

# **REQUEST FOR BOARD ACTION**

## **HENDERSON COUNTY BOARD OF COMMISSIONERS**

**MEETING DATE:** March 9, 2005

**SUBJECT:** Amendment to Personnel Resolution

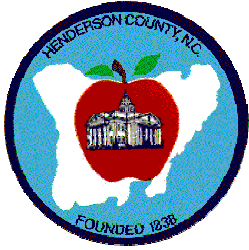
**ATTACHMENTS:** Yes

### **SUMMARY OF REQUEST:**

**Attached is a memo outlining the proposed change to the Henderson County Personnel Resolution.**

### **COUNTY MANAGER RECOMMENDATION/BOARD ACTION REQUESTED:**

**I recommend that the Board approve this change.**



HENDERSON COUNTY  
OFFICE OF THE COUNTY MANAGER

100 NORTH KING STREET  
HENDERSONVILLE, NC 28792-5097  
PHONE (828) 697-4809 FAX (828) 698-6014  
www.hendersoncountync.org

David E. Nicholson  
County Manager  
davidn@hendersoncountync.org

Justin Hembree  
Assistant County Manager  
jhembree@hendersoncountync.org

Selena D. Coffey  
Budget & Management Director  
selenac@hendersoncountync.org

Avalina Merrill  
Administrative Assistant  
avalina@hendersoncountync.org

# MEMO

**TO:** Board of Commissioners

**FROM:** David E. Nicholson  
County Manager

**DATE:** March 2, 2005

**SUBJECT:** Amendment to Personnel Resolution

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I am writing to request that the Board approve a change to the Henderson County Personnel Resolution. This change was recommended to me by our Safety Committee. They proposed that Section 7.5.2. – Failure in Personal Conduct be amended to add “Violation of safety rules of major significance.” [Refer to Item (I) of the attached Personnel Resolution]. They believe and I agree that this would emphasize to our employees the importance of our safety rules. This phrase comes directly from the Fair Labor Standards Act.

I would request that the Board approve this amendment.

Section 7.5.2.....Failure in Personal Conduct

An employee may be suspended, demoted or dismissed without prior warning for just cause relating to personal conduct detrimental to County service.

The following causes relating to failure in personal conduct are representative of those considered to be adequate grounds for suspension, demotion, or dismissal.

- (a) Fraud in securing appointment;
- (b) Conduct unbecoming a public officer or employee, whether on or off duty;
- (c) Conviction of a felony or of a misdemeanor that would adversely affect performance of duties, or entering a plea of "no contest" to either;
- (d) Misappropriation of County funds or property;
- (e) Falsification of County records;
- (f) Reporting to work under the influence of alcohol or narcotic drugs or partaking of such things while on duty or while on public property where prohibited, except that prescribed medication may be taken within the limits set by a physician so long as medically necessary, which are not disruptive to the employee's regular duties and/or job performance and which have been approved by the Department Head or the County Manager;
- (g) Willful or grossly negligent damage or destruction of property;
- (h) Willful or grossly negligent acts that would endanger the lives and property of others;
- (i) Acceptance of gifts or favors in violation of the ARTICLE 5, Section 5.1 of this Personnel Resolution;
- (j) Incompatible employment or conflict of interest;
- (k) Violation of political activity restrictions;
- (l) **Violation of safety rules of major significance**; and
- (m) Other serious reasons.

If a Department Head deems disciplinary action appropriate for an employee's failure in personal conduct, he shall initiate the disciplinary process as follows. The Department Head shall conduct an investigation of the personal conduct incident, gathering enough evidence to determine the facts that are involved. The Department Head shall then notify the Human Resources Director in writing that disciplinary action is necessary for the employee. The notice shall recommend to the County Manager a proposed disciplinary action to be taken, and shall include facts and documentation supporting the recommended disciplinary action. The Human Resources Director shall meet with the Department Head to discuss the proposed disciplinary action and shall then proceed in accordance with the procedures outlined in Section 7.5.3 below.