

**PERSON COUNTY BOARD OF COMMISSIONERS**

**November 19, 2007**

**MEMBERS PRESENT**

**OTHERS PRESENT**

Johnny Myrl Lunsford, Chairman  
Jimmy B. Clayton, Vice-Chairman  
Kyle W. Puryear  
Larry H. Bowes  
Larry E. Yarborough, Jr.

Steve Carpenter, County Manager  
Ronald Aycock, County Attorney  
Faye T. Fuller, Clerk to the Board  
Brenda Reaves, Deputy Clerk to the Board

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The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, November 19, 2007 at 9:00 a.m. in the Commissioners' Room of the Person County Office Building.

Chairman Lunsford called the meeting to order. Commissioner Clayton led in prayer and Commissioner Bowes led the Pledge of Allegiance.

**PUBLIC HEARING:**

***Request to Amend Table of Permitted Uses to Allow Construction Trades in the Industrial District***

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Yarborough and **carried** to open the duly advertised Public Hearing.

County Manager Carpenter presented a request to amend the Table of Permitted Uses to allow Construction Trades (Building, Heating, Electrical, Plumbing, Fire Sprinkler, and other) (excluding outside equipment or supplies) as a permitted use by right in the General Industrial District (GI) and to delete electrical contractors as a separate principal use. The Planning Board voted 5/0 to approve the text amendment.

Chairman Lunsford asked if there was anyone who wished to speak in favor or opposition to the proposed text amendment. No one spoke

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Clayton and **carried** to close the Public Hearing.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Yarborough and **carried** to approve the amendment to the table of permitted uses to allow construction trades in the Industrial District.

**DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:**

County Manager Steve Carpenter reported he would discuss a zoning issue in the Manager's report section. With that addition, a **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to approve the agenda.

**INFORMAL COMMENTS:**

**Gary Carroll** – Spoke representing Bushy Fork Booster Club and other clubs in the county. Spoke in favor of booster clubs. Asked that the draft procedure be abolished.

**ADMINISTRATIVE REPORTS:**

A **motion** was made by Commissioner Bowes, **seconded** by Commissioner Puryear and carried to accept and approve the following Administrative Reports: Emergency Medical Services, Inspection Department, Public Library and the Tax Administration and Collections.

**APPROVAL OF LEASE AGREEMENT BY AND BETWEEN PERSON COUNTY GOVERNMENT AND HOMESTEAD COUNTRY FLORIST, INC.:**

County Manager Carpenter reported that the Resolution Authorizing Publication of Intent to Sub-Lease Property was duly advertised and that no comments were received. The document has been reviewed and approved by the County Attorney.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Puryear and **carried** to approve the Lease Agreement by and Between Person County Government and Homestead Country Florist, Inc. with the following Findings of Fact:

1. The property proposed to be leased is 2,100 square feet now occupied by Homestead Country Florist, Inc.
2. The proposed lease is for a five-year (5) period with one additional five-year (5) renewal period determined by a rental value appraisal agreed to by the parties.
3. The property proposed to be leased will not be needed by the County the term of the proposed lease, and
4. The board intends to authorize execution of the lease at its November 29, 2007 meeting.

**CONSIDERATION OF APPROVAL OF APPLICATIONS FOR EXEMPTION UNDER G.S.105-278.5:**

Tax Administrator Russell Jones presented an Application for Exemption Under G.S. 105-278.5. Warren's Grove UMC of Roxboro and Greater Cleggs Chapel Community Missionary Baptist Church made application after the deadline by which they could be approved by the Tax Administrator; therefore, he presented them to the Board of Commissioners for the appropriate approval process. He stated they both would have been approved by his office had they been received in a timely manner.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes and **carried** to approve the Property Tax Exemption applications for both Warren's Grove United Methodist Church and Greater Cleggs Chapel Community Missionary Baptist Church.

Tax Administrator Jones also presented an Application for Property Tax Exemption Under G.S. 1-5-278.7 from VFW Post 2058. Mr. Jones recommended denial of the request since the VFW does not qualify for such an exemption due to the fact they are receiving rent proceeds on the facility. He recommended that the Post reapply for 2008.

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to deny the tax exemption request as submitted by VFW Post 2058 for the year 2007.

**ADOPTION OF NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS):**

Emergency Services Director Michael Day presented an updated National Incident Management System Resolution for Board approval.

A **motion** was made by Commissioner Bowes, **seconded** by Commissioner Puryear and **carried** to approve the National Incident Management Systems Resolution as follows:

**RESOLUTION**

**Adoption of the National Incident Management System**

It is hereby resolved by the County of Person, State of North Carolina, that:

WHEREAS, Emergency Response to critical incidents, whether natural or manmade, requires integrated professional management; and

WHEREAS, Unified Command of such incidents is recognized as the management model to maximize the public safety response; and

WHEREAS, The National Incident Management System, herein referred to as NIMS, has been identified by the Federal Government as being the requisite emergency management system for all political subdivisions, and

WHEREAS, Failure to adopt NIMS as the requisite emergency management system may preclude reimbursement to the political subdivision for costs expended during and after a declared emergency or disaster and for training and preparation for such disasters or emergencies.

THEREFORE, It shall be the public policy of this County to adopt the NIMS concept of emergency planning and unified command. It shall further be the policy of this County to train public officials, paid and volunteer responsible for emergency response to critical incidents.

***Adopted this 19<sup>th</sup> day of November 2007.***

(signed) Johnny Myrl Lunsford, Chairman  
Person County Board of Commissioners

**ADOPTION OF REVISIONS TO PERSON COUNTY ANIMAL CONTROL ORDINANCE:**

County Manager Carpenter presented a revised Person County Animal Control Ordinance for approval. He said the revised Ordinance contains a rate change for adoptions and a required deposit toward spay/neutering.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Yarborough and **carried** to approve the Person County Animal Control Ordinance as revised.

**PERSON COUNTY ANIMAL CONTROL ORDINANCE**

The Person County Board of Commissioners is authorized under the provisions of G.S. 153A-121, 153A-153 and 153A-442 to adopt ordinances.

**SECTION 1. PERSON COUNTY ANIMAL CONTROL PROGRAM:**

The Animal Control Program of Person County, as created the 21<sup>st</sup> day of April, 1981, shall be composed of such employees as shall be determined by the Board of County Commissioners. The said employees shall be appointed and compensated in accordance with policies of the Board of County Commissioners.

**SECTION 2. ADVISORY COMMITTEE:**

An Advisory committee advises the Board of County Commissioners and the County Manager with respect to animal control matters. The advisory committee is composed of members appointed by the Board of County Commissioners to serve at the pleasure of said Board.

**SECTION 3. DUTIES:**

The Animal Control Division shall be charged with the responsibility of:

- A. Enforcing in Person County all State or County laws, ordinances and resolutions relating to dogs and cats, or the care, custody and control of animals;
- B. Cooperating with the Health Director and assisting in the enforcement of the laws of the State of North Carolina with regard to animals and especially with regard to vaccination of dogs and cats against rabies and the confinement or leashing of dangerous and potentially dangerous animals (without limiting the foregoing), reference is particularly made to the state laws as set out and contained in the General Statutes of North Carolina;
- C. Investigating cruelty or animal abuse with regard to dogs, cats, and other animals;
- D. Making such canvasses of the county, including the homes in the county, as it deems necessary for the purpose of ascertaining that all dogs and cats are duly and properly listed for license purposes, and that all dogs and cats are vaccinated against rabies;
- E. Operating, pursuant to policies of the Board of County Commissioners;
- F. Maintaining a reference file for license fees, vaccination and sterilization purposes, all in accordance with the provisions of this ordinance and the policies of the Board of County Commissioners;
- G. Giving every person a **PROOF OF RABIES VACCINATION CARD** at the time of redemption or adoption for a dog or cat not vaccinated if it is 4 months of age or older. The card will be completed by the veterinarian who vaccinates the dog or cat and

returned to the Animal Shelter by the owner. Reference files will be maintained in accordance with the provisions of this ordinance and the policies of the Board of County Commissioners.

**SECTION 4 DEFINITIONS:**

As used in this ordinance the following terms mean:

- A. **Animal Control Officer:** A county employee designated as dog warden, animal control officer, animal control official or other designations that may be used whose responsibility includes animal control.
- B. **Owner:** Any person, group of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal. The owner is responsible for the care, actions, and behavior of his animals.
- C. **Kennel, Dealer, Breeder, or Pet Shop:** Any person, group of persons, partnership, or corporation engaged in buying, selling, breeding or boarding pet animals.
- D. **At Large:** Any animal shall be deemed to be at large when he is off the property of his owner and not under control of a competent person.
- E. **Restraint:** An animal is under restraint within the meaning of this ordinance if he is controlled by means of a chain, leash or other like devise; or, is secured within a vehicle being driven or parked; or, is within a secure enclosure.
- F. **Spayed Female:** Any female which has been operated upon to prevent conception.
- G. **Neutered Male:** Any male which has been operated upon to prevent reproduction.
- H. **Animal Shelter:** Any premises designated by the County for the purpose of impounding and caring for animals found running at large or otherwise subject to impoundment in accordance with the provisions of this ordinance.
- I. **Exposed to Rabies:** An animal has been exposed to rabies within the meaning of this ordinance, if it has been bitten by, or been exposed to any animal known or suspected to have been infected with rabies.
- J. **Dangerous Dog:** A dog that:
  - 1. Without provocation has killed or inflicted severe injury on a person; or animal
  - 2. Is declared vicious by the Chief Animal Control Officer pursuant to G.S. 130A-200; or
  - 3. Is determined by the Chief Animal Control Officer to be potentially dangerous and, after this determination, engages in one or more of the behaviors listed in subsection K of this section.
- K. **Potentially Dangerous Dog:** A dog that:
  - ~~1-1~~ Inflicted a bite on a person either upon public or private real property; Formatted: Bullets and Numbering
  - ~~2-1~~ Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or Formatted: Bullets and Numbering
  - ~~3-1~~ Approached a person, when not on the owner's property, in a vicious or terrorizing manner or Formatted: Bullets and Numbering  
apparent attitude of attack.
- L. **Stray Dog or Cat:** Any dog or cat, within the County, wandering at large or lost and does not have an owner, or

any dog or cat, within the County, whose owner fails to list animal for license purposes, or fails to have said dog or cat vaccinated against rabies by a veterinarian, or any dog or cat not wearing a collar and current rabies tag.

**M.A. Acts Deemed Public Nuisance:** It shall be unlawful for any animal owner to keep or have within Person County, any animal that habitually or repeatedly chases, snaps at, attacks, or provokes pedestrians, bicyclists or vehicles, or turns over garbage pails, or damages gardens, flowers or vegetables, or conducts itself so as to be a public nuisance, or permits a female animal to run at large during the estrous stage of reproduction. If an animal is caught doing any of the above, and an official complaint is filed and the owner, if known, is notified, the owner is required to keep said animal contained. Each day said animal is not contained, the owner is said to be not in compliance with this ordinance; each day thereafter constitutes a separate violation of this ordinance.

**N. Vaccination:** the administration of rabies vaccine by a licensed veterinarian or by a certified rabies vaccinator.

#### **SECTION 5. DOG AND CAT MUST WEAR COLLAR AND RABIES TAG:**

It shall be unlawful for any dog or cat owner to fail to comply with the State laws relating to the control of rabies, and it shall be unlawful for any dog or cat owner to fail to provide any dog or cat he or she owns with a suitable collar or harness for the wearing of the rabies tag to be issued upon compliance with the State law, and to take such action as is necessary to see that said tag is worn by said dog or cat at all times except as otherwise provided in Section 3 (g). Collar or harness with attached tag must be worn at all times except during the time animals are performing at shows, obedience trails, tracking tests, field trails, training schools or other events sanctioned and supervised by a recognized organization. Proof of the above must be presented upon request of the Animal Control Officer. It is the purpose of this ordinance to supplement the State law by providing a procedure for the enforcement of State laws relating to rabies control.

Unless proof of vaccination is available, it shall be the duty of the Person County administrative staff to give every person who owns, redeems or adopts a dog or cat a PROOF OF RABIES VACCINATION CARD and a record will be maintained of the vaccination. In addition to all other penalties prescribed by law, a dog or cat is subject to impoundment in accordance with the provisions of this ordinance, if the owner of the dog or cat can not furnish evidence of license fee listings or if the dog or cat is not wearing a current and valid rabies tag. It shall be unlawful for any person to use for any dog or cat a vaccination tag other than the one issued said tag.

#### **SECTION 6: POSSESSION OF ANIMALS:**

It shall be unlawful for any person knowingly to harbor, feed, or keep in his possession, by confinement or otherwise, any animal that does not belong to him unless he has:

- A. The consent of the owner or guardian of the animal; or
- B. Within 72 hours of the time the animal has come within his possession, he must notify the Animal Shelter. Upon receiving such notice, an animal control officer shall obtain the animal and place it in the animal shelter if requested by the person in possession.

#### **SECTION 7. RABIES VACCINATION AND CONTROL:**

It shall be unlawful for an owner to fail to provide current inoculation against rabies (hydrophobia) for his dog or cat. Should it be deemed necessary by the County Health Director or Board of County Commissioners that other pets be vaccinated in order to prevent a threatened epidemic, or to control an existing epidemic, it shall be unlawful for an owner to fail to provide current inoculation against rabies for that pet.

- A. **Bite Cases:** Duty of Owner: Every animal which has bitten anyone or which shows symptoms of rabies shall be confined immediately and shall be promptly reported to the Animal Control Department by its owners, or person having the animal in charge, and there-upon shall be securely quarantined at the direction of the Animal Control Division for a period of ten (10) days, and shall not be released from such quarantine except by written permission from the Animal Control Department.

The biting animal, and its records of vaccination and registration, shall be inspected by the Animal Control Officer who will then observe the following policy:

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- i. A properly vaccinated and registered dog or cat may be confined on the owner's premises provided that an animal control officer determines that the owner has an adequate means of confinement upon his own premises. The animal must be available for observation by the officer at any time during the ten (10) day period.
    - ii. A dog or cat not properly vaccinated or registered, belonging to an owner, shall immediately be confined in a veterinary hospital or the county Animal Shelter, in which case the expense shall be borne by the owner for the ten (10) days confinement. The dog or cat shall not be vaccinated during confinement.
    - iii. A biting stray dog or cat shall immediately be confined in the County Animal Shelter for a ten (10) day period.
  - b. **Surrender for Quarantine Required on Demand:** Except as provided in subsection B above, it shall be unlawful for the owner to refuse an investigation by the Animal Control Division upon demand, any animal which has bitten a human or has been in an encounter with a suspect rabid animal, for the purpose of supervised quarantine, the expense of which shall be borne by the owner. If rabies does not develop within ten (10) days, the animal may be reclaimed upon payment of ten dollars (\$10.00) per day for feeding and care and upon compliance with other provisions of this ordinance and \$25.00 reclaim fee.
- C. **Rabies Diagnosed:** If an animal dies while under observation for rabies, then the head of such animal must be submitted to the State Public Health Lab.
- D. **Emergency Quarantine and Procedure:** When reports indicate a positive diagnosis of rabies, the County Director of Public Health may order an area wide quarantine for a period as he deems necessary; and upon invoking of such emergency alert by the Health Director, no pet animal shall be taken into the streets, or permitted to be in the streets during such period. During such alert, no animal maybe taken or shipped from the County without written permission of the Animal Control Division. Each member of the Animal Control Division, police and sheriff's department is hereby fully authorized during such emergency, to impound or destroy (if cannot be apprehended) any animal found running at large in the County. During the quarantine period, the Animal Control Division or the local health authorities shall be empowered to provide a program of mass immunization by the establishment of temporary emergency rabies vaccination clinics strategically located throughout the County. No animal which has been impounded by reason of being a stray, unclaimed by the owner, is allowed to be adopted from the Animal Shelter during the period of emergency rabies quarantine, except by special authorization of the public health officials and the Department Head of the Animal Control Division.
- E. **Current Rabies Inoculation:**
  - 1. It shall be unlawful for an owner to fail to provide current inoculation against rabies (hydrophobia) for any dog or cat four (4) months of age or older. Should it be deemed necessary by the County Health Director, the Board of County Commissioners, or the State Public Health Veterinarian that other pets be inoculated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner to fail to provide current inoculation against rabies for that pet. This ordinance strongly recommends inoculation for other animals if vaccine is available for that species.
  - 2. A rabies inoculation shall be deemed "current" for a dog and cat if two inoculations have been given one year apart and booster doses of rabies vaccine administered every three years thereafter.
- F. **A dog or cat bitten by a proven rabid animal or animal suspected of having rabies:** that is not available for laboratory diagnosis, shall be destroyed immediately by its owner, the county Animal Control Officer or a peace officer unless the dog or cat has been vaccinated against rabies in accordance with this Ordinance or the rules or regulations of the Person County Health Department more than three weeks prior to being bitten, and is given a booster dose of rabies vaccine within three days of the bite. It shall be unlawful for any owner or person who has been taking care of any unvaccinated animal, which is reasonably determined to have been exposed to rabies because of an encounter with a suspect rabid animal, to fail to surrender said unvaccinated animal to the Animal Control Division on demand for compliance with any protocol established by the Person County Health Director for handling of rabies exposure incidents.

- G. In the event there are **additional positive cases of rabies** occurring during the period of quarantine may be extended at the discretion of the county Director of Public Health.
- H. It shall be **unlawful for any person to kill or release any animal under observation for rabies**, any animal suspected of having been exposed to rabies, or any animal biting a human, or to remove such animal from the County without written permission from the Animal Control Department and the County Director of Public Health.
- I. **The carcass of any dead animal** suspected of dying with rabies shall be reported to the Person County Health Department. If the Health Department procedures deem necessary, the animal shall be surrendered to the Animal Control Division. The head of such animal shall be submitted to the Person County Health Department for shipment to the State Public Health Lab.
- J. It shall be unlawful for any person to **fail or refuse to surrender any animal for quarantine** or destruction as required, when demand is made by the Animal Control Division.

**SECTION 8. DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS**

- A. The provisions of this Section do not apply to a dog being used by a law enforcement officer to carry out the law enforcement officer's official duties. A dog shall not be considered a dangerous dog under this Article if the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, had been observed or reported to have tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.
- B. The Chief Animal Control Officer must notify the owner in writing, giving the reasons for his determination, before the dog may be considered potentially dangerous under this Section. The owner may appeal the determination of the Animal Control Officer by giving written notice of the appeal within 5 days F.O. this determination, to the Chief Animal Control Officer. The dog will be considered potentially dangerous pending the appeal.
- C. It is unlawful for an owner to:
  - 1. Leave a dangerous dog or potentially dangerous dog unattended on the owner's real property unless the dog is confined indoors, in a securely enclosed and locked pen, or in another structure designed to restrain the dog;
  - 2. Permit a dangerous dog or potentially dangerous dog to go beyond the owner's real property unless the dog is leashed and muzzled or is otherwise securely restrained and muzzled.
- D. If the owner of a dangerous dog or a potentially dangerous dog transfers ownership or possession of the dog to another person, the owner shall provide written notice to:
  - 1. The Chief Animal Control Officer, stating the name and address of the owner of the dog; and
  - 2. The person taking possession of the dog; specifying the dog's dangerous behavior and the Chief Animal Control Officer's determination.
- E. A dog that has been determined to be dangerous or potentially dangerous may be humanely destroyed in the following instances:
  - 1. If the Chief Animal Control Officer determines that a dog that was previously determined to be dangerous or potentially dangerous either bit a person so as to cause a break in the skin or was at large on two or more separate occasions after such determination, the Chief Animal Control Officer may seek a court order for the dog to be humanely destroyed.



2. If the Chief Animal Control Officer in determining that a dog is dangerous or potentially dangerous also determines that the dog, without provocation, has killed or inflicted severe injury on a person, the Chief Animal Control Officer may seek a Court Order that the dog be humanely destroyed.
- F. A dog that has been determined to be dangerous or potentially dangerous may not be disposed of by adoption from the animal shelter
  - G. The guardian or other custodian of any dog that has been determined to be dangerous or potentially dangerous, shall report immediately to the Animal Control Officer if the dog get loose or is otherwise unconfined or it attacks a person or another animal.
  - H. An animal control officer shall inspect the premises where a dog determined to be dangerous is kept .

**SECTION 9. NOISY DOGS:**

It shall be unlawful for the owner or guardian other custodian of any dog to allow it to bark, whine, howl, or make any other noise for a protracted period so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.

**SECTION 10. INJURING ANIMALS, NOTICE REQUIRED:**

It shall be unlawful for any person to injure an animal by running over, into, or coming into contact with animal, by automobile, motorcycle, bicycle, or other vehicle, to fail to notify immediately, the owner of the animal, the Animal Shelter, the Police Department, if in the city limits, or the Sheriff's Department if in the county.

**SECTION 11. CRUEL TREATMENT:**

It shall be unlawful for any person to tease, bait, molest, torture, deprive of necessary sustenance, or cruelly beat, mutilate or kill, wound, injury, poison, abandon or subject to conditions detrimental to its health or general welfare any animal or to cause or procure such action. The words "torture, or cruelly" shall be held to include every act omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted; but such terms shall not be construed to prohibit lawful shooting of birds, deer and other game for human food; nor to prohibit the Animal Control Division or their agents or veterinarians from destroying dangerous, unwanted or injured animals in a humane manner.

**SECTION 12. MANNER OF KEEPING AND TREATING ANIMALS GENERALLY:**

It shall be unlawful for any person to keep animals under unsanitary or inhumane conditions to fail to provide proper food and water daily, shelter from the weather, reasonable clean quarters, and proper medical attention for sick, diseased or injured animals. It is recommended that animals have adequate inoculation against disease, according to the species of the animal.

**SECTION 13. IMPOUNDING ANIMALS:**

Any animal which appears to be lost, stray or unwanted, or which is found not wearing a current valid rabies vaccination tag required by State law, shall be confined in the Animal Shelter in a humane manner for a minimum of three (3) business days, for redemption by the owner and a maximum of 15 business days for adoption. Animals may be redeemed once it is established to the satisfaction of the Animal Control Director that it has been vaccinated against rabies. If the animal has not been vaccinated against rabies the owner / new owner will be given Proof of Rabies Vaccination Card and 48 hours to have any animal 4 months or older vaccinated for Rabies. The Animal Control Director will have sole responsibility of deciding which animals will be adopted. If there is an animal tested positive in any township, animals from this area will not be adoptable for a period of six (6) months, unless that animal has been vaccinated against rabies prior to custody at the shelter.

- A. **Sale or Destruction:** If an impounded animal is not redeemed by the owner within said period it may be offered for adoption to any responsible adult not associated with the shelter who is willing to comply with these animal control laws and adoption to such person after making appropriate payment for adoption as follows. Animals not redeemed within three (3) days after being taken into custody, may be adopted or destroyed in a humane manner by the Animal Control Division.
- B. **Notifying Owner:** Immediately upon impounding an animal, the Animal Control Division will make reasonable effort to notify the owner, and inform such owner of the conditions whereby the animal may be redeemed.

- C. **Intact Dogs and Cats:** The Animal Control Division shall require that at the appropriate age all adopted dogs and cats released from the Animal Shelter be spayed or neutered, unless released to any reputable Rescue with a 501 tax exempt number. All items according to Section 3 (g) and Section 14 must be met when animal is adopted.
- D. **Suspected Rabies:** Animals impounded which have been bitten by a rabid animal or which the Animal Control Officer has reasonable grounds to suspect has been exposed to a suspect rabid animal, or appear to be suffering from rabies shall not be redeemed or adopted, but shall be dealt with as provided in Section 7 entitled "Rabies Vaccination and Control" of these Ordinances.
- E. **Unwanted, Diseased or Injured Animals:** If an animal is officially surrendered by the owner to the Animal Control Division to be placed in home or destroyed in a humane manner, it may be disposed of without waiting three (3) days.
- F. **Other Diseased or Injured Animals:** Any animal impounded which is badly wounded or diseased (not a rabies suspect) and has no identification shall be destroyed immediately in a humane manner. If the animal has identification, the Animal Control Division will attempt to notify the owner before disposing of such animal, but if the owner cannot be reached, and the animal is suffering, the Animal Control Division may destroy the animal at its discretion, in a humane manner.

**SECTION 14, REDEMPTION AND ADOPTION PROCEDURE FOR IMPOUNDED ANIMALS:**

**A. Redemption**

The owner shall be entitled to resume possession of his animal, except as already provided for certain animals, upon compliance with the provisions of this ordinance and the payment of shelter fees incurred. The shelter fees shall be as follows:

Redemption by Owner.....\$25.00

If two or more violations occur within one year, the owner redemption fee shall increase by \$10.00 from previous violation. In addition to the other fees, a boarding fee at the rate of \$5.00 per day must be paid before animals may be redeemed.

If the dog or cat has not been vaccinated against rabies, the owner will be given a PROOF OF RABIES VACCINATION CARD at the time of the redemption or adoption. This card will be stamped with a date stating the maximum time limit allowed to take the dog or cat to the veterinarian of his choice for rabies vaccination. The time for dogs or cats four (4) months and older will be 48 hours with Sundays and holidays excluded. For puppies and kittens under four months, the time limit would vary according to their age.

The CARD will be completed and returned to the Animal Shelter by the owner. If this card is not returned to the Animal Shelter within the time limit, a control officer will be dispatched to retrieve the dog or cat.

**B. Adoption**

Adoption Fee.....\$25.00 (includes age appropriate vaccinations)

There will be a \$75 deposit for all animals adopted from the shelter. This deposit will be returned once the proof of vaccination card and the proof of sterilization card have been returned. The sterilization card must be returned within 30 days if the animal is 6 months of age or older.

**SECTION 15. OTHER FEES:**

- A. To pick up owned puppies or kittens - \$25.00.
  - 1. Owner may bring puppies or kittens to the shelter at no charge.
  - 2. No charge to pick up stray puppies or kittens but must pick up mother also.
- B. To answer injured animal call - \$25.00
  - 1. Owner must pay fee to Officer upon arrival
  - 2. No charge to answer call on injured stray animal.

**SECTION 16. EXEMPTIONS:**

Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this ordinance except for the sections on cruel treatment and the manner of keeping animals.

**SECTION 17. INTERFERENCE:**

It shall be unlawful for any person to interfere with, hinder or molest the Animal Control Division or its agents, or Animal Control Officers or Veterinarians in the performance of any duty authorized by this ordinance, or seek to release any animal in the custody of said agents except as herein provided.

**SECTION 18. RECORDS:**

It shall be the duty of the Animal Control Division to keep accurate and detailed records of:

- A. Impoundment and disposition of all animals coming into the Animal Shelter;
- B. Bite cases, violations, and complaint investigations;
- C. All monies belonging to County which were derived from impoundment fees, penalties and adoption of animals;
- D. All other records deemed necessary by the County Manager.

**SECTION 19. PENALTIES:**

- A. Under authority of G.S. 153A. 123 (b) violation of this ordinance is a misdemeanor punishable by a fine of not more than \$500.00 and/or imprisonment for not more than thirty days.
- B. The Animal Control Officer may institute action for injunctive relief and order abatement as provided in G.S. 153 A-123 (e) for any condition found unlawful in this ordinance.
- C. The Animal Control Officer may also enforce this Ordinance by issuing a Notice of Civil Penalty in any amount up to One Hundred Dollars (\$100) per day for any violation.
- D. Each day of continued violation of this ordinance is a separate and distinct offense as provided in 153A-123(g).

**SECTION 20. SEVERABILITY:**

If any section or part of this ordinance should be held invalid for any reason, such determination shall not affect the remaining sections or parts, and to that end the provisions of this ordinance are severable.

**SECTION 21. EFFECTIVE DATE:**

**This ordinance shall become effective on the 21<sup>st</sup> day of April, 1981.**

**Amended on April 5, 1993.**

**Amended on March 18, 1996.**

**Amended November 19, 2007.**

(signed) Johnny M. Lunsford  
Chairman, County Commissioners

**ADOPTION OF PERSONNEL POLICY REVISIONS:**

County Manager Carpenter presented a number of minor changes to the Personnel Policy which was adopted on December 18, 2006 and effective January 1, 2007. Certain clarifications, additions and deletions are included in the revised version. He proposed that the Personnel Policy as revised be adopted with an effective date of January 1, 2008.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes and **carried** to approve the Personnel Policy Revisions with an **effective date of January 1, 2008.**

**Personnel Policy Revisions**

November 19, 2007

**Solid red indicates information added**  
**Red with strikeout indicates a change**

**Pages with Changes**

Page 1	Section 3. Responsibilities of the County Board of Commissioners added; omitted from current policy
Page 3	Section 15. Leave Pro-Rated added; omitted from current policy; other sections had to be renumbered due to this
Page 8	Part-time employee, Permanent employee and Temporary employee definitions changed
Page 17	Section 16. Longevity Pay permanent added and date changed per Finance request
Page 18	Section 3. Recruitment, Selection and Appointment - Applicant Interest Card deleted
Page 19	Appointment - changed to Department Head
Page 20	Section 6. Demotion spelling of "may" corrected
Page 25	Section 2. Group Health and Hospitalization Insurance - permanent added; wording deleted
Page 26	Section 6. Supplemental Retirement Benefits (401-K) - permanent added
Page 28	Section 1. Policy permanent added; wording deleted Section 4. Holidays: Compensation When Work is Required - word deleted
Page 29	Section 7. Vacation Leave: Accrual Rate - Part-time permanent pro-rated added Section 8. Vacation Leave: Maximum Accumulation - Five consecutive days explained further
Page 31	Section 13. Sick Leave: Accrual Rate and Accumulation - Added full-time/part-time rates

Page 31	Section 15. Leave Pro-Rated added
Page 32	Section 15. Leave Pro-Rated continued Section 16. Leave Without Pay - permanent added Section 17. Family Medical Leave - wording changed
Page 33	Section 17. Family Medical Leave - wording changed
Page 34	Section 19. Family Medical Leave and Leave Without Pay - wording deleted
Page 36	Section 25. Voluntary Shared Leave - Purpose defined more clearly
Page 37	Section 25. Voluntary Shared Leave - Policy and Administration added
Page 38	Section 25. Voluntary Shared Leave - Participation and Donor Leave Accounting added
Page 39	Section 4. Disability Per Attorney add "Consistent with State and Federal Laws"

**PERSON COUNTY GOVERNMENT  
PERSONNEL POLICY**

Adopted on December 18, 2006 by the Board of Commissioners; Policy effective January 1, 2007  
BE IT RESOLVED by the Board of County Commissioners for Person County that the following policies apply to the appointment, classification, benefits, salary, promotion, demotion, dismissal, and conditions of employment for the employees of the County.

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provide mediation between the grieving department head and the Hiring Authority (see definition of mediation in informal resolution above); or b) consider the appeal and make recommendations back to the Hiring Authority concerning the appeal. Such parties might consist of human resource professionals, attorneys, mediators, or other parties appropriate to the situation. Department heads may also request the application of these special provisions. The Hiring Authority's decision regarding the disposition of the grievance shall be the final decision. The County Manager would notify the Board of Commissioners of any impending legal action. **Section 5. Role of the Human Resources Director**

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## **ARTICLE I. GENERAL PROVISIONS**

### **Section 1. Purpose of the Policy**

It is the purpose of this policy and the rules and regulations set forth to establish a fair and uniform system of personnel management for all employees of the County under the administration of the County Manager, elected officials, Elections Board, Board of Health, and Social Services Board. These aforementioned entities are the official appointing authorities covered by this personnel policy. State requirements will supersede these policies for positions subject to the State Personnel Act whenever there is a conflict. This policy is established under authority of G.S. 153A, Article 5 and G.S. 126 of the General Statutes of North Carolina.

### **Section 2. Merit Principles**

All appointments and personnel actions shall be made on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and salary grade. No applicant for County employment or employee shall be deprived of employment opportunities or otherwise be adversely affected as an employee because of an individual's race, color, religion, sex, national origin, political affiliation, qualified disability, or age.

### **Section 3. Responsibilities of the County Board of Commissioners**

The County Board of Commissioners shall be responsible for establishing and approving human resources policies, the position classification and pay plan, and it may change the policies and benefits as necessary. The Board also shall make and confirm appointments when so specified by the general statutes.

### **Section 4. Responsibilities of the County Manager**

The County Manager shall be responsible to the County Board of Commissioners for the administration and technical direction of the human resources program. The County Manager shall appoint, suspend, and remove County officers and employees except those elected by the people or whose appointment is otherwise provided for by law. The County Manager shall make appointments, dismissals and suspensions in accordance with the state statutes and other policies and procedures spelled out in other Articles in this Policy.

The County Manager shall:

- a) recommend rules and revisions to the personnel system to the County Board of Commissioners for consideration;
- b) make changes as necessary to maintain an up to date and accurate position classification plan;
- c) recommend necessary revisions to the pay plan;
- d) determine which employees shall be subject to the overtime provisions of FLSA;
- f) develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the County;
- g) perform such other duties as may be assigned by the County Board of Commissioners not inconsistent with this Policy; and
- h) appoint an employee to the role of Human Resources Director or serve in that role for the County.

## **Section 5. Responsibilities of the Human Resources Director**

The responsibilities of the Human Resources Director are to make recommendations to the County Manager on the following:

- a) recommend rules and revisions to the personnel system to the County Manager for consideration;
- b) recommend changes as necessary to maintain an up to date and accurate position classification plan;
- c) recommend necessary revisions to the pay plan;
- d) recommend which employees shall be subject to the overtime provisions of FLSA;
- e) maintain a roster of all persons in the County service
- f) establish and maintain a list of authorized positions in the County service at the beginning of each budget year which identifies each authorized position, class title of position, salary range, any changes in class title and status, position number and other such data as may be desirable or useful;
- g) develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the County;
- h) develop and coordinate training and educational programs for County employees;
- i) investigate periodically the operation and effect of the personnel provisions of this policy;
- j) perform such other duties as may be assigned by the County Manager not inconsistent with this Policy; and
- k) insure that all employees receive and sign for a copy of this personnel policy and any revisions.

In the event there is no Human Resources Office, these duties will be assumed by the County Manager or his/her designee.

## **Section 6. Application of Policies, Plan, Rules, and Regulations**

This personnel policy and all rules and regulations adopted pursuant thereto shall be binding on all County employees. The County Manager, County Attorney, elected officials, appointed members of the County Board and advisory boards and commissions will be exempted except in sections where specifically included. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws which have been violated.

## **Section 7. Departmental Rules and Regulations**

Due to the particular personnel and operational requirements of the various departments of the County, each department is authorized to establish supplemental rules and regulations applicable only to the personnel of that department. All such rules and regulations shall be subject to the approval of the County Manager or designee, and shall not in any way conflict with the provisions of this Policy, but shall be considered as a supplement to this Chapter.

## Section 8. Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**Adverse Action.** An involuntary demotion, reduction in pay, suspension, reduction in force, or separation from employment.

**Anniversary Date.** The employee's most recent date of employment with the county service in a permanent position.

**Appointing Authority.** The County Manager will be designated as the Appointing Authority with the following exceptions:

- a) The Sheriff shall be the appointing authority for positions in the Sheriff's Department;;
- b) The Register of Deeds shall be the appointing authority for positions in the Register of Deeds Department;
- c) The Board of Elections shall be the appointing authority for positions in the Elections Department;
- d) The Social Services Director shall be the appointing authority for positions in the Social Services Department; and
- e) The Health Director shall be the appointing authority for positions in the Health Department.

**Classification.** A title of a single or group of positions which are sufficiently similar to require the same set of knowledge, skills, abilities, education and experience qualifications.

**Client/Employee.** Employees who work for Person Industries in a structured environment for the purposes of vocational rehabilitation. Such employees are not in permanent positions and are not eligible for benefits.

**Full-time employee.** An employee who is in a position for which an average work week equals at least 37.5 hours, and continuous employment of at least 12 months, is required by the County. Such employees are eligible for benefits.

**Part-time employee.** An employee who is in a position for which an average work week of at least 22.5 hours and less than 37.5 hours and continuous employment of at least 12 months are required by the County. Such a position is eligible for benefits.

**Permanent position.** A position authorized for the budget year for a full twelve months and budgeted for 22.5 or more hours per week. All County positions are subject to budget review and approval each year by the Board of Commissioners and all employees' work and conduct must meet County standards. Therefore, reference to "permanent " positions or employment should not be construed as a contract or right to perpetual funding or employment.

**Probationary employee.** An employee appointed to a full or part-time regular position who has not yet successfully completed the designated probationary period of nine months. Persons in trainee appointments are a probationary employee for the full duration of their appointment in that status.

**Production/Employee.** Employees who work for Person Industries in a structured environment for the purposes of production demand. Such employees are not in permanent positions and are not eligible for benefits.

**Regular employee.** An employee appointed to a full or part-time position who has successfully completed the designated probationary period.

**Temporary employee.** An employee appointed to a position for which either the average work week required by the County over the course of a year is 20 hours or less ( or 1000 hours per year), or continuous employment required by the County is less than 12 months. Such employees are not eligible for benefits.

**Trainee.** An employee status when an applicant is hired (or employee promoted) who does not meet all of the requirements for the position. During the duration of a trainee appointment, the employee is on probationary status.

**Work Against Appointment.** In departments whose employees are subject to the State Personnel Act, the appointing authority may appoint an employee in a work against situation. When qualified applicants are unavailable and there is no trainee provision for the classification of the vacancy, the appointing authority may appoint an employee below the level of the regular classification in a "work against" appointment. This appointment is for the purpose of allowing the employee to gain the qualifications needed for the full class through on the job experience. A work against appointment may not be made when applicants are available who meet the training and experience requirements for the full class in the position being recruited without clear justification.

## ARTICLE II. POSITION CLASSIFICATION PLAN

### Section 1. Purpose .

The position classification plan provides a complete inventory of all authorized and permanent positions in the County service, and an accurate description and specification for each class of employment. The plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities. All positions covered by the personnel policy are to be classified according to the assigned duties, responsibilities, qualifications needed, and other required factors. In order to insure its continuing value as a personnel management tool, the positions classification plan will be maintained to reflect the current work assignments and other conditions and requirements which are factors in proper classification and allocation of regular positions.

Positions in the Departments of Social Services and Public Health will be classified by the NC Office of State Personnel in compliance with the rules and regulations under the State Personnel Act.

### Section 2. Composition of the Position Classification Plan

The classification plan shall consist of:

- a) A grouping of positions in classes which are approximately equal in difficulty and responsibility which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions;
- b) class titles descriptive of the work of the class;
- c) written specifications for each class of positions; and
- d) an allocation list showing the class title of each position in the classified service.

### **Section 3. Use of the Position Classification Plan**

The classification plan is to be used:

- a) as a guide in recruiting and examining applicants for employment;
- b) in determining lines of promotion and in developing employee training programs;
- c) in determining salary to be paid for various types of work;
- d) in determining personnel service items in departmental budgets; and
- e) in providing uniform job terminology.

### **Section 4. Administration of the Position Classification Plan**

The County Manager, assisted by the Human Resources Director, shall allocate each position covered by the classification plan to its appropriate class, and shall be responsible for the administration of the position classification plan. The Human Resources Director shall periodically review portions of the classification plan and recommend revisions to the County Manager to ensure that classifications accurately reflect current job duties and responsibilities. The Human Resources Director shall also periodically review the entire classification plan and, when needed, recommend major changes to the County Manager. The Office of State Personnel shall administer the classification plan for employees who are subject to the State Personnel Act.

### **Section 5. Authorization of New Positions and the Position Classification Plan**

New positions shall be established upon recommendation of the Manager and approval of the Board of Commissioners. New positions shall be recommended to the Board of Commissioners with a recommended class title. The position classification plan, along with any new positions or classifications shall be approved by the Board of Commissioners and on file with the Human Resources Director. Copies will be available to all employees for review upon request.

### **Section 6. Request for Reclassification**

Any employee who considers the position in which classified to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall immediately transmit the request to the Human Resources Director through the chain of command. Upon receipt of such request, the Human Resources Director shall study the request, determine the merit of the reclassification, and make the necessary changes to maintain a fair and accurate classification plan.

## **ARTICLE III. THE PAY PLAN**

### **Section 1. Definition**

The pay plan includes the Salary Schedule and the Assignment of Classes to Salary Grades and Ranges adopted by the Board of County Commissioners. The salary schedule may consist of a Hiring, Minimum, Midpoint, and Maximum rates of pay for each job classification approved by the Board of County Commissioners. Salary increases within the pay range shall be based on criteria established by the County Manager and approved by the Board of County Commissioners.

### **Section 2. Administration and Maintenance**

The County Manager shall be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan shall be paid at a rate within the salary range established for the

respective position classification, except for employees in trainee status or employees whose existing salaries are above the established maximum rate following transition to a new pay plan.

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in public employment in the area, changes in the cost of living, the financial conditions of the County, and other factors. To this end, from time to time the County Manager, assisted by the Human Resources Director, shall make comparative studies of all factors affecting the level of salary ranges and may make minor adjustments in the allocation of positions to salary grades. When major adjustments encompassing numerous positions are needed, or when a general adjustment is needed to the pay plan, the County Manager shall recommend such changes in salary ranges as appear to be warranted to the Board. The Board shall adopt the Salary Schedule and assignment of Job Classes to Salary Grades, including any minor adjustments made by the County Manager during the previous budget year, annually as part of the budget process.

The County Manager may approve in-range adjustments to employee salaries not to exceed ten percent when necessary to accommodate inequities, special performance or achievements, or other issues.

### **Section 3. Starting Salaries**

All persons employed in positions approved in the position classification plan normally shall be employed at the Hiring Rate for the classification in which they are employed; however, on the recommendation of the department head, with the approval of the County Manager, employee salaries may be approved above the Hiring Rate. Reasons for hiring above the Hiring Rate include exceptional education and experience qualifications of the applicant, a shortage of qualified applicants, and/or the refusal of qualified applicants to accept employment at the Hiring Rate. Department Heads shall consider internal equity of other employees in the department when making a recommendation for employment above the Hiring Rate.

Elected officials, i.e. the Sheriff and Register of Deeds, shall be paid upon initial election or appointment, at the entry rate of pay for the position because there is no appointing authority to make decisions concerning their qualifications for placement above the hiring rate.

### **Section 4. Trainee Designation and Provisions**

Applicants being considered for employment or County employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred by the County Manager to a "trainee" status or under the State Personnel Act job classes as a "work against." In such cases, a plan for training and meeting the minimum qualification for the job classification, including a time schedule, must be prepared by the supervisor. An employee shall remain at the trainee or "work against" salary level until the Department Head certifies that the employee is qualified to assume full responsibilities of the position and the County Manager approves the certifications. The Department Head shall review the progress of each employee in a trainee or "work against" status every six months or more frequently as necessary to determine when the employee is qualified to assume full responsibilities of the position. "Trainee" salaries may be one to three grades below the Hiring rate established for the position for which the person is being trained. Assignment three grades below is appropriate when the traineeship is expected to last two years. Assignment two grades below is appropriate for more than six months but less than two years. (Note: Positions subject to the State Personnel Act may be assigned no more than two grades below as for trainee purposes.) The actual assignment should be reviewed and approved by the Human Resources Director. A new employee designated as "trainee" appointment shall be in a probationary status until requirements for the full job class are met.

If the training is not successfully completed as planned, the employee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the Hiring rate established for the job class.

### **Section 5. Probationary Pay Increases**

Employees hired or promoted into the Hiring Rate of the pay range shall receive a salary increase within the salary range of approximately 5% upon successful completion of the probationary period. Employees serving a twelve-month probationary period are eligible for consideration for this pay increase after nine months of successful employment. Employees hired or promoted above the hiring rate may also be considered for an increase when removed from probationary status, based upon performance level.

### **Section 6. Pay Range Increases**

Upward movement within the established salary range for an employee is not automatic but rather based upon specific criteria. Procedures for determining performance levels and performance pay increases shall be established in procedures approved by the County Manager.

### **Section 7. Performance Pay Bonus**

If the County implements a performance pay system, employees who are at the maximum of the salary range for their position classification will be eligible to be considered for a performance (merit) bonus at their regular performance evaluation time. Performance (merit) bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation and shall be the same percentage of annual salary as employees within the salary range with the same performance level. Performance (merit) bonuses do not become part of base pay and shall be awarded in a lump sum payment. Employees above the maximum of the range are not eligible for this increase.

### **Section 8. Salary Effect of Promotions, Demotions, Transfers, and Reclassifications**

(See Article IV for definitions of these terms)

**Promotions.** When an employee is promoted to a position with a higher salary grade, the employee's salary shall normally be advanced to the Hiring Rate of the new position, or to a salary which provides an increase of at least approximately 5% over the employee's salary before the promotion, provided, however, that the new salary may not exceed the Maximum rate of the new salary range. The purpose of the promotional pay increase is to recognize and compensate the employee for assuming increased responsibility. The amount of the salary adjustment should be based on:

- a) the employee's related education, training, and experience;
- b) the nature and magnitude of the change in jobs;
- c) budget availability;
- d) consistency with similar situations in the past;
- e) internal equity within the work unit; and
- f) other relevant issues.

Cost of living (or market adjustment), probationary increases for a previous job, and other in-range increases cannot take the place of a promotional increase. The position of the employee's adjusted salary within the new salary range shall not exceed the position of the employee's salary in the current range.

**Demotions.** When an employee is demoted to a position for which qualified, the salary shall be set at the rate in the lower pay range which provides a salary commensurate with the employees' qualifications to perform the job when the demotion is not the result of discipline. If the current salary is within the new range, the employee's salary may be retained at the previous rate, if appropriate. Consideration should be given to

whether the employee is receiving the same pay for decreased workload or responsibility level and action should be appropriate to this consideration along with internal equity consideration of the pay rate of other employees in the same classification. If the demotion is the result of disciplinary action, the salary shall be decreased at least approximately 5%, but may be no greater than the maximum of the new range.

**Transfers.** The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary grade shall not be changed by the reassignment.

**Reclassifications.** An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase of approximately 5% or an increase to the Minimum Rate of the new pay range, whichever is higher. If the position is reclassified to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary.

### **Section 9. Salary Effect of Salary Range Revisions**

When a class of positions is assigned to a higher salary range as a result of labor market conditions, employees in that class shall receive a 5% increase for each salary grade increase, if such increases do not exceed the midpoint of the new range. The employee shall receive a minimum of 5% for the range revision, even if such increase takes the employee above the midpoint of the new range. When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum established for the new class, the salary of that employee shall be maintained at that level until such time as the employee's salary range is increased above the employee's current salary.

### **Section 10. Transition to a New Salary Plan**

The following principles shall govern the transition to a new salary plan:

- 1) No employee shall receive a salary reduction as a result of the transition to a new salary plan.
- 2) All employees being paid at a rate lower than the Minimum rate established for their respective classes shall have their salaries raised to the new Minimum for their classes. The only exception will be those employees in probationary status and currently being paid at the Hiring, a trainee rate, or in a "work against" status. These employees will remain in their same relative pay status in the new salary grade assigned.
- 3) All employees being paid at a rate above the Minimum and below the Maximum are considered as being paid at a competitive rate for the job class and may receive any approved salary plan implementation increases as authorized by the Board.
- 4) All employees being paid at a rate above the Maximum rate established for their respective classes shall be maintained at that salary level with no increase in base pay until such time as the employees' salary range is increased above the employees' current salary. This means no performance/merit pay increases or market adjustment/cost of living increases or any other increases to the base pay of the employee until the employee is within the appropriate salary range.

### **Section 11. Effective Date of Salary Changes**

Salary changes approved after the first working day of a month shall become effective at the beginning of the next month, or at such specific date as may be provided by procedures approved by the County Manager. This applies to probationary pay increases and certification increases. Section 8: Promotions, Demotions, Transfers and Reclassifications salary changes will be effective on the day it occurs.



## **Section 12. Overtime Pay Provisions**

Employees of the County can be requested and may be required to work overtime hours as necessitated by the needs of the County and determined by the supervisor. All overtime work must be authorized in advance.

Supervisors shall attempt to arrange employee work and schedules so as to accomplish the required work within the standard workweek and without incurring overtime.

The County will comply with the Fair Labor Standards Act (FLSA). The County Manager shall determine which jobs are "Non Exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

Non-Exempt Employees: Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7 day period or alternative FLSA approved full time schedule). Employees in law enforcement job classes may earn overtime based on a 28 day time period. Hours worked beyond the FLSA established limit will be compensated in time or pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, or holidays be included in the computation of hours worked for FLSA purposes.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be given in the form of compensatory time off or paid in accordance with the FLSA.

Earned compensatory time may be granted whenever feasible and determined by the County Manager, based on recommendations from the Department Head. Accumulation of more than eighty hours of compensatory time is discouraged and must have the approval of the County Manager. However, under FLSA provisions, non-exempt employees may accumulate up to 240 hours of compensatory time (sworn law enforcement officers may accumulate up to 480 hours). Nonexempt employees separating from employment shall be paid for their compensatory time balances.

In declared disaster or emergency situations such as a FEMA declared emergency where employees are required to work long and continuous hours, the County Manager may approve compensation at a rate up to double time for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe working conditions.

Exempt employees: Employees in positions determined to be "exempt" from the FLSA (as Executive, Administrative, or Professional staff) will not receive pay for hours worked in excess of their normal work periods. These employees may be granted compensatory leave by their supervisor where the convenience of the department allows and in accordance with procedures established by the County Manager. Such compensatory time is not guaranteed to be taken and ends without compensation upon separation from the organization.

The County intends to make deductions from the pay of exempt employees for authorized reasons and prohibits improper pay deductions. Exempt employees who wish to question deductions they believe to be improper may use the County's Grievance procedure, as explained in this policy. If the deduction is found to be improper the County will reimburse the employee for lost pay.

In declared disaster or emergency situations requiring long and continuous hours of work, exempt employees may be compensated at a rate of up to double time for the duration of the emergency period, at the approval of the County Manager.

Use of compensatory time: The use of accrued compensatory time by non-exempt or exempt employees cannot count as part of the 12 weeks of eligible Family and Medical Leave (FMLA).

### **Section 13. On-Call and Call-Back Compensation**

The County provides continuous twenty-four hours a day, seven days a week service to its citizens. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. One of the conditions of employment with the County is the acceptance of a share of the responsibility for continuous service in accordance with the nature of each job. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee may be subject to disciplinary action up to and including dismissal by the appointing authority.

**On-call.** On-call (standby) time consists of scheduled non-work hours in excess of the standard work period when an employee is required to be available to be called back to work on a regularly scheduled or emergency basis and must respond within a reasonable period of time and must be sober and able to work. On-call /standby schedules must be approved by the Department Head. The Human Resources Office shall maintain a list of employees who are approved for on-call compensation arrangements.

An employee is required by FLSA to be compensated regular pay for on-call time if he or she must remain near an established telephone or otherwise substantially restrict personal activities in order to be ready to respond when called. The County chooses to compensate employees at a rate less than regular pay for the inconvenience of on-call pay when a pager is used and time is not substantially restricted. Non-exempt employees required to be on "stand-by" duty will be paid for five hours of work for each week (approximately 128 hours, excluding work time) of stand-by time they serve. Stand-by compensation for less than one full week shall be determined by the ratio of .04 hours of pay per one hour of stand-by time. Hours actually worked while on stand-by are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week.

**Call-back.** Call-back time consists of actual time spent when called back to work to handle an emergency situation. Non-exempt employees will be guaranteed a minimum payment of two hours of wages for being called back to work outside of normal working hours when not on stand-by. "Call-back" provisions do not apply to previously scheduled overtime work (scheduled one or more days in advance).

### **Section 14. Payroll Schedule and Deductions**

The payroll schedule shall be established by the County Manager and shall be administered by the Finance Department. Deductions shall be made from each employee's salary, as required by law. Additional deductions may be made upon the request of the employee on determination by the County Manager as to capability of payroll equipment and appropriateness of the deduction.

### **Section 15. Hourly Rate of Pay for full-time, part-time and Temporary Employees and for Work Weeks with Varying Hours**

Employees working in a part-time or temporary capacity with the same duties as full-time employees will work at a rate in the same salary range as the full-time employees. The hourly rate for employees working other than 40 hours per week, such as employees working 37.5 hours per week and law enforcement officers working an average 42 hours per week, will be determined by dividing the average number of hours scheduled per year into the annual salary established for the position.

### **Section 16. Longevity Pay**

Full and part-time permanent employees of the County are compensated for continuous years of service with the County by payment of a longevity supplement based on continuous years of service as of November 1st of each year. Continuous service is continuous employment including any approved leave or involuntary reduction in force.

Longevity amounts shall be as follows:

<u>Years of Service</u>	<u>Amount</u>
Less than 2 years	\$58
2 years, but less than 5 years	\$100
5 years, but less than 10 years	1% of annual salary
10 years, but less than 15 years	2% of annual salary
15 years, but less than 20 years	3.25% of annual salary
20 years, but less than 25 years	4.5% of annual salary
25 years or more	5.75% of annual salary

Longevity pay will be issued on the first regular pay period closest to the Thanksgiving Holiday or as designated by the County Manager.

#### **Section 17. Pay for "Interim" Assignment in a Higher Level Classification**

An employee who is formally designated for a period of at least one month to perform the duties of a job that is assigned to a higher salary grade than that of the employee's regular classification shall receive an increase for the duration of the "interim" assignment. The employee shall receive a salary adjustment to the entry level (Hiring rate) of the job in which the employee is acting or an increase of 10%. Criteria involved in determining the amount of compensation shall include

- a) the difference between the existing job and that being filled on a temporary basis, and
- b) the degree to which the employee is expected to fulfill all the duties of the temporary assignment.

The salary increase shall be temporary and the employee shall go back to the salary he or she would have had if not assigned to the "acting" role upon completion of the assignment.

### **ARTICLE IV. RECRUITMENT AND EMPLOYMENT**

#### **Section 1. Equal Employment Opportunity Policy**

It is the policy of the County to foster, maintain and promote equal employment opportunity. The County shall select employees on the basis of the applicant's qualifications for the job and award them, with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to race, color, religion, sex, national origin, political affiliation, qualified disability, marital status, or age. Applicants with disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of duties.

#### **Section 2. Implementation of Equal Employment Opportunity Policy**

All personnel responsible for recruitment and employment will continue to review regularly the implementation of this policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related job requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of race, color, religion, sex, national origin, political affiliation, qualified disability, marital status, or age. Notices with regard to equal employment matters shall be posted in conspicuous places on County premises in places where notices are customarily posted.

#### **Section 3. Recruitment, Selection and Appointment**

**Recruitment Sources.** When position vacancies occur, the Human Resources Director shall publicize these opportunities for employment, including applicable salary information and employment qualifications.

Information on job openings and hiring practices will be published in local and/or other news media as necessary to inform the community and create a quality and diverse pool of applicants. In addition, notice of vacancies shall be posted at designated conspicuous sites within departments. Individuals shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that well-qualified applicants are obtained for County service. The North Carolina Employment Security Commission shall normally be used as a recruitment source. In rare situations because of emergency conditions, high turnover, etc., the County may hire or promote without advertising jobs, upon approval of the County Manager.

**Job Advertisements.** Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.

**Application for Employment.** All persons expressing interest in employment with the County shall be given the opportunity to file an application for employment for positions which are currently being recruited.

**Application Reserve File.** Applications shall be kept in an inactive reserve file for a period of two years, in accordance with Equal Employment Opportunity Commission guidelines.

**Selection.** Department heads, with the assistance of the Human Resources Director, shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position. All selection devices administered by the County shall be valid measures of job performance.

**Appointment.** Before any commitment is made to an applicant either internal or external, the Department Head shall make recommendations to the Human Resources Director including the position to be filled, the salary to be paid, and the reasons for selecting the candidate over other candidates. The Human Resources Director and Department Head shall recommend approval of appointments and the starting salary for all applicants to the Appointing Authority. All employment offers should be confirmed in writing. The Personnel Action Form, the original application for employment, a copy of the employment offer letter, and any additional supporting documents pertaining to the selected candidate should be submitted to the County Manager's office prior to the beginning date of employment. The documents will become part of the new employees personnel file.

#### **Section 4. Probationary Period**

An employee appointed or promoted to a regular position shall serve a probationary period. Employees shall serve a nine-month probationary period, except that sworn law enforcement personnel and department heads shall serve a twelve-month probationary period. Employees in trainee or "work against" appointments will have specific time frames established for their probationary period.

During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Before the end of the probationary period, the supervisor shall determine whether or not the employee is performing satisfactory work and meeting job expectations. The employee's progress (accomplishments, strengths, and areas for improvement) will be discussed with the employee and a summary of this discussion should be documented in the employee's personnel file. The supervisor shall recommend in writing whether the probationary period should be completed or the employee transferred, demoted, or dismissed.

Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in this Policy. A promoted employee who does not successfully complete the probationary period may be transferred or demoted to a position in which the employee shows promise of success. If no such position is available, the employee shall be dismissed. Promoted employees shall retain all other rights and benefits such as the right to use of the grievance procedures.

## **Section 5. Promotion**

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range. It is the County's policy to create career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is best suited of all applicants, that applicant shall be promoted to that position. The County will balance three goals in the employment process:

- a) the benefits to employees and the organization of promotion from within;
- b) providing equal employment opportunity and a diversified workforce to the community; and
- c) obtaining the best possible employee who will provide the most productivity in that position.

Therefore, except in rare situations where previous County experience is essential or exceptional qualifications of an internal candidate so indicate, the County will consider external and internal candidates rather than automatically promote from within. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Internal candidates shall apply for promotions using the same application process as external candidates.

## **Section 6. Demotion**

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. Demotions may be voluntary or involuntary. An employee whose work or conduct in the current position is unsatisfactory may be involuntarily demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. Such demotion shall follow the disciplinary procedures outlined in this chapter. Demoted employees may appeal this decision based on the Grievance Process outlined in this Personnel Policy.

An employee may request a voluntary demotion when a vacant position is available. Employees may request voluntary demotions in order to accept a position with less complex duties and reduced responsibilities, to change career paths, or for other reasons. A voluntary demotion is not a disciplinary action and is made without using the above-reference disciplinary procedures.

## **Section 7. Transfer**

Transfer is the movement of an employee from one position to a position in a class in the same salary range. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual application process. The Department Head wishing to transfer an employee to a different department or classification shall make a recommendation to the County Manager. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this policy. Employees who are transferred to a different department will serve a six month probationary period.

# **ARTICLE V. CONDITIONS OF EMPLOYMENT**

## **Section 1. Work Schedule**

Department heads shall establish work schedules, with the approval of the County Manager, which meet the operational needs of the department in the most cost effective manner possible.

## **Section 2. Political Activity**

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political

nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States. However, no employee shall:

- a) Engage in any political or partisan activity while on duty;
- b) Use official authority of influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
- c) Be required as a duty of employment or as condition for employment, promotion or tenure of office to contribute funds for political or partisan purposes;
- d) Coerce or compel contributions from another employee of the County for political or partisan purposes;
- e) Use any supplies or equipment of the County for political or partisan purposes; or

County employees in certain federally-funded programs are subject to the Hatch Act, as amended in 1975. This federal act, in addition to prohibiting (b), (c), and (d) above, also prohibits candidacy for elective office in a partisan election.

Any violation of this section shall be deemed improper conduct and shall subject the employee to disciplinary action under this policy.

### **Section 3. Expectation of Ethical Conduct**

The proper operation of County government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

As stewards of public resources and holders of the public trust, County employees are expected to uphold the highest standards of ethical conduct while fulfilling their job duties and responsibilities.

No employee of the County shall accept any gift, favor, or thing of value (more than \$50) from organizations, business firms, or individuals with whom they have official relationships because of County business. These limitations do not prohibit the acceptance of articles of negligible value which are distributed generally, nor prohibit employees from accepting social courtesies that provide good public relations, nor prohibit employees from obtaining loans from public lending institutions. It is particularly important that inspectors, contracting officers, and law enforcement officers guard against relationships that might be construed as evidence of favoritism, coercion, unfair advantage, or collusion.

### **Section 4. Outside Employment**

The work of the County shall have precedence over other occupational interests of employees. All outside employment for salaries, wages, or commission and all self-employment must be reported in advance to the employee's supervisor, who in turn will report it to the County Manager. The County Manager will review such employment for possible conflict of interest and then approve or disapprove the secondary employment. Documentation of the approval of outside employment will be placed in the employee's personnel file.

Examples of conflicts of interest in outside employment *include but are not limited to:*

- a) employment with organizations or in capacities that are regulated by the employee or employee's department; or

- b) employment with organizations or in capacities that negatively impact the employee's perceived integrity, neutrality, or reputation related to performance of the employee's County duties.

Off the job injuries: An employee who sustains an injury or illness in connection with outside employment and is receiving Workers' Compensation from that employer shall not be eligible to use accrued sick leave.

#### **Section 5. Dual Employment**

A full or part-time employee of the County may simultaneously hold another position with the County if the temporary position is in a different department or agency and substantially different capacity and occupational area from that of the full or part-time position. The work must also be performed on an occasional or sporadic basis. Any other situation requires weighted average pay scales and/or overtime pay. However, the work of the full or part-time position shall take precedence over the temporary position.

#### **Section 6. Employment of Relatives**

The County prohibits the hiring and employment of immediate family in permanent positions within the same work unit. "Immediate Family" is defined in Article VII, Section 12. If there is a lack of qualified applicants for a position in the same unit and a qualified immediate family member applies, the supervisor may appeal to the County Manager for consideration. Otherwise, the County will consider employing family members or related persons in the service of the County, provided that such employment does not:

- a) result in a relative supervising relatives;
- b) result in a relative auditing the work of a relative;
- c) create a conflict of interest with either relative and the County; or
- d) create the potential or perception of favoritism.

#### **Section 7. Harassment**

Harassment on the basis of race, color, religion, gender, national origin, age or disability constitutes discrimination. The County opposes harassment by supervisors and co-workers in any form. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, national origin, age, or disability, or that of his or her relatives, friends, or associates.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or c) 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.

Any employee who believes that he or she may have a complaint of harassment may follow the Grievance Procedure described in this Policy or may file the complaint directly with the County Manager, Human Resources Director, or any department head who will advise the Human Resources Director of the complaint. The Human Resources Director will insure that an investigation is conducted into any allegation of harassment and advise the employee and appropriate management officials of the outcome of the investigation.

Employees witnessing harassment shall also report such conduct to an appropriate County official.

## **Section 8. Use of County Time, Equipment, Supplies, and Vehicles**

County supplies and equipment are to be used exclusively for the County's business. During working hours, an employee shall only conduct County business. Use of County time, supplies, or equipment for personal or other purposes not related to the employee's County duties and responsibilities is prohibited and subjects the employee to disciplinary action, up to and including dismissal.

All employees, who use County vehicles, are required to follow applicable motor vehicle and safety requirements. Violation or misuse of County vehicles also subjects the employee to disciplinary action, up to and including dismissal.

County equipment, materials, tool and supplies, shall not be available for personal use and are not to be removed from County property except in the conduct of official County business, unless approved by the Board. No employee shall purchase for personal use any equipment or supplies through County purchase accounts.

The County shall develop and distribute to employees a separate policy covering the use of phones, email, computers, and county cell phones.

Under North Carolina law, email sent or received by the County is considered a public records and is subject to inspection upon request.

Surrender of Property. An employee who terminates employment shall be required to return all items of equipment, including uniforms, owned by the County.

## **Section 9. Performance Evaluation**

Supervisors and/or Department Heads shall conduct Performance Evaluation conferences with each employee at least once a year. These performance evaluations shall be documented in writing and placed in the employee's personnel file. Procedures for the performance evaluation program shall be published by the County Manager.

## **Section 10. Safety**

Safety is the responsibility of both the County and employees. It is the policy of the County to establish a safe work environment for employees. The County shall establish a safety program including policies and procedures regarding safety practices and precautions and training in safety methods. Department Heads and supervisors are responsible for insuring the safe work procedures of all employees and providing necessary safety training programs. Employees shall follow the safety policies and procedures and attend safety training programs. Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal.

Additional detailed procedures regarding safety, worker's compensation, injury, and infection control may be established by the County Manager.

## **Section 11. Immigration Law Requirements**

All employees are required to furnish proof of citizenship or other required documents indicating a legal right to work in the United States. Copies of the completed I-9 form shall be a permanent part of their personnel file.

## **Section 12. Substance Abuse**

The County is firmly committed to maintaining a drug and alcohol free work environment in order to insure the safety and welfare of the general public and all County employees and to insure an efficient and effective work force. The County also seeks to aid employees experiencing substance abuse problems by offering



rehabilitation opportunities. The County Manager has the authority to establish, administer, and enforce substance abuse processes and procedures within the County.

### **Section 13. Credentials and Certifications**

Some duties assigned to positions in local government service may be performed only by persons who are duly licensed, registered or certified as required by the relevant law, rule or regulation. Employees in such classifications are responsible for maintaining current, valid credentials as required by law, rule or regulation. Failure to obtain or maintain the required credentials is a basis for immediate dismissal without prior warning. An employee who is dismissed shall be given a written statement of the reason for the action and his/her appeal rights.

## **ARTICLE VI. EMPLOYEE BENEFITS**

### **Section 1. Eligibility**

All part-time and full-time employees of the County who are in permanent positions are eligible for employee benefits as provided for in this Article which are subject to change at the County's discretion. Temporary employees are eligible only for workers' compensation and social security.

### **Section 2. Group Health and Hospitalization Insurance**

The County provides group health and hospitalization insurance programs for full-time and part-time permanent employees. Employees may add dependents to the group health and hospitalization insurance at a cost paid by the employee.

Information concerning cost and benefits shall be available to all employees from the Human Resources Office.

### **Section 3. Group Life Insurance**

The County provides paid life insurance to its employees. Information on costs, coverage, and benefits are available from the Human Resources Director.

### **Section 4. Other Optional Group Insurance Plans**

The County may make other group insurance plans available to employees upon authorization of the County Manager or County Board.

### **Section 5. Retirement**

Each employee in a permanent position who is expected to work for the County more than 1,000 hours annually shall join the North Carolina Local Governmental Employees' Retirement System when eligible as a condition of employment.

Employees contribute, through payroll deduction, six per cent of their gross salary to the system. The County contributes an actuarially determined percentage of the gross payroll each month to the system.

Provisions of this system are further outlined in the North Carolina Local Government Employees' Retirement System handbook available from the Human Resource Office.

### Retiree Health Insurance

The County provides health insurance for retirees according to the following guidelines:

- a) The County will pay 50% of the cost of the premiums for an employee retiring with 20 years of service with Person County;
- b) The County will pay 75% of the cost of the premiums for an employee retiring with 25 years of service with Person County;
- c) Then County will pay 100% of the cost of the premiums for an employee retiring with 30 years of service with Person County.

Coverage will continue until the employee becomes eligible for Medicare, at which time the County will no longer pay any of the premium cost. The cost for the employee's share of the premiums, if any, will be determined on an annual basis. Service time credit with the County will be calculated based on actual service time and any sick leave time that is on balance with the County at the time of retirement.

### **Section 6. Supplemental Retirement Benefits (401-K)**

The County allows employees to defer a portion of their income before taxes into a 401-K tax deferment plan. The County provides contributions of 5% to a 401-K plan for active law enforcement personnel as required by the state, and an amount to be determined by the County Commissioners to other full and part-time permanent employees.

The County also pays a monthly separation allowance to retired law enforcement officers as required by General Statutes.

The County may choose to offer other deferred compensation or supplemental programs.

### **Section 7. Social Security**

The County, to the extent of its lawful authority and power, has extended Social Security benefits for its eligible employees and eligible groups and classes of such employees.

### **Section 8. Workers' Compensation**

All employees of the County (full-time, part-time, and temporary) are covered by the North Carolina Workers' Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisors at the time of the injury in order that appropriate action may be taken.

Employees may use sick leave and/or vacation both during the waiting period before Workers' compensation benefits begin, and afterward to supplement the remaining one-third of salary, except that employee may not exceed the regular salary amount using this provision. This provision also applies to reactions to small pox vaccinations administered to County employees under Section 304 of the Homeland Security Act. Such reactions shall be treated the same as any other workers compensation claim as regards leave and salary continuation.

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee and the supervisor and such claims must be filed by the employee with the North Carolina Industrial Commission within two years from date of injury. The Human Resources Director or designee will coordinate the filing of such claims.

### **Section 9. Unemployment Compensation**

County employees are covered by unemployment insurance. County employees who are terminated due to a reduction in force or released from County service may apply for benefits through the local Employment Security Commission office, where a determination of eligibility will be made.

### **Section 10. Tuition Assistance Program**

Full-time employees who have completed initial probation may apply for tuition reimbursement for courses taken on their own time, which will improve their skills for their current job or prepare them for promotional opportunities within the County service. Tuition, registration, fees, laboratory fees, and student fees are eligible expenses. Employees may be reimbursed eligible expenses up to a total of eight hundred dollars (\$800) per fiscal year. Satisfactory completion of the courses will be required for reimbursement. Requests for tuition assistance shall be submitted to the Human Resources Office prior to course registration and are subject to the review and approval of Department Head and County Manager, subject to availability of funds.

### **Section 11. Credit Union**

Membership in the Local Government Employees' Credit Union is open to all County employees for various loan services, checking, and savings accounts. Membership in the State Employees' Credit Union is open to all employees under the State Personnel Act and their family members for various loan services, checking, and savings accounts.

## **ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE**

### **Section 1. Policy**

The policy of the County is to provide vacation leave, sick leave, and holiday leave to all full-time and part-time employees in a permanent position with the County. . Leave balances should accrue with each payroll when employees work or are on a paid leave status. Leave balances should be printed on payroll checks or provided to employees with each paycheck, including net accrued sick leave, vacation, holiday leave, and compensatory leave.

### **Section 2. Holidays**

The policy of the County is to follow the holiday schedule as published by the State of North Carolina each year. The schedule for the calendar year will be published by December 1 of the previous calendar year for distribution to County employees.

The number of holiday hours earned by employees shall be determined in accordance with the formula set forth in Section 15 of this article.

Departments which have staff working during holidays may designate which days of the week are to be observed using the actual legal holidays when appropriate.

### **Section 3. Holidays: Effect on Other Types of Leave**

Regular holidays which occur during a vacation, sick or other leave period of any employee shall not be considered as vacation, sick, or other leave.

**Section 4. Holidays: Compensation When Work is Required /Shift Work**

Employees required to perform work on regularly scheduled holidays shall receive the proportionally equivalent amount off for the holiday or receive pay in lieu of time off as described in Section 15 of this Article.

If a holiday falls on a regularly scheduled off-duty day for shift personnel, the employee shall receive pay for the proportionately equivalent holiday leave hours. Departments with employees working a shift schedule may elect to compensate those employees for working on the "true" holiday rather than the designated holiday.

**Section 5. Vacation Leave**

Vacation leave may be used for rest and relaxation, school appointments, medical appointments, and other personal needs. Employees must request vacation leave from their supervisor in advance. Vacation leave may also be used by employees who wish to observe religious holidays other than those granted by the County, upon request in advance. Supervisors are responsible for insuring proper staff coverage and may refuse vacation requests when they create a hardship for the County.

**Section 6. Vacation Leave: Use by Probationary Employees**

Employees serving a probationary period following initial employment may accumulate vacation leave but shall not be permitted to take vacation leave during the probationary period. Employees serving a twelve month probationary period shall be allowed to take accumulated vacation leave after nine months of service.

**Section 7. Vacation Leave: Accrual Rate**

Each full time permanent employee of the County shall earn vacation at the following schedule,

<b>Years of Service</b>	<b>Days Accrued Per Year</b>
0 - 4	12
5 - 9	15
10 - 14	18
15 - 19	20
20 plus	21

Part-time permanent employees of the County shall earn vacation at a pro-rated amount. See Section 15 Leave Pro-Rated.

Vacation should be accrued in each payroll period

**Section 8. Vacation Leave: Maximum Accumulation**

Vacation leave may be accumulated without any applicable maximum until December 31 of each year. Effective the last payroll in the calendar year, any employee with more than 30 days of accumulated leave shall have the excess accumulation removed so that only 30 days are carried forward to January 1 of the next calendar year. Employees may have the entire excess amount converted to sick leave provided that the employee has taken a minimum of five consecutive days of vacation during the calendar year. Holidays may not be counted for this purpose. It must be five consecutive work days.

Because the number of hours in employee work weeks vary, the number of hours in 30 days varies. See Section 15 of this Article for formula to calculate the number of hours in 30 days.

Employees are cautioned not to retain excess accumulated vacation leave until late in the year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having vacation leave scheduled or in receiving any exception to the maximum accumulation. Employees may not receive pay for excess vacation time.

#### **Section 9. Vacation Leave: Manner of Taking**

Employees shall be granted the use of earned vacation leave upon request in advance at those times designated by the Department Head which will least obstruct normal operations of the County. Department heads are responsible for insuring that approved vacation leave does not hinder the effectiveness of service delivery. Vacation leave will be taken in quarter hour units.

#### **Section 10. Vacation Leave: Payment upon Separation**

An employee who has successfully completed nine months of the probationary period will normally be paid for accumulated annual leave upon separation subject to the 30-day maximum, provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation. Any employee failing to give the notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the County Manager when deemed to be in the best interest of the County.

Employees who are involuntarily separated shall receive payment for accumulated annual leave subject to the 30-day maximum.

#### **Section 11. Vacation Leave: Payment upon Death**

The estate of an employee who dies while employed by the County shall be entitled to payment of all the accumulated vacation leave credited to the employee's account not to exceed the 30 day maximum.

#### **Section 12. Sick Leave**

Sick leave with pay is not a right which an employee may demand, but a privilege granted for the benefit of an employee when sick. Sick leave may be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others.

Sick leave may be used when an employee must care for a member of his or her immediate family who is ill, but may not be used to care for healthy children when the regular care giver is sick.

Sick leave may also be used for death in the employee's immediate family, but may not exceed three days for any one occurrence.

Sick leave may also be used to supplement Workers' Compensation Disability Leave both during the waiting period before Workers' Compensation benefits begin, and afterward to supplement the remaining salary, except that employees may not exceed their regular salary amount using this provision.

"Immediate family" shall be defined as spouse, parent, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave or not later than two hours after the beginning of the scheduled workday. Failure to do so appropriately may result in disciplinary action.

In order to facilitate the recruitment of qualified persons with appropriate public sector experience, the County Manager may authorize the carry-over of all or a portion of the unused sick leave that has been certified as accumulated during employment with a past state or local government employer under the State or Local Government Employees Retirement System.

### **Section 13. Sick Leave: Accrual Rate and Accumulation**

Sick leave shall accrue at a rate of one day per month of service or twelve days per year for full time employees. Part-time permanent employees see Section 15. Leave Pro-Rated. Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Government Employees' Retirement System.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the County, except as stated for employees retiring or terminated due to reduction in force.

### **Section 14. Sick Leave: Medical Certification**

The employee's supervisor or Department Head may require a physician's certificate stating the nature of the employee or immediate family member's illness and the employee's capacity to resume duties, for each occasion on which an employee uses sick leave or whenever the supervisor observes a "pattern of absenteeism." The employee may be required to submit to such medical examination or inquiry as the Department Head deems desirable. The Department Head shall be responsible for the application of this provision to the end that:

- a) Employees shall not be on duty when they might endanger their health or the health of other employees; and
- b) There will be no abuse of leave privileges.

Claiming sick leave under false pretense to obtain a day off with pay shall subject the employee to disciplinary action.

### **Section 15. Leave Pro-Rated**

Holiday, annual, and sick leave earned by part-time permanent employees with fewer hours than the basic work week shall be determined by the following formula:

- 1) The number of hours worked by such employees shall be divided by the number of hours in the basic work week (usually 40 hours).
- 2) The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic work week.

3) The number of hours in step 2 divided by 12 shall be the number of hours of leave earned monthly by the employees concerned; the number of hours in step 2 divided by 26 is the number of hours earned per bi-weekly payroll period.

Example:

step 1) working hours 22.50/37.50 basic work week=.60

step 2)  $7.50 \times 12 = 90.00$  hours annual  $\times .60$  (step 1) = 54.00 earned

step 3)  $54.00/12=4.50$  per month

#### **Section 16. Leave Without Pay**

A full or part-time permanent employee may be granted a leave of absence without pay for a period of up to six months by the County Manager. The leave shall be used for reasons of personal disability after both sick leave and desired amount of annual leave have been exhausted, sickness or disability of immediate family members, continuation of education, special work that will permit the County to benefit by the experience gained or the work performed, or for other reasons deemed justified by the County Manager.

The employee shall apply in writing to the Department Head for leave. The employee is obligated to return to duty within or at the end of the time determined appropriate by the County Manager. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority, and pay. If the employee decides not to return to work, the Department Head shall be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested, shall be considered a resignation.

#### **Section 17. Family Medical Leave**

The County will grant up to 12 weeks of family and medical leave to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA) during any 12-month period beginning on the date paid leave is exhausted. Eligible employees must have regular status and must have been employed at least twelve months and worked at least 1,250 hours during the previous twelve months. The leave will be unpaid. Additional time away from the job beyond the 12-week period may be considered in accordance with the County's Leave Without Pay policy. Employees will be required to exhaust eligible paid leave before going on a leave without pay status.

FMLA leave may be taken for the following reasons:

- (a) to care for the employee's child after birth or placement for adoption or foster care;
- (b) to care for the employee's spouse, child or parent who has a serious health condition; or
- (c) for a serious health condition that makes the employee unable to perform the employee's job.

Use of earned compensatory leave may not count toward FMLA leave.

A serious health condition is defined as a condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider. This policy covers illness of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long term health condition which results in a period of incapacity for more than three days would be considered a serious health condition.

If a husband and wife both work 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 (not parent in-law)

with a serious health condition, the husband and wife together may only take a total of 12 weeks leave under FMLA.

The request for the use of leave must be made in writing by the employee and approved by the department head or County Manager.

An employee who takes leave under this policy will return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority.

#### **Section 18. Family and Medical Leave: Medical Certification**

In order to qualify for leave under this law, the County requires medical certification. This statement from the employee's or the family member's physician should include the date when the condition began, its expected duration, diagnosis, and brief statement of treatment. For the employee's own health condition, it should state that the employee is unable to perform the essential functions of his/her position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and the employee's presence would be beneficial or desirable.

This certification should be furnished at least 30 days prior to the needed leave unless the employee's or family member's condition is a sudden one. The certification should be furnished as soon as possible (no longer than 15 days from the date of the employee's request). The certification and request must be made to the department head and filed with the Human Resources Director.

The employee is expected to return to work at the end of the time frame stated in the medical certification, unless he/she has requested additional time in writing under the County's Leave Without Pay policy

#### **Section 19. Family Medical Leave and Leave Without Pay: Retention and Continuation of Benefits**

When an employee is on leave under FMLA, the County will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If an employee chooses not to return to work for reasons other than a continued serious health condition, the County will require the reimbursement of the amount paid for the employee's health insurance premiums during the FMLA leave period.

Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit.

An employee ceases to earn leave credits on the date leave without pay begins. The employee may continue to be eligible for benefits under the County's Group insurance plans at his or her own expense, subject to any regulation adopted by the County Commissioners and the regulations of the insurance carrier.

#### **Section 20. Workers' Compensation Leave**

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave, vacation, or compensatory time during the first waiting period. The employee may also elect to supplement workers' compensation payments after they begin with sick leave, vacation, or compensatory time,



provided that the combination of leave supplement and workers' compensation payments does not exceed normal compensation. An employee on workers' compensation leave may be permitted to continue to be eligible for benefits under the County's group insurance plans. When workers' compensation leave extends long enough for the waiting period to be reimbursed, the employee shall return the reimbursement check to the County and have leave hours reinstated for all time covered by paid leave. In such cases the County will pay the employee for any unpaid time that is owed the employee.

- a) All injuries arising out of, and during, the course of employment should be reported by the injured employee to the immediate supervisor as soon as possible. The supervisor or department head shall file an injury report to the Human Resources Director within twenty-four (24) hours of the time of the accident. The employee must use sick leave or annual leave for the first seven (7) days of disability. These days will be reimbursed only if the disability continued for more than twenty-one (21) days.
- b) Before returning to work, a statement from the attending physician should be submitted to the Human Resources Director giving permission for the employee to resume regular duties.
- c) Upon return to work, the employee's salary will be computed on the basis of the last salary plus any merit increment or other salary increase to which the employee would have been entitled during the disability covered by Workers' Compensation. While receiving workers' compensation benefits, an employee continues to earn sick and annual leave and will retain all accumulated sick and annual leave.

**Comment [1]:** pwt 647676662 This injury report may be an informal one or the Form 18 required by the Industrial Commission. The Form 18 should be filed within 5 days as called for in Article IV, Section 8 on page 25

This provision also applies to reactions to small pox vaccinations administered to County employees under Section 304 of the Homeland Security Act. Such reactions shall be treated the same as any other Workers Compensation claim as regards leave and salary continuation.

**Section 21. Military Leave**

Regular employees who are members of an Armed Forces Reserve organization or National Guard shall be granted ten workdays per year for military leave without pay. On rare occasions due to annual training being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year. For this purpose only, an employee shall be granted an additional ten days of military leave during the same calendar year. If the compensation received while on military leave is less than the salary that would have been earned during this same period as a County employee, the employee shall receive partial compensation equal to the difference in the base salary earned during this same period as a County employee. The effect will be to maintain the employee's salary at the normal level during this period.

If such duty is required beyond this ten workdays, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status, and the provisions of that leave shall apply.

While taking military leave without pay or with partial pay, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the County during this period. Employees who are eligible for military leave have all job rights specified by the Vietnam Veterans Readjustment Act, including members of the National Guard or a reserve unit.

Employees who volunteer for additional duty may use vacation, compensatory time or leave without pay. If there is a compensatory balance, it should be used first for nonexempt employees.

## **Section 22. Reinstatement Following Military Service .**

An employee called to extended active duty with the United States military forces, who does not volunteer for service beyond the period for which called, shall be reinstated with full benefits provided the employee:

- a) Applies for reinstatement within ninety days after the release from military service; and
- b) Is able to perform the duties of the former position or similar position; or
- c) Is unable to perform the duties of the former position or a similar position due to disability sustained as a result of military service, but is able to perform the duties of another position in the service of the County. In this case the employee shall be employed in such other position as will provide the nearest approximation of the seniority, status, and pay which the employee otherwise would have been provided, if available.

## **Section 23. Civil Leave**

A County employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the County any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty.

## **Section 24. Parental School Leave**

Under NC General Statutes 95-28.3, a County employee who is a parent, guardian, or person standing in loco parentis (in place of the parent) may take up to four hours of unpaid leave annually to involve him or herself in school activities of his or her child(ren). This leave is subject to the three following conditions:

- 1) The leave must be taken at a time mutually agreed upon by the employee and the County;
- 2) The County may require the employee to request the leave in writing at least 48 hours prior to the time of the desired leave; and
- 3) The County may require written verification from the child's school that the employee was involved at the school during the leave time.

Paid leave (vacation time or earned compensatory time) taken by an employee to attend to school activities of his or her child shall count toward the fulfillment of this provision by the County.

## **Section 25. Voluntary Shared Leave**

### **Purpose**

There are occurrences brought about by serious and prolonged medical conditions that cause employees to exhaust all available leave and therefore be placed on leave without pay. It is recognized that such employees forced to go on leave without pay could be without income at the most critical point in their work life. It is also recognized that fellow employees may wish to voluntarily donate some of their annual leave so as to provide assistance to a fellow employee.

This policy would provide an opportunity for employees to assist another affected by a medical condition that requires absence from duty for a period of time resulting in possible loss of income due to lack of accumulated leave.

This policy and program will provide the opportunity for one employee to help another on a one to one, personal basis. It does not permit "banking" of leave.

### **Policy**

In those cases of a medical condition an employee may apply for or be nominated to become a recipient of leave transferred from the annual leave account of another employee. For purposes of this policy, medical condition means medical condition of an employee or a family member of such employee that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee due to limited leave in the employee's leave account. The intent of this policy is to allow one employee to assist another in case of a crisis involving a serious or prolonged medical condition. It is not the intent of this policy to apply to incidental, normal, short-term medical conditions.

The use of annual leave on a shared basis for any purpose other than specified by this policy is prohibited. An employee who has a medical condition and who receives benefits from the Disability Income Plan of North Carolina (DIPNC) is not eligible to participate in the shared leave program.

Participation in this program is limited to 975 hours, either continuously or, if for the same condition on a recurring basis. However, management may grant employee continuation in the program, month by month for a maximum of 1,950 hours, if management would have otherwise granted leave without pay.

An employee on workers' compensation leave who is drawing temporary total disability compensation may be eligible to participate in this program. Use of donated leave under the workers' compensation program would be limited to use during the required waiting period.

### **Administration**

This program shall be administered within the department of the recipient employee under the following conditions:

- I. Qualifying to Participate
  - A. Employee must be permanent, probationary, work against or trainee appointment status.
  - B. By letter of application to the department head, a recipient shall apply, or be nominated by a fellow employee to participate in the program.
  - C. Application for participation would include name, social security number, classification, department, description of the medical condition and estimated length of time needed to participate in the program.
  - D. Prior to making the employee's status public for purpose of receiving shared leave, the employee must sign a release to allow the status to be known.
  - E. The department head shall review the merits of the request and approve or disapprove. Department heads may choose to delegate the responsibility for reviewing the validity of requests to an existing peer group or establish a committee for this purpose. Such a committee may also be used in an advisory capacity to the department head.
  - F. Establishment of a leave "bank" for use by unnamed employees is expressly prohibited.
  - G. For program evaluation purposes during the two (2) year trial period, each department shall forward a copy of each application received for recipients, indicating approval or disapproval, to the personnel office. Other summary information including number of requests, approvals, disapprovals, amount of leave donated and

used will be requested to develop recommendations for the future of the program.

II. Participation Requirements

- A. A donor may contribute only annual leave.
- B. The minimum amount to be donated is four hours.
- C. An employee shall have exhausted all available annual, sick, and comp leave to become eligible to use donated leave.
- D. The maximum amount of leave allowed to be donated by one individual is to be no more than the amount of the individual's annual accrual rate. However, the amount donated is not to reduce the donor's annual leave balance below one-half of the annual leave accrual rate.
- E. Leave donated to a recipient's leave account is exempt from the maximum accumulation carry over restrictions at calendar year end.
- F. An employee may not directly, indirectly, intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving, or using annual leave under this program. Such action by an employee shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct. Individual leave records are confidential and only individual employees may reveal their donation or receipt of leave. The employee donating leave can not receive remuneration for the leave donated.

III. Donor Leave Accounting and Usage Procedures

- A. Each department shall maintain a system of leave accountability which will accurately record leave donations and recipients use. Such accounts shall provide a clear and accurate record for financial and management audit purposes. Notes should be made on both recipient and donor timesheets indicating participation in the program and amount of participation.
- B. Withdrawals from recipient's leave account will be charged to the recipient's account according to usual leave policies.
- C. At the expiration of the medical condition, any unused donated leave will be returned to the donor's on a pro rated basis. Each approved emergency medical condition shall stand alone and donated leave not used in accordance with the above provisions shall be considered as having served its purpose, shall lose its identity, and shall be deleted and the account closed.

**ARTICLE VIII. SEPARATION AND REINSTATEMENT**

**Section 1. Types of Separations**

All separations of employees from positions in the service of the County shall be designated as one of the following types and shall be accomplished in the manner indicated: Resignation, reduction in force, disability, voluntary retirement, dismissal, or death.

**Section 2. Resignation**

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is two weeks. Failure to provide minimum notice shall result in forfeit of payment for accumulated annual leave unless the notice is waived upon recommendation of the Department Head Human Resource Director and approval by the County Manager.

Three consecutive days of absence without contacting the immediate supervisor or Department Head is considered to be a voluntary resignation.

Sick leave will only be approved during the final two weeks of a notice with a physician's certification of comparable documentation.

### **Section 3. Reduction in Force .**

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance, organizational needs, and seniority in determining those employees to be retained. Employees who are separated because of a reduction in force shall be given at least two weeks notice of the anticipated action. No regular employee shall be separated while there are temporary, emergency or probationary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary or probationary employee.

### **Section 4. Disability**

Consistent with State and Federal Laws

An employee who cannot perform the required duties because of a physical or mental impairment may be separated for disability. Action may be initiated by the employee or the County. In all cases, such action must be accompanied by medical evidence acceptable to the Department Head Human Resource Director and County Manager. The County may require an examination, at the County's expense, performed by a physician of the County's choice.

### **Section 5. Voluntary Retirement**

An employee who meets the conditions set forth under the provision of the North Carolina Local Government Employee's Retirement System may elect to retire and receive all benefits earned under the retirement plan.

### **Section 6. Death**

Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of the employee.

### **Section 7. Dismissal**

An employee may be dismissed in accordance with the provisions and procedures of Article IX.

### **Section 8. Reinstatement**

An employee who is separated because of reduction in force may be reinstated within one year of the date of separation, upon recommendation of the supervisor and approval of the Human Resource Director and the County Manager. An employee who is reinstated in this manner shall be re-credited with his or her previously accrued sick leave.

### **Section 9. Rehiring**

An employee who resigns while in good standing may be rehired with the approval of the appointing authority, and shall be regarded as a new employee, subject to all of the provisions of rules and regulations of this Chapter. However, the employee shall be credited with his or her previously accrued sick leave if he or she is rehired within five years. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position.

## **ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT**

### **Section 1. Disciplinary Action for Unsatisfactory Job Performance**

A regular employee may be placed on disciplinary suspension (without pay), demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory. All cases of disciplinary suspension, demotion, or dismissal must be approved by the Human Resource Director and the County Manager or hiring authority prior to giving final notice to the employee.

### **Section 2. Unsatisfactory Job Performance Defined**

Unsatisfactory job performance includes any aspects of the employee's job which are not performed as required to meet the standards set by the supervisor. Examples of unsatisfactory job performance include, but are not limited to, the following:

- a) Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- b) Careless, negligent or improper use of County property or equipment;
- c) Physical or mental incapacity to perform duties;
- d) Discourteous treatment of the public or other employees;
- e) Absence without approved leave;
- f) Repeated improper use of leave privileges;
- g) Pattern of failure to report for duty at the assigned time and place;
- h) Failure to complete work within time frames established in work plan or work standards;  
or
- i) Failure to meet work standards over a period of time.

### **Section 3. Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance**

When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor should meet with the employee as soon as possible in one or more counseling sessions to discuss specific performance problems. A brief summary of these counseling sessions should be noted in the employee's file by the supervisor. An employee whose job performance is unsatisfactory over a period of time should normally receive at least two warnings from the supervisor before disciplinary action resulting in dismissal is taken by the County Manager or appointing authority. In each case, the supervisor should record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set. If the employee's performance continues to be unsatisfactory, then the supervisor should use the following disciplinary steps:

- a) A final written warning from the supervisor serving notice upon the employee that corrected performance must take place immediately in order to avoid suspension, demotion, or dismissal.

- b) If performance does not improve, a written recommendation should be sent to the Department Head, Human Resource Director, and County Manager or Hiring Authority for disciplinary action such as suspension, demotion, or dismissal.

Suspensions should not normally exceed three days for nonexempt employees. For exempt employees, suspensions should normally be for one week to retain the exempt status of the employee.

#### **Section 4. Disciplinary Action for Detrimental Personal Conduct**

With the approval of the Department Head, Human Resource Director, and County Manager or Hiring Authority, an employee may be placed on disciplinary suspension (without pay), demoted, or dismissed without prior warning for causes relating to personal conduct detrimental to County service in order to a) avoid undue disruption of work; b) to protect the safety of persons or property; or c) for other serious reasons.

Disciplinary suspension should not normally exceed three days for nonexempt employees and should be one full week for exempt employees as prescribed by the FLSA.

#### **Section 5. Detrimental Personal Conduct Defined**

Detrimental personal conduct includes behavior of such a serious detrimental nature that the functioning of the County may be or has been impaired; the safety of persons or property may be or have been threatened; or the laws of the government may be or have been violated. Examples of detrimental personal conduct include, but are not limited to, the following:

- a) Fraud or theft;
- b) Commission of a felony or the entry of a plea of nolo contendere thereto;
- c) Falsification of records for personal profit, to grant special privileges, or to obtain employment;
- d) Willful misuse or gross negligence in the handling of County funds;
- e) Willful or wanton damage or destruction to property;
- f) Willful or wanton acts that endanger the lives and property of others;
- g) Possession of unauthorized firearms or other lethal weapons on the job;
- h) Brutality in the performance of duties;
- i) Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary;
- j) Engaging in incompatible employment or servicing a conflicting interest;
- k) Request or acceptance of gifts in exchange for favors or influence;
- l) Engaging in political activity prohibited by this policy; or
- m) Stated refusal to perform assigned duties or flagrant violation of work rules and regulations.

**Section 6. Pre-Dismissal Conference .**

Before dismissal action is taken, whether for detrimental personal conduct or unsatisfactory job performance, the County Manager or Hiring authority, the Human Resource Director or a Department Head will conduct a pre-dismissal conference. At this conference, the employee may present any response to the proposed dismissal to the County Manager or Hiring Authority, Human Resource Director or Department Head. The County Manager or Hiring Authority, Human Resource Director or Department Head will consider the employee's response, if any, to the proposed dismissal, and will, within three working days following the pre-dismissal conference, notify the employee in writing of the final decision. If the employee is dismissed, the notice shall contain a statement of the reasons for the action and the employee's appeal rights under the County's grievance procedure.

**Section 7. Non-Disciplinary Suspension**

During the investigation, hearing, or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct, or during the course of any civil action involving an employee, when suspension would, in the opinion of the supervisor, be in the best interest of the County, the Department Head, with the approval of the Human Resource Director and the County Manager or Hiring Authority, may suspend the employee for the duration of the proceedings as a non-disciplinary action. In such cases, the County may:

- a) Temporarily relieve the employee of all duties and responsibilities and place the employee on paid or unpaid leave for the duration of the suspension, or
- b) Assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities.

If the employee is reinstated following the suspension such employee shall not lose any benefits to which otherwise employee would have been entitled had the suspension not occurred. If the employee is terminated following suspension, the employee shall not be eligible for any pay from the date of suspension; provided, however, all other benefits with the exception of accrued annual leave and sick leave shall be maintained during the period of suspension.

**ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL**

**Section 1. Policy**

It is the policy of the County to provide a just and prompt procedure for the presentation, consideration, and disposition of employee grievances. The purpose of this article is to outline the procedure and to assure all employees that a response to their complaints and grievances will be prompt and fair.

Employees utilizing the grievance procedure shall not be subjected to retaliation or any form of harassment from supervisors or employees for exercising their rights under the grievance procedure. Supervisors or other employees who violate this policy shall be subject to disciplinary action up to and including dismissal.

**Section 2. Grievance Defined**

A grievance is a claim or complaint by an employee based upon an event or condition, which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. Former employees may appeal their termination from County employment within required time frames.



### **Section 3. Purposes of the Grievance Procedure**

The purposes of the grievance procedure include, but are not limited to:

- 1) Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
- 2) Encouraging employees to express themselves about the conditions of work which affect them as employees;
- 3) Promoting better understanding of policies, practices, and procedures which affect employees;
- 4) Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures; and
- 5) Increasing the sense of responsibility exercised by supervisors in dealing with their employees.
- 6) Encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship, and therefore, encouraging conflicts to be resolved at the lowest level possible in the chain of command; and
- 7) Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the County or its leaders, thus freeing up employee motivation, productivity, and creativity.

### **Section 4. Procedure**

When an employee or group of employees has a grievance, the following successive steps are to be taken unless otherwise provided. The number of calendar days indicated for each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent. The last step initiated by an employee shall be considered to be the step at which the grievance is resolved. A decision to rescind a disciplinary suspension, demotion or dismissal must be approved by the Appointing Authority before the decision becomes effective.

**Informal Resolution.** Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the Human Resources Office as a resource to help resolve the grievance. Mediation may be used at any step in the process and is encouraged. Mediation is the neutral facilitation of the conflict between or among parties where the facilitator helps the parties find a mutually agreeable outcome.

**Step 1.** If no resolution to the grievance is reached informally, the employee who wishes to pursue a grievance shall present the grievance to the supervisor in writing. The grievance must be presented within fifteen calendar days of the event or within fifteen calendar days of learning of the event or condition. The supervisor shall respond to the grievance within five work days after receipt of the grievance. The supervisor should, and is encouraged to, consult with any employee of the County in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible.

The response from each supervisory level for each step in the formal grievance process shall be in writing and signed and dated by the supervisor. In addition, the employee shall sign a copy to

acknowledge receipt thereof. The responder at each step shall send copies of the grievance and response to the Human Resources Director.

**Step 2.** If the grievance is not resolved to the satisfaction of the employee by the supervisor, the employee may appeal, in writing, to the Department Head within five work days after receipt of the response from Step 1. The Department Head shall respond to the appeal, stating the determination of decision within five work days after receipt of the appeal.

**Step 3. (For general County employees only)** If the grievance is not resolved to the satisfaction of the employee by the Department Head, the employee may appeal, in writing, to the County Manager or Hiring Authority within five work days after receipt of the response from Step 2. The Hiring Authority shall respond to the appeal, may meet with the employee to discuss the grievance fully, and will make a decision within ten calendar days. The Hiring Authority's decision is final. However, the County Manager should inform the County Board of Commissioners of any possible legal actions. Any appeal of this decision must be made through the North Carolina Court System.

**Special Note:** The Sheriff and Register of Deeds, will carry out the responsibilities designated as the County Manager in their respective departments.

**Step 3. (For employees only in the Health and Social Services Departments)** If the grievance is not resolved to the satisfaction of the employee by the Department Head, the employee may appeal the decision to the North Carolina Office of Administrative Hearings (OAH) within thirty calendar days of the receipt of the Department Head's decision. The findings of the OAH will be forwarded to the State Personnel Commission. The decision of the State Personnel Commission shall be advisory only and the Department Head shall have the final decision. Discrimination cases may be appealed directly to the OAH.

**Department Heads.** In the case of department heads or other employees where the Hiring Authority has been significantly involved in determining disciplinary action, including dismissal, the Hiring Authority may wish to obtain a neutral outside party to either:

- a) provide mediation between the grieving department head and the Hiring Authority (see definition of mediation in informal resolution above); or
- b) consider the appeal and make recommendations back to the Hiring Authority concerning the appeal. Such parties might consist of human resource professionals, attorneys, mediators, or other parties appropriate to the situation.

Department heads may also request the application of these special provisions.

The Hiring Authority's decision regarding the disposition of the grievance shall be the final decision. The County Manager would notify the Board of Commissioners of any impending legal action.

#### **Section 5. Role of the Human Resources Director**

Throughout the grievance procedure, the roles of the Human Resources Director shall be as follows:

- a) To advise parties (including employee, supervisors, and County Manager) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistency of application;

- b) To be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents.
- c) To give notices to parties concerning timetables of the process, etc.;
- d) To assist employees and supervisors in drafting statements; and
- e) To facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process; and
- f) To help locate mediation or other resources as needed.

The Human Resources Director shall also determine whether or not additional time shall be allowed to either side in unusual circumstances if the parties cannot agree upon extensions when needed or indicated.

**Section 6. Grievance and Adverse Action Appeal Procedure for Discrimination**

When an employee, former employee, or applicant believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, national origin, religion, creed, political affiliation, or disability) he or she has the right to appeal such action using the grievance procedure outlined in this policy. While such persons are encouraged to use the grievance procedure, they shall have the right to appeal directly to the Human Resource Director and the County Manager. An employee or applicant should appeal an alleged act of discrimination within thirty calendar days of the alleged discriminatory action, but may appeal for up to six months following the action.

**ARTICLE XI. PERSONNEL RECORDS AND REPORTS**

**Section 1. Public Information**

In compliance with GS 153A-98, the following information with respect to each County employee is a matter of public record: name; age; date of original employment or appointment to the service; current position title; current salary; date and amount of the most recent increase or decrease in salary; date of the most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and the office to which the employee is currently assigned. Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the County may adopt.

**Section 2. Access to Confidential Records**

All information contained in a County employee's personnel file, other than the information mentioned above is confidential and shall be open to inspection only in the following instances:

- a) The employee or his/her duly authorized agent may examine all portions of his/her personnel file except letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to the patient.
- b) A licensed physician designated in writing by the employee may examine the employee's medical record.

- c) A County employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- d) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- e) An official of an agency of the State or Federal Government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the County Manager to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability.

However, the official having custody of the personnel records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.

- f) An employee may sign a written release to be placed in his/her personnel file that permits the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- g) The County Manager, with the concurrence of the County Board, may inform any person of the employment, non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a County employee, and the reasons for that action. Before releasing that information, the County Manager shall determine that the release is essential to maintaining the level and quality of County services. The written determination shall be retained in the County Manager's office, is a record for public inspection, and shall become a part of the employee's personnel file.

The County Board shall establish procedures for all personnel files containing information other than the public information mentioned above whereby an employee who objects to material may seek to have the material removed from the file or may place in the file a statement relating to the material.

### **Section 3. Personnel Actions**

The Human Resources Director, with the approval of the County Manager, will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system. The official personnel files are those which are maintained by the Human Resources Office. These files shall contain documents such as employment applications and related materials, records of personnel actions, documentation of employee warnings, disciplinary actions, performance evaluations, retirement and insurance records, letters of recommendation, and other personnel-related documents. Any documents not contained in these files or maintained as designated by the Human Resources Director are not an official part of the personnel file.

### **Section 4. Records of Former Employees**

The provisions for access to records apply to former employees as they apply to present employees.

### **Section 5. Remedies of Employees Objecting to Material in File**

An employee who objects to material in his/her file may place a statement in the file relating to the material considered to be inaccurate or misleading. The employee may seek removal of such material in accordance with established grievance procedures.

### **Section 6. Penalties for Permitting Access to Confidential Records**

Section 153A-98 of the General Statutes provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount consistent with the General Statutes.

### **Section 7. Examining and/or Copying Confidential Material without Authorization**

Section 153A-98 of the General Statutes of North Carolina provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined consistent with the General Statutes.

### **Section 8. Destruction of Records Regulated**

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with GS 121.5 (b), without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever, alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined in an amount provided in Chapter 132.3 of the General Statutes.

## **ARTICLE XII. IMPLEMENTATION OF POLICIES**

### **Section 1. Conflicting Policies Repealed**

All policies, ordinances, or resolutions that conflict with the provisions of these policies are hereby repealed.

### **Section 2. Separability**

If any provision of these policies or any rule, regulation, or order thereunder of the application of such provision to any person or circumstances is held invalid, the remainder of these policies and the application of such remaining provisions of these policies of such rules, regulations, or orders to persons or circumstances other than those held invalid will not be affected thereby.

### **Section 3. Effective Date**

These policies shall become effective on a date approved by the County Board of Commissioners.

### **Section 4. Amendments**

This policy may be amended by action of the Board of Commissioners and by resolution appropriately approved. Notice of any suggested amendment to the policy, or any portion thereof, shall be provided to employees and opportunities for employee comment and reaction shall be made available prior to the amendments going to the Commissioners for action. Proposed amendments should be posted on bulletin boards in all employee work locations and/or in

employee newsletters. Any revisions or amendments adopted in conformance with this procedure shall become effective as of the date of such adoption.

*Effective 12/01/07*

**DISCUSSION OF FSLA STATUS FOR DESIGNATED POSITIONS:**

County Manager explained that FSLA status of employees was defined for each class of employees during the preparation of the Personnel Policy. A question has arisen relative to exempt employees not being eligible for overtime. Supervisors are designated as exempt employees. Professional classes are considered exempt, i.e. Social Workers.

Beverly Warren – DSS Director spoke at length to the Board of her concerns about all employees receiving the job status and compensation that the law requires. She spoke specifically about the exempt/non-exempt status of Social Workers. She felt to change the status of Social Workers to exempt, would not be in compliance with FSLA standards.

The County Manager said he would continue to review the status of Social Workers. No other decision was made.

**DISCUSSION OF COURTHOUSE SPACE NEEDS:**

Bill McCaffrey and Amanda Garrett, Register of Deeds appeared before the Board to inform the Board they would have cost comparisons for available uptown space by the next Board meeting date.

**CONSIDERATION OF APPROVAL TO APPLY FOR GRANTS FOR STUDY OF SPACE ABOVE KIRBY THEATRE FOR USE FOR ARTS PROGRAMS:**

Doug Newell – Cultural Arts Director and Dr. Dawn Langley of Piedmont Community College appeared before the Board to request approval to apply for grant funding through the NC Arts Council for funds to conduct a feasibility and architectural design studies of the second floor of the Kirby Civic Auditorium.

Dr. Langley said the space would lend open the possibility of utilizing currently unused space above the Kirby to house classes for PCC's newly-developed Associate of Fine Arts degree program. The new degree classes in art, music, voice, and drama will begin during Spring 2008 semester and will likely expand to include dance and pottery/sculpture in future years.

The Person County Arts Council and Person County Recreation, Arts and Parks Department voted to endorse the proposal.

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to proceed with the planning process.

**DISCUSSION OF RECENT APPOINTMENTS TO RECREATION ADVISORY BOARD:**

Vickie Kirk, a member of Recreation Advisory Board addressed the board about how new members were added to the Recreation Advisory Board. She voiced concern about the ethical issue of the new members not being subject to an application nor interview process. She felt the new larger board will render itself impotent. She said the Recreation Advisory Board has heard nothing positive stated for the new draft procedure.

Rev. Bud Budzinski said the same appointment procedure should be followed for all the recreation related committees, i.e. Special Olympics, Arts. He also said the draft procedure is the fairest means for all children.

Randy Teasley – voiced concerns about new positions for a select group. He said the additional appointments are not in the best interest for the county and asked the Board to reconsider what has been done for a specific group of people. He voiced support for the draft process. He said it gives all children an opportunity to play.

**DISCUSSION OF ORDINANCE REQUIRING UNREGISTERED MOTOR VEHICLES TO BE SCREENED FROM PUBLIC VIEW:**

County Attorney Aycock presented a revised version of the Ordinance Requiring Unregistered Motor Vehicles to be Screened from Public View. He stated the Sheriff's Department contacted him to review the current Ordinance for enforceability. He said there were internal inconsistencies in the wording of the current Ordinance. The suggested amendments would clarify the document. He also clarified that the grace period of 120 days applied only at the initial adoption of the Ordinance in 1999.

Deputy Kevin Morris spoke to the Board as the officer charged with enforcing the Ordinance. He agreed that the original Ordinance was inconsistent. He proposed that the revised Ordinance require three unregistered vehicles on the property to be screened from public view.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Bowes and **carried** to adopt the revised Ordinance Requiring Unregistered Motor Vehicles to be Screened from Public View in which three or more unregistered motor vehicles would be required to be screened from public view.

**APPROVAL OF PROCEDURES FOR NOVEMBER 27, 2007 PUBLIC HEARING RELATING TO PROPOSED LANDFILL EXPANSION:**

County Attorney Aycock presented procedures what are to be followed for the November 27, 2007 public hearing related to the proposed landfill expansion. He told the Board that attorney's for both sides have reviewed and agreed to the procedures. He also reminded the Board that the public hearing will a quasi-judicial meeting.

Attorney Aycock discussed different scenarios of actions and motions the Board might take at the meeting.

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to approve the Procedures as outlined and explained by the County Attorney.

**PROCEDURES FOR NOVEMBER 27, 2007 PUBLIC HEARING RELATING TO THE SPECIAL USE PERMIT AND VESTED RIGHTS APPLICATION  
FOR THE PROPOSED EXPANSION OF  
THE UPPER PIEDMONT ENVIRONMENTAL LANDFILL  
PERSON COUNTY BOARD OF COUNTY COMMISSIONERS**

The following procedures shall govern the landfill public hearing conducted by the Person County Board of County Commissioners:

- 1- The proponents of a proposition before the Board shall be allowed a total of 60 minutes to present testimony and arguments in favor of the issue. The allocation of time among proponents may be agreed to by the several proponents. If not so determined, the available time will be allocated to each speaker according to an equitable schedule determined by the Chair of the Board of Commissioners.
- 2- The opponents of a proposition before the Board shall be allowed a total of 60 minutes to present testimony and arguments against the issue. The allocation of time among opponents may be agreed to by the several opponents. If not so determined, the available time will be allocated to each speaker according to an equitable schedule determined by the Chair of the Board of Commissioners.
- 3- Members of the Board of County Commissioners may ask questions of any witness or staff person. Time consumed in this exchange shall not be counted against either proponent's or opponent's allocation of time.
- 4- Attorneys (but not others) representing the proponents or opponents shall be allowed a total of 30 minutes for each side to cross-examine witnesses. If there is more than one attorney representing a side, the allocation of time among such attorneys may be agreed to by the several attorneys. If not so determined, the available time will be allocated to each attorney according to an equitable schedule determined by the Chair of the Board of Commissioners.
- 5- Attorneys (but not others) for each side shall be allowed a total of 15 minutes after the conclusion of all testimony to summarize the evidence and make their closing arguments. If there is more than one attorney representing a side, the allocation of time among such attorneys may be agreed to by the several attorneys. If not so determined, the available time will be allocated to each attorney according to an equitable schedule determined by the Chair of the Board of Commissioners.

**Adopted: November 19, 2007**



**APPROVAL OF REVISED APPOINTMENT PROCESS FOR AUTHORITIES, BOARDS, COMMISSIONS AND COMMITTEES:**

County Attorney Aycock advised that the new document combines both appointment processes, the one for citizen appointment to boards, committees and commissions and the one for Commissioner appointment to certain committees, into one document. He said there are no substantive changes.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Yarborough and **carried** to approve the revised appointment process.

**RESOLUTION  
APPOINTMENT PROCESS  
FOR AUTHORITIES, BOARDS, COMMISSIONS, AND COMMITTEES**

**WHEREAS**, it is the statutory duty of the Person County Board of Commissioners (hereinafter called "BOC"), as the Governing Body of Person County to appoint qualified, knowledgeable, and dedicated people to serve on various authorities, boards, commissions, and committees (hereinafter called "Organizations") to assist in the operation of county government; and

**WHEREAS**, the BOC solicits the interest and opinion of the citizens of Person County in making said appoints; and

**WHEREAS**, the BOC believes written policies and procedures will increase public awareness and interest in the solicitation by the BOC of information and recommendations from the public to assist the BOC in these appointments.

**NOW, THEREFORE, BE IT RESOLVED** by the Person County BOC that:

**SECTION I.**

The policies and procedures governing appointments by the BOC to the various organizations follow:

- A) *Qualification:* Any citizen of Person County is eligible to serve where state statute and other applicable ordinances or conflicts of interest do not prohibit such appointment. The BOC will make appointments within guidelines of applicable state statute, ordinance, resolution, or policy that created said organization;
- B) *Appointments:* The BOC will make all appointments according to the applicable statute, ordinance, resolution or policy that created the organization from timely submitted, completed applications. No citizen of Person County may serve in more than two appointed positions of Person County Government unless exempted by nature of the position they may hold in governmental service. The policy will not apply to Person County Commissioners;
- C) *Term Limits:* Unless otherwise provided by North Carolina law, the BOC sets no term or length of service, but encourages citizens to apply when vacancies occur. At the expiration of a member's term if they want to continue serving, they must thoroughly complete another application form.
- D) *Absenteeism:* If not addressed in the bylaws of an organization and a member in any 12-month period has unexcused absences that are more than 25 percent of the meetings they are required to attend pursuant to their appointment, they are obligated to resign. Absences caused by events beyond one's control are considered excused absences. Absenteeism violations must be reported to the BOC. If the individual refuses to resign, action of the BOC may dismiss them unless law prohibits dismissal by the BOC. A twelve-month period beginning on the date of appointment will constitute a year.
- E) *Binder Information:* The County Manager will keep a binder containing a list of all county appointments, with the follow data available for public inspection:
  - Names of organization and brief summary of its function

- Statute or cause creating organization
- Names of members, terms, addresses, telephone numbers, and number of terms served
- Regular meeting date, time and location
- In the event a member's term expires and the organization holds a meeting before the BOC makes an appointment, the incumbent will continue to serve until the BOC takes action.

## SECTION II.

Procedure for filling vacancies for appointed positions:

### A. Notification of available appointments

- The County Manager will maintain a list of available positions stating terms of office, requirements and duties of the position. The Manager will set a deadline for receipt of applications and publish vacancies once in *The Courier Times* at least forty-five (45) days prior to the month appointments are due.
- If there are no applications thirty (30) days after the notice of general circulation, the Manager will notify the BOC. It will then be the BOC's responsibility to make contacts and encourage citizens to apply for the vacancy or vacancies with the deadline at 12:00 Noon on the Tuesday before the BOC's meeting as the deadline for receipt of applications.
- The County Manager will keep all applications from interested citizens for one year from the date of application. After the one-year period, a new application is required.
- A notice will be mailed to members sixty (60) days before the expiration of their term. If interested in reappointment, they must file a new application. If an individual is not eligible for reappointment, they will be notified of the reason they are ineligible.
- Application forms are available upon request from the County Manager's Office. Individuals who are interested in serving must thoroughly complete the application.
- Upon receiving an application, the County Manager will send a notification letter to the applicant acknowledging receipt of application.

### B. Selection Process

- 1) Eligibility will be verified for each application to ensure applicant meets specific requirements established by statute, ordinance, or regulation.
- 2) The County Manager will send all applications along with a list of names applying including those ineligible and the reason(s) for ineligibility, to the BOC.
- 3) In the case of appointments to the Boards, Commissions, and Committees hereinafter referred to as "Person County Boards, Commissions and Committees" (see Attachment 1) subject to interview process, applicants may be required to appear before the Board of Commissioners to make a statement concerning the reason why he/she desires to serve on the board or commission including but not limited to, the contributions the applicants could make to the particular board or commission or if the applicant is seeking a reappointment what contributions have been made in the past. The applicant may also be questioned by the members of the Board of Commissioners.

### C. Notification of appointment

The County Manager will prepare a letter of notification to the appointee with a copy to the appropriate department/agency head with a request that the appointee be notified of the date, time, and place of the next meeting. The County Manager, or his designee, will contact the newly appointed person(s) to discuss the duties of the position and if desired, arrange an orientation meeting.

## SECTION III.

This resolution shall be considered general policy only and shall not prohibit the BOC from making appointments and/or reappointments to the various organizations that deviate from this policy if special conditions exist which justifies the deviation.

**SECTION IV.**

The foregoing sections of this resolution shall have no effect on appointments of sitting county commissioners to Boards, Commissions, and Committees. The appointment of such sitting Commissioners to such Boards, Commissions, and Committees shall be according to the following procedures:

- A. All such appointments shall be made by the Chair.
- B. All appointments shall be in an official meeting.
- C. All appointments under this Section IV shall be and are designated as ex-officio appointments of the County Commissioners so appointed.

**SECTION V.**

This resolution will have the force and effect of a county ordinance and will be considered an amendment to all ordinances establishing terms of office for county-appointed organizations, unless law would prohibit said amendment.

**Adopted this 19th day of November, 2007.**

By: Johnny Myrl Lunsford, Chair

Attest: Faye T. Fuller, Clerk

**Attachment 1**

**Person County Government  
Boards, Commissions, and Committees**

**Subject to Interview Process and Appointed by the Person County Commissioners**

1.	ABC Board	Interview	Advertise
2.	Airport Commission	Interview	Advertise
3.	Board of Adjustment	Interview	Advertise
4.	Board of Health	Interview	Advertise
5.	Economic Development Commission	Interview	Advertise
6.	Orange-Person-Chatham Mental Health Board	Interview	Advertise
7.	Person-Caswell Lake Authority	Interview	Advertise
8.	Piedmont Community College Board of Trustees	Interview	
9.	Planning Board	Interview	Advertise
10.	Recreation Advisory Board	Interview	Advertise
11.	Social Services Board	Interview	Advertise
12.	Solid Waste Advisory Committee	Interview	
13.	Thoroughfare Advisory Committee	Interview	
14.	Tourism Development Authority Board	Interview	Advertise

**BUDGET AMENDMENT**

Upon a **motion** by Commissioner Yarborough, and a **second** by Commissioner Puryear and **majority vote**, the Board of Commissioners of Person County does hereby amend the Budget of the **General Fund(s)** on this, the 19th day of November 2007, as follows:

<u>Dept./Acct No.</u>	<u>Department Name</u>	<u>\$Amount</u> Incr/Decr(-)
<u>EXPENDITURES</u>	<u>General</u>	
	Public Safety	17927
	Culture and recreation	6,412
<u>REVENUES</u>	<u>General</u>	
	Other revenues	24,339

**Explanation:**

Appropriate: insurance proceeds to repair/replace communications equipment damaged by lightning \$17,927 and playground equipment \$412; and donations to library \$6,000.

**CHAIRMAN’S REPORT:**

The Chairman reminded Board members that the first meeting in December there will be a reorganization of the Board. He has served for the last seven years as Chair and appreciates the confidence placed in him over that period of time. He said if other members of the Board feel that he cannot continue to serve effectively as Chairman, he would suggest that another be appointed as Chairman. As Chairman or board member, he will continue to serve the citizens of the county.

**MANAGERS REPORT:**

- ▶ Manager informed the Board that a question had arisen relative to waiving fees for food vendors at Personality. The fees were adopted as part of the Health Department Environmental Health fee policy. Following a discussion, it was the consensus of the Board not to waive fees for the vendors.
  
- ▶ Paul Bailey appeared before the Board to discuss a road relocation at Force Protection. He reminded the Board that their November 5, 2007 meeting a variation request from Force Protection was approved to allow the abandonment of Cattle Drive and Katmandu Drive with a replacement of a fifty (50) foot easement that will meet Class A standards, rather than NCDOT standards.

He said he inspected the new road recently constructed between Katmandu Drive and Cattle Drive and had concerns about the lack of stone on Katmandu Drive.

Following further discussion, it was agreed it was the intent of the Board to allow the new road to replace a section of Cattle Drive, and terminate at its intersection with Katmandu Drive. Katmandu Drive would allow access to homes.

A **motion** was made by Commissioner Bowes, **seconded** by Commissioner Puryear and **carried** to approve the requirement of one inch (minimum) of washed stone on the entire length of Katmandu Drive.

**COMMISSIONER REPORTS/COMMENTS: None**

**RECESS:**

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Bowes and **carried** to recess the meeting at 11:35 a.m. until November 27, 2007 at 7:00 p.m.

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**Faye T. Fuller, CMC**  
**Clerk to the Board**

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**Johnny Myrl Lunsford**  
**Chairman**