



## CHATHAM COUNTY COMMISSIONERS

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## COUNTY MANAGER

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# Resolution of the Chatham County Board of Commissioners

## Resolution Amending the Chatham County Personnel Policy July 2020

**WHEREAS**, the Chatham County Personnel Policy, adopted March 11, 1996, establishes the general guidelines for employees conduct; and

**WHEREAS**, from time to time it is necessary to amend the Personnel Policy for clarification or to better meet the needs of the employees and the County; and

**WHEREAS**, internal and external review of the policy identified needed modifications to the policy, and

**NOW, THEREFORE BE IT RESOLVED**, by the Board of Commissioners of Chatham County, that Personnel Policy be amended as follows:

### **Amend Article IV, Section 1 to:**

#### ***Section 1: Statement of Anti-Discrimination and Equal Employment Opportunity***

Chatham County is fully committed to equal employment opportunity (EEO) principles, and issues this anti-discrimination/EEO compliance clause to support and maintain employee's rights and responsibilities relating to equal employment. The core of equal employment opportunity is the right to work and advance on the basis of merit, ability, and potential, free from prejudice or discrimination. In accordance with the applicable anti-discrimination statutes, executive orders, and other authorities, Chatham County protects employees against discrimination, to the fullest extent of law, on the basis of race, color, religion, sex (including pregnancy), national origin, **sexual orientation, gender identity**, age, disability, genetic information, marital status, political affiliation, whistleblower activity, parental status, and military service (past, present, or future), and against retaliation for participation in EEO activity or opposition to discrimination.

### **Amend Article V, Section 5 to:**

#### ***Section 4: Harassment and Discrimination.***

- A. Harassment and discrimination, either physical or verbal, is a violation of the law and county policy. The intent of this section is to clarify Chatham County's position on the prevention, discovery, and remedy of harassment and discrimination in the workplace. It is the intent of Chatham County to maintain a workplace free of harassment and discrimination from any source. This section affirms the county's refusal to tolerate harassment and/or discrimination,

informs managers, supervisors and other employees of performance expectations, guidelines, and possible penalties related to harassment and discrimination; and provides procedures for employees who believe they have been harassed.

- B.** This harassment and discrimination section applies to all officers and employees of Chatham County, including, but not limited to, full and part-time employees, elected officials, regular and temporary employees, volunteers, employees covered by or exempted from other personnel rules or regulations, and individuals working under contract for the County.
- C.** Harassment and discrimination is defined as unsolicited and unwelcome sexual advances; unsolicited and unwelcome requests for sexual favors; and other unsolicited and unwelcome verbal or physical conduct of a sexual, harassing, or discriminatory nature, when:
  - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
  - 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
  - 3. Such conduct has the purpose or effect of substantially interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment.
- D.** Prohibited acts of harassment and discrimination can take a variety of forms, ranging from subtle pressure for sexual activity to disparate acts in hiring and discipline. Some examples include, but are not limited to, the following:
  - 1. Unsolicited and unwelcome conduct in the form of pinching, grabbing, patting, or propositioning;
  - 2. Making either explicit or implied job threats or promises in return for submission to sexual favors;
  - 3. Making sexually oriented comments on appearance, including dress or physical features;
  - 4. Telling sexually explicit stories;
  - 5. Displaying sexually explicit or pornographic material or pictures that may embarrass or offend employees in the workplace, regardless of the method of display;
  - 6. Sexual assaults on the job by supervisors and fellow employees;
  - 7. Jokes or remarks of a sexual or discriminatory nature made in front of people who find them offensive;
  - 8. Use of sexually suggestive objects;
  - 9. Prolonged staring or leering at a person;
  - 10. Whistling so as to attract the attention of a person;
  - 11. Continued invitations to social events outside the workplace, after being told such invitations are unwelcomed;
  - 12. Use of offensive terms that have a sexual or discriminatory nature; and
  - 13. Use of sexually degrading or discriminatory words to describe a person.

The harassment and discrimination policy has been violated when any of the foregoing conduct (1) influences employment decisions, (2) makes the job environment hostile, or (3) unreasonably interferes with work performance.
- E.** The purpose of the harassment and discrimination policy shall not be used to bring frivolous or malicious charges against employees or public officials. Harassment and discrimination does not include personal compliments welcomed by the recipient or social interactions or relationships freely entered into by employees or prospective employees.
- F.** This section will be distributed to all employees of the county. Every employee will be required to acknowledge his or her receipt of this section in writing. A copy of the

acknowledgment shall be kept in the regular personnel file. Department heads and supervisors shall be responsible for ensuring that all employees under their direction are familiar with this section.

**G. Procedures for Handling Harassment and Discrimination Issues:**

1. Because behavior that may offend an employee may not be intended as harassment, it is encouraged that the employee, who believes he/she has been harassed, first tell the individual that the behavior is offensive and ask that the behavior stop. If the employee is not comfortable with confronting the individual responsible for the offending behavior, the employee should attempt to resolve the matter with the supervisor or department head most directly concerned, excluding the person accused of harassment and/or discrimination.
2. If any employee believes that he/she has been the subject of harassment and/or discrimination and if the direct resolution approach set out above (if appropriate) has failed to produce a result satisfactory to that person, then he/she may proceed through the appropriate grievance procedure as outlined in Article IX of this policy. If a complaint is resolved to the satisfaction of the grievant but not to the accused, the accused may proceed through the grievance procedure.
3. The employee should be prepared to provide the following information when reporting harassment and/or discrimination:
  - a. Employee's (Complainant's) name, department, and position title;
  - b. The name of the person or persons committing the harassment and/or discrimination, including their title/s, if known;
  - c. The specific nature of the harassment and/or discrimination, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the complainant as a result of the harassment, or any other threats made against the complainant as a result of the harassment;
  - d. Witnesses to the harassment; and
  - e. Whether the complainant has previously reported such harassment and, if so, when and to whom.

**H. When at all possible, the county encourages employees to follow the line of authority in reporting harassment and discrimination. If the County Manager or an elected official be named as an offending party, the County Attorney should be advised.**

**I. Employee Obligation:**

1. Employees are not only encouraged but are obligated to report instances of harassment and discrimination. Internal interference, coercion, restraint, or reprisal against any person complaining of alleged harassment and discrimination is prohibited. Harassment and discrimination exposes the county to liability, and a part of each employee's job is to reduce the county's exposure to liability.
2. Employees are obligated to cooperate in every investigation of harassment and discrimination of which they have knowledge, including, but not limited to, the following:
  - a. Coming forward with evidence, whether favorable or unfavorable to a person accused of harassment and/or discrimination, and
  - b. Fully and truthfully answering questions during the course of a harassment and/or discrimination investigation.

3. All personnel shall maintain confidentiality about complaints to protect the parties involved. Information shall not be shared with anyone other than those involved in the investigation. All records placed in the personnel file are protected by the guidelines established in North Carolina General Statute 153A-98.
- J. Based on the seriousness of the offense, employees determined to have violated this section shall be subject to disciplinary action set forth in Article VIII of this policy, including reprimand, suspension, involuntary transfer, demotion, and dismissal. Employees found to be in violation of this section shall have the same rights and obligations as other employees subject to disciplinary actions, as set forth in Article VIII of this policy.

**Retitle Article VII, Section 9 to:**  
***Section 10: Benefits—Other (Flexible)***

**Add Article VII, Section 9**  
***Section 9: Retiree Health Insurance***

- A. Eligibility
  1. A minimum of 20 years of experience with Chatham County in order to qualify for retiree health insurance; **AND**
  2. Employees must qualify for full service (not early) retirement with the North Carolina Local Government Retirement System (LGERS) specific to their LGERS classification (law enforcement, non-law enforcement); OR be approved for disability retirement with the retirement system.
- B. There is no minimum age requirement.
- C. The maximum age for retirees and dependents to be covered under the group plan is 65 years of age.
- D. Percent of Premium Paid by County
  1. 30 years of service with the County: 100% premium paid
  2. 25 years of service with the county: 75% premium paid
  3. 20 years of service with the county: 50% premium paid
- E. Dependent coverage is not available to retirees after July 20, 2020. Existing dependents may continue to be covered until the retiree or covered dependent reaches the age of 65 or is otherwise ineligible.

Adopted, this the 20<sup>th</sup> day of July, 2020.

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Karen Howard, Chair  
Chatham County Board of Commissioners

ATTEST:

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Lindsay K. Ray, NCCCC, Clerk to the Board  
Chatham County Board of Commissioners