

# COUNTY OF GREENVILLE SOUTH CAROLINA

10/13/2014



# PERSONNEL HANDBOOK

## DISCLAIMER

THIS HANDBOOK IS INTENDED TO SUMMARIZE DESIGNATED POLICIES, PROCEDURES AND PRACTICES OF THE COUNTY OF GREENVILLE. THE EMPLOYEE IS ADVISED THAT BECAUSE CONDITIONS AND CONSIDERATIONS MAY CHANGE FROM TIME TO TIME, THE COUNTY OF GREENVILLE RESERVES THE RIGHT TO MODIFY, AMEND, ELIMINATE OR DEVIATE FROM ANY OR ALL OF ITS POLICIES, PROCEDURES AND PRACTICES IN ITS SOLE DISCRETION AS IT MAY CONSIDER APPROPRIATE FOR ITS PURPOSES. THIS HANDBOOK SUPERCEDES AND REPLACES ANY PRIOR HANDBOOK OR RULES WHICH ARE HEREBY REVOKED, AND DECLARED NULL AND VOID.

ALL EMPLOYEES ARE FURTHER ADVISED THAT THIS HANDBOOK IS NOT A CONTRACT OF EMPLOYMENT. THE EMPLOYMENT RELATIONSHIP BETWEEN THE COUNTY OF GREENVILLE AND ITS EMPLOYEES IS AT-WILL AND VOLUNTARY. THIS MEANS THAT EITHER THE COUNTY OF GREENVILLE OR AN EMPLOYEE CAN TERMINATE THE EMPLOYMENT RELATIONSHIP AT-WILL AND AT ANY TIME WITH OR WITHOUT CAUSE, AND WITH OR WITHOUT NOTICE. THE EMPLOYMENT-AT-WILL STATUS OF EACH EMPLOYEE CANNOT BE ALTERED BY ANY ORAL STATEMENT OR REPRESENTATION, BUT CAN ONLY BE CHANGED BY A WRITTEN CONTRACT, WHICH MUST BE SIGNED BY THE COUNTY COUNCIL CHAIRPERSON AND ADMINISTRATOR OF THE COUNTY OF GREENVILLE.

Approved by the Greenville County Council, \_\_\_\_\_

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**COUNTY OF GREENVILLE**

**ACKNOWLEDGEMENT BY EMPLOYEE**

**OF RECEIPT OF HANDBOOK AND DISCLAIMER OF CONTRACT**

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\_\_\_\_\_  
EMPLOYEE'S SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PRINT NAME

**INSTRUCTIONS: This form is to be signed and submitted to Human Resources, Suite 500.**

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\_\_\_\_\_  
EMPLOYEE'S SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PRINT NAME

**INSTRUCTIONS:** This page is to be signed and to remain intact in this Personnel Handbook.

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## Chapter 1      **Basis of Personnel Policy**

### 1.1      **Enabling Instrument**

This policy shall be known as the "Personnel Handbook of Greenville County, South Carolina" and shall constitute the official rules affecting persons employed by Greenville County.

### 1.2      **Authorization**

This Handbook is adopted pursuant to the authority granted Greenville County Council by Section 4-9-30(7) of the Code of Laws of South Carolina (1976), as amended, and by the general laws and the Constitution of the State of South Carolina. Greenville County Council is granted the authority "to develop personnel system policies and procedures for County employees by which all County employees are regulated except those elected directly by the people, and to be responsible for the employment and discharge of County personnel in those County departments in which the employment authority is vested in the County government.

### 1.3      **Mission, Vision and Values**

County employees are expected to help Greenville County achieve its mission, vision and values.

**Mission:**            "To provide quality public services to all citizens of Greenville County."

**Vision:**            "Greenville County aspires to achieve and sustain a thriving, vibrant, diverse community with abundant opportunities for unmatched quality of life that blends tradition and innovation."

**Values:**            "To emphasize the importance of our commitment to duty and service to all citizens."

### 1.4      **Customer Service Strategy**

**Service:**            **S**piritual growth in a family environment  
**E**xcellence through teamwork  
**R**esponsible focus on community needs  
**V**isible commitment to citizens  
**I**ntegrity in all that we do  
**C**ourageous adherence to open and honest communication  
**E**ncouragement of knowledge and competence

***Greenville County is "...at your service."***

Greenville County is committed to excellent customer service through the work of its employees. As employees, we each are responsible to act with honesty and integrity. When engaged in any activity concerning the County of Greenville, we represent both ourselves and the government of Greenville County. It is vital to remember that the employees of Greenville County have internal and external customers. Internal customers can be defined as those customers served across County departments and offices. Our external customers are the citizens of Greenville County, non-County residents, businesses, outside agencies and stakeholders. As County employees, we

will provide more and better service than our customers expect.

## 1.5 Handling Complaints

Employees of the County should treat a person with a problem or concern as someone who is attempting to assist us by bringing problems to our attention. A rational explanation of County procedures and practices is a way to handle these situations. Neither discourtesy nor anger on the part of an employee has any value in situations of this nature. Arguing with an angry person will only make the situation worse.

Employees should never take a complaint as a personal attack. Use of the word “we” rather than “I” is a preferable response since employees represent the County.

Permitting people who are angry to vent their anger will many times solve the problem. Giving citizens a chance to get their complaints voiced will help them feel better and thus allow them to be more responsive to the answer the County subsequently provides.

Advise people with complaints that the County sincerely regrets that they have not received the services they desire. Expressing honest regret is always more productive than trying to make excuses.

Employees should offer to assist in a legitimate way to resolve a person’s problem or concern. If the person wants to see a division or department director regarding a complaint, the employee should offer to take a message or set up a meeting when possible. Whenever possible, the department director should respond to the complainant before he/she calls back. When necessary or appropriate, a written reply should also be made.

Employees should attempt to get adequate information from the person with the problem or concern in order to satisfactorily resolve the problem. This information should include, at the minimum, the person’s name, telephone number, nature of problem, date and time of occurrence.

It is vital that employees assure the complainant of the County’s desire and intent to give them the service they deserve. In most cases persons voicing a concern are really trying to help the County serve them better. Employees should always thank citizens for taking the time and effort to communicate their problems or concerns.

## 1.6 Diversity Statement

The County of Greenville is committed to fostering, cultivating and preserving a culture of diversity and inclusion. The County of Greenville is committed to recruit, select, train, develop, and promote employees based on individual ability and job performance. Our policy is to provide equal employment opportunity to all people in all aspects of employer-employee relations without discrimination because of race, color, religion, sex (including pregnancy), national origin, age, disability, genetic information or veteran status. We will comply with the spirit as well as the letter of applicable State and Federal laws. The County’s goal is to have a work force that generally reflects the composition of the population it serves.

The County of Greenville welcomes, values and respects differences and commonalities of all people. Advancing diversity and inclusion means putting into action our values regarding diversity. Each employee is expected to treat every co-worker, customer, and supplier with respect and dignity at all times.

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Any employee found to have exhibited any inappropriate conduct or behavior against others may be subject to disciplinary action.

Employees who believe they have been subjected to any kind of discrimination that conflicts with the County's diversity policy and initiatives should:

- (a) Report the incident to their supervisor or to a higher level in their "chain of command." Complaints against the Administrator, County Attorney, and Clerk to Council should be made to the Chairperson of County Council; or
- (b) Report the incident to the Director of Human Resources or designee.

## 1.7 Ethics Statement

The trust of the public is essential for government to function effectively. County operations must be free from all threats, favoritism, undue influence, and all forms of impropriety so that the confidence of the public is not eroded.

### Code of Ethics

- Strive to protect and enhance the reputation of the County of Greenville and its employees, remembering that County employees are public servants.
- Treat all citizens equally with courtesy and impartiality, and refrain from granting any special advantage to any citizen beyond what is available to all citizens.
- Give efficient, productive and economic service to the public, always putting in a full day's labor for a full day's pay.
- Avoid real or potential conflicts between private and public duties, remembering that the public interest must be the principal concern.
- Maintain confidentiality of all information acquired by reason of one's position which may be used for personal or financial gain for the employee or other persons consistent with the public's right of access to public information.
- Refrain from securing special privileges or exemptions for anyone (including self) that would not be available to all citizens.
- Avoid receiving, soliciting or otherwise obtaining anything of valuable benefit from any other public official, employees, or citizens which is intended to influence the performance of official duties.
- Use County vehicles, equipment, supplies, and/or property only for County work, and not for personal benefit or profit.
- Declare to the appropriate authority the nature and extent of any financial or personal interest in a County contract or other legislation, when participating in discussions of or giving an official opinion on the matter.
- Avoid exceeding one's authority or stretching the law or asking other persons to do so. Cooperate fully with other employees unless prohibited by law or confidentiality.
- Handle all personnel matters on the basis of merit, impartiality and fairness.
- Seek no favor; believe that personal profit by misuse of public time is dishonest.

Each County employee is responsible for knowing and adhering to the values and standards set forth in this Code and for raising questions if uncertain about County policy. Employees who are concerned whether the standards are being met or are aware of violations of the Code must contact the Employee Relations Coordinator in Human Resources.

The County of Greenville takes seriously the standards set forth in the Code. Violations are cause for disciplinary action up to and including termination of employment.

## 1.8 Non-Discrimination Statement

Greenville County will not discriminate against employees or applicants for employment on account of race, color, religion, sex (including pregnancy), national origin, age (40 or older) disability, genetic information or veteran status.

## 1.9 Personnel Policy

The personnel policy of Greenville County is based on the following goals:

- Employees shall be hired, assigned, trained and promoted on the basis of merit
- Provision for a career in government for qualified employees whose service is of a continually high level
- Utilization of job-related training and educational opportunities whenever possible
- Opportunity for promotion from within existing employee ranks based on merit, performance and qualifications
- Work conditions that are safe, healthy and conducive to efficient, high-performance, customer-oriented services
- Prompt action in the handling of employee complaints, concerns and issues
- Avoidance of all discriminatory practices, language and images in employee relations
- Provision of competitive wages and salaries for all employees and, in return, to require an adequate day's work from employees.

## **Chapter 2 Administration and Amendment of Policies**

### **2.1 Administration**

The County Administrator, through the Division of Human Resources, shall administer these policies and procedures.

### **2.2 Administrative Directives**

The County Administrator may supplement and clarify these policies, as he/she deems necessary by issuing administrative directives concerning the various aspects of County employment, duties, personnel regulations, etc., provided such administrative directives are not contrary to the policies promulgated herein.

### **2.3 Applicability**

While we want employees, including constitutional officers, to act appropriately based on a solid understanding of our mission, vision, strategy, and values, the need for certain policies and procedures to ensure consistency is recognized. All employees are expected to read and understand the policies and procedures set forth in this Handbook, including those of elected and appointed officials that are utilizing the County's personnel policies,

These policies and procedures shall apply to employees of the County of Greenville, regardless of the length of their employment, including the employees of constitutional and appointed officers unless State law specifically stipulates otherwise. Moreover, all department directors are expected to make themselves reasonably available to assist employees in understanding the County's mission, vision, strategy, and values as well as these policies and procedures.

There may be occasions when an immediate change in the Personnel Handbook is desirable, and yet there is insufficient time to accomplish such a change through County Council approval. Therefore, County Council authorizes the County Administrator, on an emergency basis, to use his/her discretion to deviate from and modify these policies on a temporary basis when such a modification or deviation is deemed to be in the best interest of Greenville County. Any time such a deviation or modification takes place, the County Administrator shall immediately recommend to County Council that an appropriate change be made in the Personnel Handbook, and such changes shall become final only upon approval by the County Council. The approved change will then be published in a manner prescribed by law.

### **2.4 Revision**

This Personnel Handbook shall be subject to revision by the County Council. Revisions are published in the manner prescribed by law. Any and all revisions shall be forwarded to employees as soon as possible after the effective date.

### **2.5 Violation of Policies**

Any employee violating these policies shall be subject to disciplinary action up to and including immediate dismissal in addition to any penalty which may be levied for the violation of the same. The appropriate department director or director's designee, prior to taking the action of

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suspension or termination, shall consult with the County Administrator, the Director of Human Resources and/or the Employee Relations Coordinator.

## Chapter 3 Definitions

### 3.1 Meanings in General

Unless otherwise expressly stated, the following terms shall have the meanings indicated in this chapter. Where terms are not defined by this chapter, they shall have ascribed to them their ordinarily accepted meanings or such meanings as the context herein may imply.

### 3.2 Specific Meanings

3.2.1 **Absence Without Leave** – An unauthorized absence of an employee from duty, including any absence for a day or part of a day.

3.2.2 **Acting in Capacity** – Appointment status that is limited to a prescribed period of time for which the employee is working at a higher classification position than their regular appointment.

3.2.3 **Administrative Leave** – Employer directed temporary leave from a job assignment with or without pay and/or benefits.

3.2.4 **Adverse Action** – Action that substantially and negatively affects an employee's status or results in a reduction in pay.

3.2.5 **Appeal** – The right of an employee to have a hearing with a higher authority than his/her immediate supervisor for review of a grievance.

3.2.6 **Appointed Official** – An individual of the County who holds his/her office by virtue of an appointment by the County Council, Legislative Delegation or a board and/or commission.

3.2.7 **Appointment** – The assignment of selected candidates for employment to a classified or unclassified position authorized by the current and approved budget in the following manner:

- (a) **New Hire Introductory Position** – Appointment status that is preparatory, in-service training, and evaluated for a regular classified appointment. An employee in this status is covered by all policies and procedures in this Handbook except the grievance procedure, unless otherwise noted. This period is normally a six-month evaluation period, which is subject to 90 day extension.
- (b) **Regular Full-Time Position** – Appointment to a full-time classified or unclassified position upon completion of the required introductory period and which is subject to all policies and procedures in this Handbook.
- (c) **Regular Part-Time Position** – Appointment to part-time classified or unclassified position upon completion of the required introductory period but works less than the prescribed number of full-time hours per week and which is subject to all policies in this Handbook except employee benefits.
- (d) **Temporary Position** – Appointment status which is full-time or part-time but limited to a prescribed period of time or specific project and which is covered by all policies and

procedures of this Handbook except employee benefits and the grievance procedure.

- (e) **Full-Time Grant Position** – Appointment status which is full-time but limited to a prescribed period of time of a grant and which is covered by all policies and procedures of this Handbook.
  - (f) **Part-Time Grant Position** – Appointment status which is part-time but limited to a prescribed period of time of a grant and which is covered by all policies of this Handbook except employee benefits and the grievance procedure.
  - (g) **Seasonal Position** – Appointment status that is to fill a temporary position that recurs at regular intervals and is covered by these policies, except employee benefits and the grievance procedure. Seasonal employees and interns may be either part-time or full-time during their employment period(s).
- 3.2.8 **Classification and Compensation Plan** – A document that formally describes the philosophy, methods, procedures and the rate of pay for compensating employees for work performed.
- 3.2.9 **Compensation** – The standard rates of pay that have been established for the respective classifications of work.
- 3.2.10 **Compensatory Time Off** – Leave from work that may be utilized by the non-exempt employee with the consent of the department director or director's designee in payment for overtime work done by certain employees. Compensatory time-off for non-exempt employees is accumulated at the rate of 1.5 times the overtime hours worked over 40 hours a week for regular employees and over 80 hours bi-weekly for employees engaged in protective services. Exempt employees are not eligible to earn compensatory time.
- 3.2.11 **Date** – The administration of personnel policies utilizes several different dates. Following are those most frequently referred to:
- (a) **Hire Date** – The first day an individual reports to work for the County. This date would change only if there were a separation and then a re-hire.
  - (b) **Anniversary Date** – First date in current position.
- 3.2.12 **Demotion** – The movement of an employee from a position in one class to a different position in another class having a lesser degree of responsibility and a lower pay range.
- 3.2.13 **Department/Office** – A primary organizational unit that is under the immediate charge of a department director who reports directly to the County Administrator or designee. As the context may require, the term may also include a unit administered by a constitutional officer of the County and a unit administered by a County Council appointee.
- 3.2.14 **Director of Human Resources** – The person who is employed and charged by the County Administrator to administer the personnel policies of the County.
- 3.2.15 **Disability** – A physical or mental impairment that substantially limits one or more major life



activities.

- 3.2.16 **Disciplinary Suspension** – An employment status (the length of which shall be determined by the department director in consultation with the Director of Human Resources) for a period of one month or less, resulting from unsatisfactory performance or conduct.
- 3.2.17 **Discipline** – The process that results in a verbal or written reprimand, disciplinary corrective action period, suspension, demotion, dismissal, or other form of discipline of an employee when it has been determined that the employee has failed to perform his/her appointed duties satisfactorily or has failed to comply with the personnel policies of the County of Greenville.
- 3.2.18 **Dismissal** – The separation of an employee from County employment for unsatisfactory performance or behavior or failure to comply with the personnel policies of the County of Greenville.
- 3.2.19 **Division** – A division is a unit that operates within a department or office.
- 3.2.20 **Educational Leave** – Authorized leave, with or without pay to attend a college, university or other institution of higher learning which offers an academic curricula leading to a degree or degrees.
- 3.2.21 **Electronic Communication Device** – an electronic device, including, but not limited to a wireless telephone, personal digital assistant, a text messaging device, or a portable or mobile computer while being used for the purpose of composing, reading, or sending an electronic message, but does not include a global positioning system or navigation system or a device that is physically or electronically integrated into the motor vehicle.
- 3.2.22 **Electioneering** – To work for the success of a particular candidate or party in an election.
- 3.2.23 **Employee** – Any person who is working for any department/office of the County and who is not an elected official or an outside consultant, contractor, or a member of an advisory board, commission or ad hoc group.
- (a) **New Hire Introductory Position** – Employment that is introductory. An employee in this status may be evaluated for a regular classified position. An employee in this status is covered by all policies and procedures in this Handbook except the grievance procedure, unless otherwise noted. This period is normally a six-month evaluation period, which may be extended up to 90 days with the approval of Human Resources.
- (b) **Regular Full-Time Position** – Employment to a full-time classified or unclassified position upon completion of the required introductory period and which is subject to all policies and procedures in this Handbook. An employee whose regular/normal bi-weekly work period is either 75 hours or 80 hours dependent upon classification.
- **FLSA Exempt Employee** – An employee who is not eligible for overtime compensation or compensatory time as stated in the provisions of the Fair Labor Standards Act.
  - **FLSA Non-Exempt Employee** – An employee who is eligible for overtime compensation or compensatory time as stated in the provisions of the Fair Labor Standards Act.

- (c) **Regular Part-Time Position** – Employment to part-time classified or unclassified position upon completion of the required introductory period but works less than the prescribed number of full-time hours per week and which is subject to all policies and procedures in this Handbook, unless otherwise noted. An employee whose regular/normal work week is less than the prescribed number of hours to be full-time.
  - (d) **Temporary Position** – Employment status which is full-time or part-time but limited to a prescribed period of time or specific project and which is covered by all policies and procedures of this Handbook except the grievance procedure, unless otherwise noted.
  - (e) **Full-Time Grant Position** – Employment status which is full-time but limited to a prescribed period of time of a grant and which is covered by all policies and procedures of this Handbook.
  - (f) **Part-Time Grant Position** – Employment status which is part-time but limited to a prescribed period of time of a grant and which is covered by all policies and procedures of this Handbook except grievance procedure, unless otherwise noted.
  - (g) **Seasonal Position** – Employment status that is to fill a temporary position that recurs at regular intervals and is covered by these policies and procedures, except the grievance procedure, unless otherwise noted. Seasonal employees may be either part-time or full-time during their employment period(s).
- 3.2.24 **Employee on Leave** – An employee on any type of leave or combination of leaves will be terminated from employment after twelve months.
- 3.2.25 **Escalator Position** – The position that an employee would have attained had he/she remained continuously employed instead of entering military service.
- 3.2.26 **Extended Leave of Absence** – An absence from work for more than fourteen (14) consecutive calendar days. Employees will not continue to accrue vacation time or sick time during this period and will not be eligible for holiday pay.
- 3.2.27 **E-Verify** – Federal law requires all employers to verify the identity and employment eligibility of all persons hired to work in the United States. The County of Greenville participates in E-Verify and will provide the Social Security Administration and, if necessary, the Department of Homeland Security, with information from each new employee's Form I-9 to confirm work authorization. If it is determined that an employee is not legally unauthorized to work in the United States, the County of Greenville will terminate the employment of that employee.
- 3.2.28 **Floating Holiday** – A paid day off which may be taken at any time with the employee's supervisor's approval.
- 3.2.29 **Grievance** – A formal challenge by an employee to a contested disciplinary action or other personnel action as defined in Section 12.4. Not all County employees are eligible for the grievance procedure (please see Section 12.4).
- 3.2.30 **Grievance Committee Hearing Panel** – Hearing body of County employees chosen by the Division of Human Resources from a pool of Grievance Committee members. The panel will consist of five members and two alternates for a hearing.

3.2.31 **Gross Misconduct** – Misconduct so serious (such as, but not limited to, stealing, work place violence or sexual harassment) that it can justify the immediate dismissal of an employee even on the first occurrence.

3.2.32 **Harassment** – Harassment is unwelcome conduct that is based on race, color, sex, religion, national origin, disability, and/or age. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Offensive conduct may include, but is not limited to: offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances including, but not limited to, the following:

- The harasser can be the victim's supervisor, a supervisor in another area, an agent of the County, a co-worker, or a non-employee.
- The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to, or discharge of, the victim.

3.2.30 **Layoff** – The involuntary non-disciplinary separation of an employee from a position.

3.2.31 **Leave of Absence** – An approved absence from work.

3.2.32 **Long Term Military Leave** – A leave period of more than 90 days and supported by valid orders.

3.2.33 **Military Duty** – A period of active or inactive duty for training or for service in the United States Armed Forces service branches, Reserves, and National Guard.

3.2.34 **Military Leave of Absence** – Time away from scheduled work hours for active or inactive duty for training or service in the United States Armed Forces service branches, Reserves, and National Guard, subject to provisions in Section 9.7.

3.2.35 **Official County Business** – That which is necessary for an employee to perform his/her normal duties and responsibilities or any additional duties and responsibilities assigned by the employee's immediate supervisor, division manager or department director.

3.2.36 **Overtime** – For all eligible non-exempt personnel, all hours accumulated in excess of 40 hours per week shall be paid at a rate of time and one-half their regular rate of pay. Employees engaged in protective services (i.e., non-exempt officers of the Sheriff's Office and non-exempt officers of the Department of Public Safety) are not eligible for overtime unless they work in excess of eighty (80) hours during a work period. A work period is fourteen (14) consecutive twenty-four (24) hour periods.

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- 3.2.37 **Pay Band** – A particular level of pay from the minimum to maximum established rates within a given pay range.
- 3.2.38 **Pay Range** – A specific number of pay rates having a percentage relationship to one another, assigned to a class of positions as the compensation for that class of positions.
- 3.2.39 **Pay Rate** – A specific dollar amount, expressed as an annual rate, a bi-weekly rate, or an hourly rate, as shown in the pay plan of the County.
- 3.2.40 **Performance Appraisal** – A periodic review of the work performance and conduct of an employee by his/her supervisor and reviewed by the department director and/or division manager.
- 3.2.41 **Position** – Any job or post within the organization whether occupied or vacant, full-time or part-time, consisting of duties and responsibilities assigned to one individual.
- 3.2.42 **Promotion** – The advancement of an employee to a higher pay range which can take place through filling a vacant position, or reclassification higher than the employee's present position, with increased responsibilities and authority.
- 3.2.43 **Reclassification** – Reclassification upward or downward of a position may take place when it is shown that the duties, responsibilities of, and/or salary requirements for the position have changed to cause an upward or downward movement.
- 3.2.44 **Resignation** – The employee-initiated separation from County employment.
- 3.2.45 **Retirement** – The permanent separation of an employee who has accepted retirement from County service.
- 3.2.46 **Separation** – When an employee leaves the service of the County of Greenville due to resignation, dismissal, retirement, layoff, physical disability, or death.
- 3.2.47 **Short Term Military Leave** – A leave period of 90 days or less supported by valid orders.
- 3.2.48 **Suspension** – An enforced leave of absence with or without pay for disciplinary purposes or pending investigation of charges made against an employee.
- 3.2.49 **Termination** – The act, initiated by the County, of dismissing an individual from employment.
- 3.2.50 **Transfer** – The movement of an employee from one position or department to another within the service of Greenville County government.
- 3.2.51 **Veteran** – For the purpose of a veteran's re-employment rights, a veteran is an individual whose civilian employment is voluntarily or involuntarily interrupted by active military duty, by reserve training activities, or by reporting for examinations to determine fitness for military service.
- 3.2.52 **Work Period** – A work week consisting of seven (7) consecutive 24 hour periods unless employees are non-exempt sworn officers of the Sheriff's Office and Department of Public Safety, whose work period shall be fourteen (14) consecutive 24 hour periods.

### 3.2.53 Warnings (Disciplinary)

- (a) **Verbal Warning** – A warning given to an employee for misconduct or failure to improve performance and noted in the employee’s personnel file. Documentation is required to acknowledge that the action occurred and must be signed by the employee.
- (b) **Written Warning** – A formal warning given to an employee for misconduct or failure to improve performance. The documentation must include specific details regarding the infraction and must be dated and signed by the employee and the employee’s department/division manager.
- (c) **Final Written Warning** – A formal warning given to an employee stating that his/her employment is at risk due to misconduct or failure to improve performance. A final written warning normally (but not necessarily) follows an earlier warning, the terms of which were breached. The documentation must include specific details regarding the infraction and must be dated and signed by the employee and the employee’s department/division manager.

## **Chapter 4           Entrance Requirements**

### **4.1     Alcohol and Drug-Screening Examination**

All applicants for safety sensitive positions as defined in the County's Substance Abuse Policy are subject to pre-employment/pre-appointment drug testing. All alcohol and drug screening examinations will be done in accordance with the County's Substance Abuse Policy and any other County policies related to drug screening.

### **4.2     Background Investigation**

4.2.1   New or prospective employees may be fingerprinted as a prerequisite to employment.

4.2.2   A complete background investigation may be completed on every new or prospective employee prior to employment provided that, prior to such an investigation, the applicant shall execute the necessary information releases.

4.2.3   Applicants must be able to demonstrate that they possess, or qualify to possess, a valid driver's license if the nature of the position or assignment requires them to operate County-owned vehicles or the employee's own vehicle on County business. An official Driver Record is required of all applicants for jobs that require driving County owned vehicles.

### **4.3     Eligibility**

4.3.1   County employees will be given consideration as candidates for job vacancies. However, the County reserves the right to recruit external candidates who have skills or experience needed for certain jobs.

4.3.2   Candidates will be recruited from a geographical area as wide as is necessary to assure obtaining well-qualified applicants.

### **4.4     Employment Applications**

4.4.1   All applicants for employment must complete an application form which shall be provided by Human Resources. For certain positions, supplemental information may be required for determining the qualifications of an applicant. A notice announcing each job vacancy will be posted on internal bulletin boards, intranet, and/or the County website for a period of five consecutive workdays. The County will make such employment decisions without regard to race, sex, religion, color, national origin, age, disability, or veteran status.

4.4.2   The Director of Human Resources is authorized to post recruitments for vacancies. All advertisements will be placed by Human Resources. All applications shall be filed through Human Resources. Applicant assessments are coordinated through individual departments/offices.

4.4.3   The need for recruitment efforts other than the County vacancy list will be determined by the applicant flow or the applicant sources needed to provide an adequate applicant pool for a particular position. Professional positions, positions with limited applicant flow, or positions requiring extra effort to fill will be advertised in newspapers, trade journals, college or technical

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education centers, or other sources deemed appropriate to provide suitable candidates. All advertisements will provide essential information concerning the position and will include the minimum acceptable qualifications. The hiring department/offices will be responsible for costs incurred for advertisements.

4.4.4 All applications will be screened for minimum qualifications. After this initial screening, all applications will be sent to the department division/director for consideration of employment.

4.4.5 The department/division manager may request that a candidate selected to fill a position be reimbursed for relocation expenses incurred. Such reimbursement may be granted at the discretion of the department director or elected/appointed official (subject to the availability of department funds).

### 4.5 Assessments

Any applicant for any position may be required to take a written, oral, physical, psychological assessment, or any combination of these. Such assessments shall be of a nature to test and determine the relative fitness and ability of applicants to perform the actual duties of the class or position to which appointment is sought.

Physical examinations, if required, will be completed following the conditional offer of employment in the selection process. If a physical examination is required, the applicant must submit to an examination by a licensed physician or qualified medical provider. If an applicant is found to have any condition which would prevent the applicant from performing the essential functions of the position, the applicant shall be rejected if no reasonable accommodation can be made to allow the applicant to meet the requirements of the job. This decision will be made only after a review of compliance with ADA requirements is completed by the department director and Director of Human Resources. Any applicant required to take an examination as indicated above shall be given prior notice that completion of the required examination or examinations does not guarantee the prospective employee employment on any basis with the County.

### 4.6 Non-discrimination (Equal Employment Opportunity)

4.6.1 An applicant or employee shall be considered only on the basis of his/her qualifications as required by the position he/she seeks or holds, relative to experience, training, abilities, skills, knowledge, and personal character and integrity as a proper representative of the government of the County of Greenville.

The County will make such employment decisions without regard to race, color, religion, national origin, gender, age, disability or veteran status.

#### 4.6.2 Americans with Disabilities Act Policy

It is the policy of the County of Greenville not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions and privileges of employment.

Additionally, the Americans with Disabilities Act (ADA) requires employers to reasonably accommodate qualified individuals with disabilities. It is the policy of the County to comply with all local, State and Federal laws concerning the employment of persons with disabilities.

## 4.7 Rejection of Applications

The Director of Human Resources and department director and/or division manager may reject any application for cause including, but not be limited to, the following reasons:

- (a) The applicant is found to lack any of the minimum qualifications as stated in the job description.
- (b) The applicant cannot perform the essential functions of the position to which he/she seeks appointment.
- (c) The applicant has made a false statement or has omitted information on his/her application, or has practiced or attempted to practice deception or fraud in connection with such application. Such conduct is grounds for denial of or dismissal from County employment.
- (d) The applicant has been previously employed by the County and has been terminated for misconduct or is otherwise considered not eligible for rehire.
- (e) Any deficiency in the application.

## 4.8 Residency Requirements

4.8.1 Employees of the County are not required to reside within Greenville County.

## 4.9 Seasonal Employment

In addition to the standards outlined in this Personnel Handbook, seasonal employment with the County of Greenville shall be conditioned upon the following:

The applicant must be at least 15 years of age.

Applicants who meet the above requirements shall be placed on a hiring list. The previous year's employees that left in good standing will be given first priority.



## **Chapter 5            General Rules and Regulations**

### **5.1        Absence or Late to Work**

Punctual and regular attendance is an essential responsibility of each employee at the County of Greenville. Any tardiness or absence causes problems for co-workers and supervisors. When an employee is absent, others must perform the work, which diminishes the smooth functioning of the County.

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees also are expected to remain at work for their entire work schedule. Late arrival, early departure, or other absences from scheduled hours are disruptive and must be avoided. The purpose of this policy is to promote the efficient operation of the company and minimize unscheduled absences.

If an employee must be absent from or late to work due to illness or other emergency, he/she shall so inform his/her immediate supervisor or department director and/or division manager by phone as soon as is practicable prior to one (1) hour of the designated starting time, unless otherwise required by their department or division director.

Any employee who fails to report to work without notification to his or her supervisor for a period of three days or more will be considered to have voluntarily resigned, absent extenuating circumstances.

### **5.2        Attendance at Conferences and Travel Allowance**

5.2.1    Attendance at, and participation in, professional conferences, conventions, and technical meetings are considered part of the employee's normal duties. With the prior approval of the department director and/or division manager, employees may attend such functions without loss of pay and at County expense in accordance with budgetary provisions.

5.2.2    Employees traveling on County business shall either be provided with a County vehicle, or given an allowance for the use of their private vehicle or reimbursed for other transportation expenses in accordance with the established County of Greenville Travel Expense Reimbursement Policy.

5.2.3    County employees represent the County at any conference or training related to the County. They are expected to dress appropriately and to use good judgment in attending the training programs.

### **5.3        Break Periods**

The normal workday will consist of an unpaid meal period of 30 to 60 minutes. Nonexempt employees receiving less than 30 minutes for lunch will be paid for their lunch period. Rest or coffee breaks approved by the department director will be considered as time worked. Rest, coffee, and smoking breaks approved by the division director will be considered as time worked. If approved, these breaks are not to exceed a total of 15 minutes in the morning and a total of 15 minutes in the afternoon. Abuse of break periods may lead to disciplinary actions. Break periods are a privilege and are not mandated by either State or Federal law.

### **5.4        County Telephones/Cell Phones/PDA and Personal Cell Phones**

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5.4.1 At the discretion of their manager, division level or higher, some employees are provided with telephones/cell phones/PDAs for use in performing their duties. Limited incidental personal use is allowed provided no cost is incurred to the County. The employee is liable for any cost incurred for personal use. The County will not be liable for any cost incurred by personal use.

5.4.2 Department directors and elected officials may establish rules to restrict or prohibit the carrying or use of personal cell phones/PDA in the workplace.

## 5.5 County Vehicles, Equipment, Supplies, Tools and other Property

5.5.1 All County vehicles, equipment, supplies, tools and property of any type will be used solely to conduct official business of Greenville County as necessary during normal working hours. Use is considered a privilege, not a right. The use of County owned vehicles, equipment, supplies, tools and other property for private activity or business is strictly prohibited unless specified in the Personnel Handbook or department policy.

5.5.2 In using the vehicular equipment of the County, employees shall adhere to all applicable local, State and Federal motor vehicle laws, and demonstrate general safety and courtesy on the road. Any driver of a vehicle owned by Greenville County, and any passenger therein, shall be required to wear a seatbelt when riding in such vehicle, provided such vehicle is equipped with seatbelts.

5.5.3 Employees shall promptly report all accidents, breakdowns, and/or malfunctioning of any equipment to their supervisor in order that necessary repairs may be made.

5.5.4 The County will not assume responsibility for traffic violations occurring during the operation of a County vehicle or privately owned vehicle or assume responsibility for traffic accidents occurring during the use of privately owned vehicles while on County business. Employees found responsible for an accident while driving a County vehicle or found responsible for the damage or destruction of County equipment, supplies, tools or other property may face disciplinary actions as provided in Section 12.3 and/or may be required to pay for the damages up to a maximum of \$250.00.

5.5.5 It is the employee's responsibility to inform the County through their immediate supervisor of any changes in an employee's driving record (i.e. traffic tickets, point changes, accidents, moving violations, DUIs, status of license, revocation of license, etc.) within 48 hours if the employee drives a County vehicle. The County reserves the right to require motor vehicle records during an employee's tenure with the County if the employee drives a County vehicle. Any employee who does not provide the record upon request or fails to advise their supervisor of driver's license status changes will be subject to disciplinary action up to and including dismissal.

### 5.5.6 Text Messaging

Employees are prohibited from text messaging on any electronic communication device while operating a County owned vehicle. Drivers are expected to exercise safe and sound judgment if required to utilize an electronic communication device while operating a County owned vehicle.

### 5.5.7 Cell Phone Ban for Commercial Motor Vehicle (CMV) Drivers

Under the rule issued jointly by the Federal Motor Carrier Safety Administration (FMCSA) and the Pipeline and Hazardous Materials Safety Administration (PHMSA), CMV drivers will not be able to

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hold, dial, or reach for a hand-held cell phone, including those with push-to-talk capability. Hands-free phone use is allowed, as is the use of CB radios and two-way radios.

Specifically, the rule prohibits drivers from:

- Using at least one hand to hold a mobile phone to conduct a voice communication;
- Dialing or answering a mobile phone by pressing more than a single button, and
- Reaching for a mobile phone in a manner that requires the driver to maneuver so that he/she is no longer in a seated, belted, driving position.

Drivers will not be able to use hand-held phones while temporarily stopped due to traffic, a traffic control device, or other momentary delays, but they will be able to use them after moving the vehicle to the side of the road and stopping in a safe location.

Drivers who violate the ban will face federal civil penalties of up to \$2,750 for each offense and disqualification for multiple offenses. A second or third violation within a three year time frame will result in a 60 to 120 day CDL disqualification.

Emergency exception - Using a hand-held mobile telephone is permissible by drivers of a CMV when necessary to communicate with law enforcement officials or other emergency services.

County of Greenville Employees are required to follow the above mentioned rule.

### 5.6 Dress Code

County employees are expected to dress in a manner appropriate and conducive to the performance of their particular jobs. It shall be the responsibility of the department director and/or division manager to ensure that employees under his/her supervision dress in a safe, efficient and professional manner so as to project a positive professional image for Greenville County.

All employees are required to maintain good personal grooming and personal hygiene.

### 5.7 Electronic Media Access and Use of Electronic Systems

- 5.7.1 The purpose of this policy is to establish the proper use of electronic equipment and/or systems provided by the County. The policy will ensure that privacy, security, and legal issues concerning the internet and other forms of electronic media including but not limited to e-mail, voice-mail, fax and bulletin boards are followed.

Violations of these policies may result in termination of access to the internet or other forms of electronic media, and may also result in disciplinary or legal action up to and including termination of employment and/or criminal or civil penalties or other legal action against the employee. Whether or not the employee's conduct violates this provision is in the sole discretion of the County.

- 5.7.2 The resources available to the County of Greenville employees from internet services and other electronic media will be used to further the goals and objectives of the County by providing an effective method to increase performance, communicate, perform research and obtain information while performing job-related tasks. Employees are expected and have an obligation to use good judgment when using the internet and other electronic communication tools. Employees should be professional and courteous when sending electronic messages.

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Employees should have no expectation of privacy in either sending or receiving electronic messages and accessing information on the internet. Electronic media, specifically the internet and e-mail, are not a secure communication network, and personal or privileged information sent via these media could potentially be read by others. Being given a password by the County does not create a right of privacy.

Employee correspondence in the form of electronic messages may be a public record subject to inspection under public law. The County reserves the right to access, monitor and disclose the contents of employee electronic messages and internet usage, but will do so only when a legitimate business need exists such as an investigation of suspected misuse of electronic media and/or internet, an investigation related to pending or anticipated litigation, general system failure, or compliance with applicable laws, ordinances or court orders.

### Use of Electronic Media and Systems:

Use of the internet and other electronic communication tools by County employees constitutes acknowledgment of this policy. Allowable uses of electronic systems and information include the following, to the extent that these uses are for the purpose of conducting County business:

- To facilitate performance of job functions,
- To facilitate the communication of information in a timely manner,
- To coordinate meetings of individuals, locations, and County resources,
- To communicate with departments throughout the County, and
- To communicate with outside organizations and individuals as required in order to perform an employee's job function.

Prohibited use of the electronic system and information include, but are not limited to, the following:

- Transmitting any material or messages in violation of local, State or Federal law or County policy, including sexually, racially, or ethnically offensive comments, jokes, slurs, threats, harassment, slanders, or defamation.
- Accessing or distributing obscene or suggestive images or material, or offensive graphical images or material.
- Distributing sensitive or confidential inappropriate information.
- Broadcasting mass unsolicited messages, pyramid or chain e-mails unless authorized by the County Administrator, Deputy County Administrator, an Assistant County Administrator, or a Division Manager of Information Systems.
- Distributing unauthorized broadcast messages or solicitations.
- Using County provided electronic media to accomplish personal gain or to manage a business.
- Distributing copyrighted material not owned by the County, including software, photographs, or any other media.
- Downloading of copyrighted information or software, unless permission has been obtained previously.
- Developing or distributing programs that are designed to infiltrate or disrupt computer systems internally or externally.
- Accessing or downloading any resource for which there is a fee without prior appropriate approval from the manager.
- Attempting to access any system in which an employee is not authorized to access (hacking).

- Listening to voice mail or reading electronic mail of another employee without prior written approval of the employee's department director.
- Conducting personal activities that interfere with the employee's performance and responsibilities.
- Political endorsements.

#### Laptop and Mobile Computers

At the discretion of their manager, division level or higher, some employees are provided with laptop or mobile computers for use in performing their duties. Like all computers, these computers are subject to the Greenville County Electronic Use Policy. Except for MDTs, MDBs, and other devices used by law enforcement and EMS, confidential data should not be stored or placed on laptop or mobile computers. Under no circumstances should an employee load sensitive or confidential information from a County system onto a laptop and remove it from County property where it would be subject to being lost or stolen.

#### E-mail Retention and E-Discovery

All users should either save to disk, or print and retain a hard copy of any e-mails that they consider to be important or that should be retained. Greenville County Information Systems does not maintain archival back-ups of e-mail. Information Systems has no way of knowing which e-mails are valuable and which are not. Each user must make that decision based on the content of the e-mail. Under federal law, once an employee has been put on notice that an investigation is pending or ongoing, e-mail messages pertaining to the investigation in any way may not be deleted, modified, or destroyed.

## 5.8 Harassment

- 5.8.1 It is the policy of the County to prohibit harassment because of an employee's race, color, religion, national origin, gender, age, disability, or similar distinctions. In addition, it is our policy to provide a working environment in which employees are free from discomfort or pressure resulting from jokes, ridicule, slurs, threats and harassment, either relating to such distinctions or simply resulting from a lack of consideration for others.

If an employee feels that this policy has been violated by anyone with whom the employee comes in contact on the job, regardless of whether it is by a co- worker, a supervisor, or member of the general public, the employee must report the incident(s). There are multiple ways that the employee can do this:

- (a) Report the incident to their supervisor or to a higher level in their "chain of command." Complaints against the Administrator, County Attorney, and Clerk to Council should be made to the Chairperson of County Council; or
- (b) Report the incident to the Director of Human Resources or Employee Relations Coordinator.

### **Important**

In order to avoid misunderstandings, complaints made to members of management or to the Director of Human Resources should complete a written report. Employees will be given a copy of the harassment complaint form to complete or may access this form on the intranet. These

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procedures have been established to enable employees to get relief if they feel that they are the victim of harassment. The reporting procedures, which the County has adopted, are intended to establish a clear record of what has been reported.

All complaints will be kept confidential to the maximum extent possible. The County prohibits any form of retaliation against an employee for submitting a bona fide complaint under this policy or for assisting with the investigation of a complaint. If the County determines that an employee is guilty of harassing another individual in violation of this policy, appropriate disciplinary action, up to and including termination, will be taken with respect to the offending employee.

### 5.8.2 Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964, guidelines state that “. . . unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.”

Examples of sexual harassment may include, but are not limited to the following:

- Physical assault.
- Direct or implied threats that submission to sexual advances will be a condition of employment, work status, compensation and/or promotion.
- Sexual advances, physical or implied, or direct propositions of a sexual nature. This activity may include inappropriate/unnecessary touching or rubbing against another, sexually suggestive or degrading jokes or comments, remarks of a sexual nature about one's clothing and/or body, preferential treatment in exchange for sexual activity, and the inappropriate display of sexually explicit pictures, text, printed materials, or objects that do not serve a workplace purpose.
- A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation of another person.
- Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history that do not serve a medical purpose.

Sexual harassment can occur regardless of the relationship, position or respective sex of the parties. Same sex harassment also violates this policy.

### 5.9 Hours of Work

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5.9.1 Generally, administrative office hours for departments of County government shall be from 8:30 a.m. until 5:00 p.m., Monday through Friday, except for official County holidays. Department directors may adjust the work schedules of employees when it is determined that the adjustment will benefit County operations and public services.

5.9.2 Each department of County government shall have a minimum work week for full-time regular employees of not less than 37.5 hours per week.

5.9.3 Overtime Procedures

Where practical, employees shall be given 24 hours notice by their supervisor when required to work overtime.

5.9.4 Alternative Work Schedules (AWS)

Departments desiring to provide employees with Alternative Work Schedules must first seek approval of their AWS with the department director and the County Administrator. An Alternative Work Schedule is an optional benefit that can be discontinued at any time for any reason.

## 5.10 Identification Cards

5.10.1 All employees shall be issued Greenville County identification cards. All employees shall wear identification cards so it is clearly visible while performing work duties. Failure to wear the identification card may result in disciplinary action in accordance with Section 12.3.

5.10.2 The department director and/or division manager is responsible for collecting and forwarding to the Human Resources Department identification cards of employees upon the employee's termination from County employment.

## 5.11 Inclement Weather Policy

5.11.1 If inclement weather occurs during the work day and County law enforcement officers or the South Carolina Highway Patrol determine that driving conditions may become extremely hazardous, the County Administrator, or his designee, may authorize County employees to leave work before the usual closing time.

5.11.2 If inclement weather occurs during non-working hours, normal County functions will commence the following work day at regular reporting times unless the County Administrator, or his designee, has announced the delayed opening of County offices or the cancellation of County operations. The decision to delay opening or to close County offices will be based on:

- (a) Severity of weather and road conditions.
- (b) Weather forecast.
- (c) Closing of businesses and industries.

5.11.3 Because of the nature of certain job responsibilities, personnel identified as "essential" in key safety sensitive positions are required to report to work and attend to their normal work duties during inclement weather.

5.11.4 If a delayed opening of County offices is announced, employees are expected to be at work not later than the announced opening time. Should an employee not report to work during a

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scheduled delay or report later than the scheduled starting time, employees will be required to use vacation time.

- 5.11.5 Absences due to inclement weather that are authorized by the County Administrator or his/her designee shall be considered administrative leave for which the employee shall be paid. Employees whose jobs require them to work during inclement weather and who fail to report for work shall be charged vacation time or leave of absence without pay.

## 5.12 Media Relations

All information (requested or otherwise) provided to any media outlet or to any individual or group who intends to display such communication in a public forum on any topic must first be viewed and approved by the Administrator's Office and the Governmental Affairs Coordinator. The Governmental Affairs Coordinator will evaluate media/public communication requests and determine the content of what is released and/or what source will be providing such information. Advertising and legal advertising are excluded from this prohibition.

## 5.13 Outside Employment

- 5.13.1 No employee shall engage in or accept private employment or render any service for private interest when such employment or service is incompatible or creates a conflict of interest with his/her official duties or creates the appearance of a conflict of interest. The decision as to whether outside employment violates County policy is in the County's sole discretion.
- 5.13.2 County employees shall be responsible for honestly and accurately providing and keeping information current on the conflict of interest questionnaire and/or the dual employment form. Completed forms must be approved by the department director and shall be returned to the Human Resources Department and placed in the employee's personnel file. The County Administrator and the County Attorney shall receive and review copies of those questionnaires in which an employee has answered "yes" to any of the questions. The County Administrator shall take appropriate action to ensure that an employee's job with Greenville County does not involve duties or responsibilities which would violate Section 5.13.1.

## 5.14 Pay Advances

It is the policy of the County not to make or grant payroll advances.

## 5.15 Pay Periods

Employees shall be compensated on the basis of 26 bi-weekly pay periods per year. Normal pay days will occur on alternating Fridays except on scheduled holidays, in which case the pay day shall be on the preceding work day. Direct deposit of net pay is mandatory for all employees.

## 5.16 Political Activity on the Job

- 5.16.1 County employees shall not be appointed, hired, retained or dismissed on the basis of their political activity. County employees shall not be coerced to take part in political campaigns, to solicit votes, or to contribute or solicit funds or support for the purpose of supporting or opposing the appointment or election of candidates for any political office.



- 5.16.2 An employee may be disciplined or discharged for participation in any political activity during regular working hours. Political activity for the purposes of this section is defined as participation in election campaigns, other campaign-related purposes or electioneering.

## 5.17 Records Management and Confidential Information

In accordance with the South Carolina Public Records Act (SC Code of Laws, Section 30-1-20), a County Records Manager, appointed by the County Administrator, is responsible for the County archived records management program, to include the preparation of policy and procedures to be followed in regard to record confidentiality, record retention schedules, storage requirements, and the final disposition and destruction of County record information. These duties will be carried out in conjunction with rules and regulations as set forth by the South Carolina Department of Archives and History, the South Carolina Public Records Act, requirements of the Freedom of Information Act, and other applicable laws and County policies.

No employee of the County shall disclose confidential information concerning the property, government, personnel or affairs of the County without the approval of the County Administrator or his/her designee. No employee of the County shall disclose any matter subject to litigation, either pending or likely to be filed, without the approval of the County Attorney, or the County Administrator or his/her designee. In addition, no employee under any circumstance shall use such information to advance his/her financial or other private interest.

Citizen requests for public records shall be filed in accordance with all applicable local, State and Federal laws (Freedom of Information Act).

In the case of an extensive and/or complex request for public records, the department director shall consult with the County Administrator or his/her designee and the County Attorney. Employees shall follow all procedures in place and respond to a request for public records in a timely manner and are encouraged to consult the County Attorney for compliance with all applicable laws.

## 5.18 Recycling Procedures

- 5.18.1 Greenville County is committed to conserve natural resources. Greenville County employees should properly sort recyclable items in accordance with the County recycling program.

## 5.19 Relatives of Employees

Persons in the same immediate family will not be employed or continue to be employed if one directly or indirectly supervises another or interacts with another in the handling of money or compensation. Immediate family includes: spouse, parent, child, brother, sister, grandparent, grandchild, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, first cousin, niece, nephew, aunt and uncle. The immediate family also includes stepparents, stepchildren, stepbrothers and stepsisters.

If employees become related by marriage and create a situation prohibited by this policy, one of the employees must resign from his/her position. If the employees cannot choose which of them it will be, the employee having the lower budgeted annual compensation will be separated from employment. The County will make an effort to find another position for the separated employee. Unrelated employees residing together or otherwise engaged in a romantic or familial relationship

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will be treated as being within the immediate family of each other for the sole purpose of this nepotism policy.

The County, in its sole discretion, will handle conflicts of interest and situations involving relatives of employees not specifically noted in the policies.

### 5.20 Serious Diseases/Disabilities

5.20.1 It is the policy of the County that employees with infectious, long-term, life-threatening, or other serious diseases/disabilities may work as long as the employee is physically and mentally able to perform the essential functions of his/her job without undue risk to his/her own health or that of other employees or members of the public.

5.20.2 The County will support, where feasible and practical, educational programs to enhance employee awareness and understanding of serious diseases or other disabilities.

5.20.3 The County will comply with applicable occupational safety regulations concerning employees exposed to blood or other potentially infectious/biohazard materials.

5.20.4 An employee who is diagnosed as having a serious disease or other disability and who feels an accommodation may be appropriate should inform his/her department director and/or division manager or the Human Resources of the condition as soon as possible. The department director and/or division manager and Human Resources should review with the employee County policies on issues such as employee assistance, leaves and disability, infection control, requesting and granting accommodations, the County's continuing expectation regarding the employee's performance and attendance, and available benefits.

5.20.5 An employee who has a serious disease or other disability and who wants an accommodation should provide Human Resources with any pertinent medical information needed to make decisions regarding job assignments, ability to continue working, or ability to return to work. The County may also require a certification from a licensed physician or qualified medical provider of an employee's ability to perform the essential job functions. Additionally, the County may request an employee to undergo a medical examination.

5.20.6 The County will attempt to maintain the confidentiality of the diagnosis and medical records of employees with serious diseases or other disabilities, unless otherwise required by law. Information relating to an employee's serious disease will be treated as confidential and ordinarily will not be disclosed to other employees. Any violations of confidentiality should be immediately reported to the County Privacy Officer (Benefits Coordinator) in Human Resources.

### 5.21 Social Media

Access and use of social media through County servers is restricted. Those employees needing access to social media tools for job related purposes may request access through their department manager, elected or appointed official. Information Services will review the request and grant permission to one of three tiers of service based on need and scope.

The principles and guidelines found in Section 5.7, Electronic Media Access and use of Electronic Systems, and Section 5.12, Media Relations, apply to activities online. The employee is solely responsible for content posted. Any conduct that adversely affects the County of Greenville, its

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business interests, its employees, customers, suppliers, or people who work on behalf of the County of Greenville may result in disciplinary action up to and including termination.

### 5.21.1 Guidelines

It is understood that social media can be a fun and rewarding way to share one's life and opinions with family, friends and co-workers after business hours. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist an employee in making responsible decisions about the use of social media after hours, the County has established guidelines for appropriate use of social media.

*Social media* includes all means of communicating or posting information or content of any sort on the internet, including an employee's or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, as well as any other form of electronic communication. The same principles and guidelines found in the County of Greenville policies and three basic beliefs apply to activities online. The employee is solely responsible for what is posted online. Before creating online content, an employee should consider the risks and rewards that are involved.

- (a) An employee's postings should be consistent with the County's Statement of Ethics Policy, the County's Information Policy and the Discrimination & Harassment Prevention Policy. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject the employee to disciplinary action up to and including termination.
- (b) An employee should be fair and courteous to co-workers, customers, suppliers or people who work on behalf of the County of Greenville. Work related complaints should be handled by speaking directly with co-workers or by utilizing the County's open door policy rather than by posting complaints to a social media outlet. Nevertheless, if an employee decides to post complaints or criticism, the employee should avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage customers, employees or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or County policy.
- (c) An employee should always be honest and accurate when posting information or news; if a mistake is made, correct it quickly. The internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that are false about the County of Greenville, co-workers, customers, suppliers, people working on behalf of the County of Greenville or competitors.

### 5.21.2 Post only appropriate and respectful content

- Maintain the confidentiality of the County's private or confidential information. Do not post internal reports, policies, procedures or other internal business-related confidential communications.
- Do not create a link from a personal blog, website or other social networking site to the County's website without being properly identified as a County employee.
- The employee should never represent himself/herself as a spokesperson for the County of

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Greenville. If the County is a subject of the content, the employee should note the relationship and make it clear that the views do not represent those of the County of Greenville, co-workers, customers, suppliers or people working on behalf of the County. An employee should make clear that he/she is not speaking on behalf of the County and include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the County of Greenville" if any blog or online post is related to the work done by the employee or subjects associated with the County of Greenville,

### 5.21.3 Using social media at work

Refrain from using social media while on work time or on equipment the County provides, unless it is work-related as authorized by an employee's manager. Do not use County email addresses to register on social networks, blogs or other online tools utilized for personal use.

### 5.21.4 Retaliation is prohibited

The County of Greenville prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

## 5.22 Solicitation Among Employees, Endorsement of Products and Acceptance of Gifts

5.22.1 It is the County's policy to forbid distribution of advertising material, commercial or charitable solicitations, merchandise catalogs, handbills, or materials of a political or potentially adversarial nature on the premises. An exception is made for County-approved charitable endeavors. The County may also choose to recognize charitable drives as a community-backed effort. In order to avoid unnecessary annoyances and interruptions during the workday, solicitation is prohibited during work time.

Bulletin boards in County facilities are reserved for County postings and announcements.

5.22.2 The County typically does not participate in the endorsement of products. Any request to a department or office for an endorsement of a vendor must be submitted to the County Administrator for review.

5.22.3 County employees are prohibited from accepting any and all gifts or gratuities from persons doing or seeking to do business with the County. Further, all employees should discourage any person from offering such gifts and gratuities. Items in the category of advertising novelties (i.e., matches, pencils, calendars) having wide distribution may be retained by the employee.

## 5.23 Substance Abuse

Greenville County is committed to providing an alcohol and drug-free, healthful, safe, and secure work environment. County employees are expected and required to report to work on time and in appropriate mental and physical condition for work.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance

is not permitted in the workplace. Violations of this policy will result in disciplinary action, up to and including termination. County employees are required to familiarize themselves with, and comply with, the County of Greenville Alcohol and Drug Testing Policy.

## 5.24 Suggestions

5.24.1 Employees who have suggestions for the improvement of County services, reduction of costs, safety or training improvements, or other related plans or programs, are encouraged to discuss their suggestions with their supervisor and department director and/or division manager and submit a written report to the County Administrator or his/her designee.

## 5.25 Tobacco/Nicotine Products and Electronic Smoking Devices (ESDs)

County employees may not use tobacco/nicotine based products and Electronic Smoking Devices ("ESDs") on County property or in County facilities except in designated areas. Additionally, tobacco/nicotine products and ESDs may not be used in County vehicles.

ESDs are defined as electronic or battery-operated devices, the use of which resembles smoking, which can be used to deliver nicotine or other substances to the person inhaling from the device. ESDs include, but are not limited to: electronic cigarettes, electronic cigars, electronic cigarillos and electronic pipes.

Tobacco/nicotine based products include, but are not limited to: cigarettes, cigars, pipes, chewing tobacco and snuff.

## 5.26 Workplace Violence

### 5.26.1 Objective

The County of Greenville is committed to preventing workplace violence and to maintaining a safe work environment. The County has adopted the following guidelines to deal with intimidation, harassment or other threats of or actual violence that may occur on-site or off-site during work-related activities.

### 5.26.2 Scope of Policy

All full-time and part-time active employees are covered under this policy.

### 5.26.3 Procedures

All employees, customers, vendors and business associates should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay" or other conduct that may be dangerous to others.

Conduct that threatens, intimidates or coerces another employee, customer, or vendor will not be tolerated. County resources may not be used to threaten, stalk or harass anyone at the workplace or outside of the workplace. The County of Greenville treats threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or

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activities should be reported as soon as possible to a supervisor, security personnel, human resources, any member of senior management or law enforcement agency. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Employees should promptly inform Human Resources of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to intimate partner violence. The County of Greenville will not retaliate against employees making good-faith reports. The County is committed to supporting victims of intimate partner violence by providing referrals to the County's Employee Assistance Program (EAP) and community resources and providing time off for reasons related to intimate partner violence.

The County of Greenville will promptly and thoroughly investigate all reports by employees of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. The County of Greenville will not retaliate against employees making good-faith reports of violence, threats or suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, The County may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

Any employee found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

The County of Greenville encourages employees to bring their disputes to the attention of their supervisors or to Human Resources before the situation escalates. The County will not discipline employees for raising such concerns.

## Chapter 6            Introductory Period, Promotions, and Transfers

### 6.1      Introductory Period

The introductory period is regarded as an integral part of the selection process. It is utilized for carefully observing the work of employees, for securing the most effective adjustment of a new employee to his/her position, and for dismissing any employee whose performance does not meet the required work standards, behavior and interpersonal skills for the job.

6.1.1    Every new employee hired for a regular position shall be required to successfully complete an introductory period before becoming a regular employee. Unless otherwise noted or determined, this period shall be for six months.

6.1.2    During the introductory period, a newly hired employee shall accrue vacation time and be eligible to use this time as earned at the discretion of the department director and/or division manager. Wages for designated holidays falling within the introductory period will be paid to the introductory employees in accordance with applicable personnel policies. ~~An employee shall not be eligible for or accrue floater holidays until the successful completion of the new hire introductory period.~~

6.1.3    During the employee's introductory period, the employee's work performance will be observed and evaluated by the supervisor and department/division manager. The department/division manager shall submit a written performance appraisal, on forms provided by Human Resources, to the Director of Human Resources appraising the employee's progress, qualifications, capacity to grow and other pertinent factors, ultimately deciding:

- (a)      That the introductory period be terminated and regular or other appropriate status be assigned; or
- (b)      That the employee be dismissed from his/her position with the County for failing to meet required standards of performance.

6.1.4    Dismissal of an Introductory Employee

If the introductory employee fails to meet required standards of performance, the supervisor or department director and/or division manager may dismiss the employee. A new hire introductory employee shall not have the right of grievance, appeal, or hearing concerning such dismissal action.

6.1.5    Performance Appraisals will be conducted in accordance with the approved Classification and Compensation Plan.

### 6.2      Promotions

6.2.1    When vacancies occur in positions within the County, current employees who meet the qualifications shall be given consideration for these positions. Where a vacancy is to be filled by promotion, the factors that shall be considered will include, but not be limited to, work performance, knowledge, training, ability, skill, efficiency, and length of continuous service from the last date of hire or promotion.

6.2.2    When the decision to promote an employee has been made, the current supervisor will complete

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a performance appraisal form rating the employee on his/her performance from the last review date to date of his/her promotion.

- 6.2.3 An employee who has been promoted shall serve a six month introductory period in his/her new position unless otherwise so stipulated by the department director. Any salary adjustment associated with a promotion shall be in accordance with the pay plan in effect for that position.
- 6.2.4 Following promotion, if an employee who is promoted fails to successfully complete a six month introductory period, the employee will be allowed to apply for other jobs within the County for which he/she is qualified. If no position is available or if the employee is not suitable for the job the employee will be terminated.
- 6.2.5 Any County employee that is temporarily promoted or appointed to the position of an acting position shall receive a salary in accordance with the Classification and Compensation plan.

In the case of Council appointed positions, County Council may appoint an interim or acting individual to fill a vacancy at a salary to be determined by the County Council.

## 6.3 Transfers

- 6.3.1 Transfers of employees from one position to another, either within their own department/division or between departments/divisions, on either a regular full time or temporary basis, may be made upon the recommendations of the managers of the affected departments. Employees so transferred shall conform to the working policies of the department/division to which transferred, and will be subject to a six month performance review period.
- 6.3.2 Salary adjustments shall be made according to the classification and compensation plan currently in effect for that position.



## **Chapter 7            Position Classification and Pay Plan**

### **7.1    Administration of the Plan**

The County Administrator is responsible for administering a salary and classification plan approved by County Council.

The Director of Human Resources, under the direction of the County Administrator, is charged with supervising and maintaining the classification plan and its administration.

- 7.1.1 A department director or employee may make a request to the Director of Human Resources for the reclassification of an existing position, subject to Section 7.1.2. An established position may be reclassified from one class to a different class as a result of a change in the duties and responsibilities, or a redistribution of work assignment which significantly alters the duties and responsibilities of a position, or revisions of class specifications to more accurately reflect the level of work performed. Reclassifications do not apply to and cannot be effected for situations involving the assignment of new duties and responsibilities for the sole purpose of creating a new position.
- 7.1.2 Any employee who considers his/her position improperly classified shall first submit a request for reclassification to his/her supervisor who shall immediately transmit the request to the department director and/or division manager. If the department director and/or division manager finds that there is merit in the request, he/she shall immediately submit his/her justification for recommendation to the Director of Human Resources.

### **7.2    Use of Classification and Compensation Plan**

The objective of the classification and compensation plan is to provide a competitive rate of pay for work and to provide a pay band and range for each class of positions, which will enable the County to recruit and retain qualified employees as well as compete in the job market.

The classification plan is to be used:

- As a guide in recruiting and evaluating candidates for employment;
- In determining lines of promotion and in developing employee training programs;
- In determining the salary to be paid for various types of work;
- In determining personal service items in departmental budgets; and
- In providing uniform job terminology understandable by all County officials, employees and the public.

### **7.3    Class Specifications**

The classification and compensation plan shall include titles and written specifications for the various classes of positions.

Each class shall include all positions, which are sufficiently similar with respect to duties, responsibilities and authority so that the same descriptive title may be used to designate the position allocated to the class.

Specifications shall show like requirements for education, experience, general and specialized knowledge, skill, physical conditions and other qualifications necessary for the proper performance of the positions. Specifications will be descriptive and explanatory of the kind of work required in a given classification but may not necessarily be inclusive of all the duties to be performed. The specifications shall be used for the purposes of recruiting, testing, and selecting.

#### 7.4 Position Description

A description of each position within the classification will be prepared, periodically reviewed and updated by the Director of Human Resources or designee.

#### 7.5 Compensation

7.5.1 The classification and compensation plan shall establish a pay range for every class of employment in County service except elected and appointed positions.

7.5.2 Pay ranges shall be established based on both external and internal considerations. Ranges shall be determined with due regard to ranges of pay for similar classes, relative responsibility and difficulty of positions in the class, availability of employees in a particular occupational category, prevailing rates of pay for similar employment in the Greenville area, rates of pay in other governmental jurisdictions, cost of living factors, the financial policies of the County and other economic considerations.

##### 7.5.3 Starting Minimum Rate

New full-time employees shall be hired at a minimum rate in accordance with the classification and compensation plan. Starting rates above the minimum rate may be paid, at the discretion of the department/division manager, with the consent of the Director of Human Resources, as determined by budget guidelines in recognition of exceptional qualifications of an applicant or for lack of qualified applicants.

The County recognizes the need to hire and retain qualified applicants. This may result in the need to provide some flexibility in compensation and benefits awarded a new employee. If this is necessary, it will be considered an exception to personnel policies, and the department director will forward his/her request to the Director of Human Resources who will make a recommendation to the County Administrator for consideration of approval.

##### 7.5.4 Performance Pay/Part-Time

Temporary part-time and regular part-time employees shall be hired at a rate in accordance with the classification and compensation plan in effect.

##### 7.5.5 Reinstatement

Former employees rehired as full-time regular employees within one year of their previous separation from the County into a position in the same class as the one previously held shall be rehired either at their former rate or the new minimum, whichever is higher. The employee's anniversary date shall be the rehire date. Previous uncompensated sick time accrued by the employee during his previous employment with Greenville County, if any, shall be restored.

Please note: An employee who retires and is paid 1/3 of accrued sick time upon their retirement

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will start with an accrued sick time balance of 0.00 should they be reinstated.

Former employees rehired as full-time regular employees at any point after their separation from the County will be reinstated at the same accrual rate for vacation time and sick time (based on years of service to the County) as they had when they were previously separated from the County.

A manager who marked the "not eligible for reemployment" on a former employee's personnel action request form has an opportunity to reconsider his/her action should another department have interest in hiring the person.

### 7.5.6 Compensation for Overtime Work

Employees who are exempt from overtime under FLSA (i.e. executive, administrative, professional, highly compensated, and computer employees who meet FLSA criteria) are not compensated for overtime work. Non-exempt employees shall receive compensation at a rate of one and one-half times his/her normal rate of pay. All overtime must be pre-approved by a supervisor or department director. Unauthorized overtime is grounds for disciplinary action.

### 7.5.7 Compensatory Time

Compensatory time is granted to non-exempt employees as a substitute for overtime pay at a rate equivalent to one and one-half the number of hours worked in excess of 40 hours per week, except safety employees (i.e. nonexempt Sheriff's Office Sworn Officers, Officers in the Department of Public Safety) who are compensated at one and one-half the number of hours worked in excess of 80 hours in a 14 day work period. All compensatory time must be pre-approved by a supervisor or department director. Unauthorized compensatory time is grounds for disciplinary action.

Compensatory time may be accumulated as follows: (a) Safety employees (i.e. Sheriff's Office Sworn Officers, Public Safety Officers, Commissioned Officers and non-Commissioned clerks) may accumulate up to 240 Compensatory time hours (based on 160 overtime hours) (b) All other non-exempt employees may accumulate up to 120 compensatory time hours (based on 80 overtime hours).

Non-exempt employees who have accumulated the maximum number of compensatory time hours will be paid for overtime hours worked thereafter at one and one-half the employee's regular rate. Non-exempt personnel who leave the employment of the County will be compensated for accumulated compensatory time at their present regular hourly rate.

Exempt employees are not eligible to earn compensatory time under any circumstances and compensatory time should not be recorded on time sheets.

### 7.5.8 Performance Pay Increases

Salary adjustments within an established range are not automatic but are dependent upon the recommendation of the department director and/or division manager based on standards of performance. Across the board cost of living adjustments may be utilized in lieu of performance pay increases when recommended by the County Administrator during budget considerations.

### 7.5.9 Effective Date of Merit Pay Adjustments

The effective date of merit salary adjustments shall be in accordance with an approved

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Compensation Plan. Performance salary adjustments shall be given to all regular full time and part-time employees in accordance with the Council approved Compensation Plan.

### 7.5.10 Errors in Compensation

#### Under Compensated

Should an employee believe an improper deduction was made from his/her pay, the employee should inform the Director of Human Resources as soon as possible. If it is determined, upon investigation, that an improper deduction was made from the employee's pay, the employee will be promptly reimbursed and appropriate steps will be taken to prevent recurrence

#### Over Compensated

If it is determined, upon investigation, that an improper overpayment has been made to the employee's paycheck, the employee will be responsible for promptly reimbursing the County.

### 7.5.11 When an employee is separated from the payroll, voluntarily or involuntarily, the County will pay all wages due to the employee at the time of the next regular pay day.

## **Chapter 8           Benefits**

### **8.1     Employee Eligibility**

Generally, with the exception of Workers' Compensation benefits, only full-time regular employees are eligible for the benefits outlined in this chapter unless otherwise stated or in the event of a conflict with State or Federal laws. Full-time regular and introductory employees are eligible to receive health and life insurance coverage the first day of the month following employment.

Part-time, seasonal and temporary employees are ineligible for holiday pay, vacation time, sick time or other benefits including, but not limited to health, life insurance, educational and bereavement. Part time employees who work an average of 30 hours a week or more may be eligible for health insurance in compliance with the Affordable Care Act. Part-time Magistrates are entitled to retirement, health and life insurance benefits.

All employees are eligible to participate in the South Carolina Retirement Systems.

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

The County of Greenville offers an Employee Assistance Program. This program is for all County employees regardless of full-time, part-time, regular or temporary status. The Employee Assistance Program is a program designed to assist employees experiencing work related problems. Additional information may be obtained on the County's intranet or by contacting Human Resources.

### **8.3     Holidays**

The following days are designated as County holidays:

New Year's Day  
Martin Luther King Day  
Good Friday  
Memorial Day  
Independence Day  
Labor Day  
**Veterans Day**  
Thanksgiving Day  
Day After Thanksgiving  
Christmas Day  
Day Before or After Christmas

The County Administrator will designate the appropriate day whenever a holiday falls on the weekend or may designate Christmas Eve or the day after Christmas at his/her discretion.

#### **8.3.1   Holiday During Vacation Time**

When a holiday occurs during a period of authorized leave not exceeding 14 days, that day will not be charged as a day of leave.

#### **8.3.2   Floater Holiday**

Regular full-time County employees shall be entitled to select one floater holiday each calendar year. The County reserves the right to designate a final date that the floater may be taken each year. The date will be communicated by Human Resources. As long as the date selected does not interfere with the efficient operation of the employee's department, employees may schedule the holiday for any time in the calendar year by mutual agreement with their supervisor. Any unused floater holiday shall be forfeited as of the final pay period in December of each year.

#### 8.4 Vacation Time Accruals

The County recognizes the importance of uninterrupted periods of rest and relaxation for its employees. Therefore, each full-time active County employee shall accrue vacation time with pay. Such time shall be accrued each pay period according to the following schedule.

Bi-weekly Vacation Time Accrual Schedule (By Hours)

<b>Bi-Weekly Vacation Leave Accrual Schedule (By Hours)</b>				
<b>Normal Work Hours Bi-Weekly</b>	<b>Less than 5 Years</b>	<b>5 – up to 10 Years</b>	<b>10 – up to 20 Years</b>	<b>More than 20 Years</b>
75	3.46	4.33	5.48	7.21
80	3.69	4.62	5.85	7.69

Vacation time accumulated by a County employee in excess of the amount specified in the following schedule shall be forfeited as of the final pay period in December of each year:

<u>Normal Work Hours Bi-Weekly</u>	<u>Maximum Annual Time (Hours) To Carry Forward</u>
75	225
80	240

##### 8.4.1 Time

As long as vacation absences do not interfere with the efficient operation of the County's operations and at least fourteen days advance notice is provided, employees may schedule vacation for any time during the current calendar year by mutual agreement with their supervisor.

##### 8.4.2 Separation and Accrued Time

Employees are required to submit a fourteen day written notice of their impending resignation to their manager/supervisor. Failure to comply will be noted on the employee's service record and may result in forfeiture of accrued vacation time (see Section 13.3.2). Regular full-time employees who are separated from employment and provide the necessary 14 calendar day notification shall be compensated for vacation time accrued up to the date of separation, not to exceed the amounts set forth in the maximum vacation time carry forward as specified in Section 8.4. It is expected that employees tendering their resignation and giving a fourteen (14) calendar day notification will work their fourteen (14) days unless otherwise notified by their department.

Compensation for accumulated vacation time shall not be paid to an employee that is terminated

for gross misconduct, as determined within the sole discretion of the County (see Section 13.3.2) or to an employee who resigns during the introductory period (see Section 13.3.3).

## 8.5 Educational Assistance

Full-time regular employees who enroll in course work at an accredited educational institution with prior approval of their department director will be reimbursed for 50 percent of their tuition and required book expenses (subject to maximum amounts found below) upon successful completion of the course work and in accordance with the following guidelines:

- (a) Reimbursements are based on allocation of departmental funds and departmental priorities.
- (b) Expenses eligible for reimbursement are tuition and books.
- (c) Expenses not eligible for reimbursement are tools and supplies (other than text books), application fees, registration fees, activity fees, or other charges, meals, lodging, parking, and transportation.
- (d) To be reimbursed, the employee must receive a satisfactory completion as established by the educational institution. This requires a grade of B or higher in undergraduate and graduate courses, and pass in pass/fail courses.)
- (e) Employees may not claim reimbursement for costs covered by other grants, financial assistance or programs. This includes the GI Bill and amounts of available tuition assistance received from the South Carolina Education Lottery.
- (f) Course work eligible for reimbursement is that which is directly job related and enhances the employee's knowledge, skills, or abilities to perform their job or contribute to the goals of the department. Department directors or their designees will determine eligibility.
- (g) Reimbursement is subject to the funding available in the budget and the priorities established by the employee's department and the employee's execution of any County required forms.
- (h) If an employee resigns from the County within two years following completion of course(s), he/she must repay all tuition reimbursement received for that course(s).
- (i) Educational degrees offered over the internet must receive the advance approval from Human Resources to be eligible for educational reimbursement.

### 8.5.1 Educational Assistance/Reimbursement Maximum Amounts

Reimbursement is subject to the funding available in the budget and the priorities established by the employee's department. Department directors may establish department policy to set annual limits on reimbursement.

If approved by the department director, 50% of tuition and required book expenses will be reimbursed, subject to the following maximum amounts: (Note: Eligible amounts will be calculated after application for and deduction of amounts of available tuition assistance received from the South Carolina Education Lottery and other grants or financial assistance.)

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Undergraduate and Non-Degree Courses: up to \$500 per course.

Graduate Courses: up to \$600 per course.

The limit per course reimbursement may be adjusted by the County Administrator in consideration of the rising costs of education based on the cost of “on-campus” courses offered by educational institutions in South Carolina.

### 8.5.2 Educational Incentive Pay (Associate Degree/Baccalaureate Degree)

At the time of hire, applicants for County positions such as Deputies, Paramedics, Public Safety Officers, and Detention Officers who possess an associate or baccalaureate degree in criminal justice or related degree from an accredited college or university shall be eligible to receive educational incentive pay. Similarly, Deputies, Paramedics, Public Safety Officers, and Detention Officers who attain an associate or baccalaureate degree from an accredited college or university while in the service of Greenville County shall be eligible to receive educational incentive pay.

Educational incentive pay shall be a five percent (5%) increase in addition to basic salary for Deputies, Paramedics, Public Safety Officers, and Detention Officers with an associate degree, and a ten percent (10%) increase in addition to basic salary for Deputies, Paramedics, Public Safety Officers, and Detention Officers with a baccalaureate degree. Educational incentive pay shall not exceed a total of 10 percent.

### 8.6 Bereavement

With the approval of the department director or designee, bereavement benefits are granted to full-time regular employees for the death of the employee’s grandparent, parent, brother, sister, spouse, child, grandchild, step-grandparent, step-parent, step-brother, step-sister, step-child, step-grandchild, mother-in-law, father-in-law, brother-in-law, and sister-in-law.

Bereavement benefits shall not exceed three consecutive workdays, (37.5 hours employee up to 22.5 hours or 40 hours employee up to 24 hours).

### 8.7 Jury, Court, Public Duty

Any employee who is called for jury duty or subpoenaed as a witness by any legislative or judicial body or is a party to any County of Greenville grievance process will receive their regular rate of pay for the period of jury, court, or public duty. Per diem payments, paid to an employee by the court, may be retained by the employee unless the proceedings are job related.

The employee shall present a copy of the jury summons or subpoena to his/her supervisor within three workdays after receipt. Employees are expected to keep management informed of the expected length of the jury duty or service as a witness and to report to work for the major portion of the day if they are excused by the court.

An employee who is summoned as a witness in court based on employment unrelated to his/her position with the County of Greenville will not be eligible for the benefit allowed in Subsection (A).

### 8.8 Medical, Dental and Life Insurance



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8.8.1 The County offers a number of benefits to its employees. The insurance plans, including eligibility and benefits provisions, are summarized in the summary plan descriptions (“SPDs”), which may be revised from time to time. The official plan documents are available for review upon request. The determination of benefits or other matters under each plan along with the terms of the official plan documents shall govern over the language of any descriptions of the plans, including the SPDs. The County reserves the right to modify or rescind any benefits it provides upon written notice. Employees having questions regarding the benefits identified below may contact the benefits coordinator in Human Resources.

8.8.2 The County offers medical and dental insurance to eligible employees and their eligible spouse and/or dependents. Employees may be responsible for paying part of or all of the premiums.

To be eligible, employees and their spouses and dependents must meet the specific eligibility requirements noted in the medical and dental plan document. Eligibility requirements are in compliance with State and Federal laws.

8.8.3 The County offers life insurance options to eligible employees and their eligible spouse and/or dependents. Employees may be responsible for paying part of or all of the premiums.

8.8.4 Medical, dental and life insurance coverage begins the first day of the month following the date of employment (e.g. if the start date is September 1, insurance coverage begins October 1). Optional insurance coverage dates will be in accordance with the plan document.

Except as otherwise provided in this chapter, the County offers life insurance coverage for each eligible employee and any part-time magistrates.

### 8.9 Sick Time Accruals

8.9.1 The County grants sick time benefits to each active full-time employee according to the following schedule:

Normal Work Hours	Bi-Weekly
	<u>Sick Time Accrual Schedule (By Hours)</u>
75	3.46
80	3.69

Sick time benefits are granted for the following reasons:

- (a) Personal illness.
- (b) Maternity disability.
- (c) Bodily injury (non-work related).
- (d) Medical or dental appointments.
- (e) In conjunction with workers' compensation. (The use of sick time benefits in conjunction with worker's compensation will be in accordance with provisions of Section 8.11.1).
- (f) Illness of immediate family member.

For extended periods of absence (i.e., more than two consecutive weeks), refer to the Family and

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Medical Leave Procedure in Section 9.5.

- 8.9.2 An employee must notify his/her supervisor of his/her absence due to sickness not later than one (1) hour prior to the beginning of the scheduled workday. The employee will be charged for sick time based on the actual amount of time he/she was absent from work.
- 8.9.3 At the discretion of the department director and/or division manager or the Director of Human Resources, an employee may be required to present a certificate from a licensed physician or qualified medical provider attesting to the employee's illness or incapacity.
- 8.9.4 Sick time benefits are paid in accordance with Section 8.9.1. and are not considered as a continuation of employee wages. Employees shall be responsible for the cost of maintaining their medical coverage with the County of Greenville when their sick time benefits have been exhausted in accordance with the Family Medical Leave Act and medical leave provisions of the County.
- 8.9.5 Vacation time may be used for sick time purposes after sick time is exhausted if advanced approval is granted by the department/division manager. If vacation time is used for sick time, it shall be reported as vacation time. Employees who have exhausted all sick and vacation time benefits may be eligible for an unpaid medical leave of absence under Section 9.4 or 9.5.
- 8.9.6 Employees who utilize two (2) or less days of sick time for three-hundred and sixty-five (365) days from their last sick time absence shall be credited with additional vacation time in accordance with the following schedule:

<u>Normal Work Hours</u>	<u>Annual Time Credit</u>
<u>BI-weekly</u>	<u>(By Hours)</u>
75	7.5
80	8.0

8.9.7 Separation

In the case of retirement, payment of one-third of the unused portion of the employee's accrued sick time will be made to the employee; or, in the case of death, payment of one-third of the unused portion of the employee's accrued sick time will be made to the employee's estate. In the case of voluntary or involuntary separation from the County other than for retirement or death, no payment will be made for accrued sick time. Employees returning to work after having retired from the County will not be eligible to receive payment of one-third of any unused balance of sick time accrual upon separation.

An employee who submits a notice of resignation shall not thereafter be granted sick time unless the employee presents a certificate from a licensed physician or qualified medical provider stating that the employee is unable to work.

- 8.9.8 Falsely claiming sick time or falsely reporting sickness as an excuse for absence shall result in disciplinary actions up to and including termination of employment.

8.10 Sick Time Donations

In long-term medical situations when a regular full-time employee who has completed his/her

introductory period is in need of sick time, sick time may be donated by any other employee to the employee in need, subject to the following:

1. The employee receiving the time must have completed the new hire introductory period of employment and be: 1) on approved FMLA leave; 2) on extended medical leave having exhausted FMLA leave and be under the care of a licensed physician or qualified medical provider for a serious health condition or 3) caring for a spouse or child who is under the care of a physician for a serious health condition where the employee has exhausted FMLA leave. The employee must have less than 30 hours if he/she is a 37.5-hour employee or 32 hours if a 40-hour employee of combined sick, vacation and holiday time benefits available at the time of the sick time donation.
2. Any employee donating sick time must be a regular full-time employee and have a minimum of 225 sick time hours remaining if he/she is a 37.5-hour employee or 240 sick time hours remaining if he/she is a 40-hour employee. An employee may not donate more than 20 hours per pay period per recipient. Each donation must be a minimum of 4 hours and any additional hours must be in one-hour increments.
3. Unused donated sick time cannot be returned to the employee making the donation.
4. Employees wishing to donate sick time to another employee must contact their department director or designee for processing and approval.
5. No employee may receive in excess of ninety days of donated time during the employee's term of employment with the County.

## 8.11 Workers' Compensation Insurance

8.11.1 An employee injured and unable to work as a result of a work related accident that is compensable in accordance with the Worker's Compensation laws in South Carolina -- Section 42-1-10, et seq. of the Code of Laws of South Carolina (1976), as amended, -- shall be entitled to the following benefits:

- (a) During the first seven (7) days of disability resulting from a work related injury, the employee shall be paid one hundred percent of his salary by Greenville County.
- (b) After the first seven (7) days of disability resulting from a work related injury, the employee shall be paid sixty-six and two-thirds percent of his salary by Greenville County's Workers' Compensation insurer. The employee may elect to use accrued County vacation time, sick time or compensatory time, if any, in order to supplement his/her Workers' Compensation payments and receive the remaining one-third of his/her salary from Greenville County.
- (c) Departments are encouraged to provide light duty work to employees who are receiving Workers' Compensation benefits and are able to perform such work, if they can do so within budget constraints.

To be eligible for the Workers' Compensation leave benefits set forth herein; an employee may be required to submit to a physical examination from time to time during the period of disability. Time off under Workers' Compensation leave is considered FMLA leave if the employee qualifies for FMLA leave.

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Employees who have exhausted accrued sick and/or vacation time during their Workers' Compensation absence must contact the South Carolina Retirement System to continue service time for this period of time.

- 8.11.2 Employees must contact Human Resources to obtain the necessary forms required to commence and terminate any Workers' Compensation leave period.

## 8.12 Uniform and Equipment Replacement and Allowance

- 8.12.1 Employees in certain departments are required to wear uniforms and use specified equipment in the performance of their duties. Those employees will be provided uniforms and equipment by the County in accordance with departmental specified guidelines.
- 8.12.2 Employees who resign or who are terminated from the County shall return all property, uniforms and equipment belonging to the County, pay for any personal telephone calls and reimburse any work-related costs owed to the County not later than two (2) working days after the employee's last work day. In the event the employee fails to comply with this requirement, the County may deduct the costs and/or value of the unreturned property and equipment from the employee's final paycheck in compliance with State and Federal laws.

## **Chapter 9 Leaves of Absence**

### **9.1 Guidelines**

An employee requesting a leave of absence with or without pay must present the request in writing thirty days prior to commencement of leave or as soon as practicable. Approval will be granted or denied by the employee's department director and/or division manager. Leave requests must be sent to the Director of Human Resources along with a personnel action request form. Requests for such leave must be made far enough in advance to allow time to carry out this procedure. If an employee has accumulated sick time, vacation time and/or compensatory time, the County requires the employee to use the appropriate paid time and/or compensatory time first and to take the remainder of the leave period as unpaid leave unless otherwise mandated by State or Federal law.

It is the policy of the County to permit employees to be absent from work on an authorized short term or long-term absence. A short-term absence is generally two work weeks or less. Absences longer than two weeks must be converted to a long-term leave of absence (excluding vacation time) requiring the use of a personnel action request form designating leave type. An employee on leave for more than fourteen (14) consecutive calendar days will not accrue vacation time or sick time during that leave of absence. These accruals will resume when the employee returns to work.

An employee may not work in any capacity for any other employer, or be self-employed, or work as an independent contractor during his/her leave of absence without prior written approval of the County Administrator. If working at the pleasure of an elected or appointed official, prior written approval must be obtained from the elected or appointed official. Failure to comply with this provision may result in disciplinary action up to and including termination of employment.

An employee who does not return from any leave of absence the next scheduled workday after the leave expires or who does not provide a certification from a licensed physician or qualified medical provider extending the leave will be considered to have voluntarily resigned, absent extenuating circumstances as determined by the Director of Human Resources.

### **9.2 Benefits While On Leave**

An employee is not paid during any period of absence covered by this policy (except to the extent accrued paid time is substituted for unpaid FMLA leave). Insurance benefits are addressed in each leave section. If the County changes its group health care plan or adopts a new health care plan, an employee on leave will be entitled to the new or changed plan or benefits on the same terms as if he/she were not on leave. If an employee on leave under this policy chooses not to continue group health coverage during the leave, then upon return from leave, the employee will be reinstated to group health coverage under the current plan year's terms. Plans cannot be changed during the plan year.

If an employee on leave fails to return to work after the leave expires, and the County paid part or all of a health care premium that was required to be paid by an employee on leave, the County is entitled to recover the employee's share and the County's share of such premium unless the reason the employee fails to return is because of:

- (1) The continuation, recurrence, or onset of a serious health condition or disability that would

entitle the employee to leave under this policy.

- (2) Other circumstances beyond the employee's control.

When an employee fails to return to work because of the continuation, recurrence, or onset of a serious health condition or disability that would entitle the employee to leave under this policy, the County may require medical certification of such continuation, recurrence or onset.

To the extent the County's group health care plan requires participants to pay some of their health insurance premiums, an employee on leave under this policy who chooses to continue his/her coverage under the County's group health plan (whether single or family) must continue to pay the employee share of premiums. The employee must pay the same share of premiums for such coverage that he/she would be required to pay if he/she were not on leave. Payments shall be made on the same due dates that would be applicable if he/she were not on leave.

- a) If employees have accrued leave time available, they must utilize their accruals during the leave period. Sick time is only available for leaves that meet the guidelines of Section 8.9. If leave taken under this policy is substituted paid time, the employee's share of insurance premiums will be paid using regular payroll deductions. If an employee is out sick, they must use sick time. Once sick time is exhausted, they must use vacation time or compensatory time. If an employee is out on leave that does not meet the definition of Section 8.9, the employee must exhaust vacation time and available compensatory time prior to taking time off without pay unless otherwise mandated by State or Federal law.
- b) If payment of the employee's share of premiums is not received within 30 days of the due date, the County reserves the right to cancel the employee's health insurance coverage. At least 15 days prior to cancellation, the County will notify the employee in writing that coverage will be canceled on a specific date unless payment is received by that date.
- c) After a leave of absence for more than fourteen (14) consecutive calendar days, an employee will not continue to accrue vacation time or sick time.

### 9.3 Administrative Leave of Absence

Administrative leave is employer directed and must be approved by the department director and the County Administrator/designee or elected/appointed official. Administrative leave is a temporary leave from a job assignment with or without pay and/or benefits.

Administrative leave with pay is not to exceed one month. Administrative leave without pay is not to exceed three months.

#### Insurance

An administrative leave without pay is a reduction of hours that results in a loss of eligibility for group health insurance benefits after one month of continuous absence. Employees on administrative leave without pay and on the County's group health insurance programs will receive notice of their rights under COBRA to continue and pay for their group health insurance benefits.

#### Holidays

If a holiday falls within the period an employee is on administrative leave without pay, the

employee will not receive holiday pay.

Failure to Return to Work

If an employee does not return to work on the originally-scheduled return date the employee may be deemed to have voluntarily resigned their employment with the County.

Reinstatement

Unless otherwise required by law, the County will make a reasonable effort to return an employee to the same or similar job and at the same rate of pay held prior to their leave of absence, subject to any operational requirements that may exist.

## 9.4 Family and Medical Leave “FMLA” of Absence

Employees may be entitled to a leave of absence under the Family and Medical Leave Act (FMLA). This policy provides employees information concerning FMLA entitlements and obligations employees may have during such leaves. If employees have any questions concerning FMLA leave, they should contact the Director of Human Resources or designee.

### **Employees Eligible for FMLA Leave**

FMLA leave is available to “eligible employees”. To be an “eligible employee”, an employee must:

- (a) have been employed by the County for at least 12 months (which need not be consecutive);
- (b) have been employed by the County for at least 1250 hours of service during the 12 month period immediately preceding the commencement of the leave; and (3) be employed at a worksite where 50 or more employees are located within 75 miles of the worksite.

### **Employee Entitlements for FMLA Leave**

As described below, the FMLA provides eligible employees with a right to leave, health insurance benefits and, with some limited exceptions, job restoration.

#### (a) Basic FMLA Leave Entitlement

The FMLA provides eligible employees up to 12 workweeks of unpaid leave for certain family and medical reasons during a 12 month period. The 12 month period is determined on a rolling calendar year measured back from the time the employee requests leave. Leave may be taken for any one, or for a combination, of the following reasons:

- To care for the employee’s child after birth, or placement for adoption or foster care;
- To care for the employee’s spouse, son, daughter or parent (but not in-law) who has a **serious health condition**;
- For the employee’s own **serious health condition** (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee’s job; and/or
- Because of any **qualifying exigency** arising out of the fact that an employee’s spouse, son, daughter or parent is a military member on covered active duty or call to covered active duty

status (or has been notified of an impending call or order to covered active duty) in the Reserve component of the Armed Forces for deployment to a foreign country in support of a contingency operation or Regular Armed Forces for deployment to a foreign country.

A **serious health condition** is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

**Qualifying exigencies** may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty and attending post-deployment reintegration briefings.

(b) Additional Military Family Leave Entitlement (Injured Servicemember Leave)

In addition to the basic FMLA leave entitlement discussed above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a **covered servicemember** is entitled to take up 26 weeks of leave during a single 12-month period to care for the servicemember with a serious injury or illness. Leave to care for a servicemember shall only be available during a single-12 month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured servicemember.

A "**covered servicemember**" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is on the temporary retired list, for a serious injury or illness. These individuals are referred to in this policy as "current members of the Armed Forces." Covered servicemembers also includes a veteran who is discharged or released from military service under conditions other than dishonorable at anytime during the five (5) year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. These individuals are referred to in this policy as "covered veterans."

The FMLA definitions of a "serious injury or illness" for current Armed Forces members and covered veterans are distinct from the FMLA definition of "serious health condition" applicable to FMLA leave to care for a covered family member.

(c) Intermittent Leave and Reduced Leave Schedules

FMLA leave usually will be taken for a period of consecutive days, weeks or months. However, employees also are entitled to take FMLA leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the employee or covered family member or the serious injury or illness of a covered servicemember. Qualifying exigency leave also may be taken on an intermittent basis.



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### (d) Protection of Group Health Insurance Benefits

During FMLA leave, eligible employees are entitled to receive group health plan coverage on the same terms and conditions as if they had continued to work.

### (e) Restoration of Employment and Benefits

At the end of FMLA leave, subject to some exceptions including situations where job restoration of “key employees” will cause the County substantial and grievous economic injury, employees generally have a right to return to the same or equivalent positions with equivalent pay, benefits and other employment terms. The County will notify employees if they qualify as “key employees”, if it intends to deny reinstatement, and of their rights in such instances. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible employee’s FMLA leave.

### (f) Notice of Eligibility for, and Designation of, FMLA Leave

Employees requesting FMLA leave are entitled to receive written notice from the County telling them whether they are eligible for FMLA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA leave, employees are entitled to receive written notice of: 1) their rights and responsibilities in connection with such leave; 2) the County’s designation of leave as FMLA-qualifying or non-qualifying, if not FMLA-qualifying, the reasons why; and 3) the amount of leave, if known, that will be counted against the employee’s leave entitlement.

The County may retroactively designate leave as FMLA leave with appropriate written notice to employees provided the County’s failure to designate leave as FMLA-qualifying at an earlier date did not cause harm or injury to the employee. In all cases where leaves qualify for FMLA protection, the County and employee can mutually agree that leave be retroactively designated as FMLA leave.

### (g) Spousal Leave Limitations

If the employee’s spouse also works for the County and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent “in-law”) with a serious health condition, the employee and spouse may only take a combined total of 12 weeks of leave. If the employee’s spouse also works for the County and each wishes to take leave to care for a covered injured or ill servicemember, the employee and spouse may only take a combined total of 26 weeks of leave.

## **Employee FMLA Leave Obligations**

### (a) Provide Notice of the Need for Leave

Employees who take FMLA leave must timely notify the County of their need for FMLA leave. The following describes the content and timing of such employee notices.

### (b) Content of Employee Notice

To trigger FMLA leave protections, employees must inform the department manager of the need for FMLA-qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA leave specifically, or explaining the reasons for

leave so as to allow the County to determine that the leave is FMLA-qualifying. For example, employees might explain that:

- a medical condition renders them unable to perform the functions of their job;
- they are pregnant or have been hospitalized overnight;
- they or a covered family member are under the continuing care of a health care provider;
- the leave is due to a qualifying exigency caused by a military member being on covered active duty or called to covered active duty status to a foreign country; or
- if the leave is for a family member, that the condition renders the family member unable to perform daily activities or that the family member is a covered servicemember with a serious injury or illness.

Calling in “sick,” without providing the reasons for the needed leave, will not be considered sufficient notice for FMLA leave under this policy. Employees must respond to the County’s questions to determine if absences are potentially FMLA-qualifying.

If employees fail to explain the reasons for FMLA leave, the leave may be denied. When employees seek leave due to FMLA-qualifying reasons for which the County has previously provided FMLA-protected leave, they must specifically reference the qualifying reason for the leave or the need for FMLA leave.

(c) Timing of Employee Notice

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, or the approximate timing of the need for leave is not foreseeable, employees must provide the County notice of the need for leave as soon as practicable under the facts and circumstances of the particular case. Employees who fail to give 30 days notice for foreseeable leave without a reasonable excuse for the delay, or otherwise fail to satisfy FMLA notice obligations, may have FMLA leave delayed or denied.

(d) Cooperate in the Scheduling of Planned Medical Treatment (Including Accepting Transfers To Alternative Positions) and Intermittent Leave or Reduced Leave Schedules

When planning medical treatment, employees must consult with the County and make a reasonable effort to schedule treatment so as not to unduly disrupt the County’s operations, subject to the approval of an employee’s health care provider. Employees must consult with the County prior to the scheduling of treatment to work out a treatment schedule which best suits the needs of both the County and the employees, subject to the approval of an employee’s health care provider. If employees providing notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglect to fulfill this obligation, the County may require employees to attempt to make such arrangements, subject to the approval of the employee’s health care provider.

When employees take intermittent or reduced work schedule leave for foreseeable planned medical treatment for the employee or a family member, including during a period of recovery from a serious health condition or to care for a covered servicemember, the County may temporarily transfer employees, during the period that the intermittent or reduced leave schedules are required, to alternative positions with equivalent pay and benefits for which the employees are qualified and which better accommodate recurring periods of leave.

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When employees seek intermittent leave or a reduced leave schedule for reasons unrelated to the planning of medical treatment, upon request, employees must advise the County of the reason why such leave is medically necessary. In such instances, the County and employee shall attempt to work out a leave schedule that meets the employee's needs without unduly disrupting the County's operations, subject to the approval of the employee's health care provider.

- (e) Submit Medical Certifications Supporting Need for FMLA Leave (Unrelated to Requests for Military Family Leave)

Depending on the nature of FMLA leave sought, employees may be required to submit medical certifications supporting their need for FMLA-qualifying leave. As described below, there generally are three types of FMLA medical certifications: an **initial certification**, a **recertification**, and a **return to work/fitness for duty certification**.

It is the employee's responsibility to provide the County with timely, complete and sufficient medical certifications. Whenever the County requests employees to provide FMLA medical certifications, employees must provide the requested certifications within 15 calendar days after the County's request, unless it is not practicable to do so despite an employee's diligent, good faith efforts. The County will inform employees if submitted medical certifications are incomplete or insufficient and provide employees at least seven calendar days to cure deficiencies. The County will deny FMLA leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications.

With the employee's permission, the County (through individuals other than an employee's direct supervisor) may contact the employee's health care provider to authenticate or clarify completed and sufficient medical certifications. If employees choose not to provide the County with authorization allowing it to clarify or authenticate certifications with health care providers, the County may deny FMLA leave if certifications are unclear.

Whenever the County deems it appropriate to do so, it may waive its right to receive timely, complete and/or sufficient FMLA medical certifications.

- (f) Initial Medical Certifications

Employees requesting leave because of their own, or a covered relation's, serious health condition, or to care for a covered servicemember, must supply medical certification supporting the need for such leave from their health care provider or, if applicable, the health care provider of their covered family or servicemember. If employees provide at least 30 days notice of medical leave, they should submit the medical certification before leave begins. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year.

If the County has reason to doubt initial medical certifications, it may require employees to obtain a second opinion at the County's expense. If the opinions of the initial and second health care providers differ, the County may, at its expense, require employees to obtain a third, final and binding certification from a health care provider designated or approved jointly by the County and the employee.

- (g) Medical Recertifications

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Depending on the circumstances and duration of FMLA leave, the County may require employees to provide recertification of medical conditions giving rise to the need for leave. The County will notify employees if recertification is required and will give employees at least 15 calendar days to provide medical recertification.

### (h) Return to Work/Fitness for Duty Medical Certifications

Unless notified that providing such certifications is not necessary, employees returning to work from FMLA leaves that were taken because of their own serious health conditions that made them unable to perform their jobs must provide the County medical certification confirming they are able to return to work and the employees' ability to perform the essential functions of the employees' position, with or without reasonable accommodation. The County may delay and/or deny job restoration until employees provide return to work/fitness for duty certifications.

### (i) Submit Certifications Supporting Need for Military Family Leave

Upon request, the first time employees seeking leave due to qualifying exigencies arising out of the covered active duty or call to covered active duty status of a military member, the County may require employees to provide: 1) a copy of the military member's active duty orders or other documentation issued by the military indicating the military member is on covered active duty or call to active duty status and the dates of the military member's covered active duty service; and 2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. Employees shall provide a copy of new active duty orders or other documentation issued by the military for leaves arising out of qualifying exigencies arising out of a different covered active duty or call to covered active duty status of the same or a different military member.

When leave is taken to care for a covered servicemember with a serious injury or illness, the County may require employees to obtain certifications completed by an authorized health care provider of the covered servicemember. In addition, and in accordance with the FMLA regulations, the County may request that the certification submitted by employees set forth additional information provided by the employee and/or the covered servicemember confirming entitlement to such leave.

### (j) Substitute Paid Leave for Unpaid FMLA Leave

Employees must use any accrued paid time off, including vacation and sick leave, while taking unpaid FMLA leave. The substitution of paid time for unpaid FMLA leave time does not extend the length of FMLA leaves and the paid time will run concurrently with an employee's FMLA entitlement.

Leaves of absence taken in connection with a disability leave plan or workers' compensation injury/illness shall run concurrently with any FMLA leave entitlement. Upon written request, the County will allow employees to use accrued paid time off, including vacation and sick leave, to supplement any paid disability benefits.

### (k) Pay Employee's Share of Health Insurance Premiums

During FMLA leave, employees are entitled to continued group health plan coverage under the same conditions as if they had continued to work. Unless the County notifies employees of other arrangements, whenever employees are receiving pay from the County during FMLA leave, the

County will deduct the employee portion of the group health plan premium from the employee's paycheck in the same manner as if the employee was actively working. If FMLA leave is unpaid, employees must make arrangements with Human Resources to pay their portion of the group health premium. If the employee's premium is more than thirty (30) days late, the applicable coverage may cease without further notice.

The County's obligation to maintain health care coverage ceases if an employee's premium payment is more than 30 days late. If an employee's payment is more than 15 days late, the County will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date. If employees do not return to work within 30 calendar days at the end of the leave period (unless employees cannot return to work because of a serious health condition or other circumstances beyond their control) they will be required to reimburse the County for the cost of the premiums the County paid for maintaining coverage during their unpaid FMLA leave.

(l) Report Periodically Concerning Intent to Return to Work

Employees must contact the County at least every 30 days regarding their status and intention to return to work at the end of the FMLA leave period. If an employee's anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide the County with reasonable notice (i.e., within 2 business days) of the employee's changed circumstances and new return to work date. If employees give the County unequivocal notice of their intent not to return to work, the County's obligation to maintain health benefits (subject to COBRA requirements) and to restore their positions cease.

**Coordination of FMLA Leave with Other Leave Policies**

The FMLA does not affect any federal, state or local law prohibiting discrimination, or supersede any State or local law which provides greater family or medical leave rights. For additional information concerning leave entitlements and obligations that might arise when FMLA leave is either not available or exhausted, please consult the County's other leave policies in this handbook or contact the Human Resources.

**Questions and/or Complaints about FMLA Leave**

If an employee has questions regarding this FMLA policy, Human Resources may be contacted. The County is committed to complying with the FMLA and, whenever necessary, shall interpret and apply this policy in a manner consistent with the FMLA.

The FMLA makes it unlawful for employers to: 1) interfere with, restrain, or deny the exercise of any right provided under FMLA; or 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA.

If employees believe their FMLA rights have been violated, they should contact the Human Resources Department immediately. The County will investigate any FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violation. Employees also may file FMLA complaints with the United States Department of Labor or may bring private lawsuits alleging FMLA violations.

**Additional Definitions:**

**“Spouse”** means a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized.

**“Parent”** means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined in the next paragraph of this section. This term does not include parents “in law.”

**“Son or daughter”** means, for purposes of FMLA leave taken for birth or adoption, or to care for a family member with a serious health condition, a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence. The age when the disability occurs is irrelevant to determine whether an adult son or daughter has a mental or physical disability.

(1) **“Incapable of self-care”** means that the individual requires active assistance or supervision to provide daily self-care in three or more of the “activities of daily living” (ADLs) or “instrumental activities of daily living” (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one’s grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

(2) **“Physical or mental disability”** means a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Regulations at 29 CFR 1630.2(h), (i), and (j), issued by the Equal Employment Opportunity Commission under the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 et seq., define these terms.

(3) Persons who are **“in loco parentis”** include those with day-to-day responsibilities to care for and financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

**“Adoption”** means legally and permanently assuming the responsibility of raising a child as one’s own. The source of an adopted child (e.g., whether from a licensed placement agency or otherwise) is not a factor in determining eligibility for FMLA leave.

**“Foster care”** is 24-hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement between the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care, and involves agreement between the State and foster family that the foster family will take care of the child. Although foster care may be with relatives of the child, State action is involved in the removal of the child from parental custody.

**“Son or daughter on covered active duty or call to covered active duty status”** means the employee’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age.

**“Son or daughter of a covered servicemember”** means the covered servicemember’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the servicemember stood in loco parentis, and who is of any age.

**“Serious injury or illness”** means:

(1) In the case of a **current member of the Armed Forces**, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the covered servicemember in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member’s office, grade, rank or rating; and

(2) In the case of a **covered veteran**, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:

(i) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember’s office, grade, rank, or rating; or

(ii) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

(iii) a physical or mental condition that substantially impairs the covered veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

(iv) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers. [See FMLA Regs. § 825.127(c)(1)(2)]

**“Parent of a covered servicemember”** means a covered servicemember’s biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents “in law.”

**“Next of kin of a covered servicemember”** means the nearest blood relative other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the

covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin.

**"Health Care Provider"** means: (1) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; (2) podiatrists, dentists, clinical psychologists, optometrists, chiropractors (limited treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-Ray to exist) authorized to practice under the State law and performing within the scope of their practice as defined by State law; (3) nurse practitioners, nurse-midwives, clinical social workers and physician assistants authorized under State law and performing within the scope of their practice as defined by State law; (4) Christian Science practitioners (may be required to submit to second or third certification through examination - not treatment of a health care provider); (5) any other health care provider from whom the employer or the employee's group health plan benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and (7) a health care provider who practices in a country other than the United States who is authorized to practice in accordance with the laws of that country and is performing within the scope of his or her practice as defined under such law. For purposes of leave taken to care for a covered servicemember, any one of the following health care providers may complete such a certification: (1) a United States Department of Defense ("DOD") health care provider; (2) a United States Department of Veterans Affairs ("VA") health care provider; (3) a DOD TRICARE network authorized private health care provider; (4) a DOD non-network TRICARE authorized private health care provider; or (5) any "health care provider" as defined in 29 CFR §825.125.

## 9.5 Medical Leave of Absence other than Family and Medical Leave of Absence

If an employee is not eligible for Family and Medical Leave or has exhausted their Family and Medical Leave entitlement, or as otherwise required by law, the County may provide the employee with an unpaid medical leave of absence due to illness or injury.

If an employee is unable to work due to illness or injury, the employee should submit a written request for leave to their department manager as soon as possible. Written requests for leave for elective surgery should be submitted at least 30 days in advance. All leave requests must include a certification from a healthcare provider stating the date on which the condition began or will begin, the probable duration of the leave, a statement that the employee is unable to work at all or are unable to perform one or more of the essential functions of his/her position with or without reasonable accommodation, and the expected date of return to work. The employee also must submit a medical certification from a licensed physician or qualified medical provider establishing his/her continuing need for leave to their supervisor every two weeks during their leave.

An employee must use any accrued paid time off, including vacation time and sick time, during a medical leave under this policy. The substitution of paid leave for unpaid leave will not extend the maximum duration of the employee's leave.

A leave of absence under this policy will typically be for a period of up to six months, unless otherwise required by law. Requests for any extension beyond six months of leave by an employee who is disabled by a medical condition will be evaluated on a case-by-case basis as a possible reasonable accommodation, consistent with applicable federal and state law. An employee requesting an extension of their leave must submit a certification from their healthcare



provider of continued need for medical leave for each extension request. In some cases, the County may ask that the employee provide medical information to the County or a medical professional of its choosing supporting the employee's request for further leave.

Insurance (Job Related)

A current employee, while on job-related disability, will continue to be covered under the health insurance program of the County for up to 12 months at no expense to the employee for his/her portion. The employee will, however, be responsible for paying for covered eligible dependents who are on his/her health insurance plan.

After the twelve-month period has expired, the employee will be subject to COBRA guidelines and will be responsible for all premiums. The County Administrator, based on a recommendation from the employee's department director, may consider an exception to this time limit.

Insurance (Non-Job Related)

A disability leave of absence is a reduction of hours that results in a loss of eligibility for group health insurance benefits after three months of continuous absence. Employees on a disability leave of absence and on the County's group health insurance programs will receive notice of their rights under COBRA to continue and pay for their group health insurance benefits.

Holidays

If a holiday falls within the period an employee is on medical leave, the employee will not receive holiday pay.

Return to Work

When an employee is able to return to work, he/she must give the County at least one (1) week notice of the intent to return by notifying their department in writing and supplying a certification from their healthcare provider stating that the employee is physically able to return to his/her duties with or without accommodation. This notice is important so the employee can properly schedule their return to work.

Failure to Return to Work

If an employee does not return from work on the originally-scheduled return date or request in advance an extension of the agreed upon leave with appropriate medical certification, he/she may be deemed to have voluntarily resigned their employment with the County.

Reinstatement

Unless otherwise required by law, the County will make reasonable efforts to return the employee to the same or similar job and at the same rate of pay held prior to their leave of absence, subject to any operational requirements that may exist.

9.6 **Military Leave of Absence**

An employee of Greenville County who is required to be absent for military duty will be granted leave and reemployment rights as required by, and consistent with, all applicable State and Federal laws. Military leave will be given in accordance with the federal fiscal year, October 1 to September 30 each year.

Short-term Military Leave/Reserve Duty Procedure

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- (a) An employee who is required to report for short-term military leave will be granted such leave without loss of pay, time or efficiency rating for a period not exceeding fifteen (15) work days, 7.5 hours per day for 37.5 hour employees and 8-hour per day for 40 hour employees in any one federal fiscal year.
- (b) Except for activation due to a declared or national emergency, if the active duty or annual training conflicts with an employee's work schedule and arrangements cannot be made to have the work performed by others, the department director may request an exemption or rescheduling of the tour of duty. In the event the exemption or rescheduling cannot be arranged, the department director has no right to deny the request for military leave or veto the timing of the military training.
- (c) In the event an employee is called upon to serve under Title 10 for a declared or national emergency, the employee is entitled to military leave for an additional thirty (30) work days per calendar year without loss of pay, time or efficiency rating.
- (d) Compensation while on military leave shall be paid only for those days the employee would ordinarily have worked and received pay from the County.
- (e) When military leave is requested, the employee must present a copy of the official orders to his/her supervisor. If official orders are not issued (i.e., routinely scheduled weekend reserve duty of less than three (3) days duration), the employee must secure a memorandum signed by an official of the unit accompanied by a calendar identifying the periods of reserve duty.
- (f) When military duty exceeds the paid leave time specified by law, the employee may use earned vacation time. If all paid leave is exhausted before the employee is released from short-term military duty, the employee will be placed on military leave without pay for the remainder of the ninety (90) day period.
- (g) Employees on military leave may retain insurance benefits for themselves and their dependents. The employee or a family member must contact Human Resources for further information on what action must be taken to continue benefits and to determine the amount due the County each month.

### Short Term Military Leave/Reserve Duty Responsibilities

- (a) Employee
  - 1. Submit copies of appropriate military orders along with a "Request for Leave" form to his/her supervisor within five (5) workdays of receipt of orders or official notification.
  - 2. Contact Human Resources to make the necessary arrangements for continuation of insurance benefits.
- (b) Department Directors
  - 1. Forward copies of all military orders to Human Resources. If leave period is longer than two weeks, submit orders with personnel action request form.
  - 2. Ensure time sheets are recorded properly and submitted to the payroll office. Maintain a copy of the military orders with the time sheet.

## 9.7 Personal Leave of Absence

A personal leave of absence without pay may be granted to regular full-time and part-time employees who have completed at least six months of continuous service. Grant, Temporary and Seasonal employees are not eligible for personal leaves of absence. A personal leave of absence may be considered when the employee has a need for a leave that is not covered by other leaves of absence provided by the County. Personal leaves may not be taken to extend the length of any other leave of absence granted by the County.

A written request for a personal leave of absence must be presented to the employee's Department Director at least 30 days before the leave is to begin. The request will be considered on the basis of the compelling nature of the reason given, the length of time requested, the County's business requirements, the employee's length of service and performance record.

The leave of absence, when granted, will be for a period of up to thirty (30) days. Under unusual circumstances, an extension may be granted for a limited period if a written request is submitted and approved in writing by County Administrator prior to the expiration of the leave.

### Insurance

A personal leave of absence is a reduction of hours that results in a loss of eligibility for group health insurance benefits after one month of continuous absence. Employees who take a personal leave of absence and participate in the County's group health insurance programs will receive notice of their rights under COBRA to pay for and continue their group health insurance benefits.

### Holidays

If a holiday falls within the period an employee is on personal leave, the employee will not receive holiday pay.

### Failure to Return to Work

If an employee does not return from work on the originally-scheduled return date or request in advance an extension of the agreed upon leave with appropriate documentation, he/she may be deemed to have voluntarily resigned their employment with the County.

### Reinstatement

Unless otherwise required by law, the County will make reasonable efforts to return the employee to the same or similar job and at the same rate of pay held prior to their leave of absence, subject to any operational requirements that may exist.

## **Chapter 10 Employee Performance Appraisal Reports**

### **10.1 Performance Appraisal**

All supervisors shall be required to complete an Employee Performance Appraisal Form on each employee (excluding temporary employees) within their department and under their supervision in accordance with a Council approved Compensation Plan, and at such other times as necessary, on forms furnished by Human Resources. The supervisor shall discuss the performance appraisal with the employee in a private interview. If an employee disagrees with the supervisor's evaluation, he/she may attach a statement indicating his/her opinion of the performance appraisal and this shall be placed in his/her personnel file.

### **10.2 Rules of Procedure**

The supervisor shall carefully evaluate each regular employed employee annually and at such times as necessary on forms furnished by Human Resources. A completed copy of the Performance Appraisal Form shall be presented to the employee for his/her review, and the supervisor shall discuss and justify each performance rating with the employee in a private interview. The employee shall be given the opportunity to comment in writing on the evaluation he/she has received and shall thereafter sign his/her name to the Performance Appraisal Form. If the employee disagrees with the supervisor's evaluation, he/she may attach a statement indicating his/her opinion of the performance appraisal. The Performance Appraisal Form shall then be forwarded to the department director and/or division manager who shall review the evaluation and make any written comments he/she deems appropriate.

The department director and/or division manager shall sign and forward the Performance Appraisal Form and any attached statements to Human Resources within ten (10) workdays from the employee's annual review date. Human Resources shall place the Performance Appraisal Form and any attached statements in the employee's personnel file.

A written notice shall be given to each employee stating the reasons for the disciplinary action and the date it is to take effect. The employee must sign the notice with the understanding that his/her signature indicates receipt of the document and does not necessarily indicate his agreement with the contents. The employee may attach his/her own comments. If an employee fails to sign the document by the end of the second full workday, he/she is considered to have resigned without notice.

### **10.3 Performance Appraisal Appeal Process**

When an employee believes that the overall performance rating or particular rating received pursuant to a performance review is unfair, the employee may discuss his/her concerns with the supervisor in an attempt to reach a satisfactory resolution and enter any remarks deemed appropriate in the section provided on the performance review form. If a satisfactory resolution is not reached, an appeal process can be initiated as follows:

#### **Step 1:**

Within three work days after the performance review is conducted, the employee may file a written complaint to his/her department director which states the reason(s) for the appeal; a brief statement of facts; the employee's reason(s) for appealing, with support documentation if

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available; and the recommended resolution to the appeal. The department director will make every effort to resolve the appeal within ten workdays of the date of receipt of the appeal. The department director will send a written response to the employee making the appeal on or before the tenth day.

### Step 2:

If the appeal cannot be resolved within ten workdays, the employee has three (3) workdays from the receipt date of the written response from the department director to file an appeal to the Director of Human Resources. The Director of Human Resources will review the information from the documentation submitted by both parties and work to resolve the appeal within ten (10) workdays from the day the appeal is received by Human Resources. The decision of the Director of Human Resources is final.

It is the policy of Greenville County to provide employees with an easily accessible procedure for expressing dissatisfaction and to foster sound employee/supervisor relations through communication and ultimate reconciliation of work related issues.

## **Chapter 11      Safety**

### **11.1    Safety**

The County of Greenville strives to provide employees with safe working conditions and a safe work environment. This can be accomplished through the use of safety equipment, proper job instruction, frequent review of safe work practices, adequate supervision and conscious application of safe work practices by the employee.

Every employee is expected to think and practice safety at all times. Employees are required to follow general safety policies and departmental safety practices and procedures as described in the County safety manual.

Each employee shall:

- Promptly report any faulty equipment, unsafe practices and/or unsafe conditions to his/her supervisor.
- Keep work areas clean and orderly.
- Report any accident to his/her supervisor within 30 minutes or as soon as physically possible.

In addition, each employee working at hazardous jobs shall:

- Obey all safety rules and follow work directions. If there is any doubt about the safety of accomplishing the work, he/she is to stop and get instructions from his/her supervisor before continuing the work.
- Operate only the machinery or equipment that he/she has been authorized to operate by his/her supervisor.
- Use only the prescribed equipment for the job and use the equipment properly.
- Wear the required personal protective equipment (PPE) and clothing, and take the required safety measures when working in hazardous operational areas.

## **Chapter 12      Alternative Process for the Reconciliation of Disputes, Demotions, Disciplinary Actions and Grievances**

### **12.1      Alternative Process for the Reconciliation of Disputes**

12.1.1 An alternative process for reconciliation to resolve disputes is defined as an agreement between any manager, supervisor and subordinate to handle the issue without using the formal grievance procedure.

12.1.2 The purpose of this policy is to foster and facilitate sound employee/supervisor relations by encouraging communication and ultimate reconciliation of conflicts arising within and about work-related matters. As such, the policy is an alternative to grievances and disciplinary actions and is based on the mutual agreement of the parties. As a process, the parties come together at a structured but informal setting in the presence of a neutral party to discuss the facts of the dispute, the mission of the department, and the important role that each individual plays in making County government operate effectively.

12.1.3 Reconciliation meetings shall be held according to the following guidelines:

- (a) Both parties must agree to the process
- (b) Either party may request the alternative reconciliation process
- (c) All requests shall be coordinated by the Director of Human Resources
- (d) The County Administrator or his/her appointee shall serve as the neutral party
- (e) The neutral party's role is to keep the parties focused on the relevant issues and to assist in evaluating the issues considering the evidence available
- (f) A simple reconciliation agreement shall be prepared by the neutral party and then agreed to, in writing, by both parties before becoming effective
- (g) Individual conduct is to remain respectful and professional at all times

12.1.4 The first meeting's agenda will be as follows:

- (a) The employee requesting reconciliation opens discussion with a statement of the disputed issues from that employee's perspective and that employee's expectations of the reconciliation process
- (b) Management provides its statement of the disputed issues and expectations of the reconciliation process
- (c) Open discussion then takes place to find an appropriate strategy to achieve a long-term solution.

12.1.5 The role of the Director of Human Resources is to provide quality technical advice, assist as needed, and ensure that any long-term solution is consistent with County policy.

12.1.6 If an agreement is not reached between the manager/supervisor and subordinate, the employee may proceed with the grievance process as outlined in Section 12.4. The time for seeking a grievance hearing begins after the breakdown of the negotiations in this Alternative Process.

### **12.2      Demotions**

12.2.1 As part of any disciplinary action, a department director and/or division manager may reduce the salary of an employee within the range provided in the County's classification and compensation

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plan or demote the employee to a lower grade, subject to the approval of the Director of Human Resources. The reasons for such action shall be furnished in writing to the affected employee by his/her department director and/or division manager.

12.2.2 In the cases of demotion, salary adjustments shall be made in accordance with the approved Compensation and Classification Plan in place.

12.2.3 Regular full-time employees that are demoted may appeal the action in accordance with the procedure set forth in this chapter.

### 12.3 Disciplinary Actions

12.3.1 The County expects its employees to observe “common sense” rules of honesty, good conduct, general job interest, safe practices, and to adhere to generally accepted business manners and customs. It is difficult, if not impossible, to categorize all types of prohibited conduct. This list simply purports to identify prohibited conduct that is most common in the workplace. It is not intended to be all-inclusive.

- a. Possession of unauthorized property.
- b. Reporting to work under the influence of alcohol or drugs, or possession or use of alcoholic beverages, intoxicants of any kind, or illegal drugs on County premises or County work sites during County work hours.
- c. Falsifying records.
- d. Possession of unauthorized firearms, dangerous weapons, explosives, etc. on County premises.
- e. Obtaining or conveying, without proper authority, confidential information about County operations.
- f. Failure to perform satisfactorily during the introductory period of employment.
- g. Failure to report to work for three consecutive working days without notifying the County of the circumstances.
- h. Conviction of or plea of guilty or no contest to a charge of theft, violation of drug laws, sexual misconduct, offense involving moral turpitude or offense which, in the County's opinion, affects the County's reputation.
- i. Fighting on County property.
- j. Gambling on County property.
- k. Damage or destruction of County Property.
- l. Failing to follow safety rules and regulations.
- m. Insubordination to County supervisor or officials.
- n. Unauthorized sleeping on the job.
- o. Refusal to perform assigned duties or to obey work-related instructions.
- p. Immoral or indecent conduct on County property.
- q. Harassment of employees and/or public.
- r. Conduct unbecoming a County employee.
- s. Misuse of County funds.
- t. Participation in any action that would in any way seriously disrupt or disturb the normal operation of the County or any segment of County government.
- u. Loss of any necessary license, certification or other job requirement.
- v. Loafing or neglecting work.
- w. Leaving job without permission.
- x. Unauthorized, negligent, careless or improper use of County machines, tools, vehicles or equipment.



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- y. Unauthorized posting of materials or defacing materials on County bulletin boards.
- z. Violation of no-solicitation/distribution policy.
- aa. Failing to report accidents or injuries or having excessive accident record.
- ab. Inefficiency or incompetence in the performance of duties.
- ac. Smoking in unauthorized areas.
- ad. Failing to do acceptable quantity and/or quality work.
- ae. Horseplay.
- af. Taking excessive or unauthorized breaks.
- ag. Waste of materials or supplies.
- ah. Unauthorized starting or stopping work early.
- ai. Unauthorized absence from work or excessive absences.
- aj. Tardiness.
- ak. Failure to maintain satisfactory and harmonious working relationship with the public and employees.
- al. Threats against an employee, including "joking" threats.
- am. Indecent exposure.
- an. Gross misconduct.

12.3.2 In the event it becomes necessary to discipline an employee, one or more of the following types of discipline may occur:

- a. Verbal warning
- b. Written warning
- c. Final written warning
- d. Corrective action period
- e. Demotion
- f. Suspension
- g. Termination

Note: Employees terminated for gross misconduct will not be eligible for the compensation of accumulated vacation time or for COBRA insurance.

While the circumstances of a particular case can result in termination for the first offense, other cases may result in another one of the forms of discipline listed above. Normally, if a problem develops the employee's supervisor will attempt to correct it with a verbal warning. If improvement is not made, or if the offense is more serious, a written warning can result. If disciplinary problems continue, or if the County believes more serious discipline is necessary, the employee may be given a final written warning and/or be suspended. Any of these forms of discipline can be applied or omitted at management's discretion depending on the circumstances, and particular forms of discipline may be repeated if necessary. **THIS IN NO WAY IMPLIES ANY CONTRACTUAL OBLIGATION TO FOLLOW ANY CERTAIN PROCEDURE.**

12.3.3 A written notice shall be given to each employee stating the reasons for the disciplinary action and the date it is to take effect. **The employee must sign the notice** with the understanding that his/her signature indicates receipt of the document and does not necessarily indicate his agreement with the contents. The employee may attach his/her own comments. If an employee fails to sign the document by the end of the second full workday, he/she is considered to have resigned without notice.

12.3.4 All instances of misconduct will be handled on a case-by-case basis. This disciplinary procedure is not intended to create a contract between Greenville County and any employee.

## 12.4 Grievances

A grievance is defined as a complaint by a regular County employee (full-time or part-time, but not temporary employee) that he/she has been treated unfairly, unlawfully or in violation of his/her individual rights under County, State, or Federal laws. Grievances may include, but shall not necessarily be limited to: dismissals, suspensions, involuntary transfers, promotions and demotions. Suspensions or terminations for off-duty gross misconduct unbecoming of a County employee are ineligible for consideration under the grievance procedure. Likewise, compensation (except as it may apply to alleged inequities within a department), classification of positions, and performance appraisals shall not be deemed proper subjects for consideration under the grievance procedure.

Any questions concerning whether an employee's complaint is grievable in accordance with this chapter shall be determined by the County Administrator and the Director of Human Resources. Department directors and supervisors are responsible for making certain that employees under their jurisdiction have knowledge of and understand the grievance procedure and that employees feel free to use the procedure without fear of criticism or retaliation taken against them affecting their job security, compensation progression opportunity or chance for job advancement.

This procedure provides a process by which a covered employee can seek prompt and impartial consideration of grievable matters. Time frames in the grievance process may be extended by written agreement of all parties. Non-compliance with established procedures, including adherence to time frames, will result in the following:

- (a) If the employee fails to comply, the action taken by management may be upheld and the matter considered settled.
- (b) If the supervisor, department head or Human Resources fails to comply, the grievant may proceed to the next step in the process.

In order for the grievant to comply within the time frames of this procedure, the request or information must be received by the appropriate parties within the specified time/date guidelines. If the grievant does not conform to the time frames of this procedure at any point, the grievance may be considered abandoned and management's decision upheld.

The County shall notify the grievant via regular mail, and/or certified mail, and/or e-mail to the address provided by the grievant in a timely manner so the grievant may reasonably be expected to receive grievance information within the time frames indicated.

An employee may have the assistance of the Director of Human Resources or designee in preparing and processing a grievance at any step.

All persons involved shall treat grievance information or testimony in a most discreet and confidential manner.

### 12.4.1 Initial Resolution Process Responsibilities and Procedures

- (a) Employee
  - 1. Make every effort to resolve a potential grievance by discussion with the supervisor(s) taking the action. If the problem cannot be resolved within five (5)

work days following the effective date of the action giving rise to the potential grievance, the employee must submit a signed written request for resolution\* to the department head within the next five (5) work days and send a copy to the Director of Human Resources.

NOTE: \*A signed written request for resolution should contain:

- the action that the employee is disputing.
- brief statement of facts.
- the employee's reason for appealing, with supporting documentation if available.
- the relief the employee is seeking.
- if appropriate, written statements from witnesses having direct knowledge of the incident or action being appealed.

(b) Department Director

1. Attempt to reach a satisfactory resolution so that employee disputes may be settled within the department.
2. Render a decision to the employee in writing within ten (10) workdays from receipt of the request for resolution.
3. Refer all documentation to the Director of Human Resources (or designee).

#### 12.4.2 Appeals Process Responsibilities and Procedures

(a) Employee

1. If the employee is not satisfied with the department director's decision, or if the employee has not received a response from the department director, he/she may, within three (3) workdays of that decision or decision's due date, request in writing to the department director that a Grievance Committee Hearing Panel review the matter.

(b) Department Director

1. Refer the employee's request in writing to the Director of Human Resources within three (3) workdays of receipt.

NOTE: The written referral should include:

- an explanation from the department director of the inability to satisfactorily resolve the problem.
- the employee's original request for resolution with supporting documentation.
- specific reference to appropriate County and/or department policy which may have been violated.
- a copy of all other records and documents pertaining to the issue.
- if appropriate, written statements from witnesses having direct knowledge of the incident or action under appeal.

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- (c) Director of Human Resources (or designee)
  - 1. Schedule a date for a grievance hearing within ten (10) workdays of receipt of the grievance. A scheduled date may be subject to change due to an emergency as determined by Human Resources.  

NOTE: The grievance hearing does not need to take place within ten (10) workdays, but has to be scheduled within ten (10) workdays.
  - 2. Provide reasonable assistance and advice to both the grievant and the department, if requested.
- (d) County Attorney
  - 1. Offer advice to the County Administrator or the Director of Human Resources concerning whether an employee is covered by the grievance procedure or whether a matter is grievable under the provisions of this procedure or whether established grievance procedures have been followed.

12.4.3 Grievance Responsibilities and Procedures

- (a) The Grievance Committee Hearing Panel shall be composed of five (5) members: three non-management and two management and two (2) alternates from a pool of at least fifteen (15) County employees who have received grievance training. The Director of Human Resources will select the pool from candidates recommended by department heads and approved by County Council. The Grievance Committee members will serve for a period of three (3) years with staggered terms so that one-third (1/3) of the membership terms will expire each year. Any interim appointments to fill a vacancy, which occurs prior to the completion of a term, will be for the remainder of the unexpired term.

Prior to each grievance hearing, the Grievance Committee Hearing Panel will select its own chairperson from among its members. A chairperson must have previous grievance hearing experience. The County Attorney will assign an attorney to serve as counsel to the Grievance Committee Hearing Panel.

- (b) Director of Human Resources (or designee)
  - 1. Notify the grievant, his/her respective department head and the Grievance Committee Hearing Panel in writing of the date, time, and location of the hearing.
  - 2. Ensure that panel members have no prior involvement in the grievance and that they are not in the same department as the employee requesting the review.
  - 3. Promptly select an alternate member should the grievant strike one (1) of the committee members.
  - 4. Secure the services of a recording secretary for the hearing.
- (c) Employee

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1. Advise, in writing, the Director of Human Resources (or designee) within three (3) workdays upon notification of the scheduled hearing, if he/she elects to strike one (1) of the members from the panel or wishes to be represented by an advisor or attorney at the grievance hearing. The employee shall provide the name of his/her advisor or attorney at this time.

NOTE: If timely notification(s) is not given, no one will be struck from the panel and the grievant will not be able to be represented by an advisor or attorney at the grievance hearing.

2. Advise the Director of Human Resources (or designee) within three (3) workdays upon notification of the scheduled hearing, if he/she desires to have witnesses present at the grievance hearing. The employee shall provide the names of witnesses at this time.

NOTE: If timely notification is not given, the grievant will not be able to have witnesses present at the grievance hearing.

(d) Department Director

1. Advise, in writing, the Director of Human Resources (or designee) within three (3) workdays upon notification of the scheduled hearing, if he/she elects to strike one (1) of the members from the panel.

NOTE: If timely notification(s) is not given, no one will be struck from the panel.

2. Advise the Director of Human Resources (or designee) within three (3) workdays upon notification of the scheduled hearing, if he/she desires to have witnesses present at the grievance hearing. The Department Director shall provide the names of witnesses at this time.

NOTE: If timely notification is not given, the Department Director will not be able to have witnesses present at the grievance hearing.

(e) Grievance Committee Hearing Panel Attorney

1. At the panel's request:
  - a. Assist the panel in preparation for the hearing and its findings and recommendations.
  - b. Assist the panel during the hearing.
  - c. Be present during the panel's deliberation for the purpose of rendering legal advice regarding the decision.

12.4.4 Hearing and Review Responsibilities and Procedures

- (a) Grievance hearings are a part of an internal administrative process. Other than the principals involved, attendance is usually limited to the called witnesses, the members of the panel, the Grievance Committee Hearing Panel's attorney, a representative from Human Resources, the Director of Human Resources and a recording secretary. All

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hearings shall be held in executive session. The official tape and written record of all hearings shall be subject to the control and disposition by the Director of Human Resources.

Either party may not raise new grievance issues that were not raised in the initial resolution process with the Department Director.

- (b) The chairperson selected by the Grievance Committee Hearing Panel shall serve as the presiding officer at the hearing. The Grievance Committee Hearing Panel shall have the authority to call for files, records and other relevant documents; to determine the order of testimony and appearance of witnesses; and to call additional witnesses. Witnesses for management and the grievant shall be sequestered until such time as they are called upon to give testimony.
- (c) If an attorney represents the employee, then an attorney may also represent the department. The Grievance Committee Hearing Panel shall have an attorney available to it at any and all times it considers necessary.
- (d) The Director of Human Resources (or designee)
  - 1. Provide members of the Grievance Committee Hearing Panel, chosen for a grievance hearing, all written documentation at least three (3) work days prior to the hearing.
  - 2. Ensure that an official record is made of the hearing.
  - 3. Provide reasonable accommodation to assist a disabled employee who is involved in the grievance process.
- (e) Grievance Committee Hearing Panel
  - 1. Hear the grievance within thirty (30) calendar days of notification by the Director of Human Resources (or designee).
  - 2. Ensure an equitable, orderly, and expeditious hearing. An official verbatim transcript will be provided if requested prior to the grievance, provided the cost of such a transcript is borne by the requesting individual (grievant or management).
  - 3. Within ten (10) working days after the hearing, submit its findings and recommendation to the County Administrator or the appropriate appointed or elected official and to the Director of Human Resources. Upon request of the Grievance Committee Hearing Panel chairperson or the Hearing Panel's attorney, the County Administrator may extend the deadline for the submission of the findings and recommendations.
  - 4. Notify the grievant and department director that the final decision will be made by the County Administrator or the appropriate appointed or elected official within ten (10) workdays of receiving the recommendation of the Grievance Committee Hearing Panel.
- (f) County Administrator (or appropriate appointed or elected official)

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1. Review all submitted records, findings, and recommendations of the Grievance Committee Hearing Panel. After review, the County Administrator or appropriate appointed or elected official shall make his/her own decision without further hearing and that decision shall be final.

Note: When the grievant is an employee of an appointed or elected official, the appointed or elected official, not the County Administrator, will make the final decision regarding the appeal.

2. Notify the chairperson of the Grievance Committee Hearing Panel and the Director of Human Resources of the final decision.
3. Notify grievant and the department director of the final decision within ten (10) workdays of receiving the recommendation of the Grievance Committee Hearing Panel.

Note: **Nothing in this grievance procedure creates a property interest in employment or a contract of employment, nor does this procedure limit the authority of the County or an appointed or elected official to terminate any employee when the County or respective appointed or elected official considers such action to be necessary for the good of the County.**

## **Chapter 13      Exit Interviews, Reductions in Force, Resignation and Retirement**

### **13.1      Exit Interview**

13.1.1 Anytime an employee terminates employment with the County, whether such termination is by retirement, resignation, or otherwise, the department should schedule an exit interview for the employee with Human Resources. All employees are encouraged to participate in an exit interview. The exit interview in no way affects any monies or benefits due to the employee by virtue of the separation. Human Resources will compile and forward exit interviews to the department director and/or elected/appointed official on a quarterly basis. Terminating employees shall be informed of their COBRA rights.

13.1.2 During the course of the exit Interview, the employee is encouraged to provide input into matters directly associated with his/her employment with the County of Greenville, such as:

- (a) County policies/practices
- (b) Compensation
- (c) Department/division operations
- (d) Co-workers
- (e) General suggestions as to how to improve the delivery of services to both the employees and the citizen
- (f) Job satisfaction
- (g) Personnel matters
- (h) The employee's impression of the supervision received
- (i) Training received, both internal and external
- (j) Work conditions
- (k) Work incentives

### **13.2      Reductions in Force**

13.2.1 A department director and/or division manager with the approval of the County Administrator may lay off an employee when he/she deems it necessary because of shortage of work or funds, the elimination of the position, material change in the duties or organization, or for other related reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee.

13.2.2 Employees scheduled to be separated under a Reduction in Force (RIF) will be separated into job classification, appointment type, regular part-time or regular full-time, and job performance. All employees in the same classification will be reviewed to see which employees will be separated. Regular full-time employees will receive priority over regular part-time employees. Job performance will be the criteria used when identifying employees for separation. Employees with evaluations below expectation for the last two (2) years will be prioritized first for separation from employment, followed by those who meet expectations, and then followed by those who exceed expectations. Any disciplinary action will be considered along with performance appraisals. Employees that volunteer to be separated under the Reduction in Force shall submit a written request to their department director.

Under no circumstances may any of the following factors be considered in the Reduction in Force decision: race, color, religion, national origin, gender, age, disability or veteran status, citizenship



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or eligibility for retirement.

The RIF plan shall be submitted to the Director of Human Resources for review. Once the plan has been reviewed, it shall be submitted to the County Administrator or elected/appointed official as appropriate for final approval. Human Resources will notify the departments of the approval status. Once approved, the departments will provide written notification to the employees affected by the RIF. Employees will be encouraged to report to Human Resources to apply for vacant positions in other departments and to complete an exit interview. If rehired in a vacant position, the employee is not guaranteed the same hourly rate of his/her previous position.

- 13.2.3 In order to allow for an orderly transition into other employment, employees shall be given at least thirty (30) days notice of an impending reduction in force when possible.

### 13.3 Resignation

- 13.3.1 To resign in good standing, an employee shall give the County at least fourteen (14) calendar days written notice and be available to work the fourteen (14) calendar days notice unless otherwise notified by the supervisor.
- 13.3.2 Failure to give fourteen calendar days written notice shall be entered on the service record of the employee and may result in forfeiture of accumulated vacation time. The Director of Human Resources, elected/appointed officials in cases involving persons employed by the elected/appointed officials, or the Chairperson of County Council in cases involving persons employed directly by County Council, may waive the required notice if, in his/her judgment, exceptional circumstances warrant such exception.
- 13.3.3 Regular full-time employees who terminate their services with the County after their introductory period and provide the necessary written notification are eligible for a cash payment for unused vacation time, up to the accrued amount allowed.
- 13.3.4 Insurance coverage for employees terminates on the last day of employment.

### 13.4 Retirement

- 13.4.1 County employees who are members of the South Carolina Retirement System are eligible to receive benefits in accordance with the specific rules and regulations governing the South Carolina Retirement System. Retirement applications must be made in compliance with the rules of the South Carolina Retirement System. Human Resources shall provide assistance to any eligible employee. Employees shall not apply directly to the South Carolina Retirement System, but shall notify Human Resources not less than three (3) months before the effective date of their retirement. At least one (1) month is required to process the application forms to the South Carolina Retirement System.
- 13.4.2 Unused accrued sick time will be paid according to guidelines stipulated in Section 8.9.7 of this Handbook.

Please note: An employee who retires and is paid 1/3 of accrued sick time upon their retirement will start with an accrued sick leave balance of 0.00 should they be reinstated.

- 13.4.3 Unused accrued vacation time will be paid according to guidelines stipulated in Section 8.4.2 of this Handbook.

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## **Chapter 14      Other**

### **14.1    Severability**

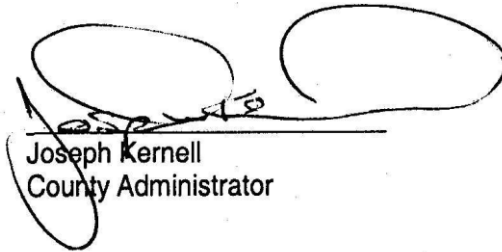
It is hereby declared to be the intention of Greenville County Council that if any of the sections, paragraphs, sentences, clauses and phrases of this Handbook shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Handbook.

### **14.2    Repeal**

All previous personnel rules or policies are hereby superseded and are to be considered repealed.

### **14.3    Effective Date**

This Handbook shall take effect immediately upon the date of its adoption.



Joseph Kernell  
County Administrator

Approved by the Greenville County Council, \_\_\_\_\_