

The Honorable Board of Columbus County Commissioners met in their said office at 111 Washington Street, Whiteville, NC, at 8:00 A.M., August 2, 1993, it being the first Monday.

BOARD MEMBERS PRESENT:

Samuel G. Koonce, Chairman
Mike Richardson, Vice-Chairman
A. Dial Gray, III
Sammie Jacobs
Lynwood Norris
C.W. Williams
Ed Worley

James E. Hill, Jr., Attorney
Roy L. Lowe, Administrator
Ida L. Smith, Clerk to Board

Chairman Koonce called the meeting to order and Roy L. Lowe, County Administrator, gave the invocation.

PUBLIC HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT

A motion was made by Commissioner Gray, seconded by Commissioner Norris and passed unanimously to enter into a public hearing in reference to the proposed filing of an Economic Development Grant under the 1993 Community Development Block Grant Program.

Tony Patnode, representing Hobbs, Upchurch and Associates, stated that the purpose of the public hearing is for gathering citizens' views and comments prior to the formulation of the Community Development Grant application. Mr. Patnode further stated that the Board of Commissioners will need to schedule a second public hearing.

There were no comments made in reference to the proposed application.

A motion was made by Commissioner Norris, seconded by Commissioner Gray and passed unanimously to adjourn the public hearing and resume regular session.

PUBLIC HEARING (SECOND) SCHEDULED - COMMUNITY DEVELOPMENT BLOCK GRANT

A motion was made by Commissioner Norris, seconded by

Commissioner Williams and passed unanimously to schedule the second public hearing for the proposed Economic Development Grant application for September 7, 1993 at 8:00 A.M.

APPROVAL OF MINUTES

A motion was made by Commissioner Norris, seconded by Commissioner Williams and passed unanimously to approve the minutes of the July 26, 1993 Department of Transportation Public Hearing and the Board meeting, as recorded.

PERSONNEL ADMINISTRATION POLICY - FAMILY & MEDICAL LEAVE AMENDMENT

A motion was made by Commissioner Worley, seconded by Commissioner Norris and passed unanimously to approve the Family & Medical Leave Act of 1993 and amend the Personnel Administration Policy to include the following amendment:

ADDENDUM TO COUNTY PERSONNEL MANUAL

FAMILY AND MEDICAL LEAVE

Purpose

The Family and Medical Leave Act of 1993 was passed by Congress to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity; to minimize the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons; and to promote the goal of equal employment opportunity for women and men.

Eligible Employees

Permanent Employees - An employee who has been employed with County government for at least 12 months and who has worked at least 1000 hours (half-time) for 40 hour workweek and 975 hours (half-time) for 37 1/2 hour workweek during the previous 12-month period is entitled to a total of 12 workweeks, paid or unpaid, leave during any 12-month period for one or more of the reasons listed below. A workweek is defined as the number of hours an employee is regularly scheduled to work each week.

1. For the birth of a child and to care for the child after birth, provided the leave is taken within a 12-month period

following birth.

2. For the employee to care for a child placed with the employee for adoption, provided the leave is taken within a 12-month period following adoption.
3. For the employee to care for the employee's child, spouse, or parent, where that child, spouse, or parent has a serious health condition; or
4. Because the employee has a serious health condition that makes the employee unable to perform the functions of the employee's position.

Leave without pay beyond the 12-week period or for employees not covered under the Family and Medical Leave Policy will be administered under the Other Leave Without Pay Policy heretofore set forth. Under these provisions, employees must pay for health benefits coverage.

Temporary Employees - This policy does not cover temporary employees since the maximum length of a temporary appointment is one year; however, if, by exception, a temporary employee is extended beyond the one year, the employee would be covered if they had worked at least 1250 hours during the previous 12-month period. Any leave granted to a temporary employee would be without pay.

Definitions:

Parent - a biological or adoptive parent or an individual who stood in loco parentis (a person who is in the position or place of a parent) to an employee when the employee was a child.

Child - is a son or daughter who is under 18 years of age or is 18 years of age or older and incapable of self-care because of a mental or physical disability who is:

- (a) a biological child;
- (b) an adopted child;
- (c) a foster child - a child for whom the employee performs the duties of a parent as if it were the employee's child;
- (d) a step-child - a child of the employee's spouse from a former marriage;

(e) a legal ward - a minor child placed by the court under the care of a guardian;

(f) a child of an employee standing in loco parentis.

Spouse - a husband or wife

Serious health condition - an illness, injury, impairment, or physical or mental condition that involves either inpatient care in a hospital, hospice or residential medical care facility, or that involves continuing treatment by a health care provider.

Leave Charges

1. For the birth of a child, the employee may choose to exhaust available vacation and/or sick leave, or any portion, or go on leave without pay; except that sick leave may be used only during the period of disability. This applies to both parents.
2. For the adoption of a child, the parents may choose to exhaust available vacation leave, or any portion, or go on leave without pay.
3. For the illness of an employee's child, spouse, or parent, the employee may choose to exhaust available sick and/or vacation leave, or any portion, or go on leave without pay.
4. For the employee's illness, the employee shall exhaust available sick leave and may choose to exhaust available vacation leave, or any portion, before going on leave without pay. If the illness extends beyond the 90-day waiting period required for short-term disability, the employee may choose to exhaust the balance of available leave or begin drawing short-term disability benefits.

Periods of paid leave and periods of leave without pay (including leave without pay while drawing short-term disability benefits) count towards the 12 workweeks to which the employee is entitled.

Intermittent Leave or Reduced Work Schedule

Pursuant to this policy, the employee may not take leave intermittently or in a reduced work schedule for child birth and birth related child care or for adoption unless the employee and County agree otherwise.

When medically necessary, the employee may take leave intermittently or on a reduced schedule to care for the employee's child, spouse, or parent who has a serious health condition, or because the employee has a serious health condition. If such leave is foreseeable, based on planned medical treatment, the County may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave.

When an employee is on a reduced work schedule, the time not worked is counted against the total 12 workweeks.

Employee Responsibility

The employee shall apply in writing to the supervisor for leave requested under this policy as follows:

1. *Birth or adoption - The employee shall give the agency no less than 30 days' notice, in writing, of the intention to take leave, subject to the actual date of the birth or adoption. If the date of the birth or adoption requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.*
2. *Planned Medical Treatment - When the necessity for leave to care for the employee's child, spouse or parent or because the employee has a serious health condition, the employee must make a reasonable effort to schedule the treatment so as not unduly to disrupt operations, subject to the approval of the employee's health care provider or the health care provider of the employee's child, spouse or parent. The employee must also give 30 day's notice if practicable of the intention to take leave.*

The employee shall be deemed to have applied for leave under this policy when: (a) the employee is on approved leave but not given written notice of the intent to take family or medical leave to the supervisor, (b) the employee utilizes leave for any purpose whether with or without pay for a period in excess of 30 days and (c) the basis for the leave falls within the scope of this policy. In these cases, the agency shall notify the employee that time spent

on paid leave or leave without pay during the 30-day period is a part of the 12 workweeks of leave.

If the employee will not return to work after the period of leave, the agency should be notified in writing immediately. Failure to report at the expiration of the leave, unless an extension has been requested, may be considered as a resignation.

Certification

For leave pursuant to this policy, the County may require that a claim for leave because of adoption be supported by reasonable proof of adoption.

The County may require that a claim for leave because of a serious illness of the employee or of the employee's child, spouse, or parent be supported by a doctor's certification which includes the following:

- The date on which the serious health condition began.
- The probable duration of the condition.
- The appropriate medical facts regarding the condition.
- A statement that the leave is needed to care for the child, spouse or parent, and an estimate of the amount of time that is needed; or that the employee is unable to perform the functions of the position, whichever applies.
- Where certification is necessary for intermittent leave for planned medical treatment, the dates on which the treatment is expected to be given and the duration of the treatment.

Where the County has reason to doubt the validity of the certification, the County may require the employee to get the opinion of a second doctor designated or approved by the County. Where the second opinion differs from the opinion in the original certification provided, the County may require the employee to get the opinion of a third doctor designated or approved jointly by the employer and the employee. The third opinion is final and is binding on the County and the employee. The County may require that the employee get subsequent recertification on a reasonable basis. The second and third certifications and the recertification

must be at the County's expense.

Employment and Benefits Protection

1. *Reinstatement - The employee shall be reinstated to the same position held when the leave began or one of like pay grade, pay, benefits, and other conditions of employment. The County may require the employee to report at reasonable intervals to the employer on the employee's status and intention to return to work. The County also may require that the employee receive certification that the employee is able to return to work.*
2. *Benefits - The employee shall be reinstated without loss of benefits accrued when the leave began. All benefits accrue during any period of paid leave; however, no benefits will be accrued during any period of leave without pay.*
3. *Health Benefits - The County shall maintain coverage for the employee under the County's group health plan for the duration of leave at the level and under the conditions coverage would have been provided if the employee had continued employment. The County may recover the premiums, if the employee fails to return after the period of leave to which the employee is entitled has expired for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control.*

Interference with Rights

1. *Actions prohibited - It is unlawful to interfere with, restrain, or deny any right provided by this policy or to discharge or in any other manner discriminate against an employee for opposing any practice made unlawful by this policy.*
2. *Protected Activity - It is unlawful to discharge or in any other manner discriminate against any employee because the employee does any of the following:*
 - a. *Files any civil action, or institutes or causes to be instituted any civil proceeding under or related to this policy.*

- b. Gives, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided by this policy.
- c. Testifies, or is about to testify, in any inquiry or proceeding relating to any right provided under this policy.

Enforcement

A violation of or denial of leave requested pursuant to the Family and Medical Leave Act of 1993 is not a contested case and creates no right of grievance or appeal under the State Personnel Act or County Personnel Manual. Violations can result in any of the following or a combination of any of the following and are enforced by the U. S. Secretary of Labor:

- a. U. S. Department of Labor investigation, or
- b. Civil liability with the imposition of court cost and attorney's fees, or
- c. Administrative action by the U. S. Department of Labor

For further information, see the Family and Medical Leave Act of 1993.

Any conflict words, clauses, sentences or paragraphs within The Family and Medical Leave Section will be controlled and governed by the Family and Medical Leave Section and to that extent they are null and void.

Approved by the Columbus County Board of Commissioners on the 2nd day of August, 1993, to become effective August 5, 1993.

AGREEMENTS - SOCIAL SERVICES

A motion was made by Commissioner Williams, seconded by Commissioner Jacobs and passed unanimously to approve Agreements for the Department of Social Services as follows:

- Adult Protective Services - Harold G. Pope, Jr,
Attorney - \$60.00 per hour
- Children Protective Services- James E. Hill, Jr. or Hill
& High, Attorneys - \$60.00
per hour
- In-Home Services - Department of Aging - \$6.75
per hour

The Agreements have been properly executed and are on file in the office of the Clerk to the Board.

RESOLUTION - INSURANCE INCREASE OPPOSITION

A motion was made by Commissioner Norris, seconded by Commissioner Williams and passed unanimously to draft a resolution opposing the proposed 48% insurance increase for Columbus County and send to Mr. James E. Long, Commissioner of the Department of Insurance.

R E S O L U T I O N

WHEREAS, the Board of County Commissioners of Columbus County, North Carolina, at its regular meeting held on August 2, 1993 adopted the following Resolution;

W I T N E S S E T H :

WHEREAS, Columbus County has established a Fire Marshal and an Emergency Management Officer for the purpose of enforcement and investigation; and

WHEREAS, Columbus County has worked diligently to decrease the cost for claims paid for by insurance companies; and

WHEREAS, a natural disaster is no more prevalent to Columbus County than any other County in the State of North Carolina; and

WHEREAS, no person or machine can predict the true nature of the weather with regards to predetermined disasters and their damages.

NOW, THEREFORE, BE IT RESOLVED, that the Columbus County Board of Commissioners whole-heartily and stringently oppose the proposed rate increase of 48% that has been requested by the insurance companies for Columbus County.

ADOPTED this 2nd day of August, 1993.

COLUMBUS COUNTY BOARD OF COMMISSIONERS

/s/ Samuel G. Koonce, Chairman

ATTEST:

Roy L. Lowe, Administrator

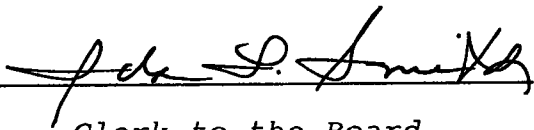
ECONOMIC DEVELOPMENT COMMISSION - LETTER OF APPRECIATION TO STATE
SENATOR, AND HOUSE OF REPRESENTATIVES ON NATURAL GAS LINE TO BE
INSTALLED TO INDUSTRIAL PARK

A motion was made by Commissioner Gray, seconded by Commissioner Norris and passed unanimously to write letters of appreciation to Senator R. C. Soles, Jr, and Representatives Dewey Hill, David Redwine and Thomas Wright for their support and leadership in the introduction and passage of a bill for funding a natural gas line to the industrial park in Columbus County.

ADJOURNMENT

A motion was made by Commissioner Gray, seconded by Commissioner Norris and passed unanimously to adjourn the meeting at 8:12 A.M.

APPROVED:



Clerk to the Board



Chairman