

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; and
- WHEREAS,** on October 15, 1996, Buncombe County adopted the Buncombe County Personnel Ordinance; and
- 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 dated May 4, 2021 shall be amended as follows:

- a. By deleting Article I, Section 1 in its entirety and replacing it with the following:

“Section 1. Purpose.

The purpose of this 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. This Ordinance is established under the authority of Chapter 153A, Article 5 of the North Carolina General Statutes.”

- b. By deleting Article I, Section 2.F of the Buncombe County Personnel Ordinance in its entirety.

- c. By deleting Article I, Section 4 definition of “Grievance” of the Buncombe County Personnel Ordinance in its entirety and replacing the definition of Grievance with the following:

“**Grievance.** A claim or complaint alleging an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation,

unfair application, or lack of established ordinance pertaining to employment conditions. A grievance may involve allegations of bullying, sexual harassment, discriminatory practices, and/or hostile work environment. A grievance is not allowed for Investigatory Suspension with pay or voluntary demotion or a written warning or reassignment that does not involve a reduction in pay.”

- d. By deleting Article III, Section 10.I in its entirety.
- e. By deleting Article III, Section 13 “Consumer Price Index Salary Adjustment” of the Buncombe County Personnel Ordinance in its entirety and replace it with the following:

“Section 13. Cost of Living Adjustment.

Each year, the Board of County Commissioners may grant a salary increase based on a cost-of-living adjustment (COLA) calculation to all employees occupying a regular position, and to any grant-funded position for which the funding source allows.

During the budget planning process of each year, County Budget and Human Resources staff shall present a COLA calculation to the Board. The calculation shall be the 2-year average annual change in the CPI-W, measured as of the December data release next preceding the date of such presentation. The index to be used is the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W), published by the U.S. Bureau of Labor Statistics (BLS). This COLA calculation will represent the maximum COLA adjustment.

The Board will make its election on whether or not to grant a COLA adjustment through the Budget Ordinance. If the Board elects to provide an annual COLA, the COLA shall be effective July 1 of the following fiscal year.

When an employee’s base salary reaches the maximum of the salary range for the employee’s pay grade, the COLA adjustment or any portion of the COLA adjustment granted to the employee for that specific fiscal year will come in the form of a one-time lump sum payment. The lump sum payment does not constitute a salary increase as set forth in Article III, Section 6.B of this Personnel Ordinance.”

- f. By deleting the entire last sentence of Article IV, Section 11 “Valid Driver’s License Requirement” of the Buncombe County Personnel Ordinance.
- g. By deleting Article V, Section 2 “Gift and Favors” of the Buncombe County Personnel Ordinance in its entirety.
- h. By deleting Article V, Section 3 “Conflicts of Interest” of the Buncombe County Personnel Policy in its entirety.

- i. By deleting Article V, Section 8 “Outside Employment” of the Buncombe County Personnel Ordinance in its entirety.
- j. By deleting Article V, Section 9 “Limitations of Employment of Relatives” of the Buncombe County Personnel Ordinance in its entirety.
- k. By deleting Article V, Section 10 “Limitations of Consensual or Sexual Relationships” of the Buncombe County Personnel Ordinance in its entirety.
- l. By deleting Article V, Section 14 “Information Technology Acceptable Usage Policy” of the Buncombe County Personnel Ordinance in its entirety.
- m. By deleting Article V, Section 15 “Social Media” of the Buncombe County Personnel Ordinance in its entirety.
- n. By deleting Article VI, Section 30 “Leave—Adverse Weather Conditions and Disasters” of the Buncombe County Personnel Ordinance in its entirety.
- o. By deleting Article VII, Section 5.B of the Buncombe County Personnel Ordinance in its entirety.
- p. By deleting Article VIII, Section 13.A of the Buncombe County Personnel Ordinance in its entirety and replacing it with the following:

“A. A Covered Employee has the right to appeal a demotion, a suspension without pay, reduction in force or a dismissal.”
- q. By deleting Article 9, Section 2.A of the Buncombe County Personnel Ordinance in its entirety and replacing it with the following:

“A. This Grievance Procedure applies to all eligible employees as set forth in *ARTICLE I. ORGANIZATION OF PERSONNEL SYSTEM, Section 2. Coverage.*”
- r. By deleting Article 9, Section 3.C of the Buncombe County Personnel Ordinance in its entirety.
- s. By deleting Article 9, Section 4.C of the Buncombe County Personnel Ordinance in its entirety and replacing it with the following:

“C. Step Three. (Not applicable to elected official employees)”
- t. By deleting Appendix F, Section 4.C “Unlawful Workplace Harassment” from the Ordinance in its entirety.

- u. By deleting Appendix H: Buncombe County Vehicle Usage Policy from the Ordinance in its entirety.
- v. By deleting Appendix J: Buncombe County IT Acceptable Usage Policy from the Ordinance in its entirety.

Section 2. All ordinances or portions of ordinances in conflict herewith are hereby repealed.

Section 3. 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 4. This ordinance shall take effect and be in force upon adoption.

ADOPTED the ___ day of November, 2021.

ATTEST

**BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE**

LAMAR JOYNER, CLERK

BY: _____
BROWNIE NEWMAN, CHAIRMAN

APPROVED AS TO FORM

COUNTY ATTORNEY