

Communications from 12/1/21



Wed, Dec 1, 11:32 AM

I'm following up on an email sent by Layton to TCTDA board members. He is hoping to connect with each board member for an important five minute conversation about organizational structure prior to tomorrow morning's meeting. Please reach out to him at 329-2991. Thank you.

← Sent individually to each board member.

Thu Dec 2 9:40 AM

Hey, good meeting... and an hour

I let's get a time on our





Clark Lovelace <clark@brevardncchamber.org>

RE: follow up items

1 message

Layton Parker (TCT) <layton@explorebrevard.com>

Wed, Dec 1, 2021 at 12:09 PM

Reply-To: "Layton Parker (TCT)" <layton@explorebrevard.com>

To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>

Cc: David Gulce <David.Gulce@transylvaniacounty.org>, Jaime Laughter <jaime.laughter@transylvaniacounty.org>, Sheila Cozart <Sheila.Cozart@transylvaniacounty.org>, Kate Hayes <kate.hayes@transylvaniacounty.org>, clark <clark@explorebrevard.com>

Jonathan,

I was thinking it may be best to give a general update to the board tomorrow and then follow up with the smaller pre-briefing type meetings you suggested for the following reasons:

1. Gives you more time to present a complete presentation without urgency for tomorrow
2. Sensitive information such as salary parameters would be presented to individual board members versus for the first time to current staff filling those positions
3. Immediate feedback from board members for questions, comments and then opportunity for a full board discussion at the next board meeting

If you want to provide to me and Clark for review now, that would be fine or you can finalize it and I can arrange the pre-briefing meetings following you getting the full information to us.

Thanks again for the extra effort to get the information together.

On November 30, 2021 6:34 PM Jonathan Griffin <jonathan.griffin@transylvaniacounty.org> wrote:

Hi Layton,

I see Clark has already distributed the agenda packet for Thursday's meeting. I was hoping that I would be able to submit all of the details for Plan A today, but unfortunately Sheila, Kate and I ran into some last second stumbling blocks and were unable to complete our work.

The presentation is mostly finished, with about two or three data points that are outstanding. My hope is that we will be able to submit it to you tomorrow, for you to distribute as you see fit.

If you are uncomfortable distributing the information with that little time for review from the Board, I certainly understand.

Jonathan

Jonathan Griffin

Finance Director

Transylvania County



Clark Lovelace <clark@brevardncchamber.org>

Re: follow up items

1 message

Clark Lovelace <clark@brevardncchamber.org>

Wed, Dec 1, 2021 at 8:07 PM

To: Layton Parker <laytonparker@gmail.com>

I agree with that assessment. As you likely saw, there is the same description of what Jonathan considers to be Plan B at this point. Based on what I've heard from you and I believe others as well, the preferred Plan B is to either tweak the county plan to make it fit with what the board considers to be reasonable employment options or some sort of a hybrid of plan A and the option of the TCTDA staffing itself. Not sure when it's appropriate for you to clarify what you consider be a realistic Plan B, but just thought it was worth mentioning after seeing what appears to be an official plan B in Jonathan's mind. See you in the morning.

Sent from my iPhone

On Dec 1, 2021, at 7:56 PM, Layton Parker <laytonparker@gmail.com> wrote:

Thank you Jonathan!

I can tell your team has put a lot of effort in the research in the proposed policy and implementation plan if the board chooses to integrate into the county personnel plan. I appreciate you expediting getting it to us for review.

In essence of time, I think it would be best for us (Clark and me) to do a thorough review of your research and recommendations so we can accurately describe the options to the board. It will also be beneficial to integrate the missing pieces prior to that presentation and explanation as well.

In the meeting tomorrow, I will plan to let them know we received this preliminary information and hope to receive a finalized version very soon so we can present it to them for review and future decisions.

Thank you very much for so much support.

Layton

On Dec 1, 2021, at 6:17 PM, Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org> wrote:

Hi Layton,

We twiddled our thumbs most of the afternoon waiting to hear back from Naomi.

The incomplete slide is slide 8, which encompasses the ranges into which each position will be slotted.

In the notes field I summarized the sequence of events, but we got the first draft back on 10/24, did a zoom call for feedback on 10/29 and I checked with Shella at 5 and we still



Clark Lovelace <clark@brevardncchamber.org>

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The Incomplete slide is slide 8, which encompasses the ranges into which each position will be slotted.

In the notes field I summarized the sequence of events, but we got the first draft back on 10/24, did a zoom call for feedback on 10/29 and I checked with Sheila at 5 and we still haven't received the final recommendation yet. We may get them tomorrow AM before the day starts and be able to jot those in quickly.

Most slides have explanatory notes or additional context as necessary and cover the three items.

1. The employment language for the County resolution
2. Addition of job classifications, amendments to personnel plan
3. Proposal to proceed to negotiating a three year agreement btwn County, Authority and Chamber

The rest of the attachments are the still draft job descriptions and the policies that would apply.

Jonathan Griffin

Finance Director

Transylvania County

p: 828-884-1931

m: 828-556-1564

From: Layton Parker (TCT) <layton@explorebrevard.com>**Sent:** Wednesday, December 1, 2021 12:09 PM**To:** Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>**Cc:** David Gulce <David.Gulce@transylvaniacounty.org>; Jaime Laughter <jaime.laughter@transylvaniacounty.org>; Sheila Cozart <Sheila.Cozart@transylvaniacounty.org>; Kate Hayes <kate.hayes@transylvaniacounty.org>; clark <clark@explorebrevard.com>**Subject:** RE: follow up items

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Jonathan

Jonathan Griffin

Finance Director

Transylvania County

p: 828-884-1931

m: 828-556-1564

From: Jonathan Griffin

Sent: Friday, November 19, 2021 3:45 PM

To: Layton Parker (TCT) <layton@explorebrevard.com>
Cc: David Guice <David.Guice@transylvaniacounty.org>; Jaime Laughter <jaime.laughter@transylvaniacounty.org>; Sheila Cozart <Sheila.Cozart@transylvaniacounty.org>; Kate Hayes <kate.hayes@transylvaniacounty.org>; clark <clark@explorebrevard.com>
Subject: RE: follow up items

Hi Layton,

- We would draft and release a document, give it a time period and receive response. We could likely also craft an RFQ for something of this nature – which would involve less a specific price tag and more a general assessment of an organization's ability to be an entity that supports the TDA board as it carries out its duties.
- OK – I have not personally received any communication from the Chamber, or seen anything that would suggest that the end-of-calendar year request was that flexible. As I shared with you previously, my primary concern is that we will still be trying to get a plane in the air but have run out of runway. If you are confident that the Chamber's position has changed and they are willing to ride out all the way to 6/30, that satisfies me.
- Yes, I agree it is no longer feasible to do anything before the full meeting because we are too close to 12/2.

Jonathan Griffin

Finance Director

Transylvania County

p: 828-884-1931

m: 828-556-1564

From: Layton Parker (TCT) <layton@explorebrevard.com>
Sent: Wednesday, November 17, 2021 11:21 AM
To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>
Cc: David Guice <David.Guice@transylvaniacounty.org>; Jaime Laughter <jaime.laughter@transylvaniacounty.org>; Sheila Cozart <Sheila.Cozart@transylvaniacounty.org>; Kate Hayes <kate.hayes@transylvaniacounty.org>; clark <clark@explorebrevard.com>
Subject: RE: follow up items

Kate has received the resumes and is working on the review.

- RFP - Can you describe the process we would follow if we did want to issue one to see if any organizations are interested to review and see if it is an option before we decide as a board want to issue one?
- Chamber deadline- With all the needed information to make a decision for the staffing structure of the TDA, having a hard date mandated creates an urgency that is not necessary. The Chamber is continuing to explore the best structure for their own director and staff and a plans to present a proposal back to the TDA for the visitor center and office space. Neither organization wants to rush this decision nor the transition steps necessary so I am confident we can all find a timeline that meets the needs of all organizations without creating steps necessary to expedite being proactive due to a date only. The delivery from their executive board at our joint meeting clarified their desire to pursue their own director and referenced a date but they are willing to work with us on that timeline to allow for the most effective long term structure of both organizations. We are covered through the end of the current contract date and I believe we could even do another short term agreement if all organizations are continuing to work towards the final goal but that is my opinion only at this point.
- Pre-meeting briefings - With Thanksgiving next week and the full board meeting scheduled on December 2, I feel that facilitating meetings prior to that may be challenging to make sure every

board member is included and I also feel the information available to provide to them regarding options with the County personnel plan or informing them of a potential RFP would be limited at this point until we hear more from you regarding the Catapult Analysis. We would not have the expectation for the County to be 100% prepared to answer every question following that analysis by the meeting on December 2. I suggest we continue to do our best to have much more detail for the board to consider and possible pre-meetings prior to our meeting in January.

On November 15, 2021 12:48 PM Jonathan Griffin <jonathan.griffin@transylvaniacounty.org> wrote:

Thanks for the follow up and directing them to Kate.

- On presentation: We'll present it whatever way you prefer, it is only a suggestion that we try for pre-meeting briefings. I do anticipate an overview of the County's HR policies, the Catapult analysis concerning salary ranges and FLSA and finalized pay and benefits will make for a long question and could generate questions that are difficult to answer on the spot.
- I don't know that it will be possible to find an organization that can slot in for the administrative component quite the same way that the Chamber served in this role without soliciting via RFP, but for the purposes of facilitating Plan B, we copied in the scope of work from the Chamber agreement, but the rest is boilerplate language. Up to you whether or not you want it issued – my view is that we need to be proactive, as you and I have previously discussed if the Chamber were to

My last conversation on the resolution update was on 9/30, so I don't have any updates on that front aside from I know there was going to add the hire/fire language to the resolution so that it was possible, and then some clean up on top of that on issues like we have previously discussed (like the Robert's Rules issue that doesn't match best practice for local governments or how TCTDA has governed its meetings). Generally, the resolution needs to define the TCTDA directors and their powers and responsibilities, while the by-laws are the procedures and processes about how those powers and responsibilities are exercised.

I will follow up with the County Attorney to see if we are on track for those to go forward at the 12/13 for the BOCC meeting.

Jonathan Griffin

Finance Director

Transylvania County

p: 828-884-1931

m: 828-556-1564

From: Layton Parker (TCT) <layton@explorebrevard.com>

Sent: Wednesday, November 10, 2021 3:45 PM

To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>

Cc: David Guice <David.Guice@transylvaniacounty.org>; Jaime Laughter <jaime.laughter@transylvaniacounty.org>; Sheila Cozart <Sheila.Cozart@transylvaniacounty.org>; Kate Hayes <kate.hayes@transylvaniacounty.org>

Subject: Re: follow up items

Thank you for the updates Jonathan,

I am looking forward to getting the updates and information following the report from Catapult. I have let contacts with Chamber know that we are continuing to work on a solution for the new structure and will continue to communicate with them as soon as we have more information and direction. In response to some of your points in the email below:

- We will plan to present reports or recommendations received by the County regarding development of a integrated county personnel plan to the board on the 5th or if information is provided prior to that meeting, we can arrange smaller meetings with the task force or other representatives to keep the process moving and allow for as much understanding as possible for the Board members to consider to allow expedited, yet informed decisions to help all organizations get this wrapped up soon.
- I am asking Clark and the other staff members to provide their resumes to Kate Hayes to assist with that review process
- Plan B - We have not discussed any additional options following the Chamber's desire to pursue their own director and request for the TDA to provide its own staffing. Our primary plan still remains to either initiate the County Personnel plan following the information the County plans to provide soon or "Plan B" would be to continue to evaluate other versions of hybrid structures where other Counties and TDAs work together for staffing needs. I briefly reviewed the RFP template and would be happy to assist with developing a version of that but I am unaware of any nonprofit support agencies in our County that may be interested or qualified to partner with. I would be interested in hearing more if anyone has suggestions.
- Resolution and by-law revisions - As we finalize the structure, I expect several revisions needed to implement. Do you have any current drafts of any revisions you know of already that would be needed based on the due diligence process we have all completed so far regarding our resolutions, by-laws or statutes?

Thanks again for your detailed guidance as we get closer to a solution.

Layton

On November 8, 2021 4:55 PM Jonathan Griffin <jonathan.griffin@transylvaniaco

unity.org> wrote:

Hi Layton,

Touching base on what I am aware of as we move towards a conclusion on the Authority's restructuring:

- We expect to have the HR consultant's report back from Catapult and in hand within a week or two
- The second Board of Commissioners meeting for this month has been cancelled
- The Authority will have its next meeting on Dec 5th
- The earliest we can put the revisions to the establishing resolution and by-laws of the Authority and authorize creation of County staff TDA positions would be December 13th, 2021 (the BOCC meeting)
- I have not heard back from you about whether or not there is a plan B for a support services contract

I believe I mentioned this in passing at the Authority's October meeting, but I think the smoothest path forward is that we organize smaller meetings with

individual or small groups of the Board of Directors to put the information in front of the BOD before a full review at the Authority's Dec 5 meeting. Since we do have at least an informal deadline from the Chamber, it seems that we can make a good faith effort to at least formalize a decision by the end of the calendar year.

I expect at this point we need each member of the board of directors familiar with the following items (the "Plan A" from our earlier emails) before 12/5:

- The salary ranges, job descriptions and benefit structure under the County's formal plans
- The human resources policies for the County which would be followed by the Authority
- The budget amendments (either through a reduction in expenses elsewhere, or an appropriation of fund balance) necessary to implement it

There are two items we can work on while we wait for that Catapult package to come back:

- Since you moved during the Authority's October meeting to offer future County staff positions to the three employees of the Chamber, can you instruct your selected individuals to submit resumes/curriculum vitae to Kate Hayes?
 - The County evaluates relevant skills, experience and academic background to determine base pay, so we can start getting some numbers together
- I asked Brian to use a template to draft a potential RFP for the Authority to contract with a new nonprofit entity for support services – please review and let me know if you would like us to release this document to solicit options for a Plan B.

Looking forward to stitching this up, let me know what you think!

Jonathan Griffin

Finance Director

Transylvania County

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7 attachments

 **TDA Slideshow pt2 - Staffing.pdf**
255K

 **County Travel Policy - v2021.pdf**
154K

 **Personnel Policy v2021.pdf**

426K



Transylvania County Employee Benefits FY 2022.pdf

146K



Marketing Specialist Job Description_CLEAN v2.docx

46K



Outreach Specialist Job Description_CLEAN v2.docx

49K



Tourism Development Director Job Description_CLEAN v2.docx

53K



TRANSYLVANIA
— **COUNTY** —
NORTH CAROLINA

**COUNTY GOVERNMENT & THE
TOURISM DEVELOPMENT AUTHORITY**

12/02/2021

Quick Recap

- ❑ **TCTDA is a legally independent entity subject to the oversight and will of the Board of Commissioners**
- ❑ **Based on August 23rd, 2021 decision – staff are working with the County Attorney on updates to the language of the County resolution**
- ❑ **Board of Commissioners determined that the Authority could choose between Plan A (a County staffing model) or Plan B (Board oversees work of a nonprofit agency)**
 - **The County Commissioners are not supportive of Independent staffing policies for the Authority.**
- ❑ **Rewrites to Resolution will be consistent with the options previously endorsed by the Board of Commissioners.**

During this process, the County Attorney has determined a more significant re-write of the County resolution is necessary:

1.) The Tourism Authority resolution was drafted initially in 1986, and the environment of local government law has changed significantly since that time.

Importantly – the County appears to have erred by establishing a Tourism Authority in the 80's – the first two occupancy tax statutes for Transylvania County did not authorize the creation of the TCTDA.

2.) The resolution was drafted back when the Board of County Commissioners still had spending authority over occupancy tax dollars – it wasn't until 2005 that the TDA was able to authorize expenditures on its own. This relationship should have been updated and spelled out more significantly at that point to clarify responsibilities.

3.) The current statutes place more restrictions on the relationship between the County and the Authority than the current documents address, ex; the Authority can adopt rules of procedures for its meetings, but is not explicitly authorized to adopt other documents, so nearly all the content of the by-laws document is beyond the Tourism Authority's jurisdiction, as required by law. The statute limits the Authority to decision making on its meeting procedures and its fiscal control act powers.

After S.L. 2005-88, the Authority Board of Directors became one of the only appointed entities for the County where the appointees are at risk of exposing themselves to criminal and civil liability – 159-181 of the fiscal control act outlines violations of the act are a misdemeanor, with a fine of up to \$1,000 and a civil liability of any expenditures inappropriately authorized.

What the Commissioners can choose to control:

3

Other Counties have defined the following in their resolutions:

- ☐ Compensation for Tourism Board of Directors
- ☐ Number of members (and appointing authority)
- ☐ Length of terms (longer or shorter as needed)
- ☐ Levels of authority over personnel, contracting
- ☐ Require use of County ledger (ex: County accounting software)
- ☐ Requiring reporting standards (types of revenue/expense reports)
- ☐ Requiring submission/review of TDA budget ordinance to Commission prior to adoption
- ☐ Aligning selection of attorneys/legal representation

While the Tourism Authority is a public authority under the fiscal control act, and specifically empowered to carry out budgetary duties independent of the County, the legal separation is less distinct elsewhere.

More generally, the Board of Directors are exclusively accountable to the County Commissioners – the Commissioners has the option under statute to pay the Board of Directors for the work they perform carrying out the Authority's affairs and may remove directors without cause.

“Two Hats” 159-25

- ❑ **County finance officer must be:**
 - ❑ 159-25a1 – Responsible for the accounting
 - ❑ 159-25a2 – Responsible for disbursements
 - ❑ 159-25a3 – Responsible for filing financial reports
 - ❑ 159-25a4 – Responsibility for and supervision of cash handling
 - ❑ 159-25a6 – Responsibility for investment and custody of idle funds
 - ❑ 159-28 – Role in budgetary accounting (the pre-audit)

- ❑ **S.L. 2005-88 requires that the County Finance Officer undertake these duties.**

These duties cannot be outsourced and extend, as discussed previously, to extend to subsidiary entities. The County Finance Officer, per statute, would be responsible for 159-25 duties even if the Tourism Authority were a completely independent entity of the County and all financial activity was handled outside of the County Finance Office.

The intent of the statute is to enhance Commissioner oversight over Tourism Authorities by placing County staff across all entities accountable to the County Commissioners.

Part One: Resolution Updates for "Plan A"

- ❑ The County will amend the "resolution establishing the Transylvania County Tourism Development Authority" to specify that the TCTDA may request that County staff serve the TCTDA board, pursuant to county policies.
- ❑ Creation of 3 positions, job descriptions in compliance with County policy
- ❑ Resolution will be written for the future - "Plan A" always an option

Members may serve no more than two consecutive terms. The members shall elect a chair, who shall serve for a term of two years. The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The finance officer for Buncombe County shall be the ex officio finance officer of the Authority.

(b) The Tourism Development Authority may contract with any person, firm, or agency to advise and assist it in the promotion of travel, tourism, and conventions and may recommend to the board of county commissioners that county staff be employed for this advice and assistance. Any county staff employed under this Part shall be hired and supervised by the Tourism Development Authority, which shall pay the salaries and expenses of this staff.

Resolution language for "Plan A" will match the authorizing language for the Buncombe County Tourism Development Authority:

Proposed language (still being reviewed by attorneys)

PERSONNEL: The Authority may, in its discretion, recommend to the Board of County Commissioners that county staff be employed for the purpose of advising it in its duties related to promoting tourism in Transylvania County,

1. The Authority's ability to fire is subject to the limitations of federal and state laws and regulations, constitutional limitations and the Transylvania County Personnel Policy.
2. The Authority's ability to compensate or provide benefits is subject to the Transylvania County Personnel Policy and determinations made by the County Human Resources Department.
3. The Authority may employ up to three full time equivalent positions, as calculated by the County Human Resources department. The classification and description of these positions shall be determined by the Board of County Commissioners. Any change in the number of positions overseen by the Authority shall occur only with prior approval of the Board of County Commissioners.

Part Two: “Plan A” – the Policies

- **Provided is a copy of**
 - **The County Personnel Policy (without modifications to add Tourism – just imagine that Tourism will show up wherever you see Soil & water and Elections)**
 - **A copy of the County Travel Policy**
 - **A benefit summary for the County’s benefits**

For amendments to the TDA Budget, the following will be employer-side costs necessary to implement “Plan A”

Average Share of Health/Dental Insurance Policy is \$12,500 per year for BlueCross

BlueShield Health per FTE

12% of gross wages required to be remitted to LGERS (pension system)

Average \$20 for assorted insurance policies

Assume an approximate \$60,000 will need to be spent on employee benefits for 3 FTE on top of gross salaries/wages for County policies.

Many exemptions to federal labor laws exist for small private businesses, but explicitly apply to governments without regard to size – for example while small businesses are exempted from the health insurance requirements of the Affordable Care Act, small governments are not.

Part Two: Catapult Analysis

- The County was able to identify a consultant to help us with this.
 - Catapult did a market study of the pay ranges (providing a recommended midpoint)
 - The County will present the following grades and ranges to the BOCC at its next meeting.
 - The County did request some changes to be made to the initial drafts, which included a reduction in necessary experience for some positions (ex: changing a 7 to 10 years of relevant experience required to a more standard 5 years)

Part Two: Ranges

- ▣ Positions, grades and ranges that will go to the County Commissioners on 12/13

Title/Classification	Grade / Workweek	Minimum	Maximum
Tourism Development Director			
Class: Program Specialist. Functional Title: Marketing Specialist			
Class: Administrative Asst. Functional Title: Outreach Specialist			

Original proposal from Catapult on ranges received 10/24 PM, gave feedback on 10/29 AM,
no final determination yet back from Naomi Godfrey as of 5PM 12/1

Part Two – Salary Offers

- ❑ The County Human Resources Department will assist by calculating a salary offer consistent with the compensation plan adopted by the Board of Commissioners
- ❑ The hiring range is a factor of the minimum of a given range, plus an allowance for education and experience above the minimum for a position.
 - ❑ In this case, if the position required a Bachelor's degree and four years of experience – an individual would need a Bachelor's degree and five years of experience to go above the minimum pay grade
 - ❑ Education and experience are calculated on a 1 to 1 ratio (Ex. An Associate's degree would equal 2 years of experience)

If the Board of Directors would like to discuss specific salary offers that can be made for staff pursuant to the County policy, a closed session is necessary.

“(c) Calling a Closed Session. – A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session”

The legal motion wording would be “motion to enter into closed session, pursuant to North Carolina General Statute 143 – 318.1, section A, Part 6 for the purposes of evaluating conditions of initial employment for a prospective public officer or employee”.

As noted previously, the prior closed session for the Tourism Authority Board in February 2021 was not done in compliance with North Carolina procedures. For the closed session procedure to be correct, the following items need to happen:

- The wording of the motion to enter into closed session has to be correct
- The wording of the motion in the minutes needs to match
- Minutes have to be taken and released as soon as the purpose has been satisfied (in this case, an amended 12/2 meeting minutes would need to be published with the closed session discussion included as soon as the TDA Board has decided Plan A or Plan B)

Part Two – County Cost

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- ❑ The County is currently under contract to determine an indirect cost of the Tourism Authority's financial operations under the current relationship
 - ❑ If A is selected, the County will invoice for \$122,326 monthly for the first fiscal year:
 - ❑ If B is selected, the County will begin invoicing about \$30,000 of indirect costs for the current financial management.
 - The County's in progress cost allocation plan will include a payables/services/insurance only calculation – likely in the neighborhood of \$30,000 (the indirect cost of financials for Transylvania County Schools).

\$122,326 is the current indirect cost of the Transylvania County Board of Elections, another quasi-independent agency with three FTE that has exclusive oversight of its staff. We would adjust the \$122,326 once we had been able to submit a staffed TDA through the cost allocation process.

\$30,000 is the roughly calculated indirect costs of Transylvania County Schools, which has a similar financial relationship with the County (more money, fewer transactions, than TDA)

The 'cost allocation' process is a federal grantmaking calculation where you pro-rate various expenses (e.g. a payroll technicians gross salary is pro-rated across departments based on the proportional number of direct deposits/payroll checks, the Human Resources Director is pro-rated based off of FTE count across departments, the Purchasing Officer is allocated based on the number of purchase orders). This is a federal calculation the County is required to contract out annually by its mandatory participation in the DSS system.

Part Three: Interlocal Agreement



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- ❑ Staff will recommend to the County Commissioners to begin negotiating a three-year interlocal agreement between Authority, County, Chamber.
- ❑ The Tourism Authority likely cannot contract longer than one year.
 - ❑ NC GS 159-28 requires that sufficient resources are available prior to incurring an obligation – in this case, because the Authority does not control its receipts, it cannot guarantee that it has resources after 6/30.
 - ❑ If not enough \$\$\$ to pay out a contract over term – NC GS 159-181 applies
 - ❑ This is like how Transylvania County Schools can only enter multi-year contracts with Board of Commissioners approval
- ❑ Recommendation will be that the three part agreement will cover:
 - ❑ Real estate for administrative purposes
 - ❑ Real estate and operational costs for the visitor's center
 - ❑ Commitment to ensure there are sufficient resources for the agreement

Plan “B”

12

Recommendation to Layton on 11/8

-  **Sample RFQ document to solicit proposals for a nonprofit partner agency for support services. RFQ document included a similar scope of work to the current Chamber contract.**
-  **A future contract with another agency will need to be a similar interlocal agreement with the County Commissioners approval (multiple years)**

Plan “B”

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- ▣ RFQ format would allow the Board of Directors to assess organizations for their capacity to assist the Board in carrying out its fiduciary duties to expend occupancy tax resources.
- ▣ Negotiations will be necessary to ensure that the relationship doesn't have any of the issues that have previously been identified with the Chamber contract. The TDA cannot gain a controlling interest in an organization under “Plan B”.

Conclusion

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- ☐ Questions?
- ☐ Comments?
- ☐ Follow up research items?

TRANSYLVANIA COUNTY FINANCE OFFICE
EMPLOYEE TRAVEL POLICY

SECTION 1 – GENERAL

The Board of Commissioners recognizes that travel is necessary in the performance of duties assigned to County employees. Attendance at conferences, meetings and seminars enhances the services provided by County government to its citizens. This policy applies to assist department heads in their administrative duties and to ensure equitable application of rules and regulations relating to travel for County employees. This policy applies to all County employees and officials, whether elected or appointed.

Employees are expected to use the most economical and expeditious means of travel, and whenever possible, employees going to the same meeting should arrange to travel together. It is the County's intent to allow for adequate, comfortable accommodations for employees who are required to travel on County business. It is expected that employees will use discretion and good judgment in spending County funds, as if they were traveling on personal business and expending personal funds. Resort hotels, luxury restaurants, and items of the like nature are usually considered to be in excess of normal business needs. The County Manager has the authority to deny reimbursement for excessive costs. The primary office responsible for the interpretation and administration of this policy is the Finance Office and the responsible official for the County is the Finance Director.

SECTION 2 – TRAVEL ALLOWANCES

Expenses for travel on official business by County employees shall be reimbursed in accordance with the policies & procedures set forth below and with the intent of being an IRS accountable travel plan.

- 1) County credit card or procurement cards (p-cards) are the preferred way for all employees to charge their travel expenses, but personal payments will be reimbursed if they comply with all other rules. Employees shall not charge meals or related expenses (described in #5 below) to the County credit card or procurement card.

Employees shall use only one (1) card for charges instead of multiple cards on the same trip. Employees shall not share cards while on a trip.

- 2) When a County vehicle is available, this method of transportation is preferred and should be used. When traveling, the County vehicle will be used for the purpose of conducting official County business only. General Statute 14-247 states that it is illegal for a County-owned vehicle to be used for private purposes. A minimum amount of personal use, such as driving the vehicle to and from dinner, will be allowed.

The County has fuel cards (WEX) for the specific purpose of purchasing fuel for County owned vehicles. These cards are assigned to each vehicle and must be used with an

assigned PIN. Employees should always use the fuel card (WEX) when purchasing fuel for a County vehicle to be exempt from paying state and federal excise taxes. Receipts should be retained and turned in on a separate WEX expense voucher for all fuel card (WEX) purchases.

- 3) If a personal vehicle is used, it is the responsibility of the owner to have automobile liability insurance coverage including medical payments for their own protection and that of their passengers. If a personal vehicle is used, that owner's insurance policy covers vehicle damage and any expenses incurred in an accident. Use of a personal vehicle must be approved in advance by the department head and mileage reimbursement will be paid at the prevailing mileage rate. Non-business-related mileage on the personal vehicle when traveling for the County will not be allowed for reimbursement. County credit cards and procurement cards are not to be used for fueling of a personal vehicle. Mileage reimbursement is the only option. Mileage will be reimbursed based on departure and return from the official work location at the rate established by the Board of Commissioners.
- 4) For transportation by airline, bus, railroad or other conveyance, actual coach fare will be allowed.
- 5) A per diem subsistence is an allowance for meal costs, related to an overnight stay. Per diem may be requested in advance with appropriate time requirements or after the travel has concluded.

The rates of per diem allowances shall conform to the U.S. General Services Administration approved rates for each fiscal year, for the duration of the fiscal year.

No receipts are required for per diem reimbursements that comply with the guidelines. Tips for meals, vending machines, groceries and snacks are included in the per diem meal allowance rates and are not separately reimbursable.

If time associated with the meal causes the employee to return after the designated timeframe, the dinner will not be an allowable expense by the County. Time of departure and return must be documented on the travel reimbursement form.

No travel related meals should be charged to a County credit or procurement card except with prior written permission of the Finance Director.

When a meal is provided as part of a conference or meeting, there will be no additional reimbursement for that meal regardless of if the employee chooses to eat that meal or not. Therefore, as part of the per-diem advance or reimbursement request an employee must provide a copy of their conference itinerary.

It is the responsibility of the traveler to complete relevant reporting to the Finance Office including all required information and submit it to their department head within three (3) business days of returning. Department heads, or their designees, retain responsibility for

approving of travel and validating that the travel was on county business. It is the responsibility of the department head to assure that all expenses submitted for reimbursement are allowable under the policy and that all required documentation including itinerary is attached.

Meals inside Transylvania County are not reimbursable unless they are business related and required as part of your job. These expenses must be approved by the County Manager or designee.

Travel for employees of the transit department, who receives state and federal funds will adhere to the State of North Carolina's allowable rates as specified by NCGS 138-6.

- 6) IRS regulations state that meals claimed for non-overnight trips are to be reported as taxable income and that per diem allowances in excess of federally established rates are to be reported as taxable income. Therefore, meal reimbursements for same day travel will be reimbursed to the employee via payroll. Employees who are subject to other state of North Carolina policies and procedures forbidding meal reimbursements are excluded from this section.
- 7) Reimbursement for lodging costs shall be for the traveler only, at no more than the single room rate as evidenced by receipts.

Travelers are expected to use good judgment and fiscal prudence when making reservations. It is recommended that when attending conferences and conventions, travelers should use the discounted hotel rates offered by the conference organizers for conference attendees. Whenever possible, travelers should utilize discounts available such as the conference rate, government rate, AARP, AAA if applicable.

It is the traveler's responsibility to make reservations as well as cancel reservations if needed and get prompt refund of any deposit made by the County.

- 8) For registration and any included meal functions (but not entertainment outside the planned program), the actual amount expended, as shown by receipt, or paid in advance on a detailed registration form shall be submitted to the finance office. If spouses or guests are to be included in any function, the employee shall pay in advance for the expense.

SECTION 3 – OTHER EXPENSES

Other Business-Related expenses may be considered eligible expenses. In order to be reimbursed these expenses must be documented by a receipt.

- A. Internet – Hotel internet connection charges related to conducting County business are reimbursable. The traveler should include the expenditure on the Travel Expense Report, identifying the charge and the business purpose on the hotel bill submitted.
- B. Telephone – Any business –related calls will be reimbursed at actual cost with the submission of a detailed listing of calls and associated fees.
- C. Dry Cleaning – The County will reimburse up to \$10.00 for dry cleaning services or laundry services for trips exceeding five working days. A receipt must be provided.
- D. Miscellaneous

Not Reimbursable:

- Tips for valet parking, concierge, baggage handling, etc., will be at the traveler's expense.
- Personal entertainment will be at the expense of the individual traveler.

Reimbursable:

- Any additional event cost not included in the base registration fee must be easily justifiable and benefit the County within the duties of those attending the event to receive reimbursement. Any justification should include an explanation of how the content in the additional event will improve the person's ability to serve County residents.
- Any other required business-related expenditure will be reimbursed at actual cost. Receipt and justification must be submitted.
- Parking for Airport or Conference
- Tolls
- Rental Vehicles
- Gas for Rental Vehicles
- Baggage costs for Air travel
- Taxi, Uber or Public Transportation

SECTION 4 – TRAVEL ADVANCES

Employees are encouraged to use the County or department issued credit card or procurement card for travel expenses.

If use of a County or department credit card or procurement card (p-card) is not possible, the employees may request a travel advance for overnight trips in an amount not to exceed the estimated cost of travel. The advance shall be requested ten (10) business days prior to the trip to allow for adequate time for review. The request must include the conference itineraries or meeting agendas and supporting documents for the request. The travel advance check shall be issued to the traveler no sooner than two (2) business days prior to travel. The dates of travel shall be shown on the check request.

Any cash in excess of verified cost shall also be turned in at this time. Should the required receipts and/or cash not be turned in prior to the next payroll date, then the total of funds advanced shall be deducted from the employee's paycheck. Note, if a trip concludes within three (3) business days of payroll, the deduction will take place in the next payroll cycle if receipts are not turned in accordingly.

If the employee is due a reimbursement for expenses over the amount advanced, the reimbursement check will be issued with the next weekly run of checks.

If, after a travel advance check has been issued, the scheduled trip is not made, the employee shall immediately notify the department head who in turn shall notify the finance office. If the travel does not occur, the employee must turn excess or unused advances to the Finance Office within one (1) week.

Travel advance checks will be made payable to and will be available within the employee's department for the person who is to make the trip. The check shall be endorsed only by the person to whom it is made payable. The finance office shall maintain a log of advances and post issuance and repayments for purposes of control.

SECTION 5 - TRAVEL ACCOMPANIED BY NON-EMPLOYEES

A County employee who is traveling may be accompanied by a family member or companion on County authorized travel at their own expense. The County will provide reimbursement for only those expenses which the employee would normally incur if traveling alone.

If a non-employee is traveling with an employee, the employee may still use a County car, but only the employee may drive the County owned or rental vehicle. In emergency situations, the non-employee is permitted to drive the vehicle until the emergency concludes.

If an employee uses a personal vehicle, the County will reimburse at the prevailing mileage rate. The County is not responsible for travel expenses or use of personal vehicle of any travel companions.

ARTICLE I ORGANIZATION OF PERSONNEL SYSTEM

SECTION 1 – PURPOSE OF THE PERSONNEL POLICY

The purpose of this policy is to establish a personnel system with which Transylvania County will recruit, select, develop and maintain an effective and responsible work force. This policy is established under the authority of Chapter 153A-Article 5 and Chapter 126 of the General Statutes of North Carolina.

SECTION 2 – COVERAGE

- 1) All employees in the county's service including those in the departments of Register of Deeds, Sheriff, and Tax Administrator shall be subject to this policy except as provided in this section.
- 2) The following officials and employees are exempt:
 - a. county attorney; and
 - b. contract employees.
- 3) Elected Officials shall be granted the benefits set forth in Article VII, Sections 1, 3, 5, 6, 7, 9, 10, 11, 12, 13, 14, 16 and 23; Article X, Sections 1, 3, 4, 5 and 6: (They shall otherwise be exempt).
- 4) The following employees shall be covered only by the specifically designated Articles and Sections:
 - a) employees governed by the State Personnel Act shall be subject to the complete policy;
 - b) the director of elections shall be subject to Articles II, III, V, VI, VII; Article VIII, Sections 2, 6 and 15; and Articles X and XI;
 - c) temporary employees as designated by the board of commissioners shall be subject to Article I; Article III, Section 8; Article IV, Sections 1-9; Articles V and VI; Article VII, Sections 1, 21 and 23; Article VIII, Section 5; Article X; and Article XII;
 - d) the county manager and clerk to the board of commissioners are appointed at the pleasure of the board and are subject to Articles I, II and III; Article IV, Section 14; Articles V, VI and VII; Article VIII, Sections 1, 2, 5 and 6; Articles X, XI and XII.

SECTION 3 – DEFINITIONS

1. **Adverse Action** - A demotion, disciplinary probation, dismissal, reduction in pay, layoff, or an undesirable transfer or suspension.
2. **Appointing Authority** - Any county board, county official, or elected official with the legal authority to make hiring decisions.
3. **Board of County Commissioners** – A five-member board which has the power to enact local laws and policies as permitted by the state legislature. Members are elected by the voters in partisan elections for four-year staggered terms.
4. **Compensatory Time** - Time off with pay in lieu of payment for hours worked.
5. **Competitive Service Employee** - An employee of the local social service department and public health department.

6. **Contract Employee** - An individual, either self-employed or employed by an organization other than Transylvania County, who is providing services to or on behalf of Transylvania County through an enforceable agreement. This individual is not an employee of Transylvania County.
7. **Elected Official** - The positions which are elected by the voters of Transylvania County. They are: register of deeds, and sheriff.
8. **Established Budgeted Position** - A position that has been approved by the board of county commissioners, the duties and responsibilities of which are required to be performed on a continuous basis, is identified in the budget by the assignment of a position control number, and may be either full or part-time.
9. **Exempt Salaried Employee** - An employee who is exempt from the Fair Labor Standards Act provision for overtime compensation.
10. **Full-time Employee** - An employee appointed to an established budgeted position, which is regularly scheduled to work 37.5 hours or more per week.
11. **General County Employee** - A county employee assigned to a program not subject to the State Personnel Act.
12. **Grievance** - A claim or complaint based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.
13. **Hire Date** - An employee's original date of employment with the county in an established budgeted position.
14. **Non-Exempt (Salaried and Hourly) Employee** - An employee who is subject to the Fair Labor Standards Act provisions for minimum wage and overtime compensation.
15. **Part-time Employee** - An employee appointed to an established budgeted position, the duties of which are regularly scheduled for less than 37.5 hours per week.
16. **Position** - A group of current duties and responsibilities requiring the full or part-time employment of an individual.
17. **Position/Anniversary Date** - The same as the hire date until such time as an employee experiences a position change as the result of promotion, demotion, work-against trainee, or a leave without pay. The position date of an employee who elects to take leave without pay in excess of thirty (30) days will be extended by a corresponding amount of time.
18. **Probationary Employee** - A person appointed to fill an established budgeted position and who has not yet completed the probationary period. See Article IV, Section II.
19. **Project Employees** - An employee appointed to perform work or fulfill responsibilities on a special project and whose duration of employment, salary, and benefits, if any, are specified in an employment agreement. These employees are exempt from normal employee benefits.
20. **Regular Employee** - An employee who has satisfactorily completed the probationary period following initial appointment to an established budgeted position and has been approved for regular status by his or her department head and/or the county manager, where applicable.
21. **Substitute Worker** - An employee who fills in for an employee during times of annual leave, sick leave or other types of leave. These employees are paid an hourly rate equivalent to the minimum salary of the pay grade and are exempt from benefits.
22. **Temporary Employee** - A person appointed to serve in a position for twelve months or less in either a full or part time capacity. These employees are exempt from normal employee benefits.

23. Temporary Position - A position for which the duties and responsibilities are required to be met for a specific short period of time, normally not to exceed twelve (12) months and which may or may not require employment of an individual for a full work day or work week. No normal employee benefits up to twelve (12) months.

SECTION 4 – EMPLOYMENT PRINCIPLE

All appointments, promotions, and other personnel transactions shall be made in accordance with Article IV, Section 1.

SECTION 5 – RESPONSIBILITY OF BOARD OF COMMISSIONERS

The board of commissioners shall establish personnel policies and rules, including the classification and pay plan, and shall make and confirm appointments when so specified by law.

SECTION 6 – RESPONSIBILITY OF COUNTY MANAGER

The county manager shall be responsible to the board of commissioners for the administration of the personnel program. The county manager shall appoint, suspend, and remove all county officers and employees except those elected by the people or whose appointment is otherwise provided for by law. The county manager shall make appointments, dismissals, and suspensions in accordance with 153A-82 of the General Statutes of the State of North Carolina and Articles IV, VII, and VIII of this personnel administration policy.

The county manager shall:

1. recommend rules and revisions to the personnel system to the board of commissioners for consideration;
2. recommend revisions to the position classification plan to the board of commissioners for approval.
3. prepare and recommend revisions to the pay plan to the board of commissioners for approval.
4. determine which employees shall be subject to the overtime provisions as provided for in Article III, section 8;
5. establish and maintain a roster of all persons in the county service, setting forth each officer and employee, class title of position, salary, any changes in class title and status, and such data as may be desirable or useful;
6. develop and administer such recruiting programs as may be necessary to obtain competent applicants to meet the needs of the county;
7. develop and coordinate training and educational programs for county employees;
8. investigate periodically the operation and effect of the personnel provisions of this policy and at least annually report findings and recommendations to the board of commissioners; and
9. perform such other duties as may be assigned by the board of commissioners not inconsistent with this policy.

SECTION 7 – RESPONSIBILITY OF ELECTED/APPOINTED OFFICIALS

The sheriff and the register of deeds have the exclusive right to hire, discharge, and supervise the employees in their respective departments under the authority of 153A-103 of the General Statutes of the State of North Carolina.

The tax administrator, within budgeted appropriations, shall employ listers, appraisers, and clerical assistants necessary to carry out the listing, appraisal, assessing, and billing functions required by law in accordance with North Carolina General Statutes 105-296(b).

ARTICLE II CLASSIFICATION PLAN

SECTION 1 – ADMINISTRATION OF THE POSITION CLASSIFICATION PLAN

The county manager shall 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. Department heads shall be responsible for bringing to the attention of the county manager (1) the need for new positions, and (2) material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classifications of any existing positions.

New positions shall be established only with the approval of the board of commissioners after which the county manager shall either (1) allocate the new position to the appropriate class within the existing classification plan, or (2) recommend that the board of commissioners amend the position classification plan to establish a new class to which the new position may be allocated.

When the county manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the county manager shall (1) direct that the existing class specification be revised, (2) reallocate the position to the appropriate class within the existing classification plan, (3) recommend that the board of commissioners amend the position classification plan to establish a new class to which the position may be allocated.

Position reclassification within the competitive service agencies are determined by the Department of Human Resources of the Office of State Personnel. Transylvania County has adopted a sign-off procedure for the review of all position and personnel action requests. This procedure requires the approval of the county manager, prior to a position being reviewed by the Office of State Personnel.

SECTION 2 – AMENDMENT OF POSITION CLASSIFICATION PLAN

Classes of positions shall be added to and deleted from the position classification plan by the board of commissioners based on the recommendation of the county manager.

ARTICLE III THE PAY PLAN

SECTION 1 – MAINTENANCE OF THE PAY PLAN

The county manager shall be responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide equitable compensation for all positions, reflecting differences in duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the county, and other factors. To this end, the county manager shall from time to time make comparative studies of all factors affecting the level of salary ranges and shall recommend to the board of commissioners such changes in salary ranges as appear to be warranted.

SECTION 2 – USE OF SALARY RANGES

Salary ranges are intended to permit the recognition of individual performance. The following general provisions shall govern the granting of within-range pay increases:

1. The minimum rate established for the class is the normal hiring rate, except in those cases where unusual circumstances appear to warrant appointment at the higher rate. Appointment above the minimum rate may be made on the recommendation of the department head with the approval of the county manager when deemed necessary in the best interest of the county. Above-the-minimum appointments will be based on such factors as the qualifications of the applicant being higher than the minimum education and training for the class, a shortage of qualified applicants available at the minimum rate, and the refusal of qualified applicants to accept employment at the minimum rate.
2. Each year, all department heads shall evaluate the eligibility of employees to receive performance based pay increases. Department heads shall consider each employee's overall job performance and shall submit their recommendations to the county manager in writing. All performance based pay increases must be approved by the county manager.

SECTION 3 – PAYMENT WITHIN AN ESTABLISHED RANGE

All employees covered by the salary plan shall be paid at a rate within the salary ranges established for their respective job classes except for employees in a trainee status, or employees whose present salaries are above the established maximum rate following transition to a new pay plan.

SECTION 4 – SALARY OF TRAINEE

An applicant hired or an employee promoted to a position in a higher class, who does not meet all established requirements of the position, may be appointed at a rate in the pay plan below the minimum established for the position. An employee will remain at the trainee rate until the department head certifies that the trainee is qualified to assume the full responsibilities of the position and the county manager approves the certification. The department head shall review the progress of each employee in a trainee status every six (6) months or, more frequently if as necessary, to determine when the trainee is qualified to assume the full responsibilities of the position. The State Personnel Act governs trainee status within competitive services agencies.

SECTION 5 – PAY RATE IN PROMOTION, DEMOTION, TRANSFER AND RECLASSIFICATION

When an employee is promoted, demoted, transferred or reclassified, the rate of pay for the new position shall be established in accordance with the following rules:

1. An employee who is promoted shall receive at least a 5% increase in his/her rate of pay or an increase to the minimum of the new pay range, whichever is higher. However in no case shall an employee's pay exceed the maximum for that position.
2. An employee who is demoted may have his/her salary left the same or reduced to any rate in the lower range.
3. An employee transferring from a position in one grade to a position in another grade or to a different position in the same grade assigned to the same pay range shall continue to receive the same salary not to exceed the maximum rate for the new position. If the new position is in a grade assigned to a lower grade pay may be adjusted based on the qualifications and recommendations of the department head.
4. An employee whose position is reclassified to a grade having a higher salary range shall receive a 5% increase in his/her rate of pay or an increase to the minimum of the new pay range. If the position is reclassified to a lower pay range and the employee is receiving a salary above the minimum rate established for the new grade, the salary of the employee shall be maintained at that level until such time as the employee's pay range is increased above the employee's current salary.
5. The county manager has the authority to approve variations to any of the above provisions based on circumstances.

SECTION 6 – REVISIONS TO PAY RATES IN SALARY RANGES

When the board of commissioners approves a change in salary range for a class of positions, the salaries of employees whose positions are assigned to that class shall be affected as follows:

1. When a class of positions is assigned to a higher pay range, employees in that class shall receive at least a 5% increase in his/her rate of pay or an increase to the minimum of the new pay range, whichever is higher. However in no case shall an employee's pay exceed the maximum for that position.
2. When a class of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged. If this assignment to a lower pay range results in an employee being paid at a rate above the maximum rate established for the new class, the salary of the employee shall be maintained at the level until such time as the employee's pay range is increased above the employee's current salary.
3. When the board of county commissioners, at its discretion, modifies the salary schedule, then all pay ranges shall be adjusted upward or downward, revising the minimum midpoint and maximum for each pay range.

SECTION 7 – PAY FOR PART-TIME WORK

The pay plan established by this policy is for full-time service. An employee appointed for less than full-time service will be paid an amount determined by converting the established salary for the position to an hourly rate.

SECTION 8 – OVERTIME

Overtime work shall be that work performed by an employee who exceeds forty (40) hours per workweek (171 hours in a 28-day period for law enforcement and detention personnel of the Sheriff's Department). For employees under the basic workweek of thirty-seven and one-half (37.5) hours, straight time shall be paid for hours worked between 37.5 and 40 hours per workweek.

Overtime opportunities will be distributed as equally as practicable among employees in the same job class, department and shift regardless of age, sex, race, color, creed, religion, national origin, political affiliation or physical handicap.

Employees required to work over scheduled hours up to forty (40) hours may be compensated with time off on an hour-for-hour basis if taken within the workweek. For non-exempt employees working a 37.5 hour workweek, compensatory time off may be granted if it would not unduly disrupt the operations of the county or department. Such compensatory time will be accrued on an hour-for-hour basis for hours worked between 37.5 and 40 hours per workweek. All non-exempt employees who work above forty (40) hours per workweek will be paid or given compensatory time off at one and one-half (1.5) times the regular hourly rate or number of hours worked.

The following provisions apply to overtime:

1. the work is of an unusual, scheduled or unscheduled or emergency nature and is directed by the department head or the authorized representative of the department head;
2. compensatory time off shall be granted by the department head or immediate supervisor in accordance with the above policy and taken in accordance with departmental policy within a period not to exceed three (3) months from the time it is earned unless otherwise approved by the county manager;
3. department heads may, with the prior approval of the county manager, authorize pay to employees for compensatory time when it is not feasible to permit their absence for the purpose of taking compensatory time in accordance with the above policy;
4. department heads may, with prior approval of the county manager, establish a different work schedule for those employees whose number of hours worked or hours "on-call" exceeds the number of hours constituting the established workweek for the employee's position;
5. relief hours for the Sheriff's Department will be paid to substitute workers at a rate equal to the minimum of the pay range. Regular full-time employees who work relief in addition to their regular hours will be paid one and one-half (1.5) times their regular rate for hours exceeding forty (40) per workweek or 171 hours per 28-day period, whichever is applicable;
6. approval of overtime work shall depend upon the availability of funds in the departmental budget for overtime payment.

SECTION 9 – PAYROLL DEDUCTIONS

Payroll deductions specifically mandated or authorized by Federal or State Act shall be deducted at each pay period from each employee's pay. Other deductions as requested by the employee and approved by the county manager may be deducted. Such deductions could be insurance premiums, United State Savings Bonds, Credit Union savings/payments, tax shelters and other payments.

ARTICLE IV

RECRUITMENT AND EMPLOYMENT

SECTION 1 – STATEMENT OF EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of the county to foster, maintain and promote equal employment opportunity. The county shall select employees on the basis of the applicant's qualifications and without regard to age, sex, race, color, religion, political affiliation or national origin except where specific age, sex, or physical requirements constitute bona fide occupational qualifications necessary for job performance. Applicants with disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of duties. Every effort will be made to accommodate the disability.

SECTION 2 – IMPLEMENTATION OF EEO POLICY

All personnel responsible for recruitment and employment shall implement this personnel policy through procedures that will assure equal employment opportunity based on reasonable performance-related job requirements. Notices with regard to equal employment matters shall be posted in conspicuous places on county government premises in places where notices are customarily posted.

SECTION 3 – RECRUITMENT

Prior to filling open positions the department head shall evaluate the need to fill the position and justify the need to the county manager in writing. The county manager will notify the human resources director concerning the position to be filled and give authorization to proceed with recruitment.

For all full-time budgeted positions the department head and the human resources director are responsible for determining the need for internal or external advertising or doing both simultaneously. All part-time and temporary positions will be externally advertised. The process for internal and external advertising is as follow:

1. **Internal Posting:** A Job Vacancy Announcement should be posted in an area known to all employees for no less than five (5) working days. This will allow an opportunity for part-time and full-time county employees to express their interest in a job. The Job Vacancy Announcement should include the job title, grade, salary range, duties, minimum education and experience, preferred skills and abilities, and the date the position will be available. Employees should be informed that they can express their interest in an open position by submitting an internal application to the Human Resources Department. In situations where previous Transylvania County experience is essential or exceptional qualifications of an internal candidate so indicate, the county may choose to consider only internal candidates for a position.
2. **Public/External Advertising:** The Human Resources Department with the acknowledgment of the department head will post a job vacancy announcement with the Employment Security Commission for no less than five (5) working days. The job vacancy announcement will contain the same

information as stated above.

Information on job openings and hiring practices shall be provided to recruitment sources, including organizations and news media available to minority applicants. Individuals shall be recruited from a geographic area as wide as necessary to ensure that well-qualified applicants are obtained for county service.

SECTION 4 – JOB ADVERTISEMENTS

Employment advertisements shall contain statements of equal employment opportunity and shall comply with federal and state statutes regarding discrimination in employment matters.

SECTION 5 – APPLICATIONS FOR EMPLOYMENT

Applications/resumes will be accepted for posted job openings only. All applications must be submitted on a state application PD107 to the Employment Security Commission.

SECTION 6 – APPLICATION RESERVE FILE

Applications will be considered inactive once the posted vacancy has been filled. However, if a position within the same class becomes vacant within 45 working days from the closing date of the posted vacancy, the application file may be reactivated upon official posting of the new vacant position.

Inactive applications shall be destroyed in accordance with relevant state and/or federal guidelines.

SECTION 7 – QUALIFICATION STANDARDS

1. Employees shall meet the employment standards established by the position classification plan as may be approved by the county manager with the advice and recommendations of the department heads.
2. Criminal history background checks will be conducted on final applicants. Employment with the County may be denied based on the outcome.
3. Final applicants must submit to a urinalysis drug screening procedure. A negative result from this screening is a condition of employment.
4. Qualifications shall be reviewed periodically to assure that requirements are fair and conform to the actual job performance requirements.
5. The county may employ an applicant in a trainee capacity who does not meet all minimum qualifications for a particular job if the deficiencies can be eliminated through orientation and on-the-job training.

SECTION 8 – SELECTION

Department heads shall make such investigations and conduct such examinations as deemed appropriate to assess fairly the aptitude, education and experience, knowledge and skills, character, physical fitness and other qualifications required for positions in the service of the county. All selection devices administered by the county or by persons or agencies for the county shall be valid measures of job performance.

SECTION 9 – APPOINTMENTS

Before any commitment is made to an applicant, the department head shall forward the applicant's completed application form to the county manager with a recommendation concerning the position to which the applicant is to be appointed, the salary to be paid, and the reasons for selecting the particular applicant over others. After investigating the qualifications and experience of the applicant, the county manager shall approve or reject the appointment to the position and the starting salary of the employee. In the departments of the sheriff, the register of deeds, the tax administrator the department head shall make the appointments and the county manager will approve the starting salaries of new employees.

In all cases, every individual employed by the county must satisfy the requirements of the Immigration Reform & Control Act of 1986 which requires all employees hired after November 6, 1986 to prove that they are either United States citizens or that they have the proper authorization to work in the United States.

By the authority of Chapter 153A-103 of the North Carolina General Statutes, the board of commissioners must approve the 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. Employment of individuals in the tax administrator's office shall be subject to Article V, Section 5 in regard to employment of relatives.

SECTION 10 – PROBATIONARY PERIOD OF EMPLOYMENT

An employee appointed or promoted to a permanent position shall serve a probationary period of six (6) months, but no more than nine (9) months. An employee serving a probationary period following initial appointment may be dismissed at any time during the probationary period if found to be performing assigned duties unsatisfactorily. A permanent employee serving a probationary period following a promotion shall be demoted as provided in Section 12 of this article if unable to perform assigned duties of the new job satisfactorily.

At the end of the probationary period, all supervisors shall complete a six-month evaluation of the employee. If the employee is performing satisfactory work and it is recommended that he or she be retained in the current position a copy of the evaluation form and a payroll change notice should be submitted to the Human Resources Department by the department head.

If the supervisor and the department head agree that an employee's probationary period be extended, this shall be documented on the six-month evaluation form and submitted to the Human Resources Department. No employee shall remain on probation for more than nine (9) months.

SECTION 11 – PROMOTION

- 1) Candidates for promotion shall be chosen on the basis of their qualifications and their work records – without regard to age, sex, race, color, creed, religion, political affiliation, national origin, or disability. Performance appraisals and work records for all personnel meeting minimum qualifications for the position shall be carefully examined when openings for positions in higher classifications occur.
- 2) Vacancies in positions shall be filled as far as practicable by the promotion of employees in the service of the county.
- 3) If a current county employee is chosen for promotion, the department head shall forward the employee's name to the county manager with recommendations concerning the position to which the employee is to be promoted, the salary, and reasons for selecting the employee over other applicants. After considering the department head's comments, the county manager shall make the appointment to the position and approve the starting salary.

In the departments of the sheriff and the register of deeds, the respective department head will forward the employee's name to the county manager with recommendations for classification and salary.

SECTION 12 – DEMOTION

Any employee whose work is unsatisfactory or whose personal conduct is unsatisfactory may be demoted provided the employee shows promise of becoming a satisfactory employee in another position. Such a demotion shall be preceded by the warning procedures outlined in Article VIII, Section 8.

Representative causes for demotion because of failure in work performance and failure in personal conduct are listed in Article VIII, Sections 8 and 9.

If the demotion is for failure in the performance of duties or failure in personal conduct, the employee shall be provided with written notice citing the recommended effective date and reasons for demotion and the appeal rights available to the employee in Article IX.

If an employee is demoted based on any of the provisions of this section, the effective date of demotion will be their new position start date. Although their performance will be reviewed within the first six (6) month period, they will not be eligible for a raise or pay for performance.

SECTION 13 – TRANSFER

An employee who wishes to accept a position with less responsibility may do so for reasons other than unsatisfactory performance of duties or failure in personal conduct. An employee transferring to a position in a lower grade shall not receive a rate above the mid-point for the new position, but their pay may be adjusted based on their qualifications and the recommendation of the department head.

If a vacancy occurs and an employee in another department is eligible for a transfer and is selected, the department head wishing to hire the employee shall request the transfer which shall be subject to the approval of

the county manager. Any employee transferred without having requested it may appeal the action in accordance with the grievance procedures outline in Article IX.

Any employee who has successfully completed a probationary period and who transfers to the same or similar class in a different department may be required to serve another probationary period.

SECTION 14 – EVALUATION OF COUNTY PERSONNEL

New county employees shall have their performance evaluated by their immediate supervisor by the end of their six (6) month probationary period and at least once every twelve (12) months thereafter.

Each employee shall have the right and shall be encouraged to comment on any evaluation before it is put into his or her personnel file.

The county manager is responsible for evaluating each department head under his/her appointing authority and for ensuring that the performance evaluation process is being carried out fairly and effectively within all county departments.

ARTICLE V
CONDITIONS OF EMPLOYMENT

SECTION 1 – WORKWEEK

The standard workweek for most employees is 37.5 hours per week. However, exceptions are made based on the needs of each department and those being served. Such variations are made by and with the approval of the county manager.

All non-exempt employees are subject to overtime provisions set forth in Article III, Section 8. All exempt employees are paid on a salary basis as defined by the Fair Labor Standards Act and are not subject to overtime provisions.

Law enforcement and detention personnel of the Sheriff's Department normally work 168 hours per 28-day work period. Hours worked between 168 and 171 per 28-day work period will be compensated at the regular hourly rate; all hours worked above 171 per 28-day work period will be compensated at 1.5 times the regular hourly rate in accordance with the Fair Labor Standards Act.

Permanent part-time employees shall work hours as designated by the department head.

One (1) fifteen (15) minute break may be allowed twice (2 times) per day.

SECTION 2 – GIFTS AND FAVORS

- 1) No elected official or employee of the county shall accept any gift, whether in the form of service, loan, thing or promise from any person who, to the employee's knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the county.
- 2) No elected official or employee shall accept any gift, favor or thing of value that may tend to influence the employee in the discharge of duties.
- 3) No elected official or employee shall grant in the discharge of duties any improper favor, service, or thing of value.

SECTION 3 – POLITICAL ACTIVITY RESTRICTED

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles and policies of civic or political organizations in accordance with the laws of the State of North Carolina and in accordance with the Constitution and laws of the United States of America. However, no employee shall:

- (1) engage in any political or partisan activity while on duty;
- (2) use official authority or influence for the purpose of interfering with or affecting the results of an election or

a nomination for office;

(3) be required as a duty of employment or as a condition for employment, promotion, or tenure of office to contribute funds for political or partisan purposes;

(4) coerce or compel contributions for political or partisan purposes by another employee of the county; or

(5) use any supplies or equipment of the county for political or partisan purposes.

Competitive service employees and employees in certain federally-funded programs are subject to the Hatch Act as amended in 1975 and/or G.S. 126 Article 5. The federal act, in addition to prohibiting (2), (3), and (4) above, also prohibits candidacy for elective office in a partisan election.

Any violation of this section shall subject such employee to dismissal or other disciplinary action.

SECTION 4 –OUTSIDE EMPLOYMENT

The work of the county will take precedence over other occupational interests of employees. No employee shall hold any office or have other employment which may conflict with his employment. All outside employment must be reported to the employee's department head, before such work is to begin. It is the responsibility of the department head and the human resources director to determine whether the outside employment would create a conflict of interest. The acceptances of outside employment without prior approval by the county may be deemed improper conduct and may be grounds for disciplinary action, up to and including dismissal.

Employees who are on active duty for the county in the execution of their jobs shall not accept additional compensation for the same time period in the form of stipends, wages or other forms of payment from an outside source.

SECTION 5 – LIMITATION OF EMPLOYMENT OF RELATIVES

The employment of close relatives within the same department is to be avoided unless significant recruitment difficulties exist.

- 1) Members of an immediate family shall not be employed if such employment would result in an employee directly or indirectly supervising a member of the immediate family.
- 2) This policy shall not be retroactive, and no action will be taken concerning those members of the same family employed in conflict with (a) above prior to the adoption of this policy.
- 3) Immediate family is defined for the purpose of this section as spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those name.
- 4) The board of commissioners shall approve the appointment by the sheriff or the register of deeds of a relative by blood or marriage or nearer kinship than first cousin, as required by Chapter 153A-103 (1) of

the North Carolina General Statutes. This section shall also apply to the tax, who is appointed by the board of commissioners.

SECTION 6 – INCLEMENT WEATHER POLICY

Transylvania County employees can anticipate occasional periods of inclement weather each year. Employees are expected to make provisions for travel to and from work during all weather conditions.

In extreme cases, the county manager, in the interest of employee safety and welfare, may temporarily close the county offices or shorten the hours of operation to cope with the weather situation. Announcements of closing or changing of hours of operation will be made through local media and through the call chain to county department heads. In the absence of such an announcement, employees are expected to report to work as scheduled.

If the county manager modifies the hours of operation, employees will utilize appropriate leave time (annual leave, comp time or leave without pay) to total a full workday when combined with the hours worked. If an employee lacks adequate leave to cover an administrative closing, annual leave may be advanced up to the amount of hours needed to cover the closing. In the event that an employee leaves employment with Transylvania County and has a negative leave balance, the employee will reimburse the county for the full amount remaining. Employees who are classified as exempt under the Fair Labor Standards Act are exempt from this provision. For absences of one full workday exempt employees shall use annual leave.

In the event that an employee does not report for work when county offices are open, annual leave, comp time or leave without pay will be charged for the absence.

Some departments provide essential services such as snow removal during periods of inclement weather. Department heads or the county manager may require all or a portion of their employees to work during the hours in which county offices are closed and may be subject to be called in to render assistance. Employees will be paid for all hours worked as required by the Fair Labor Standards Act.

The sheriff's department, communications and emergency medical services are considered "emergency services departments" and they will operate on their normal schedule (24 hours a day/7 days a week) and will not be closed during periods of inclement weather.

Unless otherwise authorized by the department head or county manager, employees other than emergency service personnel and employees called in to provide assistance should not report to work during periods when county offices are closed.

SECTION 7 – DRUG-FREE WORKPLACE

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 any county building, premises, or vehicle.

- 1) All employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, partaking, possessing, or using any controlled substance or alcohol in the workplace, or reporting to work under the influence of any controlled substance or alcohol, except medications prescribed by a licensed health care provider and certified by said provider not to constitute a workplace hazard.
- 2) As a condition of employment, any employee violating this policy is subject to discipline for failure in personal conduct, up to and including termination for the first offense.
- 3) To assist employees in overcoming drug abuse problems, the county may offer rehabilitative help through our Employee Assistance Program and shall periodically provide supervisory and employee training to assist in identifying and addressing illegal drug use by employees.
- 4) Any employee convicted of violating a criminal drug statute must inform the human resources director of such conviction within five days of the conviction. Failure to inform the county shall result in disciplinary action, up to and including termination for the first offense.
- 5) The county reserves the right to offer employees convicted of violating a criminal drug statute in the workplace participation in an approved rehabilitation or drug abuse assistance program as an alternative to discipline. If such a program is offered and accepted by the employee, then the employee must satisfactorily participate in the program as a condition of continued employment.

SECTION 8 – DRUG TESTING POLICIES

Applicant Drug Screening through Urinalysis

As a public employer, the county is entrusted with the health and safety of its citizens. In keeping with this obligation and as a condition of employment, prior to the offer of employment, the applicant shall be required to submit to a urinalysis drug screening procedure for the purpose of screening for the presence of illegal drugs or an abusive level of prescribed medication. *This policy includes the employees of the sheriff's department, who have a separate departmental policy and the employees of the transportation department and the solid waste department, who are in safety sensitive positions and fall within the guidelines of the Substance Abuse Policy which meets the FTA and FHWA guidelines.*

It shall be the policy of the county that a negative result from this screening is a condition of employment. A confirmed positive test result indicating the presence of illegal drugs or an abusive level of prescribed medication shall result in a rejection of the applicant for employment. Drug screen test results shall be held in the strictest confidence. Applicants who are tested shall be provided with a copy of the test results if requested. Specimens shall be checked by a lab utilizing strict chain of custody procedures.

- 1) Drug screen testing shall be limited to the top finalist upon completion of the employment selection process.
- 2) All individuals applying for employment with the county must sign a Drug Screening Applicant Consent Form.
- 3) Applicants who refuse to sign the Drug Screening Applicant Consent Form shall not be considered for employment.

- 4) This applicant drug testing through urinalysis policy shall be posted and prominently displayed in the Human Resources Office.

Participation in the drug and alcohol testing program is a condition of employment. As stated in the Drug Free Workplace Act of 1988, employees are required to notify their employer of any criminal drug statute conviction for a violation occurring within the workplace within five days after such conviction. Transylvania County requires employees to notify their employer of all drug statute convictions whether in the workplace or not.

Prohibited Conduct

The prohibitions of this section apply wherever the interests of Transylvania County may be adversely affected, including any time an employee is on county premises, conducting or performing county business, regardless of location, is operating or is responsible for the operation, custody or care of county equipment or other property and whenever an employee is responsible for the safety of others

- 1) Alcohol

The following acts are prohibited and subject to termination:

- a. Unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol in any form; or
- b. Being under the influence of alcohol in any form

- 2) Illegal Drugs

The following acts are prohibited and subject to termination:

- a. Use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any illegal drug or other controlled substance; or
- b. Being under the influence of any drug or other controlled substance

- 3) Legal Drugs

The following acts are prohibited and subject to termination:

- a. Abuse of any legal drug
- b. Purchase, sale, manufacture, distribution, transportation, or dispensation or possession of any legal drug in a manner inconsistent with law; or
- c. Working while impaired by the use of a legal drug whenever such impairment might:
 1. endanger oneself or the safety of any other person;
 2. pose a risk of significant damage to county property; or
 3. substantially interfere with job performance or the efficient operation of the county's business.

Reasonable Suspicion Testing

Reasonable suspicion testing is required when a supervisor can articulate and substantiate physical behavioral or performance indicators of probable drug use or alcohol misuse by observing the appearance, behavior, speech or body odors of employees. When possible, the supervisor making the observation shall seek out another supervisor to corroborate the observation. No employee shall be returned to a safety sensitive

position after a reasonable suspicion determination has been made until such time as the test results are returned and confirmed negative.

Random Drug Testing

All employees who are classified as safety sensitive employees will be subject to drug and alcohol screening on an unannounced and random basis. Employees will be notified as to their safety sensitive status at the time of hire or anytime their status changes.

Post-accident

Post accident testing is required in the following situations. An accident or incident involving a vehicle accident results in a:

- Fatality
- One of more individuals receiving injuries requiring immediate transportation to a medical treatment facility
- One or more vehicles receiving disabling damage (damage which precludes the departure of a motor vehicle from the scene of an accident in its usual manner in daylight after simple repair),

When there is a fatality, all surviving covered employees operating the vehicle at the time of the accident must be tested. Additionally, all other covered employees whose performance could have contributed to the accident must be tested as well.

If based on the best information available at the time of the decision, an employee can be immediately discounted as a contributing factor in a non-fatal accident, then that employee need not be tested. The reason for discounting an employee as a contributing factor must be documented.

The drug and alcohol screening must be conducted as soon as possible and not more than 32 hours after the accident for drugs and not more than 8 hours for alcohol. Preferably, testing will be conducted within two hours of the accident. Additionally, if an employee is not tested within two hours of an accident, a written explanation must be provided. During this time period, the employee must remain readily available for testing, which means the employer must know the location of the employee. Failure to remain available for post accident testing will be considered a test refusal.

Transylvania County reserves the right to test employees after all accidents under its own authority.

Confirmed positive drug and/or alcohol screen

Transylvania County is a zero or no tolerance workplace. Therefore, it is the policy of Transylvania County to terminate the employment of employees who test positive for drugs or alcohol.

Any applicant who tests positive for drugs will not be eligible for rehire and will be permanently banned from employment with Transylvania County.

Any employee who tests positive for drugs and/or alcohol for reasonable suspicion, random, post accident or upon returning to duty, from a leave of absence, will be terminated.

A refusal to submit to a drug and/or alcohol test will constitute a verified positive test result and the employee will be terminated. Behavior that will constitute a test refusal includes but is not limited to the following:

- Verbal or written refusal to take the test
- Inability to provide sufficient quantities of breath or urine without a valid medical explanation. A physician must provide a written conclusion that the employee's inability to provide a urine or breath specimen has no medical cause.
- Conduct which prevents the completion of a required drug or alcohol test
- Tampering with or attempting to adulterate the specimen or collection procedure
- Failure to arrive at the collection site at all or in a timely manner
- Failure to remain readily available following an accident

If it is determined that an employee has tampered with his/her urine or fails to complete any step in the drug or alcohol testing process, the employee will be terminated.

Substance Abuse Professional

An employee or applicant who receives a verified positive drug and/or alcohol test will be referred to and given the opportunity to be evaluated by an SAP (Substance Abuse Professional). The SAP will determine the need and provide assistance in resolving problems associated with prohibited drug use or alcohol misuse. Evaluation and treatment will be at the individual's expense.

SECTION 9 – EMPLOYEE HARASSMENT

Policy

Transylvania County expressly forbids harassment of employees because of age, race, sex, color, religion, handicap, national origin or political affiliation. Even in mild forms, such harassment constitutes unacceptable personal conduct, and is subject to disciplinary action. More serious instances of harassment shall carry more serious penalties, up to and including dismissal. Sexual harassment of employees by supervisors or co-workers is forbidden in any form.

Coverage

All employees of the county are covered by this policy.

Definitions

- 1) Harassment is behavior based on age, race, sex, color, religion, handicap, national origin, or political affiliation that offends another employee.

- 2) Sexual harassment is defined by federal guidelines as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when one or more of the following occur:
- a. Submission to such conduct is made, either explicitly or implicitly, a term or a condition of an individual's employment,
 - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
 - c. Such conduct has the purpose or the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
 - d. An employee who believes he or she may have a complaint of harassment may pursue four alternative complaint procedures. If the complaint concerns allegations of sexual harassment, in order to be pursued, it is required by federal law to be filed within 180 days of the time of the alleged incident.
 - e. The following alternatives shall apply:

Alternative 1:

The employee should tell the person who is offending him/her that the behavior is offensive and should stop. (Because offensive behavior often is not intended as harassment, letting the individual know that the behavior is offensive and instructing him/her to stop can often resolve the problem.)

Alternative 2:

The employee should notify his or her immediate supervisor of the situation. The immediate supervisor is responsible for investigating the situation and taking corrective action.

Alternative 3:

If the complaint of harassment is against the immediate supervisor, the employee should report the situation to the department head. The department head is responsible for investigating the situation and taking corrective action. If the allegation is against the department head, the complaint should be reported to the human resources director, who shall then assume responsibility for investigating the situation and recommending appropriate corrective action to the county manager.

Alternative 4:

If at any point in the process the employee prefers to do so, he/she may report the situation to the county manager, or human resources director, who shall then assume immediate responsibility for investigating the situation and recommending appropriate corrective action to the county manager.

- f. If the allegation of harassment is against the county manager or an elected official, the

complaint should be filed with the chairman of the board of county commissioners, who shall personally investigate the complaint, or designate a representative to conduct the investigation and advise the employee and board of county commissioners on the outcome of the investigation.

SECTION 10 - SAFETY

Safety is the responsibility of both the county and its employees. It is the policy of the county to establish a safe work environment for employees. The county shall establish a safety program including policies and procedures regarding safety practices and precautions and training in safety methods. Department heads and supervisors are responsible for insuring the safe work procedures of all employees and providing the necessary safety training program. Department heads and supervisors shall be responsible for insuring that employees adhere to prescribed policies and procedures. Employees shall follow the safety policies and procedures and shall attend safety training programs. Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal.

Additional procedures and policies regarding safety, worker's compensation, injury and infection control may be established by the board of county commissioners.

SECTION 11 - MEDIA RELATIONS POLICY

Transylvania County is an open and accessible public organization. At the same time, we recognize the potential for unintended negative consequences resulting from miscommunications, remarks taken out of context and inaccurate information.

This policy is designed to improve media relations, to protect and enhance the image of the county and its employees, and to ensure that accurate, appropriate information is released to the news media. If an employee is contacted by the media, the employee should put them in touch with the spokesman for the appropriate department or, if unsure as to the appropriate department, the media may be directed to the county manager's office.

Department heads routinely field requests for information on various issues dealing with day to day operations. Department heads and/or their designees along with other county representatives are expected to handle these requests and notify other county officials as necessary.

The media will often request public records. The North Carolina Public Records law is quite broad and generally requires the custodian of a record to allow inspection or provide a copy within a reasonable time. However some types of records and information either cannot or do not have to be released. (i.e. personnel records or personnel-related matters; economic development efforts or records relating to the proposed expansion or location of business or industrial projects; closed sessions of the commissioners; and actual or potential litigation). The county attorney should be consulted when it is unclear whether a requested document or information is public record.

County departments may issue news or press releases as necessary. The county manager's office should receive a copy of each release that is distributed by any county department. When appropriate, briefings may be conducted to inform the media about potentially controversial, complex or important issues and provide an

opportunity for the media to ask in-depth questions. The county manager must be notified in advance of such briefings and the subject may require consultation with others parties regarding the strategy, preliminary statements, materials and information to be shared to assure that the matter is handled in the best interest of the county. In most cases the briefings will be handled by the appropriate department head and/or the county manager.

In some instances it is prudent to respond to the media in writing rather than submitting to an interview. In such cases, it is important to inform the county manager of the request and obtain appropriate assistance before the information is released.

In the event of a disaster or an emergency, the public information officer or the designee will act as the spokesman for the Emergency Operations Center (EOC).

It is not the intent of this policy to infringe on an employee's First Amendment right to free speech. However, if an employee intends to give his/her personal opinion regarding a issue to a news reporter he/she must make it perfectly clear that the comment is their personal opinion and that they are not speaking on behalf of their department or the county.

ARTICLE VI
HOLIDAYS AND LEAVES OF ABSENCE

SECTION 1 – HOLIDAYS

The following days, and other such days as the Board of Commissioners may designate, are holidays with pay for employees and officers of the county working the basic workweek:

New Year's Day
Martin Luther King Jr. Day
Good Friday
Memorial Day
Independence Day
Labor Day
Veteran's Day

Thanksgiving Day
Day after Thanksgiving
Christmas - Two (2) or three (3) workdays
(see following Christmas holiday schedule)

The county will follow the State of North Carolina holiday closing schedule. In general, when a holiday other than Christmas Day, falls on Saturday or Sunday, Monday shall be observed as a holiday.

When Christmas Day falls on:

Sunday
Monday
Tuesday
Wednesday
Thursday
Friday
Saturday

The County observes:

Friday and Monday
Monday and Tuesday
Monday, Tuesday, and Wednesday
Tuesday, Wednesday, and Thursday
Wednesday, Thursday, and Friday
Thursday and Friday
Friday and Monday

Holiday leave earned by employees having a workweek with greater or fewer hours than the standard workweek shall be the same as the hours the employee would have normally worked on that day not to exceed eight hours.

The employee will not be paid for a holiday if he or she is on leave without pay. In order to be eligible for holiday pay, an employee must have been at work or on paid leave the day before and the day after the holiday.

Regular holidays which occur during a vacation, sick or other paid leave period of any officer or employee of the county shall not be charged as vacation, sick or other paid leave.

SECTION 2 – HOLIDAY WHEN WORK REQUIRED

Employees that work in departments that operate on a 24-hour basis and do not close for holidays (communications, EMS, sheriff's department) or departments who vary from the county administration designated holidays will be compensated for the holiday pay for the legal holiday not the day designated for closing of county offices.

Employees required to perform work on regularly scheduled holidays may be granted compensatory time off or be paid an additional pay equal to the regular hourly rate for the hours actually worked. Compensatory time shall be granted whenever feasible and taken within three (3) months from the time it is earned unless special written permission is obtained from the department head.

SECTION 3 – VACATION LEAVE

Vacation leave is earned and accrued from the first day of employment for eligible employees. Vacation days must be approved by department heads at least three (3) days prior to the vacation. The department head has the discretion to waive this requirement when circumstances warrant.

SECTION 4 – VACATION LEAVE – INITIAL APPOINTMENT PROBATIONARY EMPLOYEES

Employees serving a probationary period following initial appointment may accumulate vacation leave but shall not be permitted to take vacation leave during the probationary period. Exceptions may be approved by the department head and/or the county manager.

If a probationary employee is terminated or resigns during the probationary period he/she shall not be paid for any annual leave accruals.

The county will not transfer annual leave from another jurisdiction; however, the county will allow a transfer of 30 days of unused sick leave from an out-of-state governmental employer and will accept in total the balance of unused sick leave for an employee who is an active member of the North Carolina Government Retirement System.

SECTION 5 – MANNER OF ACCUMULATION

An employee working the standard workweek of 37.5 hours shall earn vacation leave at the following rates:

Years of Aggregate Service	Bi-Weekly Hours	Annual Hours	Annual Days
	<u>Accrued</u>	<u>Accrued</u>	<u>Earned</u>
(a) Less than 2 years	2.88	75	10
(b) 2 years but less than 5	3.46	90	12
(c) 5 years but less than 10	4.33	112.6	15
(d) 10 years but less than 15	5.19	135	18
(e) 15 years but less than 20	6.06	157.5	21
(f) 20 years or more	6.92	180	24

- These bi-weekly hours accrued are rounded to the nearest hundredth, but will be carried out to ten-thousandth for all computer calculation.

Vacation leave earned by employees having a workweek with greater or fewer hours than the standard workweek shall be determined in accordance with the formula set forth in Section 19 of this article.

SECTION 6 – VACATION LEAVE – MAXIMUM ACCUMULATION

Annual leave may be accumulated without any applicable maximum until December 31 of each calendar year. However, if the employee separates from service, payment will be made for all accumulated annual leave. At the end of the calendar year any employee with more than the designated number of vacation leave shall have the excess accumulation converted to sick leave. No more than the maximum accumulation is carried forward into the next calendar year.

Employees are cautioned not to retain excess accumulation of annual leave until late in the calendar year; due to the necessity to keep all county functions in operation, large numbers of employees cannot be granted annual leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having annual leave scheduled or in receiving any exception to the maximum accumulation.

SECTION 7 – VACATION LEAVE – CASH IN LIEU OF TIME OFF

An employee who has a minimum of 75 hours of accrued vacation may be allowed to receive pay for up to one (1) week of vacation in lieu of time off during any calendar year. A request must be made on a leave form and approved by the department head.

SECTION 8 – VACATION LEAVE – PREVIOUS LEAVE CREDIT

Vacation leave credit accumulated by each employee as of the adoption of this personnel administration policy shall be retained as of the effective date of this policy.

SECTION 9 – VACATION LEAVE – RETENTION OF BENEFIT STATUS

Leave accrual is based on aggregate service. Any permanent employee who transfers from another North Carolina unit of local or state government shall have their years of service (determined by the number of years paid into the Local Governmental Employees' Retirement System, the Law Enforcement Retirement System, or the State Employees' Retirement System) credited toward the county's schedule for determining vacation accrual rates.

Any exception to this policy must be approved by the county manager and the board of commissioners.

SECTION 10 – VACATION LEAVE – TERMINAL PAY AND REPAYMENT OF VACATION LEAVE

A permanent employee, who is separated without failure in performance of duties or personal conduct, or resigns giving two (2) weeks notice, shall be paid for vacation leave accumulated to the date of separation.

SECTION 11 – VACATION LEAVE – PAYMENT FOR ACCUMULATED VACATION LEAVE UPON DEATH

The estate of an employee who dies while employed by the county shall be entitled to payment of all accumulated vacation leave credited to the employee's account.

SECTION 12 – TRANSFER OF VACATION LEAVE

An employee may request the transfer of vacation to another county employee in medical situations which are severe and would qualify for leave under FMLA. Sick leave may not be transferred.

The employee receiving the leave must have exhausted all other leave hours and there must be a valid reason for the request. A letter requesting the transfer must be submitted to the human resources director and be approved by the county manager. Requests will be considered on an individual basis.

SECTION 13 – SICK LEAVE

Paid sick leave protects employees against loss of income during absences from work due to illness or injury that prevents the performance of duties. It may also provide limited paid leave during periods of bereavement. It is intended to cover the needs of the employee and provide a limited amount of coverage for situations related to the illness or injury of an immediate family member that requires direct care by the employee. For the purposes of this section, the employee's "immediate family" is defined as the employee's spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law and adopted relationships that can be derived from those names. Exceptions may be granted by department heads.

Sick leave with pay is not a right which an employee may demand, but a privilege granted by the Transylvania County Board of Commissioners for the benefit of an employee. Sick leave shall be used by an employee absent from work for any of the following reasons:

- a. Illness or injury of the employee that prevents the employees from performing his/her job.
- b. Caring for members of immediate family.
- c. Medical or dental examinations or treatment.
- d. Pregnancy, childbirth, postpartum care, pregnancy related illness, miscarriage, adoption or foster care placement with the employee.
- e. Quarantine due to exposure to a contagious disease when continuing to work might jeopardize the health of others.
- f. Death of a member of the employee's immediate family. Up to three days of sick leave may be used for bereavement. Accrued vacation leave or compensatory time off may be requested for any additional bereavement time off. Exceptions may be granted by department heads.

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave. Notification of an absence should be given no later than 30 minutes after reporting time of the day that the absence occurs. Emergency Services employees must give notice two hours prior to the beginning of the employee's assigned work shift, in order to find coverage for the shift.

The minimum amount of sick leave which may be taken is thirty (30) minutes. Sick leave must be taken in thirty (30) minute increments. Sick leave may be taken as earned by a permanent employee.

Pay in lieu of sick leave shall not be an option. No employee will be paid for accrued or unused sick leave at the time of separation from service. The County does not advance sick leave.

SECTION 14 – SICK LEAVE – MANNER OF AND ACCUMULATION

Each full-time permanent and probationary employee shall earn twelve (12) days of sick leave annually, or 3.46 hours per pay period. Sick leave earned by permanent employees having a workweek with hours that differ from the basic workweek shall be determined in accordance with the formula set forth in Section 19 of this article.

SECTION 15 – SICK LEAVE – MAXIMUM ACCUMULATIONS

Sick leave will be cumulative for an indefinite period; there is no maximum amount that may be accumulated.

SECTION 16 – SICK LEAVE – RETIREMENT CREDIT FOR ACCUMULATED SICK LEAVE

One (1) month of retirement credit is allowed for each twenty (20) days accrued in an employee's sick leave account at time of retirement to employees who are members of the North Carolina Local Governmental Employees' Retirement System.

SECTION 17 – SICK LEAVE – TRANSFER FROM NORTH CAROLINA GOVERNMENTAL ENTITY

Any permanent employee who transfers from another North Carolina unit of local or state government shall have their years of service (determined by the number of years paid into the Local Governmental Employees' Retirement System, the Law Enforcement Retirement System, or the State Employees' Retirement System) credited toward the county's schedule for determining vacation accrual rates.

SECTION 18 – ABUSE OF SICK LEAVE

To avoid the abuse of sick leave privileges, a supervisor or department head may require a statement from a medical doctor or other satisfactory evidence that the employee was unable to work due to personal illness, family illness or death in the family. Abuse of sick leave is subject to disciplinary action.

SECTION 19 – CALCULATION OF VACATION LEAVE AND SICK LEAVE

Vacation leave and sick leave earned by permanent employees in budgeted positions having a workweek of twenty (20) hours or more shall be determined in accordance with the following formula:

- 1) The number of hours worked by such employees shall be divided by the number of hours in the standard workweek.
- 2) The proportion obtained in step (a) shall be multiplied by the number of hours of leave earned annually

by employees working the basic workweek.

- 3) The number of hours in step (b) divided by, twenty six (26) shall be the number of hours of leave earned bi-weekly by the employees.

SECTION 20 – FAMILY AND MEDICAL LEAVE POLICY (FMLA)

In accordance with the Family and Medical Leave Act of 1993, eligible Transylvania County employees are entitled to a total of 12 work weeks of leave for the following reasons:

- 1.) The birth of a child or to care for the newborn child;
- 2.) The placement with the employee of a child for adoption or foster care; or to care for the child after placement;
- 3.) The care of an employee's spouse, child or parent with a serious health condition;
- 4.) A serious health condition that makes the employee unable to perform the essential functions of the employee's job.

To be eligible for FMLA leave, the employee must have been employed by Transylvania County for at least 12 months and must have worked at least 1,250 hours during the 12-month period immediately preceding the start of the leave.

FMLA leave shall begin at the point an eligible employee has taken 10 working days of accrued, paid sick leave for any FMLA purpose. An eligible employee is entitled to a total of 12 work weeks of FMLA leave for the reasons given during any twelve month period. The twelve month period is defined as the twelve months immediately preceding and ending with the beginning of any FMLA eligible leave. All leave, paid or unpaid, or leave covered under Worker's Compensation, which is used for an FMLA purpose shall be counted as FMLA leave.

In the event that FMLA leave is granted for the birth of a child and both parents are eligible Transylvania County employees, each parent may be granted one 12-week period of leave for the birth and postpartum care of the child.

It is the responsibility of each employee to inform his/her employer regarding the circumstances resulting in absence from work. If the absence for an FMLA purpose is foreseeable, the employee should to submit a FML Request Form to his/her supervisor 30 days prior to beginning the leave. In cases when circumstances do not permit a 30 day notice, the employee is required to provide at least verbal notification to the immediate supervisor as soon as possible.

The County may request a report from the employee or certifying physician regarding the employee's status with respect to returning to work. After the employee has used a total of 12 weeks of leave for FMLA purposes, but is unable to return to work, a determination regarding the employee's continued employment with Transylvania County will be made. Additional leave may or may not be approved based on the needs of the department. Failure to return to work within three workdays of the expiration of approved FMLA leave will be considered a voluntary resignation.

SECTION 21 –MATERNITY LEAVE

Time taken away from work for maternity-related reasons shall be considered a qualified Family and Medical leave event and as such, shall be covered under Section 20 of this policy. An FML Request should be submitted at least 30 days prior to the expected leave.

At any stage of pregnancy, a supervisor may request a doctor's certificate regarding the employee's ability to perform all duties required by her position. If a pregnant employee holds a position that requires physical demands more strenuous than permitted by her attending physician and therefore cannot perform the tasks and duties of the position for an amount of time greater than is provided through Family and Medical Leave, the department head may hold the position open or may fill the position with a part time or temporary employee until the full time employee is released by her physician for return to duty.

SECTION 22 – LEAVE WITHOUT PAY – POLICY

A permanent or probationary employee may be granted a leave of absence without pay for a period of up to 90 days within a 12-month period for compelling personal reasons. The employee shall apply in writing to his/her immediate supervisor for leave. Leave without pay must be approved in advance by the department head and the county manager. Exceptions to the 90-day limit may be granted by the county manager.

The employee is obligated to return to duty within or at the end of the time determined appropriate by the appointing authority. Reinstatement to the same position or one of like classification, seniority and pay shall be made upon the employee's return to work. An employee who is on leave without pay status is not exempt from a reduction in force policy which may be implemented.

SECTION 23 – LEAVE WITHOUT PAY – RETENTION & CONTINUATION OF BENEFITS

An employee shall retain all unused vacation and sick leave while on leave without pay. An employee ceases to earn all leave credits on the date leave without pay begins. The employee may continue to be eligible for benefits under the county's group insurance plans, subject to any regulations adopted by the board of commissioners and the regulations of the respective insurance carriers. If the employee chooses to remain active in the county's group insurance plans, the employee shall be responsible for the entire amount of premiums. If the employee fails to remit payment for insurance premiums by the twenty-fifth (25th) day of the preceding month, insurance coverage will be terminated as of the first day of the following month. Payment should be made to the finance office.

SECTION 24 – WORKERS' COMPENSATION LEAVE

When an employee is injured in the course of performing duties related to his/her job, the employee may draw benefits due under the North Carolina Workers' Compensation Act ~~by choosing one of the following options:~~ Leave taken under Worker's Compensation shall be considered a qualified Family and Medical Leave event.

Employees who are injured in the course of performing their job related duties may choose one of the following options:

- 1) **Option 1.** Take accumulated sick and annual leave and receive all medical benefits adjudged to be due under the Workers' Compensation Act. First sick leave and then annual leave must be exhausted before going on leave without pay and before receiving any weekly benefit payments.
- 2) **Option 2.** Take accumulated sick leave only and receive medical benefits due under the Workers' Compensation Act. After exhaustion of sick leave, the employee may go on leave without pay and receive weekly benefit payments.
- 3) **Option 3.** Go immediately on leave without pay and reserve for personal use accumulated sick leave and annual leave. Under this option, the employee will receive all the benefits for which he/she may be adjudged eligible under the Workers' Compensation Act.

Once an option has been selected by the employee, it cannot be changed during the period covered. Any Workers' Compensation benefits received while on sick or annual leave will be reimbursed to the county. Upon reinstatement, an employee will have his/her salary computed on the basis of the employee's last salary plus any increase to which the employee would have been entitled during disability covered by Workers' Compensation. An employee will retain all accumulated sick and annual leave while drawing Workers' Compensation payments in a leave without pay status. Temporary employees will be placed in a leave without pay status and will receive all benefits for which they may be adjudged eligible under the Workers' Compensation Act.

SECTION 25 – MILITARY LEAVE

Permanent employees who are members of the National Guard or Armed Forces Reserve will be allowed 15 workdays per year for training purposes with full compensation. Additional military leave needed for training shall be charged to vacation or leave without pay at the discretion of the employee.

In the event that an employee is called to Active Duty the employee will also be eligible for 30 calendar days of differential pay. If the compensation received while on military duty is less than the salary that would have been earned during this same period as a county employee, the employee will receive compensation equal to the difference in the salaries for the period of military leave up to 30 calendar days per year. The employee must provide a copy of their Military Leave and Earnings Statement for the purpose of calculating the differential pay.

For other periods of reserve active duty, employees will be placed on leave without pay. The employee may choose to retain their vacation, exhaust their vacation, or be paid in a lump sum for their vacation up to a maximum of 240 hours. Compensatory time may also be exhausted or it may be paid in a lump sum.

Creditable service to the Retirement System is given to those employees who are on military leave without pay for active duty at no cost. The employee must return to county service within two years after the earliest discharge date or return at any time after discharge and complete at least 10 additional years of service as a contributing member. The employee must file a copy of the service record (DD -214) showing dates of

entrance into and separation from the military to receive retirement credit with the North Carolina Local Government Retirement System.

Upon return to work, the employee shall receive pay for holidays, which occurred during the military leave and the employee will be credited with the appropriate amounts of sick and vacation leave, as if the employee had remained with the county during the period. The employee will maintain seniority and receive longevity credit for the length of the military leave. If the employee is otherwise eligible, they will receive longevity as other active full time employees.

The county will make-up the required contribution to the 401-K Supplemental Retirement Program for sworn law enforcement officers and to the 457 and regular county employees. The contribution amount will be based on the amount which would have been contributed if the employee had continued to work the base number of hours with the county during the period of military leave.

Upon return, the employee will be reinstated to the same or a similar position with the same or similar pay. The employee's salary will be based on the rate at the time of leave, plus any market adjustments the employee would have received. Employees are not eligible for merit adjustments while on leave without pay.

Permanent employees who are guardsmen and reservists have all job rights specified under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

SECTION 26 – MILITARY FAMILY LEAVE

Military Family Leave shall be granted for the following reasons:

- 1) The care of a spouse, son, daughter, parent or next of kin who is a military service member recovering from a serious illness or injury sustained in the line of active duty. Up to 26 weeks may be granted.
- 2) Any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. Up to 12 weeks may be granted.

The eligible employee is entitled to a combined total of 26 work weeks of unpaid leave during any 12-month period. The term "12-month period" shall be defined as a rolling 12-month period measured backward from the date an employee uses any FML.

SECTION 27 – CIVIL LEAVE

A county employee called for jury duty or as a court witness for the federal or state governments or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated vacation or sick leave.

An employee may keep fees and travel allowances received for jury or witness duty in addition to regular

compensation, except that employees must turn over to the county any witness fees or travel allowances awarded by that court for court appearances in connection with official duties.

While on civil leave, benefits and leave shall accrue as though on regular duty.

SECTION 28- EDUCATIONAL LEAVE WITH PAY

Educational leave at full or partial pay for a period not to exceed twelve (12) calendar months may be granted to an employee to take a course that will better equip the employee to perform assigned duties, upon the recommendation of the department head and the appointing authority, with the approval of the board of commissioners. An employee granted such extended educational leave with pay shall agree to return to the service of the county upon completion of training and remain in the employment of the county for a period equal to twice the educational leave received, or the employee shall reimburse the county for all compensation received while on educational leave.

An employee on educational leave with full pay shall continue to earn leave credits and any other benefits to which county employees are entitled. An employee on educational leave with partial pay shall earn proportional leave credits.

SECTION 29 - WEEKLY INDEMNITY BENEFITS

Employees eligible for Weekly Indemnity Benefits through the county's insurance program, regardless of tenure, must use all sick leave benefits before disability benefits can be paid.

SECTION 30- EMPLOYEE LEAVE FOR INVOLVEMENT IN CHILDREN'S SCHOOLS

Transylvania County actively supports and encourages employees to participate in the school activities of their children. Therefore, each employee who is a parent, guardian or "in loco parentis" of a school-aged child shall receive four (4) hours leave per calendar year to participate in their child's school activities.

The county requires:

- 1) The employee provide a written leave request at least 48 hours before the time desired for the leave.
- 2) The leave shall be mutually agreed upon between the employer and the employee.
- 3) The employer may require the employee to furnish written verification from the school that the employee attended or was otherwise involved at the school during the time of the leave.

The definition of school includes: public schools, private schools, church schools, preschools and day care facilities.

ARTICLE VII
SEPARATION, DISCIPLINARY ACTION, AND REINSTATEMENT

SECTION 1 – TYPES OF SEPARATIONS

All separations of employees from positions in the service of the county shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, reduction in force, disability, voluntary retirement, dismissal, or death.

SECTION 2 – RESIGNATION

A minimum of two (2) weeks' notice is expected of all resigning personnel. Such notice should be given in writing to the department head (or in the case of department heads, to the county manager). Human Resources shall be notified in writing (with an attached copy of the employee's letter of resignation) by the department head or the county manager upon receipt of an employee's notice of resignation. Administration may elect to agree to two (2) weeks' pay in lieu of two (2) weeks' notice.

SECTION 3 – REDUCTION IN FORCE

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's past performance, organizational needs, and seniority in determining those employees to be retained. Employees who are laid off because of a reduction in force shall be given at least two weeks notice of anticipated layoff.

If an employee is separated due to a reduction in force the county will provide a severance benefit as follows:

- a. One weeks' salary for each full year of satisfactory service up to 12 weeks with a minimum of two (2) weeks' salary.
- b. Payment of all accrued vacation and compensatory time.
- c. Payment of all medical insurance premiums for 3 months. (Employee and covered family members)

No permanent employee shall be separated while there are temporary employees serving in the same job classification within the county, unless the permanent employee is not willing to transfer to the position held by the temporary employee.

The county shall attempt to transfer employees affected by the reduction in force to vacant positions in other departments for which the employee is qualified.

For a period of one (1) year an employee who is separated due to a reduction in force will be notified and may make application for open county positions through the internal posting procedures.

If an applicant who was subject to a reduction in force were reemployed within the one year period, then their previous service time would be reinstated.

If the employee is eligible for longevity, it will be prorated based on the number of months worked during the previous fiscal year.

SECTION 4 – DISABILITY

An employee may be separated for disability when the employee cannot perform the required duties because of a physical or mental impairment. Action may be initiated by the employee or the county, but in all cases it shall be supported by medical evidence as certified by a competent physician. The county may require an examination at its expense and performed by a physician of its choice. Before an employee is separated for disability, a reasonable effort shall be made to locate alternative positions within the county's service for which the employee may be suited.

SECTION 5 – RETIREMENT AGE

There is no mandatory age at which a county employee must retire. Any questions as to an employee's ability to perform the duties of his/her position shall be addressed through the provisions of Section 4. Disability.

SECTION 6 – DEATH

All compensation due in accordance with Article VII, Section 11 of this policy will be paid to the estate of a deceased employee. The date of death shall be recorded as the separation date for computing compensation due.

SECTION 7 – DISCIPLINARY ACTIONS

An employee may be suspended or demoted or placed on probation by the department head because of failure in performance of duties or failure in personal conduct. The department head shall provide the employee with a written notice including the recommended effective date, reasons for the action, and appeal rights available to the employee.

SECTION 8 – FAILURE IN PERFORMANCE OF DUTIES

An employee whose work is unsatisfactory over a period of time shall be notified by their supervisor of specific areas of work that are deficient and what must be done if the work is to be brought up to satisfactory.

An employee who is suspended, demoted or dismissed or placed on probation for unsatisfactory performance of duties shall receive at least three (3) warnings before disciplinary action is taken. First, one or more oral warnings must be issued by the employee's supervisor; second, an oral warning with a follow-up letter to the employee which sets forth the points covered in their discussion must be issued by the supervisor; and third, a written warning must be issued by the department head serving notice upon the employee that corrective action must be taken immediately in order to avoid disciplinary actions. The supervisor and the department head must record the dates of their discussions with the employee, the performance deficiencies discussed and the corrective actions recommended, and must file the information in the employee's personnel file. The employee must sign a statement in acknowledgment of the discussion with the supervisor and/or department head.

The employee must be allowed at least five (5) workdays to respond to the charges before any determination is made by the department head concerning a suspension or a demotion or a determination is made by the

appointing authority concerning dismissal.

The following causes relating to failure in the performance of duties are representative of those considered to be adequate grounds for probation, suspension, demotion, or dismissal:

- 1) inefficiency, negligence or incompetence in the performance of duties;
- 2) careless, negligent or improper use of county property or equipment;
- 3) physical or mental incapacity to perform duties;
- 4) discourteous treatment of the public or other employees;
- 5) absence without approved leave;
- 6) habitual improper use of leave privileges; and
- 7) habitual pattern of failure to report for duty at the assigned time and place.
- 8) violation of safety policies and procedures

SECTION 9 – FAILURE IN PERSONAL CONDUCT

An employee may be suspended, demoted, placed on probation or dismissed for causes relating to personal conduct detrimental to county service (1) in order to avoid undue disruption of work, (2) to protect the safety of persons or property, or (3) for other serious reasons.

The following causes relating to failure in personal conduct are representative of those considered to be adequate grounds for suspension, demotion, placing on probation or dismissal:

- 1) fraud in securing appointment;
- 2) conduct unbecoming a public officer or employee;
- 3) conviction of a felony or of a misdemeanor which would adversely affect performance of duties, or entry of a plea of “no contest” to either;
- 4) misappropriation of county funds or property;
- 5) falsification of county records for personal profit or to grant special privileges;
- 6) reporting to work under the influence of alcohol or narcotic drugs or partaking of such substances while on duty while on public property, except that prescribed medication may be taken within the limits set by a physician so long as medically necessary;
- 7) willful damage or destruction of property;
- 8) willful acts that would endanger the lives and property of others;
- 9) acceptance of gifts in exchange for “favors” or “influence”;
- 10) incompatible employment or conflict of interest;
- 11) violation of political activity restrictions; or
- 12) other gross conduct inappropriate for public service.

An employee demoted or dismissed or placed on probation for causes relating to personal conduct shall be given a statement of the charges, shall be allowed to respond in writing, and shall be given a prompt written statement of the decision of the department head or the appointing authority. These steps shall be taken before the disciplinary action except in cases of suspensions, where a written statement will be sent to the employee by certified mail.

SECTION 10 – DISCIPLINARY SUSPENSION

An employee who is suspended for disciplinary reasons shall be relieved temporarily of all duties and responsibilities and shall receive no compensation for the period of suspension.

SECTION 11 – IMMEDIATE DISCIPLINARY SUSPENSION

An employee may be suspended without notice by the department head for causes related to personal conduct in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. When a department head suspends an employee he or she shall tell the employee to leave county property at once and remain away until further notice. The department head shall notify the county manager immediately.

A written summary giving the circumstances and facts leading to the suspension shall be prepared; one copy shall be delivered to the employee by certified mail, and one copy shall be filed in the employee's personnel file.

SECTION 12 – NON-DISCIPLINARY SUSPENSION

During the investigation, hearing or trial of an employee on any criminal charge or during the course of civil action involving an employee, the department head may suspend the employee without pay for the duration of the proceeding as a non-disciplinary action. However, the investigation, hearing, trial, or civil action must involve matters that may form the basis for disciplinary suspension, demotion or dismissal in order for the non-disciplinary suspension to be allowed.

Full recovery of pay and benefits for the period of non-disciplinary suspension will be authorized by the board of commissioners, if the suspension is terminated with full reinstatement of the employee.

SECTION 13 – DISMISSAL

All dismissals shall be preceded by an automatic three (3) day suspension without pay pending completion of an investigation and hearing with the employee by the appointing authority. If the appointing authority determines that a dismissal action is appropriate, such dismissal shall be effective at the end of the three (3) day suspension. If a dismissal is made at the end of this period, a written summary giving the circumstances and facts leading to the dismissal shall be prepared. A copy of the summary shall be delivered to the employee by certified mail and one copy shall be filed in the employee's personnel file.

Employees in hourly, non-exempt, part-time & temporary positions may be terminated for sub-standard performance without notice and have no recourse to the county grievance process.

SECTION 14 – EMPLOYEE APPEAL

A permanent employee wishing to appeal probationary action, demotion, suspension or dismissal may present the matter in accordance with the provisions of the grievance procedure prescribed in Article IX of this ordinance.

SECTION 15 – REINSTATEMENT

An employee who resigns while in good standing or who is separated because of reduction in force may be reinstated within one (1) year of the date of separation, with the approval of the department head and the appointing authority. An employee who enters extended active duty with the Armed Forces of the United States, the Public Health Service, or with a Reserve component of the Armed Forces will be granted reinstatement rights commensurate with Chapter 43 of Public Law 93-508. An employee who resigns and who is reinstated shall be credited with previous service and previously accrued sick leave and will receive all benefits, excluding certain longevity provisions, provided in accordance with this policy and state law. The salary paid a reinstated employee shall be as close as reasonably possible, given the circumstances of each employee's case, to the salary rate previously attained by the employee in the salary range for the previous class of work, plus any across-the-board pay increases.

ARTICLE VIII

GRIEVANCE AND APPEAL PROCEDURE

SECTION 1 - PURPOSE

The grievance procedure provides an adequate and fair means for hearing and resolving matters of employment conditions of county employees who have earned permanent status.

SECTION 2 - COVERAGE

The grievance procedure applies to all permanent employees of Transylvania County. Under the grievance procedure, there are four categories of employees. The procedure for each category is specified in Section 4 of this Article. They are:

Employees subject to the North Carolina Personnel Commission (Social Services, Child Development and Health Department)	Section 4 A
Employees of Elected Officials, Board of Elections and Soil and Water Conservation Board	Section 4 B
General County Employees	Section 4 C
Department Heads (not subject to section 4A or 4B)	Section 4 D

A grievance is a claim or complaint based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application or lack of established policy pertaining to employment conditions. A grievance may only pertain to allegations of involuntary demotion, suspension, reduction in force, dismissal, discriminatory practices, and/or hostile work environment to include sexual discrimination. Voluntary demotion or Investigatory Suspension is not grievable in accordance with the process described in this policy.

SECTION 3 - GRIEVANCE AND APPEAL POLICY

Every permanent employee shall have the right to present his/her grievance or appeal through an orderly procedure free from interference, coercion, restraint, discrimination, penalty or reprisal. Employees shall be permitted a reasonable amount of time away from regular duties as determined reasonable by the department head or the county manager to prepare and present a grievance. All grievances based on demotion for disciplinary reasons, suspension for disciplinary reasons, dismissal and reduction in force may be appealed directly to the county manager or the corresponding appointing authority. Employees shall have ten (10) working days from the date of receipt of written notice of such an action to file an appeal.

All grievances based on alleged discrimination may be appealed directly to the county manager or the corresponding appointing authority, indicating whether the alleged discrimination was based on race, color, religion, sex, national origin, political affiliation, disability or age.

Grievances filed on an untimely basis will be dismissed. Allegations of discrimination if raised more than thirty (30) calendar days after the party alleging discrimination became aware of or should become aware of the alleged discrimination will be dismissed.

SECTION 4 - PROCEDURE

A. *Employees subject to the North Carolina Personnel Commission (Social Services, Child Development and Health Department Employees)*

Step One

1. An employee must file a grievance in writing, with the immediate supervisor within ten (10) working days of the date the incident occurred. The immediate supervisor shall meet with the employee within ten (10) working days and attempt to quickly and informally resolve the grievance. If the grievance is not settled, the employee and immediate supervisor should prepare a written statement, which describes the action the employee desires the immediate supervisor or organization take to resolve the grievance.
2. If the immediate supervisor's resolution efforts fail, the immediate supervisor must issue a written decision to the employee and the department head on the grievance and submit it no later than five (5) working days following the meeting. This letter must summarize the grievance, the requested statement of actions desired, and documentation as to why the grievance was not resolved. The grievance procedure would at this point move to Step Two.
3. If the employee is alleging sexual harassment or hostile work environment by the immediate supervisor, the employee may file the complaint directly with the department head, county manager, human resources director or corresponding appointing authority.

Step Two

1. Employees not reaching resolution in Step One may file the grievance and a statement of actions desired, in writing, with the department head or appointing authority within five (5) working days of receipt of the immediate supervisor's written decision. This must state clearly and specifically the basis for the complaint. If the complaint is based on alleged discrimination, indicate whether the alleged discrimination was based on race, color, religion, sex, national origin, political affiliation, disability or age.
2. The department head shall meet with the employee within five (5) working days to discuss the grievance, review the decision made at Step One, and make an independent determination on the merits of the grievance. Within ten (10) working days of meeting with the employee the department head shall issue a written decision to the employee with copies to the immediate supervisor and the human resources department. If the employee and department head reach an agreement at this step, the decision and statement of agreement shall be issued and the grievance is resolved.
3. Should the grievance not be resolved at this level, Section 6 of this procedure is available to this category of employee.

B. *Employees of Elected Officials, Board of Elections and Soil and Water Conservation*

Step One

1. An employee must file a grievance in writing, with the immediate supervisor within ten (10) working days of the date the incident occurred. The immediate supervisor shall meet with the employee within ten (10) working days and attempt to quickly and informally resolve the grievance. If the grievance is not settled, the employee and immediate supervisor should prepare a written statement, which describes the action the employee desires the immediate supervisor or organization take to resolve the grievance.
2. If the immediate supervisor's resolution efforts fail, the immediate supervisor must issue a written decision to the employee and the department head on the grievance and submit it no later than five (5) working days following the meeting. This letter must summarize the grievance, the requested statement of actions desired and documentation as to why the grievance was not resolved. The grievance procedure would at this point move to Step Two.
3. If the employee is alleging sexual harassment or hostile work environment by the immediate supervisor, the employee may file the complaint directly with the department head, county manager, human resources director or corresponding appointing authority.

Step Two

1. Employees not reaching resolution in Step One may file the grievance and a statement of actions desired, in writing, with the department head or appointing authority within five (5) working days of receipt of the immediate supervisor's written decision. This must state clearly and specifically the basis for the complaint. If the complaint is based on alleged discrimination, indicate whether the alleged discrimination was based on race, color, religion, sex, national origin, political affiliation, disability or age.
2. The department head/appointing authority shall meet with the employee within five (5) working days to discuss the grievance, review the decision made at Step One, and make an independent determination on the merits of the grievance. Within ten (10) working days of meeting with the employee the department head/appointing authority shall issue a written decision to the employee with copies to the immediate supervisor and the human resources department. If the employee and department head reach an agreement at this step, the decision and statement of agreement shall be issued and the grievance is resolved.

This is the final appeal for employees of Elected Officials, the Board of Elections and the Soil and Water Conservation Board.

C. *General County Employees*

Step One

1. An employee must file a grievance in writing, with the immediate supervisor within ten (10) working days of the date the incident occurred. The immediate supervisor shall meet with the employee within ten (10) working days and attempt to quickly and informally resolve the grievance. If the grievance is not settled, the employee and immediate supervisor should prepare a written statement, which describes the action the employee desires the immediate supervisor or organization take to resolve the grievance.
2. If the immediate supervisor's resolution efforts fail, the immediate supervisor must issue a written decision to the employee and the department head on the grievance and submit it no later than five (5) working days following the meeting. This letter must summarize the grievance, the requested statement of actions desired and documentation as to why the grievance was not resolved. The grievance procedure would at this point move to Step Two.
3. If the employee is alleging sexual harassment or hostile work environment by the immediate supervisor, the employee may file the complaint directly with the department head, county manager, human resources director or corresponding appointing authority.

Step Two

1. Employees not reaching resolution in Step One may file the grievance and a statement of actions desired, in writing, with the department head within five (5) working days of receipt of the immediate supervisor's written decision. This must state clearly and specifically the basis for the complaint. If the complaint is based on alleged discrimination, indicate whether the alleged discrimination was based on race, color, religion, sex, national origin, political affiliation, disability or age.
2. The department head shall meet with the employee within five (5) working days to discuss the grievance, review the decision made at Step One, and make an independent determination on the merits of the grievance. Within ten (10) working days of meeting with the employee, the department head shall issue a written decision to the employee with copies to the immediate supervisor and the human resources department. If the employee and department head reach an agreement at this step, the decision and statement of agreement shall be issued and the grievance is resolved.
3. Should the grievance not be resolved at the department head level this employee has additional grievance rights as specified in Step Three.

Step Three

1. Employees not reaching a resolution or timely response in Step Two are able to take the grievance from the department level to the county manager. This enables the employee, immediate

supervisor and department head to have the grievance reviewed by someone external to the department. The grievance must be filed with the county manager within ten (10) working days of the decision or decision due date of Step Two. The manager shall meet with the employee within ten (10) working days, complete an investigation and make an independent determination on the merits of the grievance. The manager shall review the grievance and render a decision within ten (10) working days of the meeting.

2. The decision, in writing, shall be provided to the employee, immediate supervisor and department head. Should the employee and manager reach a resolution, the agreement shall be outlined and the grievance shall be resolved.

This is the final step of the grievance and the decision is final except in the case of ~~for~~ department heads not subject to the jurisdiction of the North Carolina State Personnel Commission and who have appeal rights specified in Step Four.

D. *Step Four (Applicable only to department heads not subject to the jurisdiction of the North Carolina State Personnel Commission)*

1. Department heads not reaching a resolution or a response in Step Three are able to take the grievance from the county manager level to the county commissioners. The grievance must be filed with the county commissioners within ten (10) working days of the decision of the county manager. The commissioners shall have a hearing with the employee within 30 days to review the grievance and they shall render a decision within ten (10) working days.

SECTION 5 - FINAL DECISION

Upon receiving the decision of the county manager, corresponding appointing authority or the county commissioners (for department heads only) the decision issued and applicable relief to resolve the grievance is at this stage final and is not grievable, except by those employees subject to the jurisdiction of the North Carolina Personnel Commission, who may appeal from the appointing authority directly to the State Personnel Commission.

SECTION 6 - APPEAL TO THE STATE PERSONNEL COMMISSION

Employees subject to the jurisdiction of the North Carolina State Personnel Commission shall have the right to appeal to the State Personnel Commission through the Office of Administrative Hearings no later than thirty (30) days after receipt of notice of the corresponding appointing authority's decision, provided that the employee has obtained permanent status in accordance with the rules and regulations of the State Personnel Commission. The decision of the State Personnel Commission shall be binding on appeals of local employees subject to the State Personnel Act if the commission finds that the employee has been subjected to discrimination or if a binding decision is required by applicable federal standards. However, in all other local employee appeals, the decision of the State Personnel Commission shall be advisory to the local appointing authority.

ARTICLE IX **EMPLOYEE BENEFITS**

SECTION 1 – INSURANCE

The county provides disability, medical and life insurance programs to permanent county and competitive service employees.

The county provides medical insurance to retired county employees who were eligible and elected this benefit before July 1, 2006. For other county employees, the county makes a bi-weekly contribution to a 457 benefit plan to help with post-retirement medical costs.

The county may make other group insurance plans available for its employees upon authorization of the board of commissioners.

SECTION 2 – UNEMPLOYMENT INSURANCE

In accordance with Public Law 94-566 and Chapter 1124 of the Session Laws of 1977 of the North Carolina General Assembly, local governments are covered by unemployment insurance effective January 1, 1978.

County employees who are laid off or released from the county service may apply for unemployment compensation through the local office of the Employment Security Commission who will determine the employee's eligibility for this benefit.

SECTION 3 – OLD AGE AND SURVIVOR'S INSURANCE

The county, to the extent of its lawful authority and power, has extended Social Security benefits for its eligible employees and eligible groups and classes of such employees.

SECTION 4 – RETIREMENT BENEFITS

The county provides a retirement program for employees through the North Carolina Local Governmental Employee's Retirement System or the Law Enforcement Retirement System. Only at the time of employment, sworn law enforcement officers shall have the option of membership in either retirement system.

Each employee appointed to a permanent position shall be required to join one of the county retirement plans.

SECTION 5 – LONGEVITY PAY

In addition to regular salaries, a longevity payment will be made annually in recognition of long term service of permanent full time employees who have served at least five (5) continuous years with Transylvania County.

Annual longevity pay amounts are based on the length of continuous county service and a percentage of the employee's annual rate of base pay on the date of eligibility as of July 1 of each year, with the payment being made the Wednesday prior to Thanksgiving. Longevity pay amounts are computed by multiplying the employee's base pay rate by the appropriate percentage from the following table:

Years of Service	Longevity Pay Rate
5 through 10 years	2%
11 through 15 years	3%
16 through 20 years	4%
21 and over	5%
\$1,250 ceiling for any annual longevity payment	

ARTICLE X
PERSONNEL RECORDS AND REPORTS

SECTION 1 – PERSONNEL RECORDS MAINTENANCE

Such personnel records as are necessary for the proper administration of the personnel system will be maintained by the county manager. The county shall maintain in personnel records only information that is relevant to accomplishing personnel administration purposes.

The following information on each county employee shall be maintained as a matter of public records:

- 1) name;
- 2) age;
- 3) date of original employment or appointment to county services;
- 4) current position title;
- 5) current gross salary;
- 6) date and amount of most recent change in salary;
- 7) date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and
- 8) office to which the employee is currently assigned.

SECTION 2 – ACCESS TO PERSONNEL RECORDS

As required by G.S. 153A-98, any person may have access to information listed in Section 1 of this article for the purpose of inspection, examination and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the board of commissioners may adopt. Access to the employee's personnel file shall be governed by the following provision:

- 1) All disclosures of records from the employee's personnel file shall be accounted for by keeping a written record (except for authorized persons processing personnel actions) of the following information: name of employee; information disclosed; date information was requested; name and address of the person to whom the disclosure is made. This information must be retained for a period of two (2) years.
- 2) Upon request, records of disclosure shall be made available to the employee to whom it pertains.
- 3) An individual examining a personnel record may copy the information; any available photocopying facilities may be provided and the cost may be assessed to the individual.
- 4) Any person denied access to any record shall 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

The information contained in a county employee's personnel file, other than the information listed in Section 1

of this article, will be maintained as confidential in accordance with the requirement of G.S. 153-A-98 and shall be open to public inspection only in the following instances:

- 1) The employee or a duly authorized agent may examine all portions of the employee's personnel file, except (1) letters of reference solicited prior to employment, and (2) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his/her patient.
- 2) A licensed physician designated in writing by the employee may examine the employee's medical record.
- 3) A county employee having supervisory authority over another employee may examine all materials in that employee's personnel file.
- 4) An official of any agency of the State or Federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such information is deemed by the county manager to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability.
- 5) Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
- 6) A record shall be made of each disclosure and placed in the employee's file (except of disclosures to the employee and the supervisor).

SECTION 4 – RECORDS OF FORMER EMPLOYEES

The provisions for access to records apply to former employees as they apply to present employees.

SECTION 5 – REMEDIES OF EMPLOYEES OBJECTING TO MATERIAL IN FILE

An employee who objects to material in his/her file may place a statement in the file relating to the material considered to be inaccurate or misleading. The employee may seek removal of such material in accordance with established grievance procedures.

SECTION 6 – PENALTIES FOR PERMITTING ACCESS TO CONFIDENTIAL FILE BY UNAUTHORIZED PERSON

General Statute 153A-98 provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed five hundred (500) dollars.

SECTION 7 – PENALTY FOR EXAMINING and/or COPYING CONFIDENTIAL MATERIAL WITHOUT AUTHORIZATION

G.S. 153A-98 provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined at

the discretion of the court, but not in excess of five hundred (500) dollars.

SECTION 8 – DESTRUCTION OF RECORDS REGULATED

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with GS 121.5, without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever, alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined not less than ten (10) dollars nor more than five hundred (500) dollars as provided in G.S. 132-3.

ARTICLE XI
IMPLEMENTATION OF POLICY

SECTION 1 – CONFLICTING POLICIES REPEALED

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

SECTION 2 - SEPARABILITY

If any provision of this policy or any rule, regulation or order there under of the application of such provision to any person or circumstances is held invalid, the remainder of this policy and the application of such remaining provisions of this policy of such rules, regulations or orders to persons or circumstances other than those held valid will not be affected thereby.

SECTION 3 – VIOLATION OF POLICY REVISION

An employee violating any of the provisions of this policy shall be subject to suspension and/or dismissal, in addition to any civil or criminal penalty which may be imposed for the violation of the same.

SECTION 4 – EFFECTIVE DATE

This policy became effective on January 1, 1984 and thereafter shall be revised as needed. The most recent revisions were September 10, 2012.

TRANSYLVANIA COUNTY EMPLOYEE BENEFIT SUMMARY

07/01/2021 – 6/30/2022

Medical Insurance

- Blue Options PPO /Administered by Blue Cross and Blue Shield of North Carolina
- Employee has choice of 2 Health Plans:
 - Plan 1 – Co-Pay Plan for In-Network– \$40 Copays for Primary Care Visit, \$80 Specialist Visit, Urgent Care and RX. All other services apply to \$1,500 deductible, then 80/20 co-insurance up to \$2,000 out-of-pocket maximum. *See Plan 1 document for more detailed information.*
 - Plan 2 – Deductible Plan for In-Network except \$25 copay for Primary Care Visit and RX. All other services apply to \$1,000 deductible, then 80/20 co-insurance up to \$2,000 out-of-pocket maximum. *See Plan 2 document for more detailed information.*
- Routine eye examinations only are covered annually for a BCBSNC network provider.
- Prescription Drugs – 4 Tiers - \$5 generic/ \$45 preferred / \$60.00 non preferred /4th Tier is 25% up to a max of \$100.00./ Mail order is available @ 2.5 co-pays for a 90 day supply. 90 day supply at pharmacy.
- Verify network participation, RX tiers, and obtain information at www.bcbsnc.com.
- \$50 per month premium paid by the employee / county pay remaining portion
- Employee can cover children/spouse/family at their own cost for medical coverage \$77.56/ \$265.92/ \$426.28 per month. In addition to the \$50 per month for the employee.
- Employees may qualify for a \$50 per month discount. For 2020/21 employees must participate in the employee health screening including a base line physical and meet 2 of the 4 accountability standards set forth by the Board of Commissioners to receive the discount.
 - a. Waist circumference abdomen cir < 40" male or <35" female; or improve 5%
 - b. Blood Pressure <140/90 mmhg; or improve 10/5 mmh; or improve 5%
 - c. Cholesterol Ratio <5.5; or improve by 10; or improve 5%
 - d. Hemoglobin A1c <= 6.5; or improve 5%
- Premiums may be pre-taxed which is a savings to your taxes, but if you pre-tax premiums you can't take the costs off of your taxes.
- Self Funded Health Insurance Plan – Deductible of \$75,000.

Dental Insurance –

- Administered by Ameritas
- Employee is covered under the dental coverage at no cost. An employee can cover children/spouse/family for \$57.26/ \$22.52/ \$72.38 per month, respectively.
- Can choose different level of coverage than Medical
- No Network of Dentists, may choose any provider
- Provides 2 routine cleanings and exams with no deductible
- For other services a \$50 plan year deductible
- 80% for root canals, fillings - 50% for crowns, bridgework, dentures
- \$1000 maximum for braces/ \$1000 maximum per covered individual per year which includes preventative care costs
- 12 month waiting period for major services
- Obtain information & replacement cards at www.ameritasgroup.com.

Term Life Insurance –

Provided for the Employee – Dearborn National

- \$10,000 Life and \$10,000 Accidental Death
- Employee may purchase additional amounts in increments of \$10,000 up to \$100,000 and it is guaranteed issue for employee; \$20,000 for spouse and \$10,000 or \$5000 for children (at original eligibility). Otherwise late enrollees and additional amounts for employee or dependents are subject to underwriting guidelines.

Supplemental Insurance Products –

Mark III Brokerage assists the county to provide a full-array of supplemental products such as Health and Dependent Care FSA accounts, Cancer Policy, Short-term and Long-term Disability, Term Life, Whole Life, Accident Policy, and a Vision Plan. The Supplemental Products are available during original employment or open enrollment in May/June of each year to employees at group rates and premiums are paid through payroll deduction. Policies will be effective on July 1.

If you are interested in knowing more about these benefits view the following website for details. www.markiiibrokerage.com/transylvaniacountync or a link is available on the county Intranet. Then sign up during your original enrollment window by contacting Human Resources or contacting Sara Kilgore at Mark III. Her email: sara@markiieb.com and phone: (800) 532-1044 x307. Some of the products qualify as pre-tax benefits. Website for information is: www.markiieb.com.

Electronic Payroll Deposit –

County Employees are paid bi-weekly, 26 times per year. We deposit your payroll check. Deposits are available to all banks and credit unions. Deposits are made, so you can have access to your funds by Friday morning (payday). You can divide your payroll into two accounts, one you must specify the amount to go into and the second account would receive the balance.

Retirement -

NC Local Government Employees Retirement System (Pension) – All full-time employees contribute 6% of their gross earnings and the County matches the contribution. Employees are vested in the program after 5 years of service. Transferable within the state system. The website for more information is: www.nctreasurer.com.

401K – Prudential Retirement – Voluntary Employee Contributions, Rollovers from prior plans, etc. The website is: www.nc401k.prudential.com.

457 – Nationwide Retirement Solutions – Voluntary Employee Contributions, Rollovers from prior plans, etc. After 5 years of full-time service the County will provide a contribution of \$57.69 per payroll / \$1500 per year on behalf of the employee. At 5 years of service, eligible employees must complete an enrollment form. There is no matched requirement for this contribution. The website is www.nrsforu.com.

Credit Union

County Employees may be a member in the NC Local Government Employees Credit Union which is affiliated with the State Employees Credit Union. Local office is in Pisgah Forest. Payroll deduction and drafts are available. The website is www.lgfcu.com.

Paid Holidays - (12)

New Year's Day, Martin Luther King's Birthday, Easter Friday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and the Day after Thanksgiving, Christmas Eve Day, Christmas Day and the day after Christmas.

Paid Vacation/Annual Leave –

- 1-2 years = 10 days; 3-5 years = 12 days, 5-10 years = 15 days, 10-15 years = 18 days, 15-20 years = 20 days; 20 + years = 24 days. Vacation is accrued bi-weekly, therefore you receive 1/26th each payroll.
- You may accrue vacation and carry over up to 30 days. Thereafter, at the end of the calendar year, if you have more than the 30 days, the excess converts to sick leave.
- You may cash in up to one week of vacation annually, in lieu of time away from work.
- In extreme situations employees may request to transfer vacation leave to other employees. Requests must be in writing to the County Manager and must be approved in advance.
- During the first 6 months probationary period employees are not allowed to use their accrued vacation
- When eligible vacation should be scheduled in advance as requested by your supervisor. Complete proper leave sheets.
- If you have prior active service in the NC Retirement System, Transylvania County will give you credit for those years of service toward accrual of vacation/annual leave.

Paid Sick Leave –

- Paid sick leave is always equivalent to 12 days per year. It is accrued bi-weekly. Employees accrue 1/26th of the annual amount per payroll.
- You may accrue sick leave with no maximum accrual. At retirement for every 20 days of accrued sick leave you will get one additional month of service time.
- Sick leave may be used for doctor's appointments, personal illness or the illness of an immediate family member.
- If you have prior active service in the NC Retirement System, Transylvania County will transfer in your sick leave balance from your most recent employer.

Wellness Center – Phone Number (828) 884-3115

- The Wellness Center is open M-W-F 8am -12pm and 1pm to 4pm and T-TH 8am-12pm.
- The Wellness Center is a partnership between Transylvania County and the City of Brevard.
- County Employees and dependents on the medical plan over the age of 12 may use the Wellness Center for all services at no cost.
- Appointments are encouraged to help minimize any wait and to make the Center Services flow easier with minimal wait times and time away from work.
- Time away from your work location to visit the Wellness Center is not charged to leave.
- Services include: Routine bloodwork monitoring, allergy injections, monitoring chronic illnesses, manage and authorize prescriptions, coordinate referrals, school physicals and testing for flu, mono and strep.

Transylvania County, NC

JOB DESCRIPTION

Functional Title

Marketing Specialist

Department: Transylvania County Tourism Development Authority (TCTDA)
Classification: Program Specialist
Reports To: Tourism Development Director
Pay Grade: XXX
FLSA Status: Non-exempt

JOB SUMMARY

The primary responsibility for this position is to support the executive director and marketing partner agency in the fulfillment of the annual marketing plan and related projects related to the ongoing strategic plan. In collaboration with the marketing partner agency, this position generates content for marketing and promotion initiatives, promotes awareness of tourism development, and oversees social media platforms. This position is the first point of contact for media inquiries and represents TCTDA as a brand ambassador at events and participates in committee meetings.

ESSENTIAL JOB FUNCTIONS

Marketing and Promotions:

- Create content, format and produce final marketing and promotion products including press releases, quarterly organizational reports, annual county commission reports, tourism presentations, and website content updates and changes.
- Support marketing partner agency with e-blasts, blogs, collateral, and other related advertisements. Duties include providing advertisement ideas and content, proofreading, and other assistance as requested.
- Plan and coordinate photo and video shoots includes sourcing talent, location selection, acquiring permits and working with photographer/videographers. May also assist photoshoot projects initiated by the marketing partner agency.

Social Media:

- Provide input to executive director and marketing partner agency for annual marketing plan. Work with agency to execute promotions, campaigns, tagging, hosting, A-B testing and similar.
- Responsible for creating, managing and maintaining social media content as outlined in marketing plan.
- Track metrics (i.e.: number followers, impressions, demographics) and prepare reports for management. Consult partner agency as needed.
- Generate ideas, photography and video for meaningful social media posts.
- Attend local events to promote and chronicle on social media platforms.
- Collect and utilize content generated by social media users highlighting the County.

Media Relations:

PHYSICAL DEMANDS

This work is sedentary work that requires frequent sitting and frequent use of computer, using hands to finger, handle or feel, speaking or hearing and repetitive motions. Work requires occasional walking or standing. Work has standard vision requirements; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels. Work requires preparing and analyzing written or computer data, operating office equipment, and observing general surroundings and activities. May require occasional exertion of up to 25 pounds of force. This work requires operating motor vehicles.

WORK ENVIRONMENT

Work has limited exposure to environmental conditions; work is generally in a moderately noisy location (e.g., business office, light traffic). Work will require mobility and travel by car for events, meetings and conference, which may be indoor or outdoor.

To perform this job successfully, an individual must be able to perform the essential job functions satisfactorily. Reasonable accommodations may be made to enable individuals with disabilities to perform the primary job functions herein described. Since every duty associated with this position may not be described herein, employees may be required to perform duties not specifically spelled out in the job description, but which may be reasonably considered to be incidental in the performing of their duties just as though they were actually written out in this job description.

Transylvania County has the right to revise this job description at any time. This description does not in any way represent a contract of employment.

Employee Signature

Date

Supervisor (or HR) Signature

Date

Transylvania County, NC

JOB DESCRIPTION

Functional Title

Outreach Specialist

Department: Transylvania County Tourism Development Authority (TCTDA)
Classification: Administrative Assistant
Reports To: Tourism Development Director
Pay Grade: XXX
FLSA Status: Non-exempt

JOB SUMMARY

This role supports the Tourism Director and Board of Directors with the overall administration and operations of the department. Responsibilities include coordination, administration and data tracking of grant/funding programs and facilitating board/committee meetings.

Serves as the department's link and primary communicator with tourism-related businesses, individuals, and other relevant organizations in the county. Responsible for outreach and promotion of advertisement to tourism partners. Through a variety of means, this role connects people and organizations throughout the broader community to cultivate relationships and to promote events, services and overall tourism for the county. Provides support to tourism development within the county.

ESSENTIAL JOB FUNCTIONS

Operations and Administration:

- Coordinate and administer the TCTDA grant programs and funding opportunities. Solicit and recruit potential grantees, organize grant committee meetings, and ensure program runs smoothly.
- Track and maintain data related to grant and funding programs.
- Serve as primary point of contact and administrator for the Transylvania Always initiative. Record minutes, update financials, send out agenda and other information prior to meetings.
- Attend TCTDA board meetings and other committee meetings, as needed, and record minutes.
- Manage event and business listings on the TCTDA and VisitNC websites.
- Coordinate poster and brochure distribution within Transylvania County.
- Represent TCTDA as an ambassador and representative at local/regional events and partner locations and act as first point of contact for key organizations.

Outreach & Tourism:

- Work with Tourism Director and partner marketing agency to create annual list of opportunities (i.e., co-op, pub ads, digital ads, etc.) to attract tourism partners.
- Responsible for outreach to tourism partners to promote and sell opportunities and secure commitments.

- Friendly, enthusiastic, and positive attitude
- Ability to work nights and weekends as needed
- Ability to travel up to 10% in the local county area or surrounding area
- Interest in tourism industry and knowledgeable about Transylvania County and surrounding areas
- General knowledge of board and committee meeting protocols.

PHYSICAL DEMANDS

This work is sedentary work that requires frequent sitting and frequent use of computer, using hands to finger, handle or feel, speaking or hearing and repetitive motions. Work requires occasional walking or standing. Work has standard vision requirements; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels. Work requires preparing and analyzing written or computer data, operating office equipment, and observing general surroundings and activities. May require occasional exertion of up to 25 pounds of force. This work requires operating motor vehicles.

WORK ENVIRONMENT

Work has limited exposure to environmental conditions; work is generally in a moderately noisy location (e.g., business office, light traffic). Work will require mobility and travel by car for events, meetings and conference, which may be indoor or outdoor.

To perform this job successfully, an individual must be able to perform the essential job functions satisfactorily. Reasonable accommodations may be made to enable individuals with disabilities to perform the primary job functions herein described. Since every duty associated with this position may not be described herein, employees may be required to perform duties not specifically spelled out in the job description, but which may be reasonably considered to be incidental in the performing of their duties just as though they were actually written out in this job description.

Transylvania County has the right to revise this job description at any time. This description does not in any way represent a contract of employment.

Employee Signature

Date

Supervisor (or HR) Signature

Date

Transylvania County, NC

JOB DESCRIPTION

Tourism Development Director

Department: Transylvania County Tourism Development Authority (TCTDA)

Pay Grade: XXX

FLSA Status: Exempt

Reports to: Board of Directors

Status: Position is full-time, year-round

JOB SUMMARY

The primary responsibility of the Tourism Development Director is to organize, and direct certain operations and activities of the Transylvania County Tourism Development Authority (TCTDA). Works with Board of Directors and staff to ensure that the department's mission is fulfilled through programs, marketing planning and community outreach. The Tourism Development Director ensures adherence to county policies and procedures.

Supports Board efforts through active engagement, regular communications/updates, facilitation of Board meetings, and implementing Board directives. The Tourism Development Director oversees department programs including, but not limited to, grants, funding, sustainability activities, and infrastructure. Responsibilities include adherence to annual budget, leading day-to-day operations and managing staff.

The Tourism Development Director manages all aspects of marketing and communications strategy and planning to promote the destination, attractions and events to attract tourist, enhance visitors' experience and maximize local dollar spend to the economy.

ESSENTIAL JOB FUNCTIONS

Board of Directors Support

- Responsible for communicating effectively with the Board and providing, in a timely and accurate manner, all information necessary for the Board to function properly and to make informed decisions. Keep Board updated on department progress and efforts.
- Support Board and committees to develop strategies, programs, and policies to promote tourism and manage the destination. Provide guidance and mentorship to committees.
- Responsible for implementing policy formulated and/or approved by the Board.

Mission & Program Oversight

- Responsible for implementation of department goals and programs that carry out the mission and objectives.

- At least 5 years' experience in management role in tourism, travel, attraction or hospitality management, preferably in nonprofit sector
- Experience with travel and tourism development and marketing
- Solid organizational abilities, including planning, delegating, and program development
- Proven success establishing relationships with individuals/organizations of influence including funders, partner agencies and local officials
- Ability to communicate a vision and mission to key stakeholders, partners, local officials and overall community
- Proven experience with budget preparation and oversight, decision making and reporting
- Experience and skill in working with a Board of Directors
- Excellent written and oral communication skills, including presentations
- Excellent public speaking ability

Preferred education and experiences

- Master's Degree - Public Administration

Required Licenses or Certifications

- A valid driver's license in order to travel for business purposes

Additional Requirements

- Ability to work nights and weekends as needed
- Ability to walk or stand for extended periods of time
- Ability to drive while conducting company business.

Knowledge, Skills and Abilities

- Requires creativity, innovation, self-motivation and organizational skills
- Ability to envision, plan and implement a tourism development strategy
- Visionary and strategic leadership
- Ability to establish and maintain effective, cooperative working relationships
- Knowledge of effective marketing, public relations and social media strategies.
- Funding and budgetary management skills
- Knowledge and vested interest of Transylvania County as a tourism destination
- Strong work ethic with a high degree of energy
- Flexibility to work outside of regular business hours (i.e., evenings and weekends) as required

PHYSICAL DEMANDS

This work is sedentary work that requires frequent sitting and frequent use of computer, using hands to finger, handle or feel, speaking or hearing and repetitive motions. Work requires occasional walking or standing. Work has standard vision requirements; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels. Work requires preparing and analyzing written or computer data, operating office equipment, and observing general surroundings and activities. May require occasional exertion of up to 25 pounds of force. This work requires operating motor vehicles.

WORK ENVIRONMENT



Clark Lovelace <clark@brevardncchamber.org>

Re: follow up Items

1 message

Layton Parker <laytonparker@gmail.com>

Wed, Dec 1, 2021 at 7:56 PM

To: Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org>

Cc: "Layton Parker (TCT)" <layton@explorebrevard.com>, David Guice <David.Guice@transylvaniacounty.org>, Jaime Laughter <jaime.laughter@transylvaniacounty.org>, Sheila Cozart <Sheila.Cozart@transylvaniacounty.org>, Kate Hayes <kate.hayes@transylvaniacounty.org>, clark <clark@explorebrevard.com>

Thank you Jonathan!

I can tell your team has put a lot of effort in the research in the proposed policy and Implementation plan if the board chooses to integrate into the county personnel plan. I appreciate you expediting getting it to us for review.

In essence of time, I think it would be best for us (Clark and me) to do a thorough review of your research and recommendations so we can accurately describe the options to the board. It will also be beneficial to integrate the missing pieces prior to that presentation and explanation as well.

In the meeting tomorrow, I will plan to let them know we received this preliminary information and hope to receive a finalized version very soon so we can present it to them for review and future decisions.

Thank you very much for so much support.

Layton

On Dec 1, 2021, at 6:17 PM, Jonathan Griffin <Jonathan.Griffin@transylvaniacounty.org> wrote:

Hi Layton,

We twiddled our thumbs most of the afternoon waiting to hear back from Naomi.

The incomplete slide is slide 8, which encompasses the ranges into which each position will be slotted.

In the notes field I summarized the sequence of events, but we got the first draft back on 10/24, did a zoom call for feedback on 10/29 and I checked with Sheila at 5 and we still haven't received the final recommendation yet. We may get them tomorrow AM before the day starts and be able to jot those in quickly.

Most slides have explanatory notes or additional context as necessary and cover the three items.

1. The employment language for the County resolution
2. Addition of job classifications, amendments to personnel plan
3. Proposal to proceed to negotiating a three year agreement btwn County, Authority and Chamber

The rest of the attachments are the still draft job descriptions and the policies that would apply.