

ORDINANCE _____

ORDINANCE AMENDING THE BUNCOMBE COUNTY PERSONNEL ORDINANCE

- WHEREAS, by authority granted to counties in Chapter 153A, Article 5, and Chapter 126 of the North Carolina General Statutes this Board has heretofore passed a Personnel Ordinance is to establish a personnel system that shall promote a fair and effective means of employee recruitment and selection; develop and maintain an effective and responsible work force; promote understanding, cooperation, equal treatment, and efficiency; and provide the means for removal of unsatisfactory employees;
- WHEREAS, Buncombe County staff have identified issues regarding the eligibility of Worker's Compensation claimants in the County's Voluntary Shared Leave Program as same is set forth in Appendix L of the Buncombe County Personnel Ordinance;
- WHEREAS, it is incorrect to think of Worker's Compensation as a type of leave; instead, if a worker is eligible, any time lost under a compensable claim runs concurrently with up to 12 weeks of FMLA;
- WHEREAS, an employee losing time from work due to a compensable work injury is entitled to receive compensation for lost wages as well as any impairment rating through Worker's Comp, therefore those workers receiving a worker's comp claim are being compensated for their lost time and should not also be eligible to receive the benefit of shared leave from fellow employees; and
- WHEREAS, this Board is of the opinion that it is in the best interests of the citizens and residents of the County to amend the Buncombe County Personnel Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That Section D of Appendix L., Voluntary Shared Leave Program, is amended to read as follows:
 - D. Eligibility
 1. The employee must be either in a full-time regular or part-time regular position and have achieved Covered status. (The limitation and leave balance for part-time regular employees is pro-rated.) Participation in the program shall be based on the employees past compliance with leave rules.
 2. An employee ~~on with a compensable~~ Worker's Compensation ~~leave who is drawing temporary total disability compensation may not be claim is not~~ eligible to participate in this program.
 3. Non-qualifying conditions: The policy shall not ordinarily apply to short-term or sporadic conditions or illnesses. This would include such things as sporadic, short-term

recurrences of chronic allergies or conditions; short-term absences due to contagious diseases; or short-term recurring medical or therapeutic treatments. These examples are illustrative, not all inclusive. Each case must be examined and decided based on its conformity to policy intent and must be handled consistently and equitably.

- 2. That if any section, subsection, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance;
- 3. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed to the extent of such conflict; and
- 4. That these ordinance amendments are effective upon adoption.

Adopted this the ____ of December, 2017.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney