

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING BUNCOMBE COUNTY'S PERSONNEL ORDINANCE

---

- WHEREAS, pursuant to N.C. Gen. Stat. § 153A-94, a county may by ordinance adopt personnel rules that promote the hiring and retention of capable, diligent and honest career employees;
- WHEREAS, on October 15, 1996, Buncombe County adopted the Buncombe County Personnel Ordinance;
- WHEREAS, on October 3, 2017, the County adopted a comprehensive update to the existing Personnel Ordinance; and
- WHEREAS, the Buncombe County Board of Commissioners desire to make additional amendments to the Personnel Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS THAT:

Section 1. The Personnel Ordinance of Buncombe County as referenced in Section 3-1 of the Buncombe County Code of Ordinances on file with Buncombe County Clerk to the Board of Commissioners shall be amended as follows:

- ARTICLE VI. HOLIDAYS AND LEAVE, Section 34. Annual Leave—Cash Conversion is deleted in its entirety and replaced with the following:

~~Upon approval of the Departmental Director, regular employees may convert a minimum of 8 annual leave hours to cash.~~

Upon approval of the Departmental Director, regular employees may convert up to 40 annual leave hours to cash subject to the following conditions:

- a. the conversion, or sale, of annual leave hours is limited to a maximum of 40 hours per regular employee per calendar year;
- b. a minimum of 8 annual leave hours must be sold in any transaction;
- c. each regular employee converting annual leave hours balance to cash shall retain a balance after any sale of at least 40 annual leave hours; and
- d. any request to convert annual leave hours balance to cash must be made by the regular employee and approved by the Departmental Director such that the employee is paid before the end of the calendar year.

Notwithstanding the foregoing, employees may convert all currently available annual leave hours to cash through and including January 18, 2019.

Section 2. The Personnel Ordinance of Buncombe County as referenced in Section 3-1 of the Buncombe County Code of Ordinances on file with Buncombe County Clerk to the Board of Commissioners shall be amended as follows:

- ARTICLE VI. HOLIDAYS AND LEAVE, Section 6. Annual Leave - Manner of Accumulation. D. Maximum accumulation is amended to read as follows:
  1. Any employee with more than two years of annual leave at their existing accrual rate shall have the excess accumulation converted to sick leave once per year.
  2. On ~~February 1~~ **January 1** of each year, any balance of annual leave over the two-year maximum shall be converted to sick leave.

Section 3. All ordinances or portions of ordinances in conflict herewith are hereby repealed.

Section 4. Should any provision of the attached personnel ordinance be declared invalid or unconstitutional by any court of any competent jurisdiction, such declaration shall not affect the validity of the personnel ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 5. That the ordinance amendments set forth above shall take effect and be in force on January 1, 2019.

This the 20<sup>th</sup> day of November, 2018.

ATTEST

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

\_\_\_\_\_  
Lamar Joyner, Clerk

By: \_\_\_\_\_  
Brownie Newman, Chairman

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney