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

ALBEMARLE COMMISSION
BOARD OF DELEGATES MEETING

DATE: Thursday, November 15, 2018
TIME: 7 p.m. Board Meeting
LOCATION: Albemarle Commission Offices

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

AGENDA

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Item 8.	Unfinished Business	
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NEXT MEETING
January 17th, 2019 @ 7 p.m.
Albemarle Commission, 512 S. Church St., Hertford, NC 27944

Opening

Pledge of Allegiance

Invocation

Determination of a Quorum

Adoption of Agenda

Meeting Minutes

Approval of the Albemarle Commission Minutes from the **October 2018** meeting - **VOTE**

Minutes of the
Albemarle Commission Board of
Delegates October 18th, 2018
7:00 PM

DRAFT

Opening
Chairwoman Marion Gilbert called the meeting to order at 7:00 p.m.

Pledge of Allegiance
Chairwoman Marion Gilbert led the Board in the Pledge of Allegiance.

Invocation
Vice Chairman Leroy Spivey led the Board in the Invocation.

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

Name	County
Clayton Riggs	Camden
Sandra Duckwall	Camden
Marion Gilbert	Currituck
Elizabeth White	Currituck
Rob Ross	Dare
Linda Hofler	Gates
Earl Pugh	Hyde
Lloyd Griffin	Pasquotank
Fondella Leigh	Perquimans
Leroy Spivey	Tyrrell
Tracey Johnson	Washington

Absent Members

John Mitchener	Chowan

Partners. guests. and staff present:

Albemarle Commission Attorney John Leidy of Hornthal, Riley, Ellis and Malland was present. Staff members Cathy Davison, David Whitmer, Emily Nicholson, Laura Alvarico, Angela Welsh, Carolyn LaDow, Laura Rollinson were present. Also, in attendance was Revolving Loan Fund Committee member Gary Jordan, the Daughtrys, owners of Atlantic Craft Beer and Speciaty Wine Distributors in Powell's Point.

Agenda (VOTE):

Board member Earl Pugh made a motion to amend the agenda by postponing Item 9a(Review of the Personnel Policy) until the November Albemarle Commission Board Meeting, moving Item 9e Closed Session in accordance with NC GS 143-318.11 (1) (6) (Personnel matter) to Item 12, and adding Item 9e as a review of Bylaws Article 7 Section II. His motion was seconded by Vice Chair Leroy Spivey, and with no further discussion, the motion carried unanimously.

Approval of August 16th Minutes (VOTE):

Chairwoman Marion Gilbert presented the August 16th, 2018 Albemarle Commission Board Meeting minutes. Board Member Linda Hofler made a motion to approve the minutes as written. Her motion was seconded by Vice Chair Leroy Spivey, and with no further discussion, the motion carried unanimously.

Public Comments:

Chairwoman Marion Gilbert opened the floor to Public Comments. No members of the public were present to make comments. Chairwoman closed the floor to Public Comments.

Unfinished Business:

Chairwoman Gilbert opened the floor to unfinished business. Attorney Leidy informed the board he had been in contact with the State Auditors concerning their request to review the closed session minutes. He stated he returned their call and had informed them the closed session minutes were available. He further stated they have not yet contacted him to review the closed session minutes.

New Business-Revolving Loan Fund:

Chairwoman Marion Gilbert opened the floor to Northeastern Workforce Development Board Assistant Director Emily Nicholson. Assistant Director Nicholson introduced RLF committee member Gary Jordan. Jordan and Nicholson introduced the Daughtrys, owners of Atlantic Craft Beer and Specialty Wine Distributors in Powell's Point. After presenting their loan request and answering questions presented by the board, Chairwoman Marion Gilbert opened the floor for a motion. Board member Rob Ross made a motion to approved the requested of a $36,000 revolving loan as outlined in their application. His motion was seconded by Board member Earl Pugh. Board member Tracey Johnson opposed. All other board members were in favor. The motion carried by majority vote.

New Business-Nutrition Bids:

Chairwoman Marion Gilbert opened the floor to Area Agency on Aging Director Laura Alvarico to discuss the Bids for Senior Nutrition Meals. Director Alvarico stated in June of this year Golden Corral was awarded the bid to provide nutritional services to the Senior Nutrition Program in four counties. Golden Corral closed their business on September 13 without notice. Upon receiving notification of their unanticipated closure, she worked with current caterers and Captain Bob's in Hertford to provide meals to all 4 counties. Thanks to Trinity Services, Eastern 4-H Center and Captain Bob's, there was no disruption of services to nearly 375 clients on the program in these 4 counties. On September 24 Director Alvarico sent out an RFP for Nutritional Services. She had four local businesses that an expressed interest, but she received only two bids- one from Trinity Services and one from Captain Bobs. In addition to the three counties they are already providing services in, Trinity submitted a bid for all four counties. Captain Bob's submitted a bid for Perquimans and Chowan OR Perquimans and Gates. Based on her programs budget and current relationship with these two organizations, her recommendation is that Perquimans and Chowan county be awarded to Captain Bob's and Gates and Pasquotank to Trinity Services. Board member Lloyd Griffin made a motion to award the Nutrition bids as outlined by Director Alvarico. His motion was seconded by Board member Linda Hofler and with no further discussion, the motion carried unanimously.

New Business-Nutrition Vehicles:

Chairwoman Marion Gilbert opened the floor to Area Agency on Aging Director Laura Alvarico to discuss her request to purchase three vehicles for her program. Director Alvarico advised the board the Fleet account currently has a fund balance of $135,337.87. She stated the current nutrition vehicles both have over 100,000 miles and are starting to have serious reliability issues. She submitted quotes she had received for the purchase of two new nutrition vehicles and one minivan to be used to transport her board members to and from events. Board member Clayton Riggs made a motion to approve the purchase of three vehicles for Director Alvarico' s program not to exceed $85,000 combined with the stipulation the current vehicles be sold via GovDeals.com and that money be placed back into the Fleet account. Board member Rob Ross seconded the motion and with no further discussion, the vote carried unanimously.

New Business-Bylaws:

Chairwoman Marion Gilbert opened the floor to Board member Clayton Riggs who had requested a chance to discuss Albemarle Commission Bylaw Article 7 Section 2. Board member Riggs stated it had been brought to his attention Executive Director Davison had attended the NADO meeting this past week. He stated the board had been receiving her weekly calendar and had not received one this past week. Board member Rob Ross provided Board member Riggs with a calendar with the Executive Directors schedule that included attending the NADO meeting that had been provided by Executive Director Davison at the August board meeting. Chairwoman Gilbert also stated the board had been given Davison schedule months in advance. Board member Sandra Duckwall inquired to Executive Director Davison why she had attended the meeting given her short amount of time remaining at Albemarle Commission. Chairwoman Gilbert advised board member Executive Director Davison would address that concern during her report to the board. Chairwoman Gilbert closed the floor to New Business.

Reports

Chairwoman Gilbert opened the floor to the staff to present their reports.

Transportation:
Chairwoman Gilbert opened the floor to ARPO Director Angela Welsh. Director Welsh advised the board she is waiting for the MPOs and RPOs to pay their invoices for their share of the Eastern North Carolina Freight Plan, Cambridge Systematics had been awarded the contract and they project should start in November. She advised the board of the Merger Team meetings attended. Director Welsh stated her meeting with Kris Noble in Hyde County was moved to November due to Hurricane Florence. She discussed the awarding of the Spot 5.0 points. Director Welsh provided the board with information concerning the NC 2050 plan, which is the plan to update the State's long-range transportation plan. Director Welsh also stated that members of the community had been frustrated and confused by DOT when told DOT was going to widening the road, when the plan was actually to widen a lane. Chairwoman Gilbert inquired what could be done by the ARPO to alleviate this miscommunication? Director Welsh stated she has spoken to DOT several times already concerning how their engineering jargon is confusing to the general public.

Employment:
Chairwoman Gilbert opened the floor to Northeastern Workforce Development Board Director David Whitmer. Director Whitmer advised the board his program is currently seeking to fill a Career Advisor position in Dare county. He advised the board his program is attempting to find its third member for the Finance committee. Director Whitmer stated Heather Collins, Beaufort County Community College Director of College and Career Readiness has been appointed to sit on the NextGen committee. Director Whitmer advised the board he is having a hard time filling the Elizabeth City Career Center Manager position. He stated all applications have to be approved at the state level and the applicants are not highlighting all the required key points on the applications they are submitting. He advised the board he had requested and has received $75,000 from DWS to fund the Business Engagement Coordinator position. He stated his program has been awarded a $17,894 Enhancement grant and that the program can apply for as much as $200,000. Director Whitmer advised the board his programs Fiscal Monitoring is complete with no findings. He advised the board his programs EEO Monitoring is complete, and although the actual report has not yet been received, he was advised there were no findings. In addition, he stated the monitors were impressed with the EEO work and organization of materials by EO office Laura Rollinson and indicated they would use her work as a Best Practice to share with other boards across the state. Director Whitmer explained his program's application with COA for the Finish Line Grants has been approved in the amount of $50,000. He advised the board his NextGen program had been awarded a NADO Innovation Award for their Career Cafes. Director Whitmer advised the board 80 to 100 local high school students had participated in this year's Real World simulation that was held at Museum of the Albemarle. He further stated the Department of Labor had seen an article of the event and had reached out stating how impressed they were with the event. Director Whitmer also advised the board Aldi's has reached out to him to hold a hiring event. Director Whitmer advised he is currently looking for a location to hold this event.

AAA& Senior Nutrition:
Chairwoman Gilbert opened the floor to Area Agency on Aging and Senior Nutrition Director Laura Alvarico. Director Alvarico advised the board in August, BlueCross BlueShield awarded $10,000 per Tier I county for the next three years towards nutrition. She explained our local area has 8 such counties, which will have $240,000 available to her program over the three-year span. She advised the board on November 5th, a workshop will be held to help First

Responders know how to interact with those suffering from dementia. Director Alvarico also provided an overview of all the session material, including the Hello Game, Falls Prevention, Using Teep's Skills and Financial and Estate Planning that will be conducted during her programs conference held November 8th, 2018 at Kermit E White.

Money:

Chairwoman Gilbert opened the floor to Finance Officer Carolyn LaDow. Finance Officer LaDow presented the Finance Report. She advised the board the commission is at 25% and on track to spend as reported. Finance Officer LaDow made a request that a motion be made to move $36,000 over to allow the RLF granted to be funded. Clayton Riggs made a motion for the $36,000 for the RLF bee moved over in the budget from the RLF Fund Balance. Board member Earl Pugh seconded his motion. Board member Tracey Johnson opposed the motion. All other board members were in favor, the motion carried by majority.

Report of the Executive Director:

Chairwoman Gilbert opened the floor to Albemarle Commission Executive Director Cathy Davison. Director Davison advised the board she attended the NADO meeting this week, and along with delegate Tracey Johnson, accepted the NextGen's Career Café NADO Innovation Award. Director Davison advised board member Sandra Duckwall that is in fact was one of the reasons why she had attended the NADO meeting, to accept the award on behalf of her staff. Director Davison advised the board her table also won the NADO table award (most visited). Director Davison went on to explain that the other reason she attended was to meet with EDA Regional Director regarding the Perquimans Marine Industrial Park $2.4 million EDA Grant which will match the $2.9 million allocation from the General Assembly that the Albemarle Commission was instrumental in securing for Perquimans County. Director Davison reminded the board members the Annual Meeting has been rescheduled to March 21st. She also reminded the board members due to Hurricane Florence, the NCDEQ Infrastructure Meeting had been postponed. Director Davison advised the board all staff received Accounting Policies Procedures training and received a manual during the September staff potluck. She advised the board of all current grant updates. She advised the board she continues to work with NCGrowth, ECSU and other economic partners on the InnovateEC Project. Director Davison also provided a CREDS update. She shared with the board the letter received form Phillip Paradice Jr., Regional Director, commending Albemarle Commission and the CEDS committee on developing an innovated, regionally-driven economic development strategy.

Closed Session NCSS 143-318 (11) (l) *(6)*:

Board member Earl Pugh made a motion to go into closed session in accordance with North Carolina General Statue 143-318. (11) (l)(6) for a specific personnel matter. His motion was seconded by Board member Clayton Riggs and with no further discussion, the motion was carried unanimously. The Board entered into closed session on 9:03 pm.

Open Session:

Board member Earl Pugh made a motion to return to open session. His motion was seconded by Board member Clayton and with no further discussion, the motion was carried unanimously. Chairwoman Marion Gilbert returned the Board to open session at 10:02 pm.

Board Member Comments:

Chairwoman Gilbert advised the board the Nomination Committee for the new Chairman and Vice Chairman of the Board includes board members Tracey Johnson, Linda Hofler and Rob Ross. Board member Lloyd Griffin nominated himself for Chairman. Board member Clayton Riggs nominated himself to be Vice Chairman of the board. The committee will report back to the board at the November meeting. Board member Lloyd Griffin advised the board he had drafted a letter as the Chairman of the RTAC with the ARPO stating they are in opposition to any funding for the Ferry Project. Board member Leroy Spivey stated Tyrrell supports the idea only, not funding the project. Board member Linda Hofler stated Gates has broken ground on the new school building. Board member Earl Pugh stated Hyde county was still recovering from Hurricane Florence, over 300 homes were affected. Chairwoman Marion Gilbert wished everyone well that was seeking reelection.

Adjournment

Board member Lloyd Griffin made a motion to adjourn the Board meeting. His motion was seconded by Board member Linda Hofler and with no further discussion, the motion was carried unanimously. The meeting adjourned at 10:15 pm.

_____ _____

Chairwomen of the Board Marion Gilbert Date

Attested by:

_____ _____

Clerk to the Board Laura Rollinson Date

DRAFT

PUBLIC COMMENTS
NOT TO EXCEED 3 MINUTES

UNFINISHED BUSINESS

a. Approval of the Attorney recommend Personnel Policy updates – **VOTE**

b. Signatory Agent Information

HoRNTllAL, RILEY, ELLIS &MALAND , L . L . P.

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RETIRED
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MEMORANDUM

TO: Board of Delegates of the Albemarle Commission and Kathy Davison

FROM: John D. Leidy

DATE: September 5, 2018

RE: Proposed Revisions to July, 2018 Addition of Personnel Policies

At the July meeting, the Board asked that we look at, propose rev1s1ons to, and otherwise comment on 5 different provisions of the personnel policy manual. I have done so, and my observations and recommendations are discussed below.

1. Create a third party grievance board made up of County rnanagers and HR directors:

-Such a policy has been prepared and is attached for Board review and consideration.

2. Review and revi.se Article V, Part 3 regarding outside employment:

-this section has been revised to make more clear that outside employment is prohibited without express approval by the Executive Director. This also clarifies that the Executive Director may not engage in outside employment without approval by the Board. This section is also broader in scope and applies not only to outside employment, but also to any outside activity that may create a conflict of interest for the employee,

3, Review and revise Article V, Part 4 regarding en1pioyment of relatives:

-I have revised this section to make the pi·ohibition on employment of relatives more clear.

4. Review and revise Article V, Part 5 regarding conflict of interest:

-I have clarified the conflict of inter st section. Previously the sect ion incorporated by reference a policy adopted by the Commission in 1994. That policy was based on legislation and as such included some excess

language. The essence of the policy has been refined into the policy statement proposed to replace the current reference. The last paragraph also includes conduct and actions that may be seen as "conflicts" in the classic sense, regardless of whether they fall within the strict parameters ofN.C.G.S. 14-234.

5. Consider third party review process of the actions shown at Article IX, Section 6:

-Section 6 requires a pre-dismissal conference as one of the steps taken before the Executive Director may dismiss an employee. Such a conference need only provide the most basic of due process requirements: notification of the allegations against an employee and an opportunity to Tespond verbally thereto. Because this contemplates an action to be taken before any disciplinary action has actually been taken it would be premature for any third party to be involved in the review of such an action. As explained in item I above, the Board is also considering adoption of a third party grievance/appeal process. Providing such review but only after a disciplinary action has been taken is more standard, effective and proper. Accordingly, I do not recommend any changes to Section 6.

I will look forward to discussing these proposed changes with the Board.

ALBEMARLE COMMISSION
PERSONNEL POLICIES

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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 overthe 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 L 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 prorate 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 prorate 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 prorate 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	**Longevity Pay Rate**
10 but less than 15 years	1.50 percent
15 but less than 20 years	2.25 percent
20 but less than 25 years	3.25 percent
25 or more years	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 mec;Jia 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 speclfic 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 utilized 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. No employee shall accept or engage in any outside employment or activity that in any manner interferes with the performan e of their duties and responsibilities to the Albe marle Commission. or presents a substantial risk of placing the employee Ih a situation where a conflict arises between the best Interests of the Albemarle Commission and of the other employment/activity. In the event an employee engages in another employment/activity that results in creating a conflict with the best Interests of the Albemarle Commission, the employeeis expected to alert their supervisor and to resign from that employment/activity If requested. In no event shall an employee engage in any outside employment or in any outside activity that may create a conflict of interest with the Albemar le Commission without the advance approval of their supervisor and the Executive Director. Al-l-etl5i<le employmertt-fef Siliafiesy-vvages, or commission and all self employment must be-ref:)Orted in advance to tt=te-emp1oyees supi turn 'Nill 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 1$ 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" member as defined in Article VII, Section -1-2-11 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 tm FEeand exists -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.
    m. 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:

	Full-Time Employee	Part-Time Employee
Years of Service	**Days Accrued PeLYear**	**Days Accrued Per Year**
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 bYthe 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 include the employee as an employee's 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 dc;Jys 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 conAdential 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 conAdential. 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 shaII 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. SEPARATON 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 consider d 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 fob 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 pe1formance 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. FSLA 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);
lO) Engaging in incompatible employment or serving a conflicting interest;
ll) 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 Albe.marle 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. A grievance might also involve alleged safety or health hazards. unfair or discriminatory supervisory practices. unsatisfactory physical facilities or equipment.

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 30 calendar days following the action.

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 change(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: performance evaluations and maintaining the efficiency of Commission operations.

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. Eligibility

Unless otherwise provided by law, all non-probationary employees are eligible to initiate a grievance under this policy. An employee or person who falls within one or more of the following groups Is not eligible to initiate a grievance under this procedure:

A. Employees serving their initial probationary period.
B. Employees under disciplinary probation with the exception of a termination action for an offense other than that which resulted In the disciplinary probation.
C. The executor director.
D. Temporary, limited term and seasonal employees.

Section .5_. Procedure

When an employee f!aS-files a grievance, the following successive steps are to be taken unless otherwise provided. The number of calendar days time periods indicated for each step will be measured by calendar days and 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. Executive Director hearing alternative. 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 Executive Director may conduct such review, investigation, and/or hearing as the Executive Director deems necessary to render a decision the Executive Director finds to be fair to the parties. consistent with Albemarle Commission policies, and In compliance with applicable law. -The Albemarle Commission Executive Director's decision shall be the final decision.

The Albemarle Commission Executive Director would will notify the Albemarle Commission Board of any grievances involving impendingthat are reasonably expected to result in legal action.

Section 6 - Panel Hearing Alternative. After receiving notification of the Employee's intent to grieve to the Grievance Panel. the Executive Director shall cause a grievance hearing to be convened. The Grievance Panel provides an additional venue for the fair hearing and resolution of employee grievances and appeals in a procedure free of recrimination. The Grievance Panel reviews the record of the appeal or grievance and may hear testimony from all parties involved in the grievance or appeal. The panel then recommends a course of action to the Executive Director. By law and these policies. the authority over all Commission employees is vested in the Executive Director and the Executive Director determines the final actions to be taken.

The grievant must notify the Executive Director of the name of their attorney. if applicable. within 5 calendar days of requesting a Panel hearing.

A. Composition of Panel

The Grievance Panel shall be composed of no less than 3 members. Members of the panel will be chosen for each grievance hearing by having the Executive Director request the county manager or the human resources director from counties or towns in the Commission region other than the county in which the grievant resides to serve on a panel. The Executive Director shall seek a panel composed of objective. unbiased and fair candidates.

The panel. once selected. will set the date. time and place for the hearing. which should be held within 20 calendar days following receipt of the request for a panel hearing. Each member of the panel shall review and sign a confidentiality agreement prior to each hearing.

B. Participants

The grievant and the supervisor. department head or other supervisory representative should be present at all panel hearings and may be represented by legal counsel. Should the panel hear a grievance as a result of a termination. the Executive Director or the panel may request that the supervisor representatives and/or the Commission have legal representation. at Commission expense. to assist in any matters concerning the grievance.

The panel shall render it's decision and distribute copies to the grievant. Executive Director. and department head within 15 calendar days from the conclusion of the hearing. The reason for the panel decision shall be noted In the decision. The majority decision of the panel. acting within the scope of its authority. shall be the final recommendation to the Executive Director and shall be consistent with the provisions of existing written policies. standard practices. procedures and laws. The question of whether the decision and relief recommended by the panel is consistent with existing written policies. standard practices. procedures and laws shall be determined by the Executive Director.

C. Rules

1. The Grievance Panel does not have the authority to formulate personnel policies or procedures or to alter existing personnel policies and procedures.
2. The panel shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. All hearings shall be closed to the public.
3. The department head. Executive Director or designee shall provide the panel with copies of the grievance record created prior to the hearing. and shall provide the grievant with a list of the documents furnished to the panel. at least 5 calendar days prior to the scheduled hearing. All parties shall have access to and copies of all relevant files intended to be used in the grievance proceeding.
4. The panel has the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence. so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence.
5. All evidence shall be presented in the presence of the panel and the parties. except by mutual consent of the parties.
6. Documents. exhibits. and lists of witnesses shall be exchanged between the parties at least 5 calendar days in advance of the hearing.
7. At the option of each party. opening statements may be made at the beginning of the hearing. and the panel may ask for such statements in order to clarify the issues involved In the grievance.
8. The panel shall determine the order of presentations. Ordinarily. in cases of alleged discrimination or unlawful harassment. the grlevant should present the case first. The panel shall devise a procedure designed to afford full and equal opportunities to all parties for presentation of any material of relevant evidence. The parties shall have the right of cross examination.
9. The panel by majority vote may decide procedural guestions and rule upon objections raised during the course of the hearing. Witnesses other than the parties may be reguired to remain outside of the hearing room except when they are giving their testimony.
10. The panel, by a majority vote. my recommend upholding or reversing the action of the department head. or in appropriate circumstances may recommend a modified remedy. The panel decision. however. must be consistent with the provisions of law and existing written policies and standard practices. In appropriate cases. a panel might determine that a grlevant is entitled to reinstatement. from which full. partial or no backpay and/or full. partial or no benefits might be recommended. In no case does the panel have the authority to award damages or attorneys fees. No claims. Including claims for back wages by an employee shall be valid for a period of more than 15 calendar days prior to the date the grievance was filed.
11. After each side has had the opportunity to present its evidence, the panel chair shall specifically inguire of all parties whether they have any further proofs to offer or witnesses to be heard. Both parties shall be given the opportunity to make closing statements summarizing their positions. following which the hearing should be declared closed.

12. The majority decision of the panel. acting within the scope of its authority. shall be the final recommendation to the Executive Director, subject to existing written policies. standard practices. procedures. and laws.

D. Scope of Decision

The decision and recommendations of the panel may not expand the issue or the relief requested in the original grievance. The panel has the authority to recommend that the Executive Director uphold. reverse, reduce or otherwise modify the actions taken. The panel does not have the authority to exonerate an employee from all discipline when the guilt of the employee is admitted or guilt is determined by the panel based on evidence presented.

E. Confidentiality

All participants of the grievance procedure, including members of the grievance panel. are subject to the North Carolina General Statutes dictating confidentiality and non-release of personnel-related information. All participants must sign a Confidentiality Agreement prior to participating in a grievance hearing.

SectioA 5. GrievaAce aAd Adverse ActioA Appeal Procedure fur DiscrimIAatioA VVheA aA employee, former employee, or applicaAt, believes that aAy employmeAt actioA discrimiAates illegally (i.e. is based oA age, s6<, race, color, AatloAal orlglA, religioA, creed, political affiliatioA, or AOA job related haAdicap), he/she has the right to appeal such actioA usiAg the grievaAce procedure outliAed IA this Article (ScctioA 1 above). While such pcrsoAs arc eAcouragcd to use the gricvaAce procedure, thc·y< shall also have the right to appeal directly to the Albemarle CommissioA BEecutive Director. EmploymeAt actioAs subject to appeal-because of discrimiAatioA iAciudc promotioA. tralAiAg, classificatioA, pay, disclpliAary actioA, traAsfer, layoff, failure to hire, or termiAatioA of cmployme At. AA employee or applicaAt should appeal aA alleged act of discrimiAatioA withiA fourteeA calcAdar days of the alleged discrlmiAatory actioA, but mav appeal for UP to three moAths followiAQ the actioA.

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

It is the policy of the Albemarle Commission that the members of its Board and its ernployees must avoid conflicts of interest or the appearance of impropriety i11the management at1d dlsbmsement of State funds. All Board member and employeesshall comply with the requfrernents on prohibitionsofN.C.G.S. §14-234.

No member of the Board or employee of the Commission shall partici pate in ihe making, solicitation, negotiation, formation, recommendation, award, arbitration, mod ification, settlement or administration of any contract or grnnt funded in whole or in part by State funds or any dispt1tearisit1gunder such contract or grant when the Board member or employee s tands to receive a direct benefit or indirec t benefit from such co ntract or grant.

As used in this policy, a Board member or managingagent shall be deemed in volved in making a contract if they participate in the developmen t of specificationsor terms or in the preparation or award of the contract.

A Boa.rd member or employee derives a direct benefit from a contract if the person or their s pouse (i) has more than a te n percent (10%) ownership or other in terestin an e ntit y that is a party to the contract: (ii) derives any income or commission directly from tbe contract; or (iii) acquires property under the contract. AB oard member or employee is J1ot involved in making or administe ring a contract solel y because of the performance of minis led al duties related to the contract

No Board member or employee shall be deemed to benefitdirectly or indirectly from a contract or grant funded in whdle o r in pat·t by State funds if be or she receives only the salary or stipend clue to him or her in the 1101mal comse oLemploy ment with or service lo the Albemarle Commiss ion.

No Board memb er 01· employee shall engage in any other conduct that or activity that creates a conflict between U1e best interests of the Albemarle Commiss ion and the best interestsof the employeeor any other person,firm or entity with which the Board member of employee has a personal. famili al, or financial interes t.

NEW BUSINESS

1.

Reports of Staff

Transportation

Employment

Area Agency on Aging & Senior Nutrition

Money

October 18, 2018 – November 15, 2018

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

Eastern North Carolina Regional Freight Plan

I attended the kick-off meeting in Kinston on October 30. During the meeting we were provided a time line as to when carious parts of the project should be complete. The draft plan should be complete by the fall of 2019. Currently, we are working on developing a list of stakeholders for Cambridge systematics to reach out to. I and other coastal RPO Directors felt it was important to include our waterways and inlets in the plan as well and the rest of the RPO Directors support our request to incorporate them.

Title VI

I have completed the draft and submitted to the TPB for review. The only items outstanding, for the ARPO, are the Title VI plan, which is under review, and the RTCC and RTAC Board training which will be done at their January Board meetings. During our RPO quarterly meeting in October, we were told there is only one person currently working the NCDOT Title VI office so we are unsure as to when our plan will be approved.

Ocracoke Island

I continue to work with Kris Noble, the Hyde County Manager, on some possible pedestrian safety related striping and signage improvements in Ocracoke village. I will visit the island when Kris has some time free to meet with me.

We may also be working on submitting a project summary for an eco-friendly driverless shuttle called “Olli” on the island. The NCDOT Transit Division asked us to submit the project summary and it would be a part of a statewide submittal to the Federal Highway Administration (FHWA). The FHWA will then choose one state to deploy the Olli project in.

Upcoming Events Hosted by the ARPO

The ARPO is not hosting any events until the late winter or early spring.

ARPO RTCC and RTAC Boards

Drone Workshop

I have been in touch with the NCDOT UAS Division to host another Drone workshop in our region. They will be able to come back out this way in the early spring. The workshop will focus on drone operator's rules and regulations from an airport stand point.

East Coast Greenway

I am working with Kathryn Zeringue, the Virginia and North Carolina Coordinator for the greenway, to begin planning discussions for the "coastal" route of the greenway with our planning partners in the ARPO region. We will be holding our first planning discussion meeting November 14 at the Dismal Swamp Welcome Center in Camden. We also intend to schedule another meeting and/or meetings with individual stakeholders either later this year or early next year. I will update the Board on November 15 as to how this meeting went.

SPOT 5.0

During the ARPO RTCC and RTAC meetings, on October 10, 2018, the ARPO RTAC Board assigned local input points to ARPO projects in the "Division Needs" category. Those points have been submitted to the SPOT On!ine system and we should know which projects will be funded sometime in January.

NC 2050 Plan

In late September, I participated in the kick-off for the NC 2050 Plan at the request of the NCARPO President Dana Stoojenke. On October 29, 2018, I attended the first meeting in Raleigh along with the new Eastern Carolina RPO Director Eric Howell. Since this project has turned into an NCARPO Committee assignment, Eric will be taking it over since I already serve on three NCARPO committees and he serves on none. The NC 2050 Plan is the NCDOT update to its long-range transportation plan. When complete, the document will provide a 30-year transportation blueprint for the state. The Plan will focus on regional priorities as will statewide benefits.

RPO Quarterly meeting

Our meeting was productive and the NCDOT Ferry shipyard tour was a huge hit. My RPO Director counterparts, throughout the state, have often heard me speak about our ferries but didn't quite grasp the vastness of the system and its importance to Northeastern North Carolina until they walked into the shipyard. They were all very appreciative they were allowed to tour the facility and went home with a deeper knowledge of our ferry system which they can share with their elected officials.

Current projects related to the ARPO planning Work Program

Public Participation Plan

Citizens Guide to Transportation Planning

Northeastern Workforce Development Board Report to Albemarle Commission Board:
October – Early November 2018
Dave Whitmer, NWDB Director

I. Organization Structure/staffing:

We have a new NCWorks NEXTGEN Career Advisor starting on November 15. We are currently recruiting for a NEXTGEN (Youth) Career Advisor for the Center in Dare. We separated our Administrative Assistant position from the Albemarle Commission and have created a position titled Admin., Technical, and Financial Support Specialist. We are currently recruiting for this position.

II. Counts

Below are numbers from our three NCWorks Career Centers for October:

	New Customers	Total Customers Served	Services Provided
NCWorks Career Center, Chowan County	31	273	890
NCWorks Career Center, Dare County	29	150	635
NCWorks Career Center, Elizabeth City	66	801	3,373
TOTAL	**126**	**1,224**	**4,898**

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:

76 Adults
5 Dislocated Workers

III. Board Organization

Board Membership: We have a full board

NWDB Finance Committee: Two board members have volunteered to serve on Finance Committee. We are trying to recruit a third member. NWDB Chairman, Zach Bray, has volunteered to serve on the committee until another board member is identified.

IV. Updates

- Career Centers:
  - We are starting our live broadcast on ECSU's radio station (WRVS FM – 89.9), NCWorks Career Center Corner, on October 16 at 7:30am. We have switched from the second Tuesday of the month to the third Tuesday.

  - 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. **This job posting has been opened and closed twice and we have been unsuccessful in hiring a candidate. We recently opened it for a third time and will start interviewing soon. We have also interviewed for the Assistant Manager position and have submitted the recommended candidate's information to the Office of State Personnel. We really need to hire a manager as the workload is really starting to wear on everyone. We are also recruiting for an Assistant Manager which is also a DWS funded position.**

  - Larry Donley and I continue working with our Center Managers to complete the new Career Center Certification requirements (developed by the NCWorks Commission) and have our system 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. The NCWorks Commission has now set a deadline for all boards to have this completed by November 22, 2018. **Since we have been without Center Management since July 1, 2018, I have requested and received a 30 day extension.**

  - Staff participated in numerous outreach events including COA's Health Sciences Open House, Manufacturing Day, FAFSA Day, and Transitional Studies day. Also participated in ECSU's Hispanic Heritage Festival.

  - The EC Career Center continues to host hiring events for numerous local employers conducting 10 events in October.

- 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

- ACT Certified Work Ready Communities: Staff continues to assist Beaufort County Community College with applications for Tyrrell, Hyde Counties to help the earn their Work Ready Community Certification. The application for Washington County has been submitted. Staff has also started working with Gates County.

- Innovation Grant: We continue to move forward with the implementation of our Innovation Grant.

    - 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:

        - Petigrew 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. Statewide negotiations were recently completed and we were recently provided everything we need to move forward. Our first step is to conduct local negotiations with the two agencies in our region that were not included in the statewide negotiations – RiverCity YouthBuild and Senior Community Service Employment Program (SCSEP).

- Enhancement Grants: We have been awarded an Enhancement Planning Grant in the amount of $17,894. This grant will allow us to plan our larger Enhancement Grant project which we can apply for and Enhancement Implementation grant up to $200,000. There are numerous components to the grant including continuing the work that our NCWorks Outreach Coordinator, Heidi O'Neal, is doing through our current Innovation Grant. **We have started working to administer this planning grant and have started working on the application for the Enhancement Implementation Grant.**

- Finish Line Grants: Governor Cooper recently announced the new Finish Line Grants. These are grants that Community Colleges can apply for in partnership with their workforce boards to help students "cross the finish line". The grants are for students who are at least 75% complete with their academic program and have experienced some type of emergency – such as needing auto repairs, help with rent or utilities, unexpected medical expenses, etc. They can be eligible to receive a grant in the amount of up to $1,000. **Our application with COA has been approved in the amount of $50K. We have started to promote and administer this grant. We, along with Beaufort County Community College (BCCC), decided to not submit an application. There reason for this is that we entered into a MOU with Region Q, WDB, Turning Point WDB, and Eastern Carolina WDB, agreeing that students would be served, regardless of their county of residency, by the board in which their community college is located. This means that all BCCC students interested in applying for a Finish Line Grant, included those who live in Washington, Tyrrell, and Hyde, will be served through the grant awarded to Region Q WDB and BCCC.**

- NCWorks Partnership Conference: Staff and several board members had the opportunity to attend the annual NCWorks Partnership Conference in Greensboro. Governor Cooper was in attendance. This was a great learning opportunity for all.

- 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, Oct 2018:

- Active Youth – 58
- Youth in Follow Up – 24
- Youth Enrolled in Oct – 7
- Out-of-School Youth (OSY)
  - OSY enrollments is currently at 70.69%
    (Goal is to meet 75% minimum expenditure requirements on OSY)

- **Sylvan** – Tutoring hours as of October 31, 2018 – 45 hours

- **Program Updates:**
  - **Staffing:**
    - One vacant Career Advisor position was filled with a planned start date of Nov 15, 2018. Another position is open for Dare County and interviews have started. Position will remain open until filled.

  - **Staff Training:**
    - Staff attended the Annual Partnership Conference Oct 10-12, 2018 in Greensboro.
    - All staff attended EEO training provided by the state.

- **Community Collaboration:**
  - Staff presented an orientation of NextGen services to River City YouthBuild Mental Toughness students.
  - Staff participated in COA's Health Sciences Fair.
  - Staff attended Washington County Business & Industry Council/Industry Planning Committee Meeting.
  - Staff met with Hyde County School Superintendent and CTE Director providing an overview of NextGen services and Career Café.
  - Staff participated in ECSU's Hispanic Heritage Festival.
  - Staff participated in Tyrrell County's Prison Career Fair.
  - Staff participated in COA's Transitional Studies Day.
  - Staff participated in COA's FAFSA Day.

- **Outreach/Recruitment:**
  - NEXTGEN hosted one Career Café in Perquimans.

- **Youth Activities**

- Alternative Secondary Schools: Ten participants are currently enrolled in Adult Education classes.
- Traditional Secondary Schools: Four participants are currently enrolled in Adult Education classes.
- Work Experiences (WEX): Four work experiences for youth are in progress and two more WEX are in coordination.
- 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: Thirty-one participants are currently enrolled in post-secondary education.
- Tutoring: Five youths are currently participating in tutoring services with Sylvan this program year.

VI. HIGHLIGHTS OF BUSINESS & EMPLOYER SERVICES ACTIVITIES

New Business Registrations in NC Works	Services Provided
PeopleReady	Referred qualified candidates
Trubild, LLC	Referred qualified candidate/OJT
Cathedral Kiddie Campus	Entered job order
Take our Daughters & Sons to Work Foundation	Referred qualified candidates
Crossroad Fuel Services	Entered job order
Dragon Youth Inc.	Added to NCWorks
Guy C Lee	OJT information
River Landing Apartments	Entered job order
Timmons Group	Informational visit
Existing Business	
Frito-Lay	Informational visit
Border Station	Informational visit
Van's Pizza	Informational visit
T.A. Loving Company	Job order follow-up
Coastal Eye Center	Informational visit
IBX Seafood	Informational visit
Mitek Industries Inc.	Referred qualified candidate
First Baptist Church	Job order follow-up
TCOM LLP	Referred qualified candidate
Universal Forest Products	Informational visit
Regulator Marine	Referred qualified candidate
Daedalus Yachts	Referred qualified candidate

On-The-Job-Training (OJT)	Details	
Recently Completed (OJT)	**Employer**	**Training Hours Completed**
T. McGhinnis	Lyn Small, Inc.	770
T.Finley	B&M Contractors, Inc.	1,040
Existing (OJT)		
C. Gibbs	Hyde County D.S.S.	360
J. Gibbs	Hyde County Water Dept.	320
New (OJT)	Tarheel Fireplace & Grill	New
B. Morris-Revelle	Trubild, LLC	New
M. Morris	Lyn Small, Inc.	New
R. Peterson		
Misc. (OJT)	Hoffer Flow Control, Inc.	(Employment Terminated)
A. Woolard		
Provided (OJT) Information	Ricky's Welding Forbes Plumbing Dunavant's Welding Kempsville Building Supply Hudson & Sons Doug Williams, Rick Gilbert HoBo Seafood Outer Banks Rentals Beach Realty & Construction Town of Southern Shores Eure Construction Tarheel Fireplace & Grill… Trubild, LLC Lyn Small Inc. Alliance Technical Services Hoffer Flow Controls The Food Bank of The Alb.	

Employee Training Grants	Details
Existing (ETG's)	Wetland Plants, Inc.

New (ETG's)	
NextGen Work Experience	**Details**
Existing (WEX) Contracts A. Savage M. Umhlett J. Carvajal	**Location** / **Job Title** / **Training Hours Completed** EC Health & Rehab / Activity Assistant / 756 EC Health & Rehab / Activity Assistant / 620 Eastern Carolina Cardio / Nurse Assistant / 210.5
New (WEX) Contracts T. Branham T. Hardie	Bout Thyme Kitchen / Food Prep Cook / 18.5 Gates House / Activities Assistant / 10
Provided (WEX) Information	Tommy's Pizza Captain Bob's Hockmeyer Albemarle Boats

Additional Services	Details
Paramount Builders	Hiring Event at EC Career Center 9-12 Filling 16 Positions
Paramount Builders	Hiring Event at EC Career Center 9-19 Filling 12 Positions
HardHat Corp.	Hiring Event at EC Career Center 9-26 Filling 8 Positions
Pasquotank County ABC Board	Job Interviews 9-26 & 9-27 Filing 1 Position
HardHat Corp.	Hiring Event at EC Career Center 10-1 Filling 12 positions
Paramount Builders	Hiring Event at EC Career Center 10-3 Filling 6 Positions
ATF Corp.	Job Interviews 10-4 Filling 2 Positions
HardHat Corp	Hiring Event at EC Career Center 10-8 Filling 5 Positions
Paramount Builders	Hiring Event at EC Career Center 10-10 Filling 3 Positions
HardHat Corp.	Hiring Event at EC Career Center 10-15 Filling 6 Positions
Paramount Builders	Hiring Event at EC Career Center 10-17 Filling 3 Positions
NC Dept. of Agriculture	Hiring Event at EC Career Center 10-18 Filling 1 Position
HardHat Corp	Hiring Event at EC Career Center 10-26 Filling 10 Positions
HardHat Corp.	Hiring Event at EC Career Center 10-31 Filling 12 Positions
	To Date: 33 Participants hired by HardHat 19 Participants hired by Paramount Builders 1 Participant hired by ATF Corp. 1 Participant hired by NC Dept. of Agriculture

Area Agency on Aging & Senior Nutrition Program

October 2018

Home and Community Care Block Grant Services:

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

Due to the Aging Resources Management System (ARMS) deadline for reporting being October 11, many HCCBG providers have not entered units of service into the system as of October 8, 2018. An updated report will be provided at the next board meeting.

Senior Nutrition Program (SNP):

Due to the Aging Resources Management System (ARMS) deadline for reporting being October 11, many Site Managers have not provided their monthly reports as of October 8, 2018. An updated report will be provided at the next board meeting.

Family Caregiver Support Program:

- **7** home/office visit were conducted for respite, supplemental and/or case management.
- Staff facilitated Alzheimer's Support Group in Perquimans
- *Hours of In-Home Respite services provided to family's across the region were unavailable as of October 8, 2018.*
- **0** hours of Institutional Respite was provided to 0 family in the region.
- Supplemental Services: Incontinent Supplies and Ensure were provided to several families.

Regional Long Term Care Ombudsman Program:

- **14** Resident complaint cases were opened
- **24** Resident complaint cases were closed
- **34.4** Hours were invested in complaint/case management
- **2** monitoring visits were made to local Nursing Homes
- **2** monitoring visits were made to local Adult Care Homes
- **0** monitoring visit was made to local Family Care Homes
- CAC Members are needed in Chowan, Currituck, Dare, Pasquotank, Perquimans, Tyrrell and Washington Counties (see attached flyer).

Other AAA Initiatives/ Events:

- The AAA partnered with Dementia Alliance of NC to hold a first responders training on Monday, November 5. There were 30 first responders and volunteers in attendance.
- The AAA partnered with Dementia Alliance of NC to hold a Alzheimer's Support Group Facilitator training on Monday, November 5. There were 11 individuals in attendance that learned tools necessary to continue supporting caregivers in our community.
- The AAA held a Dementia Training for professionals in Elizabeth City on November 6. Over 100 participants were in attendance.
- The AAA hosted its annual Aging Conference on Friday, November 9 in Elizabeth City. There were nearly 200 older adults and caregivers registered to attend.

Report of Committees

a. Chairperson Nomination Committee – **VOTE**

Chairman and Board Member Comments

Adjournment

PLEASE MAKE SURE TO TURN IN YOUR MILEAGE REIMBURSEMENTS

Next Meeting:

NEXT MEETING

January 17th, 2019 @ 7 p.m.

Albemarle Commission
512 S. Church St.
Hertford, NC 27944

ALBEMARLE COMMISSION

TRAVEL REIMBURSEMENT-Board Member Travel

Name _____

Address _____

_____

This instrument has been preaudited in the manner required by the Local Govt Budget and Fiscal Control Act.

_____

_____

Date	Destination	Miles	Miles X .545	# of Meals	Meal Expense	Other	Total By Trip
	Subtotal						

Total Reimbursement Due _____

Vendor # _____

SIGNATURES	ADMINISTRATION USE ONLY
_____ Board Member Signature _____ Date	Budget Code 52100-523775