

**IREDELL COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
NOVEMBER 1, 2005**

The Iredell County Board of Commissioners met in Regular Session on Tuesday, November 1, 2005, at 7:00 P.M., in the Iredell County Government Center (Commissioners' Meeting Room), 200 South Center Street, Statesville, NC.

Present were:

Sara Haire Tice, Chairman
Vice Chairman Godfrey Williams
Steve Johnson
Marvin Norman
Ken Robertson

Staff present: Deputy County Manager Susan Blumenstein, County Attorney Bill Pope, Enforcement and Planning Director Lynn Niblock, Planning Supervisor Steve Warren, Planner Richard McHargue, and Clerk to the Board Jean Moore.

CALL TO ORDER by Chairman Tice.

INVOCATION by Commissioner Robertson.

PLEDGE OF ALLEGIANCE

ADJUSTMENTS OF THE AGENDA: **MOTION** by Chairman Tice to approve the following agenda adjustments.

- Additions:
- Request for Approval to Close the Tax Offices on Thursday, December 8 and Friday, December 9, 2005 To Effect the Move to the New Office on Water Street, Statesville, NC
 - Request for Approval to Allow Crossroads Behavioral Healthcare to Sub-lease County Facilities Located at Hwy. 21, Statesville, NC and East Center Avenue, in Mooresville, NC to Crossroads' Service Providers
- Deletion:
- Kenneth Byrd, the Agent for Valorie S. Byrd, has Submitted a Letter Requesting that Rezoning Case No. 0510-4 be Withdrawn from the Docket
 - Update from Crossroads Behavioral Healthcare Director David Swann (Mr. Swann provided an update at the briefing session.)

VOTING: Ayes – 5; Nays – 0.

APPOINTMENTS BEFORE THE BOARD

Year End Report from the Region F Aging Advisory Committee: Aging Specialist Gayla Woody, with the Centralina Council of Governments, along with Council on Aging Executive Director Anna Rice, and Region F Aging Alternate Member Victor Crosby, attended the meeting to present the FY 04-05 report. Woody presented aging demographics and encouraged the board members to help create “senior friendly communities.” She said this type of community had a wide range of social and economic opportunities, and they (1) valued older adults' contributions (2) promoted positive intergenerational relations (3) considered the needs of older adults in the physical and community planning (4) respected the rights of older adults to live independently, and (5) acknowledged the primary role of family to enhance the capacity for caring. Woody said the top ten things that county boards/city councils could do for senior citizens were as follows:

- ▶ redevelop downtown areas
- ▶ improve walk ability
- ▶ support care giving
- ▶ recognize senior friendly entities
- ▶ assess senior-friendliness of county/city services
- ▶ assure adequate transportation
- ▶ assure adequate emergency services and disaster special needs sheltering
- ▶ develop information and assistance programs
- ▶ assure strong health and human services
- ▶ offer meaningful activities/programs

Presentation from Patrick Beggs Watershed Education for Communities and Officials' Project Coordinator, through the North Carolina Cooperative Extension: Patrick Beggs and Christy Perrin, both employed by the Cooperative Extension Office (Raleigh, NC) provided a PowerPoint presentation on local watershed recommendations with special focus on the Coddle Creek Watershed. Mr. Beggs mentioned that a watershed was all of the land that drained to a particular point along a waterway. During the presentation, Beggs provided recommendations on how to (1) meet the needs of future development (2) preserve the quality of natural resources already present, and (3) restore degraded watershed functions. He said there were threats (elevated fecal coliform and aluminum/iron) to water quality as well as to plant/animal habitat functions. Beggs provided the following nine recommendations for watershed improvements.

- Incorporate the Watershed Management Plan into comprehensive planning initiatives.
- Develop a land use plan for the Upper Coddle Creek Watershed to protect drinking water in Lake Howell, by collaborating with neighboring local governments to manage stormwater on a watershed wide basis.
- Develop a local watershed stewardship program, which includes public education.
- Collaborate with neighboring local governments to develop and foster an active watershed stakeholder group, and help identify project champions.
- Encourage Low Impact Development, including stormwater best management practices, through ordinance review and improvement.
- Preserve sensitive areas including high quality wetlands and water supply sources.
- Extend local riparian buffer ordinances to include intermittent streams.
- Actively monitor and enforce sediment and erosion control ordinances.
- Review the impact of all proposed development upon hydrology, water quality, and aquatic habitat, with costs being assessed to the entity that stands to gain from the development.

In conclusion, Beggs said that on November 9, 2005, in Union County, a Phase II Stormwater Workshop would be held, and the public was invited to attend.

PUBLIC HEARINGS

Chairman Tice declared the meeting to be in a public hearing.

Consideration of an Application to the North Carolina Department of Commerce for a Community Block Development Grant (CDBG) for Economic Development in Conjunction with a Pratt Industries Project: Deputy County Manager Blumenstein said the county was desiring to serve as the applicant for a CDBG totaling up to \$675,000 to assist in the construction of water/sewer lines and rail access for a local company. Blumenstein said Jet Corr, Inc., d/b/a Pratt Industries, a corrugated packaging company, had operated in the county since 1987, and it was located on Meacham Road. She said the company planned to build a 300,000 square foot manufacturing facility at the West Farm Industrial site in Statesville and invest approximately \$22 million in the project. Blumenstein said the company planned to add 80 new jobs (presently employs 100). She said the economic development incentive previously approved by the board on August 2, 2005, would serve as the county's local match, and other funding that would be directed towards the project would come from the North Carolina Rural Center, North Carolina Department of Transportation, EnergyUnited Water, Alexander Railroad and the Greater Statesville Development Corporation.

No one else requested to speak, and Chairman Tice adjourned the public hearing.

MOTION by Commissioner Johnson to approve the submission of a CDBG application to the North Carolina Department of Commerce on behalf of Pratt Industries.

VOTING: Ayes – 5; Nays – 0.

Chairman Tice declared the meeting to be in a public hearing.

Case No. 0510-1: Marie Redd Hayes requests an Amendment to the Iredell County Land Use Plan and a Rezoning from M-1, Light Manufacturing to R-20, Single Family Residential: Planning Supervisor Steve Warren gave the following staff report for this request.

OWNER: Marie Redd Hayes
369 Jane Sowers Road
Statesville, NC 28625

APPLICANT: Alan Lorne Cook
548 Blackwelder Road
Statesville, NC 28625

LOCATION: 369 Jane Sowers Road in Statesville, NC; more specifically identified as a **portion of** PIN # 4756-03-2757. Directions: North on Turnersburg Highway (Hwy 21), turn right onto Jane Sowers Road. Property on right, past I-77 overpass.

REQUESTED ACTION: Rezone the M-1 (Light Manufacturing) portion of subject parcel to R-20, Single-Family Residential Zoning District, and amend the Iredell County Land-Use Plan with reference to the subject parcel from Industrial to Residential.

PROPOSED USE: Residential.

SIZE: 10.35 acres requested for rezoning. Entire parcel is 37.4 acres.

EXISTING LAND USE: Agricultural.

SURROUNDING LAND USE: Residential.

WATERSHED REGULATIONS: The subject parcel is not located within a watershed.

TRAFFIC: In 2003 there was an average daily traffic count of 2,700 vehicles per day on Jane Sowers Road with an approximate daily carrying capacity of 10,000.

ZONING HISTORY: The subject portion of this parcel has been zoned M-1 since county-wide zoning took effect in 1990. The County Land Use Plan identified this same portion as part of an Industrial node that extends from Crawford Road west to I-77 and south to I-40.

STAFF COMMENTS: The applicant plans to build a home on his family property within the subject portion of this parcel. He is therefore seeking a down-zoning from M-1 to R-20, effectively making the entire parcel R-20. The surrounding industrial district is relatively undeveloped, with the exception of properties along Crawford Road within the City of Statesville's jurisdiction. Because the proposed rezoning would result in a downgrade in district intensity, staff recommends in favor of the request. If approved, the request also includes an amendment to the County's Land Use Plan.

PLANNING BOARD ACTION: On October 5, 2005, the Planning Board voted 7-2 to recommend in favor of the rezoning request. The Board also voted 7-2 in favor of amending the Iredell County Land Use Plan.

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Commissioner Williams asked if a site plan had been submitted for the new home, and Warren said it had not been received.

Alan Lorne Cook said he was the applicant for the rezoning, and the great grandson of Marie Redd Hayes, the property owner. Mr. Cook said the property had belonged to his family since 1888, and currently, seven families resided on the site. He said the lower property section was a creek bottom that was highly unsuitable for industrial uses, and he wanted to build a home on the wooded site overlooking the creek. He said most of the property was in farm use and there were future plans for a vineyard. Mr. Cook said the family didn't know the property was zoned light manufacturing until recently.

No one else desired to speak, and Chairman Tice adjourned the hearing.

MOTION by Commissioner Robertson to amend the Land Use Plan in conjunction with Case No. 0510-1/Marie Redd Hayes property.

VOTING: Ayes – 5; Nays – 0.

MOTION by Commissioner Norman to approve the rezoning from M-1 (Light Manufacturing) to R-20, Single-Family Residential Zoning District for the property portion (10.35 acres) involved in Case No. 0510-1/Marie Redd Hayes.

VOTING: Ayes – 5; Nays – 0.

Chairman Tice declared the meeting to be in a public hearing.

Case No. 0510-2: Doris G. West, et al., West Properties of Statesville, and Iredell County, Request that Property be Rezoned from Residential Agricultural to M-1, Light Manufacturing: Planning Supervisor Warren reviewed the staff report for this case, a copy of which is as follows:

OWNERS: Doris G. West, et. al. West Properties of Statesville Iredell County
P.O. Box 751 P.O. Box 829 P.O. Box 788
Statesville, NC 28687 Statesville, NC 28687 Statesville, NC 28687

APPLICANT: Roy West (West Realty)
P.O. Box 751
Statesville, NC 28687

LOCATION: Taylorsville Highway (Hwy 90) in Statesville, NC; more specifically identified as PIN#s 4725-08-1415, 4715-98-4680, and 4715-87-6587. Directions: West from Statesville on Taylorsville Hwy, property on right at Deer Ridge Lane.

REQUESTED ACTION AND CONDITIONS: Rezone subject parcels from R-A, Residential Agricultural to M-1, Light Manufacturing.

PROPOSED USE: Industrial.

SIZE: 167.16 total acres.

EXISTING LAND USE: Agricultural.

SURROUNDING LAND USE: Residential, Industrial, Agricultural.

WATERSHED REGULATIONS: The subject parcels are not located within a Watershed.

TRAFFIC: This stretch of Highway 90 had an average daily traffic count of 6,700 vehicles in 2003 with a carrying capacity of 10,500 vehicles per day.

ZONING HISTORY: The subject parcels have been zoned RA since county-wide zoning took effect in 1990.

STAFF COMMENTS: The applicants are requesting a rezoning of this property from R-A to M-1; this request is compatible with the County's Land Use Plan and is thereby supportive of the County's goal of industrial development. Therefore, staff recommends in favor of this request.

PLANNING BOARD ACTION: On October 5, 2005, the Planning Board recommended approval of this request by a vote of 9-0.

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Jeff McKay, the Director of the Greater Statesville Development Corporation, encouraged the board members to approve rezoning due to the site being conducive for industrial development.

No one else desired to speak, and Chairman Tice adjourned the hearing.

MOTION by Commissioner Williams to grant the rezoning request of Case No. 0510-2/Doris G. West, et. al., from Residential Agricultural to M-1, Light Manufacturing.

VOTING: Ayes – 5; Nays – 0.

- Permitted commercial uses with the exception of personal service and retail operations.
- Permitted educational and institutional, excluding the following: ambulance services, cemeteries, churches, synagogues, and other associated activities; hospitals, libraries, and post offices.

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Steve Issak (proponent), a resident of Island Ford Road in Statesville, NC, said he understood some people were concerned about the possibility of the property being used to assist developmentally disabled people. He said the residential properties near the site were on a major thoroughfare, and there was a cement company across the street. Issak said there were only about a dozen homes in the immediate vicinity, and roadway access to the former school site didn't require entering into the residential area. Mr. Issak said there seemed to be safety concerns by the residents, but there were no published reports on the correlation between community safety and the developmentally disabled. He said there were published reports; however, on behalf of developmentally disabled individuals and their risk of being taken advantage of or being exploited. Mr. Issak said that due to the lack of mental health funding, it was important for communities to do as much as they could for individuals requiring assistance, especially the developmentally disadvantaged. He encouraged the board to approve the rezoning because the intended usage appeared to be a "good fit" for the former school site.

Edward Crew (opponent), an adjoining property owner, said he wanted to talk about the residents living behind the school. He said the former school property owners did not have access to the highway without accessing Old Warren Drive. Mr. Crew said he was representing Mrs. Mary Warren, Randy and Mona James, Mrs. Walker and her son Phil, along with Greg and Stacy Mason. He said their property was behind the school in a private setting, and they weren't so much against the development, as they were against the total development of such a large acreage. Crew said at the planning board meeting, it was stated the North Carolina Support Services intended to use the facility. He said now, it had been divulged that Kent Development, owner of the site, intended to use it for 7 to 15 clients who might be referred from Crossroads Behavioral Healthcare. Mr. Crew asked why such a large facility was needed for 7 to 15 clients. He said that if the request were for a one-acre tract and a small building there wouldn't be any concerns. Mr. Crew said the residents were concerned the intended use would (1) degrade their property values (2) increase traffic and (3) they had concerns about Crossroads, which was supported by tax dollars, referring clients to a for-profit organization. Crew said he had heard the owners intended to lease the auditorium and gymnasium areas, and this also concerned the residents. In addition, Mr. Crew said demolition was occurring at the site, along with the removal of trees and shrubs, and a check with the county's inspections department revealed that no permit had been issued. Crew said door and window casings along with tile had been removed, and it was presumptuous on the owner's part to feel the rezoning would be approved. Mr. Crew said a better fit for the site would be a new fire department or even a new school facility. He encouraged the board members not to approve the rezoning until it was fully revealed how the usages would impact the residents' property, their security, the future development in the area, and the needs of the county and the school system.

Larry Craven (proponent) said Kent Development was the purchaser of the property, and it owned North Carolina Support Services, his employer. He said Support Services would lease approximately 1,700 sq. ft. of space (office for receptionist and two classrooms). Craven said Kent Development, investment wise, planned to find the highest and best use of the property, and the other spaces in the building were being prepared for leases to other businesses.

Commissioner Williams asked if Support Services contracted with Crossroads.

Craven said yes, since 2003. He said Support Services was based in Salisbury, and there were no contracts with Piedmont, the local mental health managing entity in Rowan County. He said this was primarily why they were relocating to Statesville.

Commissioner Johnson referred to the planning board minutes that indicated Mr. Craven had said there were no plans for residential uses, but they didn't want to eliminate that

option in the future. Johnson said there was even dialogue about a nursing home style facility, but there were never any specific or definitive plans mentioned.

Craven said that as far as the existing four buildings, there were no plans to convert them into any type of residential use. Mr. Craven said, "With the extra acreage, when I made the comment that I would not rule out something such as a nursing home, or something similar, there would have to be totally new construction somewhere within the property." He said as far as converting the existing building, carpet was being removed with the idea of leasing space to other agencies, but no type of retail would be allowed that would create increased traffic. Mr. Craven said Support Services might try to lease more space in the future for case management.

Commissioner Williams asked if the other agencies, that might be leasing space, would be in mental health services.

Craven said this was a goal, and discussions had occurred with one company in Gaston County that did case management. He said that in regards to the usage of the gymnasium, he wasn't aware of anyone who might be interested. Craven said one individual, who sold boats, had inquired about office space, but there wouldn't be any display.

Commissioner Johnson said the folks in opposition were not being unreasonable in their concerns, and he would feel better if a site plan had been presented.

Craven said there were no goals, at the present, for any type construction. He said the plan was to lease space to other agencies with no retail.

Commissioner Williams said a previous speaker had indicated that all egress would be off Hwy. 70. He asked if this were correct.

Craven said yes. He said there were two entryways - - an east and a west entrance.

Commissioner Williams asked for clarification on how the company would enter onto Hwy. 70.

Craven said his company would have no reason to enter Hwy. 70 from the residential area. He said, however, the side entrance would be used when driving to the gym. He said there was a circle drive before the gravel road that proceeded into the residential area. In regards to landscaping, he said some trees and scrubs had been removed in front of the building to provide additional parking.

Ed Crew again spoke and said there were only two entryways into the school, and one was Old Warren Drive that transgressed towards the residential area. He said at the planning board meeting, "they" indicated they would use Old Warren Drive. Crew said that on the other end (east side), the state department of transportation was taking the corner out, and it was his understanding a new egress/ingress was going to be constructed. Mr. Crew said he felt there was a difference between Mr. Craven's interpretation and the developer's intentions.

Carol Armstrong (proponent) said he had property adjoining the school site on the eastside. He said it was his understanding the building would be called the Wayside Executive Park, and he had no objections to the proposed use.

No one else desired to speak, and Chairman Tice adjourned the hearing.

Commissioner Robertson asked if there was a way to allow the company to proceed with the existing building, but not the other areas until a specific site plan had been presented.

Commissioner Williams said it appeared to him the basic concern was about the roadway entering into the residential area. He said that perhaps something could be worked out stipulating no egress/ingress, or that maybe a fence might be built.

Commissioner Johnson said one reason why the new Third Creek School was built at its location was due to Wayside having buses in an industrial park area. He said regardless of what was placed at the former school site, traffic would be an issue. Johnson said he would feel more comfortable if the intent of the developer were known. He said assisting the developmentally disabled was a noble cause, but living peaceably, paying taxes, and going about one's daily affairs was a noble occupation too.

MOTION by Commissioner Johnson to deny the request.

VOTING: Ayes – 4; Nays – 1 (Williams).

Additional discussion then occurred, and the question was raised as to how long the owner would have to wait to make another rezoning request.

Planning Supervisor Warren said the zoning ordinance stipulated, “No proposal to amend or change any conditional use permit shall be considered within twelve (12) months of the date of the original authorization of such permit or within twelve (12) months of hearing of any previous proposal to amend or change any such permit.” (Zoning Ordinance Section 17.5.)

Commissioner Robertson asked if the applicant would be removed from the 12-month window if the conditions were changed.

Attorney Pope said no.

Commissioner Johnson said the board's Rules of Procedure allowed anyone on the prevailing side of the vote to bring the matter up again.

Planning Supervisor Warren said one other option would be for the owner to come back before the board and ask for a totally different zoning district, for example, community business, with a totally different set of conditions.

Attorney Pope said he didn't think the owner had that option. He said that if the board was inclined to reconsider the request the following options were available:

1. Continue the matter until additional information was presented.
2. Further impose conditions on the property (with the applicant's consent), for example, no additional structures would be built, or no structures within 200 feet of the boundary, or only a certain access could be used, or any other conditions.

MOTION by Commissioner Robertson to reconsider the action taken on Case No. 0510-3/Iredell County Board of Education.

VOTING: Ayes – 3; Nays – 2 (Norman and Johnson).

MOTION by Commissioner Robertson to refer the case to the planning staff to consult with the applicant in regards to the preparation of more “stringent and more definite” conditions.

VOTING: Ayes – 5; Nays – 0.

Commissioner Johnson encouraged the parties on both sides to talk with the commissioners and share any concerns. He said the adjoining property owners needed to have some specific answers on how the property would be used.

Commissioner Robertson said discussions between the adjoining property owners and the owner would be helpful. He said it was the intent of the commissioners to do something with the property and eliminate a vacant school building on Hwy. 70. Robertson said he felt the proposed usage was much better than a convenience store or something similar. He encouraged the residents to not leave the decision making to the staff, and to offer input.

Chairman Tice declared the meeting to be in a public hearing.

Case No. 0510-4: Valorie S. Byrd requests an Amendment to the Iredell County Land Use Plan and a Rezoning from Residential Agricultural to General Business Conditional Use District (Location: 138 Magnolia Hill Lane, Statesville, NC): Deputy County Manager Blumenstein announced that earlier today, Kenneth Lee Byrd, the agent for Valorie S. Byrd (property owner in this case) had submitted a letter requesting the **withdrawal of this rezoning request.**

No one else spoke, and Chairman Tice adjourned the hearing.

MOTION by Chairman Tice to approve the withdrawal of Case No 0510-4/Valorie S. Byrd from the agenda docket, as was requested by letter from Kenneth Lee Byrd.

VOTING: Ayes –5; Nays – 0.

Chairman Tice declared the meeting to be in a public hearing.

Case No. 0510-5: Page Distributing & WRK, LLC Request an Amendment to the River Highway/NC 150 Small Area Plan and a Rezoning from Residential Office to Shopping Center: Planning Supervisor Steve Warren presented the staff report for this case, a copy of which is as follows:

<u>OWNERS:</u>	Page Distributing P.O. Box 15047 Winston Salem, NC 27113	WRK, LLC 114 Kingsbury Court Mooresville, NC 28117
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<u>APPLICANT:</u>	Greg Biffle 319 Doolie Road Mooresville, NC 28117	<u>AGENT:</u> Bob Haupt 19901 W. Catawba Ave. Suite 102 Cornelius, NC 28031
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LOCATION: River Park Road off Highway 150 in Mooresville, more specifically identified as a **portion of** PIN#s 4638-30-7212; 4637-39-4901; 4638-30-4225; and 4637-39-6913. Directions: West on Highway 150 from Mooresville, turn left onto River Park Road, property on right.

REQUESTED ACTIONS: 1) Rezone portion of subject parcels from R-O, Residential Office Zoning District to S-C, Shopping Center Zoning District; 2) Amend Highway 150/River Highway Small Area Plan.

PROPOSED USE: Commercial.

SIZE: 1.36 total acres to be rezoned.

EXISTING LAND USE: Vacant.

SURROUNDING LAND USE: Commercial and multi-family residential.

WATERSHED REGULATIONS: The subject parcels are located within the WSIV-Critical Area Watershed.

TRAFFIC: In 2003, this portion of Highway 150 had 34,000 average vehicles per day with a carrying capacity of 40,000.

ZONING HISTORY: The entire River Park project area was rezoned from RA to RO-CUD, GB-CUD, and SC in January 1995. The RO-CUD portion was rezoned to RO in December 1996. After the property owners acquired this series of rezonings, they submitted a site plan for approval. NCDOT required the project to relocate River Park Road’s originally planned access point onto NC 150. With this alteration and a subsequent re-dividing of properties within the development, a new road-route and new parcels were created (i.e. today’s map). The zoning classifications were not immediately redrawn to follow the new property lines. This therefore explains the current request and the reasons for the “split” properties with respect to the zoning map.

STAFF COMMENTS: The current property owners and applicant are seeking to rezone the relevant portions of the subject parcels in an effort to bring the full land-area of these parcels into the SC district classification. The applicant is preparing for a commercial project to include a convenience store and possibly a NASCAR museum. Because the rezoning would “clean up” the zoning lines within the new divided parcels, the zoning lines would thus follow River Park Road rather than splitting the properties. This request also requires an amendment to the Highway 150 Area Plan to bring the subject parcels into a “commercial” designation. Staff recommends in favor of this request.

PLANNING BOARD ACTION: On October 5, 2005 the Planning Board recommended approval of this rezoning request and Land-Use Plan amendment by a vote of 9-0.

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No one else desired to speak and Chairman Tice adjourned the hearing.

MOTION by Commissioner Robertson to amend the River Highway/NC 150 Small Area Plan as it relates to Case No. 0510-5/Page Distributing & WRK, LLC.

VOTING: Ayes – 5; Nays – 0.

MOTION by Commissioner Johnson to approve the rezoning request for Case No. 0510-5/Page Distributing & WRK, LLC from Residential Office to Shopping Center.

VOTING: Ayes – 5; Nays – 0.

-----**CONSENT AGENDA**-----

MOTION by Commissioner Williams to approve the following 14 consent agenda items.

VOTING: Ayes –5; Nays – 0.

1. Request for Approval of Policy Changes to the Iredell County Personnel Ordinance: During the five o'clock meeting, Human Resources Director Carolyn Harris explained revisions to the county's personnel ordinance. Harris said most of the changes were due to the adoption of a bi-weekly-pay plan, along with new federal (Fair Labor Standards Act) and state (retirement) laws. Mrs. Harris provided reasons for the changes, and these, along with the revisions (shown in bold and italic print) are as follows:

ARTICLE I. ORGANIZATION OF THE PERSONNEL SYSTEM

Section 1. Purpose

REASON: TO FURTHER DEFINE THE PURPOSE OF THE POLICY AND TO CLARIFY WHAT HAPPENS IF THERE IS A CONFLICT BETWEEN POLICY AND STATE OR FEDERAL LAWS.

The purpose of this ordinance is to establish a personnel system that will promote a fair and effective means of employee recruitment and selection, develop and maintain an effective and responsible work force, and provide the means for removal of unsatisfactory employees. *Policies are also provided in order to further the following goals:*

- 1. To provide a uniform system of personnel administration throughout the County service.*
- 2. To ensure that recruitment, selection, placement, promotion, retention and separation of County employees are based upon employees' qualifications and fitness, and are in compliance with the Federal and State laws.*
- 3. To assist managers in the development of sound management practices and procedures, and to identify and eliminate any employment practice which may result in disparate treatment.*
- 4. To ensure, protect and clarify the rights and responsibilities of employees.*

In the event of conflict between these rules and any state or federal law, the terms and conditions of that law shall prevail. In the event of the amendment of any ordinance, rule or law incorporated in this document or upon which these provisions rely, these rules shall be deemed amended in conformance with those changes.

Section 3. Definitions (listed alphabetically)

REASON FOR CHANGE: TO INCORPORATE LANGUAGE REGARDING STEPS

Pay Plan. A schedule of pay ranges arranged by minimum, mid-point and maximum rates *with steps between the minimum and maximum rates* for each class assigned to a salary range.

Section 4. Merit Principle

CHANGE: TO EXPAND ON FAIR TREATMENT IN ALL ASPECTS OF EMPLOYMENT, INCLUDING TRAINING & ADVANCEMENT AND DEFINE MERIT.

It is the policy of Iredell County that fair treatment be given to all persons seeking employment or currently employed. Equal job opportunity for employment, training, and advancement will be given to all qualified persons without regard to race, religion, color, creed, national origin, sex, age, political affiliation, or handicapping condition. All personnel actions such as compensation, benefits, promotions, training, career development, transfers, demotions, etc., will be administered in a non-discriminatory manner.

~~All appointments and promotions shall be made solely on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same salary range. No applicant for county employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee because of such individual's race, color, religion, sex, national origin, political affiliation, nondisqualifying handicap, or age.~~

ARTICLE II. THE CLASSIFICATION PLAN

CHANGE: LANGUAGE ADDED TO EXPAND HOW ALLOCATIONS ARE MADE TO THE APPROPRIATE CLASS AND GIVES COUNTY MANAGER AUTHORITY TO CHANGE A JOB TITLE WHEN NEW CLASS IS MORE APPROPRIATE.

Section 2. Allocation of Positions

The county manager shall allocate each position covered by the classification plan to its appropriate class in the plan. *Allocation of positions will be based upon a position analysis. The analysis is used for evaluating the level of work found in the workforce and grouping positions with similar kinds of duties on the basis of major factors such as qualification, requirements, responsibility, difficulty, and working conditions.*

Section 3. Administration of the Position Classification Plan

B. New positions shall be established upon recommendation of the county manager with the approval of the Board of County Commissioners. The county manager may (1) allocate the new position to the appropriate class within the existing classification plan or (2) ~~recommend that the Board of County Commissioners amend the position classification plan to establish a new class to which the new position may be allocated.~~

C. When the 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 *or grade* within the existing classification plan, or (3) ~~recommend that the Board of County Commissioners amend the position classification plan to establish a new class to which the position may be allocated.~~

I. ARTICLE III. THE PAY PLAN

Section 1. Adoption

CHANGE: PLANS, BY DATE, WILL BE MAINTAINED TO REFLECT CHANGES IN STEPS, RANGE, OR SALARY.

The salary schedule, reflecting both grade level and *step*, as approved by the Board of County Commissioners shall be the pay plan for the County. *The schedule will be updated when changes are approved by the Board of County Commissioners and maintained in Human Resources.*

Section 3. Administration of the Pay Plan

CHANGE SPECIFIES TIMEFRAME FOR REVIEWING COUNTY POSITIONS AND AFFIRMS THE MANAGER'S AUTHORITY TO ACT ON THE STUDY RESULTS AS FUNDS APPROPRIATED BY THE BOC ARE AVAILABLE.

The pay plan shall be administered in a fair and systematic manner in accordance with work performed. The pay structure shall be externally competitive, shall maintain proper internal relationships among all positions based on relative duties and responsibilities, and shall recognize performance as the basis for pay increases within the established pay plan. *To this end, a study of the County's positions will be conducted annually with all positions being reviewed at least every four years. If the results show pay inequity for any classification, the county manager will reallocate the class to the appropriate grade on the existing pay plan within the budget for reclassifications as approved by the Board of Commissioners.* The classification plan shall meet the requirements of the State Competitive System for local government employees, while maintaining a county-wide plan.

Section 4. Hiring Rate/Starting Salary

CHANGE CORRECTS LANGUAGE REGARDING STEPS.

Employees will be hired at Step ~~1~~ 0 of their assigned salary grade. Appointments above Step ~~1~~ 0 may be made by the county manager when deemed necessary in the best interest of the county, based on such factors as superior qualifications of the applicant, a shortage of qualified applicants available at the hiring rate, *years of experience*, or the refusal of qualified applicants to accept employment at the minimum step.

Section 5. Probationary Step Increase

Upon satisfactory completion of the probationary period, employees hired at or promoted to step ~~below 1A 8 or below~~ of the vacant position classification may be given a **9** step increase.

Section 6. Failure to Perform Satisfactorily

CHANGE REDUCES THE PERIOD OF TIME AN EMPLOYEE CAN REMAIN A PROBATIONARY EMPLOYEE FROM ONE YEAR TO NINE MONTHS.

An employee who fails to satisfactorily perform all the essential functions of his/her position may be terminated or the probationary period may be extended for up to *nine months* ~~one year~~. An employee who has completed a probationary period is expected to perform all the essential functions of his/her position at a satisfactory level, or be subject to disciplinary action in accordance with Article VIII of this ordinance.

Section 8. Merit Increases

CHANGE: LANGUAGE ADDED TO SHOW HOW MERITS WILL BE AWARDED WHEN THE EVALUATION HAS BEEN DELAYED AND TO ENFORCE THE PRACTICE OF CHANGING THE ANNUAL EVALUATION DATE WHEN AN EMPLOYEE HAS BEEN PROMOTED. BOTH ARE CURRENT PROCEDURES.

D. The effective date of merit increases, when awarded will be the *first day of the month* following the anniversary month. *When an evaluation has been delayed according to Section 7 or a follow-up review is required, any increase awarded will be effective the first day of the month following the date of the delayed or follow-up evaluation.*

E. *The annual performance evaluation will be completed during the employee's anniversary month of hire unless the employee has received a promotion. Then the evaluation will be completed during the month in which the promotion becomes effective.*

Section 10. Trainee Salaries

CHANGE: CORRECTS LANGUAGE REGARDING STEPS, AND CHANGED WORDING THAT SPECIFIES COUNTY MANGER OR OSP APPROVES ACTIONS.

An applicant hired or employee promoted to a position in a higher class, who does not meet all the established requirements of the position, shall be appointed with the approval of the county manager at a pay rate of ~~one (1)~~ **9** steps below the minimum salary. ~~Employees subject to the State Personnel Act will be designated "trainees" in accordance with rules and regulations established by the Office of State Personnel. All other county employees will be designated "trainees" based upon recommendations of the department head with the approval of the county manager or Office of State Personnel.~~ An employee in a trainee status shall continue to receive a reduced salary until the department head and the county manager *or the Office of State Personnel* determine that the trainee is qualified to assume the full responsibilities of the position.

Section 11. Pay Rates in Promotion, Demotion, Transfer, and Reclassification

REASON FOR CHANGE: LANGUAGE REGARDING STEPS. WORDING WAS CHANGED TO MORE CLEARLY DEFINE A DEMOTION AND DOWNWARD RECLASSIFICATION.

F WAS ADDED TO ALLOW IN-RANGE OR RECLASSIFICATION WHILE EMPLOYEE IS PERFORMING HIGHER LEVEL DUTIES IN AN ACTING STATUS.

- A. When a promotion occurs, the employee's salary shall be increased at least ~~one~~ **9** steps or to the minimum rate of the salary range assigned to the class to which he or she is promoted, whichever is greater. The county manager may approve a higher increase when deemed necessary in the best interest of the county, based on such factors as superior qualifications of the employee and the amount of extra responsibility assumed.
- B. ~~If an employee is demoted as a result of a reclassification, and the employee's current salary falls above the maximum of the range for the lower class, the employee's salary will remain the same until general schedule adjustments or range revisions bring it back within the lower range. If an employee is demoted for cause, the employee's salary may be left the same or reduced to any step in the lower salary range, as long as the reduced salary does not fall below the minimum salary rate of that range.~~
- D. When a reclassification occurs and an employee's position is reclassified to a class having a higher salary range, the employee's salary shall be increased to the minimum step of the new pay range, or adjusted ~~one~~ **9** steps upward, provided that the adjusted salary does not exceed the maximum of the assigned salary range.

When a reclassification occurs and an employee's position is reclassified to a class having a lower salary range and the employee's current salary falls above the maximum of the range of the lower class, the employee's salary will remain the same until general schedule adjustments or range revisions bring it back within the lower range.

E. Employees hired in a "work against" status will not receive an increase when reclassified to the higher salary grade if the present salary is at or above Step ~~2~~ 9 of the higher salary schedule.

F. Employees in an Acting Status may receive an in-range increase while performing duties assigned to a position of a higher pay grade, or may be reclassified to the higher pay grade while in Acting Status. The amount of the increase will be 9 to 18 Steps, depending on the degree of higher responsibility as determined by the department head and approved by the county manager.

Section 12. Pay Rates in Salary Range Revisions

CHANGE: Number of Steps per current system

If the Board of County Commissioners approves a change in salary range for a class of positions, the salaries of employees whose positions are allocated to that class shall be affected as follows:

A. When a class of positions is assigned to a higher pay range, employees in that class may receive a ~~9 one~~-step pay increase or an increase to the minimum step of the new range, whichever is higher.

Section 14. Overtime

CHANGE: LANGUAGE ADDED TO MORE CLEARLY DEFINE HOW OVERTIME IS PAID AND HOW WE COMPLY WITH 2004 AMENDMENTS TO FLSA. THIS SECTION WAS REVIEWED BY OUR LABOR ATTORNEY.

6 LIMITS THE MAXIMUM ACCUMULATION OF COMPENSATORY HOURS TO REDUCE THE COUNTY'S LIABILITY FOR PAYING OUT HOURS SHOULD THE EMPLOYEE LEAVE EMPLOYMENT BEFORE USING THE COMP HOURS.

#14 ALLOWS EXEMPT EMPLOYEES TO BE PAID WHEN REQUIRED TO WORK OVERTIME DUE TO A DISASTER OR EMERGENCY.

The County abides by all applicable sections of the Fair Labor Standards Act (FLSA) and the FLSA Amendments of 1986. When possible, department heads and supervisors are expected to arrange and control the work schedules in their units so that required work will be accomplished without necessitating the use of overtime work as defined by the FLSA ~~as amended~~. When overtime is required, department heads shall ensure that all applicable overtime accrued for each covered employee is properly recorded.

1. Employees are expected to work during all assigned periods exclusive of meal times. However, they shall not perform work during any time that they are not scheduled to work, unless they receive *prior* approval from their immediate supervisor, except in cases of emergency.....
2. It is the policy of the county, in agreement with its employees, that employees receive compensatory time off rather than pay. However, the County Manager may approve pay to employees for overtime work when it is not feasible to permit compensatory time off. ~~EMS and Youth Home employees may be paid for overtime under the fluctuating workweek schedule.~~
3. *Employees of EMS who work a 24-hour shift will be paid for overtime at the half-time rate for hours worked over 40 in a 7-day work period as established by the fluctuating workweek schedule under the FLSA.*
4. *Section 7(k) of the FLSA provides partial overtime exemption for public employees who are engaged in law enforcement activities for up to 28-consecutive work periods. Law enforcement employees will be paid overtime for hours worked over 86 in a 14-day work period.*

5. *ECOM and other employees who work 12-hour shifts and are not eligible for the special exception under Section 7(k) of the FLSA will be paid overtime or receive compensatory time-off for hours worked over 40 in a 7-day work period.*
6. Non-exempt employees, who work in public safety activities, emergency response activities, or seasonal activities, may accrue not more than ~~480~~ 100 hours of compensatory time. All other non-exempt employees may accrue not more than ~~240~~ 75 hours of compensatory time for overtime hours worked.
14. *The county manager may authorize overtime pay for non-exempt and exempt employees who are needed to protect the health and/or safety of employees or the citizens of the county in times of disasters or emergency.*

Section 15. ~~Payroll~~ Deductions

CHANGE: SECTION II ADDED DUE TO THE 2004 ADMENDMENTS TO THE FLSA. DEFINES WHEN DEDUCTIONS IN PAY CAN BE MADE AND PROVIDES A PROCEDURE FOR CORRECTING DEDUCTIONS MADE IN ERROR. THIS SECTION WAS REVIVED BY OUR LABOR ATTORNEY.

I. **Payroll Deductions** Only payroll deductions specifically mandated or authorized by Federal, State and/or county officials may be deducted. Other deductions may be made with the approval of the Finance Officer if requested and authorized by the employee.

II. Pay Deductions

A. *Non-exempt employees. Pay will be reduced for all hours the employee is scheduled to work but does not in a workweek if:*

1. *The employee does not have accumulated vacation, sick or compensatory leave to cover the absence.*
2. *The employee has been approved for leave without pay.*
3. *The employee is on FMLA and the reason does not qualify for the use of sick leave under the county's sick leave policy or the reason does qualify for the use of sick leave but it has been exhausted, and the employee opts not to use accumulated vacation leave.*
4. *Disciplinary deductions are imposed for Unacceptable Job Performance and Unacceptable Conduct as stated in the county's policies.*

B. *Exempt Employees. Subject to certain exceptions required or permitted by law, exempt employees will receive their full salary for any workweek in which they perform any work without regard to the number of days or hours worked. Deductions from vacation or sick leave balances for hours or days missed during the workweek is not an improper deduction under FLSA. Deductions in pay may be made from the salaries of exempt employees under the following circumstances.*

1. *Deductions for less than a day when taken as intermittent or reduced leave within a workweek when FML is taken.*
2. *Deductions in pay for a full day absence may be made in any workweek if:*
 - a. *The employee is absent for personal reasons and does not have accumulated vacation leave to cover the day.*
 - b. *The employee requests and is approved for LWOP for personal reasons.*
 - c. *The employee is receiving workers compensation benefits.*
 - d. *The reduction is for disciplinary reasons due to infraction of major safety rules of major significance.*
 - e. *The reduction is for disciplinary reasons due to serious violations of the County's anti-harassment policy or unacceptable conduct policies, such as abuse of clients, patients, students, or a person over whom an employee has charge or responsibility, abuse of an animal owned or in the custody of the agency, falsification of any kind, possession of unauthorized firearms or other lethal weapons on the*

job, workplace violence, or being under the influence or the use of alcoholic beverages or controlled substances while at work or performing work for the County.

- f. The employee works some of the workweek and spends the remainder of the workweek on temporary military leave – short-term training periods for reservists or members of the National Guard. The amount of military pay the employee receives may be used to offset the salary for that particular workweek.*

If an exempt employee believes an improper deduction has been made from his/her salary, the following procedure should be followed:

- 1. Notify your immediate supervisor or human resources of the deduction and reason you believe it was made in error.*
- 2. Pay and other records necessary to determine if the deduction was improper will be reviewed.*
- 3. If it is determined that the deduction was improper, the County will reimburse the employee as promptly as possible, but in no case longer than two pay periods from the identification of the problem.*
- 4. The resolution of the situation will be documented, including confirmation on the part of the employee that the situation has been resolved, and placed with the employee's pay records.*
- 5. The county will take appropriate steps to identify the cause of the improper deduction and prevent a recurrence in the future.*

Section 16. Payroll Procedure

CHANGE: REVISES LANGUAGE TO REFLECT CURRENT METHOD OF PAY.

All employees shall be paid on a ~~monthly~~ bi-weekly basis ~~on the last calendar day of the month~~ every other Friday. If payday falls on a Saturday, Sunday, or holiday, employees will be paid on the last working day before the non-work day. *If payday falls on a holiday, employees will be paid on the payday/holiday if the Federal Reserve is open. Should the Federal Reserve be closed, employees will be paid on the Thursday prior to the holiday.*

ARTICLE IV. RECRUITMENT AND SELECTION

Section 1. Statement of Equal Employment Opportunity

CHANGE: REVISION PUTS MORE EMPHASIS ON FAIR TREATMENT IN RECRUITMENT AND HIRING.

It is the policy of the county to maintain a systematic, consistent recruitment program, to promote equal employment opportunities, and to identify and attract the most qualified applicants for employment with the county. *This commitment includes a mandate to promote and afford fair treatment to all persons seeking employment or currently employed to assure equal employment opportunity based on ability and fitness regardless of race, religion, color, creed, national origin, sex, age, political affiliation, or handicapping condition.* This policy is to be achieved by announcing all position vacancies, evaluating all applicants using the same job-related criteria, and by applying testing methods (when applicable) through the local Job Service Employment Security Commission office. ~~Selection decisions are made without regard to race, sex, religion, color, national origin, age, or non-disqualifying disabled condition.~~

Section 2. Recruitment

CHANGE: EXPANDS RESPONSIBILITY REGARDING PROCEDURES AND ASSISTING DEPARTMENTS WITH EEOC REQUIREMENTS.

Responsibility of the ~~Personnel~~ Human Resources Director

The human resources director is responsible for an active recruitment program to meet current and projected manpower needs, using procedures that will assure equal employment opportunities based on job-related requirements. *The director will advise and assist staff and management personnel in all matters regarding implementation of and compliance with the County's Equal Employment Opportunity Policy, and will have the responsibility to examine existing internal policies and procedures which may serve as barriers to implementing the Policy.* Recruitment efforts of the ~~Personnel~~ Human Resources Department and all county departments will be coordinated in a timely manner.

Section 3. Position Vacancy Announcements

CHANGE: TO CLARIFY BASIC QUALIFICATIONS AND EXPECTATION FOR A REVIEW OF THE VACANT POSITION BEFORE ADVERTISING.

The county will conduct a program of open recruitment in all positions to permit fair competition. All position vacancy announcements shall be posted for a minimum of seven (7) working days at ~~(1) the County Personnel Office~~ **Human Resources** and ~~(2) may be listed with~~ the local office of the Employment Security Commission. Optional recruiting publicity shall be carried out through the media, as appropriate. Formal position vacancy announcements shall contain, at a minimum, (1) the title, grade, and location of the position; (2) the closing date of the announcement; (3) a summary of the ~~basic~~ **MINIMUM** qualifications **AND EXPERIENCE** required for the position; (4) a summary of the essential functions of the position; (5) the procedures for making application; and (6) a statement of equal employment opportunity. *The posting period will be sufficient to ensure all personnel and interested persons have a chance to see the announcement and to apply; but will be no less than seven (7) working days.*

Before a vacancy announcement is posted, the department head may review the job description and inform the human resources director of any changes in job duties or requirements.

Section 6. Qualification Standards

CHANGE: ADDED LANGUAGE TO EXPANDED ON BASIS OF MERIT

B. All appointments shall be made ~~on the basis of merit~~ *based upon the job-related qualifications of applicants for employment using fair and valid selection criteria.*

Section 9. Probationary Period of Employment

CHANGE: REDUCES THE PROBATION PERIOD FROM ONE YEAR TO NINE MONTHS AND DISTINGUISHES BETWEEN INITIAL PROBATIONARY PERIOD AND PROBATION FOLLOWING A PROMOTION.

An employee appointed ~~or promoted~~ to an established position shall serve a probationary period of not less than six months nor more than ~~(1) year~~ **nine months**. (Law enforcement officers are required to serve a one-year probationary period). *The probationary period is designed to give the employee time to learn the position and to give the supervisor time to evaluate the employee's potential and performance. During the initial probationary period, the County may terminate the probationary employee's service on the basis of unsatisfactory performance or on the basis of any other non-discriminatory reason deemed sufficient by the County. Any employee serving a probationary period following initial appointment may be dismissed at any time during the probationary period. Following successful completion of the probationary period, the employee may only be dismissed as provided in Article VIII.*

An employee who is promoted after serving the initial probationary period will be expected to meet all the job requirements of the new position within six months of the promotion. If the promoted employee fails to meet the standards within the six-month period, he/she serving a probationary period following a promotion may be demoted or transferred as

provided in Section 11 of this Article if a position is vacant. *If a position is not vacant, the employee may be dismissed as provided in Article VIII.*

Before the completion of the probationary period *or review period following promotion*, department heads must complete a performance appraisal that indicates whether the employee's performance is satisfactory and if they will be retained in the position.

Under unusual circumstances, the probationary period may be extended for up to ~~six~~ *three* additional months. This is only after an evaluation of the situation, the employee's abilities, and demonstrated potential.

Section 10. Promotion

CHANGE: LANGUAGE ADDED TO SPECIFY CRITERIA THAT WILL BE USED IN DETERMINING THE MOST QUALIFIED CANDIDATE FOR PROMOTION. SPECIFIES THAT AN EMPLOYEE WILL HAVE SUCESSFULLY COMPLETED THE INITIAL PROBATIONARY PERIOD BEFORE BEING CONSIDERED FOR PROMOTION EXCEPT UNDER UNUSUAL CIRCIMSTANCES.

A candidate for promotion shall be chosen on the basis of his/her overall qualifications for the position in question with the most qualified applicant or employee receiving the promotion. Vacancies in positions shall be filled as far as practicable by the promotions of employees in the service of the county. *The past work record, education, knowledge of the job duties and time the employee has with the County will be considerations in determining the most qualified candidate for a promotion. Except in unusual circumstances, an employee will have completed the initial probation period before being considered for a promotion.*

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Work Week Period and Work Week

REASON FOR CHANGE: ADDITIONAL LANGUAGE TO SPECIFY WORK HOURS AND ATTENDANCE EXPECTATIONS AND CONSEQUENCES.

PROVIDES AN OPPORTUNITY TO PROVIDE ALTERNATIVE WORK SCHEDULES WHEN IN THE BEST INTEREST OF THE COUNTY.

- A. The standard work period for employees not eligible for the special exception under Section 207(k) of the FLSA will consist of seven consecutive days as established by the county manager. For employees who are eligible for the special exception under Section 207(k) of the FLSA, a standard work period of not less than seven days nor more than twenty-eight consecutive days shall be established by the county manager consistent with the requirements of the FLSA and are subject to overtime provisions set forth in Article III, Section 14. Revised 1/1/97
- B. *The normal working hours for employees are from 8:00 am to 5:00 pm with one hour unpaid lunch period.*
- C. *Alternative work options such as compressed workweek, job sharing, or flex hours may be considered when shown to be in the best interest of the County. When occasions arise where the service to the citizens can be improved through adjustment of an employee's work hours, prior approval must be obtained from the county manager before a department head can make adjustments to work hours of an employee. Individual requests for adjustments to work hours by an employee for personal reasons must be evaluated by the department head to determine the effect on the workload of the department and service to the citizens. The department head must obtain prior approval from the county manager before granting such adjustments.*
- D. *Part-time employees may be assigned hours that vary from the normal office hours due to the nature of their work and hours of operations of the department.*

- E. *Punctual and consistent attendance is a condition of employment. Each department head is responsible for maintaining an accurate attendance record of employees.*
- F. *Employees who are unable to work or report to work on time should notify their supervisor as soon as possible before the workday begins, but no later than 15 minutes after the employee's usual starting time.*
- G. *An employee who is absent without authorization or notification or who is frequently tardy is subject to disciplinary action, up to and including termination.*

Section 4. ~~Sexual~~ Unlawful Workplace Harassment

CHANGE: POLICY CHANGED TO INCLUDE ALL TYPES OF HARASSMENT AND PROVIDES COMPLAINT PROCEDURES. REVIEWED BY LABOR ATTORNEY

Purpose. It is the policy of Iredell County that unlawful workplace harassment will not be tolerated. All employees are prohibited from engaging in the harassment of any other employee or other person in the course of or in connection with employment. The desired standard for County employees' behavior is one of cooperation and respect for each other, despite any differences. This policy also prohibits retaliation against employees.

Definitions:

Unlawful workplace harassment is unwelcome or unsolicited speech or conduct based upon one's race, sex, creed, religion, national origin, age, color, or handicapping condition that creates a hostile work environment or quid pro quo.

Hostile work environment is one that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. Hostile work environment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with any employee's work performance.

Quid pro quo harassment consists of ~~Sexual harassment is defined as~~ unwelcome sexual advances, requests for sexual favors and other verbal or physical advances of a sexual nature when (1) such conduct is made either explicitly or implicitly a term or condition of an individual's employment,(2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

Retaliation is adverse treatment which occurs because of opposition to unlawful workplace harassment.

Procedure:

- 1. In any case which the supervisor is witness to or confronted with a situation of harassment, the supervisor will immediately notify the offending party that harassment is not appropriate and will not be tolerated. Ultimate disciplinary action will await completion of the reporting procedure.***
- 2. Any employee who believes he or she is being subjected to any harassment should submit a written complaint to the ~~may have a complaint of sexual harassment may file the complaint directly with the~~ supervisor, department head or personnel director within 30 calendar days of the alleged harassing action. in accordance with the county's harassment policy procedures. Complaints of sexual harassment will be thoroughly and confidentially investigated and a fair hearing will be given to all parties.***
- 3. The official receiving the complaint must conduct a thorough and confidential investigation and provide a written report of findings and recommendations to the County Manager within 30 calendar days from receipt of written complaint.***
- 4. The grievant will be provided a written response of what action, if any, will result from the complaint within 15 calendar days from the date the report of findings was submitted to the County Manager.***

5. *Either the grievant or offender may appeal the decision to the Personnel Advisory Board within 5 working days from receipt of the decision.*
6. *An employee who harasses another employee, client, applicant for employment, or member of the public will be subject to the full range of disciplinary action, including dismissal.*
7. *Harassment does not include the conduct or actions of supervisors intended to provide employee discipline such as deficiency notices, performance evaluations, oral warnings, reprimands or other supervisory actions intended to promote positive performance.*

~~Valid complaints which meet the definition of sexual harassment will be considered detrimental conduct, and may result in immediate discipline of the offender up to and including demotion or discharge as provided in the Personnel Ordinance, Article VIII, Section 4.~~

Section 7. Travel Expense and Reimbursement

CHANGE: LANGUAGE ADDED TO SPECIFY WHEN REIMBURSEMENT WILL NOT BE MADE AND CLARIFY WHEN OVERNIGHT TRAVEL MUST BE APPROVED BY THE COUNTY MANAGER.

- B. Travel on official business must be authorized by the department head, *and there must be funds remaining in the travel budget to cover the estimated cost.* ~~with approval by the county manager for any overnight travel.~~ A written request for travel must describe the travel requested, the purpose of the proposed trip, and the period of time away from the county.
- C. County employees and officials traveling away from the county on official business will be reimbursed for mileage (when using their own vehicle), lodging, meals, and expenses as established by the Board of County Commissioners. *The county manager must pre-approve reimbursement for lodging when the travel distance is less than 80 miles each way.*
- E. *Nothing shall be charged, paid, or reimbursed for snacks, tobacco products, alcoholic beverages, clothing, medicine or personal care items. Nor, movies or other recreational fees, or travel between the conference site and recreational side trips.*
- F. *Nothing shall be reimbursed for costs incurred for family members.*

ARTICLE VI. HOLIDAYS AND LEAVE

Section 1. Paid Holidays Observed

CHANGE: DELETE PORTION THAT COULD BE TAKEN LITERALLY THAT HOLIDAY HOURS ARE COUNTED AS WORKED HOURS AND TO CLARIFY HOLIDAY HOURS FOR PT EMPLOYEES ARE PRO-RATED.

The following holidays, and such others as the Board of County Commissioners may designate, shall be observed by county offices: ~~and shall be counted as hours worked.~~

Part-time employees who are eligible for benefits and are normally scheduled to work on the day on which the holiday falls, shall receive ~~the holiday with~~ *pro-rated holiday pay.*

Section 3. Holidays - When Work is Required

CHANGE: INCREASES TIME EMPLOYEE HAS TO TAKE TIME OFF.

Employees required to perform work on regularly scheduled holidays may be granted compensatory time off at the rate of one hour off for each hour worked on a holiday. Compensatory time for holiday work shall be granted within ~~three (3)~~ *six (6)* months from the time it is earned.

Section 5. Annual Leave

CHANGE: LANGUAGE TO CONFORM WITH CHANGE TO BI-WEEKLY PAYROLL AND SHOW VACATION ACCRUAL UNDER THAT SYSTEM.

SECTION E CHANGES THE DATE FOR THE CARRY OVER OF MAXIMUM VACATION ACCUMULATION FROM DECEMBER 31 TO THE PAYROLL PERIOD THAT INCLUDES DECEMBER 31.

B. Each regular salaried employee occupying an established budgeted position shall earn annual leave *each payroll period* ~~on a monthly basis~~ in accordance with the following schedule of total service:

Years Worked	Number Hours Earned Per Pay Period		
	40 Hour Wk	42 Hour Wk	56 Hour Wk
Less than 2	3.0785	3.2308	4.3062
2 but less than 5	3.6923	3.8769	5.1692
5 but less than 10	4.6154	4.8462	6.4615
10 but less than 15	5.5385	5.8154	7.7538
15 but less than 20	6.4615	6.7846	9.0462
20 or more	7.3846	7.7538	10.3385

D. Employees must be in pay status for at least half the ~~month~~ *payroll period* to earn leave credits.

E. Annual leave may be accumulated without any applicable maximum until *the payroll period that includes* December 31 of each calendar year. However, if the employee separates from service, payment for accumulated leave shall not exceed thirty (30) days or 240 hours. Any employee with more than thirty (30) days or 240 hours of accumulated leave *at the end of the payroll period that includes December 31* ~~on December 31~~, shall have up to 40 hours of the excess accumulation converted to sick leave. Any additional excess accumulation shall be cancelled so that only thirty (30) days or 240 hours are carried forward to the next *payroll period* ~~calendar year~~.

Section 6. Sick Leave

CHANGE SICK LEAVE EARNINGS FROM MONTHLY TO BI-WEEKLY

D. Each regular salaried employee occupying a permanently established budgeted position (at least half the month) shall earn sick leave *each pay period at a rate of 3.6924* ~~on a monthly basis at the rate of one (1) day per calendar month~~ (pro-rated for employees working fewer or greater hours as established as the basic workweek). Sick leave will be cumulative for an unlimited number of days. At the time of separation, any sick leave owed the county shall be deducted from the employee's final compensation

CHANGE: SECTION G – TO COMPLY WITH RETIREMENT SYSTEM CHANGE.

SECTION I – WORDING CHANGED TO CLARIFY SICK LEAVE IS NOT PAID FOR ANY REASON AN EMPLOYEE LEAVES SERVICE OF THE COUNTY.

G. Sick leave earned monthly is allowed as creditable service at the time of retirement to employees who are members of the North Carolina Local Government Employees' Retirement System. One month of credit is allowed for each twenty (20) days of unused sick leave when an employee retires, and an additional month is credited for any part of twenty (20) days unused sick leave left over. ~~The maximum number of sick days that can be added at retirement is twelve (12) days for each year of membership service standing to the employee's credit.~~

I. Employees who retire or resign and are not reinstated with the county within a one-

year period shall lose all sick leave credits. No employee shall be paid for any accrued sick leave if the employee is terminated *at the time of separation from employment.*

Section 7A 8. Leave Under the Family and Medical Leave Act

CHANGE: TO CLARIFY WHEN AN EMPLOYEE IS REQUIRED TO USE SICK LEAVE, WHEN NOTICE OF THE NEED FOR LEAVE IS REQUIRED IN AN EMERGENCY SITUATION, AND COMBINE INFORMATION REGARDING COBRA AND CONTINUATION OF HEALTH INSURANCE.

TO CHANGE THE SECTION NUMBER FROM 7A TO 8 AND ALL OTHER SECTIONS IN ARTICLE VI TO ELIMINATE A OR B.

Pay Status While on Leave

All leaves under this policy will be unpaid for exempt and nonexempt employees, unless FMLA runs concurrently with paid leave. An employee is required to substitute his/her accrued sick leave for FMLA leave when *the reason for leave is due to the employee's own serious health condition and/or during the period of temporary disability due to the birth of a child.* ~~eligible under the County's sick leave policy, and~~ *The employee is not required but* may elect to substitute vacation leave for FMLA leave.

Employee Responsibility

An employee **must apply in writing to** his/her supervisor thirty (30)-days in advance of the qualifying reason for foreseeable absence/ tardiness under this policy (and timely verify the reason). *If leave is to begin within thirty days, an employee must give notice to his/her immediate supervisor as soon as the necessity for the leave arises, but no less than two (2) business days of learning of the need for leave.*

~~For emergency absence, the employee must inform his/her supervisor of the qualifying reason for absence no less than two (2) business days of learning of the need for leave (and timely verify the reason).~~

Benefits While on Leave

If an employee does not return from FMLA leave, COBRA will be triggered when FMLA leave ceases for any reason. *except when extended leave is granted under the Leave Without Pay section of this policy. Employees may then continue to be covered by the group hospitalization plan by paying the full cost of individual and dependent premium while on leave without pay.*

~~Group hospitalization insurance may be continued during the period of extended FMLA when covered by the Leave Without Pay section of this policy. However, the employee must pay the individual and dependent premium in full while on leave without pay.~~

Section 9 12. Civil Leave

CHANGE: CLARIFIES POLICY AND DISTINGUISH BETWEEN JOB RELATED AND NON-JOB RELATED LEAVE. NO CHANGE IN PRACTICE

Non-Job Related Civil Leave

An employee called for jury duty *may use civil leave with pay for the period of time required to be at court and will receive any fees received for jury duty. Employees are expected to report to work when court duty ends before the end of the regular workday. Additional time off is not given when jury duty occurs on a day the employee is scheduled off from work.*

An employee subpoenaed to appear as a witness in court or directed by officials to provide testimony during an official investigation, may use civil leave with pay for the period of absence required. ~~or as a court witness for the federal or state government, or a subdivision thereof, is entitled to a leave with pay for the period of absence required. The employee is entitled to regular compensation, plus fees received for such duty. Except that Employees must turn over to the county any witness fees or travel allowances awarded in connection with official duties.~~

Job Related Civil Leave

The time an employee whose official job duties require attendance in court or at a job related legal proceeding will be considered work time. The hours attending will be included in the total hours worked for the week. Employees must turn over to the county any witness fees or travel allowances awarded in connection with official duties.

Section ~~10~~ 13. Educational Leave ~~with Pay~~ and Reimbursement

CHANGE: REQUIRES THE COMPLETION OF THE INITIAL PROBATION PERIOD FOR EXTENDED LEAVE AND CLARIFYS WHAT THE EMPLOYEE MUST SUBMIT TO OBTAIN APPROVAL OF REIMBURSEMENT FOR FEES ASSOCIATED WITH EDUCATION LEAVE. SEPARATES EXTENDED EDUCATION LEAVE FROM LEAVE FOR SPECIFIC COURSE.

A. Leave and Reimbursement for Specific Courses

A leave of absence at full pay during regular work hours may be granted to an employee to take one (1) course at a time which will better equip the employee to perform assigned duties ~~upon the recommendation of the department head, and with the approval of the county manager.~~ *The employee must submit a course outline to the department head so he/she can determine if the course will better equip the employee to perform assigned duties. A copy of the course outline and the department head's justification will be submitted to the county manager for approval.*

An employee may receive reimbursement for one (1) course at a time taken outside of working hours which will better equip the employee to perform assigned duties. ~~subject to the approval of the department head and the county manager.~~ *To be eligible for reimbursement, an outline of the course content must be submitted to the department head. If the department head determines the course will better equip the employee to perform assigned duties, he/she will submit a recommendation for approval to the county manager.*

If the county manager approves reimbursement for tuition, fees and books for the course taken outside working hours, such reimbursement will be made ~~The county shall reimburse the employee for tuition, fees and books for the course,~~ provided the employee submits a receipt of course expenses and a notice of successful completion (passing grade or better).

B. Extended Leave and Benefits

A leave of absence at full or partial pay for a period not to exceed twelve (12) calendar months may be granted to an employee *who has completed the initial probation period and is* enrolled full-time in an institution of higher learning and pursuing courses which directly relate to an employee's job. The decision to grant such leave will be based on such factors as workload, critical nature of employee's job, chances of the employee returning to duty, and how beneficial the course(s) will be to the current job duties. Such leave must be recommended by the department head and county manager and approved by 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 employ 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 sick 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. This shall not include vacation leave.

Section ~~11~~ 14. Worker's Compensation Leave

CHANGE: LIMITS THE USE OF SICK AND VACATION LEAVE TO SUPPLEMENT WORKER'S COMPENSATION BENEFITS. ALSO ADDS LANGUAGE THAT TIME WILL BE COUNTED AGAINST FMLA ENTITLEMENT SECTION 15 . LIGHT DUTY PROGRAM ADDED.

An employee absent from duty because of sickness or disability covered by the North Carolina Worker's Compensation Act may receive Worker's Compensation benefits and elect to use accumulated ~~vacation and sick leave~~ as a supplemental payment for the ~~difference between the regular salary and the payments received under the~~ *seven day waiting period under the* Worker's Compensation Act *if a physician has certified that the employee is*

unable to perform any duties. Such an employee may have deducted from his accumulated vacation or sick leave that fraction of a day which is the same as the fraction that the supplemental payment for one day is of a regular day's pay. If the employee does not have enough accrued sick leave, vacation leave may be used.

The County may offer light duty work to employees who have been medically approved for such work as outlined in the Return-to-Work section below. The employee may decline the light duty and instead choose to exercise his/her FMLA rights. However, workers' compensation benefits may be suspended under the State Workers' Compensation statutes.

Absence due to an on-the-job injury will be counted against the employee's FMLA leave entitlement.

Upon reinstatement, an employee's salary will be computed on the basis of the last salary earned plus any increment or other salary increase to which the employee would have been entitled during the disability covered by Worker's Compensation.

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 Worker's Compensation Act.

Section 15. Return-to-Work Program

The purpose of this program is to return injured employees to a job suitable to their work restrictions as soon as medically feasible. Early return-to-work and light duty programs promote a quicker recovery, improve morale, allow injured employees to earn their normal wages, and help departments maintain their productivity.

- A. Any employee with a work-related injury resulting in limitations of light duty will be eligible for this program.*
- B. The attending physician will provide clear, written restrictions and approve light duty work assigned to the employee based on those restrictions.*
- C. To the extent possible, employees participating in this program will be returned to their normal department. When limitations prevent light duty work in the normal department or work within the limitations is not available, the workers compensation administrator will locate an assignment in a different department that is compatible with restrictions.*
- D. Employees in this program will be assigned a temporary supervisor if moved to a different work unit or department. The employee will be subject to the same work rules and regulations as any other employee, and will be required to perform work within the limitations established by the treating physician.*
- E. Employees participating in this program will receive their normal wage for each hour worked, and the cost will be charged to the employee's normal work department.*
- F. The light duty assignment will be temporary and may be discontinued when:
 - 1. the treating physician returns the employee to full duty,*
 - 2. the physician prohibits the employee from participating in a light duty assignment,*
 - 3. the physician indicates the employee has reached maximum medical improvement and will not be able to return to regular position,*
 - 4. there is no longer an appropriate task within the County that would accommodate the employee's capabilities, or an employee has been on light duty for a period of six months. All light duty cases will receive a thorough re-evaluation at this point to determine if such duty is to be continued.**

ARTICLE VII. EMPLOYEE BENEFITS

Section 5. Death Benefit

REASON FOR CHANGE: THE AMOUNT OF DEATH BENEFIT HAS BEEN CHANGED. THIS REVISION WILL NOT REQUIRE CHANGES WHEN/IF THE AMOUNT CHANGES AGAIN IN THE FUTURE.

If an employee dies while still in active service with at least one year as a contributing member of the Retirement System, the employee's beneficiary will receive a lump sum payment ~~equal to the employee's highest twelve (12) months' consecutive salary during the preceding twenty-four (24) months, not to exceed \$20,000~~ ***in an amount established by the Retirement System.*** This benefit is also paid if the employee dies within 180 days after the last day for which he or she is paid a salary.

ARTICLE VI. HOLIDAYS AND LEAVE
(shown again in its entirety)

Section 1. Paid Holidays Observed

A. The following holidays, and such others as the Board of County Commissioners may designate, shall be observed by county offices:

- New Year's Day
- Martin Luther King Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving

Christmas - two or three days (see the following schedule):

When Christmas falls on:

The County observes:

Sunday	Friday and Monday
Monday	Monday and Tuesday
Tuesday	Monday, Tuesday, Wednesday
Wednesday	Tuesday, Wednesday, Thursday
Thursday	Wednesday, Thursday, Friday
Friday	Thursday and Friday
Saturday	Friday and Monday

When a holiday other than Christmas falls on a Saturday, the preceding Friday will be observed as the holiday. When a holiday other than Christmas falls on a Sunday, the following Monday will be observed as the holiday.

Part-time employees who are eligible for benefits and are normally scheduled to work on the day on which the holiday falls, shall receive ***pro-rated holiday*** pay.

Employees on leave without pay when a holiday occurs are not eligible for holiday pay.

Section 2. Effect of Holidays on Other Types of Paid Leave

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

Section 3. Holidays - When Work is Required

Employees required to perform work on regularly scheduled holidays may be granted compensatory time off at the rate of one hour off for each hour worked on a holiday.

Compensatory time for holiday work shall be granted within *six (6)* months from the time it is earned.

Section 4. Adverse Weather Conditions

County offices and departments shall remain open for the full scheduled workday unless authorization for early closing or other deviation is received from the county manager's office. All departments and offices will be given sufficient advance notice of any authorized early closing. Non-emergency personnel scheduled to work that day may be granted administrative leave for the period of time offices are closed. However, employees must arrive at work by the official time offices open and be on the job at the time of any early closing to be eligible for administrative leave. Employees who leave work before an official early closing time, as well as those employees who report for work late or do not report for work at all, may elect to use earned vacation or compensatory leave for all hours missed during the normal work hours, including the time offices were closed. If an employee does not have earned vacation or compensatory leave or elects not to use it, the hours missed will be unpaid leave.

Section 5. Annual Leave

Rev 1/1/97

- A. Employees serving a probationary period following initial appointment shall not be permitted to take annual leave during the probationary period unless the denial of such leave will create an undue hardship. Any annual leave granted during this period shall have prior approval of the department head. Law enforcement officers shall be allowed to take accumulated vacation leave after six (6) months of satisfactory service.
- B. Each regular salaried employee occupying an established budgeted position shall earn annual leave *each payroll period* in accordance with the following schedule of total service:

Years Worked	Number Hours Earned Per Pay Period		
	40 Hour Wk	42 Hour Wk	56 Hour Wk
Less than 2	3.0785	3.2308	4.3062
2 but less than 5	3.6923	3.8769	5.1692
5 but less than 10	4.6154	4.8462	6.4615
10 but less than 15	5.5385	5.8154	7.7538
15 but less than 20	6.4615	6.7846	9.0462
20 or more	7.3846	7.7538	10.3385

- C. Vacation leave earned by employees having a workweek with greater or fewer hours than the basic workweek shall be pro-rated.
- F. Employees must be in pay status for at least half the *payroll period* to earn leave credits.
- G. Annual leave may be accumulated without any applicable maximum until *the payroll period that includes* December 31 of each calendar year. However, if the employee separates from service, payment for accumulated leave shall not exceed thirty (30) days or 240 hours. Any employee with more than thirty (30) days or 240 hours of accumulated leave *at the end of the payroll period that includes December 31*, shall have up to 40 hours of the excess accumulation converted to sick leave. Any additional excess accumulation shall be cancelled so that only thirty (30) days or 240 hours are carried forward to the next *payroll period*.
- F. Annual leave shall be taken in increments of 15 minutes and must be approved by the employee's department head in advance.
- G. Any employee who separates in good standing and is reinstated within one year may receive previous credit time for the purpose of accruing annual leave. The total months of previous service time will be recognized at the end of the probationary period.

- H. An employee who is separated shall be paid for annual leave accumulated to the date of separation, not to exceed a maximum of thirty (30) days or 240 hours. Any advanced annual leave owed the county shall be deducted from the employee's final compensation.
- I. The estate of an employee who dies while employed by the county shall be entitled to payment for all of the accumulated annual leave, not to exceed a maximum of 240 hours.
- J. The above-stated leave schedule shall be increased by .6138 for employees hired prior to the adoption of this policy.
- K. A new employee coming directly from a NC state, city or county governmental agency may receive credit for years of service at that agency for purposes of determining the vacation accrual rate. To be eligible for the credit, the governmental agency must certify the number of years the employee had attained at the time of separation.

Section 6. Sick Leave

Rev 1/1/97

Sick leave with pay is not a right which an employee may demand but a privilege granted by the Board of County Commissioners. Sick leave shall be taken in increments of 15 minutes and must be approved by the supervisor.

- A. Employees may be granted sick leave for absence due to the following:
 - 1. Sickness or bodily injury that prevents the employee from performing his or her regular duties.
 - 2. Medical or dental appointments.
 - 3. The actual period of temporary disability caused by or contributed to by pregnancy, miscarriage, childbirth, and recovery therefrom.
 - 4. Exposure to a contagious disease when continuing work might jeopardize the health of others.
 - 5. Death in the employee's immediate family, not to exceed three (3) days for any one occurrence. Additional leave time, under exceptional circumstances, may be authorized by the department head. (Immediate family is deemed to include spouse, mother, father, guardian, children, brother, sister, grandparent, grandchild, plus various combinations of half, step, in-law and adopted relationships that can be derived from those named.)
 - 6. To supplement Worker's Compensation Insurance as provided in Section 12 of this Article.
- B. If an employee is FMLA-eligible and if the reason for sick leave is an FMLA qualifying reason, then sick leave under this policy must be substituted for FMLA leave, so that both run concurrently.
- C. Employees must notify their immediate supervisor of all requests for sick leave before the leave is taken, or not later than fifteen (15) minutes after the beginning of a scheduled work day. Sick leave may only be taken with the approval of the immediate supervisor.
- D. Each regular salaried employee occupying a permanently established budgeted position (at least half the month) shall earn sick leave on a monthly basis at the rate of one (1) day per calendar month (pro-rated for employees working fewer or greater hours as established as the basic workweek). Sick leave will be cumulative for an

unlimited number of days. At the time of separation, any sick leave owed the county shall be deducted from the employee's final compensation.

- E. The employee's department head or the county manager may require a statement from the physician, or other acceptable proof, that the employee was unable to report for work as a condition of approving sick leave.

Employees on sick leave for more than five (5) working days will be required to provide a doctor's certification that they are able to perform the essential functions of the job before being reinstated to his/her position

- H. The county manager may advance sick leave to an employee who has exhausted sick leave because of a major operation or illness. This advanced sick leave may not exceed the amount an employee can earn during the current calendar year except with the approval of the Board of Commissioners.

The County Manager may approve the use of up to ten sick leave days per year by an employee who has exhausted all vacation to care for a spouse, child, or parent when they have a serious health condition under the Family and Medical Leave Policy.

- G. Sick leave earned monthly is allowed as creditable service at the time of retirement to employees who are members of the North Carolina Local Government Employees' Retirement System. One month of credit is allowed for each twenty (20) days of unused sick leave when an employee retires, and an additional month is credited for any part of twenty (20) days unused sick leave left over.

- H. Unused sick leave earned from another North Carolina governmental agency and/or entity will be accepted and transferred to the county as follows:

1. The governmental entity was the employee's place of employment immediately prior to their employment with Iredell County.
2. The total number of days accepted as transferred will be added to the record after completion of the probationary period.
3. Verification of accumulated sick leave must be received in writing from the previous employer.

- I. Employees who retire or resign and are not reinstated with the county within a one-year period shall lose all sick leave credits. No employee shall be paid for any accrued sick leave *at the time of separation from employment.*

Section 7. Maximum Unpaid Leave Of Absence

- A. The county manager, upon recommendation of the department head, may grant leave without pay for up to six months to employees who have completed their probation period for the following reasons:

1. Continuation of education.
2. Special work that will permit the county to benefit by the experience gained or performed.
3. A serious medical condition after FMLA is exhausted.
4. The birth or adoption of a child.
5. Accommodation of a disability.
6. Other reasons deemed justified by the appointing authority.

- B. If an employee is FMLA-eligible and if the reason the county manager granted leave without pay under this policy is an FMLA qualifying reason, then leave under this policy must run concurrently with FMLA.

- C. Return to work for less than four consecutive weeks will not break the six-month maximum period under this policy.
- D. Insofar as leave is granted under this policy for an employee disabled under the Americans With Disabilities Act, the county may offer additional leave as an accommodation for such disability to the extent that such extension does not create an undue hardship on the county.
- E. Except for extensions of leave under Section D above, any extension of leave under this policy must be approved by the Board of County Commissioners.
- F. The County may request that an employee take a medical leave of absence when the employee becomes medically unable to perform his/her job or if the employee's medical condition could affect the work, safety, or health of any employee or the property of the County.
- G. Benefits While on Leave Without Pay
 - 1. Employees shall have the option to retain all unused annual leave while on leave. However, no more than 240 hours can be carried over at the end of the calendar year.
 - 2. Annual and sick leave will not be accrued during any calendar month that the employee is not on the payroll half the month.
 - 3. An employee on leave without pay for these reasons may be eligible to continue their hospitalization insurance coverage subject to the terms and regulations adopted by the Board of County commissioners and the group carrier.
 - 4. For the explanation of benefits while on FMLA leave see Section 7A of this Article.

Section 8. Leave Under the Family and Medical Leave Act

This policy outlines the procedures for the County's compliance with the Family and Medical Leave Act of 1993. Whenever an eligible employee timely provides a qualifying reason for an absence or tardiness, it will be conditionally designated by the County as "FMLA leave," conditioned upon timely verification. A "workweek" will be calculated based on the eligible employee's actual workweek, including any mandatory overtime. Employees with variable hours will have the "workweek" based on the average hours worked during the 12 weeks prior to leave. The total leave available under this policy is one twelve workweek period within the designated 12-month period. The 12-month period is a rolling 12-month period measured backward from each date an employee requests any FMLA leave; thus, it will be a different calculation each time an employee requests leave. In this policy, the phrase "designated 12-month period" will refer to this calculation.

Eligibility for FMLA Leave

Employees who have worked for the County a total of twelve (12) months (not necessarily consecutive) and who have worked at least 1,250 hours during the consecutive twelve (12) month period preceding the commencement of leave are eligible for up to 12 workweeks of family and medical leave for the following reasons:

1. The employee has a serious health condition incurred either on or off the job, which renders him/her unable to perform one or more of the essential functions of his/her position. Eligible employees may take intermittent leave or leave on a reduced leave schedule when medically necessary, but the County reserves the right to transfer the employee to another position which can better tolerate the recurrent absence.

2. The employee's spouse, child or parent has a serious health condition, which requires the employee to care for the spouse, child or parent. The County reserves the right to require documentation of the family relationship. FMLA leave is not available for the care of a parent-in-law. Eligible employees may take intermittent leave or leave on a reduced leave schedule when it is medically necessary to care for such spouse, child, or parent, but the County reserves the right to transfer the employee to another position which can better tolerate the recurrent absence/tardiness.
3. The birth of a child of the employee or placement of a child with the employee for adoption or foster care. Childbirth or placement leave must be taken in a block rather than reduced schedule leave or intermittent leave unless the county manager gives advance approval of a special request for intermittent leave. The entitlement to leave for birth or child placement expires one year after the childbirth or placement.

Pay Status While on Leave

All leaves under this policy will be unpaid for exempt and nonexempt employees, unless FMLA runs concurrently with paid leave. An employee is required to substitute his/her accrued sick leave for FMLA leave when ***the reason for leave is due to the employee's own serious health condition and/or during the period of temporary disability due to the birth of a child. The employee is not required but*** may elect to substitute vacation leave for FMLA leave.

FMLA leave taken under this policy will count toward the total unpaid leave available under the County's maximum leave of absence.

Employees are not entitled to greater benefits than they would have received if FMLA had not been taken.

Terms and Definitions

1. The term "disability" as used in this policy means a physical or mental impairment which substantially limits the employee in a major life activity.
2. "Serious health condition" means an illness, injury, impairment, or physical or mental condition verified by the certification of a health care provider, that involves:
 - A period of incapacity due to any overnight stay in a hospital, hospice, or residential medical care facility, including subsequent recovery therefrom, and any follow-up treatment; or a period of incapacity due to pregnancy or prenatal care; or
 - a period of incapacity including treatment and recovery, due to the inability to engage in regularly scheduled activity for longer than 3 calendar days, where there have been two or more treatments by a health care provider (includes one treatment by health care provider followed by regiment of prescription medication or therapy) (this does not include the common cold, the flu, bronchitis, ear aches, an upset stomach, minor ulcers, non-migraine headaches, routine dental work, periodontal disease, or cosmetic treatments); or
 - any period of incapacity due to or treatment for a chronic condition, which continues over an extended period of time, requires periodic medical treatments, and may cause episodic incapacity (asthma, diabetes, epilepsy); or
 - any period of incapacity due to a permanent or long-term condition for which treatment may not be effective but where there is continuing supervision by a health care provider; or
 - multiple treatments and recovery, due to:(a) restorative surgery following an accident or injury; or (b) condition that requires ongoing treatments to avoid extended incapacity (cancer, severe arthritis, kidney disease).

Employee Responsibility

Failure to provide timely notice can result in loss of protection under the law or delay of the leave.

An employee **must apply in writing to** his/her supervisor thirty (30)-days in advance of the qualifying reason for foreseeable absence/ tardiness under this policy (and timely verify the reason). *If leave is to begin within thirty days, an employee must give notice to his/her immediate supervisor as soon as the necessity for the leave arises, but no less than two (2) business days of learning of the need for leave.*

For an extension of requested leave, the employee **must inform** his/her supervisor of the qualifying reason for extension no less than two (2) business days of learning of the need for extension (and timely verify the reason). Otherwise, any absence is subject to general County policy, without statutory protection. Violation of the County's three-day "no show" policy will be considered a voluntary quit.

Employees are expected to make a reasonable effort to schedule planned treatments so as not to unduly disrupt the operations of the department, subject to the approval of the health-care provider.

Even if an employee's absence qualified for FMLA, the absence will not be protected under the law if the employee does not inform his/her supervisor of the qualifying reason within two (2) business days of his/her return to work and provide timely verification required under this policy.

If the employee should decide not to return to work, the county should be notified immediately.

Falsification: of any FMLA form will result in disciplinary action up to and including discharge.

Spouses Employed by the County

When a husband and wife are both employed by the county, they are limited to a combined total of 12 workweeks of leave during any 12-month period if the leave is taken to care for a parent with a serious health condition or for the birth or placement of a child with the couple for adoption or foster care.

Medical Certification

Certification from a health-care provider will be required to verify the need for leave due to a serious health condition of the employee or member of the employee's family. The employee must obtain a certification form from the Personnel Office or from his/her supervisor. NOTE: A simple doctor's statement is not sufficient under this policy.

Such certification should be presented at the time the request for leave is given, but must be submitted to the County no later than 15 days after the request for leave.

The county reserves the right to have its physician verify or seek clarification of the medical certification provided. Further, the County may require an employee to obtain a second opinion from a health-care provider approved by the county when validity of the leave request is questioned. If the second opinion conflicts with the original medical opinion, the county may require a third opinion from a health-care provider mutually agreed upon by the county and the employee. The opinion of the third health-care provider is final and binding on the county and the employee. The county will bear the cost for such second and third opinions.

Employees must contact his/her supervisor or department head every 30 days concerning: (a) his/her medical status, or the medical status of the family member; (b) his/her inability to perform essential job functions or the medical necessity for him/her to care for the family

member; and (c) his/her intention to return to work. Recertification of the need for leave is required every 30 days; except when the medical certification provided to the County states a minimum duration of more than 30 days. Further, the County reserves the right to obtain any medical information required for it to comply with the Americans with Disabilities Act.

Medical certifications or medical histories furnished to the County for FMLA purposes will be maintained in separate files and shall be treated as confidential medical records.

Reinstatement

If the employee is capable of performing all essential functions of his/her last regular job upon returning from FMLA leave, the employee will be reinstated to his/her former position or an equivalent job, provided the employee furnishes a healthcare provider's medical verification of such capability. The County reserves the right to require an employee to submit to an examination by a physician approved by the County on the first day of the employee's return to work. Refusals of an offer of reinstatement will be treated as a voluntary resignation.

Upon reinstatement, the employee will be restored to coverage under all employee benefit plans in which he/she was participating in the last regular job held prior to the FMLA leave, unless the employee has changed his/her election.

Reinstatement from medical or family leave may be denied to "key" salaried employees whose compensation is in the top 10 percent of employees employed if: (1) the denial of reinstatement is necessary to prevent substantial and grievous economic injury to the operations of the County, (2) the County notifies the employee of its intent to deny reinstatement on such basis, and (3) where the leave has commenced, the employee elects not to immediately return to employment after receiving such notice.

The right of reinstatement with restoration of pay and benefits is conditioned upon the employee's ability to perform all essential functions of the last regular position held prior to leave.

FMLA leave will cease immediately when: (1) the employee does not timely provide the necessary information to support the need for FMLA leave (such as medical certification); (2) the employee would otherwise be subject to termination (for example, the position is being eliminated and the employee would otherwise be subject to layoff; the employee is discharged for cause; etc.); or (3) the employee gives unequivocal notice (verbal or written) of his/her intent not to return to employment.

When FMLA leave ceases, group health coverage, reinstatement rights, and restoration rights also cease.

Disciplinary action, including discharge, continue to apply to employees on FMLA leave as if the employee had remained in active service.

Benefits While on Leave

2. Employees shall have the option to retain all unused annual leave while on leave. However, no more than 240 hours can be carried over at the end of the calendar year.
3. Annual and sick leave will not be accrued during any calendar month that the employee is not on the payroll half the month.
3. An employee on FMLA leave will be retained on the county's group hospitalization plan for a 12 workweek period at the same level and under the same conditions as provided prior to the employee's leave. Employee contributions for dependent coverage maintained during the period of leave must be paid by the employee.

Employees will be required to reimburse the county for insurance premiums paid on their behalf while on leave without pay if the employee fails to return to work for at least 30 days following the leave; except if the reason is the continuation, recurrence, or onset of a

serious health condition which is verified by a health-care provider or other circumstances beyond the employee's control. Premiums may be recovered through small claims court or from deduction in wages or vacation pay that would otherwise be included in the final paycheck.

If an employee does not return from FMLA leave, COBRA will be triggered when FMLA leave ceases for any reason *except when extended leave is granted under the Leave Without Pay section of this policy. Then employees may continue to be covered by the group hospitalization plan by paying the full cost of individual and dependent premium while on leave without pay.*

4. The availability of other plan benefits during FMLA leave is governed by each benefit booklet.

Section 9. Parental School Leave

To comply with G.S. 95-28.3 as amended effective December 1, 1993, employees will be granted at least four hours of unpaid leave per year to attend or otherwise be involved in activities at their child's school, subject to the following conditions:

1. The leave shall be at a mutually agreed upon time between the employee and their supervisor;
2. The employee must submit a written request for such leave to their supervisor at least 48 hours before the time desired for the leave; and
3. The employee must submit written verification from the child's school that the employee attended or was otherwise involved at that school during the time of leave to their supervisor at the time the employee returns to work.

The definition of school includes public, private, church schools, and preschools. It also includes day care facilities as defined under G.S. 110-86.

Section 10. Bereavement Leave

This policy is written to establish guidelines for the use of bereavement leave due to the death in the employee's immediate family or death of a co-worker.

A. Immediate Family:

1. An employee who has a member of his/her immediate family taken in death may receive up to three (24 hours) off to range and/or attend funeral activities. Under exceptional circumstances, the department head may authorize additional leave.
2. Bereavement leave for an immediate family member will be charged to sick leave.
3. Immediate family is deemed to include spouse, mother, father, guardian, children, brother, sister, grandparent, grandchild, plus various combinations of half, step, in-law and adopted relationships that can be derived from those named.

B. County Employee:

1. The department head, immediate supervisor, and personnel director or county manager will be designated officials to attend the funeral.
2. The department head may send a designee(s) if he/she or the immediate supervisor is unable to attend.
3. Other county employees attending the funeral and/or visitation will charge the absence to earned vacation or compensatory leave. Department heads may allow employees to make up time away from the department when such extra work will not create an overtime situation.

4. In the event the number of employees wishing to attend the funeral exceeds that necessary to carry out the operations of the department, department heads may assign employees from another unit to fill in for employees attending.
5. Should a death occur in a small department of the county, the department head and county manager will consider options such as using volunteers, closing the office, and reassigning employees from another department to determine the best method of handling the operations of the office.

Effective April 18, 2001

Section 11. Military Leave

- A. Permanent employees who are members of the National Guard or Armed Forces Reserve will be allowed 96 hours of military training leave annually (adjusted for employees having a workweek with greater or fewer hours than a basic workweek), with partial compensation. If the compensation received while on military leave is less than the salary that would have been earned during this same period as an active employee, the employee shall receive partial compensation equal to the difference in the base salary earned as a reservist or a guardsman and the salary that would have been earned during this same period as a county employee. The effect will be to maintain the employee's salary at the normal level during this period. If such military duty is required beyond 96 hours, the employee shall be eligible to take accumulated vacation leave or be placed on leave without pay status.
- B. While on military leave with partial pay or without pay, the employee's leave credits and other benefits shall continue to accrue as if the employee remained with the county during the period. Employees who are guardsmen and reservists have all applicable job rights specified in the Veterans Readjustment Assistance Act.

Section 12. Civil Leave

Non-Job Related Civil Leave

An employee called for jury duty may use civil leave with pay for the period of time required to be at court and will receive any fees received for jury duty. Employees are expected to report to work when court duty ends before the end of the regular workday. Additional time off is not given when jury duty occurs on a day the employee is scheduled off from work.

An employee subpoenaed to appear as a witness in court or directed by officials to provide testimony during an official investigation, may use civil leave with pay for the period of absence required.

Job Related Civil Leave

The time an employee whose official job duties require attendance in court or at a job related legal proceeding will be considered work time. The hours attending will be included in the total hours worked for the week. Employees must turn over to the county any witness fees or travel allowances awarded in connection with official duties.

Section 13. Educational Leave and Reimbursement

A. Leave and Reimbursement for Specific Courses

A leave of absence at full pay during regular work hours may be granted to an employee to take one (1) course at a time which will better equip the employee to perform assigned duties. *The employee must submit a course outline to the department head so he/she can determine if the course will better equip the employee to perform assigned duties. A copy of the course outline and the department head's justification will be submitted to the county manager for approval.*

An employee may receive reimbursement for one (1) course at a time taken outside of working hours which will better equip the employee to perform assigned duties. ***To be eligible for reimbursement, an outline of the course content must be submitted to the department head. If the department head determines the course will better equip the employee to perform assigned duties, he/she will submit a recommendation for approval to the county manager.***

If the county manager approves reimbursement for tuition, fees and books for the course taken outside working hours, such reimbursement will be made provided the employee submits a receipt of course expenses and a notice of successful completion (passing grade or better).

B. Extended Leave and Benefits

A leave of absence at full or partial pay for a period not to exceed twelve (12) calendar months may be granted to an employee ***who has completed the initial probation period and is*** enrolled full-time in an institution of higher learning and pursuing courses which directly relate to an employee's job. The decision to grant such leave will be based on such factors as workload, critical nature of employee's job, chances of the employee returning to duty, and how beneficial the course(s) will be to the current job duties. Such leave must be recommended by the department head and county manager and approved by 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 employ 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 sick 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. This shall not include vacation leave.

Section 14. Worker's Compensation Leave

An employee absent from duty because of sickness or disability covered by the North Carolina Worker's Compensation Act may receive Worker's Compensation benefits and elect to use accumulated sick leave as a supplemental payment for the seven day waiting period under the Worker's Compensation Act ***if a physician has certified that the employee is unable to perform any duties. If the employee does not have enough accrued sick, vacation leave may be used.***

The County will offer light duty work to employees who have been medically approved for such work as outlined in the Return-to-Work section below. The employee may decline the light duty and instead choose to exercise his/her FMLA rights. However, workers' compensation benefits may be suspended under the State Workers' Compensation statutes.

Absence due to an on-the-job injury will be counted against the employee's FMLA leave entitlement.

Upon reinstatement, an employee's salary will be computed on the basis of the last salary earned plus any increment or other salary increase to which the employee would have been entitled during the disability covered by Worker's Compensation.

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 Worker's Compensation Act.

Section 15. Return-to-Work Program

The purpose of this program is to return injured employees to a job suitable to their work restrictions as soon as medically feasible. Early return-to-work and light duty programs promote a quicker recovery, improve morale, allow injured employees to earn their normal wages, and help departments maintain their productivity.

- G. *Any employee with a work-related injury resulting in limitations of light duty will be eligible for this program.*
- H. *The attending physician will provide clear, written restrictions and approve light duty work assigned to the employee based on those restrictions.*
- I. *To the extent possible, employees participating in this program will be returned to their normal department. When limitations prevent light duty work in the normal department or work within the limitations is not available, the workers compensation administrator will locate an assignment in a different department that is compatible with restrictions.*
- J. *Employees in this program will be assigned a temporary supervisor if moved to a different work unit or department. The employee will be subject to the same work rules and regulations as any other employee, and will be required to perform work within the limitations established by the treating physician.*
- K. *Employees participating in this program will receive their normal wage for each hour worked, and the cost will be charged to the employee's normal work department.*
- L. *The light duty assignment will be temporary and may be discontinued for when:*
 - 1. *the treating physician returns the employee to full duty,*
 - 2. *the physician prohibits the employee from participating in a light duty assignment,*
 - 3. *the physician indicates the employee has reached maximum medical improvement and will not be able to return to regular position,*
 - 4. *there is no longer an appropriate task within the County that would accommodate the employee's capabilities, or*
 - 5. *an employee has been on light duty for a period of six months. All light duty cases will receive a thorough re-evaluation at this point to determine if such duty is to be continued and/or if reclassification and/or reassignment to another position is warranted.*

Section 16. Administrative Leave

Administrative leave with pay may be granted by the county manager when circumstances are such that the manager deems it to be in the best interest of the county and the employee for work to be temporarily halted. All such use of administrative leave will be reported to the Board of Commissioners at its next regularly scheduled meeting.

Effective September 1, 1992
 Revised November 1, 2005

* * * * *

2. Request for Approval of Revisions to Iredell County's Purchasing Ordinance Effective December 1, 2005: During the briefing session, Purchasing Agent Dean Lail said revisions were needed in the purchasing ordinance due to (1) changes in the General Statutes (2) for the facilitation of day-to-day operations because new methods were being used for bids and purchasing and (3) for the utilization of new methods for the sale of surplus property.

At the briefing session, the board members, by consensus, agreed for the staff to conduct biannual reviews of the Purchase Order limits.

The revised ordinance is shown in its entirety as follows with language to be removed being depicted with strikeouts and new wording shown in italics and through the usage of underlined print.

ARTICLE II. PURCHASING AND SALES*

*** State constitution references--** County contracts for public purposes, Art. V, § 2(7).

State law references: Model payment and performance bond, G.S. § 44A-25 et seq.; monopolies, trusts and consumer protection, G.S. Ch. 75; regulation of contractors for public works, G.S. § 133-23 et seq.; public contracts, G.S. § 143-128 et seq.; corporate powers of county, G.S. §§ 153A-11, 153A-12; continuing contracts, G.S. § 153A-13.

Sec. 2-26. Title.

This article shall be known as the "Purchasing Ordinance."
(Ord. of 8-5-75, § I)

Sec. 2-27. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agency and *using agency* mean any of the departments or offices of the county whose funds are accounted for by the county.

Bidders' list means a current file of sources of supply of articles for each category of commodities repetitively purchased.

Contractual services means any and all services, except professional services, which are to be provided on the basis of an agreement, including but not limited to service contracts on equipment, the rental of equipment and machinery, and rental of uniforms.

Local bidder means a person who maintains a place of business within the county.

Professional services means the services of attorneys, physicians, architects, engineers, dentists, accountants or consultants possessing a high degree of professional or technical skill.

Responsible bid means ~~an offer submitted by a responsible bidder in ink or typewritten form to furnish bid items in conformity with the specifications of the bid.~~ the bid offered by a bidder who has complied with all qualifying requirements.

Responsible bidder means a bidder who has furnished, when requested, information and data to prove that ~~his service, reputation and experience are adequate to make satisfactory delivery of items or services on which he~~ the bidder has the skill, qualifications (licensure, etc.), judgment and integrity necessary to the faithful performance of the contract, as well as sufficient financial resources and ability.

Responsive bid means that the bid conforms substantially to the specifications and does not contain a material variance from the specifications.

Responsive bidder means a bidder that has substantially complied with the bid specifications without material variance that gives that bidder an advantage or benefit not enjoyed by the other bidders.

Commodity means any supply, material, equipment, or service separately, or collectively, identifiable to be used by an agency.

Supplies, materials, and equipment and services mean any and all separately identifiable ~~items used~~ items and services used by any agency. (Ord. of 8-5-75, § II)

Cross references: Definitions and rules of construction generally, § 1-3.

Sec. 2-28. Purchasing policy.

The purpose of the purchasing system in this article is to provide efficient procedures for the purchase of supplies, services and equipment at the lowest possible cost, with quality needed, to exercise positive financial control over purchases, and to clearly define authority for the purchasing function.
(Ord. of 8-5-75, § I)

Sec. 2-29. Purchasing agent--Designated.

The county manager is designated the purchasing agent. He may, as he considers appropriate, delegate the duties of purchasing agent to another official who shall be under the direct

supervision of the county manager. The duties of purchasing agent may be combined with those of any other office or position.
(Ord. of 8-5-75, § III)

Sec. 2-30. Same--Responsibilities.

Subject to the provisions of this article and state law, the purchasing agent shall:

- (1) ~~Purchase~~ Review and approve all supplies, materials, equipment and contractual services required by the agencies in estimated amounts of ~~five thousand dollars (\$5,000.00) or less one thousand dollars (\$1,000.00) or more by means of printed purchase order or contract;~~
- (2) Submit to the board of commissioners for award contracts for purchases of supplies, materials, equipment and contractual services in estimated amounts in excess of ~~twenty thousand dollars (\$20,000.00)~~ ninety thousand dollars (\$90,000.00), unless excepted by GS 143-129e;
- (3) Develop and use standard ~~specifications~~ terms and conditions to the greatest extent possible for purchase orders and contracts;
- (4) Transfer between agencies, and the ~~central surplus~~ storeroom, such supplies, materials, ~~funds~~ or equipment that are necessary ~~to assist in capitalizing beginning inventory of the central storeroom~~ for the operations of the agency;
- (5) Utilize the most effective methods, prescribed by NC law, to exchange, trade-in, sell or discard those supplies, materials and equipment that are obsolete, surplus, or unused and that are found by the county manager not to be required for public use;
- (6) Develop standard forms and conditions of invitations to bid; ~~and purchase orders~~
- (7) Develop and prescribe the use by agencies of forms required in carrying out the provisions of this article;
- (8) ~~Obtain and maintain a list of all items and services required by using agencies and an estimate of the amount~~ Assist using agencies in determining quality and quantity of items and services to be used within a designated time period;
- (9) ~~Classify common items for which an inventory is to be maintained in the central storeroom for requisitioning by using agencies and provide such list to the using agencies for reference;~~
- (10) ~~Establish procedures for and manage a central storeroom for meeting the common supply~~ Review, approve and maintain all standing contracts for services, supplies, materials and equipment needs of agencies, to be delivered over the term of the contract;
- (11) ~~Maintain a current inventory of~~ contracts with substantial discounts on common items ~~in the central storeroom and replenish such inventory~~ as is are required to meet the needs of using agencies;
- (12) Undertake ~~where possible efficiencies can be realized~~ joint purchasing of items with other counties, municipalities or regional organizations, and use the "piggybacking" procedures prescribed by law, where possible efficiencies can be realized;
- (13) Aggregate requirements for supplies, materials and equipment before putting the items up for bid in order to reduce purchase transactions and secure the best possible price;
- (14) Ensure that sufficient funds are available to cover the ~~intimated~~ cost of a requested purchase; in cases where funds are not sufficient the purchasing agent shall secure approval of the county manager before making the purchase or advise as to proper procedure for funds transfer;

(15) Develop and implement procedural regulations that interpret and enforce compliance with the provisions of this article.

(Ord. of 8-5-75, § IV; Mo. of 1-5-82; Res. of 10-4-88)

State law references: Procedure for letting of public contracts, G.S. § 143-129; letting contracts on informal bids, G.S. § 143-131.

Sec. 2-31. Same--Authority to adopt procedural regulations.

The purchasing agent is hereby authorized to prepare procedural regulations to amplify the provisions of this article and to enforce compliance with such regulations including, but not limited to, the procedure for:

- (1) Handling bids, Quotes and Requests for Proposal;
- (2) Making purchases, including emergency purchases;
- (3) Reporting receipt of deliveries of supplies, materials, equipment and contractual services;
- (4) Submitting requisitions for the supplies, materials, equipment and contractual services needed for using agencies and for submitting invoices for items delivered;
- (5) Requesting, submitting for review, approval procedure and signature authority of all contracts for services;
- (6) Control and safeguarding of items in surplus inventory including maintenance of a perpetual inventory system indicating the quantitative amounts and monetary value of items in inventory; to facilitate its transfer to other departments, sale or discard;
- (6) Such other activities as are necessary to give effect to this article.

(Ord. of 8-5-75, § V)

State law references: Minimum number of bids for public contracts, G.S. § 143-132; use of small, minority, physically handicapped and women contractors, G.S. § 143-135.5.

Sec. 2-32. Requisitions and estimates of future requirements.

- (a) All agencies shall submit to the purchasing agent requisitions for the supplies, materials, equipment and contractual services as required for their operations and which exceed one thousand dollars (\$1,000.00) thus requiring an approved written purchase order prior to purchase. The purchasing agent, after reviewing any such requisition may question its propriety and may require the head of the requesting agency to justify the quantity, quality or authorization for the requisition.
- (b) All agencies shall also file with the purchasing agent estimates advance written notice of their requirements for supplies, materials, equipment or contractual services on such form, at such time, and for such future periods as the purchasing agent may prescribe so as to allow adequate time to schedule and apply the bidding process. (Ord. of 8-5-75, § VI)

Sec. 2-33. Contracts, purchases, and sales; competitive bids required.

- (a) All purchases of and contracts for supplies, materials, equipment and contractual services and all sales of personal properties shall be based ~~whenever~~ at all times possible on competitive bids.
- (b) If the amount of the expenditure for ~~a contractual service or for~~ a commodity or class of commodity ~~normally obtainable from the same source of supply~~ is estimated to ~~exceed five thousand dollars (\$5,000.00) to be~~ ninety thousand dollars (\$90,000.00) or more, contract bids shall be submitted in accordance with the provisions of state law for formal bids.

(c) If the amount of the expenditure is estimated to be less than ~~five thousand dollars (\$5,000.00)~~ ninety thousand dollars (\$90,000.00), it shall be on an open market transaction and, ~~whenever possible, be based on at least three (3) competitive bids.~~ shall be made according to the following:

- (1) Zero to eleven thousand, nine hundred ninety-nine dollars (0-\$11,999.00) shall be considered across the counter purchases and shall be made after the best possible price has been found
- (2) Twelve thousand dollars to twenty-nine thousand, nine hundred ninety-nine dollars (\$12,000.00-\$29,999.00) – prior to award, confidential written or verbal quotes obtained by the department shall be sent with a requisition to purchasing for award
- (3) Thirty thousand dollars to eighty-nine thousand nine hundred ninety-nine dollars (\$30,000-\$89,999.00) – written quotes must be submitted from the vendor direct to the purchasing agent for review and award

(d) The purchasing agent shall direct the using agencies how to solicit ~~by direct mail requests to~~ appropriate quotes from prospective bidders for the commodities being purchased. ~~however Confidential bids quotes may be solicited by direct mail, electronically, telephone or catalog prices provided by responsible bidders for open market purchases or sales less than five thousand dollars (\$5,000.00), five hundred dollars (\$500.00), thirty thousand dollars (\$30,000.00) or make purchases available through the Department of Administration, Division of Purchase and Contract.~~

(e) All open market purchases shall be awarded to the lowest responsible, responsive bidder, taking into consideration quality, performance, and the time specified in the bids for performance of the contract and all open market sales to the highest responsible bidder. However, price and quality being equal, preference shall generally be given to responsible local bidders.

(Ord. of 8-5-75, § VII; Mo. of 1-5-82; Res. of 10-4-88)

(f) All contracts for purchases, services, lease agreements, rentals, installations or other contracts requiring an authorizing signature shall be forwarded to the Purchasing Agent for review and determination of propriety, legality and signatory authority prior to receipt or performance of any commodity covered by said contract.

State law references: Preference given by state agencies to North Carolina products and citizens, G.S. § 143-59; withdrawal of bid, G.S. § 143-129.1.

Sec. 2-34. Purchase of patented or proprietary material.

(a) When the county requires supplies, materials or equipment that are produced by only one (1) manufacturer, and the contract shall be within the informal bid range, the purchasing agent shall specify such manufacturer's make or brand in the invitations to bid and shall obtain competitive bids from authorized dealers or distributors of such manufacturer. If such supplier or manufacturer is the sole bidder and sole source of supply, the purchasing agent is authorized to negotiate an open market order or contract with the supplier or manufacturer at prices and on terms most advantageous to the county. All sole source contracts exceeding the formal bid amount shall be awarded by the board of commissioners.

(b) When the county requires supplies, materials or equipment that are patented or proprietary and that are obtainable in two (2) or more equally satisfactory and competitive makes, brands or types, the purchasing agent shall list such acceptable and competitive makes, brands or types in the invitations to bid. Such lists shall also include the phrase "or equal" to permit bidders to bid on alternate or additional makes, brands or types. It shall be incumbent on each such bidder to prove to the satisfaction of the County that the alternate or additional make, brand or type that he offers is equal in quality or performance to those listed in the invitation to bid.

(Ord. of 8-5-75, § VIII)

State law references: Trademarks, brands, etc., G.S. § 80-1 et seq.

Sec. 2-35. Availability of funds.

Except in emergencies no notice of award of contract pursuant to this article shall be issued, no contract shall be signed, and no open market purchase order shall be issued, until the purchasing agent shall have certified that the unexpended balance in the appropriation or appropriation concerned is sufficient to defray the amount of such contract or purchase order. (Ord. of 8-5-75, § IX)

State law references: Emergency purchases by state, G.S. § 143-57.

Sec. 2-36. Unlawful purchases.

(a) If any agency purchases or contracts for any supplies, materials, equipment or contractual services contrary to the provisions of this article, such purchase order or contract shall be void and of no effect, unless thereafter ratified by the person or body required by this article to approve such purchase or contract. The head of the agency approving the making of such purchase transaction shall be personally liable for the amount of such purchase order or contract, and, if already paid for out of county funds, the amount thereof may be recovered in the name of the county in an appropriate action therefore.

(b) It shall be unlawful for any agency to split its requirements for supplies, materials, equipment and contractual services into ~~estimated lesser amounts of less than five thousand dollars (\$5,000.00)~~ in order to evade the provisions of section 2-33.

(Ord. of 8-5-75, § X; Mo. of 1-5-82; Res. of 10-4-88)

State law references: Unlawful use of state purchase or contract procedures for private benefit, G.S. § 143-58.1.

Sec. 2-37. Surplus, obsolete and waste commodities.

(a) All agencies shall submit to the purchasing agent, at such times and in such form as he shall prescribe, reports showing stocks of all supplies, materials and equipment that are no longer used or that have become obsolete, worn out or scrapped. The purchasing agent shall have authority to transfer any such commodities that are usable to another or other agencies in lieu of filling requisitions for the purchase of new and additional stock of the same or similar articles.

(b) The purchasing agent shall make a written description and estimate of the value of any surplus items not usable by any county agency or not required for public use. The purchasing agent shall have authority to sell all such supplies, materials and equipment that cannot be used by any agency or that have been found by him not to be required for public use; or to exchange or trade in such articles in part ~~or full~~ payment for new supplies, materials or equipment of a similar nature. ~~The purchasing agent shall report in detail upon any such sale to the board of commissioners within forty five (45) days thereafter.~~ (Ord. of 8-5-75, § XI)

(c) Declaration, Sale and disposition of Surplus Property Valued at \$30,000 or less.

(1) The Purchasing Agent is authorized to declare as surplus personal property owned by Iredell County and valued at less than \$30,000, to set its fair market value, to sell it or exchange it for a comparable item, and to convey title to the property on behalf of the County.

(2) Upon declaring as surplus personal property owned by the County and setting its fair market value, the Purchasing Agent may initiate proceedings for the sale or exchange of property by any means prescribed in NC General Statute and may convey title to the property for the County. The Purchasing Agent is not required to publish notice and the sale or exchange may be either public or private.

(3) The Purchasing Agent shall keep a record of all property sold under this section and that record shall generally describe the property sold or exchanged, to whom it was sold or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.

(4) The Purchasing Agent is authorized to properly discard as waste surplus personal property under this section that is deemed unusable, unsuitable for sale, dangerous to the public or when the sale of such could present a liability to the County.

(d) Sale to Employees Prohibited Except at Public Auction.

The Purchasing Agent shall not sell surplus County property to, or exchange for a comparable item with, employees or members of County departments, agencies, boards or commissions except at public auction. This prohibition shall apply to any interest which shall yield, direct or indirectly, a monetary or other material benefit to the employee. All private negotiated sales of surplus to any of the above may only be approved by action of the Board in the manner prescribed by NC General Statute.

Additionally, no individual who is, in any manner, involved in the purchase or acquisition of personal property, determination of surplus or its disposition may purchase, bid or in any manner take possession of Iredell County surplus property.

State law references: State agency for surplus property, G.S. § 143-64.1 et seq.

Sec. 2-38. Changes in state law.

The provisions of state law with regard to the purchase of apparatus, supplies, materials and contractual services, as the same may change from time to time, shall automatically be included in this article, and this article shall be deemed automatically amended to include all future amendments to state law.

(Res. of 10-4-88)

Secs. 2-39--2-55. Reserved.

* * * * *

3. Request from the Health Department for Approval of a Budget Amendment to Increase the Work Time of a Family Nurse Practitioner & to Add Benefits: This action was approved by the board of health on October 13. A memo from the health director indicated the nurse practitioner was currently working 16 hours a week, and the request was for the employee to work 24 hrs. a week. Private pay clients and insurance will generate enough revenue to completely reimburse the county for the employees' increased pay and benefits.

4. Request from the Health Department for Approval of a New Fee for FluMist Nasal Spray Flu Vaccine: On October 13, 2005, the board of health gave approval for an \$18 fee to be added to the Preventive Health Fee Schedule for Flumist, an intranasal flu vaccine (CPT Code 90660) and for an \$8 administrative fee (CPT Code 90473).

5. Request from the Health Department for Approval of an Occult Blood Test Fee: The health staff requested that a \$5 fee be added to the Preventive Health Fee Schedule for an Occult Blood Test (CPT Code 82270). Approval was given by the board of health on October 13 for the blood test fee.

6. Request from the Health Department for Approval of an Amendment to the Preventive Health Fee Schedule Regarding the Pneumonia Vaccine: Notice has been received that the Medicaid reimbursement rate for the pneumonia vaccine has increased. Approval was given on October 13 by the board of health to increase the fee, charged for the Pneumonia Vaccine (CPT Code 90732), from \$21 to \$25.

7. Request from the Health Department for Approval of a Budget Amendment to Receive/Expend the Eat Smart Move More Grant of \$17,768: Notification was recently received that the referenced grant had been approved by the North Carolina Division of Public Health. The board of health approved the acceptance of the funding on October 13. The \$17,768 will be used in local school systems to help promote "healthy vending options, healthy dining programs, and an academic-based physical activity program."

8. Request for Approval of a Reimbursement Resolution in Conjunction with One or More Tax-Exempt Financings for Certain Expenditures in Connection with Acquisition, Construction and Equipping of School and Community College Projects: Sidley Austin Brown and Wood LLP, bond counsel for the \$44,630,000 in school bonds and the \$6,000,000 for the community college bonds, has submitted the following resolution for the county to adopt. The resolution will allow Iredell County to be reimbursed for costs incurred in conjunction with the bond issuance.

REIMBURSEMENT RESOLUTION
COUNTY OF IREDELL, NORTH CAROLINA

*RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE COUNTY OF IREDELL,
NORTH CAROLINA DECLARING THE INTENTION OF THE COUNTY TO REIMBURSE
ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR
CERTAIN EXPENDITURES MADE AND TO BE MADE IN CONNECTION WITH THE
ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL
IMPROVEMENTS*

WHEREAS, the County of Iredell, North Carolina (the "Issuer") is a political subdivision organized and existing under the laws of the State of North Carolina; and

WHEREAS, the Issuer has paid, beginning no earlier than September 2, 2005, and will pay, on and after the date hereof, certain expenditures (the "Expenditures") in connection with the acquisition, construction and equipping of school and community college projects (the "Project"), as more fully described in Exhibit A attached hereto; and

WHEREAS, the Board of Commissioners of the Issuer (the "Board") has determined that those moneys previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (the "Bonds");

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

Section 1. The Board hereby declares the Issuer's intent to reimburse the Issuer with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after September 2, 2005, which date is no more than 60 days prior to the date hereof. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Bonds expected to be issued for the Project is \$50,630,000.

Section 4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid on the date the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five years.

Section 5. This resolution shall take effect immediately upon its passage.

ADOPTED this 1st day of November, 2005.

DESCRIPTION OF PROJECT

1. *School Projects: (a) constructing an elementary school in the Mt. Mourne area, renovating and expanding N.B. Mills/Monticello Elementary School, Sharon Elementary School, Troutman Elementary School, Troutman Middle School, Brawley Middle School, North Iredell Middle School, Statesville Middle School, West Iredell Middle School, Lake Norman High School, Statesville High School, North Iredell High School and West Iredell High School for the Iredell-Statesville Schools Board of Education, including the acquisition of necessary land and equipment, and (b) erecting additional school buildings, remodeling, enlarging and reconstructing existing school*

buildings, providing necessary utilities and acquiring necessary land and equipment in order to provide additional school facilities for the Mooresville Graded School District.

2. *Community College Projects: expanding and improving the facilities of Mitchell Community College, including, but not limited to, the construction of a Student Services Building on the Statesville Campus and an expansion of the Mooresville Campus, including additional parking and classroom facilities, and the acquisition of any necessary land, furnishings and equipment.*

9. Request from the Register of Deeds for Approval of Amendments to the Records Retention and Disposition Schedule: Deputy County Manager Blumenstein said at the briefing session that periodically the state updated the records retention schedule for county departments. She said recently the North Carolina Department of Cultural Resources/Division of Archives and History had updated the Register of Deeds' records schedule, and Brenda Bell, Register of Deeds, supported the revisions.

10. Request for Approval of a Contract with Hartigan Management Enterprises, Inc., for Assistance in the Community Development Block Grant (CDBG) and Economic Infrastructure Program (EIP) Application Process for the Pratt Industries Project: At the briefing session, Deputy County Manager Blumenstein said Hartigan Management Enterprises would prepare and file on behalf of the county, an application to the NC Department of Commerce (CDBG) and to the North Carolina Rural Center (EIP) for funding to assist with the relocation of Jet Corr d/b/a Pratt Industries. She said the industry planned to construct a new 300,000 sq. ft. facility in the West Farm Industrial Park, and the Hartigan contract stipulated that \$5,000 would be paid for a "successful" CDBG application & \$2,500 would be paid for a "successful" NC Rural Center/EIP application. She said regulations required that fund applicants be governmental agencies, and the Greater Statesville Development Corporation (GSDC) would pay all costs for the Hartigan contract.

11. Request for Discussion/Decision Regarding an Amendment to the Wilson Security Contract: On August 16, 2005, a contract was approved with Wilson Security for services at the social services department, the health department, the library, and the court buildings. Deputy County Manager Blumenstein said at the briefing session it was recently discovered the sheriff's department was paying \$1.35 more than what was initially approved for guards in the courts facilities (Hall of Justice, Hall of Justice Annex, and Government Center-South). She said the sheriff's department was offering additional training for the court security guards, and this was the justification for the pay increase. Blumenstein said the extra costs were being paid out of the jail commissary gross profits.

12. Request for Approval of the October 18, 2005 Minutes

13. Request for Approval to Close the Tax Offices on Thursday, December 8 and Friday, December 9, 2005 To Effect the Move to the New Office Location: Deputy County Manager Blumenstein said at the agenda briefing that the employees in the tax offices would move in early December to their new location on Water Street. Blumenstein said a public notice would be in the newspaper about the relocation and closing.

14. Request for Approval to Allow Crossroads Behavioral Healthcare to Sub-lease County Facilities Located at Hwy. 21, Statesville, NC and East Center Street, Mooresville, NC to Crossroads Providers: At the agenda briefing, Crossroads Director David Swann requested permission to sub-lease space to mental health providers at the Statesville and Mooresville sites. He made the request due to Telecare Mental Health Services terminating its contract as of December of this year. Swann said advance permission for the sub-leasing would help in providing a "smoother transition with the new provider organizations."

-----END OF CONSENT AGENDA-----

ANNOUNCEMENT OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS

Nursing Home Advisory Committee (1 announcement)

APPOINTMENTS TO BOARDS & COMMISSIONS

Animal Grievance Committee (2 appointments): Commissioner Williams nominated Cynthia Andrews.

No other nominations were submitted, and Chairman Tice made a motion to (1) reappoint Andrews and (2) postpone the remaining appointment until the November 15 meeting.

VOTING: Ayes – 5; Nays – 0.

Planning Board (1 appointment): No nominations were submitted, and Commissioner Johnson made a motion to postpone the appointment until the November 15 meeting.

VOTING: Ayes – 5; Nays – 0.

Adult Care Home Community Advisory Committee (6 appointments): No nominations were submitted, and Chairman Tice made a motion to postpone the six appointments until the November 15 meeting.

VOTING: Ayes – 5; Nays – 0.

Nursing Home Advisory Committee (1 appointment): No nominations were submitted, and Chairman Tice made a motion to postpone the appointment until the November 15 meeting.

VOTING: Ayes – 5; Nays – 0.

SPECIAL PRAYER FOR THE MASHBURN FAMILY: Commissioner Williams said it was a very trying time for the county manager’s family. Williams encouraged everyone to send a sympathy card to the family or to keep them in their prayers due to the loss of their son and brother. Williams said the county was fortunate to have a man, such as Joel Mashburn, who had such strong Christian beliefs.

Commissioner Johnson then led everyone in the following prayer for the family.

“Heavenly Father, we’ve all been here a number of years, and we’ve come to admire Joel and his family. From time to time, we’ve had our differences, but we can honestly say, we’ve never observed him to take a position on anything that would do harm to anyone he knew or to this county. He’s been faithful, and yet, Lord, in spite of his faithfulness, this great tragedy and sorrow has been visited upon him. As mortal human beings, we don’t always understand your ways, and why you allow things to happen. But, as such, is the essence of faith. We pray tonight that Joel’s faith will strengthen that of his family, and that you will encourage him, and draw him close to you. That Joel will remember through your presence the joy of his salvation and that of his family members as well. While it may be a dark hour, it may be his greatest hour, when he affirms his election in Christ. May he use this opportunity to bless the lives of those around him, and the people in the future who will suffer a loss such as this. In the name of Christ, we lift him up to you, and pray your blessings upon him and his family. In Christ’s name, AMEN.”

ADJOURNMENT: There being no further business, Chairman Tice made a motion to adjourn the meeting at 9:05 p.m. NEXT MEETING: November 15, 2005, 5 and 7 P.M., in the Iredell County Government Center, 200 South Center Street, Statesville, NC.

VOTING: Ayes – 5; Nays – 0.

Approved: _____

Clerk to the Board

