



ALBEMARLE COMMISSION BOARD OF DELEGATES MEETING

DATE: Thursday, July 19, 2018
TIME: 7 p.m. Board Meeting
LOCATION: Albemarle Commission Offices

a light dinner will be provided for the Board at 6:30 prior to the meeting

- CAMDEN
- CHOWAN
- CURRITUCK
- DARE
- GATES
- HYDE
- PASQUOTANK
- PERQUIMANS
- TYRRELL
- WASHINGTON
- COLUMBIA
- CRESWELL
- DUCK
- EDENTON
- ELIZABETH CITY
- GATESVILLE
- HERTFORD
- KILL DEVIL HILLS
- KITY HAWK
- MANTEO
- NAGS HEAD
- PLYMOUTH
- ROPER
- SOUTHERN SHORES
- WINFALL

Item 1.	Opening	Page 2
Item 2.	Pledge of Allegiance	Page 2
Item 3.	Invocation	Page 2
Item 4.	Determination of a Quorum	Page 2
Item 5.	Approval of June 21, 2018 Minutes (VOTE)	Page 4
Item 6.	Approval of the June 28, 2018 Minutes (VOTE)	Page 15
Item 7.	Review of the Commission By-Laws	Page 18
Item 8.	Review of the Commission's Personnel Policy (VOTE)	Page 34
Item 9.	Reports	Page 97
	Training (Workforce Development)	Dave Whitmer
	Economic Development & Administration	Cathy Davison
	Area Agency on Aging & Senior Nutrition	Laura Alvarico
	Mapping, Planning & Transportation (RPO)	Angela Welsh
	Money & Budget Amendments	Carolyn LaDow
Item 10.	County Updates	Page 112
Item 11.	Chairperson's Comments	Page 112
Item 12.	Old/Other Business	Page 112
Item 13.	Closed Session in accordance with NCGS 143-318 (11)(a)(3) to consult with an attorney and NCGS 143-318(11)(a)(6) personnel	
Item 14.	Adjournment	
Attachment:	Board Travel Reimbursement Sheet	Page 115

August 16, 2018 @ 7 P.M.
ALBEMARLE COMMISSION OFFICES
NEXT BOARD MEETING

**Opening
Pledge of Allegiance
Invocation
Determination of a Quorum**

Meeting Minutes

Approval of the Meeting Minutes from the June 21, 2018 Meeting

Approval of the Meeting Minutes from the June 28, 2018 Meeting

**Minutes of the
Albemarle Commission Board of Delegates
June 21st, 2018
6:00 PM**

Public Hearing on the FY 2018-19 Budget of the Albemarle Commission.
Chairwoman Marion Gilbert opened the public hearing asking if anyone had any comments on the Budget. Daily Advance contributing author Holly Audette addressed the Board stating every government budget should be scrutinized line item by line item and that she believes that the move to a new facility is wasteful spending and that the expenses aren't realistic and there needs to be a huge justification to the members on the move. those funds could be better utilized providing services to the residents of the Region. She thanked the Board for their willingness to give their time to review the budget line by line and for asking the questions that goes along with the scrutiny needed of this organization.

With no further comments from the public, Chairwoman Marion Gilbert closed the Public Hearing on the FY 2018-19 Budget of the Albemarle Commission.

I. Opening

Chairwoman Marion Gilbert called the meeting to order at 6:34 p.m.

II. Pledge of Allegiance

Tyrrell County Board Member Vice Chairman Leroy Spivey led the Board in the Pledge of Allegiance.

III. Invocation

Tyrrell County Board Member Vice Chairman Leroy Spivey led the Board in the Invocation.

IV. Determination of Quorum

The presence of a quorum was determined by Clerk and Program Administrative Coordinator Laura Rollinson with 11 Members present.

<u>Name</u>	<u>County</u>
Sandra Duckwall	Camden
Clayton Riggs	Camden
John Mitchener	Chowan
Marion Gilbert	Currituck
Elizabeth White	Currituck
Rob Ross	Dare
Linda Hofler	Gates

Earl Pugh
Lloyd Griffin
Leroy Spivey
Tracey Johnson

Hyde
Pasquotank
Tyrrell
Washington

Absent Members:

Garry Meiggs(alternate)
William Smith
Fondella Leigh

Camden
Chowan
Perquimans

Partners, guests, and staff present:

Cathy Davison, David Whitmer, Laura Alvarico, Angela Welsh, Carolyn LaDow, and Laura Rollinson, Golden Leaf Scholars Intern Deja Gainey and Daily Advance contributing author Holly Audette were also present.

V. Floor Opened to Public Comments

Golden Leaf Scholars Intern Deja Gainey introduced herself to the Board and thanked Albemarle Commission for the opportunity to gain valuable insight in the workings of local government.

VI. Approval of March Minutes (VOTE):

Chairwoman Gilbert asked for a motion to approve the minutes from the April 19th, 2018 Board meeting. Board Member Linda Hofler made a motion to approve the minutes. Her motion was seconded by Board Member Tracey Johnson and, with no further discussion, the motion was carried unanimously.

VII. Consideration of a Resolution Approving 2018-2019 Budget Ordinance. (VOTE):

Chairwoman Marion Gilbert opened the floor to Albemarle Commission Executive Director Cathy Davison. Executive Director Davison presented the 2018-2019 Budget Ordinance to the Board. (See Below)

The Albemarle Commission Board of Delegates

FISCAL YEAR 2018-2019

BUDGET ORDINANCE RESOLUTION

WHEREAS, The State of North Carolina requires that Regional Councils of Government comply with NCGS Chapter 159 cited as The Local Government Finance Act; and

WHEREAS, The Local Government Finance Act prescribes a uniform system of budget adoption and administration and fiscal control; and

WHEREAS, NCGS Ch. 159-8 (a) further prescribes that Regional Council of Governments shall operate under an annual balanced budget; and

WHEREAS, NCGS Ch. 159-8 through 159-17 prescribes the procedures and requirements for the adoption, execution, and administration of an annual budget ordinance,

NOW THEREFORE; BE IT RESOLVED, by the Board of Delegates of the Albemarle Commission, the following expenditures and revenues are herewith budgeted in the programs as presented below is hereby adopted in total at the program department level:

PROGRAMS	FY 2018-2019 Expenditures & Revenues
INDIRECT FUND	\$ 650,355
GENERAL TRANSFER FUND	\$ 127,924
SPECIAL GRANTS (CWMTF)	\$ 33,725
ECONOMIC DEVELOPMENT	\$ 112,125
ALBEMARLE RPO	\$ 144,531
AREA AGENCY ON AGING & SENIOR NUTRITION PROGRAM	\$2,637,041
NORTHEASTERN WORKFORCE DEVELOPMENT BOARD	\$3,113,338
REVOLVING LOAN PROGRAM	\$ 31,500
TOTAL BUDGET	\$6,850,539

Board Member Lloyd Griffin stated the floor should be opened to questions prior to any vote taking place. Board Member Clayton Riggs question the Indirect Line Item Changes and the placement of new EDA staff position in the budget. Board Member Sandra Duckwall stated she had spoken to Perquimans County and stated they were willing to make the necessary improvements to the Albemarle Commission's current location and she did not see where Indirect Rates should increase as presented in the 2018-2019 Budget Ordinance. RPO Director Angela Welsh stated she does not need to move from her current off-site location, that the issues with her building had been resolved. Albemarle Agency on Aging Director Laura Alvarico stated the rate changes would not affect services offered and that her staff does not currently have the space needed to effectively conduct their services and reiterated the privacy concerns of clients due to the current situation of her staff's office. Northeastern Workforce Development Director David Whitmer also reiterated several of his staff have to rotate in and out of one office and with the current building, he can not grow his programs. Board Member Earl Pugh stated the move has been discussed for a lengthy amount of

time. Board Member Robb Ross concurred with his statement. Board Member Clayton Riggs made a motion to vote to deny the current budget as written. His motion was seconded by Board Member Lloyd Griffin. A roll call vote was taken for the 2018-2019 Budget Ordinance with a Yes vote representing denying the current budget as written and a No vote representing not to deny the 2018-2019 Budget Ordinance as written with the following votes:

<u>Name</u>	<u>Vote</u>
Sandra Duckwall	Yes
Clayton Riggs	Yes
John Mitchener	Yes
Marion Gilbert	No
Elizabeth White	Yes
Rob Ross	Yes
Linda Hofler	Yes
Earl Pugh	No
Lloyd Griffin	Yes
Leroy Spivey	Yes
Tracey Johnson	Yes

With nine (9) Board Members voting to deny the 2018-2019 Budget Ordinance as written, two (2) Members opposing the denial of the 2018-2019 Budget Ordinance as written, the vote carried to deny the 2018-2019 Budget Ordinance as written.

Board Member Lloyd Griffin made a motion to adopt a Continuous Resolution Budget Amendment of the 2017-2018 Budget Ordinance to allow the Finance Officer to pay the current reoccurring bills at the 2017-2018 indirect percentage rate until the 2018-2019 Budget Ordinance could be revised and new vote could be held. Board Member Rob Ross seconded his motion and with no further discussion, the motion was carried unanimously.

VIII. Consideration of Amended Contract with ARHS (VOTE)

Chairwoman Marion Gilbert opened the floor to Executive Director Cathy Davison to present the proposed amended contract with Albemarle Regional Health Services. (See Below)

A RESOLUTION APPROVING A SECOND AMENDMENT TO THE FINANCIAL SERVICES CONTRACT TO PROVIDE FINANCIAL AND INFORMATION TECHNOLOGIES SERVICES

BETWEEN ALBEMARLE REGIONAL HEALTH SERVICES

AND THE ALBEMARLE COMMISSION

ALBEMARLE COMMISSION BOARD OF DELEGATES

June 21, 2018

WHEREAS, financial services for the Albemarle Commission are required; and

WHEREAS, the government agency of Albemarle Regional Health Services has been selected to continue providing financial and information technology services to the Albemarle Commission; and

WHEREAS, Albemarle Regional Health Services has provided a Contract to provide fiscal management services at a cost of \$32,307 with a 2.5% increase each year.

WHEREAS, Albemarle Regional Health Services has provided a contract to provide information technology and offsite data storage at an annual cost of \$5,200 and \$1,875, respectively.

WHEREAS, the Albemarle Commission will pay an annual contract price for financial software through Munis application services of \$7,685.

NOW THEREFORE BE IT RESOLVED that the Albemarle Commission's Board of Delegates hereby approves entering into an amended contract to provide financial and information technology services by Albemarle Regional Health Services and directs the Chairman to execute the Contract.

This Resolution is adopted pursuant to the provisions of North Carolina General Statutes Chapter 159-34. This Resolution shall become effective upon adoption

Board Member Lloyd Griffin advised the Board Pasquotank County just signed a contract with the SoundSide Group from Washington County due to recent security issues. Board Member Clayton Riggs made a motion to approve resolution to approve a second amendment to the contract between Albemarle Commission and the Albemarle Region Health Services to provide financial and technology services. His motion was seconded by Board Member Linda Hofler and, with no further discussion, the motion was carried unanimously.

IX. Consideration of the Albemarle Commission's Accounting Policy and Procedures Manual (VOTE)

Chairwoman Marion Gilbert opened the floor to Executive Director Cathy Davison to discuss the Albemarle Commission's Accounting Policy and Procedures Manual approval consideration. (A copy of the Albemarle Commission Accounting Policy and Procedures Manual was included in the Board Members Agenda Packets). Executive Director Cathy Davison stated that while the Albemarle Commission has had financial procedures in place and have followed state statute for our financial policies, we have not had a formal Financial Policy. Based on the requirements for our financial monitoring, we are requesting consideration in approving the resolution on Albemarle Commissions Accounting Policy and Procedures Manual. (See Below)

RESOLUTION

APPROVING THE ACCOUNTING

POLICIES AND PROCEDURES MANUAL

ALBEMARLE COMMISSION'S BOARD OF DELEGATES

June 21, 2018

RESOLVED, by the Board of Delegates of the Albemarle Commission, that

WHEREAS, this Albemarle Commission's Board of Delegates needs to adopt the Accounting Policies and Procedures Manual pursuant to NC G.S. 159;

NOW THEREFORE BE IT RESOLVED that the Albemarle Commission's Board of Delegates hereby approves:

Albemarle Commission's Accounting

Policies and Procedures Manual dated June 2018

This Resolution is adopted pursuant to the provisions of the NC G.S. 159, Local Government Finance. This Resolution shall become effective upon adoption.

Board Member Sandra Duckwall stated consideration should be giving to adopting a policy capping the amount of comp time that can be earned in the future. Board Member Rob Ross made a motion to approve the Albemarle Commission Accounting Policy and Procedures Manual, his motion was seconded by Board Member John Mitchener and with no further discussion, the motion was carried unanimously.

X. Consideration of Assistance Policy, Procurement and Distribution Policy, and Requisition Approval and Project Access Authorization for the Albemarle Commission's 2018 Essential Single-Family Rehabilitation Projects (Camden, Currituck, Dare, Hyde and Pasquotank Counties)

Chairwoman Marion Gilbert opened the floor to Executive Director Cathy Davison to discuss the request for Board approval on the Assistance Policy, Procurement and Distribution Policy and Requisition Approval and Project Access Authorization for the Albemarle Commission's 2018 Essential Single-Family Rehabilitation Projects for Camden, Currituck, Dare, Hyde and Pasquotank Counties. Executive Director Cathy Davison stated The Albemarle Commission has been designated as a Rehab Loan Pool Agency for the Region. The North Carolina Housing Finance Agency has made available \$175,000 for each of the following counties: Camden, Currituck, Dare, Hyde and Pasquotank Counties. The repairs for the homes are income based and are generally less than \$25,000 hard costs per home and \$10,000 soft costs per home that include administration, intake and applications, inspections and project oversight. The loans are forgiven at a rate of \$3,000 each year. As in the past, the following documents must be approved for the counties identified:

1. Assistance Policy

2. Procurement and Disbursement Policy
3. Requisition Approval and Project Authorization

These are standard State Housing Agreements that must be entered into prior to the distribution of any funds or providing any housing repairs. A copy of all counties Assistance Policies, Procurement and Disbursement Policies and Essential Single-Family Rehabilitation Loan Pool Portal Requisition Approval and Project Access Authorizations were provided in the Board Members Agenda Packets.

A RESOLUTION

APPROVING THE ASSISTANCE POLICY, PROCUREMENT AND DISBURSEMENT POLICY, AND REQUISITION APPROVAL AND PROJECT ACCESS AUTHORIZATION FOR THE ALBEMARLE COMMISSION FOR 2018 ESSENTIAL SINGLE-FAMILY REHABILITATION LOAN PROGRAM WITH THE NORTH CAROLINA HOUSING FINANCE AGENCY PROJECTS IN CAMDEN, CURRITUCK, DARE, HYDE, AND PASQUOTANK COUNTIES

ALBEMARLE COMMISSION BOARD OF DELEGATES

June 21, 2018

RESOLVED, by the Board of Delegates of the Albemarle Commission's Board of Delegates, that

WHEREAS, the Albemarle Commission Board of Delegates approves the Albemarle Commission Assistance Policy for Camden, Currituck, Dare, Hyde and Pasquotank Counties for the 2018 Essential Single-Family Rehabilitation Loan Program;

WHEREAS, the Albemarle Commission Board of Delegates approves the Procurement and Disbursement Policy for Camden, Currituck, Dare, Hyde and Pasquotank Counties for the 2018 Essential Single-Family Rehabilitation Loan Program;

WHEREAS, the Albemarle Commission Board of Delegates approves the Albemarle Commission's Requisition Approval and Project Access Authorization for Camden, Currituck, Dare, Hyde and Pasquotank Counties for the 2018 Essential Single-Family Rehabilitation Loan Program.

NOW THEREFORE BE IT RESOLVED that the Albemarle Commission's Board of Delegates hereby approves:

1. The Albemarle Commission's Assistance Policy for Camden, Currituck, Dare, Hyde and Pasquotank Counties
2. Procurement and Disbursement Policy for Camden, Currituck, Dare, Hyde and Pasquotank Counties
3. Albemarle Commission's Requisition Approval and Project Access Authorization for Camden, Currituck, Dare, Hyde and Pasquotank Counties

This Resolution is adopted pursuant to the provisions of the North Carolina Housing Finance Agency's Funding Agreement with the Albemarle Commission. This Resolution shall become effective upon adoption.

Board Member Lloyd Griffin advised the Board there had been an incident in the past where a contractor had not provided adequate services and it cost that county a substantial amount of money to correct the issue. Board Member Tracey Johnson made a motion to approve the resolution on the Assistance Policy, Procurement and Distribution Policy and Requisition Approval and Project

Access Authorization for the Albemarle Commission's 2018 Essential Single-Family Rehabilitation Projects for Camden, Currituck, Dare, Hyde and Pasquotank Counties. Her motion was seconded by Board Member Clayton Riggs. Board Member Lloyd Griffin opposed, all others were in favor of approval. With the majority approving, the motion passed.

XI. TEAMM Reports

Training: Workforce

Workforce Development Director David Whitmer provided his update during the Northeastern Workforce Development Consortium meeting; no additional updates were provided.

Area Agency on Agency

Chairwoman Gilbert opened the floor to Area Agency on Aging Director Laura Alvarico. Director Laura Alvarico. Director Alvarico informed the Board her staff is currently working to distribute 132 fans to clients in need. She requested that anyone knowing of an elder person in need of a fan in our service areas to contact her staff. Director Alvarico also informed the Board the service trays used to deliver meals to clients were in need of replacing. She stated she will need to replace forty (40) trays, each costing roughly \$250.00. Director Alvarico advised the Board Family Caregiver Support Specialist Lynne Raisor is currently working on the Block Grant Contracts. Director Alvarico stated her staff has had a heavy monitoring year, all reviews have received positive feedback. Board Member Lloyd Griffin questioned if a Pasquotank Church could be used as a soup kitchen. Director Alvarico informed him someone would need to volunteer as a site manager. **Economic Development and Administration**

Chairwoman Gilbert opened the floor to Executive Director Davison. Director Davison review the ongoing work of the Commission, including an update on the NADO Board meeting in LaJolla, California. Director Davison further explained some of the ideas that came out of the meeting which can be implemented in the Region, including expanding our advocacy for the Region with other federal agencies including EPA, NOAA, and NTIA. Further reviewing the ideas provided around tourism, agriculture and the faith-based community, it is apparent that we are on the right track with the balancing nature and commerce work we are already doing. In additional we have the opportunity to create a food council with USDA Rural development and the cooperative extensions throughout the Region. Director Davison indicated that there is not a formal food council in our Region where agriculture is the second largest industry. We have the opportunity to expand our services not only to our local governments but also the agricultural industry. The other area of opportunity we have is in partnership with our broadband project, is to work with existing medical providers to expand access to healthcare through telemedicine.

Director Davison went on to discussed the Broadband project. The recommendations and data for the Regional Broadband Project has been finalized. In partnership with the

State Broadband Infrastructure Office, we will be hosting a roll-out meeting on July 11th from 10 a.m.—12 p.m. This is a meeting for County Managers, Economic Developers, County IT Professionals, and any Broadband Team Members that the County's would like to have at the meeting. Space will be limited for this roll-out.

Finally, Director Davison provided an updated on the InnovatEC Project. Director Davison stated that the Commission continues to work with NCGrowth, Elizabeth City State University and our economic development partners on the InnovatEC Project. The visitation teams are being developed along with outreach materials based on the marketing and implementation plan that was developed for the Project by NCGrowth. This is an example of exceptional Regionalism being implemented through a collaborative effort in our Region.

Mapping and Transportation

Chairwoman Gilbert opened the floor to Regional Planning Director Angela Welsh. Director Welsh advised the Board that the Drone Workshop were a success, future Drone workshops are being planned. Director Welsh advised the Board on the awarding of the mini grants. She advised the Board the Passenger Ferry completion could be expected in the fall, possibly as early as September. Director Welsh advised the Board she, along with Northeastern Workforce Development Board Assistant Director Emily Nicholson would be meeting with Enterprise to further their investigation into possible ways to assist with the local areas know issue for some workers having reliable, affordable transportation to and from possible jobs. She also informed the Board she has been working the DashBoard project which will help the public see the projects on which she is working on and those that have been completed.

Money/Finance

Chairwoman Gilbert opened the floor to Finance Officer Carolyn LaDow. Finance Officer LaDow presented the Board with the Albemarle Commission Monthly Financial Report, for the month ending May 31st, 2018. She advised the Board the month to date expenditures are included in the year to date expenditures. Finance Officer LaDow reminded the Board the budget amounts include two (2) year fund amounts for some programs. Finance Officer LaDow advised the Board it is apparent to her the Program Directors and Managers have been good stewards of their funding.

Budget Amendment Request-NWDB Career Pathways (Vote)

Chairwoman Marion Gilbert opened the floor to Northeastern Workforce Development Board Director David Whitmer. Mr. Whitmer requested the Board approve the NWDB Career Pathways Budget Amendment Request. Director Whitmer stated additional funds were allocated and received for dislocated workers that could not be utilized. Board Member Lloyd Griffin made a motion to approve the requested NWDB Career Pathways Budget Amendment, his motion was seconded by Board Member Clayton Riggs and with no further discussion, the motion was carried unanimously.

Budget Amendment Request-NWDB Adult and Dislocated Worker (Vote)

Director Whitmer requested the Board approve the NWDB Adult and Dislocated Worker Budget Amendment Request. Director Whitmer stated due to the low number of Dislocated Workers compared to Adults, more funds are needed to serve our Adult participants than our Dislocated Worker participants. Board Member Lloyd Griffin made a motion to approve the requested NWDB Adult and Dislocated Worker Budget Amendment, his motion was seconded by Board Member Clayton Riggs and with no further discussion, the motion was carried unanimously.

Economic Development

Budget Amendment Request-Special Grants-Farmers Market (Vote)

Chairwoman Marion Gilbert opened the floor to Executive Director Cathy Davison. Cathy Davison request the Board approve the Special Grants-Farmers Market Budget Amendment Request. Executive Director Cathy Davison stated documentation had finally been received allowing the release of the funds. Board Member Lloyd Griffin made a motion to approve the Special Grants-Farmers Market Budget Amendment, his motion was seconded by Board Member Clayton Riggs and with no further discussion, the motion was carried unanimously.

XI. Chairwoman Comments

Chairwoman Marion Gilbert advised the Board the Albemarle Commissions Annual meeting, which usually has 125 in attendance, would be held in October. She asked the Board if any Member would like to sponsor having the meeting in their county. Assistant Chair Leroy Spivey graciously offered for the annual meeting to be held in Tyrrell county.

XII. Other Business/Old Business

Chairwoman Marion Gilbert opened the floor for any old or other business. Board Member Clayton Riggs advised the Board he did not recall being told the NADO meeting was to be held in California. Board Member Elizabeth White stated after reviewing last year's Albemarle Commission's audit, there were very good comments made by the auditor. She suggested if outcome indicators, predicted indicators of increased services to be provided and benchmark measures had been submitted in the 2018-2019 Budget Ordinance, it might have reflected better on the request to move. She suggested that this should be kept in mind for future requests.

Closed Session

Pursuant to NCGS 143-318 (11)(a)(3), (5) and (6) for discussion of existing litigation, lease negotiations, and personnel on a motion by Board Member Leroy Spivey and a seconded by Board Member Clayton Riggs the board entered Closed Session.

On motion by Board Member Lloyd Griffin and seconded by Board Member Clayton Riggs, the Board went back into open session.

XIII. Adjourn:

With no further action, Board Member Lloyd Griffin made a motion to adjourn the meeting at 10:15 p.m. and his motion was seconded by Board Member Tracey Johnson. The meeting was adjourned at 10:15 p.m.

Chairwoman Marion Gilbert

Date

Attested by:

Clerk to the Board, Laura M Rollinson

Date

**Minutes of the
Albemarle Commission Board of Delegates
Special June 28th, 2018
5:00 PM**

I. Opening

Chairwoman Marion Gilbert called the meeting to order at 5:00 p.m.

II. Pledge of Allegiance

Tyrrell County Board Member Vice Chairman Leroy Spivey led the Board in the Pledge of Allegiance.

III. Invocation

Tyrrell County Board Member Vice Chairman Leroy Spivey led the Board in the Invocation.

IV. Determination of Quorum

The presence of a quorum was determined by Clerk and Program Administrative Coordinator Laura Rollinson with seven (7) Members present.

<u>Name</u>	<u>County</u>
Sandra Duckwall	Camden
Clayton Riggs	Camden
Marion Gilbert	Currituck
Rob Ross	Dare
Lloyd Griffin	Pasquotank
Leroy Spivey	Tyrrell
Tracey Johnson	Washington

Absent Members:

Garry Meiggs(alternate)	Camden
John Mitchener	Chowan
William Smith	Chowan
Elizabeth White	Dare
Linda Hofler	Gates
Earl Pugh	Hyde
Fondella Leigh	Perquimans

Partners, guests, and staff present:

Cathy Davison, David Whitmer, Laura Alvarico, Angela Welsh, Carolyn LaDow, and Laura Rollinson, Golden Leaf Scholars Intern Deja Gainey and Daily Advance contributing author Holly Audette and her spouse Michael Audette, and Dawn Giordano were present.

V. Consideration of Approving the Revised Resolution 2018-2019 Budget Ordinance.
(VOTE):

Chairwoman Marion Gilbert opened the floor to Albemarle Commission Executive Director Cathy Davison. Executive Director Davison presented the Revised 2018-2019 Budget Ordinance to the Board. (See Below)

The Albemarle Commission Board of Delegates
 2018-2019 BUDGET ORDINANCE
 RESOLUTION

WHEREAS, The State of North Carolina requires that Regional Councils of Government comply with NCGS Chapter 159 cited as The Local Government Finance Act; and
 WHEREAS, The Local Government Finance Act prescribes a uniform system of budget adoption and administration and fiscal control; and
 WHEREAS, NCGS Ch. 159-8 (a) further prescribes that Regional Council of Governments shall operate under an annual balanced budget; and
 WHEREAS, NCGS Ch. 159-8 through 159-17 prescribes the procedures and requirements for the adoption, execution, and administration of an annual budget ordinance,
 NOW THEREFORE; BE IT RESOLVED, by the Board of Delegates of the Albemarle Commission, the following expenditures and revenues are herewith budgeted in the programs as presented below

PROGRAMS	FY 2018-2019 Expenditures & Revenues
INDIRECT FUND	\$ 428,892
GENERAL TRANSFER FUND	\$ 127,924
SPECIAL GRANTS (CWMTF)	\$ 33,725
ECONOMIC DEVELOPMENT	\$ 112,125
ALBEMARLE RPO	\$ 144,531
AREA AGENCY ON AGING & SENIOR NUTRITION PROGRAM	\$2,637,041
NORTHEASTERN WORKFORCE DEVELOPMENT BOARD	\$2,887,980
REVOLVING LOAN PROGRAM	\$ 31,500
TOTAL BUDGET	\$6,403,718

Board member Lloyd Griffin asked if county dues were being raised. Executive Director Cathy Davison advised the Board the dues were not being raised. Board member Clayton Riggs asked if the one percent (1%) was the population increase. Executive Director Cathy Davison advised him it was. Board Member Lloyd Griffin stated there is a mathematical error on the ordinance. The formula did not carry through and the correct number for the total budget should be

\$6,403,718. After recalculating the numbers, Executive Director Cathy Davison agreed it was in fact an Excel Formula error and the total should in fact read as \$6,403,718. Chairwoman Marion Gilbert requested a roll call vote be taken on the revised 2018-2019 Albemarle Commission Fiscal Year Budget Ordinance Resolution. With all seven (7) present Board Members voting to approve the 2018-2019 Budget Ordinance with the correction to the total budget being made to reflect \$6,403,718, Board member Lloyd Griffin made a motion to approve the Albemarle Commission Fiscal Year 2018-2019 Budget Ordinance Resolution as amended. His motion was seconded by Board Member Tracey Johnson, and with no further discussion, the motion was carried unanimously. with the following results.

<u>Name</u>	<u>Vote</u>
Clayton Riggs	Yes
Sandra Duckwall	Yes
Marion Gilbert	Yes
Rob Ross	Yes
Lloyd Griffin	Yes
Leroy Spivey	Yes
Tracey Johnson	Yes

XI. Chairwoman Comments

Chairwoman Marion Gilbert advised the Board the Albemarle Commissions next meeting would be held on July 19th, 2018. She advised the Board there would be Personnel matters discussed and that the legal counsel would be present. Board Member Clayton Riggs stated a policy addressing allowing Board members to call in needs to be discussed.

XIII. Adjourn:

Chairwoman Marion Gilbert requested a motion to adjourn. Board Member Lloyd made a motion to adjourn, his motion was seconded by Board Member Tracey Johnson. The Albemarle Commission Special Meeting adjourned at 5:20 pm.

Chairwoman Marion Gilbert
Attested by:

Date

Clerk to the Board, Laura M Rollinson

Date



Review of the By-Laws in Relation to the Amended Charter Dated June 1997

A copy of the By-Laws adopted in January 2015 as well as a copy of the amended Albemarle Commission Charter dated June 1997 is attached for reference.

Quorum Procedure/Electronic Participation

Board Members have requested that the by-laws be reviewed to include electronic participation in the Board of Delegate meetings. This will be discussed with the Commission's attorney at the meeting.

Expansion of Audit Committee

In an effort to continue to update and improve our internal controls, a request was sent to the Council of Governments regarding their finance committees. East Carolina Council of Government in New Bern sent their duties of the Budget and Audit Committee. A copy of their duties is attached for consideration of inclusion in the By-Laws.

Annual Planning Session

In order to plan for the work of the Commission, direction is needed from the Board of Delegates. In looking at the organization of the board which is done in January of each year, it is recommended that the Board hold an annual planning session at the January meeting in order to develop a work plan on which to build the Commission's fiscal budget.

**BYLAWS
OF THE
ALBEMARLE COMMISSION
as Approved on January 15, 2015**

ARTICLE I
NAME OF COMMISSION

SECTION 1. The name of this organization shall be “Albemarle Commission”, hereinafter referred to as the Commission.

GEOGRAPHIC REGION

SECTION 2. The Region in which this Commission will be active for state and federal purposes is identified as Region R and includes the Counties of Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrrell and Washington. The headquarters of the Commission shall be in Hertford, North Carolina, or as otherwise determined by the Board from time to time.

ENABLING LEGISLATION

SECTION 3. This Commission is established as authorized pursuant to acts of the General Statutes ratified in 1973 by the General Assembly of the State of North Carolina as set forth in by Chapter 153A, Sections 391 through 397.

ARTICLE II
COMMISSION MEMBERSHIP

SECTION 1. The membership of the Commission shall be composed of county governments identified in Article I, Section 2, supra.

SECTION 2. Any member government may withdraw from the Commission as set out in the General Statutes.

SECTION 3. The autonomy of local governments shall at all times be respected by the Commission.

SECTION 4. All of the rights and privileges of membership in the Commission shall be exercised on behalf of its member governments by representatives on the Commission Board.

ARTICLE III
PURPOSE

The Commission is designed for the purpose of providing a continuous program of comprehensive assistance to the Region. This includes the areas of human services (Aging, Job Training Partnership Act and Senior Community Services Project, etc...), as well as economic and community development and general technical assistance. In pursuit of this general overall objective, the Commission shall prepare studies and plans designed to promote, with the greatest efficiency, the coordinated orderly development and growth of the Region. The Commission shall promote intergovernmental cooperation in establishing a framework for joint Federal, State and local efforts in a program of regional development. The Commission shall work closely with local governing bodies and the private sector in providing those services needed to strengthen the economic base of the Region.

ARTICLE IV
POWERS AND DUTIES

The Albemarle Commission may:

1. Apply for, accept, receive, and disburse funds, grants, and services made available to it by the State of North Carolina or any agency thereof, the federal government or any agency thereof, any unit of local government or any agency thereof, or any private or civic agency;
2. Employ personnel;
3. Contract with consultants;
4. Contract for services with the State of North Carolina, any other state, the United States, or any agency of those governments;
5. Study and inventory regional goals, resources, and problems;
6. Prepare and amend regional development plans, which may include recommendations for land use within the region, recommendations concerning the need for and general location of public works of region, recommendations concerning the need for and general location of public works of regional concern, recommendations for economic development of the region, and any other relevant matters;
7. Cooperate with and provide assistance to federal, State, other regional, and local efforts toward economic development;
8. Make recommendations for review and action to its member governments and other public agencies that perform functions within the region;
9. Exercise any other power necessary to the discharge of its duties.

ARTICLE V
GOALS OF THE COMMISSION

The Commission shall, within the limitation of state law and resources provided by member governments and other resources, have the following goals within the parameter established by its powers and duties of the Board:

1. To serve as the Lead Regional Organization for Region R as the Regional Clearinghouse.
2. To study regional problems and develop, as directed by the Commission Board, regional plans affecting such areas as human resources, education, housing, manpower, transportation, emergency medical services, recreation, land use and open space, economic development, natural resources and water quality.
3. To assist and promote the economic stability and development of the Region.
4. To promote intergovernmental cooperation by serving as a forum for discussion of intergovernmental concerns, assisting cooperative arrangements and coordinated action among local governments, and developing policy recommendations concerning matters of regional significance.
5. To facilitate effective communication and information transfer among units of local government, other levels and agencies of government, and other institutions and organizations by serving as a central data center for the collection and dissemination of information on topics of local and regional interest.
6. To request and receive funds from its member governments, from other levels of government, and other agencies, organizations, foundations, or institutions; to appropriate and expend, in accordance with approved budgets and the requirements of any applicable law, contract, or regulation, funds to carry out the duties and responsibilities of the Commission.
7. To employ personnel, purchase supplies, equipment, and services, execute contracts, and engage in similar business activities as authorized by approved budgets and the Commission Board.

8. To adopt additional policies, rules and procedures, consistent with applicable statutes and these bylaws, needed to carry out the business of the Commission.
9. To provide other assistance as requested and approved by the Commission Board.
10. To perform other duties and responsibilities authorized by enabling legislation and directed by the Commission Board.

ARTICLE VI
THE GOVERNING BODY OF THE ALBEMARLE COMMISSION

SECTION 1. The governing body of the Albemarle Commission shall be known as the Albemarle Commission Board or the Board and it shall consist of two classes of members:.

Class one (voting): (a) one representative from the elected County Board of each member government; and (b) four additional members who do not hold an elective office, appointed by member County Boards on an alphabetical rotating basis beginning on the first Monday in December 2013 with Currituck, Dare, Gates and Hyde Counties to serve one two-year term.

Class two (non-voting): the immediate past Chairman shall serve as an ex-officio non-voting member unless he/she has been appointed by his/her appointing authority, in which case he/she shall have full Board voting privileges.

SECTION 2. All Board appointments shall be memorialized by a resolution or letter of the respective Board of County Commissioners and a copy of said resolution or letter shall be filed in the office of the Commission.

SECTION 3.

(a) All elected Board members from member counties shall be appointed for a term ending with resignation, or appointment of a successor by the appointing County Board, or the Albemarle Commission Board member is no longer a member of the County Board.

(b) The four additional members serving on a rotating basis shall each serve a two-year term beginning January 1.

SECTION 4. After three consecutive absences from regular Board meetings or 50% of those held during the calendar year the chairman will notify the appropriate governing officials and request a replacement, unless the Chairman determines there are extenuating circumstances.

SECTION 5. An alternate may be named by a respective governing body in the same manner as for regular members. In the absence of the regular member the alternate shall exercise all the privileges of the office.

SECTION 6. The Board shall meet on the third Thursday of each month except August and December, unless the schedule is modified by the Board, and at the other times upon the call of the Chairman or two of the three officers, or any four of the Class One members. Special meetings shall be announced by written notice served upon or mailed by U.S. Postal service or electronic mail to each Board member at least five days prior to the meeting. The written notice shall specify the time, place and purpose of the called meeting.

SECTION 7. The election of officers shall take place at the regular January meeting each year and the new officers shall be installed immediately upon election.

SECTION 8. The annual budget shall be approved in accordance with the Local Government Fiscal Control Act.

SECTION 9. When a quorum is present at any meeting, the vote of the majority of the voting Board members present shall decide any question brought before such meeting. Absentees are not counted.

SECTION 10. All business shall be conducted in accordance with rules of order, adopted by the Board.

ARTICLE VII EXECUTIVE COMMITTEE

SECTION 1. The Executive Committee shall consist of the following officers: the Chairman, Vice-Chairman and Secretary.

SECTION 2. The Executive Committee shall meet upon call by the Chairman, and shall receive recommendations from Board committees and the Executive Director. These recommendations shall be discussed and brought before the Board with comments or recommendations from the Executive Committee.

SECTION 3. The Chairman of the Board, or in his/her absence, the Vice Chairman, shall preside at all meetings of the Executive Committee.

ARTICLE VIII DUTIES OF EXECUTIVE DIRECTOR

The Commission Board shall employ an Executive Director who shall be qualified by training and experience and shall serve at the pleasure of the Board. His duties shall be as follows:

- a. The Executive Director shall be the chief administrative officer and, subject to the rules and regulations of the Board, and shall act for and in the name of the Commission, and appoint and remove all subordinate employees of the Commission as an "at will" employer.
- b. The Executive Director shall direct and supervise the administration of all Commission programs and employees subject to the general direction and control of the Commission Board.
- c. Unless excluded by the Board, the Executive Director shall attend all meetings of the Board and Executive Committee (if requested by the Chairman) and recommend any measures that he/she considers expedient.
- d. The Executive Director shall see that all policies, programs and orders adopted by the Board are faithfully executed.
- e. The Executive Director shall prepare and submit the annual budget for the Commission. In addition, he/she shall submit an estimate of the annual membership fees of member governments by the March Board meeting.
- f. The Executive Director shall make a complete report on the finances, activities and programs of the Commission to the Board annually, and at such other times as directed by the Board.
- g. The Executive Director shall make any other reports to the Board and Executive Committee as directed.

ARTICLE IX DUTIES OF THE ALBEMARLE COMMISSION BOARD

The Board is empowered to determine and establish policy and take such actions on those matters as will best carry out the purposes and responsibilities as provided for in these bylaws. The duties are the following:

- a. Establish policy.
- b. Adopt and approve the annual program of work setting forth the goals, objectives and work activities.

- c. Adopt and approve the annual budget.
- d. Determine the annual membership dues.
- e. Approve all grants and funding.
- f. Approve all professional staff positions, salaries and pay classification plans.
- g. Approve all contracts, which require the expenditure of funds, except such contracts as may be provided for in the approved budget.
- h. Select officers of the Board annually.
- i. Direct the work and activities of advisory committees and give final approval to such committee actions and recommendations.

ARTICLE X
OFFICERS

SECTION 1. The officers of the Board must be Class One (a) members and shall consist of a Chairman, Vice Chairman, and Secretary, all of whom are to be elected from and by the voting members of the Board.

SECTION 2. The officers shall be elected at the regular January meeting each year and shall assume office immediately.

SECTION 3. The Chairman, Vice Chairman and Secretary, shall be elected for a term of one (1) year to expire January 1st unless earlier terminated by the Board or by resignation. Officers may succeed themselves in any office they may have held for the preceding term but may not serve more than two successive full terms in the same office. No more than one (1) officer shall come from any one county.

SECTION 4. Vacancies in any office, arising from any cause, may be filled by the Board at any regular or special meeting for the remainder of that term, which shall not constitute a "full" term under Section 3 of this Article.

SECTION 5. The Chairman of the Board shall be an ex-officio member of all committees with the exception of the nominating committee.

SECTION 6. Officers will continue to serve until their successors are elected, unless they no longer qualify to hold the office.

ARTICLE XI
DUTIES OF OFFICERS

SECTION 1. The Chairman of the Board shall:

- a. Preside, if available, at all regular and special meetings of the Board.
- b. See that all orders and resolutions of the Board are carried out and provide general supervision to all officers.
- c. Execute all conveyances, bonds, notes, contracts and agreements authorized by the Board.
- d. Appoint committees as may be directed by the Board and appoint such advisory committees as to him/her may be deemed helpful.
- e. Represent the Board at various public meetings, etc., at which Commission affairs may be discussed and considered.
- f. Carry on a variety of public relations activities, such as speaking before citizen groups, holding news conferences, radio and television interviews, etc., where Commission proposals, programs and accomplishments may be discussed.

SECTION 2. The Vice Chairman shall perform such duties as may be assigned by the Chairman or by the Board in carrying out the objectives of the Commission. In the event the Chairman is unable to act for reasons of absence and/or other temporary causes, the Vice Chairman shall act during that duration. In the event the Vice Chairman is absent, the Secretary shall act.

SECTION 3. The Secretary shall be responsible for all permanent records of the Board, its minutes, contracts and other documents and for official notifications and correspondence as may be required. The Secretary may assign the taking of the minutes to the Commission staff.

ARTICLE XII
AUDIT COMMITTEE

SECTION 1. The Executive Committee shall comprise the Audit Committee.

STANDING COMMITTEES

SECTION 2. The Chairman may appoint standing and special committees as directed by the Board and may appoint such advisory committees as may be beneficial in his/her discretion. Each committee shall submit a report to the Board or the Chairman at such time as the Chairman may direct.

NOMINATING COMMITTEE

SECTION 3. At or before the November meeting of the Board, the Chairman shall appoint a nominating committee consisting of three voting members, no more than one from a single county, and shall name the Chairman of the committee. The nominating committee shall notify the Executive Director, in writing, at least 15 days before the date of the regular January meeting of the names of the recommended nominee-candidates for all the offices of the Board, and the Executive Director shall mail a copy thereof to each Board member at least ten days before the meeting. Nominations may also be made from the floor. Elections will be held at the regular January meeting and officers will assume their responsibilities immediately. No nominations require a second.

ARTICLE XIII
VOTING QUORUM

SECTION 1. At least 40% of the members of the Commission Board shall constitute a quorum at any regular or special meeting.

SECTION 2. At least two members of the Executive Committee shall constitute a quorum at any regular or special meeting.

ARTICLE XIV
CONDUCT OF BUSINESS

At regular meetings of the Board the following shall be the order of business:

1. Establish Quorum
2. Approval of minutes
3. Chairman, Board and public comments
4. Report of Committees
5. Report of the Executive Director
6. Unfinished Business
7. New Business
8. Adjournment

ARTICLE XV
BUDGETS AND DISBURSEMENTS

SECTION 1. The fiscal year for the Commission will normally be from July 1 to June 30 unless otherwise approved by the Commission Board.

SECTION 2. The Board shall adopt an annual budget in accordance with the Local Government Fiscal Control Act which shall be presented to the respective member governments setting out the specific membership fees. Such requests shall be in amounts proportioned among the respective members in accordance with the most recent decennial population figures and other economic guidelines approved by the majority vote of the Board. A preliminary budget plan shall be submitted to each county on or before May 15th of each budget cycle.

SECTION 3. All disbursements of funds, except nominal petty cash items, shall be made by check and countersigned by any two of the following persons: the Executive Director, Board Chairman, or designated Finance Officer.

SECTION 4. Expenditures must be disbursed in accordance with adopted budgets, special terms and conditions of grants and contract, and other fiscal management policies and procedures established by the Board and the N. C. Local Government Budget and Fiscal Control Act.

SECTION 5. Annually, a single audit shall be made, by an independent Certified Public Accountant, of all the funds of the Commission.

ARTICLE XVI
DATE OF EFFECTIVENESS

These Bylaws shall become effective on such date as the Board has set in a resolution approving these bylaws, and has mailed by first class mail a copy of such resolution addressed to the Chairman of the Board of Commissioners of each member-County. On that date the previous bylaws of the Commission shall become null and void.

ARTICLE XVII
AMENDMENTS

The Bylaws heretofore in effect are repealed as of effective date of these Bylaws and these Bylaws may be amended, supplemented or superseded only by an affirmative vote of not less than a two-thirds majority of the

members of the Board; provided, however, members shall be given at least ten days written notice of such proposed amendments.

Amended, approved and adopted on the 15TH day of July, 2015


Robert L. Woodard, Sr. Chairman of the Board

Attested: 
Cathy Davison, Executive Director

RESOLUTION MODIFYING AND
AMENDING RESOLUTIONS CREATING
THE REGIONAL PLANNING COMMISSION
KNOWN AS THE ALBEMARLE COMMISSION

WHEREAS, in 1970 the Counties of Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans and Tyrrell, (the "Counties"), began a regional corporative effort by creating a regional planning and economic development commission; and

WHEREAS, the County of Washington was granted membership in 1971 with unanimous consent of the existing members; and

WHEREAS, N.C. Gen. Stat. §153A-391 provides that the Counties may, by unanimous action, modify and amend the resolution creating the Albemarle Commission; and

WHEREAS, the Counties, after due and diligent consideration, desire to modify and amend the resolution creating the Albemarle Commission.

NOW, THEREFORE, BE IT RESOLVED by the Boards of Commissioners for the Counties of Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrrell and Washington, in separate sessions duly convened, by the adoption and enactment of this resolution by each of the Boards, do hereby modify and amend the resolution creating the Albemarle Commission as follows:

Section 1.

ARTICLE I

NAME

The name of the regional planning commission shall be the ALBEMARLE COMMISSION.

ARTICLE II

ALBEMARLE COMMISSION MEMBERSHIP AND GOVERNING BOARD

(a) Albemarle Commission Membership. - The Counties of Camden, Chowan, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrrell and Washington shall be member governments of the Albemarle Commission. The Albemarle Commission shall be governed by a board of 14 members appointed as follows:

(1) The governing board of each member government shall appoint one delegate who must be a member of the member government's governing board.

(2) Four additional delegates who do not hold an elective office shall be initially appointed as follows:

- a. One delegate appointed by Camden County's governing board;
- b. One delegate appointed by Chowan County's governing board;
- c. One delegate appointed by Currituck County's governing board;
- d. One delegate appointed by Dare County's governing board.

Following the initial appointment of delegates pursuant to this subsection, successors shall thereafter be appointed by governing board's member governments in a rotating manner which order shall be determined alphabetically.

By the appointment of delegates pursuant to subsection (1) and (2) of this section, the member governments shall ensure that at least four delegates are a member of a racial minority described in G.S. 143-128(f)(2).

(b) Terms; Removal; Vacancies. - Delegates of the Albemarle Commission shall serve one-year terms. A delegate may be removed

with or without cause by the appointing member government's governing board. Appointment to fill vacancies shall be made for the remainder of the unexpired term by the respective appointing member government's governing board.

(c) Officers; Compensation. - Following adoption of this resolution, the Albemarle Commission governing board shall meet at a time and place agreed upon by the member governments to elect a chair and vice-chair by simple majority vote of those delegates present and voting and at that meeting shall adopt by-laws for the conduct of its business.

Thereafter, the Albemarle Commission governing board shall annually in January elect a chair and vice-chair by simple majority vote of those delegates present and voting at a properly constituted meeting. Only those delegates who are members of a member government's governing board shall be eligible to hold an office.

Delegates shall not be compensated by the Albemarle Commission for attendance at meetings of the Albemarle Commission governing board but shall be compensated by their member government pursuant to the member government's policy.

ARTICLE III

POWERS AND DUTIES

The Albemarle Commission shall possess the following powers:

- (1) Apply for, accept, receive, and disburse funds, grants, and services made available to it by the State of North Carolina or any agency thereof, the federal government or any agency thereof, any unit of local government or any agency thereof, or any private or civic agency;

- (2) Employ personnel;
- (3) Contract with consultants;
- (4) Contract for services with the State of North Carolina, any other state, the United States, or any agency of those governments;
- (5) Study and inventory regional goals, resources, and problems;
- (6) Prepare and amend regional development plans, which may include recommendations for land use within the region, recommendations concerning the need for and general location of public works of regional concern, recommendations for economic development of the region, and any other relevant matters;
- (7) Cooperate with and provide assistance to federal, State, other regional, and local planning activities within the region;
- (8) Encourage local efforts toward economic development;
- (9) Make recommendations for review and action to its member governments and other public agencies that perform functions within the region;
- (10) Exercise any other power necessary to the discharge of its duties.

ARTICLE IV

FINANCES

Funding for the Albemarle Commission's administrative and general operational requirements shall, in addition to other funds which might become available, be provided by member governments. Each member government's proportionate share shall

be determined by a per capita assessment based on the most recent United States Census. Thereafter, the Albemarle Commission governing board shall develop and adopt, by simple majority vote, an annual budget for each up-coming fiscal year which shall be submitted to the member governments for review and comment not later than May 1.

ARTICLE V

BUDGETARY AND FISCAL CONTROL

The Albemarle Commission budget and fiscal affairs shall comply with the procedures set forth in the Local Government Budget and Fiscal Control Act, Chapter 159, Subchapter III of the North Carolina General Statutes.

The Albemarle Commission shall cause to be made an annual audit of its books and records by an independent certified public accountant at the end of each fiscal year and a certified copy of the audit shall be filed promptly with each member government.

ARTICLE VI

WITHDRAWAL

A member government may withdraw from the Albemarle Commission by giving at least two years' written notice to the other member governments.

ARTICLE VII

AMENDMENTS

This resolution may be amended, modified or repealed by the unanimous action of the member governments.

ARTICLE VIII

DISSOLUTION

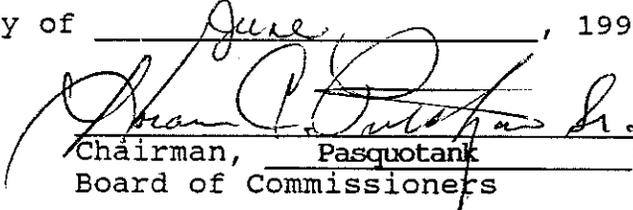
If the Albemarle Commission is dissolved by the unanimous action of the member governments then the proceeds that may be derived from the sale of the Albemarle Commission's assets, less payment of debts and liabilities, shall be distributed among the member governments pursuant to the following formula:

Member government population X Total dollar = Member government's
Total population of value of Albemarle share
member governments Commission assets

Section 2. All provisions of prior resolutions creating, amending or modifying the resolution creating the Albemarle Commission, which are not re-enacted by this resolution are hereby repealed.

Section 3. This resolution shall take effect immediately upon its unanimous adoption by the Counties.

ADOPTED the 30th day of June, 1997.


Chairman, Pasquotank County
Board of Commissioners

ATTEST:


Clerk to the Board
(S E A L)

Cathy Davison

From: Matthew Livingston <mlivingston@eccog.org>
Sent: Thursday, July 05, 2018 10:36 AM
To: Cathy Davison
Subject: RE: Finance Committees

Cathy:

We have a budget and audit committee which is pretty much the same thing. Below are the duties taken from our Charter

- a. The treasurer shall serve as the Chairman of the Budget and Audit Committee. A vice-chairman shall be appointed by the Budget and Audit Committee members.
- b. The Budget and Audit Committee shall be composed of the four officers and three other Executive Committee members. These three additional members should have an interest in and Imowledge of finance and budgetary issues.
- c. Any Board member may attend Budget and Audit Committee meetings at any time.
- d. The Budget and Audit Committee shall serve as a standing committee of the Board. This committee shall review, and make recommendations to the Executive Committee and General Membership Board, on financial, budgetary, and audit issues.
- e. Duties of the Budget and Audit Committee shall be to:
 - (1) Meet with the Executive Director/Budget Officer, and Finance Director, to recommend new programs, funds, or policies for the initial preparation of a draft balanced budget for the upcoming year.
 - (2) Review and make changes, as necessary, to the draft budget as proposed.
 - (3) Prepare a final balanced budget for presentation first to the Executive Committee and then to the General Membership Board at the Council's annual meeting for a final decision. Budget shall include all staff, revenues, expenditures, programs, anticipated members and associated dues, capital outlays, lease agreements and/or debt obligations and anticipated change to the fund balance.
 - (4) Review and recommend to the Council Board any budget policy changes, budget revisions and/or budget ordinance amendments as necessary from time to time.
 - (5) Review and make recommendations to the Council about staff positions and compensation issues.
 - (6) Review and make recommendations about the Council's audit engagements.
 - (7) Review and make recommendations about the Council's banking and other financial services arrangements.
 - (8) Review and make recommendations about the Council's arrangements for office space and facilities.
 - (9) Review audit reports for each fiscal year-end and make recommendations about approval, acceptance and release of the audit to the General Membership Board or the Executive Committee, or to the committees or officers to whom either body delegates responsibility for approval, acceptance and release, or to make the decision if that authority is delegated to it.
 - (10) Review and make recommendations about other financial matters.

Review of the Personnel Policy

As requested at the June 21, 2018 meeting, the Commission's attorney has reviewed the personnel policy's grievance procedure and comp time. For your convenience a copy of the current board approved Personnel Policy is attached.

Grievance Procedure

It has been requested that the Grievance Procedure contained in the Board Approved Personnel Policy be reviewed and updated if needed. The Commission's attorney has reviewed said policy and provided a recommendation which is attached for your review and consideration.

Comp Time

The Commission's attorney also reviewed the comp time policy for both non-exempt and exempt employees, the recommendation is attached for your review and consideration.

HORNTHAL, RILEY, ELLIS & MALAND, LLP
ATTORNEYS AT LAW

MEMORANDUM

*****CONFIDENTIAL PRIVILEGED ATTORNEY CLIENT COMMUNICATIONS AND
ATTORNEY WORK PRODUCT*****

TO: Albemarle Commission & Executive Director, Cathy Davison
FROM: Ben Gallop, John Leidy
DATE: July 12, 2018
RE: Review and Comments on Comp Time and Grievance Procedures

Pursuant to the Commission’s request, Ms. Davison contacted us to perform the following actions regarding the Albemarle Commission’s Personnel Policy:

1. Review grievance procedures and recommend changes to them to “make sure that it is in line with recommended policies for local government and protect the commission as well as them from liability.” Also, consider whether there should be inclusion of a grievance committee.
2. Review overtime pay provisions as per FLSA and provide recommendation on comp time component for both exempt and not-exempt employees and how to implement with current and future new employees.

In general, our research and analysis found the two policies at issue to be sufficient and compliant, but that in both cases there could be changes depending on the Commission’s ultimate goals.

ANALYSIS

I. REVIEW OF GRIEVANCE PROCEDURES

A. Consistency with Local Government Best Practices

In general, local government employees are at-will employees who may be hired and terminated at any time so long as the termination is not in violation of statute, constitution or certain public policy grounds established by the courts. Grievances and appeals typically refer to two different things: “appeals” typically

seek review of some action or decision of the employer, such as demotion, transfer, suspension, discharge, etc.); “grievances” do not necessarily relate to actions, should be considered different from appeals, and typically cover a wider range of topics. Often times these procedures provide employees some level of comfort and fairness without having to resort to actually pursuing issues in a courtroom. Also, there are situations in the law where having a policy mechanism to deal with harassment and discrimination can be a defense to a claim made in court. Nothing requires the Commission to have a grievance or appeal procedure. Some procedure providing for review of actions (“appeals”) or presentation of complaints about working conditions (“grievances”) is common for area local governments and would be appropriate for the Commission to have. Once a body has adopted any personnel procedures, it is very important that it follow those procedures. However, only personnel policies adopted by ordinance provide employees with a vested right to use the procedures. Since the Commission is not an entity that can adopt ordinances, that would not apply here.

The Commission currently has a combined grievance and appeal procedure. That is common among local government entities. There is nothing that stands out about the Commission’s grievance procedure as inappropriate. As far as such procedures exist in the area, it seems to be in the middle between some very simple procedures and some much more detailed procedures. Some such detailed procedures cover everything from who can file a grievance and how to file one to who can attend hearings and what kinds of evidence can be presented. Ultimately, we would recommend the more detailed procedures be incorporated and adopted just so that more information is provided to those who wish to use the procedures, but we do not see any reason that the Commission must take such steps unless it decides to do so.

B. Comments and Observations on Grievance Procedures

As to the Commission’s existing procedure, we have these comments and observations:

1. Scope of Grievance. A common issue in such policies is how to define grievance. We recommend a narrow scope for such procedures so that supervisors are not constantly dealing with small, unnecessary grievances and complaints. Currently, the Commission’s definition of “grievance” is as follows:

A grievance is a claim or complaint by an employee based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair

application, or lack of established policy pertaining to employment conditions.

This definition is on the broader end of the spectrum. A more detailed definition could set forth some exclusions, and limit the scope of grievable matters. For example, one local government policy states:

A grievance is any dispute concerning the interpretation or application of this personnel policy, or any other action, policy, practice or procedure affecting working conditions for the Commission that are not considered matters of management discretion. Many subjects or actions are non-grievable including but not limited to the following: Any condition of employment accepted at the time of employment and/or subsequent changes(s) thereto; determining the employee benefit package; determining the proper classification and pay; determining types of training; scheduling and distribution of personnel; determining methods, means, and personnel to carry out operations; relieving employees from work because of lack of work, funds or other valid reasons; hiring, promotion, transfer, non-disciplinary demotion and assignment decisions; performance evaluations and maintaining the efficiency of governmental operations. A grievance might involve alleged safety or health hazards, unfair or discriminatory supervisory practices, misapplication of department work rules, unsatisfactory physical facilities or equipment or other complaints related to conditions of work or disciplinary action. Complaint processes involving issues covered by other parts of this policy are excluded from this procedure.

As you can see, a more detailed and limiting definition may be useful in reducing the number of small grievances if the Commission determines it would like to do so. We typically recommend that the grievance definition be limited in this manner rather than broad.

2. Authority to Resolve or Address the Grievance. In most cases, the ultimate decision on employment and response to grievances lies with the chief executive officer, a town or county manager, or in this case the Commission's Executive Director. Some local governments have independent grievance committees that either make final decisions or make recommendations to the executive officer for a final decision. Some governing boards make themselves the ultimate decision maker in the grievance or appeal process. We do not recommend such a practice, and such

provisions are becoming increasingly rare. The Commission's existing grievance and appeal procedures put the ultimate decision making process in the hands of the Executive Director, and we do not recommend changing that.

3. Use of a Grievance Committee or Panel. Independent grievance committees are used by some local governments, but this is not a universal practice. Typically when they are used, the employees have the option to choose between a summary or shortened procedure with a meeting (or "hearing") before the chief executive officer or a more detailed hearing process before the committee. However, the committee is rarely given the power to actually decide rather than to make a recommendation to the executive officer. The committee process often gives the employee an outlet that they feel is fair and lets them have their say. Similarly, it gives the executive officer the opportunity to re-support or reconsider their decision based on the findings of the committee. Our firm typically recommends that a public body have a grievance committee option for more formal hearings that results in an advisory recommendation to the Executive Director. However, there are practical considerations that the Commission may wish to take into account before making such a change. First, this would be a substantial change in the existing grievance and appeal procedure that would require some drafting time. Second, unlike a municipality or county, the Commission might have additional challenges determining who serves on the committee, how many serve and how they are appointed. There are also personnel privacy issues which could arise despite having third-party committee members execute confidentiality agreements. If the Commission desires to have the policy revised to include a grievance committee process, we would be glad to do so. It is likely that the process would provide an option after existing Step 2 for the employee to decide between going to the Executive Director directly (existing Step 3) or going to a grievance panel that will ultimately hold a hearing and provide a recommendation to the Executive Director.

II. REVIEW OF OVERTIME POLICIES WITH REGARD TO COMPENSATORY TIME

A. Non-Exempt Employees

The Commission's current overtime pay policies comply with the Fair Labor Standards Act ("FLSA"). As a public agency, the Commission may lawfully provide non-exempt employees with compensatory time in lieu of cash payment for the overtime hours worked. (This option is not available to non-governmental employers.) Even for the compensatory time that an employee may accrue up to the 240 hour maximum, the employee must be credited with compensatory time earned at the rate of 1/5 hour for each hour of overtime worked. The FLSA imposes some

requirements and restrictions on the use of a compensatory time system when used as a substitute for a paid overtime system. For example, the FLSA limits the compensatory time that a non-exempt employee may earn to 240 hours. An employee who exceeds 240 hours of accrued compensatory time must be paid for any additional overtime worked at the overtime rate (i.e. at 1.5 times the employee's applicable hourly rate for each hour of overtime worked). The employee must be given a reasonable opportunity to use the compensatory time they have earned, or must be paid for the compensatory time. When an employee is paid for previously accrued compensatory time, they must be paid at their regular rate as of the time of the payment. Upon termination non-exempt employees must be paid for their accrued compensatory time. The current Commission policy does not provide for every nuance of the FLSA for compensatory time in detail, but on its face, it clearly brings in these requirements by providing in multiple places that overtime and compensatory time compensation must comply with the FLSA. We do not recommend any specific changes to the current policy. We wanted to point out some of these additional requirements that do have to be followed, but do not have to be specified in a policy. However, there are certainly some benefits of adopting a more detailed policy such as the one attached hereto. If any overtime policy changes are made, they will not be retroactive, but will apply to existing and new personnel for future pay periods.

B. Exempt Employees

Unlike non-exempt employees, exempt employees are not entitled to (i.e. "exempt" from) overtime or associated compensatory time under the FLSA. The Commission's current policy provides that exempt employees do not receive compensatory time for hours worked in excess of their normal work period, but that it may be granted as leave by a supervisor. It also clearly provides that the leave is not compensable upon termination. Generally, providing for compensatory leave for exempt employees is permissible as an additional, discretionary benefit. However, we must point out that this is not common among local governments. If the Commission wishes to continue with this benefit, our only recommendation is that it be made clear that the Executive Director either is granted leave by the Commission via vote or that the Commission delegates the authority to the Chairperson or others on the Commission to grant the leave for the Executive Director. The attached overtime policy addresses this issue in the final paragraph.

Example of More Detailed Overtime/Compensatory Time Policy

Section []. Overtime

To the extent that local government jurisdictions are so required, the [government entity] will comply with the Fair Labor Standards Act (FLSA).

The [executive officer] shall determine which jobs are nonexempt, as specified in the Position Classification Plan, and are therefore subject to the FLSA in areas including hours of work and work periods, rates of overtime compensation, and other provisions. Hours worked beyond the FLSA statutory minimum will be compensated in the appropriate manner outlined below. In determining eligibility for overtime in a work period, only hours actually worked shall be considered.

Overtime work must be of an unusual, unscheduled, or emergency nature and be directed or authorized by the supervisor, department head or their authorized representative, in writing, in advance.

Whenever practicable, departments will schedule time off on an hour-by-hour basis within the applicable work week/period for nonexempt employees instead of paying overtime. When time off within the work week/period cannot be granted, overtime worked will either be paid at a rate of one and one-half times the employee's regular rate or as compensatory time at a rate of one and one-half hours for each hour of employment for which overtime compensation is required, in accordance with FLSA regulations.

Overtime Pay:

Unless otherwise agreed upon by the [government entity] and the individual employee to receive compensatory time, the employee will be paid overtime at the rate of one and one-half times the employee's regular rate.

Compensatory Time:

The [government entity] may provide compensatory time for overtime work at a rate of one and one-half hours for each hour of employment for which overtime compensation is required.

Compensatory time will be provided in lieu of overtime pay when there is an agreement between the [government entity] and the employee that compensatory

time will be granted for their overtime work. The agreement must occur prior to the performance of work. The supervisor authorizing the overtime work is responsible for documenting the agreement substituting compensatory time.

The [government entity] has a right to restrict compensatory time to certain hours of work only and the agreement may include provisions allowing the [government entity] to pay overtime in cash instead of compensatory time, consistent with the FLSA. The [government entity] is not required to adopt the same agreement with different employees or provide compensatory time to all employees.

The FLSA permits the [government entity] to reduce accrued compensatory time hours by paying an employee cash compensation for unused compensatory time or the [government entity] may halt the accrual of compensatory time by paying cash compensation for overtime work. Overtime payment in cash will not affect any future compensatory time off.

Nonexempt employees must not accrue more than 240 hours of compensatory time for overtime hours. Upon exceeding the maximum hours allowed as stated above, any approved overtime earned must be paid in cash.

Use of Accrued Time:

Nonexempt employees will be required to use compensatory time in lieu of vacation if the employee has accrued more than the number of hours listed below. The accrued hours must be taken in lieu of sick leave until the hours are below the listed threshold. Once the total accrued hours are below the threshold, the employee will have the option to use sick time in lieu of accrued time.

Maximum Threshold of Accrued Hours:

Nonexempt Employee – 75 hours

The maximum threshold applies regardless of whether the employee: (1) takes leave with advance approval; or (2) is involuntarily placed on leave by the [government entity] for any reason. The [government entity] may also designate leave taken under FMLA as leave consistent with this policy. The order for designation of leave may not be varied without written approval from the [executive officer].

This policy is established in an effort to ensure that employees are able to use the paid leave available to them and to reduce the excessive accrued leave that is a financial liability to the [government entity].

Employees wishing to use accrued compensatory time must make a written request to their immediate supervisor. Use of such time will be allowed within a reasonable period following the request as long as the use does not unduly disrupt the operations of the [government entity]. The [government entity] reserves the right to schedule use of compensatory time.

Employees in positions determined to be exempt from FLSA—such as Executive, Administrative, or Professional staff—will not receive pay for hours worked in excess of their normal work periods. Where the convenience of the department allows, such exempt employees may be granted occasional administrative leave by their supervisor, department head, the [executive officer] or the [government entity] when the employee is the [executive officer]. Such leave will not be compensated upon separation from the [government entity].



PERSONNEL POLICY

**ALBEMARLE COMMISSION
PERSONNEL POLICIES**

Table of Contents

ARTICLE I. GENERAL PROVISIONS.....4
 Section 1. Purpose of the Policy4
 Section 2. At Will Employment.....4
 Section 3. Merit Principle4
 Section 4. Responsibilities of the Albemarle Commission Board.....4
 Section 5. Responsibilities of the Albemarle Commission Executive Director4
 Section 6. Human Resources Responsibilities.....5
 Section 7. Application of Policies, Plan, Rules and Regulations6
 Section 8 Definitions6
ARTICLE II. POSITION CLASSIFICATION PLAN8
 Section 1. Purpose8
 Section 2. Composition of the Position Classification Plan8
 Section 3. Use of the Position Classification Plan8
 Section 4. Administration of the Position Classification Plan8
 Section 5. Authorization of the Position Classification Plan9
 Section 6. Request for Reclassification9
ARTICLE III. THE PAY PLAN.....10
 Section 1. Definition.....10
 Section 2. Administration and Maintenance10
 Section 3. Starting Salaries.....10
 Section 4. Trainee Designation and Provisions.....10
 Section 5. Probationary Pay Increases.....11
 Section 6. Salary Effect of Promotions, Demotions, Transfers, and Reclassifications11
 Section 7. Salary Effect of Salary Range Revisions.....12
 Section 8. Transition to a New Salary Plan12
 Section 9. Effective Date of Salary Changes12
 Section 10. Overtime Pay Provisions.....13
 Section 11. Payroll Deduction13
 Section 12. Hourly Rate of Pay13
 Section 13. Longevity Pay.....14
 Section 14. Pay for "Acting" in a Higher Level Classification15
 Section 15. Accumulated Vacation Time Payout.....15
ARTICLE IV. RECRUITMENT AND EMPLOYMENT15
 Section 1. Equal Employment Opportunity Policy15

Section 2. Implementation of Equal Employment Opportunity Policy	16
Section 3. Recruitment, Selection and Appointment	16
Section 4. Probationary Period	17
Section 5. Promotion	17
Section 6. Demotion	17
Section 7. Transfer.....	18
ARTICLE V. CONDITIONS OF EMPLOYMENT	19
Section 1. Work Hours, Schedule and Compensatory Time	19
Section 2. Political Activity	20
Section 3. Outside Employment.....	21
Section 4. Employment of Relatives and/or Elected Officials	21
Section 5. Conflict of Interest.....	21
Section 6. Harassment Prohibited.....	21
Section 7. Acceptance of Gifts and Favors	22
Section 8. Performance Evaluation.....	22
Section 9. Safety	22
Section 10. Substance Abuse Policy	22
Section 11. Travel Policy	23
Section 12. Computer Usage Policy	24
ARTICLE VI. EMPLOYEE BENEFITS	25
Section 1. Eligibility	25
Section 2. Health and Dental Insurance	25
Section 3. Group Life Insurance	25
Section 4. Other Optional Group Insurance Plans.....	25
Section 5. Retirement.....	25
Section 6. Supplemental Retirement Benefits.....	25
Section 7. Social Security.....	26
Section 8. Workers' Compensation	26
Section 9. Unemployment Compensation.....	26
Section 10. Tuition Assistance Program.....	26
Section 11. Cell Phone Usage and Reimbursement	27
Section 12. Post-Employment Benefits	28
ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE.....	29
Section 1. Policy	29
Section 2. Holidays.....	29
Section 3. Holidays: Effect on Other Types of Leave	29
Section 4. Vacation Leave.....	29
Section 5. Vacation Leave: Accrual Rate.....	29

Section 6. Vacation Leave: Maximum Accumulation.....	29
Section 7. Vacation Leave: Manner of Taking	30
Section 8. Vacation Leave: Payment upon Separation.....	30
Section 9. Vacation Leave: Payment upon Death	30
Section 10. Bereavement Leave.....	30
Section 11. Sick Leave.....	30
Section 12. Sick Leave: Accrual Rate and Accumulation.....	31
Section 13. Sick Leave: Transfer	31
Section 14. Sick Leave: Medical Certification.....	31
Section 15. Family and Medical Leave	32
Section 16. Family and Medical Leave – Certification.....	33
Section 17. Leave Without Pay	33
Section 18. FMLA and Leave Without Pay: Retention and Continuation of Benefits	34
Section 19. Workers’ Compensation Leave	34
Section 20. Military Leave	34
Section 21. Reinstatement Following Military Service	35
Section 22. Civil Leave	35
Section 23. Educational Leave with Pay	35
Section 24. Parental School Leave.....	36
Section 25. Voluntary Shared Leave	36
ARTICLE VIII. SEPARATION AND REINSTATEMENT.....	40
Section 1. Types of Separations	40
Section 2. Resignation.....	40
Section 3. Reduction in Force.....	40
Section 4. Disability.....	41
Section 5. Voluntary Retirement.....	41
Section 6. Death.....	41
Section 7. Dismissal	41
Section 8. Reinstatement.....	41
Section 9. Rehiring.....	42
ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT	43
Section 1. Disciplinary Action for Unsatisfactory Job Performance.....	43
Section 2. Unsatisfactory Job Performance Defined	43
Section 3. Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance.....	43
Section 4. Disciplinary Action for Detrimental Personal Conduct.....	44
Section 5. Detrimental Personal Conduct Defined	44
Section 6. Pre-Dismissal Conference.....	45
Section 7. Non-Disciplinary Suspension.....	45

ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL46
Section 1. Policy46
Section 2. Grievance Defined46
Section 3. Purposes of the Grievance Procedure46
Section 4. Procedure.....46
Section 5. Grievance and Adverse Action Appeal Procedure for Discrimination47
ARTICLE XI. RECORDS AND REPORTS49
Section 1. Personnel Actions49
Section 2. Remedies of Employees Objecting to Material in File49
Employee Affirmation:50

ARTICLE I. GENERAL PROVISIONS

Section 1. Purpose of the Policy

The purpose of this policy 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. This policy applies to all employees under the supervision of the Albemarle Commission Executive Director.

Section 2. At Will Employment

Nothing in this policy creates an employment contract or term between the Albemarle Commission and its employees. No person has the authority to grant any employee any contractual rights of employment. All employees of the Albemarle Commission are considered an "at will" employee which means that employees are free to leave the Albemarle Commission's service at any time and that employees may be terminated at any time.

Section 3. Merit Principle

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 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, non-disqualifying disability, or age.

Section 4. Responsibilities of the Albemarle Commission Board

The Albemarle Commission Board shall be responsible for establishing and setting goals to achieve the purposes of the Commission and may change the personnel policy, position classification, pay plan, table of organization for approved budgeted positions, and benefits at will from time to time. The Board also acts as the hiring, firing and supervising authority of the Executive Director

Section 5. Responsibilities of the Albemarle Commission Executive Director

The Albemarle Commission Executive Director shall be responsible to the Albemarle Commission Board for the administration and technical direction of the personnel program with the Albemarle Commission Board having final approval for all changes to the Albemarle Commission's personnel policy. The Albemarle Commission Executive Director shall appoint, suspend, and remove all Albemarle Commission employees. The Albemarle Commission Executive Director shall make appointments, dismissals, and suspensions in accordance with these policies.

The Albemarle Commission Executive Director shall:

- a) make recommendations to the Albemarle Commission Board of any needed revisions to the personnel system;
- b) make changes as necessary to maintain an up-to-date and accurate position classification plan;
- c) recommend necessary revisions to the pay plan;
- d) determine which employees shall be subject to the overtime provisions of FSLA;
- e) determine the design of the organization chart and designate which positions serve as department heads;
- f) develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Albemarle Commission;
- g) perform such other duties as may be assigned by the Albemarle Commission Board not inconsistent with this Policy; and
- h) serve as Human Resources Officer or may appoint a Human Resources Officer to carry out the day-to-day personnel administration of the Albemarle Commission.

Section 6. Human Resources Responsibilities

Human Resource duties will be the responsibility of the Albemarle Commission Executive Director, unless the Executive Director elects to appoint someone to serve as the Human Resource Officer.

The person ultimately responsible for providing Human Resources leadership shall;

- a) recommend rules, procedures, and revisions to the personnel system to the Albemarle Commission Board for the Board's final approval;
- b) recommend changes as necessary to maintain an up-to-date and accurate position classification plan;
- c) recommend necessary revisions to the pay plan;
- d) recommend which employees shall be subject to the overtime provisions of FLSA;

- e) maintain a roster of all persons in the Albemarle Commission service;
- f) establish and maintain a list of authorized positions in the Albemarle Commission service at the beginning of each budget year which identifies each authorized position, class title of position, salary range, any changes in class title and status, position number and other such data as may be desirable or useful;
- g) develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Albemarle Commission;
- h) develop and coordinate training and educational programs for Albemarle Commission employees;
- i) investigate periodically the operation and effect of the personnel provisions of this policy; and
- j) perform such other duties as may be assigned by the Albemarle Commission Executive Director not inconsistent with this Policy.

Section 7. Application of Policies, Plan, Rules and Regulations

The personnel policy and all rules and regulations adopted pursuant thereto shall be binding on all Albemarle Commission employees, including the Executive Director. The Albemarle Commission Executive Director, members of the Albemarle Commission Board and advisory boards and commissions will be exempted except in sections where specifically included. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws which have been violated.

The personnel policy is subject to change at any time by the Albemarle Commission's Board of Delegates and is not considered to be a contractual commitment between any employee or the Albemarle Commission.

Section 8 Definitions

For the purposes of this policy, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Full-time employee: An employee who is in a position for which an average work week equals at least 40 hours, and continuous employment of at least 12 months.

Part-time employee: An employee who is in a position for which an average work week of at least 20 hours and less than 29 hours and continuous employment of at least 12 months.

Regular employee: An employee appointed to a full or part-time position who has successfully completed the designated probationary period.

Probationary employee: An employee appointed to a full or part-time position who has not yet successfully completed the designated probationary period.

Temporary employee: An employee appointed to a position for which either the average work week over the course of a year is less than 20 hours, or continuous employment is less than 12 months.

Trainee: An employee status when an applicant is hired (or employee promoted) who does not meet all of the requirements for the position. During the duration of a trainee appointment, the employee is on probationary status.

Permanent position: A position authorized for the budget year for a full twelve months and budgeted for twenty or more hours per week. All Albemarle Commission positions are subject to budget review and approval each year by the Albemarle Commission Board, and all employees' work and conduct must meet Albemarle Commission standards. Therefore, reference to "permanent" positions or employment should not be construed as a contract or right to perpetual funding or employment.

ARTICLE II. POSITION CLASSIFICATION PLAN

Section 1. Purpose

The position classification plan provides a complete inventory of all authorized and permanent positions in the Albemarle Commission service, and an accurate description and specification for each class of employment. The plan standardizes job title, each of which is indicative of a definite range of duties and responsibilities.

Section 2. Composition of the Position Classification Plan

The classification plan shall consist of:

- a) a grouping of positions in classes which are approximately equal in difficulty and responsibility which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions;
- b) class title descriptive of the work of the class;
- c) written specifications for each class of positions; and
- d) an allocation list showing the class title of each position in the classified service.

Section 3. Use of the Position Classification Plan

Class specifications shall describe the type and scope of work performed. However, tasks that are similar in nature may be assigned to a position in a classification without being specified on the class specification.

The classification plan is to be used:

- a) as a guide in recruiting and examining applicants for employment;
- b) in determining lines of promotion and in developing employee training programs;
- c) in determining salary to be paid for various types of work;
- d) in determining personnel service items in departmental budgets; and
- e) in providing uniform job terminology.

Section 4. Administration of the Position Classification Plan

The Executive Director shall allocate each position covered by the classification plan to its appropriate class, and shall be responsible for the administration of the position

classification plan. The Executive Director shall periodically review portions of the classification plan and recommend appropriate changes to the Board.

Section 5. Authorization of the Position Classification Plan

The position classification plan shall be submitted by the Albemarle Commission Executive Director, submitted to the Albemarle Commission Board for review and comment and final approval. The Position Classification Plan is maintained on file with the Finance Director. Copies will be available to all Albemarle Commission employees for review upon request. New positions shall be established upon recommendation of the Albemarle Commission Executive Director. The Executive Director shall either allocate the new position into the appropriate existing class, or revise the position classification plan to establish a new class to which the new position may be allocated.

Section 6. Request for Reclassification

Any employee who considers his or her position to be improperly classified shall submit a request in writing for a position study to such employee's immediate supervisor, who shall immediately transmit the request through the department head to the Executive Director. Upon receipt of such request, the Executive Director shall study the request, determine the merit of the reclassification, and submit a copy to the Board who may offer comments if deemed necessary.

Department heads are responsible for reviewing the allocation of positions to functions and classifications annually as part of the budget process. Department heads are to consider in their review that job descriptions are the primary job responsibilities, but all employees will be expected to perform additional, collateral duties as requested by his/her supervisor. Such review shall be to determine the most accurate classifications and the most equitable, effective, and efficient use of human resources.

ARTICLE III. THE PAY PLAN

Section 1. Definition

The pay plan includes the basic salary schedule and the "list of Classes Arranged by Grade" adopted by the Board. The salary schedule consists of amounts for hiring, minimum, midpoint, and maximum rates of pay for all classes of positions.

Section 2. Administration and Maintenance

The Albemarle Commission Executive Director shall be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan shall be paid at a rate within the salary range established for the respective position classification, except for employees in trainee status or employees whose existing salaries are above the established maximum rate following transition to a new pay plan. The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, the impacts of inflation, the financial conditions of the Albemarle Commission, comparative studies of all factors affecting the level of salary ranges and will recommend such changes in salary ranges as appear to be pertinent. Such assignments will be made by increasing or decreasing the assigned salary grade for the class and adjusting the rate of pay for employees in the class when the action is approved by the Albemarle Commission Board.

Section 3. Starting Salaries

All persons employed in positions approved in the position classification plan shall be employed at the minimum salary for the classification in which they are employed; however, exceptionally well qualified applicants may be employed above the minimum of the established salary range upon approval of the Albemarle Commission Executive Director.

Section 4. Trainee Designation and Provisions

Applicants being considered for employment or Albemarle Commission employees who do not meet the entire requirement for the position for which they are being considered may be hired, promoted, demoted, or transferred to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the department head. "Trainee" salaries shall be one of (no more than) two grades below the hiring salary established for the position for which the person is being trained. A new employee designated as "trainee" shall concurrently serve a probationary period. However, probationary periods shall be no less than six months and trainee periods may extend from three to eighteen months. A trainee shall remain a probationary employee until the trainee period is satisfactorily completed.

If the training is not successfully completed to the satisfaction of the Albemarle Commission, the trainee shall be transferred, demoted, or dismissed. If the training is

successfully completed, the employee shall be paid at least at the hiring rate established for the position for which the employee was trained.

Section 5. Probationary Pay Increases

Employees hired, promoted, or reclassified into the hiring rate of the pay range shall receive a salary increase within the range of up to 5% upon successful completion of the six month probationary period. Employees hired or promoted at or above the minimum rate of the appropriate grade may be considered for a probationary increase depending on the performance levels and consistent with performance pay policies.

Section 6. Salary Effect of Promotions, Demotions, Transfers, and Reclassifications

The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility. When an employee is promoted, the employee's salary shall normally be advanced to the minimum level of the new position. In the event of highly skilled and qualified employees, shortage of qualified applicants, or other reasons related to the merit principle of employment, the Albemarle Commission may set the salary at an appropriate rate in the range of the position to which the employee is promoted that best reflects the employees qualifications for the job and relative worth to the Albemarle Commission. In no event, however, shall the new salary exceed the maximum rate of the new salary range. In setting the promotion salary, the Albemarle Commission shall consider internal comparisons with other employees in the same or similar jobs.

Demotions. When an employee is demoted to a position for which qualified, the salary shall be set at the rate in the lower pay range which provides a salary commensurate with the employees' qualifications to perform the job when the demotion is not the result of discipline. If the current salary is within the new range, the employee's salary may be retained at the previous rate, if appropriate. Consideration should be given to whether the employee is receiving the same pay for decreased workload or responsibility level and action should be appropriate to this consideration. The salary shall be no greater than the maximum of the new range.

Transfers. The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary range shall not be changed by the reassignment.

Reclassifications. An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase of at least 5% or an increase to the minimum of the new pay range, whichever is higher. If the employee has completed probation, the employee's salary shall be advanced to at least the probation completion amount in the new range. Increases may be withheld or delayed when an employee in an upgraded position has documented performance problems.

If the position is reclassified to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary.

Section 7. Salary Effect of Salary Range Revisions

When a class of positions is assigned to a higher salary range, employees in that class shall receive a pay increase of at least 5%, or to the hiring rate of the new range, whichever is higher. Such increases may be withheld or delayed in cases where employees have documented performance problems. If the employee has passed probation, the employee's salary shall be advanced at least to the probation completion amount in the new range. When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum rate established for the new class, the salary of that employee shall be maintained at that level until such time as the employee's salary range is increased above the employee's current salary.

Section 8. Transition to a New Salary Plan

The following principles shall govern the transition to a new salary plan:

- 1) No employee shall receive a salary reduction as a result of the transition to a new salary plan.
- 2) All employees being paid at a rate lower than the hiring rate established for their respective classes shall have their salaries raised to the new hiring rate for their classes.
- 3) All employees being paid at a rate below the maximum rate established for their respective classes shall be paid at a rate in the appropriate salary range.
- 4) All employees being paid at a rate above the maximum rate established for their respective classes shall be maintained at that salary level until such time as the salary range is increased above the employees' current salary.

Section 9. Effective Date of Salary Changes

Salary changes approved after the first working day of a pay period shall become effective at the beginning of the next pay period or at such specific date as may be provided by procedures approved by the Albemarle Commission Executive Director.

Section 10. Overtime Pay Provisions

Employees of the Albemarle Commission may be requested and may be required to work hours in excess of their regularly scheduled hours as necessitated by the needs of the Albemarle Commission and determined by the Department Head.

To the extent that local government jurisdictions are so required, the Albemarle Commission will comply with the Fair Labor Standards Act (FLSA). The Albemarle Commission Executive Director shall determine which jobs are "non-exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period). Hours worked beyond the FLSA established limit will be compensated in either time or pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered. Compensatory leave requires approval by the Albemarle Commission Executive Director when creating a balance that exceeds 16 hours.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be compensated in accordance with the FLSA.

Employees in positions determined to be "exempt" from the FLSA (as Executive, Administrative, or Professional staff) will not receive pay for hours worked in excess of their normal work period. These employees may be granted compensatory leave by their supervisor where the convenience of the department allows and in accordance with procedures established by the Albemarle Commission Executive Director. Such compensatory time is not guaranteed to be taken and ends without compensation upon separation from the organization.

Section 11. Payroll Deduction

Deductions shall be made from each employee's salary, as required by law or contracts. Additional deductions may be made upon the request of the employee on determination by the Albemarle Commission Executive Director as to capability of payroll equipment and appropriateness of the deduction.

Section 12. Hourly Rate of Pay

The pay scale will apply to all employees. Hourly rates for employees appointed for less than full-time service will be paid a pro-rated amount determined by converting the established full-time salary to an hourly rate. Temporary employees shall be paid at the hourly rate that corresponds with the pay scale if the job classification is the same as a

permanent position referenced in the plan. If the temporary position is different, an hourly rate of pay shall be established based on the duties to be performed.

Section 13. Longevity Pay

An employee shall have at least ten (10) years of total qualifying Commission service before being eligible for any longevity payments.

The employee must have a full-time or part-time permanent position as defined by this policy.

Upon change of appointment to temporary or exempt (except as provided by statute), the employee is ineligible for continued longevity pay; hence, if the employee has worked part, but not all of the one year since the last annual longevity payment, a prorated payment shall be made as if the employee were separating from Commission service, provided the change is not of a temporary nature.

If an employee goes on leave without pay, longevity shall not be paid until the employee returns and completes the full year. If, however, the employee shall resign while on leave without pay, the prorated amount for which the employee is eligible is paid.

Exceptions: 1) An employee going on leave without pay due to short-term disability may be paid the prorated amount for which the employee is eligible; 2) an employee on workers' compensation leave shall be paid longevity as if working.

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

Years of Commission Service

10 but less than 15 years

15 but less than 20 years

20 but less than 25 years

25 or more years

Longevity Pay Rate

1.50 percent

2.25 percent

3.25 percent

4.50 percent

Annual longevity payments are based on the length of total Commission service and a percentage of the employee's annual rate of base pay. Effective November 18, 1993, the previously accepted longevity policy was discontinued. All accrued longevity was added to employee's permanent salary; also effective November 18, 1993, the new policy (which is consistent with the Office of State Personnel longevity policy) became effective. This policy shall include each employee's time in service at the Albemarle Commission.

Section 14. Pay for "Acting" in a Higher Level Classification

The Executive Director may designate an employee to perform the duties of a higher salary grade position for a temporary period. In such case, the employee shall continue to be fully responsible for his/her regular duties and also for those in the position he/she is performing temporarily. The employee shall receive a salary adjustment based on the following criteria: 1) the difference between the existing job and that being filled on a temporary basis, and 2) the degree to which the employee is expected to fulfill all the duties of the temporary assignment. The salary increase shall be temporary and the employee shall go back to the salary he or she would have had if not assigned to the "acting" role upon completion of the assignment.

Section 15. Accumulated Vacation Time Payout

The Albemarle Commission as a benefit to its employees allows for a vacation time payout in December of each year. The Albemarle Commission encourages employees to utilize all of their vacation time each year, however, because of longevity of service, many Albemarle Commission employees accumulate a vacation time balance.

Employees may request a vacation time payout up to a maximum of 120 hours of accumulated vacation time.

- 1) The vacation time payout must be made in writing by the employee and submitted to their immediate supervisor on the approved Albemarle Commission form by November 15th of each year indicating the amount of accumulated vacation time requested for payout.
- 2) The vacation time payout request signed by the direct supervisor and must be forwarded to the Albemarle Commission's Executive Director by November 30th for final approval.
- 3) The Executive Director will forward all requests to the Finance Officer by December 5th for processing and payout with the December payroll.

The rate of compensation for paid-out vacation, shall be the employee's then-current rate of pay at the time the request is made, and will be calculated at a straight time rate based on a 250-day work year. Albemarle Commission employees will be responsible for any applicable state and federal taxes noting that their tax liability due to the vacation payout may change.

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Equal Employment Opportunity Policy

It is the policy of the Albemarle Commission to foster, maintain and promote equal employment opportunity. The Albemarle Commission shall select employees on the basis of the applicant's qualifications for the job and award them, with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to age, sex, race, color, religion, national origin, disability, political affiliation, pregnancy, sexual orientation or marital status. Applicants with physical disabilities shall be given equal consideration with other applicants for positions

in which their disabilities do not represent an unreasonable barrier to satisfactory performance of required duties with or without reasonable accommodation.

Section 2. Implementation of Equal Employment Opportunity Policy

All personnel responsible for recruitment and employment will continue to review regularly the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of age, sex, race, color, religion, disability, national origin, political affiliation, or marital status. Notices with regard to equal employment matters shall be posted in conspicuous places on Albemarle Commission premises in places where notices are customarily posted.

Section 3. Recruitment, Selection and Appointment

Recruitment Sources. When position vacancies occur, the Executive Director shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Information on job openings and hiring practices may be posted in local and/or other news media as necessary to inform the community and create a quality and diverse pool of applicants. In addition, notice of vacancies shall be posted at designated conspicuous sites within departments. Individuals shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that well-qualified applicants are obtained for Albemarle Commission service. The NCWorks Career Centers shall normally be used as a primary recruitment source.

Job Advertisements. Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.

Application for Employment. All persons expressing interest in employment with the Albemarle Commission shall be given the opportunity to file an application for employment for positions which are vacant during the established recruitment period.

Application Reserve File. Applications shall be kept in an inactive reserve file for a period of two years, in accordance with Equal Employment Opportunity Commission guidelines.

Selection. Department heads, with the assistance of the Executive Director, shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position. All selection devices administered by the Albemarle Commission shall be valid measures of job performance.

Appointment. Before any commitment is made to an applicant, either internal or external, the Department Head shall make recommendations to the Executive Director

including the position to be filed, the salary to be paid, and the reasons for selecting the candidate over other candidates.

Section 4. Probationary Period

An employee appointed or promoted to a permanent position shall serve a probationary period. Employees shall serve a six month probationary period. During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee any performance standards and progress concerns. Before the end of the probationary period, the supervisor shall conduct a performance evaluation conference with the employee and discuss accomplishments, strengths, and needed improvements. A summary of this discussion shall be documented in the employee's personnel file. The supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. Probationary period may be extended for a maximum of six additional months.

Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period. A promoted employee who does not successfully complete the probationary period may be transferred or demoted to a position in which the employee shows promise of success. If no such position is available, the employee shall be dismissed. Promoted employees retain all other rights and benefits, such as the right to use the grievance procedures.

Section 5. Promotion

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range. It is the Albemarle Commission's policy to create career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is best suited of all applicants, that applicant shall be appointed to that position. The Albemarle Commission will balance three goals in the employment process: 1) the benefits to employees and the organization of promotion from within; 2) providing equal employment opportunity and a diversified workforce to the community; and 3) obtaining the best possible employee who will provide the most productivity in that position. Therefore, except in rare situations where previous Albemarle Commission experience is essential or exceptional qualifications of an internal candidate so indicate, the Albemarle Commission will consider external and internal candidates rather than automatically promote from within. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Internal candidates shall apply for promotions using the same application process as external candidates.

Section 6. Demotion

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. An employee whose work or conduct in the current

position is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. Such demotion shall follow the disciplinary procedures outlined in this policy.

Section 7. Transfer

Transfer is the movement of an employee from one position to a position in a class in the same salary range. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual application process. The department head wishing to transfer an employee to a different department or classification shall make a recommendation to the Albemarle Commission Executive Director with the consent of the receiving department head. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this policy. An employee who has successfully completed a probationary period may be transferred into the same classification without serving another probationary period.

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Work Hours, Schedule and Compensatory Time

- 1) Except for holidays, the Albemarle Commission will be open from 8:00 a.m. until 5:00 p.m., Monday through Friday. Exceptions to this policy may be authorized by the Executive Director or Board.
- 2) All full-time staff are required to account for 40 hours per week. When reporting time to Albemarle Regional Health Services for salary reimbursement, each full-time staff member must report the required number of hours for that reporting period.
- 3) All Albemarle Commission staff are required to work from the Albemarle Commission offices in Hertford, North Carolina, unless their duty station is at another location. Albemarle Commission Staff are not allowed to work from home. Only in the event of adverse weather will Albemarle Commission employees be allowed to work from home.
- 4) The work week is defined as beginning on Sunday 12:00:01 a.m. (one second after midnight) and ends on Saturday 12:00 p.m. (midnight).
- 5) Each full-time staff member must have an established weekly work schedule on file with the supervisor that includes: 40 hours per week; a beginning time each day between 7:30 and 8:30 a.m. and ends either 8.5 hours later with a half hour lunch break or 9 hours later with an hour lunch break. Permanent variances from this policy must be approved by the Executive Director. Once on file, temporary changes in the established weekly work schedule may be made by the supervisors.
- 6) Employees are provided with one meal period each workday. Supervisors will schedule meal periods to accommodate operating requirements. Lunch breaks should be taken between 11:00 a.m. and 2:00 p.m. and last a minimum of thirty (30) minutes. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time. Employees may not work through the lunch period and leave early at the end of the day without the supervisor's prior approval. Employees working four (4) hours or less on a work day are not required to take a lunch break.
- 7) Compensatory time is allowed for exempt and non-exempt employees provided the compensatory time is consistent with the provisions of the Fair Labor Standards Act and does not interfere with the operation of the Commission. Compensatory time must be documented on the time sheet when earned and used, and specifically approved by the supervisor.
- 8) For non-exempt employees, compensatory time should be taken, if possible, during the week for which the compensatory time was earned. Accumulated Compensatory time cannot be applied to retirement. Compensatory time for non-exempt

employees taken after the work week for which it was earned, must be awarded at time and one-half. No funds are budgeted for overtime pay and therefore no overtime pay is authorized. Compensatory time in excess of eight (8) hours per week must be approved by the Executive Director.

- 9) For exempt employees, accumulated compensatory time is not subject to reimbursement or applied to retirement. Compensatory time may not be taken in amounts greater than eight (8) hours per forty (40) hour work week without specific approval of the Executive Director.
- 10) At those times when there is adverse weather in the Commission's Region that disrupts work schedules, interferes with normal work-related activities, and prevents employees from fulfilling their work obligations the Albemarle Commission will be closed. The procedure employees should utilize during times of adverse weather is when the County or Town of the duty station for which employees work is closed, due to adverse weather, then the location of that office will also be closed for the day (i.e. if Elizabeth City or Pasquotank County is closed, then the Elizabeth City Career Center will be closed). If there is a fog delay for area school districts, employees may arrive late to their duty station based on said delay, but they will have to utilize their banked time to equal a full 8 hour day.

Section 2. Political Activity

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States.

However, no employee shall:

- a) Engage in any political or partisan activity while on duty;
- b) Use official authority or influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
- c) Be required as a duty of employment or as condition for employment, promotion or tenure of office to contribute funds for political or partisan purposes;
- d) Coerce or compel contributions from another employee of the Albemarle Commission for political or partisan purposes;
- e) Use any supplies or equipment of the Albemarle Commission for political or partisan purposes; or

- f) Be a candidate for nomination or election to office in local government in the Albemarle Commission's Region.

Any violation of this section shall subject the employee to disciplinary action up to and including dismissal.

Section 3. Outside Employment

The work of the Albemarle Commission shall have precedence over other occupational interests of employees. All outside employment for salaries, wages, or commission and all self-employment must be reported in advance to the employee's supervisor, who in turn will report it to the department head. The Executive Director will review such employment for possible conflict of interest and decide whether to approve the work. Conflicting or unreported outside employment is grounds for disciplinary action up to and including dismissal.

Section 4. Employment of Relatives and/or Elected Officials

The Albemarle Commission prohibits the hiring and employment of an immediate family member when said "Immediate Family" as defined in Article VII, Section 12 will be under the direct supervision of the existing Albemarle Commission employee.

The Commission shall not employ any individual who holds a paid or unpaid elected position at any level of government within Region R.

Section 5. Conflict of Interest

Albemarle Commission's Conflict of Interest Policy was established by the Board of Directors on January 27, 1994 and remains in force to guide the behavior of our managing staff and board members. *See Addendum A: Conflict of Interest Policy.*

Section 6. Harassment Prohibited

The Albemarle Commission prohibits harassment in any form that is based on sex, race, color, religion, national origin, age, and/or disability. Harassment is defined as conduct that culminates in tangible employment action or is sufficiently severe or pervasive to create a hostile work environment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when 1) submission to 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; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment includes repeated offensive sexual remarks, continual or repeated comments about an individual's body and offensive sexual language.

Any employee who believes that he or she may have a complaint of sexual harassment may follow the Grievance Procedure described in this Policy or may file the complaint directly with the Albemarle Commission Executive Director or any department head who will advise the Executive Director of the complaint. The Executive Director will insure that an investigation is conducted into any allegation of harassment and advise the employee and appropriate management officials of the outcome of the investigation.

Employees who are found to be engaged in harassment are subject to disciplinary action up to and including dismissal. Employees making complaints of harassment are protected against retaliation from alleged harassers or other employees.

Section 7. Acceptance of Gifts and Favors

No official or employee of the Albemarle Commission shall accept any gift, favor, or thing of value (\$50 or more) that may be perceived as influencing such employee in the discharge of the employee's duties, or grant in the discharge of duty an improper favor, service, or thing of value.

Section 8. Performance Evaluation

Supervisors and/or department heads shall conduct Performance Evaluation conferences with each employee at least once a year. These performance evaluations shall be documented in writing and placed in the employee's personnel file. Procedures for the performance evaluation program shall be published by the Albemarle Commission Executive Director.

Section 9. Safety

Safety is the responsibility of both the Albemarle Commission and employees. It is the policy of the Albemarle Commission to establish a safe work environment for employees.

The Albemarle Commission shall establish a safety program including policies and procedures regarding safety practices and precautions and training in safety methods. Department heads and supervisors are responsible for insuring the safe work procedures of all employees and providing necessary safety training programs. Employees shall follow the safety policies and procedures and attend safety training programs as a condition of employment. Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal.

Section 10. Substance Abuse Policy

It is the policy of the Albemarle Commission that its workplace shall be drug-free in compliance with the Drug-Free Workplace Act of 1988 (PL 100-690, Title V, Subtitle D.) The Albemarle Commission may establish policies and procedures related to employee substance abuse in order to insure the safety and well-being of citizens and employees, and to comply with any state, federal, or other laws and regulations.

Section 11. Travel Policy

It is the policy of the Albemarle Commission to reimburse all employees and board members for expenses incurred when their position requires them to travel in and out of district. When referring to "out of district" this refers to any area outside of the Albemarle Commission's geographic service area. The Albemarle Commission utilizes the following procedures:

- a. Each employee who uses their personal automobile while performing their job is expected to carry an adequate amount of automobile liability insurance to protect them in the event of an automobile accident. It is the policy of the Commission not to provide automobile liability insurance coverage for its employees while they are using their personal automobile on business for the Commission.
- b. The Commission does not pay for mileage for personal errands or to and from personal lunch appointments.
- c. A Request for out-of-district form should be completed and given to the Department head for approval prior to any out-of-district travel. The supervisor forwards the request to the Executive Director for approval.
- d. All completed travel reimbursements forms shall be delivered to the supervisor by the specified date for approval. Miles traveled must be supported by a reliable and verifiable source such as MapQuest or Google Maps with directions supporting the miles traveled attached to **ONLY** the out-of-district travel form. Mileage will be reimbursed at the shortest driving distance from the work base unless employee is leaving from their home at least two (2) hours prior to their regular work start time or the meeting is at night and the employee's home is closer to the meeting location.
- e. All meals may be reimbursed up to the Federal per meal rate. The standard rate will apply when neither the city nor county is listed. Itemized receipts are required to document the actual expenditure and reimbursement is only for allowance items. If an itemized receipt is not submitted, the expense will not be reimbursed. The Commission will not reimburse for any alcohol. The Federal per diem rates are located at www.gsa.gov.
 - 1) The costs of meals included in other related activities (registration fees, conference costs, etc.) may not be duplicated in reimbursement request (i.e. if your overnight accommodation includes breakfast), you may not put in for a breakfast reimbursement.
 - 2) When travelling out of the district, meals will be reimbursed based on the following schedule:
 - i. Breakfast: Depart the duty station prior to 6 a.m. and the work day is extended by 2 hours. A work day is 8 hours plus a 30-minute lunch period.

- ii. Lunch: Depart the duty station prior to Noon or return to the duty station after 2 p.m. An overnight stay is required for this reimbursement, unless the employee attends a meeting relating to their Commission assigned duties and lunch is not provided and at the employees expense.
 - iii. Dinner: Depart the duty station prior to 5 p.m. or return to the duty station after 7 p.m. and the work day is extended by 2 hours. An overnight stay is NOT required for this reimbursement.
- f. Departure from the meal reimbursement policy will not be allowed unless the expense is an integral part of the meeting/event and is specifically approved by the Executive Director.
- g. All mileage will be reimbursed at the approved Federal rate.
- h. Overnight accommodations shall be reimbursed at the state rate and approved when employees must leave more than two hours before or return more than two hours after their usual work schedule. Hotel receipts are required for any reimbursement. Special circumstances such as travel to a high cost area, additional overnights requested and similar expenses require the pre-approval of the Department Head and the Executive Director.
- i. Falsification of Travel Reimbursement Request records will be grounds for immediate dismissal.

Section 12. Computer Usage Policy

Computers and related software and hardware are provided by the Commission to enhance productivity in the performance of Albemarle Commission objectives. Staff are advised that the Executive Director has the capacity to view in real time and by report (over any selected period) employees computer use. Employee computer use can be categorized into productive and non-productive use. Also, inappropriate and illegal use can be identified.

The Commission's computer use policy is:

- a. Non-productive computer use must be minimal. Failure to comply will be considered Unsatisfactory Job Performance and will be handled in accordance with Article IX of the Commission's Personnel Policies.
- b. Inappropriate and illegal use is prohibited. Failure to comply will be considered Detrimental Personal Conduct and be handled in accordance with Article IX of the Commission's Personnel Policies.

ARTICLE VI. EMPLOYEE BENEFITS

Section 1. Eligibility

All full-time employees of the Albemarle Commission are eligible for employee benefits as provided for in this policy. These benefits are subject to change at the Albemarle Commission's discretion. Part-time and temporary employees are eligible only for workers' compensation and FICA alternative.

Section 2. Health and Dental Insurance

The Albemarle Commission may pay each individual employee's share of health and dental group insurance policy as approved by the Albemarle Commission's Board of Delegates through the annual budget process and subject to change at anytime at the sole discretion of the Albemarle Commission's Board of Delegates. If the full-time employee desires to cover family, said employee may have the option of paying the additional coverage costs for those family members if the Commission carries a group policy which allows the coverage of family members. This insurance coverage provision is based on funding and state/federal regulations. Vision, Group life, disability insurance, and/or wages continuation plans may be made available to all full-time employees of the Albemarle Commission at the employee's expense.

Section 3. Group Life Insurance

The Albemarle Commission may elect to provide group life insurance for each employee subject to the stipulations of the insurance contract.

Section 4. Other Optional Group Insurance Plans

The Albemarle Commission may make other group insurance plans available to employees upon authorization of the Albemarle Commission Executive Director or Albemarle Commission Board.

Section 5. Retirement

Each employee who is expected to work for the Albemarle Commission more than 1,000 hours annually shall join the NC Local Government Employees' Retirement System when eligible as a condition of employment. New hires who are current members of the NC Local or State Government Employees' Retirement Systems shall be covered under the retirement system by the Albemarle Commission on their first day of employment.

Section 6. Supplemental Retirement Benefits

The Albemarle Commission may provide supplemental retirement benefits for its full and part-time employees. Each employee may receive supplemental benefits as approved by the Albemarle Commission Board.

Temporary employees working less than 1,000 hours annually shall have the FICA mandated amount of their total compensation contributed to a 457 compensation plan in their name.

Section 7. Social Security

The Albemarle Commission, to the extent of its lawful authority and power, extends Medicare portion of Social Security benefits for its eligible employees and eligible groups and classes of such employees. Social Security related to retirement is not extended to any employee.

Section 8. Workers' Compensation

All employees of the Albemarle Commission (full-time, part-time, and temporary) are covered by the NC Workers' Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisors at the time of the injury in order that appropriate action may be taken at once.

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee, and such claims must be filed by the employee with the NC Industrial Commission within two years from date of injury.

Section 9. Unemployment Compensation

In accordance with Public Law 94-566 and subsequent amendments, local governments are covered by unemployment insurance. Albemarle Commission employees who are terminated due to a reduction in force or released from Albemarle Commission service may apply for benefits through the local NCWorks Career Center.

Section 10. Tuition Assistance Program

Full-time employees who have completed initial probation may apply for tuition reimbursement for courses taken on their own time, which will improve their skills for their current job or prepare them for promotional opportunities within the Albemarle Commission service. Tuition, registration, fees, laboratory fees, and student fees are eligible expenses. Employees may be reimbursed for eligible expenses up to a total of five hundred dollars (\$500) per fiscal year. Satisfactory completion of the courses will be required for reimbursement. Requests for tuition assistance shall be submitted prior to course registration and are subject to the review and approval of department head and Albemarle Commission Executive Director. Per IRC 127 (26 USC §127, Internal Revenue Code §127 Educational Assistance Programs) all tuition reimbursement paid out for undergraduate and graduate courses is excludable from gross income. Training which is directly job-related is tax exempt and not reportable on employee W-2 forms. Such tuition assistance is subject to the availability of funds.

Section 11. Cell Phone Usage and Reimbursement

Employees may be assigned a Commission cell phone that will be utilized for commission business. Employees may be assigned a Commission cell phone for the following reasons:

- Employees who need to be contact after hours regarding work related issues
- Employees who need to be in touch with citizens or business contacts outside of normal business hours
- Employees who make few personal calls from Commission's cell phone and do not utilize the Commission's cell phone as their personal phone number
- Situations where the phone is assigned to a position or to a piece of equipment instead of an individual employee
- Situations where more than one employee shares a phone

Employees may be reimbursed for cell phone expenses based on the recommendation of the Department heads and approval of the Executive Director. Employees may be reimbursed for their cell phone for the following reasons:

- Employees who need to be contacted after hours regarding work related issues
- Employees who need to be in touch with citizens or business contacts outside of normal business hours
- Employees who need constant communication with customers and co-workers via voice, email, and other messaging features
- Employees who maintain a cell phone for personal use and do not desire to carry two phones

If an employee is reimbursed for a cell phone the following procedures will be followed:

- Employee is paid a non-taxable stipend in each paycheck \$25.00 per month, unless otherwise stated in a Board approved contract
- Employee purchases a phone and plan of their choice
- Employee agrees to allow the Commission to publish their number internally for business purposes and to accept business calls and/or messages on the phone
- Employee and carrier are responsible for technical support of the phone, plan, and functionality
 - The IT department may be consulted to help setup the interface to the email and calendaring system
- Employee must retain an active cell phone contract as long as a cell phone stipend is in place. A copy of the invoice may be requested yearly to verify the plan is active
- Employee will be responsible for all costs related to the phone including accessories

- If for any reason the Commission should terminate an employee's cell phone stipend, the Commission shall not be responsible for any costs or fees associated with ongoing service costs or contract termination fees
- If cell phone stipends are discontinued for budgetary reasons, notice of such termination will be given to the employee 30 days prior to the termination of said stipend.

If for some reason an employee is out of work for more than 30 days they may be asked to return their Commission issued phone and if they receive a monthly cell phone stipend, their stipend will be suspended until the employee returns to work.

Section 12. Post-Employment Benefits

Employees who retire from Albemarle Commission may be eligible to receive a health insurance coverage benefit. Employees must have both 25 years of service to Albemarle Commission and be at least 60 years of age at the time of retirement. The health insurance benefit will be provided at the same level as the in place insurance benefit provided for active employees during the retirement period until the retiree is Medicare eligible, not to exceed age 65. Any employee hired by the Albemarle Commission after October 20, 2016 will not be eligible for post-employment benefits.

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Policy

The policy of the Albemarle Commission is to provide vacation, sick leave, and holiday leave to all full-time and part-time employees, and to provide proportionately equivalent amounts to employees having average work weeks of different lengths. Employees shall accrue leave proportionately with each payroll.

Section 2. Holidays

The Albemarle Commission will follow the same holiday schedule as the State of North Carolina.

Section 3. Holidays: Effect on Other Types of Leave

Regular holidays which occur during a vacation, sick or other leave period of any employee shall not be considered as vacation, sick, or other leave.

Section 4. Vacation Leave

Vacation leave may be used for rest and relaxation, school appointments, medical appointments after sick leave is exhausted, and other personal needs.

Section 5. Vacation Leave: Accrual Rate

Each full and part-time employee of the Albemarle Commission shall earn vacation at the following schedule:

<u>Years of Service</u>	<u>Full-Time Employee Days Accrued Per Year</u>	<u>Part-Time Employee Days Accrued Per Year</u>
0 – 2	12	8.7
2 – 9	15	12
10 – 14	18	13.5
15 – 24	21	16.8
25 plus	24	19.2

Section 6. Vacation Leave: Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until December 31 of each year. Effective the last payroll in the calendar year, any employee with more than this maximum of accumulated leave shall have the excess accumulation removed so that days equal to only two times the annual accrual rate, not to exceed 30 days, are carried forward to January 1 of the next calendar year. All excess hours removed from vacation shall be added to the employee's sick leave balance.

Employees are cautioned not to retain excess accumulated vacation leave until late in the year. Because of the necessity to keep all functions in operation, large numbers of

employees cannot be granted vacation leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having vacation leave scheduled, or in receiving any exception to the maximum accumulation.

Section 7. Vacation Leave: Manner of Taking

Employees shall be granted the use of earned vacation leave upon request in advance at those times designated by the department head which will least obstruct normal operations of the Albemarle Commission. Department heads are responsible for insuring that approved vacation leave does not hinder the effectiveness of service delivery. Vacation may be taken in one hour increments. Requests of more than 5 days are subject to approval by the Executive Director upon recommendation of the department head.

Section 8. Vacation Leave: Payment upon Separation

An employee will normally be paid for accumulated vacation leave not to exceed the 30 day maximum established in Section 7 of this Article, upon separation, provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation. Any employee failing to give the notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the Albemarle Commission Executive Director when deemed to be in the best interest of the Albemarle Commission. Employees who are involuntarily separated shall receive payment for accumulated vacation, not to exceed 30 days.

Section 9. Vacation Leave: Payment upon Death

The estate of an employee who dies while employed by the Albemarle Commission shall be entitled to payment of all the accumulated vacation leave credited to the employee's account not to exceed 30 days.

Section 10. Bereavement Leave

In the event of the death of a spouse, child, parent, sibling or grandparent, the employee will be allowed three (3) consecutive working days' absence to be charged as other. Should additional time be taken, it may be counted as vacation time or sick leave.

Section 11. Sick Leave

Sick leave may be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, medical or dental examinations or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others.

Sick leave may be used when an employee must care for a member of his or her immediate family who is ill.

Sick leave may also be used to supplement Workers' Compensation Disability Leave, both during the waiting period before Workers' compensation benefits begin, and afterward to supplement the remaining one-third of salary, except that employee may not exceed the regular gross salary amount using this provision.

"Immediate family" shall be defined as spouse, child, parent, brother, sister, grandparent, grandchild, son-in-law, daughter-in-law, mother-in-law or father-in-law, and guardian. Step relations of the previous list are also part of this definition.

Notification of the desire to take sick leave shall be submitted to the employee's supervisor prior to the leave or according to departmental procedures.

Section 12. Sick Leave: Accrual Rate and Accumulation

Sick leave shall accrue at a rate of one and a quarter (1.25) days per month of service or fifteen days per year for full-time employees and sick leave shall accrue at a rate of one (1) day per month of service or twelve days per year for part-time employees with up to ten years of service. After the tenth year of service, full-time employees sick leave shall accrue at one and one-half (1.50) days per month or eighteen days per year and sick leave shall accrue at a rate of one and an eighth (1.125) day per month of service or thirteen and a half days per year for part-time employees.

Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the NC Local Government Employees' Retirement System.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the Albemarle Commission, except as stated for employees retiring or terminated due to reduction in force.

Section 13. Sick Leave: Transfer

Employees joining the Albemarle Commission from positions in other jurisdictions which are members of the NC Local Government Retirement System or a NC State Employee Retirement System may request that their accumulated sick leave be transferred to the Albemarle Commission. Up to 240 hours of sick leave may be transferred to the Albemarle Commission with approved documentation from the Retirement System employer.

Section 14. Sick Leave: Medical Certification

The employee's supervisor or department head may require a physician's certificate stating the nature of the employee's illness and the employee's capacity to resume duties for each occasion on which an employee uses sick leave or whenever the supervisor observes a "pattern of absenteeism." The employee may be required to submit to such medical examination or inquiry as the department heads deems desirable. The department head shall be responsible for the application of this provision to the end that:

- 1) Employees shall not be on duty when they might endanger their health or the health of other employees; and
- 2) There will be no abuse of leave privileges.

Claiming sick leave under false pretense to obtain a day off with pay shall subject the employee to disciplinary action up to and including dismissal.

Section 15. Family and Medical Leave

The Albemarle Commission will grant up to 12 weeks of family and medical leave during any 12 month period to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid (coordinated with the Albemarle Commission's Vacation and Sick Leave policies), unpaid, or a combination of paid and unpaid. Unpaid leave will be granted only when the employee has exhausted all appropriate types of paid leave. Additional time away from the job beyond the 12 week period may be approved in accordance with the Albemarle Commission's Leave without Pay policy.

To qualify for FMLA coverage, the employee must have worked for the employer 12 months or 52 weeks; these do not have to be consecutive. However, the employee must have worked 1,250 hours during the twelve month period immediately before the date when the FMLA time begins.

Family and medical leave can be used for the following reasons:

1. the birth of a child and in order to care for that child;
2. the placement of a child for adoption or foster care;
3. to care for a spouse, child, sibling, or parent with a serious health condition, or
4. the serious health condition of the employee.

A serious health condition is defined as a condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider. This policy covers illness of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long term health condition which results in a period of incapacity or more than three days would be considered a serious health condition.

If a husband and wife both work for the Albemarle Commission and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (not parent in-law) with a serious health condition, the husband and wife together may only take a total of 12 weeks leave under FMLA.

An employee taking leave for the birth of a child may use paid sick leave for the period of actual disability, based on medical certification. The employee shall then use any

paid vacation, accumulated compensatory time, and leave without pay for the remainder of the 12 week period.

The request for the use of leave must be made in writing by the employee and approved by the department head and the Albemarle Commission Executive Director.

An employee who takes leave under this policy will return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority.

Section 16. Family and Medical Leave – Certification

In order to qualify for leave under this law, the Albemarle Commission requires medical certification. This statement from the employee's or the family member's physician should include the date when the condition began, its expected duration, diagnosis, and brief statement of treatment. For the employee's own health condition, it should state that the employee is unable to perform the essential functions of his/her position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and the employee's presence would be beneficial or desirable.

This certification should be furnished at least 30 days prior to the needed leave unless the employee's or family member's condition is a sudden one. The certification should be furnished as soon as possible (no longer than 15 days from the date of the employee's request). The certification and request must be made to the department head and filed with the Executive Director.

The employee is expected to return to work at the end of the time frame stated in the medical certification, unless he/she has requested additional time in writing under the Albemarle Commission's Leave Without Pay policy.

Section 17. Leave Without Pay

Leave without pay requires prior approval of the department head and is only authorized after exhaustion of all appropriate paid leave. A full or part-time employee may be granted a leave of absence without pay for a period of up to twelve months by the Albemarle Commission Executive Director. The leave shall be used for reasons of personal disability after both sick leave and vacation leave have been exhausted, sickness or disability of immediate family members, continuation of education, special work that will permit the Albemarle Commission to benefit by the experience gained or the work performed, or for other reasons deemed justified by the Albemarle Commission Executive Director.

The employee shall apply in writing to the supervisor for leave. The employee is obligated to return to duty within or at the end of the time determined appropriate by the Albemarle Commission Executive Director. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority, and pay. If the

employee decides not to return to work, the supervisor shall be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested, shall be considered a resignation.

Section 18. FMLA and Leave Without Pay: Retention and Continuation of Benefits
When an employee is on leave under FMLA (maximum of 12 weeks in a year), the Albemarle Commission will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If an employee chooses not to return to work for reasons other than a continued serious health condition, the Albemarle Commission will require the reimbursement of the amount paid for the employee's health insurance premium during the FMLA leave period.

Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit.

An employee shall retain all unused vacation and sick leave while on Leave Without Pay. An employee ceases to earn leave credits on the date leave without pay begins. The employee may continue to be eligible for benefits under the Albemarle Commission's group insurance plans at his or her own expense, subject to any regulation adopted by the Albemarle Commission Board and the regulations of the insurance carrier.

Section 19. Workers' Compensation Leave

An employee absent from duty because of sickness or disability covered by the NC Workers' Compensation Act may elect to use accrued sick leave, vacation, or compensatory time during the first waiting period. The employee may all elect to supplement workers' compensation payments after they begin with sick leave, vacation, or compensatory time, provided that the combination of leave supplement and workers' compensation payments does not exceed the employee's normal compensation. An employee on workers' compensation leave may be permitted to continue to be eligible for benefits under the Albemarle Commission's group insurance plans. When workers' compensation leave extends long enough for the waiting period to be reimbursed, the employee shall return the reimbursement check to the Albemarle Commission and have leave hours re-instated for all time covered by paid leave. In such cases, the Albemarle Commission will pay the employee for any unpaid time that is owed the employee during the next regular pay period.

Section 20. Military Leave

Regular employees who are members of an Armed Forces Reserve organization or National Guard shall be granted two calendar weeks per year for military leave with partial pay. The partial pay will be the difference between the employee's regular salary and the amount paid for military duty. On rare occasions due to annual training being scheduled on a federal fiscal year basis, an employee may be required to attend two period of training in one calendar year. For this purpose only, an employee shall be

granted an additional ten days of military leave during the same calendar year. If the compensation received while on military leave is less than the salary that would have been earned during this same period as an Albemarle Commission employee, the employee shall receive partial compensation equal to the difference. The effect will be to maintain the employee's salary at the normal level during this period. If such duty is required beyond ten workdays, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status, and the provisions of that leave shall apply. While taking military leave, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the Albemarle Commission during this period. Employees who are eligible for military leave have all job rights specified by the Vietnam Veterans Readjustment Act.

Section 21. Reinstatement Following Military Service

An employee called to extended active duty with the United States military forces, who does not volunteer for service beyond the period for which called, shall be reinstated with full benefits provided the employee:

- 1) Applies for reinstatement within ninety days after the release from military service; and
- 2) Is able to perform the duties of the former position or similar position; or
- 3) Is unable to perform the duties of the former position or a similar position due to disability sustained as a result of the military service, but is able to perform the duties of another position in the service of the Albemarle Commission. In this case the employee shall be employed in such other position as will provide the nearest approximation of the seniority, status, and pay which the employee otherwise would have been provided, if available.

Section 22. Civil Leave

An Albemarle Commission employee called for jury duty, or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the Albemarle Commission any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty.

Section 23. Educational Leave with Pay

A leave of absence at full or partial pay during regular working hours may be granted to an employee to take one course which will better equip the employee to perform assigned duties upon the recommendation of the department head, and with the approval of the Albemarle Commission Executive Director.

Educational leave at full or partial pay for a period not to exceed twelve calendar months may be granted to an employee to take one or more courses that will better equip the employee to perform assigned duties upon the recommendation of the department head and with the approval of the Albemarle Commission Board. An employee granted such extended educational leave with pay shall agree to return to the service of the Albemarle Commission upon completion of training and remain in the employ of the Albemarle Commission for a period of twice the educational leave received, or the employee shall reimburse the Albemarle Commission for all compensation received while on educational leave.

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

Section 24. Parental School Leave

An Albemarle Commission employee who is a parent, guardian, or person standing in loco parentis (in place of the parent) may take up to four hours of paid leave annually to involve himself or herself in school activities of his or her child. This leave may be subject to the following conditions:

- 1) The leave must be taken at a time mutually agreed upon by the employee and the Albemarle Commission; and
- 2) The Albemarle Commission may require the employee to request the leave in writing at least 48 hours prior to the time of the desired leave.

Paid leave taken by an employee to attend to school activities of his/her child shall count towards the fulfillment of this provision by the Albemarle Commission.

Section 25. Voluntary Shared Leave

There are occurrences brought about by debilitating, catastrophic, or prolonged medical conditions or emergency situations that may cause an employee(s) to exhaust all available leave and therefore be placed on leave without pay. It is recognized that such employees forced to go on leave without pay could be without income at the most critical point in their work life. It is also recognized that fellow employees may wish to voluntarily donate some of their vacation or sick leave so as to provide assistance to a fellow employee. Albemarle Commission employees have the opportunity to assist a fellow employee affected by a medical condition or emergency situation that requires absence from duty for a prolonged period of time resulting in possible loss of income due to lack of accumulated leave.

In cases of debilitating, catastrophic, or prolonged medical conditions or emergency situations, an employee may apply for or be nominated to become a recipient of leave transferred from the annual or sick leave account of another employee within the agency. For purposes of this policy, medical condition is defined as a medical condition that is likely to require an employee's absence from duty for a prolonged period, generally

considered to be at least 6 weeks of consecutive workdays. If an employee has had previous random absences for the same condition that has caused excessive absences, or if the employee has had a previous, but different, prolonged medical condition within the last twelve months, the agency may make an exception to this period. For the purposes of this policy, the determination of what constitutes an emergency situation will be made by the Executive Director.

1) General Guidelines

- a) Leave must be donated on a one-to-one personal basis. Establishment of a leave "bank" for use by unnamed employees is expressly prohibited.
- b) An employee may not directly or indirectly intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving, or using annual or sick leave under this program. Such action by an employee shall be grounds for disciplinary action up to and including dismissal for unacceptable personal conduct. Individual leave records are confidential and only individual employees may reveal their donation or receipt of leave. The employee donating leave cannot receive payment for the leave donated.

2) Eligibility

- a) The recipient must be a full-time or part-time employee in good standing.
- b) Non-qualifying conditions: The policy will not ordinarily apply to short-term or sporadic conditions or illnesses. This would include procedures such as hysterectomy, back surgery, sporadic, short-term recurrences of chronic allergies or conditions; short-term absences due to contagious diseases; or short-term, recurring medical, or therapeutic treatments. These examples are illustrative, not all-inclusive. The Executive Director must examine each case which will be decided based on its conformity to policy intent and shall be handled consistently and equitably.

3) Application Procedure

- a) A prospective recipient may make application for voluntary shared leave at such time as medical evidence is available to support the need for leave beyond the employee's available accumulated leave.
- b) An employee shall apply or be nominated by a fellow employee to participate in the program by completing the attached "Application to Receive Donated Leave Under Voluntary Shared Leave Program" Form. This form is submitted to the Executive Director who will make the final decision.
- c) The Executive Director will notify staff members that an employee is approved to receive voluntary shared leave. The Privacy Act makes medical information confidential. When disclosing information on an approved recipient, only a statement that the recipient has a prolonged medical condition or emergency situation shall be made. The medical status of such employee shall not be made

public.

4) Recipient Guidelines

- a) Participation in this program is limited to 1040 hours, either continuously or, if for the same condition on a recurring basis.
- b) The employee must exhaust all available leave before using donated leave.
- c) At the expiration of the medical condition or emergency leave, as determined by the Executive Director, any unused leave in the recipient's donated leave account shall be treated as follows:
 - The recipient's annual and sick leave account balance shall not exceed a combined total of 40 hours.
 - Any additional unused donated leave above the allowed 40 hours will be returned to the donor(s) on a pro rata basis and credited to the leave account from which it was donated. Fractions of one hour shall not be returned to an individual donor.
 - If a recipient separates from employment with the agency due to resignation, death, or retirement, participation in the program ends. Donated leave shall be returned to donor(s) on a pro rata basis.

5) Donor Guidelines

- a) A donor may contribute vacation or sick leave to another employee in any department within the agency. Donors may not contribute leave to anyone not employed by the Albemarle Commission. Employees with a pending separation of service are not eligible to donate leave.
- b) The minimum amount to be donated is four hours.
- c) The maximum amount of annual/sick leave that may be donated by one individual is to be no more than the amount accrued by the individual at the time of the donation.
- d) A donor must have vacation or sick leave accumulated at a minimum of 40 hours after the vacation or sick leave contribution is provided to a fellow Albemarle Commission employee.

6) Leave Account Procedures

- a) There shall be an established system of leave accountability which will accurately record leave donations and recipient's use. Such accounts shall provide a clear and accurate record for financial and management audit purposes.
- b) All leave donated shall be credited to the recipient's sick leave account. Voluntary shared leave available in the recipient's sick leave account will be charged according to the Sick Leave Policy.

- c) Leave transferred under this program will be available for use on a current basis or may be retroactive for up to 60 calendar days to substitute for leave without pay, or advanced annual leave, or sick leave already granted to the leave recipient.

ARTICLE VIII. SEPARATION AND REINSTATEMENT

Section 1. Types of Separations

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

Section 2. Resignation

An employee may resign by submitting a written statement with an effective date to the immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is two weeks. Failure to provide minimum notice shall result in forfeit of payment for accumulated vacation unless the notice is waived upon recommendation of the department head and approval by the Albemarle Commission Executive Director

Three consecutive days of absence without contacting the immediate supervisor or department head may be considered a voluntary resignation. Sick leave will only be approved during the final two weeks of a notice with a physician's certification or comparable documentation.

Section 3. Reduction in Force

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance, organizational needs, and seniority in determining those employees to be retained. Employees who are separated because of a reduction in force shall be given at least a two weeks' notice of the anticipated action. No regular employee shall be separated because of a reduction in force while there are temporary or probationary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary or probationary employee.

Employees who have completed a probationary appointment and worked in a permanent full-time position or permanent part time (20 hours or more) position are eligible for RIF rights. RIF rights reflect the Commission's intent for employees notified of separation through a Reduction-In-Force to continue or restore employment at an appointment status, salary grade, and/or salary rate lower than, equal to or greater than that held at the time of official written notification. An employee officially notified of reduction-in-force shall receive priority reemployment consideration based on seniority if they have the necessary knowledge, skills or qualifications for any vacant positions.

When a position has been determined to be eliminated, the Executive Director will send notification to the employee in writing that their position is being eliminated due to RIF. If there are open positions within the Commission, the employee whose position is being eliminated may have the opportunity to fill a vacant or soon to be vacant position if that employee has the necessary knowledge, skills, and qualifications to perform the duties.

If the employee chooses to not accept the position, they will be separated from the Commission with at least two weeks' notice. Any separation benefits or pay afforded to that employee will follow the standard process.

If more than one position will be eliminated, an internal positing will be required and all employees will be considered based on seniority, knowledge, skills and qualifications.

If the employees in the positions being eliminated are not qualified or do not possess the necessary knowledge and skills, the position will be posted based on the standard process followed for vacant positions.

Section 4. Disability

An employee who cannot perform the required duties because of a physical or mental impairment may be separated for disability. Prior to such separation, the Albemarle Commission will investigate all possibilities for reasonable accommodation and/or transfer. Action may be initiated by the employee or the Albemarle Commission. In cases initiated by the employee, such action must be accompanied by medical evidence acceptable to the Albemarle Commission Executive Director. The Albemarle Commission may require an examination, at the Albemarle Commission's expense, performed by a physician of the Albemarle Commission's choice.

Section 5. Voluntary Retirement

An employee who meets the conditions set forth under the provision of the NC Local Government Employee's Retirement System may elect to retire and receive all benefits earned under the retirement plan.

Section 6. Death

Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of the employee.

Section 7. Dismissal

An employee may be dismissed in accordance with the provisions and procedures of Article IX.

Section 8. Reinstatement

An employee who is separated because of reduction in force may be reinstated within one year of the date of separation, upon recommendation of the department head, and upon approval of the Albemarle Commission Executive Director. An employee who is reinstated in this manner shall be re-credited with his/her previously accrued sick leave unless said employee cashed out their accrued sick leave.

Section 9. Rehiring

An employee who resigns while in good standing may be rehired with the approval of the Albemarle Commission Executive Director, and will be regarded as a new employee, subject to all of the provisions of rules and regulations of this Policy. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or similar position and will not be regarded as a new employee, but as an employee returning to the Albemarle Commission at the same seniority level when the employee was originally separated due to a reduction in force.

ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT

Section 1. Disciplinary Action for Unsatisfactory Job Performance

A regular employee may be placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory. All cases of disciplinary suspension, demotion, or dismissal must be approved by the Albemarle Commission Executive Director prior to giving final notice to the employee.

Section 2. Unsatisfactory Job Performance Defined

Unsatisfactory job performance includes any aspects of the employee's job which are not performed as required to meet the standards set by the Department Head.

Examples of unsatisfactory job performance include, but are not limited to, the following:

- 1) Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- 2) Careless, negligent or improper use of Albemarle Commission property or equipment;
- 3) Physical or mental incapacity to perform duties after reasonable accommodation;
- 4) Discourteous treatment of the public or other employees;
- 5) Absence without approved leave;
- 6) Improper use of leave privileges;
- 7) Pattern of failure to report for duty at the assigned time and place;
- 8) Failure to complete work within time frames established in work plan or work standards;
- 9) Failure to meet work standards over a period of time; or
- 10) Being dishonest about completion of job tasks, projects, and available documents.

Section 3. Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance

When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor should meet with the employee as soon as possible in one or more counseling sessions to discuss specific performance problems.

A brief summary of these counseling sessions should be noted in the employee's file by the supervisor with the employee signing such summary. An employee whose job performance is unsatisfactory over a period of time should normally receive at least two written warnings from the supervisor, one of which may be the final written warning, before disciplinary action (suspension, demotion, or dismissal) is taken. Disciplinary suspension is unpaid. In each case, the supervisor should record the dates of discussions with the employee, the performance deficiencies discussed, the corrective

actions recommended, and the time limits set. If the employee's performance continues to be unsatisfactory, then the supervisor should use the following steps:

- 1) A final written warning from the supervisor serving notice upon the employee that corrected performance must take place immediately in order to avoid suspension, demotion, or dismissal.
- 2) If performance does not improve, a written recommendation should be sent to the department head or Albemarle Commission Executive Director for disciplinary action such as suspension, demotion, or dismissal. Disciplinary suspensions should not generally exceed three days for nonexempt employees. FLSA requires that exempt employees not be suspended for less than one week if they are to retain their exempt status.

Section 4. Disciplinary Action for Detrimental Personal Conduct

With the approval of the Albemarle Commission Executive Director, an employee may be placed on disciplinary suspension, demoted, or dismissed without prior warning for causes relating to personal conduct detrimental to the Albemarle Commission service in order to 1) avoid undue disruption of work; 2) to protect the safety of persons or property; or 3) for other serious reasons. Disciplinary suspension should not exceed three days for nonexempt employee and should be one full week for exempt employees as prescribed by the FLSA.

Section 5. Detrimental Personal Conduct Defined

Detrimental personal conduct includes behavior of such a serious detrimental nature that the functioning of the Albemarle Commission may be or has been impaired; the safety of persons or property may be or have been threatened; or the laws of any government may be or have been violated. *Examples of detrimental personal conduct include, but are not limited to, the following:*

- 1) Fraud or theft;
- 2) Conviction of a felony or the entry of a plea of nolo contendere thereto;
- 3) Falsification of records for personal profit, to grant special privileges, or to obtain employment;
- 4) Misuse or gross negligence in the handling of Commission funds;
- 5) Willful or wanton damage or destruction to property;
- 6) Willful or wanton acts that endanger the lives and property of others;
- 7) Possession of unauthorized firearms or other lethal weapons on the job;
- 8) Brutality in the performance of duties;
- 9) Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. (Prescribed medication may be taken within the limits set by a physician as long as medically necessary);
- 10) Engaging in incompatible employment or serving a conflicting interest;
- 11) Request or acceptance of gifts in exchange for favors or influence;
- 12) Engaging in political activity prohibited by this policy;

- 13) Harassment of an employee or the public with threatening or obscene language and/or gestures;
- 14) Harassment of an employee and/or the public on the basis of sex or any other protected class status; or
- 15) Stated refusal to perform assigned duties or flagrant violation of work rules and regulations.

Section 6. Pre-Dismissal Conference

Before dismissal action is taken, whether for failure in personal conduct or failure in performance of duties, the Albemarle Commission Executive Director and department head will conduct a pre-dismissal conference. At this conference, the employee may present any response to the proposed dismissal to the Albemarle Commission Executive Director and department head. The Albemarle Commission Executive Director and department head will consider the employee's response, if any, to the proposed dismissal, and will, within three working days following the pre-dismissal conference, notify the employee in writing of the final decision. If the employee is dismissed, the notice shall contain a statement of the reasons for the action and the employee's appeal rights under the Albemarle Commission's grievance procedure.

Section 7. Non-Disciplinary Suspension

During the investigation, hearing, or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct, or during the course of any civil action involving an employee, when suspension would, in the opinion of the department head, be in the best interest of the Albemarle Commission, the department head may suspend the employee for part or all of the proceedings as a non-disciplinary action. In such cases, the department head may:

- 1) Temporarily relieve the employee of all duties and responsibilities and place the employee on unpaid leave for the duration of the suspension; or
- 2) Assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities.

If the employee is reinstated following the suspension, such employee shall not lose any compensation or benefits to which otherwise the employee would have been entitled had the suspension not occurred. If the employee is terminated following suspension, the employee shall not be eligible for any pay from the date of suspension; provided, however, all other benefits with the exception of accrued vacation and sick leave shall be maintained during the period of suspension.

ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Section 1. Policy

It is the policy of the Albemarle Commission to provide a just procedure for the presentation, consideration, and disposition of employee grievances. The purpose of this article is to outline the procedure and to assure all employees that a response to their complaints and grievances will be prompt and fair.

Employees utilizing the grievance procedures shall not be subjected to retaliation or any form of harassment from supervisors or employees for exercising their rights under this policy. Supervisors or other employees who violate this policy shall be subject to disciplinary action up to and including dismissal from Albemarle Commission service.

Section 2. Grievance Defined

A grievance is a claim or complaint by an employee based upon an event or condition, which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.

Section 3. Purposes of the Grievance Procedure

The purposes of the grievance procedure include, but are not limited to:

- 1) Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
- 2) Encouraging employees to express themselves about the conditions of work which affect them as employees;
- 3) Promoting better understanding of policies, practices, and procedures which affect employees;
- 4) Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures; and
- 5) Increasing the sense of responsibility exercised by supervisors in dealing with their employees.

Section 4. Procedure

When an employee has a grievance, the following successive steps are to be taken unless otherwise provided. The number of calendar days indicated for each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent. The last step initiated by an employee shall be considered to be the step at which the grievance is resolved. A decision to rescind a disciplinary suspension, demotion or dismissal must be approved by the Albemarle Commission Executive Director before the decision becomes effective. Mediation may be used at any step in the process.

Informal Resolution. Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may seek other forms of mediation as a resource to help resolve the grievance. Mediation may also be used at any point in the process upon mutual agreement by affected parties with the parties equally dividing the expense of mediation.

Step 1. If no resolution to the grievance is reached informally, the employee who wishes to pursue a grievance shall present the grievance in writing to the appropriate supervisor (the person who took the action which created the grievance issue; could be immediate supervisor, division head, department head, etc.) in writing. The grievance must be presented within seven calendar days of the event or within seven calendar days of learning of the event or condition or within seven days of informal efforts to resolve. The supervisor shall respond in writing to the grievance within seven calendar days after receipt of the grievance. The supervisor should, and is encouraged to, consult with any employee of the Albemarle Commission in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible.

The response from the supervisor for each step in the formal grievance process shall be in writing and signed by the supervisor. In addition, the employee shall sign a copy to acknowledge receipt thereof. The responder at each step shall send copies of the grievance and response to the Albemarle Commission Executive Director and appropriate department head.

Step 2. If the grievance is not resolved to the satisfaction of the employee by the supervisor, the employee may appeal in writing, to the next level supervisor (division head, department head, Albemarle Commission Executive Director, etc.) within seven calendar days after receipt of the response from Step 1. The next level supervisor shall respond to the appeal, stating the determination of decision within seven calendar days after receipt of the appeal.

Step 3. If the grievance is not resolved to the satisfaction of the employee at the end of Step 2, the employee may appeal in writing, to the Albemarle Commission Executive Director within seven calendar days after receipt of the response from Step 2. The Albemarle Commission Executive Director's decision shall be the final decision.

The Albemarle Commission Executive Director would notify the Albemarle Commission Board of any grievances involving impending legal action.

Section 5. Grievance and Adverse Action Appeal Procedure for Discrimination
When an employee, former employee, or applicant, believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, national origin, religion, creed, political affiliation, or non-job related handicap), he/she has the right to

appeal such action using the grievance procedure outlined in this Article (Section 4 above). While such persons are encouraged to use the grievance procedure, they shall also have the right to appeal directly to the Albemarle Commission Executive Director. Employment actions subject to appeal because of discrimination include promotion, training, classification, pay, disciplinary action, transfer, layoff, failure to hire, or termination of employment. An employee or applicant should appeal an alleged act of discrimination within fourteen calendar days of the alleged discriminatory action, but may appeal for up to three months following the action.

ARTICLE XI. RECORDS AND REPORTS

Section 1. Personnel Actions

The Personnel Director, with the approval of the Albemarle Commission Executive Director, will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system. There shall be one set of official personnel files, centrally located. Any document not located there is not an official part of that employee's personnel records. These files shall contain documents such as employment applications and related materials, records of personnel actions, documentation of employee warnings, disciplinary actions, performance evaluations, retirement and insurance records, letters of recommendation, and other personnel-related documents.

Section 2. Remedies of Employees Objecting to Material in File

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

**Albemarle Commission
Personnel Policy**

Employee Affirmation:

As an employee of the Albemarle Commission, I hereby affirm that I have received and read the Personnel Policy Handbook as adopted by the Albemarle Commission Board and further do hereby state that I shall be governed by the intent and purpose as so stated in said Policy. I understand that my failure to abide by the policies contained in the Albemarle Commission's Personnel Policy Handbook will be grounds for disciplinary action against me, up to and including dismissal from my position with the Albemarle Commission as stated there.

Signed:

Dated: _____

Witnessed: _____

Addendum A:

CONFLICT OF INTEREST POLICY

1991 N. C. Session Laws Chapter 689. S. 13

WHEREAS, 1991 N. C. Session laws Chapter 689, S. 13 requires each private nonprofit entity eligible to receive State funds to have a policy which addresses conflicts or interest that may arise when members of its governing body or its managing employees are involved in the disbursement of State funds; and

WHEREAS, 1991 N. C. Session Laws Chapter 689, S. 13 requires each private, nonprofit entity eligible to receive State funds to file with the agency that disburses State funds to the entity a notarized copy of its conflict of interest policy before any State funds can be disbursed to the entity; and

WHEREAS, the Albemarle Commission desires to require its Board and managing employees to avoid conflicts of interest or the appearance of impropriety in the disbursement of State funds;

NOW, THEREFORE, no member of the Board of Directors or managing employee of the Commission shall participate in the solicitation, negotiation, formation, award, arbitration, modification, or settlement of any contract or grant funded in whole or in part by State funds or any dispute arising under such contract or grant when the Board of Directors or managing employee stands to benefit, either directly or indirectly, from such contract or grant;

PROVIDED, no member of the Board of Directors or managing employee shall be deemed to benefit directly or indirectly from any contract or grant funded in whole or in part by State funds unless that person is party to the contract or grant or could receive a commission on the contract or is an owner, partner, director, officer, or 10% shareholder of the contracting party or the recipient of the grant;

PROVIDED FURTHER, that no Board member or managing employee shall be deemed to benefit directly or indirectly from a contract or grant funded in whole or in part by State funds if he or she receives only the salary or stipend due to him or her in the normal course of employment with or service to the Albemarle Commission.

I, *[Signature]*, Albemarle Commission Chairman, do
(certifying official's name) (Title of certifying official)

certify that the above Conflict of Interest Policy was approved at a meeting of the
Albemarle Commission, duly held on January 27, 1994.

Ruth Mengel
Ruth Mengel, Clerk to the Board

(Seal)



Subscribed and sworn to me this 27th day of January, 1994

(Notary Seal)

Carolyn B. Morris
(Signature of notary public)

My commission expires 12-7-97 P.O. Box 646 Hertford, NC
(address) 27944

Program Reports

Trainning (Workforce Development)

Economic Development & Administration

Area Agency on Aging & Senior Nutrition

Mapping, Planning & Transportation (RPO)

Money & Budget Amendments



Northeastern Workforce Development Board Report to Albemarle Commission Board:
Mid-June 2018 – Mid-July 2018
Dave Whitmer, NWDB Director

I. Organization Structure/staffing:

We are currently recruiting for a Youth Career Advisor.

II. Counts

Below are numbers from our three NCWorks Career Centers for April and May:

	New Customers	Total Customers Served	Services Provided
NCWorks Career Center, Chowan County	33	343	1,075
NCWorks Career Center, Dare County	10	158	564
NCWorks Career Center, Elizabeth City	73	1724	2,924
TOTAL	116	1,225	4,563

Some of the services provided include the following:

- Creating and Posting a resume
- Applying for a job
- Obtaining instructions on how to use NCWorks Online
- Job search assistance and career counseling
- Interview preparation

Current participant counts for WIOA Title I training services are as follows:

- 71** Adults
- 13** Dislocated Workers

III. Board Organization

Board Membership: Anthony Pollard (City of Elizabeth City Electric Department) has been appointed to the board to represent apprenticeship. We are still in need of one private sector representative from either Camden, Dare, Hyde, or Currituck. Our annual plan has not been approved due to not having a full board. We will not receive our annual funding until the seat is filled.

NWDB Finance Committee: Upon recommendation from staff, the NWDB Leadership Committee approved moving forward with developing an NWDB Finance Committee. We are working on developing a description for the committee and will be seeking interested board members to serve. If you have a finance background, or if this is just of interest to you, please let me know.

NWDB Workforce Transportation Taskforce: The taskforce is holding a meeting on July 13 to discuss transportation issues and start working on solutions. In attendance will be the ICPTA Executive Director, two representatives from Enterprise Rideshare/Vanpool, and the Transportation Management Coordinator from the Land of Sky Regional Council of Governments.

IV. Updates

- Career Centers:
 - We have completed our live broadcast on ECSU's radio station, WRVS – NCWorks Career Center Corner for the year and will resume in the Fall.
 - Larry Donley (NCWorks Regional Operations Director, Northeast Prosperity Zone (NEPZ)) and I continue working with our Center Managers to complete the new Career Center Certification requirements (developed by the NCWorks Commission) to have our system re-certified. We are behind the original deadline that we set for ourselves to have this completed and submitted but continue to work on it and will be done soon.
 - NCWorks Career Center Manager, Nannette Turner-Williams has retired effective June 30, 2018 after 40 years of service. We are currently in the process of recruiting a new manager. This is a Division of Workforce Solutions (DWS) funded position. The interview team consists of Larry Donley (DWS Regional Operations Director), Dave Whitmer (NWDB Director), Tameka Gibbs (NWDB Board Member/Career Center Committee Member), and Annette Barnes (NWDB Adult/DW Program Manager). The Elizabeth City Center is currently being managed by Kenny Kee (Dare County Career Center Manager), Emily Nicholson (NWDB Assistant Director), and Annette Barnes.
 - We are partnering with COA-Edenton and the Edenton-Chowan Chamber of Commerce to host a career fair on August 2. If you are interested in attending, please contact Emily Nicholson.
 - There were three hiring events for employers at the Center in EC as follows:
 - HardHat July 2
 - Harbor Freight July 11
 - Paramount Builders July 11

- Career Pathways/Pathways to Prosperity: We continue our regional career pathway work. We have created four pathways, two of which have received certification from the NCWorks Commission. The pathways are regional and are intended to be used as a template either as is, or for making improvements to existing local pathways. The pathways were created with input from numerous partners including eight community colleges, ESCU, Economic Developers, CTE Directors, three workforce boards, and employers. You can find more information on our three pathways at the following website: www.nencpathways.org
 - Our Business Support Services pathway has been approved for certification with revisions by the NCWorks Commission. We expect to have the revisions made and to receive the certification at the NCWorks Commission meeting in August. If you would like to attend this meeting, please let me know.
 - We continue to work with the company “Deep Fried Creative” to design career pathways outreach materials. This includes brochures, flyers, posters, banners, and success stories. We are paying for this with our career pathways grant funds.

- ACT Certified Work Ready Communities: Staff continues to assist Beaufort County Community College with applications for Tyrrell, Washington and Hyde Counties to help them earn their Work Ready Community Certification.
- Innovation Grant: We continue to move forward with the implementation of our Innovation Grant. Highlights from the work of our NCWorks Outreach Specialist, Heidi O’Neal, have been included in the “Career Center” section in this report above.
 - Heidi O’Neal, NCWorks Outreach Specialist, continues to lead a project to standardize the materials that our centers provide to job seekers and employers. We have hired a professional to design these materials.
 - Heidi O’Neal continues her work with the libraries throughout the region, training library staff on NCWorks Online and conducting workshops for library customers on a monthly basis and by appointment at the following libraries:
 - Pettigrew Library System: Perquimans, Chowan, Washington, Tyrrell
 - East Albemarle Regional Library System: Camden, Currituck, Dare, Pasquotank
 - Hyde County: Engelhard and Ocracoke
 - Heidi also conducts a monthly workshop for the Coastal Horizon Center in Tyrrell. The Coastal Horizon Center works with individuals who have had legal issues and substance abuse issues.
 - Heidi and the NCWorks Outreach Coordinators from Region Q and Turning Point continue working with Christy Harris, Regional CTE Coordinator and have set a goal to have all high school graduates to be trained and registered in NCWorks Online by 2019.
- Cost Sharing (Career Center Infrastructure Costs): We are currently working on the cost sharing agreement for PY 2018. The template to be used for this was just released at the end of June. The deadline for completion of this was initially set for the end of July but Danny Giddens, Assistant Secretary of the Division of Workforce Solutions, has indicated that this deadline will be extended since the template was just released.
- Facebook: If you have not done so already, please like our Facebook page. Every day we post information about everything we are doing throughout the region. <https://www.facebook.com/NWDBworks/>

V. WIOA NCWorks NEXTGEN Program, Jun 2018:

- Active Youth – 47
- Youth in Follow Up – 56
- Youths Enrolled in Jun – 0
- Out-of-School Youth (OSY)
 - OSY enrollments is currently at 74.47%
(Goal is to meet 75% minimum expenditure requirements on OSY)

- **Sylvan** – Tutoring hours as of Apr 31, 2018 – 79.5 hours

- **Program Updates:**
 - **Staff Update:**
 - One Career Advisor resigned. The position has been advertised and interviews are in progress.
 - **Policy Update:**
 - NSTR
 - **Staff Training:**
 - Staff received Performance Measure training from the state and locally.

- **Community Collaboration:**
 - Staff attended Transportation Roundtable discussion with BCCC.
 - Two Staff and one participant assisted with the Annual Elder Abuse Walk.
 - Staff attended COA's Basic & Transitional Studies graduation ceremony for eight participants who graduated.
 - NEXTGEN was awarded a \$500.00 grant for the Real World Simulation 2018.

- **Outreach/Recruitment:**
 - Staff hosted 4 Career Cafés in three counties.

- **Youth Activities**
 - Alternative Secondary Schools: Eleven participants are currently enrolled in Adult Education classes. Eight graduated with their High School Equivalence Certificate in June.
 - Work Experiences (WEX): Six work experiences for youth are in progress and two more WEX are being coordinated.
 - Support Services: Transportation, childcare and other services are provided to youth participants on a regular basis as needed for educational and career pursuits.
 - Occupational Skills Training: Eighteen participants are currently enrolled in post-secondary education.
 - Tutoring: Four youths are currently participating in tutoring services with Sylvan this program year.
 - Leadership Development: Four participants attended a Legislative tour in Raleigh. Participants tours the legislative building, areas museums and the Governor's mansion.

VI. HIGHLIGHTS OF NWDB BUSINESS SERVICES' ACTIVITIES

Strategies	Details																				
<p>WIOA Service Delivery Innovation Grant</p>	<p>NWDB continues to administer a \$250,000 Innovation Grant across 20 counties in Northeastern NC.</p> <p>For specific information on the impact this grant is having, please reference the recent quarterly report included in this board packet.</p> <p>Staff will be writing an Enhancement Grant to continue certain components of this innovation grant, set to expire December 31st.</p>																				
<p>Employee Training Grant</p>	<p>NWDB continues to accept applications for the Employee Training Grant (\$10,000) from businesses to use to train their employees in areas where skills deficiencies exist.</p> <p>Please submit ideas for trainings that businesses can reference via the survey sent by Emily over email (July 9, 2018).</p> <p>A new ETG was contracted with Wetland Plants, Inc. in Edenton. The SBTDC was integral to connecting this business to our services.</p>																				
<p>On-the-job Training (Update from Business Engagement Coordinator)</p>	<p>During the past 90 days NWDB staff have met with 41 businesses in our 10-county service area to discuss OJT's. Several of these businesses have job openings and NWDB staff members are actively working with employers to find OJT candidates and/or employees.</p> <p>Business Contacted by County</p> <table style="margin-left: 20px;"> <tr><td>Camden</td><td style="text-align: right;">4</td></tr> <tr><td>Chowan</td><td style="text-align: right;">6</td></tr> <tr><td>Currituck</td><td style="text-align: right;">5</td></tr> <tr><td>Dare</td><td style="text-align: right;">8</td></tr> <tr><td>Gates</td><td style="text-align: right;">3</td></tr> <tr><td>Hyde</td><td style="text-align: right;">0</td></tr> <tr><td>Pasquotank</td><td style="text-align: right;">12</td></tr> <tr><td>Perquimans</td><td style="text-align: right;">2</td></tr> <tr><td>Tyrrell</td><td style="text-align: right;">0</td></tr> <tr><td>Washington</td><td style="text-align: right;">1</td></tr> </table>	Camden	4	Chowan	6	Currituck	5	Dare	8	Gates	3	Hyde	0	Pasquotank	12	Perquimans	2	Tyrrell	0	Washington	1
Camden	4																				
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Perquimans	2																				
Tyrrell	0																				
Washington	1																				

	<p>We have 2 OJT participants completing the last 6 weeks of their training with B&M Contractors, Inc. The participants have received good employee evaluations and B&M is satisfied with the progress of the participants and is planning on them staying on as fulltime employees. They have discussed the option of hiring additional OJT candidates when these two have finished the program.</p> <p>Internally we have developed and are beginning to use a caseload spreadsheet to update and monitor the progress of participants in our programs.</p>
<p>Career Pathways</p>	<p>NWDB partnered with COA, Beaufort Community College, the NC Community College system office, and the NC Trucking Association for a successful “Trucking/Logistics Roundtable” on May 25th. 38 attendees participated in this; 8 of which were employers. Dr. Matthew Meyers with the community college system is helping staff implement the ideas generated from the private sector from this event.</p>
<p>Miscellaneous</p>	<p>Staff was invited by the Agricultural Extension Office in Chowan County to provide a presentation on NCWorks to landscaping companies at the Vernon James Center on May 23rd.</p> <p>Staff continues to provide extensive labor market information to NCEast for economic development purposes.</p> <p>Staff is co-leading the efforts for a Career Fair at COA-Edenton August 2nd. Employer registration is open.</p> <p>Staff continues to meet with businesses being served and recommended by partner agencies such as the Eastern Women’s Entrepreneurship Center at ECSU, the SBTDC & the SBC.</p> <p>ACT Work Ready Communities:</p> <ul style="list-style-type: none"> • The innovation grant allows for 50 free CRC’s per county and staff is working to market this opportunity to eligible job-seekers.

	<ul style="list-style-type: none">• Efforts to achieve “Work Ready” designation in Pasquotank continue.• Chowan & Perquimans County have achieved certification.• Staff assisted Beaufort County Community College with applications for Tyrrell, Washington and Hyde Counties, which have been submitted to the NC Chamber for approval.• Awaiting feedback from the Economic Developer (Larry Lombardi) in Currituck to take the additional steps in Currituck County’s pursuit of the WRC certification.
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Economic Development & Administration Report July 2018

FOLLOW UP ON THE BROADBAND ROLL-OUT

We had 6 counties in attendance at the Broadband Results Roll-Out meeting in partnership with the NC State Broadband Infrastructure Office. Each county received an update on Broadband in NC, including the update on the GREAT Broadband funding which was authorized in the NC FY2018 budget. The results of the survey were provided to each county with their individual maps and profiles in order to allow for ease of applications for grants which the Commission may assist with preparing and administering. The information in the binders were also provided electronically to those in attendance, and will also be provided to those counties that were not able to attend.

WEBSITE UPDATE

In order to continue the transparency of the Albemarle Commission, the website has been updated to include a place for Board Packets and Meeting Minutes. Staff will work to upload this information to the website. Any additional suggestions or insights that you on additions you would like to see to the website are always appreciated. This update goes along with the training that staff members participated in as it relates to WordPress.

STAFF DEVELOPMENT

We continue to host staff potlucks. The next potluck will be both a potluck and training session for staff regarding the Accounting Policies and Procedures Manual adopted by the Board at the June 21, 2018 meeting.

INNOVATEC PROJECT

We continue to work with NCGrowth, Elizabeth City State University and our economic development partners on the InnovateEC Project. Our work also continues to include NCGrowth the EDA University Center from UNC Chapel Hill on the project. The visitation teams are being developed along with out-reach materials based on the marketing and implementation plan that was developed for the Project by NCGrowth. This is a project that is being piloted in Elizabeth City and will have the opportunity to be replicated throughout the Region.

GRANT / PROJECT UPDATES

Perquimans County Marine Industrial Park EDA Grant: The updates have been submitted to EDA for their review. It is anticipated that the Review Committee will meet at the end of July or beginning of August.

Edenton Chowan Farmers Market USDA Grant: This grant has been reviewed by the USDA Review Team and has moved on to the next step in the review and approval process. It is anticipated that a decision will be made sometime in September.

Building Reuse Grant: We are working with Currituck County on a project that would entail a building reuse grant. This project is just in the beginning stages.

GoldenLeaf Community Based Initiative Grants (CBIG): We continue to work with Perquimans, Chowan, Pasquotank, Tyrrell, and Washington Counties on their CBIG proposals.

LUCA Project Update: The Local Unit Census Address review has been completed for Tyrrell County and submitted on their behalf by the Commission to the Census Bureau. There were 167 previously unreported addresses added to the LUCA address list.



Area Agency on Aging & Senior Nutrition Program

June 2018

Home and Community Care Block Grant Services:

Home and Community Care Block Grant Services (not including Congregate/ Home Delivered Meals):

- **3,310** hours of in-home aide services throughout the ten counties
- **751** general and medical transit in nine counties, not including Dare County.
- **168** full days of adult day health care including 2 meals daily in five counties, including Camden, Chowan, Currituck, Pasquotank and Perquimans Counties.

Senior Nutrition Program (SNP):

Number of **Congregate** meals served

Number of **Home Delivered** meals served

COUNTY	FY 2018	FY 2017
Camden	243	358
Chowan	346	300
Currituck	343	432
Dare	464	474
Gates	212	220
Hyde	187	232
Pasquotank	480	783
Perquimans	603	631
Tyrrell	299	376
Washington	425	403
TOTAL	3,602	4,209

COUNTY	FY 2018	FY 2017
Camden	268	239
Chowan	664	537
Currituck	823	1,066
Dare	613	696
Gates	590	664
Hyde	559	413
Pasquotank	1,332	1,197
Perquimans	578	634
Tyrrell	179	162
Washington	775	700
TOTAL	6,381	6,308

- Income and donations received from congregate and homebound clients **\$ 4,445.32**
- **14** new clients added to the homebound program
- **25** new referrals made in the homebound program
- **43** clients reassessed for eligibility
- **7** clients receiving Ensure/ Glucerna
- **0** clients received extra food/ pet food

Volunteer Program

- Total number of volunteers– **841**
- Total volunteer hours– **1,201**

Family Caregiver Support Program:

- **5** home/office visit were conducted for respite, supplemental and/or case management.
- Staff facilitated Alzheimer's Support Group in Perquimans– 16 in attendance
- **534** hours of In-Home Respite services was provided to families across the region.
- **12** days of Adult Day Health Care was provided to families across the region.
- **0** hours of Institutional Respite was provided to families in the region.
- Supplemental Services: Incontinent Supplies and Ensure were provided to several families.

Effective October 1, the Family Caregiver Support Program will be administering Project C.A.R.E (Caregivers Alternative to Running on Empty). This is a state funded program aimed at case management and supportive services for caregivers caring for adults with dementia. For more information, contact Lynne Raisor at 252-426-5753 ext 226.

Regional Long Term Care Ombudsman Program:

- **21** Resident complaint cases were opened
- **26** Resident complaint cases were closed
- **56.6** Hours were invested in complaint/case management
- **3** monitoring visits were made to local Nursing Homes
- **3** monitoring visits were made to local Adult Care Homes
- **0** monitoring visit was made to local Family Care Homes

Other AAA Initiatives/ Events:

- Dementia Friendly Communities- The AAA continues to work on a state and local level to support dementia friendly community efforts throughout the region. The staff recently became trained in "Dementia Friends" training program which will be used to support local efforts of dementia awareness and understanding.
- Operation Fan Heat Relief- The Area Agency on Aging recently purchased 132 fans to distribute to older and disabled adults living with inadequate or no cooling system for the summer months. If you know someone who is in need of a fan, contact Ashley Lamb at 252-426-5753 ext 232.
- The Area Agency on Aging will be hosting 2 Matter of Balance Workshops in August– September. Matter of Balance is a 8 week, 2 hours per week workshop designed to reduce the fear of falling and increase activity levels in older adults who have concerns about falls. These workshops are FREE! For more information contact Ashley Lamb at 252-426-5753 ext 232.

June 21, 2018 – July 19, 2018

Albemarle Rural Planning Organization project highlights for the Albemarle Commission Board of Delegates

US 17/64 Association Board of Directors meeting

On Wednesday June 27, I attended the Highway 17/64 Association Board of Directors meeting in Williamston. John Rouse, the NCDOT Eastern Deputy Chief Engineer, provided an overview of the Build NC Bond Act which was recently signed into law by Governor Cooper. If these bond funds are made available by the end of the year, they may allow us to fund more projects in the 2019-2028 State Transportation Improvement Program (STIP). We will know more in January of 2019 when the Draft STIP is release

Workforce Transportation

The ARPO is partnering with the NWDB transportation task force to discuss solutions for the workforce transportation issues in our region and the taskforce will be meeting on July 13 to continue our discussions. At this time, we are looking into Job Access Reverse Commute Funds as well as 5310 funds to help us with this initiative. I will be able to provide the Board of Delegates an update on this project during the July 19 meeting.

USDOT Better Utilizing Investments to Leverage Development (BUILD) grants

I have been working with the Planning Director of Dare County, Donna Creef, on their application for a BUILD grant to fund needed infrastructure improvements, on Hatteras Island, to support the passenger ferry. These improvements include designing and building 3.5 miles of multi-use path and purchasing four trams to provide public transportation in Hatteras Village. I have also reached out to Hyde County and asked if they would like to apply for funds to build a boardwalk at Silver Lake to support the passenger ferry project. I hope to have an update for the Board of Delegates at the July 19 meeting.



Upcoming Events

September 25

NCDOT Deputy Director of Multi-Modal Transportation, Julie White, visit to the ARPO region (hosted by the ARPO)

September 26

ARPO RTCC and RTAC Board meetings in Hertford (hosted by the ARPO)

October 25

RPO quarterly meeting in Manteo (hosted by the ARPO)

ARPO RTCC and RTAC Boards



Merger projects

As part of the Merger team, I have participated in the following:

- Attended the US 17 Business/NC 37 improvements and replacement of the “S” Bridge public meeting on June 28.

Eastern North Carolina Regional Freight Plan

Ryan Purtle, of the Greenville MPO, provided an update on the progress of the Regional Freight Mobility Study during the US 17/64 Board of Directors meeting on June 27. There were two replies to the RFP's and we will be choosing a consultant in late August. Once the consultant is selected, we will be contacting stakeholders to request their participation in the plan. We hope to have the project wrapped up in August of 2019.

ARPO Annual report and Project “dashboard”

I completed the ARPO Annual report and project dashboard for FY 17-18. The report is provided to the ARPO RTCC and RTAC members as well to the Executive Director for her to utilize for the Albemarle Commission annual report.

Other

- The Title VI plan template has been approved by FHWA and we have been provided the template. We will be discussing the template at the RPO Quarterly meeting in Boone on July 26 and 27. The only items outstanding, for the ARPO, are the Title VI plan and the RTCC and RTAC Board training which will be done at their September Board meetings.
- I continued providing the ARPO Transportation updates to our member counties, and others who have signed up for them, each Friday.



The Finance Report will be provided at the meeting as the June 2018 reports have not been received due to yearend close out.

County Updates
Chairperson's Comments
Old/Other Business

**REMEMBER TO TURN IN YOUR BOARD TRAVEL
REIMBURSEMENT SHEET TO LAURA ROLLINSON**

NEXT BOARD MEETING
August 16, 2018 @ 7 P.M.
ALBEMARLE COMMISSION OFFICES

Closed Session
In accordance with NCGS 143-318
(11)(a)(3) to consult with an attorney and
NCGS 143-318 (11)(a)(6) personnel

