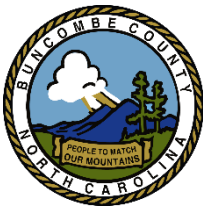


Personnel Ordinance

BUNCOMBE COUNTY

North Carolina



Revised November 7, 2023

ARTICLE I. ORGANIZATION OF PERSONNEL SYSTEM

Section 1. Purpose

The purpose of this Personnel Ordinance is to establish a personnel system that will 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.

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 except for Article VII, Additional Employee Benefits.
- C. The County Manager, the County Attorney, the Internal Audit Department Director, the Finance Director, the Clerk to the Board and the Director of the Board of Elections 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, and dismissal, these provisions will not apply to the Sheriff and all employees of the Sheriff, 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, performance evaluations 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. Employee Status

- A. At the time employees are hired, their positions are classified as either regular, grant-funded, or temporary and are also designated as eligible or ineligible to earn overtime pay.
 - 1. **Alternate Workforce.** An alternate workforce is a just-in-time workforce engaged or under direction of the County Manager, aside from traditional full-time or part-time regular positions. Alternate workforce members will only receive the benefits approved by the County Commission. The County Manager will develop procedures to manage an

alternate workforce. See the Alternate Workforce Policy for specific criteria and definitions.

2. **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 in accordance with the Supplemental Pay Policy.
3. **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.
4. **Covered Status.** An employee in a full-time or part-time regular position who has completed twelve (12) months of continuous employment. If an employee has an absence of more than thirty consecutive work days 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 his 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 will make appointments, dismissals, and suspensions in accordance with N.C. Gen. Stat. § 153A-82 and this Personnel Ordinance.

An official copy of the Personnel Ordinance and rules will be available in the County Manager's Office and/or Human Resources Department. The appointing authority, County Manager, or their designee, and/or Human Resources Director will provide written procedures and forms necessary for the proper administration of the Personnel Ordinance set forth in this manual and will instruct staff in their appropriate use. 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. Any questions on the part of Department Directors concerning the applicability or interpretation of the Personnel Ordinance's guidelines or rules should be directed to the appointing authority, County Manager, or their designee, and/or Human Resources Director before proceeding.

Section 7. Responsibility of the Human Resources Director

- A. Unless otherwise stated in the policies of this Personnel Ordinance, the Human Resources Director or their designee will be responsible for the following items:
1. The administration of the policies and procedures in this Personnel Ordinance and other related personnel and employee related policies;
 2. Recommending the following types of revisions to this document to the County Manager for approval by the Board of County Commissioners:
 - a. Classification Plan
 - b. Pay plan
 - c. Leave policies
 - d. Retirement, health insurance, and additional employee benefits
 3. Reviewing and maintaining this document;
 4. Establishing and maintaining a roster of all persons in County services (setting forth the following items):
 - a. Each supervisor and employee
 - b. Position/Classification
 - c. Salary
 - d. Any change in position and status
 - e. Such data as may be deemed desirable or useful
 5. Developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the County.

- B. The Human Resources Director, or their designee, will be responsible for keeping policies and procedures in conformance with any legal requirements which may be imposed by other levels of government.
- C. The Human Resources Director will be responsible for furnishing advice, technical direction, and assistance to County Department Directors and administrative staff in effectuating this Personnel Ordinance, including devising, and implementing detailed procedures and records.
- D. The Human Resources Director will designate those employees who are exempt from the Fair Labor Standards Act.
- E. The Human Resources Director will also be responsible for performing such other duties as may be assigned by the County Manager, which are not inconsistent with this document.

Section 8. Responsibility of Employees

All Buncombe County employees are expected to follow all County policies including the Employee Code of Conduct Policy.

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.

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 Position 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 positions.

Section 2. Allocation of Positions

The Human Resources Director will allocate each position covered by the Position Classification Plan to its appropriate class and salary grade in the plan. New positions will be established only with the approval of the Board of Commissioners upon recommendation of the County Manager and/or the Human Resources Director. Any grant application that involves additional staff must be reviewed and approved at the County Manager/Assistant County Manager level and by the Human Resources Director prior to submission of application.

Section 3. Administration

- A. The County Manager or Human Resources Director, as designated by the County Manager, will be responsible for the administration and maintenance of the Position Classification Plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. After classification, each position will be assigned to a pay grade in the Position Classification Plan.

Department Directors will be responsible for bringing to the attention of the County Manager and/or Human Resources Director (1) the need for new positions, and (2) material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classification of any existing positions.

- B. New positions will be established with the recommendation of the County Manager and/or Assistant County Manager and approval of the Board of County Commissioners after which the Human Resources Director will either (1) allocate the new position to the appropriate class within the existing Position Classification Plan or (2) recommend that the Board of County Commissioners amend the Position Classification Plan to establish a new class to which the new position may be allocated.
- C. When the Human Resources Director finds that a substantial change has occurred in the nature of level of duties and responsibilities of an existing position, the Human Resources Director, upon the County's Manager's and/or Assistant County Manager's recommendation, will (1) direct that the existing class specification be revised, (2) reallocate the position to the appropriate class within the existing Position Classification Plan, or (3) recommend that the Board of County Commissioners amend the Position Classification Plan to establish a new class to which the position may be allocated.

Section 4. Amendments

Classes of positions will be added to and deleted from the Position Classification Plan by the Board of County Commissioners based on the recommendation of the County Manager and/or Human Resources Director.

Section 5. Procedures for Change

- A. The Position Classification Plan may have additional classes added or have classes deleted from time to time as needs of the County organization requires. The Board of County Commissioners will approve the creation or deletion of any class.
- B. When a Department Director believes that a new class is needed, either to add a new field of employment or to reflect additional levels of work within an existing series of classes, the Human Resources Director will be furnished a written statement of proposed duties for the new class and other information as necessary.
- C. A class will be deleted from the Position Classification Plan when the Board of County Commissioners, with the recommendation of the County Manager and/or Human Resources Director, has determined that it no longer is being used or needed for the positions within the County organization.

Section 6. Reclassification of Positions

A supervisor may request that a classification of position within their supervisory line be reviewed to ensure the position is properly classified.

- A. With the support from their Department Director, the supervisor will submit the request in writing to the Human Resources Director or designee or their designee.
- B. The Human Resources Director will, upon the County Manager's and/or Assistant County Manager's recommendation, approve, disapprove, or reclassify the position to an existing classification or establish a new class for approval by the Board of County Commissioners.

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 Human Resources Director 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 Human Resources Director will conduct comparative study of all factors affecting the level of salary ranges no less than once every five years.

Section 3. Administration

The Pay Plan will be administered in a fair and systematic manner in accordance with work performed. 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 and is outside their normal job duties and impacts the efficiency and effectiveness of the agency. 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 majority of 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 follows:

- A. When a class of positions is assigned to a higher pay range, employees in that class may receive a pay increase based within the approved salary plan upon the recommendation and approval of the County Manager and/or Human Resources Director.
- B. When a class of positions are assigned to a lower pay range, the salaries of employees in that class will not be reduced.
- C. If the Board of County Commissioners, at its discretion, provides funds through appropriation for an across-the-board increase, only employees' pay rates will change. The pay plan will remain the same.

Section 6. Overtime

- A. 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. This overtime policy is applicable only to employees of Buncombe County who are "Non-Exempt" under the Fair Labor Standards Act. If any area of this section conflicts with the FLSA, then the FLSA will supersede.
- B. Every employee must record their timecard accurately to reflect all time worked. Failure to do so may result in disciplinary action up to and including dismissal. Should an employee be aware of any violation of this requirement or of any practice that discourages an employee from accurately recording their time, then the employee should report such concerns to the County's Human Resource Director or anonymously through the Employee Protection Hotline (1-866-908-7236).
- C. Employees are expected to work during all assigned periods except mealtimes. Employees are not to perform work during any time that they are not scheduled to work unless they receive prior approval from their Supervisor, Department Director, County Manager or their designee, or appointing authority except in cases of emergency. An emergency exists if a condition arises that could reasonably result in damage to property or persons or that requires the immediate attention of the employee. Employees who work excess hours because of an emergency must advise their immediate Supervisor of the overtime worked as soon as practical following completion of the work.
- D. Department Directors are responsible for ensuring that overtime hours are authorized, recorded, and properly documented with the established record keeping forms and instructions.
- E. Computation for overtime will include actual work hours worked over and above forty hours in any work week for non-law enforcement employees. For non-law enforcement personnel, computation for overtime hours will be at the standard rate of one hour per hour worked up to forty hours per week, and at one and one-half hours per hour worked above forty hours per week. Refer to the Supplemental Pay Policy regarding compensatory time.
- F. Computation for overtime will be computed in accordance with the FLSA.

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. Credit Union deductions, insurance premiums and other deductions requested by the employee and not paid by the County may also be deducted. 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.

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 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 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 directors for the Sheriff, Register of Deeds, and Board of Elections departments will have authority over and be responsible for the recruitment, application submission, employment, selection, appointment, supervision, and discharge of employees in their respective departments with the County Manager and/or Human Resources Director approving the salary and classification of the new employees.

Section 2. Statement of Equal Employment Opportunity Policy

- A. 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.
- B. Firm practices and employment decisions regarding recruitment, hiring, assignment, promotion, and compensation will not be in violation of the County's Non-Discrimination Ordinance.
- C. Any person with concerns or suggestions about our hiring process should contact the Buncombe County Human Resources Director or any member of senior management. For further information, please reference the Buncombe County Non-Discrimination and Anti-Harassment Policy.

Section 3. Recruitment

- A. The Human Resources Director is responsible for an active recruitment program to meet current and projected staffing needs, using procedures that will ensure equal employment opportunities based on job-related requirements.
- B. Recruitment efforts will be coordinated in a timely manner.
- C. The Human Resources Director and the Department Director may jointly determine whether a position vacancy will be filled by outside recruitment or promotion.
- D. In case of disagreement, a determination will be made by the appointing authority or County Manager, or their designee.

Section 4. Position Vacancy Announcements

- A. Vacant positions will be reviewed by the applicable Department Director and the County Manager and/or Human Resources Director to determine whether they should be filled.
- B. Applicants will be recruited for vacant positions which are to be filled by posting position vacancy announcements for a minimum of five working days on the Buncombe County website and the local office of the Employment Security Commission if external candidates

are being sought and/or at the Human Resources Department and within each County Department should internal applicants be sufficient.

- C. Optional recruiting publicity may be carried out through the media, as appropriate.
- D. Position vacancy announcements will contain, at a minimum:
 - 1. The title and the hiring range.
 - 2. The closing date of the announcement.
 - 3. A summary of the duties of the position.
 - 4. A summary of the minimum qualifications.
 - 5. The procedures for making application.
 - 6. A statement of equal employment opportunity.

Section 5. Application Submission

- A. The Buncombe County Electronic Employment Application will be the standard application accepted for any and all position listings.
- B. Applications are accepted through the Buncombe County website (www.buncombecounty.org).

Section 6. Application for Employment

- A. All persons expressing interest in employment with the County are given an opportunity to file an application for employment with the Human Resources Department. For most positions, applications are accepted for publicized vacancies only. A separate application must be submitted for each position applied. Copies are not accepted.
- B. Applications are logged according to job classification and remain in active status for six months.

Section 7. Qualification Standards

- A. All applicants considered for employment or promotion will meet the qualification standards established by the class specifications and/or job description for the vacant position.
- B. All appointments will be made on the basis of merit and in accordance with the Statement of Equal Employment Opportunity Policy. See *ARTICLE IV. RECRUITMENT AND SELECTION, Section 2. Statement of Equal Employment Opportunity Policy.*

Section 8. Selection

After applicants have been properly recruited by the Human Resources Department, the applications are forwarded to the Hiring Manager. The Hiring Manager makes the decision as to

employment, subject to the approval of the Department Director, Human Resources Director, and/or the County Manager.

- A. All persons who have applied for employment are considered on the basis of bona-fide occupational qualifications. All applicants must meet the minimum qualifications established for the position, except for established trainee positions. In addition, applicants must meet other minimum standards as to character, aptitude, ability to meet the public, and the ability to perform the essential job functions with or without accommodation, as may be required by the position.
- B. If training and experience are among the criteria for employment in a job, the Department Director will determine a procedure for the evaluation of the training and experience of the various applicants. This procedure will give due regard to recentness, quality, and quantity of the applicant's experience and training.
- C. Applicants will generally not be notified of the outcome of their application for employment unless they are interviewed by a Hiring Manager or Department Director. Notification will be from the department with the vacancy or from the Human Resources Department. Concerned applicants may check the status of their application by contacting the Human Resources Department or appointing authority.
- D. Provided qualified applicants are available, a minimum of three applicants should generally be interviewed for each position.
- E. At the end of the selection process of each vacancy, the Hiring Manager is responsible for completing an Application Selection/Rejection Data Form. The original copy must be submitted to the Human Resources Department at the time of selection. The Application Selection/Rejection Data Form provides documentation for EEO purposes and is a record of those applicants to be notified of the outcome of the selection process.
- F. The position of Internal Audit Department Director will not be filled without a recommendation by majority vote of the County's Audit Committee. If a majority of the Audit Committee votes in favor of the selection of a candidate for the position, then such recommendation must be considered by the Board of Commissioners for final approval.

Section 9. Background Records Check.

The finalist for a position will be asked for information so that a full and complete disclosure of records pertaining to the applicant's education, previous employment, and criminal records background check may be verified.

Section 10. Valid Driver's License Requirement.

If the duties of the position include operation of County-owned or County-insured vehicles, or driving is a requirement of the employee's job duties, the Department Director will, before issuing an offer of employment, conduct a review of the driving record of the person to be hired, which record will become a part of the personnel file. All employees required to drive as a

function of their job responsibilities must maintain a valid driver's license and car insurance as well as notify their Department Director of any change in status in accordance with the County's Travel Policy.

Section 11. Appointments

The Board of County Commissioners must approve appointment by the Sheriff or Register of Deeds of a relative by blood or marriage of nearer kinship than first cousin or of a person who has been convicted of a crime involving moral turpitude required by N.C. Gen. Stat. § 153A-103(1).

Section 12. At-Will Periods of Employment

- A. An employee appointed to a regular position will be an employee at-will with no property interest in their position from the time of the appointment to the position until the employee has successfully achieved Covered Status.

Once an employee has achieved Covered Status then the employee may only be disciplined in accordance with the County's Discipline Policy and Procedures.

During the At-Will period an employee may be separated upon the approval of the Department Director with concurrence by the Human Resources Director.

Section 13. Transfer

- A. If a vacancy occurs and an employee eligible from another department wishes to be considered for the appointment, an application must be submitted to the Human Resources Department during the recruitment period for the position. The request for transfer will be subject to approval of both affected Department Directors, and approval by the Human Resources Director.

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Workweek

- A. The standard workweek for County employees begins on Saturday at 12:00 a.m. and ends on Friday at 11:59 p.m. This period of 168 hours in seven consecutive 24-hour periods is used for minimum wage and overtime calculation, as required by the Fair Labor Standards Act.
- B. The County's regular business hours are Monday through Friday 8:00 a.m. to 5:00 p.m. When the activities of a department require different business hours, the Department Director may authorize a deviation from the County's regular business hours.
- C. Law enforcement employees will have an assigned shift with accumulation of those hours required in an approved FLSA work schedule with time permitted for meals during the respective shift.
- D. Employee work schedules may deviate from the County's regular business hours, or a department's established business hours, as allowed by the Flexible Workplace Policy.

Section 2. Unlawful workplace discrimination and harassment.

- A. Buncombe County is committed to a work environment that is free from discrimination and harassment. 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 under federal or NC State law 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 3. 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 workplace violence policy applicable to the County employees.

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.
- B. Other protected activity where retaliation is prohibited includes:
 - 1. Requesting an accommodation for a disability.
 - 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.
 - 5. Filing a complaint under the County's workplace violence policy.

Section 5. Drugs at the Workplace Prohibited

- A. Any location at which County business is conducted is declared to be a drug-free environment. Workplace is defined as the site for the performance of work done and includes, but is not limited to, any Buncombe County building, premises, or vehicle.
- B. The County Manager shall create and adopt a Drug-Free Workplace 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

Buncombe County does not have a merit pay system; instead, regular 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 high-performing seasoned employees for continued employment and thereby avoid expenses involved in recruiting and training replacement workers. Longevity will be paid to all full-time regular and part-time regular employees as follows.

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, worker's compensation and approved medical leave of absence without pay.
- d. Eligibility for payment will be based on full years of service as of December 1 of each year.
- e. Employees working in a regular part-time position, but otherwise meeting eligibility requirements will receive a pro rata payment based on the percentage of hours actually worked divided by full-time hours for the position.
- 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. Pro rata payment in these cases will be made based on the date of retirement or death and computed on the longevity pay scale then in effect. If deceased, payment will be made to the estate. 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 aggregate total 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. Rehired employees will be eligible for a longevity rate with said accrual calculated based on the date of rehire (previous years of service will not be counted).

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.

For purposes of Buncombe County Longevity Compensation for all Buncombe County employees, except for EMTs, "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. Because EMT's work mandatory overtime, EMT's Longevity Compensation 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 AGGREGATE LONGEVITY 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 aggregate total service requirement will not be given for temporary, PRN or internship positions.
- c. Upon change of appointment to temporary part-time or less than half-time (twenty hours per week) the employee is ineligible for continued longevity pay.
- d. Credit will not be given towards aggregate service time for any employment other than with Buncombe County.
- e. For persons rehired after July 1, 2016, the individual's total aggregate longevity county service will be calculated from the date of rehire.

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 that 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 applicable to all County employees describing the different ways an employee can be separated from employment.

Section 4. Disciplinary actions involving the Internal Audit Director.

The Director of the Internal Audit Department position 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 the Internal Audit Department. 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 appointing authority or Human Resources Department. 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.

Section 2. Information Open to the Public (N.C. Gen. Stat. § 153A-98(b))

Pursuant to N.C. Gen. Stat. § 153A-98(b), the following information with respect to each County employee is a matter of public record:

1. Name;
2. Age;
3. Date of original employment or appointment to County service;
4. The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the agency has the written contract or a record of the oral contract in its possession;
5. Current position;
6. Title;
7. Current "salary;"
8. Date and amount of each increase or decrease in salary with the County;
9. Date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification with the County;
10. Date and general description of the reasons for each promotion with the County;
11. Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the County. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the County setting forth the specific acts or omissions that are the basis of the dismissal; and,
12. Office to which the employee is currently assigned.

For the purposes of this Personnel Ordinance, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity.

Section 3. Access to Personnel Records

As required by G. S. §153A-98, any person may have access to the information listed in Section 2 of this article 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 4. Confidential Information

- A. All information contained in a County employee's personnel file, other than the information listed in Section 2 of this article, will be maintained as confidential in accordance with the requirement of G. S. §153A-98 and will be open to public inspection only 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 5. 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 procedure.

Section 6. 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 7. 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. Aggregate service for determining the rates at which longevity and annual leave are earned by an employee is determined from the total years of service with Buncombe County only.

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.

Employee Protection Hotline. A toll-free number (1-866-908-7236) that is answered by an independent third-party source and available to employees as well as the public to register a complaint or concern anonymously regarding theft or fraudulent activity; this hotline is not to be used for workplace concerns.

Covered Status. An employee in a full-time or part-time regular position who has completed twelve (12) months of continuous employment. If an employee has an absence of more than thirty consecutive work days 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.

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.

Hatch Act. A federal act limiting political activity for state and local government employees whose principal employment is in an activity that is financed either in whole or in part by loans or grants from the federal government in order to limit possible bias and political coercion.

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.

Moral Turpitude. An act or behavior that gravely violates the sentiment or accepted standards of Buncombe County Government's Code of Conduct Policy and values.

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 in accordance with the Supplemental Pay Policy.

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.

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.

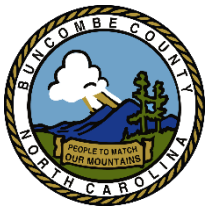
Section 2. Severability

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 7 day of November 2023.

Appendices

BUNCOMBE COUNTY POLICIES



Appendix A: Disability Policy

Section 1. Purpose

- A. 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 qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions, and privileges of employment.

Section 2. Policy

- A. Buncombe County will work with qualified individuals with a disability requesting a reasonable accommodation so that they can perform the essential functions of a job. Buncombe County will not grant a reasonable accommodation if doing so causes a direct threat to the requesting individual or others in the workplace and the threat cannot otherwise be eliminated and/or if the accommodation creates an undue hardship to Buncombe County. Contact the Human Resources Department with any questions or requests for accommodation.
- B. All employees are required to comply with the company safety standards. Current employees who pose a direct threat to the health and/or safety of themselves or other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employees' immediate employment situation.
- C. The Human Resources department is responsible for implementing this policy, including resolution of reasonable accommodation, safety/direct threat, and undue hardship issues.

Appendix B: Workplace Violence Policy

Section 1. Purpose

- A. Buncombe County is committed to preventing workplace violence and to maintaining a safe work environment. Toward that end, Buncombe County has adopted this Workplace Violence policy. The intent of the policy is to ensure that our employees are free from intimidation, harassment, or other threats of or actual violence that may occur on-site or off-site during work-related activities. **All employees, customers**, vendors, and business associates should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, bullying, “horseplay,” or other conduct that may be dangerous to others.

Section 2. Policy

- A. Conduct that threatens, intimidates, or coerces another employee, customer, vendor or business associate will not be tolerated. County resources may not be used to threaten, stalk, or harass anyone at the workplace or outside of the workplace. The County treats threats coming from an abusive personal relationship as it does other forms of violence.
- B. Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to a Supervisor, security personnel, human resources, member of the Buncombe County Threat Assessment Team, or any member of senior management. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible and use the Violent Incident Form. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.
- C. Employees should promptly inform the Human Resources department of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to partner violence. Buncombe County will not retaliate against employees making good-faith reports. Buncombe County is committed to supporting victims of intimate partner violence by providing referrals to Buncombe County’s EAP and community resources and providing time off for reasons related to intimate partner violence.
- D. Buncombe County will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The County may bring together a Threat Assessment Team to investigate and manage an identified threat. The identity of the individual making a report will be protected as much as possible. Buncombe County will not retaliate against employees making good-faith reports of violence, threats or suspicious individuals, or activities. In order to maintain workplace safety and the integrity of its investigation, Buncombe County may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.
- E. Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.
- F. Buncombe County encourages employees to bring their disputes to the attention of their Supervisors or the Human Resources department before the situation escalates. Buncombe County will not discipline employees for raising such concerns.