anti-virus software or not download from the site.
- c) Before uploading or sending any file or program which has been transferred by flash drive/CD from a computer outside the County network, an employee should take reasonable precautions to ensure that the storage device, file or program is free of any virus or other destructive file or program.

8. Violations of County Policy

Disciplinary action for violation of the County's Internet Use Policy may include, but is not limited to, termination, suspension or demotion of the offending employee.

In cases involving less serious violations, disciplinary action may consist of a warning or reprimand. Remedial action may also include counseling, changes in work assignments or other measures designed to prevent future misconduct.

The measure of discipline will correspond to the gravity of the offense as weighed by its potential effect on the County and fellow employees, and/or whether the offense violates any federal, state or local laws, rules or regulations.

Section 14. Telephone/Cellular Telephone Policy

Telephone access is available to authorized employees of the County. The goal of the County in providing this service is to promote performance by facilitating communication friendly

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methods as outlined below. Telephones are considered County property and are provided solely to facilitate official County business. Every employee has an obligation generally and in particular with respect to use of telephones, to enhance the public image of the County.

As a condition of providing telephone access to its employees, the County places certain restrictions on workplace use of the telephones and of personal cellular phones and County-issued cellular phones for personal use during the County working hours. This policy is designed to inform employees of the permitted uses of telephones provided by the County and personal cellular phones, and the restrictions placed on such use.

1. Permitted Uses

The County encourages employee use of the telephone to:

- a) Communicate with citizens, fellow employees or other outside sources related to official County business;
- b) Acquire information related to facilitate the performance of regular assigned duties;
- c) Facilitate performance of any task or project in a manner approved by an employee's Supervisor.

2. Prohibited Activities

The following uses of telephone access provided by the County are expressly prohibited (this list is not an exhaustive list of all prohibited uses):

- a) Sending or receiving of confidential information in violation of federal law, state law, County policy or proprietary agreements, including but not limited to protected health information under HIPAA;
- b) Using offensive or harassing statements or language including disparagement of others based on their race, national origin, sex, age, disability, religious or political beliefs or other legally protected basis;
- c) Sending, receiving or soliciting sexually oriented messages or images;
- d) Operating a business, soliciting money for personal gain or searching for other employment;
- e) Gambling or engaging in any other activity in violation of local, state or federal law;

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- f) Permitting another person to have access to the telephone by using the employee's assigned telephone;
- g) Excessive amounts of personal use unrelated to assigned duties.

3. Cellular Phones

County employees are prohibited from using personal cellular phones during working hours except in the case of an emergency. Employees given County-issued cellular phones may only use these phones for official County-related business. It is recommended that employees, who must use cellular phones while driving, stop the vehicle in a safe location to do so.

4. Audits

Employees of the County should be aware that telephone activity on access provided by the County is subject to auditing and inspection by the County. Employees should be aware that they have no right or legitimate expectation to privacy. Auditing may be implemented within all County networks that connect to support identification, termination and prosecution of unauthorized activity.

5. Supervisory Responsibility

All County Department Heads and other County employees with supervisory responsibilities shall be responsible for ensuring appropriate telephone and cellular telephone use for all employees under their direction.

6. Violations of County Policy

Disciplinary action for violation of the County's Telephone/Cellular Policy may include, but is not limited to, termination, suspension or demotion of the offending employee. In cases involving less serious violations, disciplinary action may consist of a warning or reprimand. Remedial actions may also include counseling, changes in work assignments or other measures designed to prevent future misconduct. The measure of discipline will correspond to the gravity of the offense as weighed by its potential effect on the County and fellow employees, and/or whether the offense violates any federal, state or local laws, rules or regulations.

Section 15. Prohibited Use of County Property

Northampton County equipment, including filing cabinets, bookcases, desks, storage containers, electronic data processing equipment, furniture, vehicles and all other equipment available to and/or assigned to employees are intended for the official use and in the completion of assigned tasks of County employees.

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Supervisors, Department Heads and, as appropriate, other designated employees have unrestricted and unlimited access to this equipment and furniture and contents at any time, for any reason.

Each employee is advised to use caution and sound judgment concerning the placement of personal items in offices, desks, equipment and other property of the County.

The County assumes no responsibility for missing personal items. Employees are strictly prohibited from co-mingling personal records or property with official County records or property. Under no circumstances shall an employee store illegal drugs or alcohol, flammable materials, explosives, weapons or any items intended for use as weapons in one's office or other official environment.

Personal storage spaces may be subject to search and seizure by law enforcement officers upon reasonable suspicion of possession of illegal substances and/or weapons. Any violation of this policy will result in disciplinary action up to and including termination of employment.

Section 16. Confidentiality

No employee or official shall use or disclose information gained in the course of employment or by reason of position for purposes of advancing a financial or personal interest, a business entity in which there is an ownership interest, a financial or personal interest of a household member or a family member or any other private or political interest to the detriment of the County.

No employee or official shall disclose confidential or privileged information concerning personnel matters, property, contract negotiations, litigation related matters or other affairs of the County which are afforded protection under State law.

Employees are required to comply with Health Insurance Portability and Accountability Act (HIPPA) policies and procedures. In addition, respective departments may require adherence to standard operating procedures for privacy and/or HIPPA regulations.

A violation of confidentiality shall be grounds for immediate dismissal for reasons of unacceptable personal conduct.

Section 17. Risk Management

Any County employee having knowledge of or a reason to know of a potential issue which may become problematic or may result in some form of litigation for the County, must notify their immediate Supervisor who in turn, shall notify the Department Head. Such issues

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include, but are not limited to, reports or threats of litigation, and any other situation which may present a potential liability to the County.

County employees shall not testify in court without a valid subpoena or court order, or as directed by the Department Head.

Section 18. Employee Responsibility to Report Evidence of Fraud or Violation of Laws

It is the policy of Northampton County that employees are required to report verbally or in writing to their immediate Supervisor, Department Head or Human Resources Director evidence of activity by another employee or private citizen constituting:

1. A violation of State or Federal law, rule or regulation;
2. Fraud;
3. Misappropriation of Northampton County resources;
4. Substantial and specific danger to the public health and safety; or
5. Gross mismanagement, a gross waste of monies or gross abuse of authority.

Further, it is the policy of Northampton County that no employee reporting evidence of such activity in good faith shall be retaliated against in any fashion for having done so.

Section 19. Smoking Policy: Tobacco-Free Governmental Buildings, Real Property and Vehicles.

Northampton County prohibits the usage of tobacco and/or tobacco products on Northampton County Local Government property; inclusive of buildings, real property and county owned and operated vehicles and equipment. Signage will be posted on or in all properties owned, rented or leased inclusive of vehicles owned by Northampton County Local Government. Any employee of the County who violates the County ordinance shall be subject to disciplinary action consistent with the County's human resources/personnel policies in addition to imposed fees (*see County Ordinance*).

Section 20. Safety

The County is committed to providing a safe and healthy workplace for all its employees. The County complies with all applicable requirements issued by the federal and state Occupational Health and Safety Administration.

Management and all employees working in the County share the responsibility for the success of the safety and health program. The objective of the Safety and Health Program is to reduce or eliminate disabling injuries and illnesses. It is the policy of the County to exercise all precautions necessary to protect employees from accidents.

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Employees are expected to take an active role in promoting workplace safety. If an employee witnesses an accident or an unsafe working situation, he/she must report it promptly to his/her Supervisor, Department Head or the County Safety Officer.

Employees should take note of where the fire extinguishers, first-aid kits and emergency exits for their Department are located. For more information on safety and health procedures, employees should contact the Department Head or the County Safety Officer.

Employees shall follow the safety policies and procedures, attend safety training programs and must immediately report all work related injuries or occupational diseases to their Supervisor and/or Department Head.

Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal.

Department Heads should contact the Safety Officer regarding the County's SAFETY PROGRAM.

1. **Northampton County Safety Program**

Northampton County is committed to safety in the workplace and requires that departments take whatever steps necessary to ensure proactive support of the **Northampton County Safety Program**. (The Safety program, Emergency Action Plan, and Exposure Control Plan are available on the County's shared Drive at G:/Safety Programs.)

Department Heads are responsible for the overall safety performance of their departments and management staff should utilize the COUNTY'S SAFETY OFFICER as a resource in developing and implementing the program within their departments. Each Department Head will assume the responsibility of consistently enforcing safety standards and requirements to the utmost of their ability and authority. Thus, Department Heads and Supervisors are accountable for the safety and protection of employees and property of Northampton County and instructing employees on safe work practices.

Section 21. Americans With Disabilities Act (ADA)

It is the policy of Northampton County to comply with both the spirit and the letter of the Americans with Disabilities Act of 1990.

Northampton County is committed to the principle that there shall be no discrimination against any qualified individual with a disability or disabilities in regard to employment application policies and procedures, hiring, advancement, training opportunities, compensation, disciplinary action, reduction-in-force and other terms or privileges of employment.

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Title I of the Americans with Disabilities Act protects qualified individuals with disabilities from employment discrimination and prohibits an employer from retaliating against an applicant or employee for asserting his rights under the ADA.

The Act also makes it unlawful to discriminate against an applicant or employee, whether disabled or not, because of the individual's family, business, social or other relationship or association with an individual with a disability.

1. Who is Protected?

Under the ADA, a person has a disability if he/she has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment, and people who are regarded as having a substantially limiting impairment.

To be protected under the ADA, an individual must have, have a record of, or be regarded as having a substantial, as opposed to a minor, impairment. The Americans with Disabilities Act Amendments Act of 2008 broadens the application of the term "regarded as" which now results in applicants and employees need only to demonstrate they were perceived by the employer as having an impairment.

A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, and caring for oneself, learning or walking.

The Americans with Disabilities Act Amendments Act of 2008 expands the definition of "major life activities" where new activities not formally recognized by the Equal Employment Opportunity Commission (EEOC), are now considered. Some of those activities include communicating, bending, reading, and major bodily functions such as the immune system, normal cell growth, digestive system, neurological and circulatory complications.

The Americans with Disabilities Act Amendments Act of 2008 also states that "mitigating measures" shall not be considered in assessing a disability. Medications, medical supplies and equipment appliances can no longer be used to determine whether the applicant or employee has a disability.

The exception to this rule is regular eyeglasses or contacts. The Amendments Act of 2008 clarifies that an impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active such as cancer and migraines. EEOC and the court systems will now focus on how the applicant or employee was treated, whether the person was regarded as disabled, whether accommodations were evaluated or whether the person was discriminated against or harassed in some other capacity because of the condition.

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An individual with a disability must also be qualified to perform the essential functions of the job with or without reasonable accommodation, in order to be protected by the ADA. This means that the applicant or employee must:

- a) Satisfy the job requirements for educational background, employment experience, skills, licenses and any other qualification standards that are job related; and
- b) Be able to perform those tasks that are essential to the job, with or without reasonable accommodation.

The ADA does not interfere with management's right to hire the best-qualified applicant. Nor does the ADA impose any affirmative actions obligations. The ADA simply prohibits management from discriminating against a qualified applicant or employee because of his or her disability.

2. How Are Essential Functions Determined?

Essential functions are the basic job duties that an employee must be able to perform, with or without reasonable accommodations. Each job should be examined to determine which functions or tasks are essential to performance.

Factors to consider in determining if a function is essential include:

- a) Whether the reason the position exists is to perform that function,
- b) The number of other employees available to perform the function or among whom the performance of the function can be distributed, and
- c) The degree of expertise or skill required to perform the function.

Judgment as to which functions are essential and a written job description prepared before advertising or interviewing for a job will be considered by the Equal Employment Opportunity Commission (EEOC) as evidence of essential functions.

Other kinds of evidence that EEOC will consider include:

- a) The actual work experience of present or past employees in the job,
- b) The time spent performing a function,
- c) The consequences of not requiring that an employee perform a function, and
- d) The terms of a collective bargaining agreement.

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e)

3. What Are Obligations in Providing Reasonable Accommodations?

Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. Reasonable accommodation may include:

- a) Acquiring or modifying equipment or devices,
- b) Job restructuring,
- c) Part-time or modified work schedules,
- d) Reassignment to a vacant position,
- e) Adjusting or modifying examinations, training materials or policies,
- f) Providing readers and interpreters, and
- g) Making the workplace readily accessible to and usable by people with disabilities.

Reasonable accommodations also must be made to enable an individual with a disability to participate in the application process and to enjoy benefits and privileges of employment equal to those available to other employees.

It is a violation of the ADA to fail to provide reasonable accommodations to the known physical or mental limitations of a qualified individual with a disability, unless to do so would impose an undue hardship on the operation of the Department. Undue hardship means that the accommodation would require significant difficulty, disruption or expense.

4. What is the Best Way to Identify a Reasonable Accommodation?

When a qualified individual with a disability requests a reasonable accommodation, the appropriate accommodation is obvious. The individual may suggest a reasonable accommodation based upon his/her own life or work experience. However, when the appropriate accommodation is not readily apparent, management must make a reasonable effort to identify one.

Consultation, on an informal basis, with the applicant or employee about potential accommodations that would enable the individual to participate in the application process or perform the essential functions of the job would likely serve as the best avenue to identify proper and reasonable accommodations.

5. When Does a Reasonable Accommodation Become An Undue Hardship?

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It is not necessary to provide a reasonable accommodation if doing so would cause an undue hardship. Undue hardship means that an accommodation would be unduly costly, extensive, substantial or disruptive or would fundamentally alter the nature or operation of a Department. Among the factors to be considered in determining whether an accommodation is an undue hardship are the cost of the accommodation, the employer's size, financial resources and the nature and structure of its operation.

If a particular accommodation would be an undue hardship, Department Heads and Supervisors must attempt to identify another accommodation that will not pose such a hardship. If cost causes the undue hardship, Department Heads and Supervisors must also consider whether funding for an accommodation is available from an outside source, such as a vocational rehabilitation agency, and if the cost of providing the accommodation can be offset by state or federal tax credits or deductions.

Department Heads and Supervisors must also give the applicant or employee with a disability the opportunity to provide the accommodation or pay for the portion of the accommodation that constitutes an undue hardship.

Medical Examination and Questions about an Individual's Disability

It is unlawful to:

- a) Ask an applicant whether she/he is disabled or about the nature or severity of a disability, or
- b) To require the applicant to take a medical examination before making a job offer.

Applicants may be asked about the ability to perform job-related functions, as long as the questions are not phrased in terms of a disability. Applicants may be requested to describe or to demonstrate how, with or without reasonable accommodation; the applicant will perform job-related functions.

After a job offer is made and prior to the commencement of employment duties, Department Heads may require that an applicant take a medical examination if everyone who will be working in the job category must also take the examination.

Department Head may condition the job offer on the results of the medical examination. Once an applicant is hired, the Department Head cannot require a medical examination or ask an employee questions about disability unless he/she can show that these requirements are job related and necessary for the conduct of the business operation. Voluntary medical examinations that are part of an employee health program may be conducted.

The results of all medical examinations or information from inquiries about a disability must be kept confidential, and maintained in separate medical files. Department Heads

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may provide medical information required by State workers' compensation laws to the agencies that administer such laws.

6. Use of Illegal Drugs

Anyone who is currently using drugs illegally is **not** protected by the ADA and may be denied employment or terminated on the basis of such use. The ADA does **not** prevent employers from testing applicants or employees for current illegal drug use, or from making employment decisions based on verifiable results.

A test for the illegal use of drugs is **not** considered a medical examination under the ADA; therefore, it is **not** a prohibited pre-employment medical examination, and Department Heads will **not** have to show that the administration of the test is job related and consistent with business necessity. The ADA does **not** encourage, authorize or prohibit drug tests.

7. ADA Enforcement and Remedies

The Equal Employment Opportunity Commission will enforce the provisions of the ADA, which prohibit job discrimination. Individuals who believe they have been discriminated against on the basis of their disability can file a charge with the Commission at any of its offices located throughout the United States. A charge of discrimination must be filed within 180 days of the discrimination.

The Commission will investigate and initially attempt to resolve the charge through conciliation, following the same procedures used to handle charges of discrimination filed under the Title VII of the Civil Rights Act of 1964. The ADA also incorporates the remedies contained in Title VII. These remedies include hiring, promotion, reinstatement, back pay, and attorneys' fees. Reasonable accommodation is also available as a remedy under the ADA.

Section 22. Age Discrimination Act

The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance. The Act, which applies to all ages, permits the use of certain age distinctions and factors other than age that meets the Act's requirements.

The Age Discrimination in Employment Act of 1967 (ADEA) protects certain applicants and employees 40 years of age and above from discrimination on the basis of age in hiring, promotion, discharge, compensation, and other employment terms and conditions. The Equal Employment Opportunity Commission (EEOC) enforces the Age Discrimination Employment Act. Supervisors and Department Heads are accountable for enforcing the law and shall make every effort to avoid any discriminatory acts in regard to an employee's age.

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Section 23. Attendance Policy

Regular attendance is essential to Department operations. An employee is expected to be present and on time as scheduled. If an employee is going to be late or unable to work because of illness, the Supervisor should be notified before the start of the workday or **not** later than 30 minutes after the beginning of a scheduled working day.

Exceptions to this policy include employees of the Emergency Communications Department, Emergency Medical Services and the Sheriff's Department whereby employees must at least provide a two-hour notice to supervisors and/or Department Heads.

Notification by another employee, friend or relative is **not** acceptable *except* in an emergency situation where the employee is physically unable to make the notification. Sick leave may be taken only with the approval of the immediate Supervisor or Department Head.

Leaving messages is **not** considered satisfactory notice. Employees must speak with his/her Supervisor or with another appropriate contact within the proper chain of command. This provides an opportunity for the Supervisor to schedule a replacement or reschedule work as necessary.

Tardiness, excessive absences without leave or notice interferes with the Department and County objectives and may result in disciplinary action up to and including dismissal.

Failure to Report to Work: An employee voluntarily terminates employment with Northampton County by failing to report for work without giving written or verbal notice to the Supervisor or Department Head. Such a failure shall be deemed to be a voluntary resignation from employment without notice when the employee is absent without approved leave for a period of at least **three (3)** consecutive, scheduled workdays.

Section 24. Bloodborne Pathogens Policy

Northampton County Local Government has adopted plans and procedures to comply with all requisite provisions of the Occupational Exposure to Bloodborne Pathogens Standard issued by the U. S. Department of Labor's Occupational Safety and Health Administration, and the approved plan requirements related, which are promulgated by the North Carolina Department of Labor. These plans are located in appropriate departments.

All employees of the County who are occupationally exposed to blood or other potentially infectious materials as defined in the regulations are covered under provisions of this policy.

The County Safety Officer shall maintain a copy of the exposure control plan, addressing exposure determination, procedures for evaluating the circumstances surrounding an

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exposure incident and the schedule and methods for implementing compliance with the various sections of the standard. This plan is updated on an annual basis.

The County Safety Officer maintains a listing of exposure determination for all job classifications, grouped into at least two (2) exposure groups. The first group includes classifications in which all classifications have occupational exposure and the second includes classifications where some employees have occupational exposure associated with specific listed tasks.

All occupationally exposed employees of Northampton County will be provided information and training prescribed under the Standard, which will occur during working hours at no cost to the employee. This training will be provided at initial assignment as soon as possible and at least annually thereafter. Additional training is provided when existing tasks are modified or new tasks are introduced which affect employees' exposure.

The Safety Officer will coordinate the trainings for the Bloodborne Pathogens.

Hepatitis B vaccine and vaccination series are available to all employees who have occupational exposure, in addition to post-exposure evaluation and follow up services as well as any booster doses subsequently recommended by the U.S. Public Health Service. Each of the foregoing services is provided at no cost to employees, at reasonable times and places and is performed by or under the supervision of a licensed physician or a licensed health care professional who is qualified to provide these services.

The Hepatitis B vaccine and vaccination series is offered within ten (10) days of initial assignment and then made available to employees who have occupational exposure to blood or other potentially infectious materials unless the employee has previously received the complete hepatitis B vaccination series, antibody testing reveals that the employee is immune or medical reasons prevent the employee from receiving the hepatitis B vaccination series.

All employees will be provided with a copy of a health care professional's written opinion stating whether a hepatitis B vaccination is indicated and whether the employee has received such vaccination.

All employees with occupational exposure are provided personal protective equipment by the County at no cost to the employee. Complete and accurate records are maintained for all employees concerning occupational exposure, as prescribed by the Standard, for which the retention period is throughout the period of employment and for thirty (30) years thereafter.

Any employee determined to be occupationally exposed who declines to accept hepatitis B vaccination must sign a declination statement and release of liability after appropriate prescribed training regarding hepatitis B, hepatitis B vaccination, the efficacy, safety, method of administration, benefits of hepatitis B vaccination, and that the vaccine and vaccination are provided free of charge.

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Any employee, who declines vaccination, executes a declination and release of liability thereafter, and who remains occupationally at risk can request vaccination at a later date. If the vaccine is subsequently requested, the same provisions will apply with respect to receipt of services at no cost to the employee. If at any time, an employee is exposed to hepatitis and an incident occurs which may place an employee at risk; an Incident Report must be completed and forwarded immediately to the County Safety Officer and the Human Resources Department.

Section 25. Motor Vehicle Policy

The purpose of this policy is to outline driver's license requirements, as well as vehicle safety rules and regulations in order to reduce preventable accidents, injuries, property damage and maintenance costs.

1. A valid driver's license for the type and class of vehicle to be driven shall be required for all employees operating county vehicles, and employees operating privately owned vehicles on County business. In cases where the employee resides in a nearby state, his/her license will be verified.
2. County employees shall comply with the Vehicle Safety Program rules and regulations outlined in this procedure while operating a County vehicle.
3. Employees working in certain job classifications may be required to have a Commercial Drivers License (CDL) to operate designated vehicles and/or equipment. Successful job applicants, which may include current employees that are promoted or re-assigned to positions requiring a CDL, shall comply with one (1) of the following: Have a current CDL at time of employment, promotion or re-assignment, or within 90 days of hiring, promotion or re-assignment, obtain a CDL as a condition of continued employment.

1. Vehicle Safety Program Rules

All employees driving County vehicles or personal vehicles on County business shall drive in a courteous manner observing the following vehicle safety program rules and regulations.

- a) Employees shall remain knowledgeable and comply with all Federal, State and County motor vehicle laws and regulations.
- b) Employees shall practice effective defensive driving techniques. Employees shall exercise special precautions when children, joggers or pedestrians are in the roadway, driving during inclement weather or when negotiating around heavy equipment.
- c) The driver and all occupants shall wear seat belts as required by law.

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- d) No person other than employees or appropriate persons engaged in business with the County and approved by the Department Head or designee shall ride in a County vehicle.
- e) County vehicles shall be used for work-related duties only.
- f) Employees' assigned vehicles are responsible for scheduling routine maintenance and service of the vehicle unless a specific individual is designated within the Department. Areas of highest concern include oil, tires, lights and seatbelts. All mechanical problems shall be reported to the Supervisor immediately.
- g) Only County issued equipment needed to perform the specific work functions may be stored in the vehicle. No additional equipment or personal items will be carried or stored unless the Supervisor grants permission.
- h) Unsecured items shall **not** be placed on the dash of a County vehicle. Tools, equipment and materials carried in a truck bed shall be secured by using rails and tailgate. Sufficient tie downs shall be required to ensure the safety of transported materials.
- i) Vehicle shall **not** be left unattended while the engine is running. If it is necessary to leave the vehicle running while it is unattended, the transmission shall be placed in park and the parking brake activated.
- j) Except under extreme emergencies, keys shall be removed from the ignition and the doors locked on an unattended vehicle.
- k) Drivers of assigned vehicles should visually examine the vehicle at the beginning and end of their shift/day. Areas to inspect include any physical damage, functioning signals and lights and tire inflation.
- l) Employees shall **not** alter or tamper with vehicle safety features.
- m) Gas keys issued to County vehicles are to only be used in providing gas to the specific vehicle. Employees will utilize the fueling location supporting the specific card.
- n) It is recommended that employees, who must use *cellular phones* while driving, stop the vehicle in a safe location to do so.

2. Driving Record Standard for Applicants

This policy applies to all applicants including employees applying for positions requiring a valid driver's license as a condition of employment.

1. Applicants must have in their possession a valid driver's license and obtain a North Carolina license within thirty (30) days after hiring as a condition of employment. In cases where the applicant resides in a nearby state, his/her license will be verified.
2. A review of the driving history of each applicant will be conducted prior to hiring. A driving record from the Department of Motor Vehicles may be required of considered applicants. If the applicant deemed best for the position has any record of violations, the applicant may **not** be offered employment until it can be

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determined that an applicant's employment would **not** constitute a liability to the County.

3. Applicants will **not** be selected for positions requiring a valid drivers license if their driving record reveals a pattern of convictions of traffic offenses and the applicant's capacity to safely operate a County vehicle or heavy equipment is questionable, the County may approve or disapprove the applicant based on their overall driving record and the position of which the applicant has applied.

All County employees required to drive their personal vehicles in the course of conducting County business, must maintain sufficient insurance and must be able to show proof of such insurance at all times.

3. Driving Record Standards for Current Employees

The purpose of this policy is to establish minimum-driving standards which must be met for all classifications requiring a valid driver's license. Departments may elect to enforce more stringent driving record requirements.

Motor vehicle operators identified by the County's liability insurer as "problem drivers" with multiple motor vehicle violations will **not** be allowed to operate County vehicles. Travel by an employee determined to be a problem driver shall be by personal vehicle with the method of reimbursement to be determined by the County Manager within the guidelines of this policy.

Employees determined to be problem drivers will receive a letter of warning under the County Manager's signature, notifying them of the consequences of further motor vehicle violations.

1. The County will periodically check the driving record of employees holding positions for which valid driver's license are required.
2. When an employee's overall driving record reveals a pattern of convictions for traffic offenses and the employee's capacity to safely operate a County vehicle or heavy piece of equipment is questionable, the County shall reserve the right to approve or disapprove the continued operation of a County vehicle or heavy piece of equipment by the employee based on their overall driving record.
3. Employees will **not** be permitted to operate County vehicles or heavy equipment if their driving record contains any of the following:
 - a) Current conviction of driving while impaired

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- b) Conviction of death by vehicle, hit and run, racing careless and reckless or other major offenses for which their driving privileges have been suspended or revoked.
4. Any employee in a position requiring a valid driver's license is subject to disciplinary action up to and including dismissal for violations in accordance with Standard Procedures. Any employee who has their State Drivers License suspended or revoked shall **not** operate a County vehicle and shall immediately report such suspension or revocation to their supervisor.

4. Vehicle Accident Reporting

The purpose of the vehicle accident reporting is to establish a standard procedure to report vehicle accidents involving County vehicles. In the event of an accident involving a County vehicle, the following procedure shall apply:

1. Notify law enforcement officials immediately by calling 911. The vehicle should **not** be moved until law enforcement has arrived, unless necessary for safety reasons.
2. Offer no information at the scene regarding the responsibility for the accident. Present insurance information to the responding officer. Under no circumstances, should the employee, Supervisor and/or Department Head advise the third party of insurance coverage or actions taken by County officials. Any related questions or problems shall be referred to the County Manager's Office.
3. Contact the Supervisor and/or Department Head immediately.
4. During regular business hours, the Supervisor and/or the Department Head shall contact the County Safety Director for the purpose of taking pictures of the damaged property. If the accident occurs after business hours, the employee, Supervisor and/or Department Head must take pictures of the property damage and location, if possible. The Safety Officer shall send pictures to the County Manager as soon as possible.
5. The employee shall complete the Northampton County Liability and Property Incident Report, which describes the accident. The reporting law enforcement officer will complete an indepth report. Inquire from the officer where and when a copy of the report may be obtained.
6. The Supervisor and/or Department Head shall notify the County Manager immediately but no later than the beginning of the next business day.

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7. All drivers of County vehicles involved in a motor vehicle accident must submit to a post accident drug test. If injured, this will take place at the medical provider's office.

Section 26. Workplace Violence

It is the intent of Northampton County to provide a workplace for County employees that is free from violence by establishing preventative measures, holding perpetrators of violence accountable and by providing assistance and support to victims.

This policy applies to all County employees as well as contractors and visitors to County premises.

Definitions:

Workplace Violence includes, but is **not** limited to, intimidation, threats, physical attack, domestic violence or property damage and includes acts of violence committed by County employees, contractor or businesss, customers, relatives, acquaintances or strangers against County employees in the workplace.

Intimidation is engaging in actions that includes but is **not** limited to stalking or behavior intended to frighten, coerce or induce duress.

Threat is 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 is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving or throwing objects.

Domestic Violence is the use of abusive or violent behavior, including threats and intimidation, between people who have an ongoing or prior intimate relationship. This could include people who are married, live together or date or who have been married, live together or dated. Property damage is intentional damage to property and includes property owned by the County, employees, visitors or vendors.

Northampton County is concerned about every individual's well being and personal safety while on County property. Acts of violence and/or threats of violence, including any act of an assault nature, whether expressed or implied toward individuals, while on County property, are prohibited.

Included are acts of violence when such conduct stems from County business or may affect County business, operations, reputation or employees, regardless of the time or location.

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The County may make efforts to protect victims of workplace violence by offering all available security measures. Victims may also need special accommodations or adjustments to their work schedule, location or working conditions in order to enhance their safety.

The County may accommodate these requests and needs whenever possible and appropriate. The County may work closely with victims to ensure that both the needs of the victims and the County are addressed.

Management is expected to offer support to victims of workplace violence, which includes domestic violence. Management may use their discretion to grant a victim leave time for medical, court or counseling appointments related to trauma and/or victimization.

1. Acts of Violence and Threats

Should a threat or act of violence become known, employees should adhere to the following procedure.

- a) Immediately report the incident to someone in management. Provide as much information relating to the incident as possible. Incidents reported to management should be forwarded to the Sheriff and County Manager.
- b) All reports regarding threats or acts of violence will be kept confidential. Employees are required to report such incidents without regard or fear of retribution from management. Failure to report such incidents may result in disciplinary action.

2. Employee Conduct

- a) Any employee initiating and/or participating in such conduct will be subject to disciplinary action, up to and including termination and/or a criminal complaint. In addition, any employee **not** terminated for such conduct may be required to submit to a fitness for duty evaluation before returning to work to ensure he/she does **not** present a threat to persons and/or property. Any person who is **not** an employee, such as a contractor, vendor or visitor, will be subject to removal from County property and/or a criminal complaint.
- b) For informational purposes only, an employee who receives a protective/restraining order, which lists the County owned or leased property, as a protected area is required to provide the Human Resources Director a copy of the official document.

3. Weapons on County Property

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- a) Firearms and other dangerous weapons are **not** permitted on or in Northampton County property or buildings at any time, with the exception of tools of the trade. This procedure does **not** apply to local, state or federal law enforcement officers acting in the line of duty. Employees who need clarification of the definition of a dangerous weapon may contact the Department Head.
- b) The County reserves the right to conduct a search of personal effects and vehicles while these items are located on or in County properties.

A violation of this policy shall be considered unacceptable personal conduct as provided in the Disciplinary Action, Suspension and Dismissal Policy. Acts of violence may be grounds for disciplinary action, up to and including termination. This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. 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.

Section 27. Sexual Harassment Policy

Northampton County is committed to providing all employees with a work environment that is free of sexual harassment and other unlawful harassment. Therefore, the County strictly prohibits all forms of sexual harassment or other unlawful harassment in the employment relationship and in the employment context.

Employees are prohibited from harassing other employees whether or **not** the incidents of harassment occur on County premises and whether or **not** the incidents occur during working hours.

Definition:

Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature which is explicitly or implicitly tied to a term or conditions of employment, which unreasonably interferes with an employee's performance on the job, or which creates an intimidating, hostile or offensive working environment.

Sexual harassment can include, but is **not** limited to threatening, directly or indirectly, to retaliate against an employee, if the employee refuses to comply with a sexually oriented request; denying, directly or indirectly, an employee an employment-related opportunity, if the employee refuses to comply with a sexually oriented request; promising of job benefits in exchange for sexual favors; offensive or unwelcome physical contact or touching; sexual advances or offensive propositions; unwelcome flirtations; obscene or sexually suggestive gestures, comments or jokes; and the display of sexually explicit pictures, cartoons, or other items in the workplace.

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Sexual harassment may include any conduct, whether between male/male, female/female, or male/female, of a sexual nature that is unwelcome and makes a reasonable person feel uncomfortable.

Section 28. Unlawful Workplace Harassment

No retaliation or other adverse action will be taken by the County against an employee who makes any report about sexual harassment or other unlawful harassment; communicates an intent to file a sexual harassment charge; testifies on behalf of a co-worker who filed a charge; refuses to testify on behalf of the County; files charges against other employers; opposes discriminatory employment practices; or reports discrimination or harassment on behalf of another employee.

In response to a charge of harassment, the County will take immediate action to investigate thoroughly all charges and to take appropriate remedial measure to end any harassment and to prevent any future harassment. Disciplinary action including, but **not** limited to, termination will be taken against any employee who engages in sexual harassment or other unlawful harassment.

The purpose of the Unlawful Workplace Harassment Policy is to establish that Northampton County prohibits unlawful workplace harassment to employees and to ensure that Northampton County work sites are free of unlawful workplace harassment.

The policy of Northampton County is that no employee may engage in conduct that falls under the definition of unlawful workplace harassment. All employees are guaranteed the right to work in an environment free from unlawful workplace harassment and retaliation. Northampton County will thoroughly investigate all complaints made by employees and will take appropriate remedial or disciplinary action up to and including dismissal.

1. *Unlawful Workplace Harassment* is unwelcome or unsolicited speech or conduct based upon race, sex, creed, religion, national origin, age, color or handicapping condition as defined by G.S. 168A-3 that creates a hostile work environment or circumstances involving quid pro quo.
2. *Hostile Work Environment* is one that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. Hostile work environment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee's work performance.
3. *Quid Pro Quo harassment* consists of unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's

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employment, or (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

4. *Retaliation* is adverse treatment which occurs because of opposition to unlawful workplace harassment.

Any employee, who perceives harassment, must submit a written complaint containing specific information to their Department Head. Department Heads shall investigate; take appropriate corrective and remedial action and address in writing within (sixty) 60 days of receiving the complaint.

In cases where the complainant is a General County Employee, the Department Head will report findings to the County Manager. If the complainant perceives the harassing behavior is provided by the Department Head, the complainant must report the incidents to the Human Resources Director who will investigate and report all findings to the County Manager. Findings may include disciplinary action up to and including dismissal.

Section 29. Outside Employment Policy

The work of the County shall take precedence over other occupational interests of employees. Violation of this policy or conflicting outside employment will be grounds for disciplinary action up to and including dismissal.

County employees shall obtain advance approval for outside employment of any nature. Request for permission to engage in outside employment shall be submitted to the DEPARTMENT HEAD for approval, in writing, prior to engaging in or accepting work.

Once the outside employment request is approved, the employee shall submit an annual request to the Department Head for review and to ensure the outside employment does **not** cause any Department disruption.

Outside employment for Department Heads is discouraged. In the case of Department Heads who are subject to the State Personnel Act, requests for permission to engage in outside employment shall be submitted, in writing, to the Department Head's governing Board of Directors for consideration.

All requests for Department Heads to engage in outside employment must also receive approval from the Northampton County Board of Commissioners. If approved by the Department Head's governing board, notification shall be provided to the County Manager's and/or the Human Resources Director's office. All other Department Heads shall submit their request for permission to the County Manager.

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Section 30. Travel Policy

The purpose of this policy is to establish procedures for authorization of travel and reimbursement or the cost of authorized travel by County employees; County approved drivers, and elected and appointed officials for the purpose of conducting County business.

All travel reimbursements and travel authorization will be based upon information provided in the Finance Department's Disbursement Policy.

Section 31. Limitation of Employment of Relatives

In order to promote equal opportunity for employment for all qualified individuals, members of an immediate family shall **not** be employed within the same operational unit of the Department. This includes situations in which such employment will result in one family member supervising another member of his or her immediate family or where one (1) member occupies a position which has influence over the other member's employment, promotion, salary administration or other related management or personnel considerations.

The term "immediate family" is defined as wife, husband, mother, father, brother, sister, son, daughter, step-child, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandmother, grandfather, grandson, granddaughter, stepmother or stepfather.

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