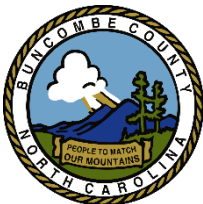


Personnel Ordinance

BUNCOMBE COUNTY

North Carolina



Revised May 20, 2025

ARTICLE I. ORGANIZATION OF PERSONNEL SYSTEM

Section 1. Purpose

The purpose of this Personnel Ordinance is to establish a personnel system that will develop and maintain an effective and responsible work force; promote understanding, cooperation, equal treatment, and efficiency. This Ordinance is established under the authority of Chapter 153A, Article 5 of the North Carolina General Statutes.

Section 2. Coverage

- A. All employees in the County's service are subject to this Ordinance, except as provided in this section.
- B. County Board of Commission members will be exempt from the provisions of this Ordinance.
- C. The County Manager, the County Attorney, the Internal Audit Director, the Finance Director and the Clerk to the Board are exempt from the provisions of this Personnel Ordinance which relate to hiring and disciplinary actions including but not limited to suspension without pay, demotion and dismissal.
- D. To the extent that this Personnel Ordinance relates to hiring, disciplinary actions including but not limited to suspension without pay, demotion, grievances, and dismissal, these provisions will not apply to the Sheriff's Office and all employees of the Sheriff's Office, the Register of Deeds and all employees of the Register of Deeds, and the Director of Elections and all employees of the Board of Elections.
- E. To the extent that this Personnel Ordinance relates to hiring, disciplinary action and County benefits, these provisions do not apply to alternate workforce members.
- F. To the extent the provisions of this Personnel Ordinance conflict with federal or state law, the provisions of the federal and state law will prevail and the provision will not be applicable to the respective employee.

Section 3. Position Type and Employee Status

- A. Each position in the County's classification plan will be designated as one of the following: Regular, Grant-Funded, or Alternate Workforce.
- B. An employee in a regular County position, either full-time or part-time, who has completed twelve (12) months of continuous employment will be considered in a covered status. If an employee has an absence of more than thirty consecutive workdays in their first 12 months of employment, the probationary period will be extended by the number

of consecutive days absent. This definition does not include employees in grant funded or alternate workforce positions.

Section 4. Merit Principle

All appointments and promotions hereunder will be made solely on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities will be assigned to the same class and the same salary range. No applicant for County employment or employee will be deprived of employment opportunities or otherwise adversely affected as an employee in violation of the County's Non-Discrimination Ordinance.

Section 5. Responsibility of Board of County Commissioners

The Board of County Commissioners will establish a Personnel Ordinance, including the classification and pay plan, and will make and confirm appointments when required by law.

Neither the Board of County Commissioners nor any of its committees or members will direct or request the appointment of any person to or removal from office by the County Manager or by any department director or officer authorized by such Manager to make such appointment, nor will the Board of County Commissioners or any of its committees or members take any part in the appointment or removal of officers and employees in the administrative service of the County, other than those positions for which the Commissioners are responsible for appointing as set out in Chapter 153A of the North Carolina General Statutes.

Except for the purpose of an internal inquiry, the Board of County Commissioners and its members will deal with that portion of the administrative service responsible through the County Manager and neither the Board of County Commissioners nor any member thereof will give any directive to any county employee in the administrative service of the County.

Section 6. Responsibility of County Manager

The County Manager will be responsible to the Board of County Commissioners for the administration of the personnel program subject to their authority. The County Manager will appoint, suspend, and remove all County employees under guidelines established in this Personnel Ordinance, except those elected by the people or whose appointment is otherwise provided for by law. The County Manager, or their designee, will make appointments, dismissals, and suspensions in accordance with N.C. Gen. Stat. § 153A-82 consistent with State law, County Ordinances, this Personnel Ordinance and all applicable policies.

Any questions concerning the application or interpretation of the Personnel Ordinance's guidelines or rules stated herein will be directed by employees through appropriate Supervisory channels. If Department Directors have questions concerning the applicability or interpretation of the Personnel Ordinance's guidelines or rules, they should be directed to the County Manager, or their designee.

The County Manager shall create and adopt a code of conduct policy applicable to all County employees describing clear standards and expectations for employee conduct in alignment with our core values.

Section 8. Responsibility of Employees

All Buncombe County employees are expected to follow all County policies to the extent that they do not conflict with any Federal or State laws.

ARTICLE II. POSITION CLASSIFICATION PLAN

Section 1. Policy Statement

All positions covered by this Personnel Ordinance are to be classified according to their duties, responsibilities, qualifications needed of incumbent employees, and other related factors. In order to assure its continuing value as a personnel management tool, the County Manager shall create and adopt a position classification policy applicable to County employees to reflect the current work assignments and other conditions and requirements which are factors in proper classification and allocation of positions.

ARTICLE III. PAY PLAN

Section 1. Adoption

The salary schedule, as approved by the Board of County Commissioners, is hereby adopted as the Pay Plan for Buncombe County.

Section 2. Maintenance

The County Manager, or their designee, will be responsible for the administration and maintenance of the Pay Plan. The Pay Plan is intended to provide equitable compensation for all positions when considered in relation to each other, to comparable rates of pay for similar employment in the private and public sector in the competitive labor market, to changes in the cost of living, to financial conditions of the County, and other objective factors. To this end, the County Manager, or their designee, will conduct a comparative study of all factors affecting the level of salary ranges at least once every five years.

Section 3. Administration

The Pay Plan will be administered in a fair and systematic manner in accordance with job duties. The pay structure should be externally competitive and should maintain proper internal relationships among all positions based on relative duties and responsibilities.

Section 4. Bonuses.

A..The County Manager has the authority to award bonuses and incentive payments up to one thousand dollars per person subject to availability of funds in the departmental appropriations. These funds are to be used to reward employees and teams who have done work that exceeds the expectations of their job description, is outside their normal job duties and improves the efficiency and effectiveness of County operations. All bonuses and incentive payments will be reported to the Board of Commissioners at a regular meeting of the Board of Commissioners no later than sixty days from the award.

The Board of Commissioners will have the authority to award bonuses and incentive payments to employees in appointed positions subject to availability of funds in the departmental appropriations, and any such bonus or incentive will be made public at the Board of Commissioner meeting within sixty days of award.

Section 5. Pay Rates in Salary Range Revision

When the Board of County Commissioners approves a change in salary range for a class of positions, the salaries of employees whose positions are allocated to that class may be affected as stated in the position classification policy.

Section 6. Overtime

The County abides by all applicable sections of the Fair Labor Standards Act and any Fair Labor Standard Amendments. The County will properly record all applicable overtime accrued for each non-exempt employee. The County Manager shall create and the Board of Commissioners will adopt an overtime policy applicable only to employees of Buncombe County who are “non-exempt” under the Fair Labor Standards Act.

Section 7. Payroll Deductions

Federal and state income taxes, Social Security tax, withholding for court-ordered child support payments (upon receipt of appropriate notices to withhold or by other order of a court of competent jurisdiction), and retirement contributions will be deducted as authorized by law and the Board of County Commissioners. In addition, in accordance with the appropriate federal, state or local law, the County may have to garnish an employee’s wages. Because these deductions are calculated on the basis of information provided by the employee, it is mandatory that the employees keep the County informed of their personal status for withholding purposes.

When an overpayment of wages is identified, the employee will be notified by the County promptly to explain the error and the amount that was overpaid. A repayment schedule will be mutually agreed upon with a timeline for repaying the overpayment, which may involve deductions from future paychecks over a specified period or a lump sum repayment. Should the Employee leave employment with the County prior to repaying the debt, the Employee grants permission from the County to deduct the unpaid balance from the employee’s annual leave payment, banked holiday leave or comp time balances.

Section 8. Payroll Procedure

All employees will be compensated bi-weekly and must utilize direct deposit at the bank of their choice as the payment method.

Section 9. 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, long-term temporary position, PRN (as-needed) position and to any grant-funded position for which the funding source allows. If a COLA increases an employee’s base pay rate above the maximum for their salary grade, the excess will be paid out as a one-time lump sum.

During the budget planning process of each year, the County Manager will present a COLA calculation to the Board. The calculation will 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 to grant a COLA adjustment through the Budget Ordinance. If the Board elects to provide an annual COLA, the COLA will be effective July 1 of the following fiscal year.

ARTICLE IV. RECRUITMENT AND SELECTION

Section 1. Policy Statement

The Sheriff, Register of Deeds, and Director of Election Services have authority over and are responsible for the recruitment, application submission, selection, appointment, supervision, and discharge of employees in their respective departments with the County Manager, or their designee, approving the salary and classification of the new employees. The County Manager shall create and adopt a policy.

Section 2. Statement of Equal Employment Opportunity Policy

Buncombe County is committed to the principles of equal employment opportunity. It is the policy of the County to maintain a systematic, consistent recruitment program, to promote equal employment opportunities, and to identify and attract the most qualified applicants for employment with the County.

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Unlawful workplace discrimination and harassment.

Buncombe County is committed to a work environment that is free from discrimination and harassment under federal, NC state law or the County's Ordinance Prohibiting Discrimination in Employment and Public Accommodations. Discrimination and harassment based on an individual's race, natural hair or hairstyles, ethnicity, creed, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, pregnancy, veteran status, religious belief or non-belief, age, disability or any other legally protected class will not be tolerated. All employees, including supervisory and management personnel, are expected, and required to refrain from any activity or action that contributes to discrimination and harassment in the workplace. Discrimination and harassment of employees by supervisors or co-workers is forbidden in any form.

The County Manager shall create and adopt a non-discrimination and anti-harassment policy applicable to County employees.

Section 2. Workplace violence.

- A. Buncombe County is committed to preventing workplace violence and to maintaining a safe work environment for all employees and customers.
- B. The County Manager shall create and adopt a policy applicable to the County employees.

Section 3. Employment of persons with disabilities.

It is the policy of Buncombe County to comply with all federal and state laws concerning the employment of persons with disabilities. Furthermore, it is our policy not to discriminate against individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions, and privileges of employment. Buncombe County will work with individuals with a disability requesting reasonable accommodation so that they can perform the essential functions of a job.

Section 4. No retaliation commitment.

- A. No employee will be adversely affected in employment with the employer because of bringing complaints of discrimination and unlawful harassment or participating in a discrimination and unlawful workplace harassment investigation in accordance with County policy, or applicable State and federal laws.

- A. Other protected activity where retaliation is prohibited includes:
 - 1. Requesting accommodation for a disability or religious reasons.
 - 2. Filing a Workers' Compensation claim following a work-related injury.
 - 3. Requesting leave under the Family and Medical Leave Act.
 - 4. Filing a safety or environmental related complaint with state and/ or federal oversight agencies.
- B. Filing a complaint under the County's workplace violence policy.

Section 5. Drugs at the Workplace Prohibited

- A. County employees should not conduct County business while under the influence of any impairing substance.
- B. The County Manager shall create and adopt a policy applicable to all County employees.

Section 6. Tobacco Use at Work

- A. No employees will use any tobacco product, including but not limited to: snuff, chewing tobacco, smokeless tobacco, e-cigarette or vaping tool, smoking, carrying or possessing a lighted cigar, cigarette, pipe or other lighted smoking equipment/paraphernalia while in any Buncombe County buildings, on Buncombe County grounds, or in Buncombe County vehicles.
- B. Should a County employee violate the tobacco ban, they will be subject to disciplinary action, up to and including dismissal.

ARTICLE VI. HOLIDAYS AND LEAVE

Section 1. Leave Policy.

The Board of Commissioners shall adopt a policy outlining the County holidays and various forms of leave available to County employees.

ARTICLE VII. ADDITIONAL EMPLOYEE BENEFITS

Section 1. Benefits Policy

The Board of Commissioners shall adopt a policy outlining the employee benefits available to County employees.

Section 2. Deferred Compensation

A. Longevity Compensation

Eligible employees are rewarded for their increasing depth of knowledge and skills acquired through years of service with longevity compensation. Longevity pay serves to place a positive pressure to retain and reward seasoned employees for continued employment and thereby avoid expenses involved in recruiting and training replacement workers.

1. Time and Method of Pay

- a. Longevity pay is automatic; payment will be made when all eligibility requirements are met as specified in the following criteria.
- b. Longevity payment will be made in a lump sum each year on or before December 31.
- c. Payment will be made to otherwise eligible employees who are on military leave, workers' compensation and approved medical leave of absence without pay.
- d. Eligibility for payment will be based on full years of service with Buncombe County on the first pay period after December 1 of each year.
 - For employees hired on or after July 1, 2016, longevity payment is based on continuous years of service from the most recent date of hire. Previous years of service with Buncombe County will not be counted.
 - For employees hired before July 1, 2016, longevity payment is based on aggregate service.
- e. Employees working in a regular part-time position, but otherwise meeting eligibility requirements, will receive a pro-rata payment based on their scheduled weekly hours.
- f. Pro rata payments for partial year service will not be made. Eligibility is dependent upon employee status on December 1 except for individuals who are separated by retirement or death. If deceased, pro rata payment will be made to the estate based on the date of death computed on the longevity pay scale in effect. For retirement, pro rata payment will be made based on the date of retirement computed on the longevity pay scale in effect. For an employee hired on or after July 1, 2016, the

employee will not be eligible for a pro-rated longevity payment upon separation by retirement if the employee retires before December 1.

g. Payment will be made to the nearest cent rather than the nearest dollar.

2. Amount of longevity pay

Annual longevity pay amounts are based on the length of service to Buncombe County. The amount of payment will be based on length of service and the annual salary of the employee in existence on the eligibility date of December 1.

For purposes of Buncombe County Longevity Compensation for all Buncombe County employees, except for EMS positions with 60 scheduled weekly hours, "annual salary" means base annual pay only as set forth and established through each employee's current position classification and does not include annual leave sales, benefits, incentives, bonuses and other forms of deferred compensation. Longevity Compensation for EMS positions with 60 scheduled weekly hours is based on a prorated salary – straight hourly at 112 hours biweekly without including the overtime pay.

The following table will be in effect for longevity purposes.

TOTAL YEARS of COUNTY SERVICE	PAY RATE
Less than 1 year	\$100.00
1 year but less than 2 years	1.00%
2 years but less than 5 years	3.00%
5 years but less than 10 years	4.00%
10 years but less than 15 years	5.00%
15 years but less than 25 years	6.00%
25 years plus	7.00%

3. Eligibility requirements

- a. An employee must have an appointment in either a full-time regular or part-time regular position and regularly scheduled to work at least twenty hours or more per week. No other employees are eligible for longevity payment.
- b. Credit for the service requirement will not be given for short-term temporary, PRN or internship positions.
- c. Upon change to an alternate workforce position, the employee is ineligible for continued longevity pay.
- d. Credit will not be given towards service time for any employment other than with Buncombe County.

4. Effect of longevity pay

Longevity pay is not considered a part of annual base pay for classification and pay purposes, nor is it to be recorded in personnel records as a part of annual pay.

ARTICLE VIII. DISCIPLINARY ACTION AND SEPARATION FROM EMPLOYMENT

Section 1. Policy Statement

County employees are expected to meet performance standards and conduct themselves appropriately. The County Manager shall create and adopt a discipline policy applicable to County employees for addressing employee conduct and performance issues in a timely, fair, and equitable manner.

Section 2. Employee Discipline.

- A. An employee who has achieved Covered Status may only be disciplined when just cause exists and in accordance with the County's discipline policy and procedures.
- B. For the purposes of this Ordinance, "just cause" means that based on the facts and circumstances of the incident, there is sufficient evidence to show that the employee engaged in the unacceptable personal conduct, unsatisfactory job performance or grossly inefficient job performance and that the discipline imposed is fair and equitable in relation to the improper conduct.

Section 3. Separation.

The County Manager shall create and adopt a separation policy describing the different ways an employee can be separated from employment.

Section 4. Disciplinary actions involving the Internal Audit Director.

The Director of Internal Audit cannot be disciplined in any manner without a recommendation by majority vote of the County's Audit Committee. Any member of the Audit Committee may initiate a disciplinary action against the Director of Internal Audit. If a majority of the Audit Committee votes in favor of disciplinary action up to and including dismissal, then such recommendation must be considered by the Board of Commissioners for the final disciplinary decision.

ARTICLE IX. GRIEVANCES

Section 1. Grievance

It is the policy of Buncombe County that employees may raise issues regarding matters affecting their employment with the County. The County Manager is instructed to create and adopt a grievance policy and procedures to provide an adequate and fair means for hearing and resolving matters of employment conditions of County employees. Nothing herein will prohibit the employee from filing complaints of unlawful discrimination, harassment, or retaliation in accordance with County policy, or applicable State and federal laws.

ARTICLE X. PERSONNEL RECORDS

Section 1. Personnel Records Maintenance

Such personnel records as are necessary for the proper administration of the personnel system will be maintained by the Human Resources Department. Pursuant to N.C. Gen. Stat. § 153A-98(b), the County will maintain in personnel records only information that is necessary and relevant to accomplishing legitimate personnel administration needs. Medical information will be kept in a separate medical file with limited access and in compliance with the Americans with Disabilities Act and all privacy laws.

For the purposes of this Personnel Ordinance, the term "salary" includes all compensation for services rendered by an employee, such as base pay, bonuses, longevity pay, and any other regular forms of compensation.

Section 2. Access to Personnel Records

As required by G. S. §153A-98, any person may have access to the information listed for the purpose of inspection, examination, and copying, during the regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Board of County Commissioners may adopt. Any person denied access to any record will have a right to compel compliance with these provisions by application to a court for writ of mandamus or other appropriate relief.

Section 3. Confidential Information

- A. All confidential information contained in a County employee's personnel file will be maintained in accordance with the requirement of G. S. §153A-98 and will be open to public inspection only in accordance with G. S. §153A-98 (c).
- B. Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
- C. A record will be made of each disclosure to third parties and placed in the employee's file.

Section 4. Remedies of Employees Objecting to Material in File

An employee who objects to material in their personnel file may place in the file a statement relating to the material the employee considers to be inaccurate or misleading. An employee who has achieved Covered Status may seek the removal of such material in accordance with established grievance procedures.

Section 5. Improper Access Unlawful

Any official or employee who knowingly permits improper access to confidential information contained in a personnel file may be subject to criminal conviction and a fine as provided by law. Likewise, any individual who knowingly accesses confidential personnel information may also be subject to criminal conviction and a fine as provided by law.

Section 6. Destruction of Records

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with N.C. Gen. Stat. § 121-5(b), without the consent of the State Department of Cultural Resources. Individuals who unlawfully remove public records or who alter, deface, mutilate, or destroy a public record may be subject to criminal conviction and a fine as provided by law.

ARTICLE XI. Definitions

Definitions (Listed Alphabetically)

Alternate Workforce. A just-in-time workforce engaged or under the direction of the County Manager, aside from traditional full-time or part-time regular positions.

Aggregate Service. The employee's combined total period of countable service of employment within a regular position as an employee of Buncombe County, exclusive of any time allowed as transfer credit from another jurisdiction, for the purpose of determining entitlement to the particular benefit in question.

Aggregate service for retirement purposes refers to total length of service under which retirement contributions are paid into the N.C. Local Governmental Employees' Retirement System by the employee.

Except as otherwise provided, rehired employees, and new hires from other North Carolina government employers, will be eligible only for the existing benefits at the time they are rehired, e.g., current health insurance plan, current 401K plan, etc. In addition, longevity for rehired employees is defined in the Longevity section of this document.

Appointing Authority. Any County official with legal authority to make hiring decisions or elected official with the legal authority to make hiring decisions.

At-Will Employee. An individual who is free to resign at any time with or without notice or cause and whose employment may be terminated at any time, with or without notice or cause.

Classification. A class or group of job classes having similar duties and responsibilities requiring similar qualifications, which can be properly designated by one title indicative of the nature of work performed, and which carry the same salary grade.

Exempt Employee - (Fair Labor Standards Act Status). Full and part-time employees who have been classified as "Exempt" from the overtime provisions of the Fair Labor Standards Act are paid for the accomplishment of assigned accountabilities rather than being paid for the number of hours worked in a work period.

Full Time Regular Employee. An employee appointed to a regular position and scheduled to work at least 2,080 hours per year. Employees in these positions are eligible for Covered Status as well as specified employee benefits.

Maximum Salary Rate. The maximum salary authorized by the pay plan for an employee within an assigned salary grade in accordance with County recruitment and compensation policies.

Non-Exempt Employee (Fair Labor Standards Act Status). Full and part-time employees who have been classified as "Non-Exempt" from the overtime provisions of the Fair Labor Standards Act will be paid for overtime hours worked.

Part-Time Regular Employee. An employee appointed to a regular position and scheduled to work less than 2,080 hours per year. Employees in these positions are eligible for Covered Status as well as specified employee benefits.

Pay Plan. A schedule of pay ranges arranged by sequential rates for each classification assigned to a salary range.

Position Classification Plan. A plan approved by the Board of County Commissioners that assigns classes and the positions within those classes to the appropriate pay grade.

Retaliation. Retaliation is where an adverse action is taken against an employee for engaging in a legally protected activity. An adverse action is any action which could dissuade a reasonable employee from engaging in a protected activity. Legally protected activities include, but are not limited to, filing a discrimination complaint, participating in an investigation, whistleblowing, reporting an OSHA violation, requesting an accommodation, using protected medical leave, filing a workers compensation claim, or reporting misconduct. Any conflict between this language and state or federal law, the state or federal law prevails.

Salary. Consistent with North Carolina General Statutes, "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid to a Buncombe County employee.

Salary Grade. All positions which are sufficiently comparable to warrant one range of pay rates.

Salary Plan Revision. The uniform adjustment of the salary ranges of one or more grades within the pay plan.

Salary Range. The minimum and maximum salary levels for a given classification.

Salary Range Revision. The adjustment of the salary range for one or more specific classifications of positions within the classification plan.

Salary Schedule. A listing by grade and quartile of all the approved minimum and maximum salary ranges authorized by the Board of County Commissioners for various position classifications of the County.

ARTICLE XII. IMPLEMENTATION OF PERSONNEL ORDINANCE

Before adopting or amending any provision of this Personnel Ordinance, the Board of Commissioners will hold a public hearing on the ordinance or amendment. The Board will cause notice of the hearing to be published at least once not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing will be included.

Section 1. Conflicting Policies and Resolution Repealed

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

Section 2. Severability

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

This Ordinance adopted and effective by the Board of County Commissioners, Buncombe County, State of North Carolina, this 20 day of May 2025.