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PASQUOTANK COUNTY, NORTH CAROLINA
May 4, 2015

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, May 4, 2015 in Courtroom C in the Pasquotank County Courthouse.

MEMBERS PRESENT:

Joseph S. Winslow, Jr., Chairman
Cecil Perry, Vice-Chairman
Dr. William R. Sterritt
Frankie Meads
Bettie Parker

MEMBERS ABSENT:

Jeff Dixon
Lloyd E. Griffin, III

OTHERS PRESENT:

Rodney Bunch, County Manager
R. Michael Cox, County Attorney
Lynn Scott, Assistant Clerk to the Board

The meeting was called to order at 7:00 PM by Chairman Joe Winslow. Commissioner Frankie Meads gave the invocation and Commissioner Bill Sterritt led in the Pledge of Allegiance to the American Flag. Chairman Winslow welcomed everyone present.

1. COMMENT FROM JAMES MORRIS

Chairman Winslow recognized Mr. James Morris of 959 Halls Creek Road who said he would like to speak about the article in the newspaper today regarding pay raises. He said the paper stated that the three employees were given raises so that they could do the work that Ex-County Manager Keaton had been doing. He said he does not understand why the County would give raises to three employees to do the work of an ex county manager. He said he would think the new county manager would be taking over the job. He said the paper noted that the new manager received \$16,000 above what the old manager was paid. He said he has been told that when the assistant manager became the interim manager he received a \$20,000 raise and when he became the manager he received another \$30,000. He stated that in approximately one year the manager received a \$50,000 raise and three other people received \$24,000 raises to do what the other manager did and it confuses him. He asked for further documentation regarding this because the whole article did not make sense to him. County Manager Bunch informed Mr. Morris that he in fact does have it all confused and what he is saying is not factual at all and he will be glad to provide him with the facts.

2. COMMENTS FROM RODNEY WALTON

Chairman Winslow recognized Mr. Rodney Walton of 109 Seldon Street who said he would like to speak about the article in the newspaper recently regarding pay raises. He said the issue with the raises for the lowest paid employees of the County is a microcosm of the rest of the United States and the rest of the world. He said the lowest of the low will always get paid the lowest of the low. He explained that DSS serves the underserved in our County and therefore they are treated as the underserved as well and therefore get overlooked. He said it is not a race issue or a class issue; it is a people of lower class verses a people of higher class. He said most of the lower class tends to be overlooked for pay raises and promotions. He said we need to promote people from within. He went on to say nothing has ever been gained without strength in numbers and there must be protests. If employees are disciplined, they will lose money and feel threatened to be quiet. He said the American Revolution, Slavery, Women's Voting Rights, Civil Rights, and Children's Rights were all spoken for and won. He stated that he would have loved to have seen the ninety DSS workers here today verses standing out on Roanoke Avenue because this is a public forum. He asked the Board, "What progress, if any, do you see for our City going forward; is the objective to keep the poor and lower and middle classes down in their respective place; and why not Pasquotank County be a leader in this northeast area of North Carolina?"

3. COMMENTS FROM PETE GILBERT

Chairman Winslow recognized Mr. Pete Gilbert of 1623 Penny Drive who said he would like to relinquish his 3 minutes to Mrs. Betsy Meads.

3. COMMENTS FROM BETSY MEADS

Chairman Winslow recognized Mrs. Betsy Meads of 2008 Johnson Road who said she would like to discuss wind farms. She stated that she loves hydroelectric dance. She said if you have ever been to Fontana Dam or Hoover Dam you can realize the power of water. She said hydroelectricity is 90% efficient. She went on to say that there were towns that were flooded and heritage that were demolished when the dams were built. The same thing happened on the Sky Line Drive. She noted that the people who lived there were compensated and anyone who did not own land had to move. She said in Pasquotank County, with the wind turbines it is a little bit different because the people are being compensated that own the land, but the tax payers who live around them may have some issues with the turbines. She feels the County has not addressed these issues. She said she would like to touch on two of those issues. She explained that during the June 7, 2011 Public Hearing, the Planning Director noted that the Conditional Use permit was submitted in April of 2011 and the application was for up to 88 utility wind turbines, approximately 475' in height. She said Planning Director Cox also said that prior to the building permit a bond shall be provided in an amount equal to the estimated removal cost of the facility, less the salvage value of the equipment prior to construction. She said during that meeting Iberdrola stated that when it is time to take the turbines down their salvage value will be more than it is going to cost to take them down so the County will make money. She said at that time the Board agreed to take a certified check in the amount of \$1 million in lieu of a bond. She asked if the County plans to cash that check, because at some point the check will have an expiration date.

Mrs. Meads stated that she contacted Van Wert, Ohio Convention and Tourist Bureau today to ask questions regarding the Blue Creek Wind Farm, which is an Iberdrola project that was started there around 2012. She said the head of the convention center told her that the wind turbines have been a financial success in their county. She said they bring in tourist buses to see the turbines and it has been a real plus as far as the schools go. She said she was also informed that there are health and environmental issues. She noted that she could not find anything on the internet regarding reports of health and environmental issues in Ohio, but Ohio has just instituted new state laws regarding setbacks of turbines that have basically stopped wind turbine energy development in Ohio and it had been a big state for it. She said the reason she called Van Wert, Ohio was because she found a press release for Iberdrola Renewables that was released in February 2015 stating that they paid the county \$2,070,000 for 115 turbines. She stated that this equals \$1,800 per turbine. In Pasquotank County, she said we are giving Iberdrola a 79% reduction in County property taxes for the next 20-25 years, which means Pasquotank is getting \$269 per wind turbine. She said she would like to know why Ohio is worth more than Pasquotank County. She explained that the money in Van Wert is going specifically to the schools. She concluded by saying we sold out for \$23,700 per year.

4. JOHN WOODARD

Chairman Winslow recognized Mr. John Woodard of 117 Pelican Point Drive who said he would like to speak about wind energy. He stated that back in February there was a wind energy forum at the courthouse. He said he hoped that some of the commissioners would have come to hear what their experts had to say and see the documents that he provided and try to learn something about the other side of this issue. He said the only thing the Board had ever heard is what Mr. Poff has told them. In June 2011, Iberdrola received a determination of no hazard to air navigation from the Federal Aviation Administration stating that the height of the turbines was approved at 486' above ground level. He noted that that determination expired on December 29, 2012. Since then, he is not aware that there has been a renewal of the FFA permit. He would also like to see current approval by the North Carolina Utilities Commission. He said there was a disagreement. Iberdrola consented in writing the ROTHR Standards in June 2014 however the ROTHR agreement was not signed until November 2014 and to his knowledge there have been no changes or updates since that time. He added that there have been people that originally stated that they wanted to lease their land for the project that have now backed away. He said if the project has been markedly changed in any way, they have to go through a new process and get FFA approval. He stated that he is now told the wind turbine height is 499' above ground. He said the bottom line is the County Commissioners have an obligation to the citizens of this County to protect the health, safety, and general welfare of the citizens. He said there are people that live out in that area with turbines that are going to be up to 600' tall and you cannot say that they are not going to be negatively affected and you have no idea what the health impact is going to be. He feels Mr. Poff needs to provide a lot more information to show that they are prepared

to go forward with this project and to give the Board a site plan for where the turbines are going to be located, as well as how many there are going to be.

5. THE BOARD OF EQUALIZATION AND REVIEW

The Assistant Clerk to the Board swore in the members of the Board to serve as the Board of Equalization and Review for 2015. Chairman Winslow convened the Board of Equalization and Review and asked if there were any appeals to be heard. County Attorney Cox informed the Board that one appeal had been submitted to the Tax Office from Lowe's Home Centers, LLC. He stated that Lowe's is appealing their valuations statewide. He said Lowe's does have council but they will not be in attendance tonight. He explained that this is a non-reappraisal year for Pasquotank County and therefore the assessor is presumed to be correct and the burden of proof is on the taxpayer to prove otherwise and therefore challenge the County's authority to adjust the assessment. Attorney Cox swore in Tax Administrator Patrice Stewart.

Ms. Stewart stated that a couple of months ago she received documentation from Lowe's Home Centers, Inc. regarding their assessment. She said the assessed value of the parcel is \$10,673,300 and Lowe's believes the value of the property should be \$5,370,469. She explained that the information submitted by Lowe's was carefully reviewed by Tax Department staff, Robert Pearson with Pearson's Appraisal Services, and staff at the North Carolina Department of Revenue and no one found justification for a change in the assessment.

Ms. Stewart stated that in accordance to North Carolina General Statute 105-287(a) changes in assessments cannot be made in a non-revaluation year except in limited circumstances as stated below:

- (1) Correct a clerical or mathematical error.
- (2) Correct an appraisal error resulting from a misapplication of the schedules, standards, and rules used in the county's most recent general reappraisal.
- (2a) Recognize an increase or decrease in the value of the property resulting from a conservation or preservation agreement subject to Article 4 of Chapter 121 of the General Statutes, the Conservation and Historic Preservation Agreements Act.
- (2b) Recognize an increase or decrease in the value of the property resulting from a physical change to the land or to the improvements on the land, other than a change listed in subsection (b) of this section.
- (2c) Recognize an increase or decrease in the value of the property resulting from a change in the legally permitted use of the property.

Ms. Stewart stated that because none of the circumstances as stated above apply to Lowe's Home Centers, Inc. the request for the decrease in assessment is not justified and therefore staff recommends no change in the assessment.

Motion was made by Cecil Perry, seconded by William Sterritt to recuse Commissioner Meads from consideration of the appeal due to a conflict of interest. The motion carried.

After discussion;

Motion was made by Bettie Parker, seconded by Cecil Perry to accept staff's recommendation to not change Lowe's property tax assessment. The motion carried.

Motion was made by Cecil Perry, seconded by Bettie Parker to recess the Board of Equalization and Review until May 11, 2015. The motion carried.

6. AMENDMENTS TO THE AGENDA:

Chairman Winslow asked if there were any amendments to the agenda. Finance Committee Chairman Cecil Perry requested that the agenda be amended to add the following five items

recommended by the Finance Committee today to the consent agenda: 1) Approval of Tax Refunds; 2) Approval of Budget Amendments for DSS to reflect the funding allocation for Family Reunification; for Planning to appropriate additional inspection fee revenues and to appropriate funds for a salary adjustment for the director; for Personnel to appropriate funds for a salary adjustment for the director; and for EMS Renovations to appropriate funds for the final payment on the ECMS renovations; 3) Approval of setting DSS on-call pay at \$100 per week, retroactive to July 1, 2014; 4) Approval of Capital Project funding transfers within the Public Schools 2014-15 Capital Budget; and 5) Approval to provide flexible spending account to employees for health care needs.

Motion was made by Cecil Perry and seconded by Frankie Meads to amend the agenda to add the five additional items recommended by the Finance Committee to the consent agenda. The motion carried unanimously.

7. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

a. Approval of Minutes of April 20, 2015 Commissioner Meetings

b. Approval of Tax Refunds

The Finance Committee has recommended approval of the following tax refunds:

Refunds:

1. Tanja Brickers	161.09
2. Tanja Brickers	102.19

c. Approval of Budget Amendments

The Finance Committee has recommended approval of the following budget amendments:

DSS

Increase	011.0240.4374.00	Family Reunification	7,974.00
Increase	011.5310.5374.00	Family Reunification	7,974.00

Planning

Increase	010.0300.4345.01	Inspection Fees	3,030.00
Increase	010.4910.5121.00	Salaries and Wages	1,980.00
Increase	010.4910.5181.00	FICA	910.00
Increase	010.4910.5182.00	Retirement	140.00

Personnel

Increase	010.0500.4831.00	Interest Earned	2,105.00
Increase	010.4125.5121.00	Salaries and Wages	1,835.00
Increase	010.4125.5181.00	FICA	140.00
Increase	010.4125.5182.00	Retirement	130.00

EMS Renovations

Increase	010.0400.4834.00	Rent - DA & PD	25,000.00
Increase	010.0300.4345.01	Inspection Fees	50,000.00
Increase	010.4190.5351.02	Maintenance – Old ECMS	75,000.00

d. Approval of Setting DSS On-Call Pay at \$100 per Week, Retroactive to July 1, 2014
The Finance Committee has recommended that the Board set DSS on-call pay at \$100, retroactive to July 1, 2014. The Pasquotank County Personnel Policy includes language stating that Pasquotank County provides compensation for an employee who must remain available to be called back to work on short notice if the need arises. DSS does not have an established rate for on-call pay. Melissa Stokely compared on-call pay for surrounding counties and other counties of similar size and recommended the rate be \$100 per week.

e. Approval of Request for Line Item Transfers within Public Schools 2014-15 Capital Budget

The Finance Committee has recommended approval of a request from the Board of Education to reallocate the following funds to cover project expenditure shortfalls:

	Original Appropriation 2014-2015	Reallocation Requested by School Board
NHS Gym Air Conditioning	\$500,000.00	\$529,500.00
WES Fire Alarm Upgrade	100,000.00	100,000.00
NHS Air-Cooled Chiller	80,000.00	56,800.00
JCS Roof Repair	100,000.00	100,000.00
Computer Connectivity Upgrade-5 Schools	80,000.00	76,940.00
RRMS Telephone System Replacement	50,000.00	50,000.00
Maintenance Dept. Backhoe	40,000.00	43,060.00
Replace 1991 Ford Crew Cab P/U	26,000.00	23,477.00
Replace 1994 Dodge 1 Ton Van	28,000.00	27,996.00
Replace 1989 Chev 3/4 Ton P/U	26,000.00	23,477.00
Replace 2 Motor Pool Vehicles	37,000.00	35,750.00
Debt Service-Activity Buses	<u>77,000.00</u>	<u>77,000.00</u>
	\$1,144,000.00	\$1,144,000.00

f. Approval to Provide Flexible Spending Account to Employees for Health Care Needs

The Finance Committee has recommended approval of offering employees a Flexible Spending Account for health care needs. County Manager Bunch explained that employees may choose to contribute a maximum of \$2,500 per year. The County will pay a \$4 fee to the insurance provider for each employee that chooses to contribute to the Flexible Spending Plan.

Motion was made by Cecil Perry, seconded by Frankie Meads to approve the consent agenda as amended. The motion carried.

8. **CONSIDERATION OF REQUEST BY ATLANTIC WIND, LLC FOR EXTENSION OF CONDITIONAL USE PERMIT CUP-11-01 FOR DESERT WIND PROJECT:**

Motion was made by Frankie Meads, seconded by Cecil Perry that this item be tabled until the next meeting due to questions that have not been answered. He stated that this conditional use permit has been extended more than one time and he said it has been mentioned that there are some permits that have not been received and if they have been they have not been given to the Planning Office. He said neither he nor Commissioner Parker were on the Board when this was initially considered and he would like more information.

County Manager Bunch stated that Mr. Poff contacted this office this afternoon and requested that Item # 8 D, Consideration of Resolution supporting the Desert Wind, LLC Engery Project in Northeastern North Carolina be removed from the agenda.

Commissioner Sterritt stated that he would like to hear from Mr. Craig Poff before he votes so that the Board can be enlightened about the project.

Mr. Poff, Iberdrola Renewables Director of Business Development stated that for more than five years they have been working in the communities of Pasquotank and Perquimans Counties. He said they have enjoyed tremendous support from the counties and from landowners. He noted that they have created a really attractive opportunity to invest up to \$600 million in the two counties. He stated that their company stands to gain something on a return from investment; landowners stand to gain something in terms of payment for leases, and the counties of Pasquotank and Perquimans stand to gain approximately \$750,000 in taxes the first year after rebates, which equates to \$5,000 per turbine in the first year and goes up from there. In addition, during construction there will be hundreds of construction jobs created, thousands of loads of concrete bought locally, as well as building materials and road building. He estimated there

being ten to fifteen permanent jobs once construction is complete. There will be indirect impacts to the community as well, such as hotels, restaurants, and building suppliers.

Mr. Poff guaranteed that every permit is in hand that is necessary to construct the project. He said when the initial Conditional Use Permit was made everything in the application was touted to be accurate and conceptual. He said they noted during the hearings that turbines might need to be moved a little bit to deal with unknown environmental constraints. He stated that the footprint of the project has not changed in the past two and a half to three years. He noted that the specifications of the wind turbines have changed and they have obtained approval from all of the State and Federal agencies that were necessary and they ran the changes back through the Planning and Inspections Department to make sure that they were still in compliance. He went on to say that they updated the shadow studies and the sound studies.

Mr. Poff explained that they are asking for this small extension because in order for them to begin July 1st a lot of things need to happen exactly right. If there is something that arises, they will have a major problem and the entire project could stand to be lost entirely due to permit expirations. He reiterated that they have every possible required State, Federal and local permit in hand and the investment committee of his company is considering the investment and if approved they can begin in sixty to ninety days. He also advised that the conditional use permit has only been extended once.

Commissioner Sterritt asked where Iberdrola is with finding a buyer. Mr. Poff said they are having serious discussion about that currently and he would not be asking for this extension if he did not have some optimism about it. He said he cannot share any specific details at this time, but there is reason to be optimistic. Commissioner Sterritt asked if there is any truth regarding the landowners wavering. Mr. Poff said many of things heard from the preceding speakers are not based on the facts of their project. He noted that every landowner who signed an agreement with them remains except for one because they were released from their option due to the solar project and no other requests have been made to him or his company. He added that the tip height of the turbine that they expect to use is 492', which is only six feet higher than the highest turbine ever permitted back in 2011. He noted that the turbine today has a lower hub height, so the tower is a little bit shorter and the blades are a little bit longer. He said they have a determination from the FFA that permits them up to 499'.

Commissioner Parker asked if Perquimans and Pasquotank Counties were the first counties in North Carolina to have such a project. Mr. Poff said in 2009 he identified six sites in the coastal part of North Carolina for potential sites and throughout 2009 and 2010 they looked at land rights, transmission capacity, and environmental strengths. In June 2010, they met with the Department of Environment and Natural Resources and they put together a meeting of over thirty State and Federal Regulators and found that the desert is very unique in that it is approximately 22,000 acres and there is not a single home inside the 22,000 acres and it has adequate wind resource and transmission capacity. He noted that energy pricing has been incredibly low over the past five years, which has been very hard on the project. Commissioner Parker questioned the safety of the turbines. Mr. Poff assured her that Pasquotank County's minimum distance is one and a half times the height of the turbine to the nearest occupied dwelling, which provides safety in case the turbine falls or if there is ice on the blades that sheds. He added that they more than exceed that amount.

Commissioner Meads asked why the County has not received the permits yet. Mr. Poff stated that they will be submitted when his operating committee approves the project. He noted that there is a very large amount of papers and there is no sense in providing those until they are ready to proceed. Commissioner Meads asked who will have time to view all the permits between now and June. Mr. Poff answered that the work that will be performed in June does not require a building permit because they will not be constructing a turbine at that time. He said they still have roads to build.

Commissioner Perry asked when they plan to begin the project. Mr. Poff said they hope to begin July 1, 2015 if his Board were to approve on the timeline that he foresees today. He stated that the extension would serve as an insurance policy, meaning that he hopes they never need to use it. He said we are coming into the time of the year when there can be sustained tropic weather events creating a wet ground, which can affect the schedule.

Commissioner Sterritt asked why wind power seems to be a partisan issue. He noted that Republicans tend to be very skeptical of the project. Mr. Poff said he likes to avoid politics and religion, but he said he could tell him that the vast majority of wind farms are in congressional districts that are Republic.

Commissioner Meads said Pasquotank County has 39,000 citizens that the Board represents and he feels the Board needs to do their due diligence.

Chairman Winslow stated that there is a misconception in the public that this issue was decided very quickly. He noted that it was very involved and several months were spent on it. He said if there are any new changes or safety concerns he certainly wants to know about them.

Mr. Poff stated that as the Conditional Use Permit exists today Iberdrola can start anytime up to July 16th. He said his only request is to give them the extra flexibility. He thanked the Board for their cooperation.

Commissioner Meads asked if renewable energy will make electrical rates go back up. Mr. Poff stated that there are a variety of studies out there that indicate that renewable energy on the grid does a service to the utility rate payers by providing a continuation of volatility. He said there are less volatile spikes to the utility rates. He noted that almost eighteen months ago there was a study done that indicated that wind energy is an added asset to the grid because gas power plants could not meet the demand and people would have potentially lost power if not for wind projects operating over their expected capacity and as a result saved utility rate payers over \$1 billion.

The motion to table the request by Atlantic Wind, LLC for extension of their Conditional Use Permit carried unanimously.

Mr. Poff informed the Board that he will personally not be able to attend the meeting because he has a prior travel commitment, but he will be in touch with staff and if anyone has questions in the intervening time he will be glad to answer them.

County Manager Bunch asked if there is anything specific the Board would like for Mr. Poff to share at the next meeting. Commissioner Meads said he would like to see the permits. Chairman Winslow said he would like time to read additional information.

9. CONSIDERATION OF RESOLUTION AMENDING THE PASQUOTANK COUNTY PERSONNEL POLICY TO INCORPORATE SEVERAL CHANGES

Attorney Cox stated that the first major overhaul to the County's personnel policy was performed last April and staff is satisfied with the changes and department heads have reviewed the changes. He asked that the Board adopt the following resolution to incorporate the changes into the personnel policy:

A RESOLUTION AMENDING THE PASQUOTANK
COUNTY PERSONNEL POLICY TO
INCORPORATE SEVERAL CHANGES

WHEREAS, Chapters 126 and 153A of the North Carolina General Statutes authorize a County Board of Commissioners to adopt and implement personnel policies; and

WHEREAS, the Board of Commissioners for Pasquotank County has adopted and reinforced the county/manager form of government; and

WHEREAS, the Board of Commissioners desires to amend and continue a human resources system that provides for the recruitment, selection and continuous development of an effective workforce, responsive to the needs of Pasquotank County residents; and

WHEREAS, the Board has been presented with, has reviewed and endorses amendments to the Pasquotank County Personnel Policy (hereinafter "Personnel Policy").

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR PASQUOTANK COUNTY, NORTH CAROLINA THAT:

**Section 1. ARTICLE I. ORGANIZATION OF PERSONNEL SYSTEM –
Section 2. Coverage of the Personnel Policy is amended as follows:**

Section 2. Coverage

All employees in the County's service are subject to these policies except as specified below:

- a) Board of Commissioners
- b) This policy shall not apply to County Attorney, appointed pursuant to NCGS Sec. 153-A-114, except as specified in a contract, agreement, or Memorandum of Understanding; or otherwise required by federal or state laws and regulations.
- c) Elected Officials
- d) Members of advisory boards, governing boards and commissions and special boards, task forces, and committees.
- e) Employees of the Board of Elections, except as specified in the Memorandum of Understanding between the County and the Board of Elections adopted February 20, 2013 March 2013. (Appendix I)

The following employees shall be covered only by the specifically designated articles and sections:

(1) Employees governed by the State Personnel Act shall be subject to:

Article I	Organization of Personnel System
Article II	Recruitment and Employment
Article IV	The Pay Plan
Article V	Conditions of Employment
Article VI	Leave of Absence
Article VII	Employee Benefits
Article VIII	Disciplinary Action, Separation, and Reinstatement
Article X	Competitive Service Employees Appeal Process and Grievance Procedure
Article XI	Personnel Records and Reports
Article XII	Implementation of Policy

(2) The Supervisor of Elections shall be subject to:

Article II	Recruitment and Employment
Article III	Classification Plan
Article IV	The Pay Plan
Article V	Conditions of Employment
Article VI	Leave of Absence
Article VII	Employee Benefits
Article VIII	Disciplinary Action, Separation, and Reinstatement
Article XI	Personnel Records and Reports.

(3) Temporary employees as designated by the Board of Commissioners shall be subject to:

Article I	Organization of Personnel System
Article II	Recruitment and Employment
Article IV	The Pay Plan
Article V	Conditions of Employment
Article VI	Leave of Absence
Article IX	Grievance Procedure, Discriminatory and Adverse Action Appeal for General County Employees;

Article X	Competitive Service Employees Appeal Process and Grievance Procedure;
Article XI	Personnel Records and Reports
Article XII	Implementation of Policy

Section 2. ARTICLE I. ORGANIZATION OF PERSONNEL SYSTEM –
Section 4. Definitions of the Personnel Policy is amended as follows:

Section 4. Definitions

(Listed Alphabetically)

Adverse Action: Any act by an employer that results in an individual or group of individuals being deprived of equal employment opportunities; a demotion, dismissal, reduction in pay, layoff, or involuntary transfer or suspension.

Advisory Committee: A group or panel of internal or external members with no decision-making authority, assembled to identify and discuss specific issues and make recommendations.

Allocation: The assignment of an individual position to an appropriate salary range.

Americans with Disabilities Act: The ADA is a federal anti-discrimination law which prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training and other terms, conditions and privileges of employment. This law (covering employers with 15 or more employees) is designed to remove barriers that prevent qualified individuals with disabilities from enjoying the same employment opportunities that are available to persons without disabilities. When an individual's disability creates a barrier to employment opportunities, the ADA requires employers to consider whether a reasonable accommodation could remove the barrier.

Appointing Authority: Any board or position with legal or delegated authority to make hiring decisions.

Career Status: Means a State employee or an employee of a local entity who is covered by this Chapter pursuant to G.S. 126-5 (a) (2) ~~who:~~

- (1) Is in a permanent position appointment; and
- (2) Has been continuously employed by the State of North Carolina or a local entity as provided in G.S. 126-5 (a) (2) in a position subject to the State Personnel Act for the immediate 24 preceding months. (1995, c. 141, s. 1; 2007-372, s. 1.)

Class: A position or group of positions having similar duties and responsibilities requiring similar qualifications, which can be properly designated by one title indicative of the nature of work performed, and which carry the same salary range.

Classification Plan: A systematic plan of structuring groups of classifications in a formal method to facilitate ranking the classifications or groups of classifications with respect to their individual relationships.

Condition of Employment: An organization's policies and work rules that 'Employees' are expected to abide by in order to remain continuously employed.

Conflict of Interest: Refers to situations when an individual has ~~other competing financial,~~ professional or personal obligations or interests that interfere with his or her ability to adequately perform required duties in a fair and objective manner.

Demotion: The reassignment of an employee to a position or classification having a lower salary range than the position from which the reassignment is made.

Discrimination: Making a choice based on some subjective or objective criteria. Some discrimination is unlawful and prohibited, such as based upon race, age, gender, etc. Some is not, such as when based upon competency, education level, prior work history, etc.

EEO Log: A chronological listing that records each applicant who applies for employment or promotion. Data includes applicant's name, race, national origin, gender, referral source, date of application, job title applied for and disposition.

Emergency Position: A position in which the duties and responsibilities are required to be attended for a period of time not to exceed thirty (30) calendar days.

Employment "at will" doctrine: The law in North Carolina and many other states which allows an employee's employment with the county to be terminated at any time, for any reason (that is, without having to establish just cause) and without warning.

Equal Employment Opportunity Commission (EEOC). The federal agency which investigates and in some cases prosecutes Title VII claims (sex, race, religion, and national origin), Americans with Disabilities Act claims, and Age Discrimination (ADEA) claims.

Exempt Employee: An employee specifically exempt from the overtime compensation provisions of applicable Fair Labor Standards Act (FLSA) as defined and limited by administrative rules and regulations; these employees generally have as their primary duty management, administration, or work of a professional nature.

Family Medical Leave Act (FMLA): An act of Congress that allows eligible employees to take up to 12 weeks of unpaid leave due to serious illnesses and/or provide care for certain family members.

Twelve (12) Month FLMA: When measuring forward, an employer determines the available FMLA amount by measuring from the first date FMLA leave began. For example, Mr. Bean began his FMLA leave on Aug. 1, 2011, and he is using it intermittently to care for his wife. When Mr. Bean asks for an update on how much leave he has left on Sept. 1, 2011, the employer looks at how much leave he has used between Aug. 1, 2011 and Sept. 1, 2011. Since Mr. Bean has until Aug. 1, 2012, to use his entire 12 weeks and so far he's only used two days, he's entitled to another 58 days.

FLSA: Fair Labor Standards Act is a federal statute defining minimum wage and overtime compensation, and classifying positions as exempt or non-exempt.

Genetic Information: Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), which prohibits genetic information discrimination in employment, took effect on November 21, 2009. Includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history). Family medical history is included in the definition of genetic information because it is often used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future. Genetic information also includes an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual, and the genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

Grievance: A claim or complaint based upon an event or condition allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. A grievance may involve alleged safety or health hazards, unsatisfactory physical facilities, surroundings, materials or equipment, unfair or discriminatory supervisory or disciplinary practices, unjust treatment by fellow workers, unreasonable work quotas, or any other inequity relating to conditions of employment. A grievance does not include being turned down for promotion or transfer unless discrimination is alleged to have caused said action.

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

Hiring Rate: The salary paid an employee when hired into County service.

Immediate Family: Spouse, parent, sibling, children, grandparents, grandchildren, plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.

Lateral Transfer is movement to another position with the same salary range midpoint. A lateral transfer may occur within a department, or between departments

Longevity Plan: A plan to reward employees for faithful continuous service, based solely on longevity. Payment made one time per calendar year on the full-time employees anniversary date.

Maximum Salary Rate: The maximum salary authorized for an employee within an assigned salary grade (the last step within a grade.)

Non-Exempt Employee: An employee who is entitled to minimum wage and overtime compensation pursuant to the Fair Labor Standards Act.

Official Employment Record: A file that is maintained in the County Human Resources Department and contains information relating to the employment record of an employee, former employee or retiree of the County. Employee files and records maintained in the departments are a part of the employee's official employment record.

Pay Plan: A schedule of pay ranges systematized into sequential rates including minimum, standard job rate and maximum steps for each class assigned to any given salary range.

Performance Evaluation: An annual or periodic review and evaluation of an individual's job performance.

Performance Evaluation Increase: A variable pay strategy that pays employees based on their individual performance and contributions, rather than the value of the job they are performing.

Personnel Advisory Appeals Committee: Committee with a continued existence, formed to ~~do~~ do assigned work on an ongoing basis.

Position: A group of current duties and responsibilities, assigned by competent authority, requiring the full or part-time employment of one person, but the existence of a position or its identity does not depend upon it being occupied by an employee.

Position Classification Plan: A plan approved by the Board of County Commissioners that assigns classes (positions) to the appropriate pay grade.

Prior Pasquotank County Service: Pasquotank County service is defined as prior employment in a regular position in any department or agency of Pasquotank County Local Government. Prior service credit will be recognized for accrued sick leave and longevity calculation only.

Probationary Employee: A person appointed to a regular position who has not completed the probationary period.

Probationary Period: The required period of time an employee serves before obtaining regular status when entering County service; normally six (6) months.

Promotion: The reassignment of an employee to an existing position or classification in the County service having a higher salary range than the position or classification from which the reassignment is made.

Range Revision: When one or more salary grades are assigned a different minimum and/or maximum salary range, or when a classification is assigned a new pay grade.

Reclassification: The reassignment of an existing position from one class to another based on changes in job content such as duty, kind, difficulty, required skill and responsibility of the work performed.

Reductions in Force: An employer's program to cut the number of positions employed at a specific work location or county wide.

Regular Position: A position which has been approved by the Board of County Commissioners and in which the duties and responsibilities are required to be attained on a continuous and annually recurring basis, normally requiring full-time employment of an individual. Exceptions to full-time employment are where the recurring duties and responsibilities of a permanent position can be less than a regular workday and/or work week.

Retaliation: Action or conduct intended to punish or deter workers from seeking or invoking protection under state or federal employment laws.

Salary Grade: All positions which are sufficiently comparable to warrant one range of pay rates. For the purpose of this definition, the words "grade," "salary range," "level" and "range" are used interchangeably.

Salary Plan: A schedule of pay ranges systematized into sequential rates including minimum, intermediate and maximum steps for each class assigned to any given salary range.

Salary Plan Revision: The uniform raising and lowering of the salary ranges of every grade within the salary plan.

Salary Range: The hiring (minimum), standard job rate and maximum salary for a given classification.

Salary Range Revision: The raising or lowering of the salary range for one or more specific classes of positions within the classification plan.

Salary Schedule: A listing by grade and step of all the approved hiring, maximum, standard job rate and minimum salary ranges authorized by the Board of County Commissioners for various position classifications of County government.

State Personnel Act: North Carolina General Statute 126, which governs employees covered by State personnel policies. In the event that Pasquotank County's Employee Personnel Policies conflict with state personnel policies for employees subject to the State Personnel Act, state personnel policies established under the State Personnel Act will prevail.

Sexual Harassment: Offensive conduct which is directed at a worker due to the worker's gender. Such conduct is actionable if it affects the worker's employment performance.

Temporary Full-Time Position: A position which the duties and responsibilities are required to be attended for a specific short period of time, normally not to exceed twelve(12) months and may or may not require attendance by a person for a full workday and/or work week.

Termination: The ending of the employer/employee relationship. Terminations may be voluntary, such as when the employee resigns to pursue another opportunity. Terminations may also be involuntary, such as when initiated by the employer for economic, performance, disciplinary, or other reasons.

Trainee: An employee designated as such, appointed to a position in any class for which the Department Head and Human Resources Director has authorized "trainee" appointments. An individual may not be appointed as a trainee if he/she possesses the acceptable training and experience for the regular class and must be appointed to the regular class when he/she gains the acceptable training and experience. A trainee must be paid at a rate below the minimum of the regular class.

Transfer: The reassignment of an employee from one position or department to another.

Work-Against Appointment: When qualified applicants are unavailable and there is no training provision for the classification of the vacancy, the appointing authority may appoint an employee below the level of the regular classification in a work-against situation. A work-against appointment is for the purpose of allowing the employee to gain the qualifications needed for on-the-job experience. The appointee must meet the minimum education and experience standard of the class to which initially appointed. A work-against appointment may not be made when applicants are available who meet the education and experience requirements for the position.

Section 3. ARTICLE I. ORGANIZATION OF PERSONNEL SYSTEM – Section 10. Personnel Advisory Committee of the Personnel Policy is amended as follows:

Section 10. Personnel Advisory Appeals Committee

The County Board of Commissioners shall appoint a Personnel Appeals Committee consisting of three (3) members and two (2) alternates. Members of the Personnel Appeals Committee shall serve two (2) year terms. Members shall be appointed by the County Board of Commissioners at their first regular meeting in January of each year following an election. A member of the Personnel Appeals Committee may be removed by the Board of Commissioners for failure to fulfill the duties of their appointment or any other reason in the discretion of Board of Commissioners. Vacancies in an unexpired term shall be filled by the County Board of Commissioners by appointment for the remainder of the term.

Each member of the Personnel Appeals Committee shall be a qualified voter of the County.

As necessary, the Personnel Appeals Committee shall elect one of its members as chairperson, who shall preside at all meetings and shall be responsible for calling all such meetings. Meetings shall be held from time to time as necessary, and two members shall constitute a quorum. Members of the Personnel Appeals Committee shall serve without compensation. The County Clerk shall serve as official secretary to the Personnel Appeals Committee and shall perform such duties as the Personnel Appeals Committee may direct.

Section 4. ARTICLE II. RECRUITMENT AND EMPLOYMENT – Section 12. Medical Examination of the Personnel Policy is amended as follows:

Section 12. Medical Examination

Any applicant, after being offered employment by the County, ~~may shall~~ be required to undergo a medical examination and drug testing for the purpose of determining fitness for the position. Such examination shall be at the expense of the County and by a Health Care Provider selected by the County (pending funding availability). An individual who cannot pass the required testing shall not be eligible for continued employment, and the job offer shall be withdrawn.

The County also reserves the right to require a current employee to undergo a medical examination for the purpose of determining fitness for the duty, or to determine the need or propriety of accommodations for qualified individuals with a disability. Any such examination shall be at the expense of the County and by a Health Care Provider selected by the County (pending funding availability). An individual who cannot pass the required testing shall not be eligible for continued employment in that position.

Section 5. ARTICLE II. RECRUITMENT AND EMPLOYMENT – Section 18. Interim Appointments of the Personnel Policy is amended as follows:

Section 18. Interim Appointments

Employees serving in an interim or acting capacity may receive a pay increase from a one (1) percent up to a ten (10) percent pay-increase-in base pay or an increase to the minimum rate of the new pay range, whichever is higher, as long as the increase is consistent with the pay plan, and the new pay rate does not exceed the maximum pay rate established for the pay range. Any increase received by an employee for functioning in an interim or acting capacity will cease when the employee no longer functions in that capacity. Employees serving in an acting capacity may be compensated up to a maximum of six (6) months.

Section 6. ARTICLE II. RECRUITMENT AND EMPLOYMENT – Section 24. Probationary Period of Employment of the Personnel Policy is amended as follows:

Section 24. Probationary Period of Employment

The probationary period is intended to give new employees the opportunity to demonstrate they will be able to satisfactorily perform their jobs and to determine whether the new position meets their expectations. Pasquotank County uses this period to evaluate employee capabilities, work habits, and overall performance. Throughout any probationary period, the employment remains terminable at will by the County or employee.

Pasquotank County requires all employees to serve a probationary period. When a new employee is appointed to a position or when existing employees are promoted, transferred, or demoted the probationary period is regarded as an integral part of the selection process. It affords the employee an opportunity to become acquainted with the new position and provides the County with a period of time during which the employee's work will be closely evaluated.

All new and rehired employees shall serve a six (6) month probationary period. Employees hired under competitive services shall also serve a six (6) month probationary period unless the employee is hired in a position for which that employee has already served the probationary period. An employee serving a probationary period following initial appointment may be dismissed at any time during the probationary period with no appeal rights (except in the case of alleged discrimination) if found to be performing assigned duties unsatisfactorily or exhibiting unacceptable personal conduct, or for any other reason considered detrimental to the employment unit or to operations of the employing unit.

All regular employees required to work ~~more than~~ **1,000** hours or more hours per year, after having satisfactorily completed the probationary period, ~~shall receive benefits of participation will be eligible to participate~~ in the retirement system. All regular employees serving the probationary period shall receive the benefits of holidays, sick leave and vacation leave commencing with the date of employment.

Any employee that previously worked full-time for twelve (12) continuous months for Pasquotank County and left service in good standing, or transferred from the State or another county in North Carolina, may qualify for regular status and thereby be eligible immediately for entry into the retirement system.

During the probationary period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security. They may also be eligible for other County provided benefits, subject to the terms and conditions of each benefits program.

During the probationary period, regular conferences will be held with the employee and documented in writing.

In the case of competitive services employees, the Director of Social Services will follow procedures as specified by the North Carolina Personnel Commission,

The probationary period may be extended beyond the six (6) month period by the appointing authority. Rejection of entry into the retirement system may accompany the extended probationary period if determined to be appropriate. No person shall remain on probation for more than one year. Under no circumstances will the probationary period be shortened.

Section 7. ARTICLE III. CLASSIFICATION PLAN – Section 1. Adoption of the Personnel Policy is amended as follows:

Section 1. Adoption

The position classification plan, ~~as set forth in Appendix 3~~ is hereby adopted as the position classification plan for the county.

Section 8. ARTICLE IV. THE PAY PLAN – Section 1. Adoption of the Personnel Policy is amended as follows:

Section 1. Adoption

The schedule of salary ranges and class titles assigned to salary ranges, ~~as set forth in Appendix 4~~, is hereby adopted by the Board of Commissioners as the pay plan for the county.

Section 9. ARTICLE IV. THE PAY PLAN – Section 11. Overtime of the Personnel Policy is amended as follows:

Section 11. Overtime

“Overtime” means that work performed by an employee which exceeds the number of hours set forth in **Article V; Section 1** as constituting the established work week for the employee's position. Sick leave, annual leave, holidays taken during a work week, and other time not actually worked by the employee shall not count as hours worked.

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 overtime will be compensated with overtime pay at the rate of one and one-half times the overtime hours worked provided that:

- (a) *The work is of an unusual, unscheduled, or emergency nature and is directed by the Department Head or the authorized representative of the Department Head;*
- (b) *The position is not classified as an exempt position administrative, professional or managerial under the provisions of the Fair Labor Standards Act;*
- (c) *The employee actually works over 40 hours in that work week (or, for public safety ~~and~~ EMS employees over 177 hours in a 28 day cycle) with the authorization and knowledge of their supervisor.*

Department Heads are encouraged to grant time off during the work week as necessary whenever possible to minimize any paid overtime.

Employees are prohibited from working overtime except when expressly authorized by their supervisor. Employees who violate this are subject to disciplinary action.

The County has the right to adjust work schedules to reduce overtime needs-situations and stay within the budget constraints.

Compensatory Time

Only employees in competitive service positions under the State Personnel Act are eligible to receive compensatory time. Compensatory time may be granted in lieu of overtime pay if requested by the employee and approved by the Director of their designee in advance. Non-exempt employees will be credited with compensatory time at the rate of one and half (1½) times the “amount of hours worked” over their respective overtime thresholds. ~~Exempt employees will be credited at the rate of one (1) times the “amount of hours worked” over 40 hours in a workweek.~~ Sick leave, annual leave, holidays, or any other time off in a work period will not count toward computing compensatory time. In no event may an employee accumulate over 480 hours of compensatory time.

Upon separation from County service, a non-exempt employee ~~who has~~ shall be paid for any accumulated compensatory time ~~shall be paid~~ at the employee's current rate of pay in the last payroll.

Employees may request and use compensatory leave time off in the same manner as other leave requests. However, compensatory time must be exhausted before any other type of paid leave can be used. Employees will be permitted to use such time off within a “reasonable period” if use of the compensatory time off does not “unduly disrupt” the operations of the department. Department Heads will be responsible for administering the compensatory policy by allowing employees to take accrued compensatory time in a timely manner so that compensatory time will not accrue to excessive levels. The Department Head shall require an employee to use compensatory time for any absence. All compensatory time shall be marked as such on official timesheets, both when it is earned and when it is taken. The employee will be responsible for providing an accurate accounting of compensatory time earned and taken, and the Department Head, or their designee, will sign off on all timesheets with compensatory time entries.

Section 10. ARTICLE IV. THE PAY PLAN – Section 15. Travel Expenses of the Personnel Policy is amended as follows:

Section 15. Travel Expenses

~~No allowances or supplements in any form or from any source shall be paid to any employee for travel expense, subsistence, automobile expense or depreciation or any other expense unless the same type and kind of additional allowance or supplement shall be paid to all employees of the agency having or incurring substantially similar expense in the performance of their official duties. When attending a required job-related function, the employee shall receive reimbursement for subsistence, mileage, and any related expenses upon documentation by receipts and approval by the Department Head regardless of the location of the function.~~

~~The amounts allowed for mileage reimbursement and subsistence shall be determined annually by the Board of Commissioners. When an employee is required to attend any function on behalf of the County where expenses would exceed the subsistence allowance the employee may receive reimbursement for actual expenses with approval of the Department Head as documented by receipts.~~

~~Refer to travel policy approved by County Commissioners.~~

Section 11. ARTICLE IV. THE PAY PLAN – Section 17. On-Call Pay of the Personnel Policy is amended as follows:

Section 17. On-Call Pay – Non Exempt Employees Only

Pasquotank County provides compensation for an employee who must remain available to be called back to work on short notice if the need arises. (If an employee must remain on the property or so near that time cannot be used freely, it is not considered on-call time but is recorded as work time.) The Board of Commissioners' will determine the rate of compensation for on-call pay.

Section 12. ARTICLE V. CONDITIONS OF EMPLOYMENT – Section 1. Workweek of the Personnel Policy is amended as follows:

Section 1. Workweek

The standard workweek runs from **12:01** AM Monday until **12:00** midnight Sunday. Full-time non-exempt employees normally work five (5) eight (8) hour days per workweek and are subject to the overtime provisions set forth in **Article V Section 11 and the Fair Labor Standards Act.**

Emergency Medical Service (EMS) workweek:

- The workweek for full-time Emergency Medical Service (EMS) 8 hour, 12 hour employees falls between 4:00 AM Sunday to 3:59 AM the following Sunday.
- The workweek for Emergency Medical Service (EMS) 24 hour and part time employees falls between 4:00 AM Monday and 3:59 AM the following Monday.

Central Communication (911) workweek:

- The normal workday for full time Central Communications employees is 12 hours starting at 7:00 AM and ending at 7:00 PM.
- The workweek for full time Central Communications employees starts at 7:00 AM Sunday and ends at 6:59 AM the following Sunday.

Law Enforcement Officers work period:

- Law enforcement officers shall must work 171 hours in a designated 28 day work period before becoming subject to overtime provisions.

Employees in administrative, professional or managerial positions that are exempt from the overtime requirements of the Fair Labor Standards Act (“exempt employees”) shall work the number of hours necessary to assure the satisfactory performance of their duties. ~~Law enforcement officers shall work 171 hours in a 28-day work period before becoming subject to overtime provisions.~~

When the activities of a particular department require some other schedule to meet work needs, the County Manager may authorize a deviation from the normal schedule.

Section 13. ARTICLE V. CONDITIONS OF EMPLOYMENT – Section 2. Timesheets of the Personnel Policy is amended as follows:

Section 2. Timesheets

All employees are required to submit Monthly time sheets to the Human Resources Office. Time sheets must accurately reflect the hours actually worked and any leave taken, and be signed by both the employee and supervisor before submitting to the HR Office. Time sheets must be turned in by the 3rd working day of each month for the previous month.

Mandatory electronic payroll deposit is required for all County employees. It is the responsibility of the employee to properly complete and submit their time sheet to the Department Head.

Section 14. ARTICLE V. CONDITIONS OF EMPLOYMENT – Section 8. Harassment of the Personnel Policy is amended as follows:

Section 8. Harassment Sexual and Other Unlawful Harassment

Sexual and Other Unlawful Harassment

A. The County has a zero tolerance policy against any form of discrimination and unlawful harassment. Actions, words, jokes or comments based on an individual’s sex, race, ethnicity, age, religion or any other legal protected characteristic will not be tolerated.

“Harassment” is verbal, physical, visual or written conduct that denigrates, ridicules, shows hostility or aversion toward an individual due to their age, gender, sexual orientation, race, color, religion, national origin, marital status, disability, or political affiliation with the purpose or effect of creating an intimidating, hostile, or offensive work environment or interfering with an individual’s work performance or otherwise adversely affects an individual’s employment opportunities. Harassing conduct includes, but is not limited to epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts toward another based upon race, sex, age, color, religion, national origin, disability or political affiliations.

B. Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, sexual discussions or comments and other verbal or physical conduct of a sexual nature when:

1. submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment;
2. submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an employee’s work or performance or creating an intimidating, hostile or offensive environment.

Examples of sexual harassment include, but are not limited to deliberate, unwelcome touching; suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats; pressure for sexual activity; continued or repeated offensive sexual flirtations, advances or propositions; continued or repeated verbal remarks about an individual’s body, physical characteristics; or sexuality; sexually degrading words used towards an individual or to describe an individual; or the display in the workplace of sexually suggestive objects or pictures. Sexual harassment does not include personal compliments welcomed by the recipient or social interactions or relations freely entered into by employees or prospective employees.

- C. Any other act of harassment as defined in this policy that is demeaning to another person or group of persons, undermines the integrity of the employment relationship, or creates a hostile or offensive working environment is strictly prohibited.
- D. Any employee who feels they have experienced or witnessed an incident of sexual or other unlawful harassment must promptly report the matter (preferably in writing) to his or her supervisor. If the supervisor is unavailable or the employee believes it would be inappropriate to contact that person, the employee should immediately contact the County Human Resources Director. If the employee believes it would be inappropriate to contact the County Human Resources Director, then the employee should contact the County Manager.

Supervisors and Managers who receive a sexual harassment complaint are to contact the Human Resources Director immediately. All complaints will be investigated promptly, impartially and discreetly, and upon completion of the investigation the appropriate County parties will be notified immediately of the findings. Any employee/manager who has been found to have unlawfully harassed an employee will be subject to appropriate corrective and disciplinary action, up to and including termination. The County will take reasonable and necessary steps to correct, prohibit or remedy the harassment or discrimination and to protect the complaining employee against further harassment or discrimination. No employee will suffer retaliation for reporting in good faith instances of unlawful harassment including sexual harassment.

Any employee engaging in conduct prohibited by this policy will be subject to disciplinary action, up to and including termination.

E. Claims of harassment may arise out of a consensual or romantic relationship between employees. As such, the County discourages such relationships between coworkers. (See Employee Anti-Fraternalization Policy Article VI Section 11) Moreover, if coworkers are in a direct or indirect supervisory-subordinate relationship, a romantic involvement can undermine the Supervisor's credibility and create impressions of unfairness or favoritism among other employees. While any such relationship may be voluntary and consensual, one of the parties may later claim that certain actions were unwelcome, particularly if the relationship should later end. The County expects a manager or supervisor will not establish or maintain a romantic relationship with an employee that is in their sphere of supervisory responsibility, either directly or indirectly. An employee who wishes to establish or pursue a romantic relationship with another employee and also have a supervisory or subordinate relationship must inform their Department Head. Upon such notification, the County will attempt to reassign one or both of the employees to mitigate a potential conflict of interest. Employees are expected to act responsibly and maintain a professional working environment free of discrimination or harassment allowing each employee to perform to their maximum potential. The County encourages employees to bring forth questions they may have regarding this type of discrimination to the Human Resources Director.

F. Any employee who believes they may have been the object or subject of unlawful harassment may pursue four alternative complaint procedures.

The following alternatives shall apply:

- 1. First Step.** Whenever possible the first action of the employee should be to tell the person who is offending him/her that the behavior is offensive and should stop. (Since offensive behavior often is not intended as unlawful harassment, informing the individual that their behavior is offensive, and instructing them to stop, often resolves the problem). If the offensive behavior does not stop, the employee should go to Step 2.
- 2. Second Step.** The employee should notify their immediate supervisor of the situation. The immediate supervisor must immediately report the matter to the Human Resources Director and in consultation with the Human Resources Director investigate the matter and take corrective action. Supervisors and Department Head who receive any unlawful harassment complaint are to contact the Human Resources Director immediately. The Human Resources Director in consultation with the County Manager may retain an outside third party, Consultant or attorney, to conduct the investigation to avoid allegations of bias.
- 3. Second Step Alternative.** If the complaint of harassment is against the immediate supervisor, the employee should report the situation to their Department Head and the

Human Resources Director. The Department Director must immediately contact the Human Resources Director to discuss appropriate action to investigate the allegation. The Human Resources Director is responsible for conducting an investigation of the matter. The Human Resources Director in consultation with the County Manager may retain an outside third party, consultant or attorney, to conduct the investigation to avoid allegations of bias. Pending the findings of the investigation, the Human Resources Director shall recommend corrective action and/or action to the County Manager and Department Director. If the allegation is against the Department Director, the employee should follow Number 4.

4. At any point in the process, the employee may report the situation to the Human Resources Director who shall assume immediate responsibility for investigating the situation and recommending appropriate corrective action to the County Manager.

G. If an allegation of harassment is against the County Manager, the County Attorney, or an elected official, the complaint should be filed with the Chairman of the Board of County Commissioners. The Chairman of the Board will personally investigate the complaint or designate a representative to conduct the investigation and advise the employee and Board of County Commissioners of the outcome of the investigation.

H. Reports of unlawful harassment made in bad faith shall be subject to disciplinary action.

I. This Unlawful Harassment Policy applies to all officials and employees of Pasquotank County, including, but not limited to: full and part-time employees, elected officials, permanent and temporary employees, employees covered or exempted from personnel rules or regulations, and employees working under contract for the County. This Policy will be distributed to all employees of the County. Every employee will be required to acknowledge his or her receipt of this policy in writing. A copy of that acknowledgment shall be kept in the permanent personnel file. Department Heads and supervisors shall also be responsible for insuring that all employees under their direction are familiar with this Policy.

J. Employees are obligated to report instances of unlawful harassment, even if they are not the victim. Failure to report such experienced or observed behavior may result in disciplinary action. Employees must also cooperate in every investigation of unlawful harassment, including, but not limited to: coming forward with evidence, whether favorable or unfavorable to a person accused of harassment; and fully and truthfully answering questions during the course of an investigation. Withholding information or assertions of "I don't want to get involved" or similar statements will not be tolerated and may result in disciplinary actions.

K. All employees shall maintain confidentiality regarding an allegation and/or investigation of unlawful harassment and shall not discuss the allegation or details of the investigation with other employees or other persons. Unlawful harassment allegations and investigations are confidential personnel matters and information about such shall not be shared with anyone other than those conducting the investigation. All records placed in the personnel file are protected by the guidelines established in **Section 153A-98 of the General Statutes of North Carolina**.

Section 15. ARTICLE VI. LEAVES OF ABSENCE – Section 8. Pay out of Accumulated Vacation Leave and Repayment of Annual Leave of the Personnel Policy is amended as follows:

Section 8. Pay out of Accumulated Vacation Leave and Repayment of Annual Leave

An eligible employee who is separated for reasons other than failure in performance of duties or personal conduct (refer to "Article VIII. DISCIPLINARY ACTION. SEPARATION AND REINSTATEMENT") shall be paid for vacation leave accrued to the date of separation not to exceed a maximum of 240 hours, provided the employee has been employed with the County for six (6) months. Employees that separate as a result of failure in performance of duties or personal conduct forfeit all unpaid accrued vacation leave. Any annual leave owed the county shall be deducted from the employee's final compensation.

Section 16. ARTICLE VI. LEAVES OF ABSENCE – Section 21. Donated Leave of the Personnel Policy is amended as follows:

Section 21. Donated Leave

A. The purpose of voluntary shared leave is to provide economic relief for employees who are likely to suffer financial hardship as a result of a prolonged absence caused by serious medical conditions.

Only regular status full-time or regular part-time employees are eligible to donate and/or receive donated leave. To receive donated leave, the employee at the time of receipt, must have no more than 80 hours (10 days) of sick and annual leave combined. Employees can only donate annual leave.

B. The Voluntary Shared Leave Donation Policy shall apply to only serious medical conditions suffered by the employee or immediate family members as defined in the Definition of Terms.

C. An employee wishing to donate leave to another employee must complete a Voluntary Shared Leave Donation of Leave Form with the employee's signature and forward to the Human Resources office.

D. To be eligible to donate annual leave to another employee, an employee must have in excess of eighty (80) hours of earned annual leave. A donating employee may not donate annual leave in excess of the amount that could be earned in one year. An employee may not reduce his or her annual leave balance below eighty (80) hours.

FE. All leave donations must be made to a designated employee and may not be donated to a pool or bank. If the designated employee does not use all the donated leave the balance will be donated to a pool or bank.

GF. All donations of leave, and the amount of hours donated, must be signed by the donating employee with the name of the employee to receive the donation of leave clearly visible and legible on the donation form.

HG. The donating employee may not receive compensation in any form for the donation of leave. Acceptance of remuneration for donated leave may result in dismissal.

JH. ~~All donated leave must be used in eight (8) hour units. Holidays falling during the period of the use of donated leave will be paid as full time for regular full time employees, or prorated for regular part time employees. An employee receiving donated leave will continue to earn annual leave and accrue sick leave as long as they remain in pay status and using donated leave.~~

Section 17. ARTICLE VII. EMPLOYEE STATUTORY AND VOLUNTARY BENEFITS – Section 2. Group Health Insurance of the Personnel Policy is amended as follows:

Section 2. Group Health Insurance

The County shall make available to all regular employees medical insurance coverage. To be eligible an employee must be scheduled for forty (40) hours of work per week. Employees shall be enrolled in the program in accordance with the provisions of the insurance contracts and on the first day of the month following a waiting period.

Example: An employee is hired June 1. The coverage would be effective July 1.

An employee is hired June 2. The coverage would be effective August 1

Coverage ends the last day of the month if you retire, terminate, or resign.

Example: Employees employment ends on June 1. The coverage ends on June 30.

Deductions shall be allowable, at the option of the employee, to provide medical coverage for dependents in accordance with the provisions of the insurance contracts.

Section 18. ARTICLE VIII. DISCIPLINARY ACTION, SEPARATION AND REINSTATEMENT – Section 3. Dismissal of the Personnel Policy is amended as follows:

Section 3. Dismissal

Dismissal occurs after all phases of the disciplinary process (referred to herein as "Article VIII. DISCIPLINARY ACTION, SEPARATION AND REINSTATEMENT") have been exhausted and there is no correction of the problem or situation which created the need for intervention. Dismissal should be imposed by a written notice which includes the specific reasons for dismissal and the employee's right of appeal.

A trainee, temporary, provisional, probationary or introductory employee may be dismissed by the appointing authority at any time due to work performance or personal conduct. Employees in this category do not have rights of appeal to the State Personnel Commission in the case of competitive services employees or to the County Commissioners in the case of all other county employees.

Any Social Services employee may be warned, demoted, suspended or dismissed by the appointing authority who is the Director of the Agency. The degree and type of action in the disciplinary process shall be based on sound and considered judgment of the appointing authority in conjunction compliance with the policies, rules and regulations of the State Personnel Act in the case of competitive services employees and the personnel ~~and~~ employee policy.

All other county employees may be counseled, reprimanded, warned or suspended by the head of the respective department or County Manager. Any county employee may be demoted or dismissed by the respective department head with the approval of the County Manager. County department heads may be disciplined by the County Manager with the exception of the Sheriff, and Register of Deeds who are elected officials and the Director of the Department of Social Services who is selected, supervised and dismissed by the Social Services Board.

Section 19. ARTICLE VIII. DISCIPLINARY ACTION, SEPARATION, AND REINSTATEMENT – Section 4. Suspension of the Personnel Policy is amended as follows:

Section 4. Suspension

Any employee may be suspended for either investigatory or disciplinary reasons. Suspension is usually without pay and provides a time for "cooling off," to investigate or establish the facts of a situation and to reach a decision concerning an employee's status.

Suspension may be used to avoid undue disruption of the workplace or to protect the safety of persons or property. The employee is informed in writing of specific acts or omissions that are the reasons for the suspension and the employee's right of appeal of a disciplinary suspension. There shall be no right of an appeal from an investigatory suspension.

An employee who is suspended shall be relieved temporarily of all duties and responsibilities. The employee shall be notified at once and requested to leave the county property and remain away until further notice. The department head shall notify the County Manager immediately. The Social Services Director may choose to notify the Social Services Board as well as the office of the County Manager. A written summary shall be provided to the employee in person when possible and a copy filed in the employee's record. When this is not feasible, the written notice shall be delivered to the employee by U.S. mail or overnight delivery service at the last known address. This notice should include beginning date of suspension, reasons for action, and brief descriptions of plans/procedures for problem resolution, dates and details of actions taken, and appropriate signatures. All correspondence and necessary documentation will be filed in the employee's record.

An investigatory suspension without pay should not exceed forty-five (45) calendar days unless the county department, in the exercise of its discretion, extends the period of investigatory suspension without pay beyond the forty-five (45) days limit. The employee must be informed in writing of the extension, the length of the extension, the specific reasons for the extension and the right of appeal.

If no action has been taken by management at the end of the forty-five (45) calendar days, one of the following must occur:

- a. reinstatement of the employee with some or all of the suspension period being designated as a disciplinary action
- b. appropriate disciplinary action based on the results of the investigation

- c. reinstatement of the employee with full or partial back pay
- d. extension of the suspension

Such determination is based upon management's determination of the degree to which the employee was responsible for or contributed to the reasons for suspension.

An employee may be suspended without pay for disciplinary purposes for causes relating to any form of personal conduct or in conjunction with a written warning for unsatisfactory performance of duties. A disciplinary suspension without pay must be for at least one full working day.

Failure of the employee to report back to work when requested or at the expiration date will be considered to have terminated his employment, and any subsequent reinstatement or re-employment would be on the basis of new employment.

These amendments are effective upon adoption.

ADOPTED this 4th day of May, 2015.

10. CONSIDERATION OF PROCLAMATION DECLARING MAY 2015 TO BE OLDER AMERICANS MONTH IN PASQUOTANK COUNTY

The Board has been requested to proclaim May 2015 to be Older Americans Month.

**PROCLAMATION
OLDER AMERICANS MONTH 2015**

Whereas, Pasquotank County includes a thriving community of older Americans who deserve recognition for their contributions and sacrifices to ensure a better life for future generations; and

Whereas, Pasquotank County is committed to helping all individuals live longer, healthier lives in the communities of their choice for as long as possible; and

Whereas, since 1965, the Older Americans Act has provided services that help older adults remain healthy and independent by complementing existing medical and health care systems, helping prevent hospital readmissions, and supporting some of life's most basic functions, such as bathing or preparing meals; and

Whereas, these programs also support family caregivers, address issues of exploitation, neglect and abuse of older adults, and adapt services to the needs of Native American elders; and

Whereas, we recognize the value of community engagement and service in helping older adults remain healthy and active while giving back to others; and

Whereas, our community can provide opportunities to enrich the lives of individuals of all ages by:

- Promoting and engaging in activity, wellness, and social inclusion.
- Emphasizing home- and community-based services that support independent living.
- Ensuring community members of all ages benefit from the contributions and experience of older adults.

Now therefore, the Pasquotank County Board of Commissioners does hereby proclaim May 2015 to be Older Americans Month. We urge every resident to take time this month to celebrate older adults and the people who serve and support them as powerful and vital individuals who greatly contribute to the community.

Dated this 4th day of June, 2015

Motion was made Cecil Perry, seconded by William Sterritt to adopt the resolution amending the Pasquotank County Personnel Policy and to proclaim

May 2015 to be Older Americans Month in Pasquotank County. The motion carried.

11. REPORT FROM COUNTY MANAGER:

County Manager Rodney Bunch informed the Board that he received an e-mail from Mr. Marc Finlayson, with the Highway 17 Association advising the County that Representative Butterfield's office has submitted a Bill to designate "Future Interstate 44" from Raleigh to Norfolk. He said if the Bill were to become law the Federal Highway Administration and NCDOT could post the blue shield of interstate highway along the route. The designation would signal the interest of FHWA and NCDOT to invest resources into bringing the facility up to interstate standards in a timely fashion and could qualify "Future Interstate 44" for additional federal dollars that N.C. would not receive otherwise.

12. REPORTS FROM COUNTY COMMISSIONERS:

Commissioner Sterritt said he and other member of the Social Services Board would like for each member of the Board to have a copy of a letter dated October 16, 2014 that was signed by former Chairman Jeff Dixon. He passed a copy of the letter to each Board member and said that it can be used as a means of information for upcoming discussions on pay raises.

Commissioner Meads reported that he ran into a lady the other day at NC East who would like to build a Blackbeard Slew Adventure and use it as a museum and move it up and down the coast. She would like to use it as a tax-exempt Maritime Education Organization. He said she feels it will bring tourist to Eastern North Carolina.

Commissioner Perry reported that the State Board of the Baptist Association is going to meet tomorrow at Elizabeth City State University, which means there will be a lot of visitors in town.

Chairman Winslow reported that he and County Manager Bunch will be going to Raleigh on Wednesday for County Assembly Day and they will be looking at a number of different issues related to our region. County Manager Bunch reported that there is an additional spot available if anyone would like to join them on the trip.

Attorney Cox asked for a motion that the Board enter Closed Session to preserve the attorney-client privilege.

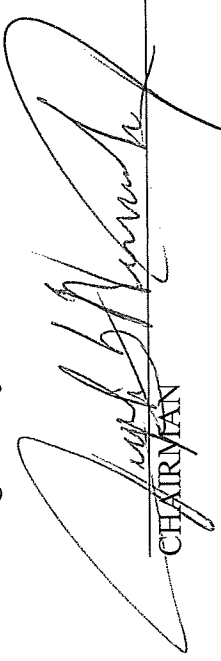
Motion was made by Frankie Meads, seconded by Cecil Perry that the Board enter Closed Session to preserve the Attorney-Client privilege. The motion carried.

Upon the end of Closed Session;

Motion was made by Bettie Parker, seconded by Jeff Dixon that the Board return to Regular Session. The motion carried.

Chairman Winslow asked for a motion to adjourn the meeting.

Motion was made by Cecil Perry, seconded by Bettie Parker to adjourn the meeting. The motion carried and the meeting was adjourned at 8:36 PM.



CHAIRMAN



ASSISTANT CLERK TO THE BOARD