

## **SECTION II            EMPLOYMENT POLICIES**

### **Policy #205            Recruitment and Employment (*proposed revisions 9/2017*)**

#### **PURPOSE/SCOPE:**

Brunswick County recognizes the importance of effective hiring practices. Our goal is to obtain the best selection of candidates with job-related qualifications, to ensure that all job candidates receive fair treatment, and to provide opportunities for current employees. All requests to fill vacant positions should be in accordance with this policy. This policy applies to all current and future employees.

#### **Statement of Equal Employment Opportunity**

It is the policy of the County to maintain a systematic, consistent recruitment program, to promote equal employment opportunity, and to identify and attract the most qualified applicants for all present and future vacancies. Equal employment opportunities are allowed without regard to race, color, religion, gender (including pregnancy), national origin or non-disqualifying handicap.

#### **POLICY:**

##### **1. Recruitment**

- 1.1 Department Head submits position/advertising vacancy requisition to Human Resources for approval. Once approved, Human Resources will notify the Department Head and assist in the recruitment process.
- 1.2 Human Resources will post positions for a minimum of five (5) working days.
- 1.3 Optional recruiting publicity may be carried out through media appropriate to the position, as decided by the Department Head and Human Resources. Recruiting announcements shall include information pertinent to the position/work involved, and assurance of Equal Employment compliance.
- 1.4 In some circumstances where a situation warrants internal recruitment, the external posting requirement may be waived with the approval of the County Manager.
- 1.5 Exceptions to posting requirements may be requested by the Department Head. The request not to recruit will include a legitimate business need and may be authorized only by the County Manager. Examples include, but are not limited to:

- Management reorganization
- Lateral transfers for effective use of current resources

- Disciplinary transfers or demotions
- Prevention of work delays
- Legally binding settlement agreements
- Temporary positions
- Reinstatement within 30 days of separation or transfer

## **2. Application for Employment**

- 2.1 The acceptable application for all position listings shall be the electronic Applicant Online Application. Applications shall be accepted only for positions currently posted on Applicant Online.

The receipt of any employment inquiries from persons and/or sources shall normally be forwarded to the Human Resources Department for further action, as required.

## **3. Application Tracking**

- 3.1 The Human Resources Office shall be responsible for oversight of all job announcements, including posting and closing dates, all optional referral sources utilized during the recruitment process, and maintaining the specifics on the pool of applicants considered for each vacancy.
- 3.2 The specifics shall include all applicants for each job vacancy including age, gender and racial or ethnic group, according to requirements for recording applicant information for EEO reporting purposes. To the extent that it is practical, these records shall be reviewed periodically in connection with the county's overall selection procedures, to ensure that equal consideration is given to all qualified applicants.

## **4. Interviewing of Candidates**

- 4.1 Department Heads participating in the selection interview process are responsible for coordinating and maintaining the interview schedule and ensuring the interviewing staff follows appropriate guidelines. A representative from Human Resources shall participate on interview panels, unless prior approval is obtained from the County Manager.
- 4.2 The following are a few of the guidelines to be used in an interview:
- Questions asked during the interview must be job related.
  - Questions may not be asked about the applicant's personal life.
  - Questions may not be asked of a woman that would not be asked of a man, nor of a man that would not be asked of a woman.
  - No oral or written inquiry will be made of an applicant for employment with regard to date of birth, marital status, financial status, number of children or child care arrangements, disability, pregnancy, garnishments, nor will such information be used regarding any employment decision.

## **5. Merit Principle/Qualified Standards**

- 5.1 All applicants considered for employment or promotion, shall meet the employment qualifications established by the job description relating to the position to which the application is being made.
- 5.2 All hiring decisions shall be made on the basis of merit and qualifications and without regard to politics, age, race, gender, color, non-disqualifying handicap, religious affiliation, or national origin.
- 5.3 Brunswick County complies with U.S. law (E-Verify) that requires employment of only individuals who may legally work in the United States – either U.S. citizens, or foreign citizens who have the necessary authorization. The employee must furnish a completed I-9 Form and provide the appropriate documentation before commencing work.
- 5.4 Based on the qualification weaknesses of applicants submitted, the County may hire an applicant in a training capacity who does not meet all minimum qualifications for a particular job. In this instance, the deficiencies may be eliminated through orientation, certification, and/or on-the-job training.

## **6. Selection**

- 6.1 Each department will review applications and interviews will be granted to the most qualified candidates.
- 6.2 Department Head may discuss salary requirements with the candidate but may not extend an offer until approved by **Human Resources, Finance, and the County Manager or their delegate**.
- 6.3 **Once approved,** the Department Head will contact the selected candidate, make a contingent offer, dependent upon satisfactory results of all background checks and pre-employment testing and collect the appropriate consent forms.
- 6.4 **Upon receipt of applicant's consent,** Human Resources will conduct a background check and the selected candidate will be required to submit to a pre-employment drug test. Other tests may also be required depending on the Department.
- 6.6 Upon receipt of successful completion of tests, Human Resources will notify the Department Head and/or hiring manager. The hiring manager or Human Resources may contact the selected candidate and arrange for a suitable start date. The preferred start date for external hires occur on Monday and internal hires occur the first Monday of a pay period. All other candidates shall be informed by Human Resources of their status after the completion of the selection process.

6.7 If the duties of the position involve operation of county owned/insured vehicles, the Department Head shall request that Human Resources review the driving record of the selected candidate.

## **7. Promotion of an employee to fill a vacancy (internal department career ladder progression)**

7.1 Candidates for promotion shall be determined on the basis of their qualifications and their work records without regard to age, gender, race, color, creed, religion, political affiliation, national origin, or non-disqualifying handicap. Performance appraisals and work records for all personnel being considered for promotion meeting minimum qualifications for the position shall be carefully examined when opportunities for positions in higher classifications occur. If a posting for the opportunity is required, then the posting period must still be held in accordance with Section 1.2 of this policy.

## **8. Pre-Employment Testing and Pre-Employment Checks**

8.1 The Department Head or the hiring manager should make it clear to the applicant that the offer and acceptance of a job are contingent upon satisfactory completion of job-related pre-employment procedures.

8.2 Pre-employment requirements may vary by department.

8.3 Reference checking is the responsibility of the Department Head in cooperation with Human Resources.

8.4 If the background check reveals any convictions or other negative background information it does not mean the applicant will not be offered employment. The following criteria shall be taken into consideration for employment decisions:

- The nature and gravity of the offense.
- The length of time that has elapsed since the offense occurred.
- The age of the person at the time of the conviction.
- Whether the offense is reasonably related to the duties and responsibilities of the employment sought by the applicant.
- Any information pertaining to the degree of rehabilitation that may have taken place in the applicant.

8.5 If a candidate being considered for employment fails the pre-employment drug test, he/she is disqualified from being considered for hire and he/she cannot apply to the County for the next three years.

## **9. Probationary Period of Employment**

9.1 All newly hired or re-hired full-time regular employees selected for a new position through a promotion, demotion or transfer will serve a probationary period for a minimum of three

(3) months, but not to exceed nine (9) months. Any employee serving a probationary period may be dismissed at any time with or without cause. Employees dismissed during the probationary period have no appeal rights.

- 9.2 Any Brunswick County employee selected for a new position through a promotion, demotion or transfer will comply with 9.1 above with the exception that existing benefits shall remain in effect.
- 9.3 Employees completing the probationary period will be considered regular employees and notification of such from the department head will be placed in the employee's personnel file.

## **10. Exclusions**

- 10.1 The Sheriff Office and Register of Deeds are exempt from this policy but not from Federal or State laws. For example, pursuant to NCGS Sec. 153A-103, the appointment by the Sheriff or Register of Deeds of a relative by blood or marriage of nearer kinship than first cousin or of a person who has been convicted of a crime involving moral turpitude requires prior approval of the Board of Commissioners. Employees for these groups are not exempt from other requirements such as E-verify, I-9 or hiring start dates.
- 10.2 Where still in existence, Competitive Services employees should utilize the State Personnel Act.
- 10.3 Nothing contained in this policy shall prohibit the transfer, rehire, promotion, demotion or other action with respect to an employee incident or to effect the settlement of an employee grievance or lawsuit.

## **11. Employment of Minors**

- 11.1 Persons under the age of 18 are considered to be minors.
- 11.2 Provisions of federal and state laws regarding wages, hours, working conditions of minors, including but not limited to overtime work, operation of machinery, night shift work, lunch periods, schooling, and other working conditions, shall be strictly followed.
- 11.3 Persons from age 14 to 17 may be hired under the following conditions:
- Birth certificate will be furnished and age verification entered on the applicant's official record.
  - Work permits will be furnished as required by state law and verification of work permits entered on the applicant's official record.

## SECTION II EMPLOYMENT POLICIES

### Policy #210 Employment of Relatives (Nepotism) *(proposed revision 9/2017)*

**PURPOSE:** Brunswick County recognizes that ~~circumstances such as hiring immediate~~employing members of the same family and/or relatives of current County employees and/or elected officials may present concerns of favoritism or conflict of interest, and therefore represent situations that require special rules and regulations.

**SCOPE:** This policy applies to all potential and current employees. It sets forth procedures to be followed and rules governing nepotism. These procedures are to be followed in addition to those set forth in Personnel Policy # 205, Recruitment and Employment, except the Sheriff and Register of Deeds are not subject to Policy # 205.

#### **POLICY:**

##### **1. EMPLOYMENT OF IMMEDIATE FAMILY AND/OR RELATIVES**

- 1.1 ~~The term “Immediate Family” applies primarily to, a relative by blood or marriage of nearer kinship than first cousin (husband, wife, parent, child, grandparent, grandchild, brother, sister). It may also apply to other relatives when it is determined the relationship might prove contrary to the best interest of the County.~~
- ~~1.2 Members of an immediate family will not be employed at the same time if such employment would result in an employee directly supervising a member of his or her immediate family. Hiring immediate family and relatives of current employees may appear to involve nepotism and be detrimental to morale. To avoid any possibility of favoritism and to prevent other practices or situations which may be detrimental to the County and its employees, special rules have been developed regarding the hiring and placement of relatives.~~
- 1.2 The term “Immediate Family” is defined for the purpose of this section as wife, husband, mother, father, daughter, son, sister, brother, grandmother, grandfather, granddaughter, and grandson. It also includes step, half, and in-law relationships based on the listing in this section. It may also apply to other relatives when it is determined the relationship might prove contrary to the best interest of the County.
- 1.3 Immediate family and relatives of employees may be considered for placement within the organization. However, under no circumstances is a person to be hired simply because of a relationship with a current employee or elected official. Also, employees or elected officials may not attempt to influence placement decisions on behalf of relatives.
- 1.4 In addition to the prohibition on direct supervision of an immediate family member, immediate family members shall not work together in the same department unless separation can occur through department divisions and/or shifts; ~~immediate family and/or relatives cannot be in a reporting relationship with each other.~~

# **BRUNSWICK COUNTY PERSONNEL MANUAL**

## **SECTION V            PERSONAL CONDUCT**

### **Policy #560            Drug and Alcohol Free Work Place (*proposed revisions 9/2017*)**

**PURPOSE:** Brunswick County is committed to the goal of a drug and alcohol free workplace. This commitment is based on the belief that it is the County's responsibility to maintain a safe and healthy working environment for employees and a productive, effective workforce for the citizens of the County. This policy is intended to comply with all applicable federal and state laws governing anti-drug and alcohol programs, including those adopted by the U.S. Department of Transportation (DOT), and is designed to safeguard employee privacy to the fullest extent of the law.

**SCOPE:** This policy applies to all employees and includes the County's philosophy regarding substance abuse and sets forth regulations, responsibilities, and penalties for noncompliance. Under federal guidelines, certain classes of employees are subject to special actions, such as random drug testing. Brunswick County views certain classes as safety sensitive. The safety sensitive positions include, but are not limited to, sworn law enforcement officers; detention center officers; employees who are responsible for testing and treatment of water, raw sewage or wastewater; employees who handle hazardous materials in large quantities; employees that consistently and frequently operate, repair or maintain heavy equipment; a position that requires a CDL to operate a vehicle; employees that administer patient care; emergency medical services positions; employees that may independently work closely with or transport children; other positions as determined on a case-by-case basis. The Human Resources Director will provide a list of those designated positions upon request.

#### ***POLICY AND PROCEDURE:***

1.        **Brunswick County will strive to provide education on:**
  - 1.1      Dangers of alcohol and drug abuse;
  - 1.2      Brunswick County Drug and Alcohol Free Workplace;
  - 1.3      Availability of treatment and counseling for employees who voluntarily seek such assistance;
  - 1.4      Sanctions the County will impose for violations of its drug and alcohol free workplace policy.
  
2.        **This policy prohibits:**
  - 2.1      Reporting to work or performing work while impaired by or under the influence of alcohol, illegal drugs or non-prescribed drugs on County premises or any County work area, in County vehicles or while on County business (which includes the presence of any detectable amount found in the body).

- 2.2 The unauthorized use, consumption, possession, dispensation, distribution, manufacture or sale of alcohol, controlled substances, illegal drugs or drug paraphernalia by employees on County premises or any County work area, in County vehicles, during work hours, or while the employee is on duty, official County business, or stand-by duty.
- 2.3 Conviction of selling illegal drugs or of possession with intent to sell illegal drugs at any time or place.
- 2.4 Failure to notify the County of any arrest or conviction under any criminal drug or alcohol statute by the next working day following the arrest or conviction.
- 2.5 Refusal to immediately submit to an alcohol and/or drug test when requested by a supervisor, in accordance with the policy.
- 2.6 Tampering with or obstruction of a drug or alcohol test being administered by or for the County.

### **3. RESPONSIBILITIES**

- 3.1 The Human Resources Director, in conjunction with the Risk Manager, will administer this policy.
- 3.2 Alcohol and drug free workplace matters in the Sheriff's Office will be administered by the Sheriff.
- 3.3 Department directors are responsible for the application of this policy within their department.
- 3.4 Employees are responsible for and expected to report to work fit for duty and free of any adverse effects of alcohol, illegal drugs and prescription medication. This policy does not prohibit the lawful use and possession of prescribed medications. Employees must, however consult with their doctors about the medicine's effect on their fitness for duty and the ability to work safely, and they must promptly disclose any work restrictions to their supervisor.
- 3.5 An employee who voluntarily reveals a substance abuse problem to a supervisor before being notified to be tested, before testing positive for substance abuse and before other discovery of a substance abuse problem, may voluntarily enroll in a drug or alcohol rehabilitation program and is encouraged to use the Employee Assistance Program (EAP) to do so. An employee who voluntarily notifies their supervisor of a dependency may be granted leave in accordance with the County policy on leaves of absence.

### **4. TESTING PROCEDURES**

- 4.1 Pre-Employment: Applicants who have been offered employment with the County will be required to undergo a drug screening test as part of the hiring process. The County will

withdraw an offer of employment made to any applicant whose drug screen test reveals the presence of illegal drugs or prescription drugs without a valid prescription.

- 4.2 Job Changes: Employees accepting a promotion, demotion or transfer to any position will be required to submit to a test before the personnel action can be completed, just as applicants are subject to pre-employment testing.
- 4.2 Reasonable Suspicion: Employees may be required to submit to a test if reasonable suspicion of illegal drug use or alcohol use/abuse exists. Reasonable suspicion is a belief based on objective facts sufficient to lead a reasonable person to suspect an employee is impaired and incapable of satisfactorily and safely performing their assigned duties. Facts supporting a reasonable suspicion could include, but are not limited to, direct observation of prohibited drug or alcohol use; slurred speech; irregular or unusual speech patterns; impaired judgement; marijuana or alcohol odor; uncoordinated walking or movement; unusual behaviors such as hyperactivity, hostility, aggressiveness; a report of alcohol or drug use by an employee while at work by a credible source. The employee will be placed on a leave without pay or take annual leave until results are received. Sick leave cannot be used while awaiting results. If a negative test is received the employee will have the leave time used while awaiting the results reinstated or receive back pay.
- 4.3 Random: Employees in designated safety-sensitive positions and employees that are required to maintain a commercial driver's license will be subject to random, unannounced drug and alcohol screening. The rate of the random selection for drug and alcohol testing will be a percentage of an annual average employee base. Every employee in the pool has an equal chance of being chosen each time a random selection is made. When an employee is required to submit to a random testing, s/he will be notified by their supervisor. Employee will continue to work in a normal capacity pending the results of the test.
- 4.4 Post-Accident: Employees will be tested following an on-the-job accident or other occurrences that involve one or more of the following events: a fatality, a serious injury to an employee or other individual; when there is motor vehicle damage as a result of an accident to the extent that a vehicle must be towed; when there is a motor vehicle accident, the employee receives a citation under state or local law for a moving violation arising from the accident. Following an accident, an employee must notify their supervisor immediately. Post-accident testing will be administered as soon as possible, ideally no more than eight (8) hours after the accident. An alcohol test should be administered within two (2) hours of an accident. If unable to test within two (2) hours, the supervisor must document the reasons for the delay.
- 4.5 Return to Duty: Employees who have voluntarily removed themselves from their job duties and have voluntarily undergone and successfully completed treatment for drug or alcohol abuse must submit to and furnish a negative test result prior to returning to their duties.

## **5. DISCIPLINARY PROCEDURES**

- 5.1 Any violation of this policy may result in disciplinary procedures up to and including dismissal.

5.2 Employees may appeal disciplinary actions resulting from violations of this policy in accordance with Policy# 610 Appeal/Adverse Action Procedure.