

**TRANSYLVANIA COUNTY**



**ANIMAL SHELTER**

**STANDARD**

**OPERATING**

**PROCEDURE**

## ADOPTION PROCESS HUMANE ALLIANCE SHELTER ANIMALS

### Shelter animals - 8 weeks, 2 #

- Must have Documented Vax:
  - FVRCP
  - DAPPV
  - BORDATELLA
  - RABIES – 12 WEEKS
- Adoption application
  - Obtain email, ID, etc.
- Mark on Routing sheet
- Start Health Record envelope
- Complete Rabies Certificate-place in Health Record Envelope
- Deposit received: \$50 Adopt \$65 Adopt/Microchip
- Manual Receipt:
  - EX: Adoption deposit, Kitty Face, #452 with chip
  - Yellow copy stapled with \$ to Elma Rae
- Provide original receipt to adopter

### FEES

	DEPOSIT	ADOPTION	TOTAL
<b>DOGS</b>			
<b>S/N ONLY</b>	<b>\$55</b>	<b>\$55</b>	<b>\$110</b>
<b>S/N w/CHIP</b>	<b>\$70</b>	<b>\$55</b>	<b>\$125</b>
<b>CATS</b>			
<b>S/N ONLY</b>	<b>\$45</b>	<b>\$45</b>	<b>\$90</b>
<b>S/N w/CHIP</b>	<b>\$60</b>	<b>\$45</b>	<b>\$105</b>

- ShelterPRO- Adoption pending Link to adopter, obtain email address. (This is vital for microchipping)
- Animal File in Vet Tech's Inbox with "I am going home" cage card
- Kennel Tech posts "I am going home" card on cages
- Vet Tech receives files, schedules surgery
- Vet Tech completes Alliance Forms, prepares animal transport



**MONDAY:**

- Vet Tech communicates each Monday via email with:

Humane Alliance Amanda Sexton, Elma Rae, Steven Landreth, Gaynell Patterson, Paul Vis

- Kennel Tech posts "NPO" card on cages at end of day. Vet Tech ensures this is completed and animal NPO'd

**TUESDAY:**

- Gaynell transports Tuesday mornings
- Kennel Tech Posts "PostOp" card on cages

**WEDNESDAY:**

- Vet Tech transports animals from Alliance
- Vet Tech changes ShelterPro status case to "sterilized"
- Vet Tech places microchip sticker on original impound record and
- Copy of adoption agreement (agency copy)

**12:00 Noon** Animals may begin leaving

Adopter returns

Adopter signs Adoption agreement, pays fee balance

**Adopter receives:****Health Envelope with:**

- Final Receipt for Kitty Face or Doggy Breath
  - Post op Instructions (Alliance Form-PINK)
  - Health Record (TCAS Form –GREEN)
  - Adoption Agreement copy (Contains Microchip information)
  - Rabies Certificate
  - Microchip instructions
- 
- Adopter leaves with animal
  - Adopter and Animal live happily ever after.

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## **Transylvania County, NC Animal Shelter Standard Operating Procedures**

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### **ANIMAL SHELTER MISSION STATEMENT**

Transylvania County Animal Shelter promotes and practices humane treatment of animals in and for our community.

### **SCOPE**

The Standard Operating Procedures provides formal processes, procedures, policies and expectations in which the Transylvania County Animal Services Animal Shelter operates.

The Standard Operating Procedures is supplemental to Transylvania County, NC policies and procedures, the Transylvania County Animal Control Ordinance and State and Federal Laws.

Amendments or additions to Federal Code, NC General Statutes, NC Administrative Code and the Transylvania County Animal Control ordinance shall supercede any section of the Standard Operating Procedures that is uncompliant with such current law or regulation.

The Standard Operating Procedures is a working document and subject to change as law and service need and expectations require and as authorized by the Animal Services Director.

The Standard Operating Procedures shall be pursued by staff, citizens, volunteers and other individuals as law and the Animal Services Director authorizes.

### **Code of Conduct**

Staff, whether on duty or off duty shall be governed by the ordinary and reasonable rules of good conduct and behavior, be knowledgeable and compliant to Federal, State and local laws and to the Transylvania County Personnel Ordinance, the Animal Services Standard Operating Procedures and their policies and procedures.

Volunteers and visitors shall be expected to abide by ordinary and reasonable rules of good conduct, behavior and compliance to law.

It is the responsibility of staff to maintain a cooperative working environment.

Open and honest communication is expected as a job requirement of staff and an expectation of volunteers. Failure to abide by this policy will be cause for removal of any volunteer and subjects staff to disciplinary action and/or termination.

Staff and volunteers shall abide by the Standard Operating Procedures. Neglect of or a willful violation of Departmental or County policies or procedures shall be subject to disciplinary action, removal and/or termination.

It is the responsibility of all staff and/or volunteers to represent the Animal Services Department in a professional manner at all times.

An action or behavior regarded as animal abuse, neglect, a violation of local ordinance, state or federal laws pertaining to animals or County policy may subject the offender to disciplinary action and/or termination.

Any conviction or civil penalty assessed in violation of Federal, North Carolina General Statutes or local ordinances may subject the offender to disciplinary action or immediate termination in the discretion of the Director and/or Transylvania County Personnel ordinance and its' policies and procedures.



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All staff members and volunteers are expected to provide courteous, efficient service made in any contact on behalf of the Department.

Gratuities, gifts or tips for service performed or requests for activity outside the scope of the employee's position or schedule are not to be accepted or performed by staff under any circumstance and shall be reported to the Animal Services Director.

Staff members must maintain work areas, vehicles and equipment in a safe, sanitary and working condition. Worn, unsafe or other discrepancies discovered in equipment, vehicles or supplies must be reported immediately to the Director and the item(s) in question removed from service. Staff shall be expected to assist the Department in the repair and maintenance of assigned work areas, vehicles and equipment during scheduled work hours.

Smoking is allowed in designated areas outside the shelter.

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**MEDIA CONTACT**

Press relations and other media relations including the internet shall be exclusively maintained by the Director or as is otherwise authorized by the Director.

Any media inquiries made concerning the department, its policies or procedures, your performance or that of any staff member are to be referred to the Director.

**DRESS CODE**

All staff, volunteers and/or community service workers shall comply to the Transylvania County Appearance Policy. All staff and volunteers shall maintain good personal hygiene and present a clean, well groomed professional appearance.

Uniforms, scrubs and other, assigned articles of clothing shall be clean, neatly pressed and shall fit properly.

No article of clothing shall bear any insignia, advertisement or promotion excepting Transylvania County while representing Transylvania County.

Staff performing duties on standby or on regular business hours shall be in approved dress and wear the identification badge assigned by Transylvania County and/or Animal Services, of which shall be easily visible.

No individual not employed by Animal Services shall wear or bear any part of the Transylvania County Animal Services Department uniform or insignia.

All staff and volunteers shall comply with the Transylvania Appearance Policy when representing Transylvania County.

Any personal accessory items such as body piercings, tattoos, etc., shall be non offensive and safe to wear around animals. Transylvania County assumes no liability for damage or injury as a result of wearing personal accessories. Staff or volunteers wearing any jewelry or other body ornaments shall bear any and all responsibility for any personal injury or loss.

Staff and volunteers shall, while in the performance of services or duty shall dress safely and appropriately, items listed are specifically prohibited:

- Open toe shoes

- Clothing that exposes undergarments or is suggestive

- Excessively baggy clothing

- Inappropriate slogans, lettering on clothing or offensive jewelry or other accessory

- Communication or other technology or accessory that diminishes any of the five senses.

Staff and/or volunteers that work directly with animals shall not wear dangling necklaces, bracelets, earrings or any other item that may become caught, snagged or otherwise present a health or safety hazard.

Clothing worn must present a business-like appearance by being neat, clean, and in good repair. Shelter personnel who deal directly with the animals must wear sturdy, long pants which afford protection from bites and scratches and closed toe, non skid shoes attached firmly to the feet.

Animal Services officers shall wear a pressed and neat assigned dress uniform or routine duty uniforms at all times while on duty and/or when representing the Department.

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**COMPUTER & TELEPHONE USE**

All staff shall adhere to the Transylvania County Computer Policy.

Computers are to be utilized for Animal Services Department business only.

Non county employees, the general public and volunteers are not to utilize Animal Control computers unless otherwise authorized by the Animal Services Director.

Staff shall check their assigned email at the beginning and end of each work day. It is allowed to forward mail to a staff members' personal email address that is not maintained as a network.

Telephones and other communication devices and technology are to be utilized for Animal Services Department or County business.

There shall be no use of personal cell phones or other personal communication devices while serving the public.

**LOCATION AND CONTACTS**

Transylvania County Animal Services Department and Animal Shelter

1124 Old Rosman Highway  
Brevard, NC 28712

Main: 828-883-3713

Fax: 828-883-2567

General Email: [AnimalServices@TransylvaniaCounty.org](mailto:AnimalServices@TransylvaniaCounty.org)

**PUBLIC HOURS**

Tuesday-Friday	10:00 a.m. – 5:30 p.m.
Saturday	10:00 a.m. – 4:00 p.m.

Appointments may be scheduled during non public hours to serve the public and shall be approved by the Animal Services Director. Any appointment made by staff without approval shall be serviced by the staff making the appointment.

**HOLIDAY HOURS**

The Animal Shelter is closed to the public on recognized Transylvania County observed holidays as follows:

New Year's Day	Independence Day
Dr. Martin Luther King, Jr's Birthday	Labor Day
Good Friday	Memorial Day
Veteran's Day	Thanksgiving Holidays
Christmas Holidays	

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**ROUTINE STAFF HOURS**

Routine working hours are 40 hours per week for full time staff.

Other staff shall work as scheduled by the Animal Services Director.

Animal Services officers shall work routine hours and the scheduled on-call duty.

Lunch or meal breaks shall be 1 hour in length and/or as scheduled.

Due to the inherent nature of the field of animal services, all staff may be scheduled or called to duty as need dictates.

**EMERGENCY – ON CALL HOURS**

Animal Services may be closed for various services during periods of inclement weather, declared emergencies and as otherwise dictated by Transylvania County.

Animal Services may operate for various services during periods of inclement weather, declared disasters and as otherwise dictated by Transylvania County Emergency Services and/or the County Manager or Board of County Commissioners.

Animal Services officers shall be scheduled to work On Call Standby duty on a rotating basis.

All staff are expected to respond to an emergency to a declared disaster.

On-call duty that results in service delivery shall be compensated as approved by Transylvania County policy and the Animal Services Director.



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**LOBBY - RECEPTION**

The lobby or reception area is the main and primary entrance to the facility for the general citizenry and other visitors.

**SALLY PORT**

The sally port is to be used for the loading and unloading of animal services vehicles, storage or other uses as authorized by the Animal Services Director.

Citizens shall not use the sally port as a main or primary entrance on a routine basis.

The sally port shall be kept in a neat, safe and orderly fashion.

**OFFICE SPACES**

Office spaces are for the use of Animal Services Department business only.

**VISITING/ACQUAINTANCE ROOMS**

The visiting/acquaintance room shall be used:

- where potential adopters can spend time assessing an animal for adoption,
- for private conversations between staff and citizens, agencies, organizations,
- where no other private or safe area is available to conduct departmental business.

The rooms shall be mopped with disinfectant after each visit with an animal.

The rooms are to be kept in a clean, orderly and sanitized manner at all times.

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### **PUBLIC RECORD**

The Animal Services Director shall serve as the Custodian of the Records for the Animal Services Department.

All public records shall remain secured at the Animal Services Department facility unless otherwise authorized by the Animal Services Director, Judicial Orders, the NC Records Retention procedures or the Transylvania County or Operations Manager.

Citizens may request and view the public records with reasonable supervision during normal business hours.

Citizens requesting to view substantial amounts of public information shall make an appointment during reasonable and normal working hours in which to view the records.

A copy shall be made of any record containing non-public information that is requested for viewing and shall have the confidential information removed (redacted) before the record is viewed.

Copies of the public record shall be charged according to the fee schedule.

No public record shall be altered, destroyed, injured, mutilated or removed without authorization from the Animal Services Director.

Rabies Exposure and criminal investigative reports are not classified as a Public Record.

### **FINANCES**

Any monies accepted for services of the Animal Services Department shall be received and recorded by Animal Services staff and submitted to the Animal Services Director.

A preprinted, pre numbered, (minimal) 2 part, carbonless copy receipt shall be completed and signed for each financial transaction.

Receipts shall contain the following information:

- Submitter's Name
- Date
- Total amount received
- Itemization of fees to include the impound number of any animal.
- Identification of payment: Cash, Check, etc.,.
- Identification number of money orders, checks, etc.
- Signature of staff receiving monies
- Receipts may be issued for the reasonable value of donations in kind and shall be recorded as such.

Monies received shall be submitted to the Animal Services Director.

### **ANIMAL SHELTER SERVICES**

The Transylvania County Animal Shelter was built in 2013 and is a government owned and operated animal shelter falling under the requirements of the NC Animal Welfare Act and its' resulting regulations.

The Animal Shelter shall offer animal and rabies control, animal welfare and adoption services to the citizens of Transylvania County, NC.

The Animal Shelter accepts animals that are impounded by the Department, other Transylvania County departments, related agencies or by citizenry.

Citizens who deliver animals whose source is outside the limits of Transylvania County are encouraged to deliver the animals to the source county facility, but no domestic animal shall be refused shelter at the facility.

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The Animal Shelter shall cooperate with other county and/or NC state agencies as authorized by Transylvania County and/or the Animal Services Director.

### **ANIMAL INTAKE POLICY**

Transylvania County Animal Shelter is an open admission shelter for domestic and wild animals to be facilitated for rehabilitation, protection, and for matters of the public and animal health, welfare and safety and as otherwise allowed by law. Shelter staff will evaluate each animal as an individual for classification, care and disposition.

### **ANIMAL RECEIVING**

All arriving animals shall be placed in clean/disinfected kennels/cages.

Dogs and cats shall not be housed in the same room.

Animals of different genders, are incompatible or of sexually mature age shall not be housed together.

Citizens shall be encouraged to bring stray and unwanted domestic pets to the animal shelter.

All citizens contributing stray or surrendered animals are to receive information and/or literature regarding spaying and neutering and strongly encouraged to neuter their pets and to take advantage of any low cost alternatives offered.

Only currently employed Transylvania County Animal Services staff are authorized to impound animals.

Citizens, volunteers and private organizations may bring animals to the animal facility to be impounded by authorized staff members.

Animals are considered impounded and in the care and custody of Transylvania County when they are placed in the Animal Services vehicle or in the animal shelter facility.

Animals brought to the animal shelter by Transylvania County citizens or other citizens shall not be turned away.

All staff will make the attempt to obtain all information required for the cage card & in addition:

- Owner's name and signature
- Physical Address
- Contact numbers
- Government issued photographic identification and number (NCDL, Military ID, Other ID, etc)
- Animal description
- Reason(s) for impoundment

If the animal has bitten any person, or attacked any domestic animal within 10 days prior to impoundment.

Any known aggressive tendencies towards other animals or people.

Any other information that may be useful in the return or placement of the animal.

Animals shall have their collars, tags or other accessory removed and placed with the animals' impoundment record.

**All dogs and cats entering the facility shall be processed as follows:**

Microchip Scan

Weighed

Dewormed (Pyrantel pamoate)

Gender identified

Approximate Age

Breed

Colors/markings

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Photograph

**All dogs and cats 6 months of age and younger shall be vaccinated on intake as follows:**

<b>Dogs</b>	<b>Cats</b>
Dappv	FVRCP
Bordatella	

Intractable, aggressive and those animals that may injure the handler may be allowed to acclimate prior to completing gender or age identification or deworming. No animal may be disposed of without a complete processing.

Information shall be entered into the computer system as soon as is possible.

All cages shall bear an identification card for that animal containing the following minimal information:

- Identification number
- Species
- Name
- Color
- Markings
- Arrival Date



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### **ANIMAL CLASSIFICATION**

Animal is defined as a living mammal, bird, reptile or amphibian that is domesticated.

Wild animals, those not domesticated, are not protected by Transylvania local ordinance and most are protected by NC General Statute 14-360, Cruelty to Animals. The domestic cat is not a "wild animal" and is considered a domestic animal.

**Animals impounded shall be classified as:**

- Dog
- Cat
- Other: with notation defining the animal's species.
- Stray
- Surrendered
- Other
- Bite Quarantine
- Rabies Suspect
- Evidence
- Protective Custody

**Animals disposed shall be classified as:**

- Adopted (includes animals taken by authorized rescues)
- Reclaimed
- Euthanized
- Died
- Other (includes escapes)

### **STRAY/AT LARGE ANIMALS**

Domestic animals off of the owner's property and not under physical restraint.

Citizens may deliver stray animals to Transylvania County Animal Services.

Citizens who deliver animals whose source is outside the limits of Transylvania County are encouraged to deliver the animals to the source county facility, but no domestic animal shall be refused shelter at the facility.

Animals delivered to the Transylvania County Animal Services Department as stray are considered the property of the animals' owner for at least 3 business days from the time and date of impoundment.

Information pertaining to the individual delivering a stray animal shall be recorded in ShelterPro.

Stray animals will be held for 3 business days before being offered for adoption. Potential adopters of animals interested in adopting an animal prior to the 3 business day minimum may apply for adoption by supplying contact information which is to be noted on the animal's routing log record.

Citizens are to be made aware that an animal may be adopted or euthanized and that there is no set time beyond the 3 business day minimum in which Transylvania County Animal Services can hold animals.

If there are questions as to the credibility of the statements or documentation provided by the citizen delivering an animal or of the animals' true source or legal owner; animals shall be impounded as procedures dictate and the Animal Services Director notified as soon as is possible.

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### SURRENDERED ANIMALS

A surrendered animal is one that the legal owner relinquishes all possessory and ownership rights of any animal to Transylvania Animal Services.

Any citizen surrendering any animal to Transylvania Animal Services shall be a legal, competent adult and shall sign and certify that he/she is the legal owner of the animal surrendered and relinquishes all ownership rights of the animal to Transylvania Animal Services.

**Proof of ownership must include one or more the following:**

- Rabies Certificate
- Veterinary documentation
- Bill of Sale
- Pedigree
- Photograph
- Certifying signature verifying he/she is the legal owner of the animal.

Animal owners must provide one of the following forms of identification which shall be recorded in the individual's profile in ShelterPro.

Government issued photographic identification and number (NCDL, Military ID, Other ID, etc)

Identification, such as Driver's License, etc, shall be entered in that person's profile in ShelterPro in the appropriate area.

**No animal will be considered surrendered without the certifying signature and government issued photographic ID recorded.**

When an individual that cannot, or will not provide the above mentioned information surrenders an animal, that animal shall be classified as a stray held for a minimum of 3 business days before a final disposition or offering for adoption of that animal is made. This provision may be altered when the animal is determined to be suffering and euthanasia or other disposition has been approved by the Animal Services Director.

All owners surrendering animals shall be notified in writing that the animal may be humanely euthanized.

Animals surrendered to Transylvania Animal Services are considered the property of Transylvania Animal Services and shall be maintained and disposed as Transylvania Animal Services procedures dictate.

Surrendered animals may be adopted or euthanized and that there is no set time limit in which the animals will be held.

Surrendered, healthy animals are kept at least 24 hours whenever possible before they are offered for adoption or otherwise disposed.

Any animal surrendered should have a shelter issued name different than the name given by the previous owner.

If there is question as to the credibility of the statements or documentation provided by the citizen surrendering an animal or of the animals' true source or legal owner; surrendered animals shall be impounded as procedures dictate as a stray animal and the Transylvania Animal Services Director notified as soon as is possible.

Individuals that surrender an animal or their family members' animal shall not adopt the same animal.

Individuals that surrender an animal may only reclaim the same animal as approved by the Transylvania Animal Services Director and as determined on a case by case basis.

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Individuals that surrender animals may be denied an adoption of an animal from the animal shelter for a specified period of time at the discretion of the Animal Services Director.

**OTHER ANIMALS**

Other classifications of animals are possible as an inherent part of the field of animal welfare. Any other classification besides those specified should be reported to the Animal Services Director as soon as is possible.

**RABIES SUSPECT**

Any mammal classified as a rabies suspect shall be received, impounded and quarantined.

Only Animal Services staff are authorized to handle an animal that is classified as a rabies suspect and shall not be available for casual public viewing.

A rabies suspect is any mammal exposed to or suspected to be infected with the rabies virus.

Any mammal classified as a rabies suspect shall be received, impounded, quarantined or tested according to State and local laws.

No animal classified as a rabies suspect shall be available for casual public viewing regardless of the quarantine location.

**RABIES QUARANTINE**

All dogs and cats that have bitten a human shall be quarantined and observed for signs of illness for a ten day period beginning at the time of the bite.

Animals that are current on the rabies vaccination may be quarantined and observed at the owner's household upon approval of the Animal Services Director.

Animals that are not current on the rabies vaccination shall be quarantined and observed at the animal shelter or facility approved by the Animal Services Director.

An owner of an animal that must be quarantined and observed that maintains an animal violation history may be excluded from quarantine at the residence.

Only Animal Service staff or personnel appointed by the Health Director are authorized to handle an animal that is classified as a rabies suspect or is received or quarantined by Animal Services at the animal shelter as a rabies suspect.

**EVIDENCE**

Any animal impounded and classified as Evidence shall only be handled by Animal Services Staff and not be available for casual public viewing.

**PROTECTIVE CUSTODY**

Any animal impounded and classified as in Protective Custody shall only be handled by Animal Services Staff and not be available for casual viewing.



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### **ANIMAL IDENTIFICATION**

Each individual animal impounded shall be assigned a unique identification number generated by ShelterPro that will remain with the animal and used as the primary identifier throughout the entire time the animal is impounded and for all documentation relating to the animal.

Every dog and cat shall be scanned for a microchip regardless of source or classification. Any microchip number or other information shall be documented on the impound record.

Every tractable dog and cat impounded shall wear a paper collar, when it is safe for the animal bearing that animal's shelter name and/or impound number.

### **IMPOUNDMENT RECORDS**

In general, all animal impoundment records shall be filed numerically, most recent being first.

Impoundment Records (kennel card) shall be generated for each animal by the end of the day the animal was impounded.

Original impoundment records are filed with appropriate reports in the central impound files;

The impounding staff member is responsible for the accuracy; completeness and filing of his/her impoundment records.

The impound record shall provide the following information:

Unique Animal ID Number

Microchip or other identifying information. (Name tag, RV tag, etc)

Incident Number

Shelter given or known name

Date Impounded

Time Impounded

Location of impoundment

Species

Approximate or known age and weight

Any collar, tags or other identifying information

Breed

Color

Impoundment classification (stray, surrender, etc.)

Surrender reasoning

Adoption or release availability date

Date and disposal method

Any other information that will assist in the redemption, adoption, security or other disposal of the animal.

Original animal impoundment records of active animals shall be filed with appropriate reports in the central impound files.

Accessories (collars, leashes) and documentation regarding the animal shall be with the Impoundment Record and kept in the central impound files. No accessories or documentation pertaining to the animal shall be kept on the cage.



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**CAGE CARDS**

Quarantined/Isolated/Custody animal kennel cards shall be red or pink in color.

The quarantined/isolated animal kennel card shall provide the following minimal information:

Animal ID Number  
Shelter given or known name  
Date Impounded  
Time Impounded  
Location of impoundment  
Species  
Approximate or known age  
Any collar, tags or other identifying information  
Breed  
Color  
Impoundment status (stray, surrender, etc.)  
Impound location  
Surrender reasoning  
Adoption or release availability date  
Any other information that will assist in the redemption, adoption, security or other disposal of the animal.

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### **Retention of Animal Records**

The original copy of each animal impoundment record shall be maintained and filed in numeric order, accessible to all staff, considered a public record and maintained as prescribed by NC laws and regulations pertaining to public records. (3 years)

Each original animal impound record filed shall have the following information attached or recorded:

- Ending disposition of the animal
- Incident report number
- Name of person or organization receiving the animal
- Health records
- Date the animal left the facility

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#### **ANIMAL HUSBANDRY**

Animal Shelter husbandry procedures are designed pursuant to the standards of the NC Animal Welfare Act, commonly accepted practices and the unique use and needs of the Animal Shelter facility.

Only authorized staff will handle, sanitize or care for rabies suspects, evidence animals or other animals as determined by the Animal Services Director. Volunteers and/or citizens shall not be authorized to handle any of the aforementioned animals.

Domestic dogs and cats are the primary residents of the Animal Shelter. Animals of other species may be cared in differing manners.

#### **ANIMAL HOUSING**

The following provides the general locations where animals are to be housed. Location may differ according to species and classification.

##### **Dogs:**

###### **Isolation:**

- Rabies suspects
- Evidence (1<sup>st</sup> choice)
- Ill

###### **Observation:**

- Sick
- Injured
- Suspected of illness
- Evidence

###### **Adoption:**

- Available for Adoption
- Does not meet criteria for Isolation or Quarantine

##### **Cats:**

###### **Clinic:**

- Rabies suspects
- Sick
- Injured
- Evidence (1<sup>st</sup> choice)
- In need of special attention

###### **Isolation/Observation: 6 cages (2 rooms) in hall**

- Sick
- Injured
- Suspected of illness
- Evidence
- Has not completed medical routing

###### **Adoption:**

- Available for Adoption
- Does not meet criteria for Isolation or Quarantine

#### **All primary enclosures shall meet the following minimal requirements:**

Are in good repair protecting the animal housed from injury.

Restricts the entrance of other animals and people.

Are impervious to moisture. (Sealed walls, flooring, no wood)

Allow each animal housed to stand, sit, turn around and lie in a natural position without coming into contact with body wastes.

Contain resting surfaces such as bed, towels or other bedding that is easily sanitized or disposable.

All animals shall have enrichment objects (toys, chewies, etc).

Especially fearful animals shall have an opportunity to retreat. (Boxes, etc)

At no time shall a dog or cat not be provided the minimal requirements for housing.

Each primary enclosure containing several animals shall be minimally provided a food and water bowl for each 3 animals housed.

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### **OTHER SPECIES**

Species aside from domestic dogs and cats shall be housed as authorized by the Animal Services Director.

### **SANITATION**

Check cage card ensuring proper identification.

Observe waste, condition and report any abnormalities before sanitizing.

The following provides the basic procedures for routine animal housing sanitation.

In times of high population or other situations where the facility is operating in a non routine manner, procedures may be altered as needed.

### **DOGS**

#### **AM**

- Outside kennels are supplied with clean bowls containing food and water.
- Dogs are let into the outside kennels and the guillotine door closed.
- When temperatures reach and fall below 40 degrees Fahrenheit, outside and inside dog kennels shall contain bedding to allow the animal to avoid contact with flooring.
- Inside kennels shall have waste and dirty bedding/enrichment objects removed and sanitized according to the sanitation schedule and dried.
- Scoops shall be sanitized after each use at each kennel.
- Feces and other debris shall be deposited in a lined trash container.
- Clean bowls with water placed in the inside kennel.
- Dog is allowed into the inside kennel and guillotine door closed.
- Immediately after dogs are contained in the inside kennels:
  - Bowls are removed from the outside kennel.
  - If a dog has not eaten all food, retain the bowl to replace when completed with that kennel's disinfection.
- Outside kennels shall have waste removed and sanitized according to the sanitation schedule and dried.
- Replace bowls with uneaten food.
- Open guillotine door.
- Provide enrichment objects.
- When temperatures fall below 40 degrees, guillotine doors may be left closed, keeping dogs in inside kennels.
- When temperatures fall below 40 degrees guillotine doors may be opened to allow the dog access to the outside kennel for a period of time throughout the day.
- Trash containers shall be emptied, bag tied off and placed in trash container outside of building.
- Trash container must be relined and/or sanitized as necessary.
- Walkways shall be washed and dried according to the sanitation schedule in tandem with kennel sanitation.
- Dog kennel sanitation and feeding shall be completed prior to opening at public hours.
- Dog kennels shall be scooped of feces and cleaned of bodily wastes throughout the day.
- Kennel walkways swept, mopped before opening to the public.

#### **PM**

- Dogs are let into the inside kennels and guillotine doors closed.
- Water bowls are filled.
- Puppies under 6 months of age and those requiring additional food shall be fed.
- Outside kennels have waste removed.
- Dogs are supplied with clean enrichment objects.

Dogs kept in single kennel spaces or cages shall be removed while sanitation is underway.

Trash containers shall be emptied, bag tied off and placed in trash container outside of building.

Trash container must be relined at least once daily and sanitized twice weekly.



**Transylvania County, NC Animal Shelter**  
**Standard Operating Procedures**

---

**CATS**

**AM**

- Food and water bowls are removed.
- Dirty bedding is removed.
- Dirty toys are removed.
- Litter boxes are scooped and/or replaced if excessively soiled.
- Cage is spot cleaned using disinfectant and disposable paper towels.
- Clean food and water bowls are supplied.
- Provide feed and clean water.
- Provide toys.
- Feces and other debris shall be deposited in a lined trash container.
- Walkways and floors shall be washed and dried according to the sanitation schedule in tandem with cage sanitation.

Trash containers shall be emptied, bag tied off and placed in trash container outside of building.

Trash container must be relined daily and or sanitized as necessary.

**PM**

- Scoop litter boxes that are in need.
- Provide feed and water.
- Cats under 6 months of age and those requiring additional food shall be fed.

Trash containers shall be emptied, bag tied off and placed in trash container outside of building.

Trash container must be relined at least once daily and sanitized twice weekly.

**Transylvania County, NC Animal Shelter**  
**Standard Operating Procedures**

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**ACCESSORY SANITATION**

All bowls, toys are brushed to remove debris, placed in a soak tank before placing in dishwasher.

Items/accessories related to food, toys, brooms and other enrichment objects shall be soak in a tank separate than that used for fecal and other body waste accessories.

All litter pans, brooms, scoops and other fecal contaminated objects are brushed to remove debris and soaked in a separate tank, before placing in dishwasher.

Soak tanks shall be emptied daily, or as needed.

Soak tanks shall be filled with hot water, soap and bleach properly diluted.

**Washer:**

Bedding

Stuffed toys

**Dishwasher:**

Toys

Bowls

Litter pans

Scoops, brushes, dustpans, etc.

Leashes, collars

**TRASH REMOVAL**

Animal waste and refuse of daily operations shall be bagged and removed from the building minimally on a daily basis.

Animal carcasses are to be bagged and placed in the freezer.

Refuse and carcasses shall be transported to the landfill weekly or more often as necessary.

Vehicles containing refuse and carcasses shall be sanitized after use.

Efforts to recycle refuse are highly encouraged.

**DIET KITCHEN**

The diet kitchen is used for preparation of animal feed, sanitation of feed bowls, litter pans and the storage of feed, husbandry supplies and equipment.

The facility kitchen shall be kept neat, clean, orderly and stocked.

All cleaning and food preparation shall be completed and properly stored at the end of the business day.

Opened bags of animal feed, treats, etc., shall be transferred to clean, dry, airtight containers.

Opened and perishable food items shall be capped and refrigerated immediately and placed in the receiving refrigerator and used as soon as is possible.

It is preferable to use disposable feed bowls and litter trays whenever possible.

All food/water bowls and litter trays shall be emptied into trash receptacle in animal areas prior to being brought to the kitchen.

Dirty food/water bowls, litter trays shall be emptied to remove gross debris.

Food/water bowls, other feeding accessories and hard toys are to be placed in the soak tank.

Litter pans, scoops, items with fecal contamination and waste removal equipment are to be placed in a separate soak tank.

Soaked food/water bowls, litter trays are to be washed in the dishwasher set at "high heat" setting.

Washed food/water bowls, litter trays are to be stacked neatly after drying.

All bowls and trays are to be cleaned dried and stacked by the end of the business day.

*EMPTY SOAK TANK + RE-DIL DAILY*

All counters and surfaces are to be cleaned and dried throughout the day.

Trash is to be emptied regularly.

All floors shall be mopped on a daily basis.

# APPENDIX

## A

# APPENDIX

## A



# TRANSYLVANIA COUNTY ANIMAL CONTROL ORDINANCE

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### SECTION 3-1. DEFINITIONS.

The following words, terms, and phrases, whenever used in this ordinance, whether capitalized or not, shall have the meanings specifically ascribed thereto, except where the context clearly indicates a different meaning:

**Agricultural Operation:** as defined in G.S. 106-701(b); means without limitation, any facility for the production for commercial purposes of crops, livestock, poultry, or livestock/poultry products.

**Animal:** means every living vertebrate in the classes Amphibia, Reptilia, Aves, and Mammalia except human beings or animals defined herein as "Wild" unless otherwise required by law.

**Animal Control Officer (ACO):** means a county employee with animal control responsibilities.

**Animal Services:** means the Transylvania County Animal Services Department, and all subparts thereof including without limitation animal control and enforcement and County Animal Shelter operations.

**Animal Shelter:** as defined in G.S. 19A-23, means any facility used to house or contain seized, stray, homeless, quarantined, abandoned or unwanted animals and which is under contract with, owned, operated, or maintained by a county, city, town, or other municipality, or by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, rehabilitation, or humane treatment of animals. The "County Animal Shelter" as separately defined herein is an animal shelter.

**At Large:** means any animal off the property of its Owner or Keeper and not under physical restraint.

**Bite:** means any penetration of the skin by an animal's teeth, including Wild animals.

**Board of Commissioners:** means the Transylvania County Board of Commissioners.

**Boarding Kennel:** as defined in G.S. 19A-23, means a facility or establishment which regularly offers to the public the service of boarding dogs or cats or both for a fee. Such a facility or establishment may, in addition to providing shelter, food and water, offer grooming or other services for dogs and/or cats. For purposes of this ordinance only, the foregoing definition shall not include any private residence the owner of which sells no more than five (5) dogs per year which are otherwise maintained within or adjacent to the residential dwelling.

**Chief Animal Control Officer (Chief ACO):** means the Animal Services Staff Supervisor.

**Commercial Animal Establishment:** means any Animal Shelter, Boarding Kennel, Dealer, Pet Shop, Grooming Shop, Auction, Riding School or Stable, Zoological Park, circus, or Animal Exhibition.

**County Animal Shelter:** means any premises designated by the Board of Commissioners for the purpose of serving as a public animal shelter operated by Transylvania County for the benefit of its citizens.

**Dangerous Dog:** means without limitation any dog defined as such pursuant to G.S. 67-4.1 including: (1) any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting; (2) any dog that without provocation has killed or inflicted severe injury on a person; or (3) any dog determined by the Chief ACO to be a "Potentially Dangerous Dog".

**Dangerous Dog Review Committee (DDRC):** means the committee duly appointed by the Board of Commissioners of at least three individuals residing in Transylvania County, which may include one law enforcement representative from both Transylvania County and the City of Brevard, and one local veterinarian.

**Day:** means a period of 24 hours, including Saturdays, Sundays, and holidays.

**Dealer:** as defined by G.S. 19A-23, means any person who sells, exchanges, or donates, or offers to sell, exchange, or donate animals to another dealer, pet shop, or research facility, provided,



however, that an individual who breeds and raises on his own premises no more than the offspring of five canine or feline females per year, unless bred and raised specifically for research purposes shall not be considered to be a dealer for the purposes hereof

**Domesticated:** Any animal whose physiology has been determined or manipulated through selective breeding which does not occur naturally in the wild, or which can be vaccinated against rabies with an approved rabies vaccine, and which has an established rabies quarantine observation period.

**D/PD:** means a dog that is dangerous and/or potentially dangerous as separately defined herein.

**Exposed to rabies:** means any animal that has been bitten by, or has potential contact with bodily fluids of any animal known or suspected to have been infected with rabies.

**Grooming Shop:** means any establishment, whether operated separately or in connection with another business enterprise providing hair and nail clipping, bathing, or other cosmetic services for animals.

**Impoundment:** means any animal in the custody of a person or animal shelter duly authorized by the Local Health Director, or Chief ACO.

**Keeper:** means any person having custody or any possessory right of an animal, or who keeps or harbors an animal, or who knowingly permits an animal to remain on or about any premises owned, occupied or controlled by such person.

**Local Board of Health:** means the Transylvania County Board of Health.

**Local Health Department:** means the Transylvania County Health Department.

**Local Health Director:** means the Health Director of the Local Health Department, or their designee.

**Non-Domestic:** means not tamed or domesticated

**Owner:** means any person or legal entity having a possessory property right in an animal.

**Person:** means any individual, corporation, partnership, association, or other legal entity.

**Pet:** means any animal kept for amusement, pleasure, or companionship rather than utility.

**Pet Shop:** as defined in G.S. 19A-23, means a person or establishment that acquires for the purposes of resale animals bred by others whether as owner, agent, or on consignment, and that sells, trades or offers to sell or trade such animals to the general public at retail or wholesale.

**Potentially Dangerous Dog:** means without limitation any dog defined as such pursuant to G.S. 67-4.1 including any dog that the Chief ACO determines to have: (1) inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization, or (2) killed or inflicted severe injury upon a domestic animal when not on the owners' real property; or (3) approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack. In addition thereto, any dog, whose behavior constitutes a risk of severely injuring or killing a human or domestic animal, or which, by demonstrated behavior, is commonly accepted as dangerous shall be deemed potentially dangerous. A dog declared by the Chief ACO is also a "Dangerous Dog" by definition.

**Restraint:** means any animal within the real property limits of its owner, secured by a leash or lead, or confined.

**Riding School or Stable:** means any place which has available for hire, boarding, training or riding instruction any horse, pony, donkey, mule or burro.

**Stray:** means any unregistered or unlicensed animal deemed to be At Large.

**Suspected of having rabies:** means any mammal without a current rabies vaccination in accordance with this ordinance, or any mammal that has bitten a human, or any mammal bitten or scratched by a wild mammal (including a bat) if such wild mammal is not available for testing.

**Veterinary Hospital:** means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and/or treatment of diseases and injuries of animals.

**Wild:** means an animal living in a state of nature; not tamed or domesticated including but not limited to feral cats.

## **SECTION 3-2. ANIMAL SERVICES AUTHORITY AND RESPONSIBILITY**

(A) Authority is hereby granted by the Board of Commissioners to the County Manager to establish and maintain an Animal Services program, to employ Animal Control Officers (ACOs) and such other employees as shall be deemed necessary, and to appoint and compensate the same in accordance with the personnel policies of Transylvania County.

(B) Animal Services shall have the following non-exclusive duties and responsibilities to:

1. Enforce the laws of North Carolina and the ordinances of Transylvania County pertaining to animal control, animal cruelty or abuse, animal shelters, and the control of rabies.
2. Investigate all reported animal bites, quarantine any dog or cat involved and suspected of having rabies for a period of not less than ten (10) days, and report to the Local Health Director as soon as practicable the occurrence of any such animal bite and the condition of any quarantined animal.
3. Operate the County Animal Shelter in accordance with applicable laws and regulations.
4. Seize and impound, where deemed necessary, any animal in Transylvania County involved in a violation of this or any other county ordinance or state law.
5. Investigate cruelty or abuse with regard to animals.
6. Make such canvasses of the county, including the homes in the county, as necessary for the purpose of ascertaining compliance with this ordinance or state law.
7. Keep, or cause to be kept, accurate and detailed records of all the following:
  - a. Seizures, impoundments, and dispositions of all animals coming into the custody of Animal Services.
  - b. Bite cases, violations and complaints, and investigations of the same.
  - c. All monies belonging to Transylvania County derived from fees, penalties, license tags, sales of animals, and other sources.
  - d. Any other matters as directed by the Board of Commissioners or required by law.
8. Issue citations by and through its ACOs to any person in violation of this ordinance in accordance with the provisions hereof.
9. Place, upon request, County-owned live-capture animal traps on private or public property to trap and remove Stray, At Large, unwanted, or nuisance animals.

## **SECTION 3-3. CRUELTY TO ANIMALS.**

(A) Animal Services is hereby authorized to enforce all state laws related to animal cruelty.

(B) It shall be unlawful for any owner or keeper to fail to provide his animal or animals with proper shelter and protection from the weather, the opportunity for vigorous daily exercise, adequate feed and adequate water as defined within G.S. 19A-23, veterinary care when needed to prevent suffering, and humane care and treatment.

(C) It shall be unlawful for any person to sell or offer for sale, barter or give away within the



county baby chickens, baby ducklings or other fowl under six (6) weeks of age or rabbits under (8) weeks of age as pets, toys, premiums or novelties; provided, however, this section shall not be construed to prohibit the sale thereof in proper facilities by breeders or stores engaged in the business of selling the foregoing for other legitimate purposes.

- (D) It shall be unlawful to color, dye, stain or otherwise change the natural color of baby chickens or other fowl or rabbits.

#### **SECTION 3-4. CONTROL OF DANGEROUS DOGS OR POTENTIALLY DANGEROUS DOGS**

Except as provided in this section, it shall be unlawful for any person to own or in any way maintain or harbor a dog that has been declared dangerous or potentially dangerous (D/PD).

**(A) Process & Appeals:**

**1. Process for D/PD Declaration**

- a. The Chief ACO shall have the authority to declare a dog to be D/PD
- b. The Chief ACO must document such declaration in writing and deliver it in person or by certified or registered mail to the dog's owner or keeper.
- c. The written declaration must summarize the information used to make the decision leading to such declaration, direct compliance with the appropriate provisions of this ordinance and state law, and describe the appeals process.

**2. Appeal:**

- a. The owner of a dog that has been declared D/PD has the right to properly appeal the initial declaration to the Dangerous Dog Review Committee (DDRC).
- b. To be properly appealed, any request for an appeal there from must be made in writing and must be actually delivered to the DDRC c/o the County Operations Manager, or otherwise mailed thereto bearing a postmark, within 5 days of receipt by the owner of the written declaration from which the appeal is sought.
- c. While the appeal to the DDRC is pending, the owner or keeper of the dog must comply with all provisions of this ordinance pertaining to D/PD dogs except with respect to any tattooing or micro chipping requirements.
- d. The DDRC shall schedule a quasi-judicial hearing within 10 days of receiving the written request for an appeal to determine whether to affirm, remand for further consideration, or overturn the Chief ACO's declaration. The DDRC's decision shall be issued in writing within 10 days of its decision.
- e. Any appeal from the final decision of the DDRC shall be taken to the Transylvania County Superior Court by filing notice of appeal and a petition for review therewith within 10 days of the final decision of the DDRC.
- f. While any appeal to the Transylvania County Superior Court is pending, the owner or keeper of the dog must comply with all

provisions of this ordinance pertaining to D/PD dogs except with respect to any tattooing or micro chipping requirements.

- g. Failure to file any appeal within the applicable deadline shall result in the owner or keeper being deemed to have waived its right to file an appeal, and the owner or keeper shall thereafter immediately comply with all provisions of this ordinance.

3. Exceptions: A dog shall not be considered D/PD in the following situations:

- a. Where used by law enforcement to carry out official law enforcement duties;
- b. Where used in a lawful hunt;
- c. Where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was legally working as a hunting dog, herding dog or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog;
- d. Where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

(B) D/PD Dog Restrictions: The owner of a D/PD dog may keep the dog only if all the following conditions are satisfied on an ongoing and continuous basis:

1. Enclosures and Control Measures:

- a. The owner must ensure that the dog remains either confined or controlled and muzzled as described below at all times. Failure to comply shall subject the owner to prosecution and/or penalties under this ordinance or state law.
  - i. Confined: The dog may be confined inside the owner's or keeper's residence. Alternatively, the dog may be confined inside a securely enclosed and locked pen with a concrete bottom and secure top. The lock must require a combination or key to open. Both the pen and the lock shall be subject to inspection and approval by Animal Services.
  - ii. Restrained and muzzled: If the dog is not confined as described above, it must be muzzled, restrained on a leash or chain, and controlled by a competent person at all times.
- b. The owner must immediately post one or more warning signs indicating that a D/PD dog is on the property. The signs must include both a written statement as well as a graphic representation of a dangerous looking dog for illiterate persons or children. The sign must be approved by the Chief ACO and must be at least 120 square inches in size. At least one sign must be posted in a clearly visible manner at each entrance to any residence or enclosure in which the D/PD will be kept or confined at any time.

- 2. Within 10 days of exhausting all available appeals or otherwise within 10 days of the expiration of any applicable appeal deadline, the owner must ensure that the dog is either tattooed on the inside of the right hind leg with an identification



number or micro chipped. The owner must provide the Chief ACO with a signed written statement containing the identification number or micro chip identifier used within 72 hours.

3. ACOs and law enforcement officials may conduct periodic inspections of the owner's property to evaluate compliance with this ordinance. If the owner refuses to permit such inspections, the ACOs in conjunction with law enforcement officials may seek an administrative inspection warrant to conduct a periodic inspection.
4. If the owner transfers ownership or possession of a dangerous or potentially dangerous dog to someone else, the restrictions on the dog shall transfer to the new owner or keeper. Prior to transferring ownership thereof, the owner must obtain a "Transfer of Ownership" form from Animal Services explaining the dog has been declared D/DPD and outlining the restrictions placed thereupon. The person assuming ownership must sign the form and the signature must be notarized. The signed and notarized form must be returned to the Chief ACO prior to the animal being transferred to the new owner.

#### (C) Violations

1. If an owner or keeper of a D/DPD dog fails to comply with any requirement in this section:
  - a. They may be charged criminally pursuant to this ordinance, in which event the dog may be immediately impounded, and shall be euthanized in the event of a criminal conviction under this section; and/or
  - b. They may be issued a civil citation and assessed for civil penalties pursuant to this ordinance.
2. If the owner of a D/DPD dog impounded under this section is found to not be in violation of this section either criminally or civilly, the dog shall be released from impoundment and all impoundment costs shall be paid by the owner or keeper at the daily rate established by the Board of Commissioners.
3. Any D/DPD dog shall not be offered by adoption through any animal shelter.
4. Any dog that kills a person shall be impounded by Animal Services.

#### (D) D/DPD Dog Reporting requirements

1. A report to the Transylvania County Animal Services Office shall be made by contacting the Transylvania County 911 Center within 24 hours of any of the following events by the persons specified herein:
  - a. If any dog attacks or bites a person or domestic animal, it shall be reported by:
    - i. The owner and keeper, if different, of such dog; and
    - ii. Each victims of the attack or bite; and
    - iii. Each witness to the attack or bite; and
    - iv. Each veterinarian treating a domestic animal for the attack or bite; and
    - v. Each healthcare professional treating a person for the attack or

bite.

- b. If there is a change in address, ownership or possession of a D/PD dog, the same shall be reported by the owner or any keeper thereof; or
- c. If a D/PD dog is removed from the territorial jurisdiction of the county, the same shall be reported by the owner or any keeper thereof.

- 2. Failure to comply with this section may result in criminal prosecution and/or civil remedies including the assessment of penalties as otherwise provided herein.

(E) The owner of any D/PD dog shall be strictly liable in civil damages for any injuries or property damage the dog inflicts upon any person, his property or another animal as per G.S. 67-4.4.

### **SECTION 3-5. ANIMALS CREATING NUISANCE PROHIBITED.**

(A) It shall be unlawful for an owner or keeper to permit an animal or animals to create a nuisance. An agricultural operation or any of its appurtenances shall not constitute a nuisance when operated in accordance with the conditions and provisions set forth in G.S. 106-701. Each of the following non-exclusive conditions shall constitute a nuisance for purposes of this ordinance:

- 1. Maintaining animals in an unsanitary environment which results in odors considered excessive to a reasonable person, or which are dangerous to the animal or other animals, or are dangerous to the public health, safety, or welfare, or which constitute a failure to maintain a condition of good order and cleanliness which reduces the probability of transmission of disease.
- 2. Maintaining the owner's or keeper's property in a manner that is offensive, annoying or dangerous to the public health, safety, welfare of community because of the number, type, variety, density, or location of animals on the property. This includes but shall not be limited to harboring of wild or feral animals which threaten the public health, safety, and/or welfare.
- 3. Maintaining an animal that is diseased and/or dangerous to the public health.
- 4. Harboring, keeping, owning, or possessing an animal which is repeatedly At Large (more than once).
- 5. Allowing an animal to habitually do any of the following: chasing bicycles or motor vehicles or pedestrians, damage private or public property, turn over garbage cans or deposit feces on another's private property or on public property.

(B) In addition to any other available remedies, if an ACO determines an animal to be a nuisance under this ordinance, then such ACO is authorized to order the owner or keeper to confine such animal in accordance with the Chief ACO's instructions and it shall be unlawful for the owner or keeper to fail to comply with such an order.

(C) Where a nuisance is determined to exist, the owner or keeper shall be notified and ordered to abate said nuisance within 10 days by whatever means necessary. Failure to



comply with this time frame shall constitute a separate offense for each day thereafter the violation continues. No civil penalty shall accrue during that initial 10 day warning period.

- (D) The owner or keeper of an animal that has been declared a nuisance under this section has the right to properly appeal such declaration to the Transylvania County Operations Manager. Any request for an appeal there from must be made in writing and must be actually delivered to the County Operations Manager or otherwise mailed thereto bearing a postmark within 5 days of receipt by the owner or keeper of the written declaration from which the appeal is sought. While any appeal is pending the owner or keeper of the animal to which it pertains must comply with any confinement and/or abatement order received pursuant to this ordinance. The County Operations Manager shall review the request for an appeal and issue a written decision within 30 days of the receipt thereof affirming, remanding for additional consideration, or overruling the decision from which the appeal is sought and summarizing the information used to reach such decision.

#### **SECTION 3-6. LURING, ENTICING, SEIZING, MOLESTING, OR TEASING AN ANIMAL.**

It shall be unlawful for any person to entice or lure any animal out of an enclosure or off the property of its owner or keeper, or to seize, molest or tease any animal while the animal is held or controlled by its owner or keeper or while the animal is on the property of its owner or keeper.

#### **SECTION 3-7. COMPLIANCE WITH SUPPLEMENTAL TO STATE RABIES LAWS.**

- (A) It shall be unlawful for any animal owner or other person to fail to comply with the state laws relating to the control of rabies.
- (B) It is the purpose of this ordinance to supplement the state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to any other criminal penalties provided therefore by state law.

#### **SECTION 3-8. VACCINATION OF DOGS, CATS, AND OTHER PETS.**

- (A) Should it be deemed necessary by the Local Health Director or the Local Board of Health that other pets be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner or keeper to fail to provide current vaccinations against rabies for that pet.
- (B) All prophylaxis vaccine shall be administered to animals by a licensed veterinarian or a certified rabies vaccinator.

**SECTION 3-9. VACCINATION TAG AND CERTIFICATION.**

- (A) It shall be unlawful for any dog or cat owner or keeper to fail to provide the dog or cat with a collar or harness to which a current rabies tag issued under this section is securely attached. The collar or harness, with attached tag, must be worn at all times.
- (B) It shall be unlawful for any person to use for any animal a rabies vaccination tag issued for an animal other than the one using the tag, or to otherwise knowingly create or use a false tag.

**SECTION 3-10. NOTICE TO LOCAL HEALTH DIRECTOR WHEN PERSON BITTEN, CONFINEMENT OF ANIMAL.**

- (A) When a person has been bitten by a dog or cat, it shall be the duty of such person, or his parent or guardian if such person is a minor, and the person owning such animal or having the same in his possession or under his control, to notify the Local Health Director or person duly authorized by the Local Health Director immediately and give their names and addresses. It shall be the duty of every physician, after his first professional attendance upon a person bitten by an animal known to be a potential carrier of rabies, to report to the Local Health Director the name, age and sex of the person so bitten, and precise location of the bite wound. **Non-bite exposures, as defined by the Center for Infectious Diseases, CDC (MMWR 1991;40:1-6), should be reported to the Local Health Director and post-exposure treatment should be consistent with the Advisory Committee on Immunization Practices (ACIP) recommendations (MMWR 1991;No. RR-3:1-16).** If the owner of, or a person who has in his possession or under his control an animal having rabies or suspected of having rabies refuses to confine the animal as required by this ordinance or by G.S. 130A-198, the Local Health Director may order seizure of the animal and its confinement for ten (10) days in such place as the Local Health Director designates.
- (B) Law enforcement agencies investigating animal bites, shall report such bites immediately to the Local Health Director or person duly authorized by the Local Health Director and give the names and addresses of persons bitten and the owner of the animal.
- (C) Animals confined per (A) above shall not be released from confinement except by permission from the Local Health Director.
- (D) Animals confined per (A) above shall be confined at the expense of the owner or keeper.
- (E) In the case of an animal whose owner or keeper is not known, the animal shall be kept for the supervised confinement period required by this ordinance at the County Animal Shelter.
- (F) Injured, diseased, or suffering animals which are suspected of having rabies may be humanely destroyed immediately and shall be disposed of as provided within Section 3-14 hereof.

**SECTION 3-11.        DESTRUCTION OR CONFINEMENT OF ANIMAL BITTEN BY A KNOWN RABID ANIMAL.**

Owners of animals not vaccinated against rabies which are bitten by a known rabid animal shall comply with all applicable state laws.

**SECTION 3-12.        AREA-WIDE EMERGENCY QUARANTINE.**

All area wide orders for quarantine shall be consistent with applicable state laws.

**SECTION 3-13.        POSTMORTEM DIAGNOSIS.**

- (A) If an animal dies while under observation for rabies, the head of such animal shall be submitted to the Local Health Department for shipment to the Laboratory Services Division of the North Carolina Department of Environment, Health and Natural Resources for rabies diagnosis.
- (B) The carcass of any animal suspected of dying of rabies shall be surrendered to the Local Health Department. The head of such animal shall be shipped to the Laboratory Services Division of the North Carolina Department of Environment, Health and Natural Resources for rabies diagnosis.

**SECTION 3-14.        FAILURE TO SURRENDER ANIMAL FOR CONFINEMENT OR DESTRUCTION.**

It shall be unlawful for any person to fail or refuse to surrender any animal for confinement or destruction as required in this ordinance, when demand is made by the Local Health Director.

**SECTION 3-15.        IMPOUNDMENT.**

- (A) Any animal which appears to be lost, stray or unwanted, or not wearing a currently valid rabies vaccination tag, as required by state law or this ordinance, or not under restraint in violation of this ordinance, may be seized, impounded, and confined in a humane manner in the County Animal Shelter.
- (B) Impoundment of such an animal shall not relieve the owner or keeper thereof from any penalty which may be imposed for violation of this ordinance or state law.
- (C) Animals confined per (A) above shall be confined at the expense of the owner or keeper.

**SECTION 3-16.        NOTICE TO OWNER OR KEEPER.**

- (A) Upon impounding an animal, other than owner surrendered, injured, diseased, or unweaned animals, notice of such impoundment shall be posted for a minimum of 72 hours



prior to disposal thereof unless otherwise required by law, beginning with the time the animal enters the County Animal Shelter, and continuing until the animal is disposed of. Reasonable effort shall be made to identify the owner or keeper and inform such owner or keeper of the conditions whereby the animal may be redeemed.

- (B) Such notice shall include the time and place of the taking of such animal and shall be prominently displayed at the County Animal Shelter.

#### **SECTION 3-17. REDEMPTION BY OWNER OR KEEPER GENERALLY.**

- (A) The owner or keeper of an animal impounded under this ordinance may redeem the animal and regain possession thereof within 72 hours after notice of impoundment is posted as required by this ordinance by paying any applicable fees as determined by the Board of Commissioners.
- (B) The owner or keeper of an impounded animal shall pay the following redemption fees prior to redemption of the animal:
1. pick-up charge(s) when the animal is transported by ACOs; and
  2. daily boarding charges, when the animal is impounded at the County Animal Shelter for more than 24 hours. No daily boarding charges are assessed for the first 24 hours of impoundment;
  3. other expenses incurred, such as rabies vaccinations and veterinary medical care.
- (C) No animal owner or keeper may be permitted to adopt his own animal under the provisions of this ordinance, but he must comply with the provisions of this ordinance in order to reclaim an animal that has been impounded pursuant to state law or this ordinance.
- (D) The provisions of this section shall have no application with respect to animals surrendered by the owner or keeper to Animal Services for immediate adoption or destruction as provided for in Section 3-22.

#### **SECTION 3-18. ADOPTION OF IMPOUNDED DOGS AND CATS.**

- (A) Any person adopting a dog or cat from the County Animal Shelter shall be required to sign an Adoption/Medical contract with the County Animal Shelter (the major provisions of which are outlined below).
- (B) All animals adopted from the Transylvania County Animal Shelter will be spayed or neutered prior to adoption unless the health of the animal does not permit such surgery. Individuals adopting an animal that is too young to be altered will be required to pay the fee and sign the contract requiring that the animal be altered prior to the date placed on the adoption form by animal shelter staff.
- (C) Bonafide Animal Rescue Groups that pull animals from the shelter accept the responsibility for ensuring that the animal is spayed or neutered prior to adoption or when



age appropriate unless the health of the animal does not permit such surgery. The adoption fee is waived for Bonafide Animal Rescue groups. Animal Rescue Groups are responsible for vaccination fees administered by the Animal Shelter.

- (D) The Board of Commissioners shall establish uniform adoption fees and vaccination fees from time to time applicable to adoption of animals from the County Animal Shelter. All adopting parties shall be required to pay the adoption fee prior to possession of the adopted animal.
- (E) Except as provided within section 3-18 above, an adopting party shall not be required to pay any boarding or redemption fee for adopting a dog.
- (F) The County shall agree to provide an exchange for any animal that for no reason of the adopting party requires major medical treatment or dies of natural causes within 30 days from the date of adoption under the following conditions only:
  - 1. Any major medical treatment must be certified as reasonably necessary by a licensed veterinarian;
  - 2. In the event that the adopted animal dies during the 30 days following adoption, the adopting party must present satisfactory evidence (e.g., the carcass of the animal or a veterinarian's certification) of the date of the death of the animal;
  - 3. The exchange request must be made within 30 days from the adoption contract date.

#### **SECTION 3-19.       DESTRUCTION OR ADOPTION OF UNREDEEMED ANIMAL GENERALLY.**

- (A) If an impounded animal is not redeemed by the owner or keeper within the period prescribed in Section 3-18 it may be destroyed in a humane manner or shall become the property of the County Animal Shelter and offered for adoption to a responsible adult who is willing to comply with this ordinance and with policies promulgated by the Board of Commissioners.
- (B) No animal which has been impounded by reason of its being a stray, unclaimed by its owner or keeper, shall be allowed to be adopted from any Animal Shelter during a period of emergency rabies quarantine invoked pursuant to this ordinance, except by special authorization of the Local Health Director.

#### **SECTION 3-20.       PROCEDURE WITH RESPECT TO REDEMPTION OR ADOPTION OF UNVACCINATED DOG OR CAT.**

- (A) Unless proof of a current rabies vaccination can be furnished, every dog or cat adopted or redeemed at any Animal Shelter will be given a rabies vaccination, proof of which shall be provided to the Chief ACO within 72 hours thereof, and payment for which shall be the responsibility of the person redeeming or adopting the animal, except that:

- (B) Persons adopting animals less than 4 months of age are required within 10 days of the animal reaching 4 months of age to either obtain the rabies vaccination at the veterinarian of their choice and provide proof thereof to the Chief ACO within 72 hours thereof, or bring the animal to the County Animal Shelter for vaccination.

**SECTION 3-21. PLACEMENT FOR ADOPTION OR DESTRUCTION OF OWNER SURRENDERED ANIMALS.**

- (A) Any animal surrendered by its owner to Animal Services may be placed for adoption or humanely destroyed pursuant to G.S. 130A-192 when:

1. The owner directs in writing that the animal be placed for adoption or humanely destroyed; and
2. The owner affirmatively represents in writing that he or she is in fact the legal owner of said animal; and
3. The owner agrees that he or she will indemnify and hold Transylvania County harmless from any loss or damage it may sustain, including attorneys' fees, by reason of the destruction or placement for adoption of said animal; and
4. The owner transfers ownership of said animal to Animal Services and releases Transylvania County from any and all future claims with respect to the animal.

- (B) Upon receiving said assurances, Animal Services may rely on the same and place said animal for adoption, or destroy said animal, as deemed appropriate.

**SECTION 3-22. DESTRUCTION OF INJURED, DISEASED, OR UNWEANED ANIMALS.**

Notwithstanding any other provision of this ordinance, any animal seized and impounded which is injured, diseased (not a rabies suspect), or un-weaned and has no identification shall be destroyed in a humane manner as set forth in G.S. 130A-192. If the animal has identification, Animal Services shall attempt to notify the owner or keeper before disposing of such animal.

**SECTION 3-23. DESTRUCTION OF ANIMALS WHICH CANNOT BE SEIZED BY REASONABLE MEANS.**

Notwithstanding any other provision of this ordinance, an animal which cannot be seized by reasonable means may be humanely destroyed as set forth in G.S. 130A-192, by order of the Chief ACO.

**SECTION 3-24. INJURING ANIMALS, NOTICE REQUIRED.**

It shall be unlawful for any person injuring an animal to fail to notify immediately the owner or keeper of said animal, or an ACO, or a local law enforcement agency.

**SECTION 3-25. KEEPING STRAY ANIMALS; REQUIREMENTS, SURRENDER.**  
Repealed.

**SECTION 3-26. COMMERCIAL ANIMAL ESTABLISHMENT.**

This ordinance shall not apply to those specific areas of operation of a commercial animal establishment which are licensed and regulated under Chapter 19A of the General Statutes or by an agency of the United States Government.

**SECTION 3-27. NONDOMESTIC ANIMALS PROHIBITED.**

No person shall possess or harbor any non-domestic animal or animals which are dangerous to persons or property or which have the potential of being dangerous to persons or property. This section shall not apply to bona fide circuses, petting zoos, and other traveling commercial or educational animal exhibits of limited duration.

**SECTION 3-28. INTERFERENCE WITH ENFORCEMENT.**

- (A) It shall be unlawful for any person to interfere with, hinder or molest the employees of the Local Health Department or Animal Services or persons duly authorized to enforce this ordinance, or to seek to release any animal in the custody of such persons, unless otherwise specifically provided.
- (B) It is unlawful for any person other than an employee of the Animal Services, or persons duly authorized by this ordinance or state law, to remove any animal from a trap or to damage, destroy, or move, or tamper with any trap set by Animal Services.

**SECTION 3-29. VIOLATION, ENFORCEMENT, AND PENALTIES**

This ordinance may be enforced in accordance with any and all applicable local ordinances or state laws, including but not limited to those set forth in G. S. 153A-123.

- (A) Criminal Enforcement: The violation of any provision of this ordinance shall be a misdemeanor, and any person convicted of such violation shall be punishable as provided in G.S. 14-4 or other applicable law. Each violation of this ordinance (or if a continuing violation, each day in which the violation continues) is a separate offense. Each violation for each animal is a separate offense. Payment of any fine imposed in criminal proceedings pursuant to this section does not affect the liability for fees or civil penalties imposed under this chapter.
- (B) Specific & Equitable Enforcement: This ordinance may be enforced by seeking an injunction or order of abatement against any unlawful condition or activity in violation hereof pursuant to G.S. 153A-123 or other applicable law. Such remedies may be sought in addition to, or together with, any and all other available remedies provided for herein including but not limited to any equitable remedies available which a court of competent jurisdiction deems just and proper.



(C) Civil Penalties. Violations of this ordinance shall subject the offender to civil penalties as set forth hereinbelow in addition to, and independent of, any other criminal or civil remedies provided for herein.


1. Civil citation. Issuance of a civil citation for violation of this ordinance is directed toward and against the owner or keeper in violation hereof for the purpose of affecting the conduct thereof to insure compliance with this ordinance. The issuance of any civil citations hereunder shall not affect the prosecution of any violation hereof as a misdemeanor in addition thereto as otherwise authorized and provided herein.
2. Any civil citation issued hereunder shall:
  - a. Contain a notice of the violation(s) alleged hereunder including a summarization of the activity or conduct constituting such violation(s);
  - b. Identify the specific civil penalty(s) for such violation(s);
  - c. State the date by which any penalty(s) assessed therefore must be paid;
  - d. Direct that payment be made to the County Finance Department; and
  - e. Contain a notice that failure to pay any civil penalty(s) when due is an additional violation of this ordinance for which criminal prosecution may be sought, and that the County may initiate a civil action to collect any unpaid civil penalty(s) together with the costs of such action as provided herein.
3. ACOs and County Law Enforcement Officers may issue to the known owner or keeper of any animal, or to any other violator of the provisions of this ordinance, a civil citation which may be delivered in person or mailed by certified or registered mail to the person charged if that person cannot be readily found. The citation shall impose upon the violator a civil penalty of \$50.00 for each violation hereof, or such other amount for violations of specific provisions of this ordinance as may otherwise be specified herein. The imposed civil penalty shall be paid in full to the County Finance Department within 30 days of receipt of the citation assessing such civil penalty. This civil penalty shall be in addition to any other fees or costs authorized to be charged or collected by this ordinance.
4. In the event any person receiving a citation under this ordinance fails to respond thereto or otherwise fails to pay the civil penalty within the time period prescribed:
  - a. A civil action may be commenced to recover the penalty and any and all costs associated with the collection thereof including but not limited to court costs and reasonable attorneys' fees to the extent allowed by law; and/or
  - b. A criminal summons may be issued against the violator and upon conviction; the violator shall be punished as provided by state law. The Chief ACO is expressly authorized hereunder to initiate small claims actions in the Magistrate's Court of Transylvania County to collect civil penalties and fees assessed under this ordinance and due to the County, and may call on the County Attorney for assistance as needed.
5. Any person who fails to pay a fine within a period of 30 days after receiving a citation shall be deemed to have committed a misdemeanor for violating this ordinance, and a warrant may be issued for the person's arrest. Prosecution under



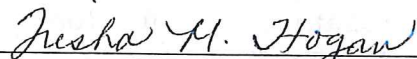
**SECTION 3-30. LEGAL STATUS PROVISIONS.**

- (A) This ordinance shall be in full force and effect immediately upon its adoption by the Transylvania County Board of Commissioners, and shall amend and supersede any and all previously existing Animal Control Ordinances existing within Transylvania County prior to the adoption hereof.
- (B) If any provision or provisions of this ordinance shall be deemed by a court of law having jurisdiction over such matters to be unenforceable, invalid, or unconstitutional for any reason, such determination shall not affect the validity of this ordinance as a whole or any part hereof that is not specifically determined and declared thereby to be unenforceable, invalid, or unconstitutional.
- (C) Conflict of Laws or Ordinance Provisions:  
Whenever the regulations of this ordinance conflict with one another, or with the requirements of any other statute, the more restrictive regulation shall be deemed to control and govern.

This ordinance adopted this 8/26/2013. (Date Approved)

  
\_\_\_\_\_  
Mike Hawkins, Chair  
Transylvania County Board of Commissioners

ATTEST:

  
\_\_\_\_\_  
Trisha M. Hogan, Clerk to Board



this section shall require proof of occurrence of underlying facts giving rise to the notice of citation.

6. Each violation of this ordinance (or if a continuing violation, each day in which the violation continues) is a separate offense for which a separate civil citation and/or penalty may be assessed hereunder. Each violation for each animal is a separate offense for which a separate civil citation and/or penalty may be assessed hereunder. Notwithstanding anything to the contrary within this ordinance, each violation of any of the following specifically enumerated provisions of this ordinance shall result in the written warning or civil penalty corresponding specifically thereto being assessed therefore:

Section Violated	Description	Civil Penalty/Fee
3-3(B)	Cruelty to animals	\$500 (per day)
3-4	D/PD Unattended/loose/unrestrained	\$500 (per day)
3-4(B)2	D/PD Failing to Tattoo or Microchip	\$500 (per day)
3-4(B)4	D/PD Failing to present proof of transferee	\$500 (per day)
3-4(D)	D/PD Failing to notify Of certain changes	\$500 (per day)
3-5	Nuisance	First Violation: Written Warning Second Violation: \$50 (per day until abated) Subsequent Violations: \$100 (per day until abated)
3-30	Interfering with enforcement	\$500 (per incident)
3-30(B)	Releasing animal from, tampering, or damaging a County trap	\$100 (per incident)

7. Violations of this ordinance taking place over continuous days for which a separate penalty for each day thereof is assessable shall be capped at ten days per animal per violation unless there is evidence suggesting that the person has tried to interfere with Animal Services or obstruct justice in which event no cap shall apply.

# APPENDIX

## B

# APPENDIX

B



Article 3.

Animal Welfare Act.

**§ 19A-20. Title of Article.**

This Article may be cited as the Animal Welfare Act. (1977, 2nd Sess., c. 1217, s. 1.)

**§ 19A-21. Purposes.**

The purposes of this Article are (i) to protect the owners of dogs and cats from the theft of such pets; (ii) to prevent the sale or use of stolen pets; (iii) to insure that animals, as items of commerce, are provided humane care and treatment by regulating the transportation, sale, purchase, housing, care, handling and treatment of such animals by persons or organizations engaged in transporting, buying, or selling them for such use; (iv) to insure that animals confined in pet shops, kennels, animal shelters and auction markets are provided humane care and treatment; (v) to prohibit the sale, trade or adoption of those animals which show physical signs of infection, communicable disease, or congenital abnormalities, unless veterinary care is assured subsequent to sale, trade or adoption. (1977, 2nd Sess., c. 1217, s. 2.)

**§ 19A-22. Animal Welfare Section in Animal Health Division of Department of Agriculture and Consumer Services created; Director.**

There is hereby created within the Animal Health Division of the North Carolina Department of Agriculture and Consumer Services, a new section thereof, to be known as the Animal Welfare Section of said division.

The Commissioner of Agriculture is hereby authorized to appoint a Director of said section whose duties and authority shall be determined by the Commissioner subject to the approval of the Board of Agriculture and subject to the provisions of this Article. (1977, 2nd Sess., c. 1217, s. 3; 1997-261, s. 1.)

**§ 19A-23. Definitions.**

For the purposes of this Article, the following terms, when used in the Article or the rules or orders made pursuant thereto, shall be construed respectively to mean:

- (1) "Adequate feed" means the provision at suitable intervals, not to exceed 24 hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. Such foodstuff shall be served in a sanitized receptacle, dish, or container.
- (2) "Adequate water" means a constant access to a supply of clean, fresh, potable water provided in a sanitary manner or provided at

suitable intervals for the species and not to exceed 24 hours at any interval.

- (3) "Ambient temperature" means the temperature surrounding the animal.
- (4) "Animal" means any domestic dog (*Canis familiaris*), or domestic cat (*Felis domestica*).
- (5) "Animal shelter" means a facility which is used to house or contain seized, stray, homeless, quarantined, abandoned or unwanted animals and which is under contract with, owned, operated, or maintained by a county, city, town, or other municipality, or by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, rehabilitation, or humane treatment of animals.
- (5a) "Approved foster care provider" means an individual, nonprofit corporation, or association that cares for stray animals that has been favorably assessed by the operator of the animal shelter through the application of written standards.
- (5b) "Approved rescue organization" means a nonprofit corporation or association that cares for stray animals that has been favorably assessed by the operator of the animal shelter through the application of written standards.
- (5c) "Boarding kennel" means a facility or establishment which regularly offers to the public the service of boarding dogs or cats or both for a fee. Such a facility or establishment may, in addition to providing shelter, food and water, offer grooming or other services for dogs and/or cats.
- (6) "Commissioner" means the Commissioner of Agriculture of the State of North Carolina.
- (7) "Dealer" means any person who sells, exchanges, or donates, or offers to sell, exchange, or donate animals to another dealer, pet shop, or research facility; provided, however, that an individual who breeds and raises on his own premises no more than the offspring of five canine or feline females per year, unless bred and raised specifically for research purposes shall not be considered to be a dealer for the purposes of this Article.
- (8) "Director" means the Director of the Animal Welfare Section of the Animal Health Division of the Department of Agriculture and Consumer Services.
- (9) "Euthanasia" means the humane destruction of an animal accomplished by a method that involves rapid unconsciousness and immediate death or by a method that involves anesthesia, produced



by an agent which causes painless loss of consciousness, and death during such loss of consciousness.

- (10) "Housing facility" means any room, building, or area used to contain a primary enclosure or enclosures.
- (11) "Person" means any individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity.
- (12) "Pet shop" means a person or establishment that acquires for the purposes of resale animals bred by others whether as owner, agent, or on consignment, and that sells, trades or offers to sell or trade such animals to the general public at retail or wholesale.
- (13) "Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage compartment or hutch.
- (14) "Public auction" means any place or location where dogs or cats are sold at auction to the highest bidder regardless of whether such dogs or cats are offered as individuals, as a group, or by weight.
- (15) "Research facility" means any place, laboratory, or institution at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.
- (16) "Sanitize" means to make physically clean and to remove and destroy to a practical minimum, agents injurious to health. (1977, 2nd Sess., c. 1217, s. 4; 1979, c. 734, s. 1; 1987, c. 827, s. 61; 1997-261, s. 2; 2005-276, s. 11.5(a); 2013-377, s. 1.)

#### **§ 19A-24. Powers of Board of Agriculture.**

(a) The Board of Agriculture shall:

- (1) Establish standards for the care of animals at animal shelters, boarding kennels, pet shops, and public auctions. A boarding kennel that offers dog day care services and has a ratio of dogs to employees or supervisors, or both employees and supervisors, of not more than 10 to one, shall not as to such services be subject to any regulations that restrict the number of dogs that are permitted within any primary enclosure.
- (2) Prescribe the manner in which animals may be transported to and from registered or licensed premises.
- (3) Require licensees and holders of certificates to keep records of the purchase and sale of animals and to identify animals at their establishments.
- (4) Adopt rules to implement this Article, including federal regulations promulgated under Title 7, Chapter 54, of the United States Code.

- (5) Adopt rules on the euthanasia of animals in the possession or custody of any person required to obtain a certificate of registration under this Article. An animal shall only be put to death by a method and delivery of method approved by the American Veterinary Medical Association, the Humane Society of the United States, or the American Humane Association. The Department shall establish rules for the euthanasia process using any one or combination of methods and standards prescribed by the three aforementioned organizations. The rules shall address the equipment, the process, and the separation of animals, in addition to the animals' age and condition. If the gas method of euthanasia is approved, rules shall require (i) that only commercially compressed carbon monoxide gas is approved for use, and (ii) that the gas must be delivered in a commercially manufactured chamber that allows for the individual separation of animals. Rules shall also mandate training for any person who participates in the euthanasia process.

(b) In addition to rules on the euthanasia of animals adopted pursuant to subdivision (5) of subsection (a) of this section, the Board of Agriculture shall adopt rules for the certification of euthanasia technicians. The rules may provide for:

- (1) Written and practical examinations for persons who perform euthanasia.
- (2) Issuance of certification to persons who have successfully completed both training and examinations to become a euthanasia technician.
- (3) Recertification of euthanasia technicians on a periodic basis.
- (4) Standards and procedures for the approval of persons who conduct training of euthanasia technicians.
- (5) Approval of materials for use in euthanasia technician training.
- (6) Minimum certification criteria for persons seeking to become euthanasia technicians including, but not limited to: age; previous related experience; criminal record; and other qualifications that are related to an applicant's fitness to perform euthanasia.
- (7) Denial, suspension, or revocation of certification of euthanasia technicians who:
  - a. Violate any provision of this Article or rules adopted pursuant to this Article;
  - b. Have been convicted of or entered a plea of guilty or nolo contendere to:
    1. Any felony;
    2. Any misdemeanor or infraction involving animal abuse or neglect; or



3. Any other offense related to animal euthanasia, the duties or responsibilities of a euthanasia technician, or a euthanasia technician's fitness for certification;
  - c. Make any false statement, give false information, or omit material information in connection with an application for certification or for renewal or reinstatement of certification as a euthanasia technician; or
  - d. Otherwise are or become ineligible for certification.
- (8) Provision of the names of persons who perform euthanasia at animal shelters and for the animal shelter to notify the Department when those persons are no longer affiliated, employed, or serving as a volunteer with the shelter.
  - (9) Certified euthanasia technicians to notify the Department when they are no longer employed by or are serving as a volunteer at an animal shelter.
  - (10) The duties, responsibilities, and standards of conduct for certified euthanasia technicians.

(c) Regardless of the extent to which the Board exercises its authority under subsection (b) of this section, the Department may deny, revoke, or suspend the certification of a euthanasia technician who has been convicted of or entered a plea of guilty or nolo contendere to a felony involving the illegal use, possession, sale, manufacture, distribution, or transportation of a controlled substance, drug, or narcotic.

(d) Persons seeking certification as euthanasia technicians, or a renewal of such certification, shall provide the Department a fingerprint card in a format acceptable to the Department, a form signed by the person consenting to a criminal record check and the use of the person's fingerprints, and such other identifying information as may be required by the State or national data banks. The Department may deny certification to persons who refuse to provide the fingerprint card or consent to the criminal background check. Fees required by the Department of Public Safety for conducting the criminal background check shall be collected by the Department and remitted to the Department of Public Safety along with the fingerprint card and consent form. (1977, 2nd Sess., c. 1217, s. 5; 1987, c. 827, s. 62; 2004-199, s. 12; 2005-276, s. 11.5(b); 2005-345, s. 22; 2008-198, s. 2(a); 2010-127, ss. 2, 3; 2014-100, s. 17.1(o).)

#### **§ 19A-25. Employees; investigations; right of entry.**

For the enforcement of the provisions of this Article, the Director is authorized, subject to the approval of the Commissioner to appoint employees as are necessary in order to carry out and enforce the provisions of this Article, and to assign them interchangeably with other employees of the Animal Health Division. The Director

shall cause the investigation of all reports of violations of the provisions of this Article, and the rules adopted pursuant to the provisions hereof; provided further, that if any person shall deny the Director or his representative admittance to his property, either person shall be entitled to secure from any superior court judge a court order granting such admittance. (1977, 2nd Sess., c. 1217, s. 6; 1987, c. 827, s. 63.)

**§ 19A-26. Certificate of registration required for animal shelter.**

No person shall operate an animal shelter unless a certificate of registration for such animal shelter shall have been granted by the Director. Application for such certificate shall be made in the manner provided by the Director. No fee shall be required for such application or certificate. Certificates of registration shall be valid for a period of one year or until suspended or revoked and may be renewed for like periods upon application in the manner provided. (1977, 2nd Sess., c. 1217, s. 7; 1987, c. 827, s. 64.)

**§ 19A-27. License required for operation of pet shop.**

No person shall operate a pet shop unless a license to operate such establishment shall have been granted by the Director. Application for such license shall be made in the manner provided by the Director. The license shall be for the fiscal year and the license fee shall be seventy-five dollars (\$75.00) for each license period or part thereof beginning with the first day of the fiscal year. (1977, 2nd Sess., c. 1217, s. 8; 1987, c. 827, s. 65; 1989, c. 544, s. 17; 2011-145, s. 31.5(a).)

**§ 19A-28. License required for public auction or boarding kennel.**

No person shall operate a public auction or a boarding kennel unless a license to operate such establishment shall have been granted by the Director. Application for such license shall be made in the manner provided by the Director. The license period shall be the fiscal year and the license fee shall be seventy-five dollars (\$75.00) for each license period or part thereof beginning with the first day of the fiscal year. (1977, 2nd Sess., c. 1217, s. 9; 1987, c. 827, s. 65; 1989, c. 544, s. 18; 2011-145, s. 31.5(b).)

**§ 19A-29. License required for dealer.**

No person shall be a dealer unless a license to deal shall have been granted by the Director to such person. Application for such license shall be in the manner provided by the Director. The license period shall be the fiscal year and the license fee shall be seventy-five dollars (\$75.00) for each license period or part thereof, beginning with the first day of the fiscal year. (1977, 2nd Sess., c. 1217, s. 10; 1987, c. 827, s. 66; 1989, c. 544, s. 19; 2011-145, s. 31.5(c).)

**§ 19A-30. Refusal, suspension or revocation of certificate or license.**



The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer; if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

- (1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person;
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation of or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from



the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect. (1977, 2nd Sess., c. 1217, s. 11; 1987, c. 827, s. 67.)

**§ 19A-31. License not transferable; change in management, etc., of business or operation.**

A license is not transferable. When there is a transfer of ownership, management, or operation of a business of a licensee hereunder, the new owner, manager, or operator, as the case may be, whether it be an individual, firm, partnership, corporation, or other entity shall have 10 days from such sale or transfer to secure a new license from the Director to operate said business. A licensee shall promptly notify the Director of any change in the name, address, management, or substantial control of his business or operation. (1977, 2nd Sess., c. 1217, s. 12.)

**§ 19A-32. Procedure for review of Director's decisions.**

A denial, suspension, or revocation of a certificate or license under this Article shall be made in accordance with Chapter 150B of the General Statutes. (1977, 2nd Sess., c. 1217, s. 13; 1987, c. 827, s. 68.)

**§ 19A-32.1. Minimum holding period for animals in animal shelters; public viewing of animals in animal shelters; disposition of animals.**

(a) Except as otherwise provided in this section, all animals received by an animal shelter or by an agent of an animal shelter shall be held for a minimum holding period of 72 hours, or for any longer minimum period established by a board of county commissioners, prior to being euthanized or otherwise disposed of.

(b) Before an animal may be euthanized or otherwise disposed of, it shall be made available for adoption under procedures that enable members of the public to inspect the animal, except in the following cases:

- (1) The animal has been found by the operator of the shelter to be unadoptable due to injury or defects of health or temperament.
- (2) The animal is seriously ill or injured, in which case the animal may be euthanized before the expiration of the minimum holding period if the manager of the animal shelter determines, in writing, that it is appropriate to do so. The writing shall include the reason for the determination.
- (3) The animal is being held as evidence in a pending criminal case.

(c) Except as otherwise provided in this subsection, a person who comes to an animal shelter attempting to locate a lost pet is entitled to view every animal held at the shelter, subject to rules providing for such viewing during at least four hours a day, three days a week. If the shelter is housing animals that must be kept apart from the general public for health reasons, public safety concerns, or in order to preserve evidence for criminal proceedings, the shelter shall make reasonable arrangements that allow pet owners to determine whether their lost pets are among those animals.

(d) During the minimum holding period, an animal shelter may place an animal it is holding into foster care by transferring possession of the animal to an approved foster care provider, an approved rescue organization, or the person who found the animal. If an animal shelter transfers possession of an animal under this subsection, at least one photograph depicting the head and face of the animal shall be displayed at the shelter in a conspicuous location that is available to the general public during hours of operation, and that photograph shall remain posted until the animal is disposed of as provided in subsection (f) of this section.

(e) If a shelter places an animal in foster care, the shelter may, in writing, appoint the person or organization possessing the animal to be an agent of the shelter. After the expiration of the minimum holding period, the shelter may (i) direct the agent possessing the animal to return it to the shelter, (ii) allow the agent to adopt the animal consistent with the shelter's adoption policies, or (iii) extend the period of time that the agent holds the animal on behalf of the shelter. A shelter may terminate an agency created under this subsection at any time by directing the agent to deliver the animal to the shelter. The local government or organization operating the shelter, as principal in the agency relationship, shall not be liable to reimburse the agent for the costs of care of the animal and shall not be liable to the owner of the animal for harm to the animal caused by the agent, absent a written contract providing otherwise.

(f) An animal that is surrendered to an animal shelter by the animal's owner and not reclaimed by that owner during the minimum holding period may be disposed of in one of the following manners:

- (1) Returned to the owner.
- (2) Adopted as a pet by a new owner.
- (3) Euthanized by a procedure approved by rules adopted by the Department of Agriculture and Consumer Services or, in the absence of such rules, by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States, or the American Humane Association.

(g) An animal that is surrendered to an animal shelter by the animal's owner may be disposed of before the expiration of the minimum holding period in a manner authorized under subsection (f) of this section if the owner provides to the shelter (i) some proof of ownership of the animal and (ii) a signed written consent to the disposition of the animal before the expiration of the minimum holding period.



(h) If the owner of a dog surrenders the dog to an animal shelter, the owner shall state in writing whether the dog has bitten any individual within the 10 days preceding the date of surrender.

(i) An animal shelter shall require every person to whom an animal is released to present one of the following valid forms of government-issued photographic identification: (i) a drivers license, (ii) a special identification card issued under G.S. 20-37.7, (iii) a military identification card, or (iv) a passport. Upon presentation of the required photographic identification, the shelter shall document the name of the person, the type of photographic identification presented by the person, and the photographic identification number.

(j) Animal shelters shall maintain a record of all animals impounded at the shelter, shall retain those records for a period of at least three years from the date of impoundment, and shall make those records available for inspection during regular inspections pursuant to this Article or upon the request of a representative of the Animal Welfare Section. These records shall contain, at a minimum:

- (1) The date of impoundment.
- (2) The length of impoundment.
- (3) The disposition of each animal, including the name and address of any person to whom the animal is released, any institution that person represents, and the identifying information required under subsection (i) of this section.
- (4) Other information required by rules adopted by the Board of Agriculture. (2013-377, s. 2.)

**§ 19A-33. Penalty for operation of pet shop, kennel or auction without license.**

Operation of a pet shop, kennel, or public auction without a currently valid license shall constitute a Class 3 misdemeanor subject only to a penalty of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), and each day of operation shall constitute a separate offense. (1977, 2nd Sess., c. 1217, s. 14; 1993, c. 539, s. 315; 1994, Ex. Sess., c. 24, s. 14(c).)

**§ 19A-34. Penalty for acting as dealer without license; disposition of animals in custody of unlicensed dealer.**

Acting as a dealer in animals as defined in this Article without a currently valid dealer's license shall constitute a Class 2 misdemeanor. Continued illegal operation after conviction shall constitute a separate offense. Animals found in possession or custody of an unlicensed dealer shall be subject to immediate seizure and impoundment and upon conviction of such unlicensed dealer shall become subject to sale or euthanasia in the discretion of the Director. (1977, 2nd Sess., c. 1217, s. 15; 1993, c. 539, s. 316; 1994, Ex. Sess., c. 24, s. 14(c).)



**§ 19A-35. Penalty for failure to adequately care for animals; disposition of animals.**

Failure of any person licensed or registered under this Article to adequately house, feed, and water animals in his possession or custody shall constitute a Class 3 misdemeanor, and such person shall be subject to a fine of not less than five dollars (\$5.00) per animal or more than a total of one thousand dollars (\$1,000). Such animals shall be subject to seizure and impoundment and upon conviction may be sold or euthanized at the discretion of the Director and such failure shall also constitute grounds for revocation of license after public hearing. (1977, 2nd Sess., c. 1217, s. 16; 1999-408, s. 4.)

**§ 19A-36. Penalty for violation of Article by dog warden.**

Violation of any provision of this Article which relates to the seizing, impoundment, and custody of an animal by a dog warden shall constitute a Class 3 misdemeanor and the person convicted thereof shall be subject to a fine of not less than fifty dollars (\$50.00) and not more than one hundred dollars (\$100.00), and each animal handled in violation shall constitute a separate offense. (1977, 2nd Sess., c. 1217, s. 17; 1993, c. 539, s. 317; 1994, Ex. Sess., c. 24, s. 14(c).)

**§ 19A-37. Application of Article.**

This Article shall not apply to a place or establishment which is operated under the immediate supervision of a duly licensed veterinarian as a hospital where animals are harbored, boarded, and cared for incidental to the treatment, prevention, or alleviation of disease processes during the routine practice of the profession of veterinary medicine. This Article shall not apply to any dealer, pet shop, public auction, commercial kennel or research facility during the period such dealer or research facility is in the possession of a valid license or registration granted by the Secretary of Agriculture pursuant to Title 7, Chapter 54, of the United States Code. This Article shall not apply to any individual who occasionally boards an animal on a noncommercial basis, although such individual may receive nominal sums to cover the cost of such boarding. (1977, 2nd Sess., c. 1217, s. 18; 1987, c. 827, s. 69.)

**§ 19A-38. Use of license fees.**

All license fees collected shall be used in enforcing and administering this Article. (1977, 2nd Sess., c. 1217, s. 19.)

**§ 19A-39. Article inapplicable to establishments for training hunting dogs.**

Nothing in this Article shall apply to those kennels or establishments operated primarily for the purpose of boarding or training hunting dogs. (1977, 2nd Sess., c. 1217, s. 21; 1979, c. 734, s. 2.)

**§ 19A-40. Civil Penalties.**

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1995, c. 516, s. 6; 1998-215, s. 3.)

**§ 19A-41. Legal representation by the Attorney General.**

It shall be the duty of the Attorney General to represent the Commissioner of Agriculture and the Department of Agriculture and Consumer Services, or to designate some member of his staff to represent the Commissioner and the Department, in all actions or proceedings in connection with this Article. (2005-276, s. 11.5(c).)

**§ 19A-42.** Reserved for future codification purposes.

**§ 19A-43.** Reserved for future codification purposes.

**§ 19A-44.** Reserved for future codification purposes.

# APPENDIX

## C



# APPENDIX

C

## SUBCHAPTER 52J - ANIMAL WELFARE SECTION

## SECTION .0100 - RECORD KEEPING AND LICENSING

**02 NCAC 52J .0101 RECORDS; ANIMAL SHELTERS, ETC.**

Operators of all animal shelters, pet shops, public auctions, and dealers shall maintain records on all dogs and cats showing the following:

- (1) origin of animals (including names and addresses of consignors) and date animals were received;
- (2) description of animals including species, age, sex, breed, and color markings;
- (3) location of animal if not kept at the licensed or registered facility;
- (4) disposition of animals including name and address of person to whom animal is sold, traded or adopted and the date of such transaction; in the event of death, the record shall show the date, signs of illness, or cause of death if identified; if euthanized, the record shall show date and type of euthanasia; and
- (5) record of veterinary care including treatments, immunization and date, time, description of medication (including name and dosage), and initials of person administering any product or procedure.

*History Note:* Authority G.S. 19A-24;  
Eff. April 1, 1984;  
Amended Eff. January 1, 2005; April 1, 1985.

**02 NCAC 52J .0102 RECORDS; BOARDING KENNELS**

Operators of boarding kennels shall maintain records of all dogs and cats showing the following:

- (1) name and address of owner or person responsible for animal, the date of entry and signature and address of individual to whom animal is released and the date of release;
- (2) description of animal including breed, sex, age and color marking; and
- (3) veterinary care provided while boarded, which shall include date, times, description of medication (including name and dosage) and initials of person administering product or procedure.

*History Note:* Authority G.S. 19A-24;  
Eff. April 1, 1984;  
Amended Eff. January 1, 2005.

**02 NCAC 52J .0103 INSPECTION OF RECORDS**

All operators of animal shelters, pet shops, boarding kennels, public auctions, and persons operating as dealers shall make all required records available to the director or his authorized representative on request, during the business and cleaning hours listed on the license application. The operator must be able to match each animal to its record upon request. Records shall be maintained for a period of one year after the animal is released.

*History Note:* Authority G.S. 19A-24; 19A-25;  
Eff. April 1, 1984;  
Amended Eff. January 1, 2005; April 1, 1985.

**02 NCAC 52J .0104 DEFINITIONS**

As used in this Subchapter:

- (1) "Accessories" means any objects used in cleaning and sanitizing primary enclosures, exercise areas, or objects to which an animal may have access, including, but not limited to toys, blankets, food and water utensils, and bedding.
- (2) "Adequate" means a condition which, when met, does not jeopardize an animal's comfort, safety or health.
- (3) "Cage" means a primary enclosure which is enclosed on all sides and also on the top and bottom.
- (4) "Husbandry" means the practice of daily care administered to animals.
- (5) "Isolation" means the setting apart of an animal from all other animals, food, and equipment in the facility for the sole purpose of preventing the spread of disease.
- (6) "License period" means July 1 through June 30.
- (7) "Long term care" means the housing of an animal for a period of more than 30 consecutive days.
- (8) "Properly cleaned" means the removal of carcasses, debris, food waste, excrement, or other organic material with adequate frequency.
- (9) "Social interaction" means friendly physical contact or play between animals of the same species or with a person.
- (10) "Suitable method of drainage" means drainage that allows for the elimination of water and waste products, prevents contamination of animals, allows animals to remain dry, and complies with applicable building codes and local ordinances.
- (11) "Supervision of animals" means one person (at least 16 years of age) present, at all times, able to directly view each enclosure or common area.

*History Note:* Authority G.S. 19A-24;  
Eff. January 1, 2005.

## SECTION .0200 - FACILITIES AND OPERATING STANDARDS

**02 NCAC 52J .0201 GENERAL**

(a) Housing facilities for dogs and cats shall be structurally sound and maintained in good repair to protect the animals from injury, contain the animals and restrict the entrance of other animals and people.



- (b) All light fixtures and electrical outlets in animal areas shall be in compliance with the State Building Code.
- (c) Facilities shall have reliable and safe electric power as necessary to comply with the Animal Welfare Act.
- (d) Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin and insects. All open bags of food shall be stored in airtight containers with lids. Refrigeration shall be provided for supplies of perishable food.
- (e) Provisions shall be made for the daily removal and disposal of animal and food waste, bedding and debris from the housing facility in accordance with local ordinances, to assure facility will be maintained in a clean and sanitary manner.
- (f) Hot and cold running, potable water must be available. Facilities such as washroom, basin or sink shall be provided to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles.
- (g) Each facility shall have the ability to confirm ambient temperature.
- (h) A separate five-foot perimeter fence is required if any animals have access to an outdoor enclosure, including unsupervised exercise areas.
- (i) An adequate drainage system must be provided for the housing facility.
- (j) All areas of a facility are subject to review or inspection by North Carolina Department of Agriculture and Consumer Services employees during normal business hours (8:00 a.m. through 5:30 p.m. Monday through Friday).
- (k) All animals in a facility are subject to the requirements of the Animal Welfare Act, regardless of ownership.
- (l) A licensee or registrant shall comply with all federal, state and local laws, rules and ordinances relating to or affecting the welfare of dogs and cats in its facility.
- (m) No dog or cat shall be in a window display except during business hours and then only in compliance with standards set forth in this Section.

*History Note:* Authority G.S. 19A-24;  
 Eff. April 1, 1984;  
 Amended Eff. January 1, 2005.

## 02 NCAC 52J .0202 INDOOR FACILITIES

- (a) Indoor housing facilities for dogs and cats shall be adequately heated and cooled when necessary to protect the dogs and cats from cold and excessive heat and provide for their health and comfort. The ambient temperature shall not be allowed to fall below 50 degrees F. or exceed 85 degrees F.
- (b) Indoor housing facilities for dogs and cats shall be adequately ventilated to provide for the health and comfort of the animals at all times. The facilities shall be provided with fresh air either by means of windows, doors, vents or air conditioning and shall be ventilated so as to minimize drafts. Air flow shall be adequate to minimize odors and moisture condensation.
- (c) Indoor housing facilities for dogs and cats shall have adequate illumination to permit routine inspections, maintenance, cleaning and housekeeping of the facility and observation of the animals. Illumination shall provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the animal facilities.
- (d) Interior building surfaces of indoor facilities with which animals come in contact shall be constructed and maintained so that they are impervious to moisture, and can be readily sanitized.
- (e) A suitable method of drainage shall be provided to rapidly eliminate excess water from an indoor housing facility. If closed drain systems are used, they shall be equipped with traps and installed to prevent odors and backup of sewage. The drainage system shall be constructed to prevent cross-contamination among animals.

*History Note:* Authority G.S. 19A-24;  
 Eff. April 1, 1984;  
 Amended Eff. January 1, 2005.

## 02 NCAC 52J .0203 OUTDOOR FACILITIES

- (a) In outdoor facilities that are subject to the Animal Welfare Act, primary enclosures and walkways with which an animal comes in contact shall be constructed of sealed concrete or other surfaces impervious to moisture. Gravel may be used if maintained at a minimum depth of six inches and kept in a sanitary manner.
- (b) Dogs and cats kept outdoors shall be provided housing to allow them to remain dry and comfortable during inclement weather. Housing shall be constructed of material which is impervious to moisture and which can be disinfected. One house shall be available for each animal within each enclosure except for a mother and its unweaned offspring.
- (c) In addition to housing, the enclosure shall provide protection from excessive sun and inclement weather.
- (d) Animal owners shall be advised at the time of reservation and admission if the animal will be kept in outside facilities.
- (e) A suitable method of drainage shall be provided.

*History Note:* Authority G.S. 19A-24;  
 Eff. April 1, 1984;  
 Amended Eff. March 23, 2009; January 1, 2005.

## 02 NCAC 52J .0204 PRIMARY ENCLOSURES

- (a) Primary enclosures shall be constructed so as to prevent contamination from waste and wastewater from animals in other enclosures. All surfaces with which an animal comes in contact shall be impervious to moisture. For primary enclosures placed into service on or after January 1, 2005, no wood shall be within the animal's reach. For primary enclosures in use in a licensed or registered facility prior to January 1, 2005, any damaged wood must be replaced in a manner that does not permit contact with wood by the animal.
- (b) Primary enclosures for dogs and cats shall be structurally sound and maintained in good repair and in a manner to prevent injury to animals and keep other animals out. Primary enclosures shall be constructed so as to provide space to allow each dog or cat to walk, turn about freely, and to easily stand, sit, or lie in a natural position. The height of a primary enclosure other than a cage shall be no less than five feet. All enclosures shall be constructed to prevent the escape of animals.



- (c) Each primary enclosure shall be provided with a solid resting surface or surfaces adequate to comfortably hold all occupants of the primary enclosure at the same time. All resting surfaces must be of a non-porous or easily sanitized material, such as a towel, or a disposable material such as newspaper. The resting surface or surfaces shall be elevated in primary enclosures housing two or more cats.
- (d) In addition to Paragraph (b) of this Rule, each dog shall be provided a minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus six inches, then divide the product by 144. The calculation is:  $(\text{length of dog in inches} + 6) \times (\text{length of dog in inches} + 6) = \text{required floor space in square inches}$ . Required floor space in square inches  $\div 144 = \text{required floor space in square feet}$ . The calculation shall be expressed in square feet. Not more than four adult dogs shall be housed in the same primary enclosure without supervision.
- (e) If more than four dogs are housed in a common area or enclosure, then there must be at least one person supervising each 10 dogs housed within each enclosure or common area.
- (f) In addition to Paragraph (b) of this Rule, each feline older than six months housed in any primary enclosure shall be provided a minimum of four square feet of floor space which may include elevated resting surfaces. Each feline younger than six months shall be provided 1.5 square feet. Not more than 12 cats shall be housed in the same primary enclosure.
- (g) In all cat enclosures, a receptacle containing clean litter shall be provided for waste. A minimum of one receptacle per three cats is required.

*History Note:* Authority G.S. 19A-24;  
Eff. April 1, 1984;  
Amended Eff. January 1, 2005; April 1, 1985.

## 02 NCAC 52J .0205 FEEDING

- (a) Dogs and cats shall be fed at least once each 24-hour period except as otherwise might be required to provide adequate veterinary care. Food shall be commercially prepared food which complies with laws applicable to animal feed or the food shall be provided by the owner. The food shall be free from contamination, wholesome, palatable, and of adequate quality and quantity appropriate for the given size, age, and condition of an animal to meet the daily requirements for nutritional value. Puppies and kittens less than six months of age shall be fed at least twice in each 24-hour period. An eight-hour interval between feedings is required if only two feedings are offered in a 24-hour period.
- (b) Food receptacles shall be accessible to all dogs or cats and shall be located so as to minimize contamination by waste. For every adult animal, there must be at least one food receptacle offered. Food receptacles shall be durable and shall be kept clean and sanitized. Damaged receptacles shall be replaced. Disposable food receptacles may be used but must be discarded after each feeding.
- (c) Food and water receptacles in outdoor facilities shall be protected from the elements.

*History Note:* Authority G.S. 19A-24;  
Eff. April 1, 1984;  
Amended Eff. January 1, 2005; April 1, 1985.

## 02 NCAC 52J .0206 WATERING

Animals shall have continuous access to fresh water, except as might otherwise be required to provide adequate veterinary care. Watering receptacles shall be durable and kept clean and sanitized. Damaged receptacles shall be replaced.

*History Note:* Authority G.S. 19A-24;  
Eff. April 1, 1984;  
Amended Eff. January 1, 2005.

## 02 NCAC 52J .0207 SANITATION

- (a) Waste shall be removed from primary enclosures and exercise areas to prevent contamination of the dogs or cats contained therein and to reduce disease hazards and odors. Enclosures and exercise areas for dogs and cats must be properly cleaned a minimum of two times per day. The animal must be able to walk or lie down without coming in contact with any waste or debris. When a hosing or flushing method is used for cleaning an enclosure, dogs or cats contained therein shall be removed during the cleaning process, and adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and other wastes.
- (b) Sanitation shall be as follows:
- (1) Prior to the introduction of dogs or cats into empty primary enclosures previously occupied, enclosures and accessories shall be sanitized in the manner provided in Subparagraph (b)(3) of this Rule.
  - (2) In addition to primary enclosures being properly cleaned a minimum of two times per day, enclosures and accessories shall be sanitized a minimum of once every seven days in the manner provided in Subparagraph (b)(3) of this Rule if the same animal is housed in the same enclosure more than seven days.
  - (3) Cages, rooms and hard-surfaced pens or runs shall be sanitized by:
    - (A) washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical cage washer; or
    - (B) washing all soiled surfaces with a detergent solution to remove all organic matter followed by application of a safe and effective disinfectant; or
    - (C) cleaning all soiled surfaces with live steam.
  - (4) Food and water receptacles shall be sanitized daily with hot water, detergent, and disinfectant.
  - (5) Soiled linens and cloth products shall be mechanically washed with detergent and sanitized.
  - (6) Any area accessible to multiple animals shall be kept clean and sanitary.
- (c) Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this Rule. Premises shall remain free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled so as to facilitate cleaning of the premises and to improve pest control, and to protect the health and well-being of the animals.



- (d) An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

*History Note:* Authority G.S. 19A-24;  
Eff. April 1, 1984;  
Amended Eff. January 1, 2005; April 1, 1985.

#### **02 NCAC 52J .0208 EMPLOYEES**

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this Rule. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

*History Note:* Authority G.S. 19A-24;  
Eff. April 1, 1984.

#### **02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION**

Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

- (1) Females in season (estrus) shall not be housed in the same primary enclosure with males, except for planned breeding purposes. Breeding shall not be allowed in animal shelters.
- (2) In boarding kennels, animals of different owners shall not have contact with other animals, unless written permission is obtained from the animal's owner. Any dog or cat exhibiting an aggressive disposition shall be housed individually in a primary enclosure.
- (3) Puppies or kittens less than four months of age shall not be housed in the same primary enclosure with adult dogs or cats other than their dams, except when permanently maintained in breeding colonies, or if requested in writing, by the animals' owner, as in a boarding kennel. Puppies or kittens between 4 and 16 weeks of age shall have daily access to human social interaction, excluding animals which pose a danger to humans or other animals.
- (4) Dogs shall not be housed in the same primary enclosure with cats, nor shall dogs or cats be housed in the same primary enclosure with any other species of animals. Exceptions are allowed at boarding kennels, if requested in writing by the animals' owner.
- (5) All facilities shall designate an isolation area for animals being treated or observed for communicable diseases. Dogs or cats in isolation that are being treated for a communicable disease shall be separated from other dogs or cats and other susceptible species of animals in such a manner as to minimize dissemination of such disease. A sign shall be posted at the cage or isolation area when in use, giving notice of a communicable disease.
- (6) Animals in long term care which are intended for adoption or sale must be provided the following:
  - (a) Daily access to both human and same species social interaction.
  - (b) Daily access to space other than the primary enclosure.
  - (c) A species and size-appropriate toy, unless it poses a health threat.
- (7) All animals shall be confined in primary enclosures or exercise areas.

*History Note:* Authority G.S. 19A-24;  
Eff. April 1, 1984;  
Amended Eff. January 1, 2005.

#### **02 NCAC 52J .0210 VETERINARY CARE**

- (a) A written program of veterinary care to include disease control and prevention, vaccination, euthanasia, and adequate veterinary care shall be established with the assistance of a licensed veterinarian by any person who is required to be licensed or registered under the Animal Welfare Act, Article 3 of Chapter 19A of the General Statutes.
- (b) If there is a disease problem that persists for more than 30 days at the facility, the facility operator shall obtain and follow a veterinarian's written recommendations for correcting the problem.
- (c) Each dog and cat shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with veterinary care or be euthanized, provided that this shall not affect compliance with any state or local law requiring the holding, for a specified period, of animals suspected of being diseased. If euthanasia is performed at a certified facility, a list of personnel approved to perform euthanasia shall be maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. Diseased or deformed animals shall be sold or adopted only under the policy set forth in the "Program of Veterinary Care." Full written disclosure of the medical condition of the animal shall be provided to the new owner.
- (d) All animals in a licensed or registered facility shall be in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6. However, no shelter shall be disapproved following inspection or otherwise cited for failure to inoculate any dog or cat known to be less than 12 weeks old or until such animals have been in the shelter at least 15 days.

*History Note:* Authority G.S. 19A-24;  
Eff. April 1, 1984;  
Amended Eff. March 23, 2009; January 1, 2005.

### **SECTION .0300 – TRANSPORTATION STANDARDS**

#### **02 NCAC 52J .0301 VEHICLES**

- (a) Vehicles used in transporting dogs and cats shall be mechanically sound and equipped to provide fresh air to all animals transported without harmful drafts.
- (b) The animal cargo space shall be constructed and maintained so as to prevent engine exhaust fumes from getting to the animals.

- (c) The interior of the animal cargo space shall be kept clean. It shall be sanitized as deemed necessary.

*History Note: Authority G.S. 19A-24;  
Eff. April 1, 1984.*

## **02 NCAC 52J .0302 PRIMARY ENCLOSURES USED IN TRANSPORTING DOGS AND CATS**

(a) Primary enclosures such as compartments or transport cages, cartons, or crates used by persons subject to the Animal Welfare Act to transport cats and dogs shall be constructed, ventilated and designed to protect the health and insure the safety of the animals. Such enclosures shall be constructed or positioned in the vehicle in such a manner that:

- (1) Each animal in the vehicle has sufficient fresh air for normal breathing.
- (2) The openings of such enclosures are easily accessible for emergency removals at all times.
- (3) The animals are adequately protected from the elements.

The ambient temperature shall be maintained between 50 degrees F and 85 degrees F. A shelter shall be deemed as being in compliance if its vehicles' animal containment units are equipped with operable air-conditioning, forced-air cooling and heating or other temperature control mechanisms.

(b) Animals transported in the same primary enclosure shall be of the same species. Puppies or kittens less than four months of age shall not be transported in the same primary enclosure with adult dogs and cats other than their dams.

(c) Primary enclosures used to transport dogs and cats shall be large enough for each animal to turn about freely, and to easily stand, sit, or lie down in a natural position. Primary enclosures used to transport dogs and cats shall be secured to the vehicle to prevent sliding or tipping of the enclosure during transit.

(d) Animals shall not be placed in primary enclosures over other animals in transit unless such enclosure is constructed so as to prevent animal excreta from entering lower enclosures.

(e) All primary enclosures used to transport dogs and cats shall be sanitized between use for shipments.

*History Note: Authority G.S. 19A-24;  
Eff. April 1, 1984;  
Amended Eff. March 23, 2009; January 1, 2005.*

## **02 NCAC 52J .0303 FOOD AND WATER REQUIREMENTS**

If dogs and cats are transported for a period of more than 12 hours:

- (1) The vehicle shall stop at least once every 12 hours for a period of one hour. During the one hour stop, potable water shall be continuously provided for dogs and cats.
- (2) Adult dogs and cats shall be fed at least once during each 24 hour period. Puppies and kittens less than six months of age shall be fed every six hours.
- (3) Dogs shall be removed from the vehicle, given fresh water and given the opportunity for exercise if they have been confined in the vehicle for 36 hours.

*History Note: Authority G.S. 19A-24;  
Eff. April 1, 1984.*

## **02 NCAC 52J .0304 CARE IN TRANSIT**

It shall be the responsibility of the attendant or driver to inspect animals frequently enough to assure health and comfort and to determine if they need emergency care and to obtain it if needed.

*History Note: Authority G.S. 19A-24;  
Eff. April 1, 1984.*

## **SECTION .0400 - EUTHANASIA STANDARDS**

### **02 NCAC 52J .0401 ADOPTION BY REFERENCE**

A person required to obtain a certificate of registration pursuant to G.S. 19A, Article 3 may use any method of euthanasia approved by the American Veterinary Medical Association (AVMA), the Humane Society of the United States (HSUS), or the American Humane Association (AHA) which are hereby incorporated by reference, including subsequent amendments and editions. Copies of these documents may be obtained as follows:

- (1) AVMA Guidelines on Euthanasia may be accessed at no cost on their website at [www.avma.org](http://www.avma.org).
- (2) The HSUS Euthanasia Training Manual can be purchased through their website at [www.hsus.org](http://www.hsus.org) at a cost of nineteen dollars and ninety-five cents (\$19.95).
- (3) The AHA publication, Euthanasia by Injection, can be purchased through their website at [www.americanhumane.org](http://www.americanhumane.org) at a cost of ten dollars (\$10.00).



*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009.

## **02 NCAC 52J .0402 AUTHORIZED PERSONS**

Only a Certified Euthanasia Technician, Probationary Euthanasia Technician, or a veterinarian licensed to practice veterinary medicine in North Carolina may euthanize an animal in a certified animal shelter. A Certified Euthanasia Technician shall not euthanize animals using a method for which he or she is not currently certified except as specified in 02 NCAC 52J .0700.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009.

## **02 NCAC 52J .0403 DEFINITIONS**

As used in this Subchapter:

- (1) "Certified Euthanasia Technician" means a person employed by a certified facility who has been instructed in the proper methods of humane euthanasia, security and record keeping.
- (2) "Certified facility" means a certified animal shelter, kennel or pet shop that employs at least one Certified Euthanasia Technician or licensed veterinarian to perform euthanasia on animals at that certified facility.
- (3) "Approved Certified Euthanasia Technician trainer" means a person or organization that received permission from the Animal Welfare Section to provide training to applicants or individuals seeking to be Certified Euthanasia Technicians.
- (4) "Chemical Agent" means any chemical approved by the American Veterinary Medical Association, the Humane Society of the United States or the American Humane Association which is used to induce death.
- (5) "Applicant" means a person seeking certification as a Euthanasia Technician.
- (6) "Commercially manufactured chamber" means a chamber built with the intention for sale with the purpose of euthanizing animals, and which meets the requirements of 02 NCAC 52J .0600.
- (7) "Conviction of a criminal offense" means being found guilty, convicted, placed on probation or entering a guilty plea that is accepted by the court, forfeiture of bail, bond or collateral deposited to secure one's own appearance in a criminal proceeding or having received a withheld judgment, prayer for judgment continued or suspended sentence by a court of competent jurisdiction in this state, in a federal court or another state of any felony, as described by federal or state law, or any criminal act that in any way is related to practicing as a Certified Euthanasia Technician.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009.

## **02 NCAC 52J .0404 CERTIFICATION REQUIREMENTS FOR EUTHANASIA TECHNICIANS**

- (a) Individuals who perform euthanasia must be trained and qualified as a Certified Euthanasia Technician as set forth in this Section.
- (b) Individuals seeking certification as a Euthanasia Technician shall submit a written application documenting their qualifications to the Animal Welfare Section, North Carolina Department of Agriculture and Consumer Services, 1030 Mail Service Center, Raleigh, NC 27699-1030, on the form provided by the Animal Welfare Section.
- (c) The Animal Welfare Section shall receive and review all applications for Euthanasia Technician certification and determine whether or not to issue the individual applicant proof of certification in the form of a printed certificate.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009.

## **02 NCAC 52J .0405 CERTIFICATION STANDARDS**

Applicants for certification as a Certified Euthanasia Technician shall be at least 18 years of age at the date they receive certification. Applicants are not eligible for certification if they have been convicted of a felony offense or a crime or infraction involving animal abuse or neglect and shall demonstrate compliance with this Section.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009.

## **02 NCAC 52J .0406 APPLICATION REQUIREMENTS**

An applicant for certification shall:

- (1) submit a completed and signed application form;
- (2) provide a document from an approved Certified Euthanasia Technician trainer establishing that the applicant has completed an approved course, passed the course written examination and passed a practical examination in the specific euthanasia techniques for which the applicant is seeking certification, or provide separate documentation of having taken an approved course and passed the written examination and having passed a practical examination given by a different approved Certified Euthanasia Technician trainer; and
- (3) specify in the application form the specific euthanasia techniques the applicant is requesting certification.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009.

## **02 NCAC 52J .0407 TRAINING AND EXAMINATIONS**

- (a) Training and examinations for euthanasia certification shall consist of:

- (1) Classroom lecture covering the entire list of subjects in Paragraph (b) of this Rule;
  - (2) Earning a score of 80 percent correct on a written test provided by the Animal Welfare Section, demonstrating knowledge of the subjects listed in Paragraph (b) of this Rule; and
  - (3) Passing a practical examination in each of the euthanasia methods for which the applicant is seeking certification.
- (b) The Animal Welfare Section shall develop Certified Euthanasia Technician training programs and materials or accredit training programs and materials to be offered by other individuals, schools, agencies or veterinary practices. The programs and materials shall conform to the processes set forth by the American Veterinary Medical Association, the Humane Society of the United States or the American Humane Association and shall include the following topics:
- (1) The theory and history of euthanasia methods and practice;
  - (2) Animal anatomy;
  - (3) Proper animal restraint, handling and methods for controlling animal stress;
  - (4) Proper chemical agent dosages, record keeping and usage documentation, chemical agent, instrument and equipment storage, handling and disposal in accordance with rules and the Code of Federal Regulations;
  - (5) Proper injection techniques;
  - (6) Proper euthanasia techniques not utilizing injected chemical agents;
  - (7) Proper and accurate verification of animal death;
  - (8) Proper record keeping;
  - (9) Proper disposal of euthanized animals;
  - (10) Stress management for euthanasia personnel;
  - (11) Proper methods and techniques of euthanasia under extraordinary circumstances;
  - (12) Proper methods, techniques and chemicals inducing anesthesia and sedation in animals prior to euthanasia; and
  - (13) Proper methods, techniques and chemicals used in the practical examination section for Certified Euthanasia Technician.
- (c) The Animal Welfare Section shall prepare written examinations to be given to applicants. Following the classroom training detailed in Paragraph (b) of this Rule, the applicant shall take a written examination provided by the Animal Welfare Section that will be used by the approved trainer. Those passing the written examination are eligible for the practical examination of the methods of euthanasia for which the applicant seeks certification.
- (d) The applicant must pass a practical examination on each method of euthanasia for which he or she seeks certification.
- (e) Applicants for certification in Euthanasia by Injection shall demonstrate the following knowledge and competencies:
- (1) Correctly calculate chemical agent dosage based upon the species, age, weight and condition of the animal;
  - (2) Correctly complete all required documentation;
  - (3) Correctly draw the properly calculated chemical dosage into a syringe and needle of a type and size appropriate for the animal;
  - (4) Correctly administer the chemical agent to the animal;
  - (5) Properly perform intravenous and intraperitoneal injections on dogs and intravenous or intraperitoneal injections on cats;
  - (6) Knowledge of the medical procedures and drugs necessary for an animal to be euthanized by cardiac injection;
  - (7) Demonstrate ability to verify death by:
    - (A) lack of respiration;
    - (B) lack of ocular reflexes;
    - (C) lack of a heartbeat;
  - (8) Knowledge about the human health risks associated with the use of chemical agents used for euthanasia including signs and symptoms associated with accidental exposure of the Certified Euthanasia Technician;
  - (9) Proper first aid for a person accidentally exposed to chemical agents used for euthanasia.
- (f) Applicants for certification in Euthanasia by Gas Inhalation shall meet the standards set forth in this Paragraph:
- (1) Demonstrate knowledge of the dangers and human health effects of exposure to carbon monoxide gas;
  - (2) Demonstrate knowledge about which animals Euthanasia by Gas Inhalation is approved and which species, age, medical or physical conditions make it improper to use Euthanasia by Gas Inhalation;
  - (3) Demonstrate proper techniques in placing animals into the chamber;
  - (4) Demonstrate knowledge about the maintenance, operation and cleaning of the chamber, fittings, gas cylinder, valves, and other parts of the equipment;
  - (5) Demonstrate proper operation of the chamber;
  - (6) Demonstrate ability to verify death by:
    - (A) lack of respiration;
    - (B) lack of ocular reflexes;
    - (C) lack of a heartbeat;
  - (7) Demonstrate knowledge about the human health risks associated with the use of carbon monoxide when used for euthanasia. Such knowledge shall also include signs and symptoms associated with accidental exposure of the Certified Euthanasia Technician;
  - (8) Demonstrate knowledge of proper first aid for a person accidentally exposed to carbon monoxide used for euthanasia.

*History Note: Authority G.S. 19A-24;  
Eff. March 23, 2009.*

## **02 NCAC 52J .0408 TRAINERS**

- (a) Certified Euthanasia Technician training shall be provided by the Animal Welfare Section or by companies or individuals meeting the following criteria:
- (1) Possess working knowledge of euthanasia conducted according to this Section;
  - (2) Have actual experience in euthanasia of animals;
  - (3) Have experience training staff in euthanasia; and



- (4) Provide references from individuals or organizations previously trained.
- (b) Information taught shall conform to this Section and the guidelines set forth by the American Veterinary Medical Association, the Humane Society of the United States or the American Humane Association.
- (c) Trainers shall disclose to their students and the Animal Welfare Section any affiliations with suppliers of equipment or supplies used in euthanasia.
- (d) The Animal Welfare Section may make unannounced audit of instruction and testing by trainers.
- (e) Prior to providing euthanasia training leading to certification as a Euthanasia Technician, the person or company shall obtain approval before each class for its training program from the Animal Welfare Section.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009.

#### **02 NCAC 52J .0409 PROBATIONARY EUTHANASIA TECHNICIANS**

An individual who has passed the written exam, but has not taken and passed the practical examination may serve as a Probationary Euthanasia Technician under the direct supervision of:

- (1) a licensed veterinarian; or
- (2) a Certified Euthanasia Technician

for up to three consecutive months or until such time as the next practical euthanasia exam is conducted, whichever is longer. Certified animal shelters employing probationary euthanasia technicians must notify the Animal Welfare Section no later than five days prior to the probationary euthanasia technician's first day serving in that capacity.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009.

#### **02 NCAC 52J .0410 EXAM REQUIRED**

An individual who has not passed the written exam may not serve as a Certified Euthanasia Technician or Probationary Euthanasia Technician.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009.

#### **02 NCAC 52J .0411 NEW APPLICATION**

If the individual or applicant fails to pass the practical exam a second time and wishes to apply for certification again, the individual shall submit a new application to the Animal Welfare Section, attend a training program, pass the written exam and take and pass a practical examination on euthanasia. The Animal Welfare Section shall cancel the application of any applicant who fails the written examination twice.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009.

#### **02 NCAC 52J .0412 ISSUANCE OF CERTIFICATION**

Upon the receipt of materials specified in this Section the Animal Welfare Section shall issue a Certificate.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009.

#### **02 NCAC 52J .0413 LENGTH OF CERTIFICATION**

A Certificate issued by the Animal Welfare Section is valid for five years from the date of issuance unless it is revoked pursuant to this Section or upon termination of employment or volunteer status as described in this Section.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009.

#### **02 NCAC 52J .0414 TERMINATION OF EMPLOYMENT**

Upon termination of employment or volunteer status from a certified facility, a Certified Euthanasia Technician shall not perform animal euthanasia in a certified facility until recertified by the Animal Welfare Section. The Certified Euthanasia Technician's certification shall be canceled effectively upon termination of employment or volunteer status. No later than 10 days from the date of the termination of a Certified Euthanasia Technician's employment or volunteer status at that certified facility the Certified Euthanasia Technician shall complete a form notifying the Animal Welfare Section of the termination of employment or volunteer status and shall return the form and the Certificate to the Animal Welfare Section.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009.

#### **02 NCAC 52J .0415 NOTICE OF TERMINATION**

A certified facility shall notify the Animal Welfare Section in writing, no later than 10 days from the date of the termination of a Certified Euthanasia Technician's employment or volunteer status at that certified facility.

*History Note:* Authority G.S. 19A-24;



*Eff. March 23, 2009.*

## **02 NCAC 52J .0416      RECERTIFICATION**

(a) If a former Certified Euthanasia Technician is employed or is accepted as a volunteer at a certified facility before the expiration of his certification, the former Certified Euthanasia Technician or employer may request reinstatement of his/her certification from the Animal Welfare Section. The reinstated Certification shall be good for five years from the date of its initial issue.

(b) If a former Certified Euthanasia Technician is employed or is accepted as a volunteer at a certified facility after the expiration of his certification, the former Certified Euthanasia Technician may only euthanize animals under the direct supervision of a licensed veterinarian or currently certified euthanasia technician for three months or until he/she passes practical examination whichever is less. The former Certified Euthanasia Technician and the manager of the certified facility shall each notify the Animal Welfare Section within 10 days of the date the former Certified Euthanasia Technician is employed or accepted as a volunteer.

*History Note:      Authority G.S. 19A-24;  
Eff. March 23, 2009.*

## **02 NCAC 52J .0417      CERTIFICATION RENEWAL**

(a) Certifications may be renewed every five years provided that:

- (1) within the 12 months immediately preceding the application for certification renewal the Certified Euthanasia Technician has taken and passed a practical examination for each method of euthanasia for which they are seeking certification renewal;
- (2) the applicant receives up-to-date information about the method of euthanasia for which the applicant is seeking certification; and
- (3) the applicant receives training in stress management.

(b) The applicant shall submit an application for certification renewal to the Animal Welfare Section. The application shall be on a form created by the Animal Welfare Section and shall include a document from an approved Certified Euthanasia Technician trainer establishing that the applicant has passed a practical examination in the specific euthanasia techniques for which he or she is seeking certification.

*History Note:      Authority G.S. 19A-24;  
Eff. March 23, 2009.*

## **02 NCAC 52J .0418      DUTIES**

A Certified Euthanasia Technician may:

- (1) Prepare animals for euthanasia;
- (2) Record the identification number of the animal, its species, sex, breed description and date, dosages for drugs that are administered and amounts for drugs wasted;
- (3) Order euthanasia supplies;
- (4) Maintain the security of all controlled substances and other drugs in accordance with applicable state and federal laws and regulations;
- (5) Directly supervise probationary Euthanasia Technicians;
- (6) Report to the appropriate government agencies violations or suspicions of a violation of the rules in this Subchapter or any abuse of drugs;
- (7) Euthanize animals;
- (8) Dispose of euthanized animals and expired or unwanted chemical agent(s) or the containers, instruments and equipment used in the administration of drugs in accordance with all applicable federal, state and local laws and regulations; and
- (9) Notify the Animal Welfare Section as required in this Section upon leaving employment or volunteer status at a covered facility.

*History Note:      Authority G.S. 19A-24;  
Eff. March 23, 2009.*

## **02 NCAC 52J .0419      GROUNDS FOR DISCIPLINE - CERTIFIED EUTHANASIA TECHNICIANS**

The Department may refuse to issue, renew, or reinstate the certification of a Euthanasia Technician, or may deny, revoke, suspend, sanction, or place on probation, impose other forms of discipline, and enter into consent agreements and negotiated settlements with Certified Euthanasia Technician pursuant to the procedures set forth in G.S. 150B, Article 3, for any of the following reasons:

- (1) Failure to Carry Out Duties. Failure to carry out the duties of a Certified Euthanasia Technician;
- (2) Abuse of Chemical Substances. Abuse of any drug or chemical substance by:
  - (a) Selling, diverting or giving away drugs or chemical substances;
  - (b) Stealing drugs or chemical substances;
  - (c) Misusing chemical substances; or
  - (d) Abetting anyone in the foregoing activities;
- (3) Euthanizing animals without supervision as required by this subchapter;
- (4) Allowing uncertified individuals to euthanize animals;
- (5) Allowing probationary Euthanasia Technicians to euthanize animals outside of the Certified Euthanasia Technician's personal presence;
- (6) Fraud, misrepresentation, or deception in obtaining certification;
- (7) Unethical or Unprofessional Conduct. Unethical or unprofessional conduct means to knowingly engage in conduct of a character likely to deceive or defraud the public. Such conduct includes working in conjunction with any agency or person illegally practicing as a Certified Euthanasia Technician; failing to provide sanitary facilities or apply sanitary procedures for the euthanizing of any animal; euthanizing animals in a manner that endangers the health or welfare of the public; gross ignorance, incompetence or inefficiency in the euthanizing of animals as determined by the practices generally and currently followed and

accepted as approved by the American Veterinary Medical Association, the Humane Society of the United States or the American Humane Association; intentionally performing a duty, task or procedure involved in the euthanizing of animals for which the individual is not qualified; and swearing falsely in any testimony or affidavits relating to practicing as a Certified Euthanasia Technician;

- (8) Conviction of any criminal offense as described in this Section;
- (9) Improper Record Keeping. Failure to follow proper record keeping procedures as outlined in the rules in this Subchapter;
- (10) Improper Security and Storage for Chemical Agents. Failure to provide and maintain proper security and storage for euthanasia and restraint drugs as established under applicable United States Drug Enforcement Administration and North Carolina Department of Health and Human Services statutes and rules;
- (11) Improper Disposal of Chemical Agents and Equipment. Failure to dispose of drugs and the containers, instruments and equipment in a manner permitted by this Subchapter;
- (12) Improper Labeling of Approved Chemical Agents. Failure to properly label approved euthanasia and restraint chemical agents;
- (13) Revocation, Suspension or Limitation. The revocation, suspension, limitation, of a license, certificate or registration or any other disciplinary action by another state or United States jurisdiction or voluntary surrender of a license, certificate or registration by virtue of which one is licensed, certified or registered to practice as a Certified Euthanasia Technician in that state or jurisdiction on grounds other than nonpayment of the renewal fee;
- (14) Failure of any applicant or certificate holder to cooperate with the North Carolina Department of Agriculture and Consumer Services during any investigation or inspection.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009.

## SECTION .0500 – EUTHANASIA BY INJECTION

### 02 NCAC 52J .0501 INTRACARDIAC INJECTION

Intracardiac injection shall only be used on animals that have been anesthetized or heavily sedated.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009.

## SECTION .0600 - EUTHANASIA BY CARBON MONOXIDE

### 02 NCAC 52J .0601 CARBON MONOXIDE EQUIPMENT

If carbon monoxide is used for euthanasia in a certified facility, the following requirements shall be met:

- (1) Only commercially compressed, bottled gas shall be used;
- (2) The gas shall be delivered in a commercially manufactured chamber that allows for the individual separation of animals;
- (3) Animals placed inside of the chamber shall be of the same species;
- (4) The chamber shall achieve a minimum six percent uniform concentration of carbon monoxide within two minutes of beginning the administration of the gas;
- (5) Death shall occur within five minutes of beginning the administration of the gas; and
- (6) Animals shall remain in the chamber with carbon monoxide for a minimum of 20 minutes.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009.

### 02 NCAC 52J .0602 PROHIBITED USES

Carbon monoxide may not be used to euthanize animals in certified facilities in any manner inconsistent with guidelines for the use of carbon monoxide approved by the entities referenced in 02 NCAC 52J .0401. Additionally, carbon monoxide shall not be used to euthanize the following animals in certified facilities:

- (1) Animals that appear to be less than 16 weeks of age;
- (2) Animals that are pregnant;
- (3) Animals that are near death.

*History Note:* Authority G.S. 19A-24(5);  
Eff. March 23, 2009.

### 02 NCAC 52J .0603 DEAD ANIMALS

Live animals shall not be placed into a euthanasia chamber with dead animals in certified facilities.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009.

### 02 NCAC 52J .0604 INDIVIDUAL SEPARATION

Animals shall be individually separated within a euthanasia chamber in a certified facility.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009.



**02 NCAC 52J .0605 CHAMBER REQUIREMENTS**

- (a) A euthanasia chamber in a certified facility shall be located in a well-ventilated place, preferably outdoors.
- (b) The chamber shall be in good working order.
- (c) The chamber shall have strong airtight seals around the doors and viewports.
- (d) The chamber shall have at least one port for viewing of the animals during euthanasia.
- (e) The chamber shall be lit sufficiently to allow observation of an animal in any part of the chamber.
- (f) Any chamber electrical wiring or components exposed to carbon monoxide must be warranted by the manufacturer to be explosion proof.
- (g) Any light inside of the chamber shall be shatterproof.
- (h) The chamber shall use exhaust ventilation to evacuate the gas from the chamber before the doors are opened upon completion of the process.
- (i) If the chamber is located outdoors:
  - (1) The exhaust shall be vented at least eight feet above ground level.
  - (2) The minimum stack velocity shall be at least 3,000 feet per minute;
  - (3) If there is a roof above the chamber, the exhaust shall be vented at least three feet above the highest point of the roof; and
  - (4) The exhaust shall not be located within eight feet of any building air intakes.
- (j) If the chamber is located indoors:
  - (1) The exhaust shall be vented to the outdoors at least three feet above the highest point of the roof;
  - (2) The exhaust shall not be located within eight feet of any building air intakes;
  - (3) The minimum stack velocity shall be at least 3,000 feet per minute; and
  - (4) At least two carbon monoxide detectors shall be placed in the room.

*History Note: Authority G.S. 19A-24;  
Eff. March 23, 2009.*

**02 NCAC 52J .0606 INSPECTIONS AND RECORDS**

- (a) Chamber seals, exhaust flow, carbon monoxide monitors and other equipment used in the euthanasia process in certified facilities shall be inspected at least monthly and repaired or replaced as necessary.
- (b) The chamber must be inspected at least annually by the manufacturer, its authorized representative or an industrial hygienist knowledgeable about the manufacture and operation of the chamber.
- (c) A record shall be made of each inspection recording the results, the date of the inspection, and the name of the person performing the inspection. The record shall be maintained in the policy and procedure manual for at least two years.

*History Note: Authority G.S. 19A-24;  
Eff. March 23, 2009.*

**02 NCAC 52J .0607 CLEANING CHAMBER**

A euthanasia chamber at a certified facility shall be cleaned between uses.

*History Note: Authority G.S. 19A-24;  
Eff. March 23, 2009.*

**02 NCAC 52J .0608 OPERATIONAL GUIDES AND INSTRUCTION MANUALS**

Current operational guides and maintenance instruction manuals shall be kept in the room with the euthanasia chamber at all times in a certified facility.

*History Note: Authority G.S. 19A-24;  
Eff. March 23, 2009.*

**02 NCAC 52J .0609 PERSONS REQUIRED TO BE PRESENT**

A euthanasia chamber in a certified facility shall not be operated unless a Certified Euthanasia Technician or a veterinarian licensed in North Carolina and one other adult are present at the time of its use.

*History Note: Authority G.S. 19A-24;  
Eff. March 23, 2009.*

**SECTION .0700 - EXTRAORDINARY CIRCUMSTANCES****02 NCAC 52J .0701 METHODS OF EUTHANASIA PERMITTED UNDER EXTRAORDINARY CIRCUMSTANCES AND SITUATIONS**

For purposes of this Section, extraordinary circumstance or situation includes a situation which is offsite from the shelter, in which an animal poses an immediate risk to animal, human or public health and in which no alternative, less extreme measure of euthanasia is feasible. It also includes circumstances or situations in which it would be inhumane to transport an animal to another location to perform euthanasia.

*History Note: Authority G.S. 19A-24;  
Eff. March 23, 2009.*

**02 NCAC 52J .0702 GUNSHOT OR OTHER METHODS**



Under extraordinary circumstances and situations which occur offsite from the shelter, a shelter employee may use gunshot or other extreme method of euthanasia as set forth in the American Veterinary Medical Association, Humane Society of the United States or American Humane Association Guidelines incorporated by reference in 02 NCAC 52J .0401.

*History Note: Authority G.S. 19A-24;  
Eff. March 23, 2009.*

#### **02 NCAC 52J .0703 METHODS AND STANDARDS**

Methods of euthanasia used by a certified facility under an extraordinary circumstance or situation must be approved by the American Veterinary Medical Association, the Humane Society of the United States or the American Humane Association for use on that species of animal and must conform to standards set forth by that organization.

*History Note: Authority G.S. 19A-24;  
Eff. March 23, 2009.*

#### **02 NCAC 52J .0704 TECHNICIAN NOT REQUIRED**

If an extraordinary circumstance or situation occurs and euthanasia is necessary, the person performing the euthanasia is not required to be a Certified Euthanasia Technician at a certified facility.

*History Note: Authority G.S. 19A-24;  
Eff. March 23, 2009.*

#### **02 NCAC 52J .0705 REPORTS**

A licensee or registrant shall prepare a report of any euthanasia performed under extraordinary circumstances or situations, and keep the report on file for at least two years. The report shall include the date, time, identification of the animal, the name of the person performing the final euthanasia, the method of euthanasia and the reason for euthanasia of the animal as permitted by this Section.

*History Note: Authority G.S. 19A-24;  
Eff. March 23, 2009.*

### **SECTION .0800 – POLICY AND PROCEDURE MANUAL**

#### **02 NCAC 52J .0801 MANUAL REQUIRED**

Any animal shelter performing euthanasia shall have a current policy and procedure manual about euthanasia.

*History Note: Authority G.S. 19A-24;  
Eff. March 23, 2009.*

#### **02 NCAC 52J .0802 CONTENTS**

The policy and procedure manual shall set forth the shelter's equipment, process, and the procedures for individual separation of animals.

*History Note: Authority G.S. 19A-24;  
Eff. March 23, 2009.*

#### **02 NCAC 52J .0803 ADDITIONAL CONTENTS**

A certified facility's policy and procedure manual shall be kept consistent with the publications listed below and reflect the current information for each. The manual shall include:

- (1) A copy of the current North Carolina Animal Welfare Act and the rules in this Subchapter;
- (2) A copy of the 2000 Report of the American Veterinary Medical Association Panel on Euthanasia and any future revisions, replacements, supplements or changes thereto issued by that organization;
- (3) A current copy of the Euthanasia Training Manual of the Humane Society of the United States;
- (4) A copy of the publication on euthanasia by the American Humane Association;
- (5) A list of methods of euthanasia allowed at the shelter and the policy and procedures for each method;
- (6) A list of Certified Euthanasia Technicians, the methods of euthanasia in which they have received training, and the date of training;
- (7) The name, address and contact information for the veterinarian responsible for the Annual Program of Veterinary Care;
- (8) The name, address and contact information for veterinarians responsible for the veterinary medical care of the animals. The contact information shall include telephone numbers for working hours, weekends, nights and holidays;
- (9) Euthanasia procedure to use in emergencies, after hours, holidays and weekends;
- (10) Procedures to follow if no Certified Euthanasia Technician is present and euthanasia of an animal is necessary;
- (11) Methods of verifying death of an animal after a euthanasia process is performed;
- (12) The name and contact information of the supplier of materials. It shall include:
  - (a) Bottled gas (if applicable);
  - (b) Manufacturer of the chamber used to euthanize animals by inhalant gas (if applicable);
  - (c) Injectable euthanasia solution;
  - (d) Tranquilizer or anesthetic solution;
- (13) Original of U.S. Drug Enforcement Administration certification permitting the use of controlled substances;

- (14) A material safety data sheet for any chemical or gas used for euthanasia in that shelter;
- (15) A material safety data sheet for any anesthetic or tranquilizer used in that facility;
- (16) Notice of the signs and symptoms associated with human exposure to the agents used for euthanasia at the facility;
- (17) First aid for people accidentally exposed to the agents used for euthanasia at the facility; and
- (18) Contact information of the physician or medical facility providing medical treatment to employees of the facility. The information shall include the name of the medical facility, the telephone number for both working and after-hours contact and directions to the medical facility from the certified facility including a map. If the medical facility does not provide service after-hours, on weekends or on holidays, there must be contact information as described in this item for the nearest medical facility, urgent care clinic or emergency room that does provide care during that time.

*History Note:* Authority G.S. 19A-24;  
Eff. March 23, 2009.





# APPENDIX

## D

# APPENDIX

D

## ARTICLE I ORGANIZATION OF PERSONNEL SYSTEM

### SECTION 1 – PURPOSE OF THE PERSONNEL POLICY

The purpose of this policy is to establish a personnel system with which Transylvania County will recruit, select, develop and maintain an effective and responsible work force. This policy is established under the authority of Chapter 153A-Article 5 and Chapter 126 of the General Statutes of North Carolina.

### SECTION 2 – COVERAGE

- 1) All employees in the county's service including those in the departments of Register of Deeds, Sheriff, and Tax Administrator shall be subject to this policy except as provided in this section.
- 2) The following officials and employees are exempt:
  - a. county attorney; and
  - b. contract employees.
- 3) Elected Officials shall be granted the benefits set forth in Article VII, Sections 1, 3, 5, 6, 7, 9, 10, 11, 12, 13, 14, 16 and 23; Article X, Sections 1, 3, 4, 5 and 6: (They shall otherwise be exempt).
- 4) The following employees shall be covered only by the specifically designated Articles and Sections:
  - a) employees governed by the State Personnel Act shall be subject to the complete policy;
  - b) the director of elections shall be subject to Articles II, III, V, VI, VII; Article VIII, Sections 2, 6 and 15; and Articles X and XI;
  - c) temporary employees as designated by the board of commissioners shall be subject to Article I; Article III, Section 8; Article IV, Sections 1-9; Articles V and VI; Article VII, Sections 1, 21 and 23; Article VIII, Section 5; Article X; and Article XII;
  - d) the county manager and clerk to the board of commissioners are appointed at the pleasure of the board and are subject to Articles I, II and III; Article IV, Section 14; Articles V, VI and VII; Article VIII, Sections 1, 2, 5 and 6; Articles X, XI and XII.

### SECTION 3 – DEFINITIONS

1. **Adverse Action** - A demotion, disciplinary probation, dismissal, reduction in pay, layoff, or an undesirable transfer or suspension.
2. **Appointing Authority** - Any county board, county official, or elected official with the legal authority to make hiring decisions.
3. **Board of County Commissioners** – A five-member board which has the power to enact local laws and policies as permitted by the state legislature. Members are elected by the voters in partisan elections for four-year staggered terms.
4. **Compensatory Time** - Time off with pay in lieu of payment for hours worked.
5. **Competitive Service Employee** - An employee of the local social service department and public health department.



6. **Contract Employee** - An individual, either self-employed or employed by an organization other than Transylvania County, who is providing services to or on behalf of Transylvania County through an enforceable agreement. This individual is not an employee of Transylvania County.
7. **Elected Official** - The positions which are elected by the voters of Transylvania County. They are: register of deeds, and sheriff.
8. **Established Budgeted Position** - A position that has been approved by the board of county commissioners, the duties and responsibilities of which are required to be performed on a continuous basis, is identified in the budget by the assignment of a position control number, and may be either full or part-time.
9. **Exempt Salaried Employee** - An employee who is exempt from the Fair Labor Standards Act provision for overtime compensation.
10. **Full-time Employee** - An employee appointed to an established budgeted position, which is regularly scheduled to work 37.5 hours or more per week.
11. **General County Employee** - A county employee assigned to a program not subject to the State Personnel Act.
12. **Grievance** - A claim or complaint 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.
13. **Hire Date** - An employee's original date of employment with the county in an established budgeted position.
14. **Non-Exempt (Salaried and Hourly) Employee** - An employee who is subject to the Fair Labor Standards Act provisions for minimum wage and overtime compensation.
15. **Part-time Employee** - An employee appointed to an established budgeted position, the duties of which are regularly scheduled for less than 37.5 hours per week.
16. **Position** - A group of current duties and responsibilities requiring the full or part-time employment of an individual.
17. **Position/Anniversary Date** - The same as the hire date until such time as an employee experiences a position change as the result of promotion, demotion, work-against trainee, or a leave without pay. The position date of an employee who elects to take leave without pay in excess of thirty (30) days will be extended by a corresponding amount of time.
18. **Probationary Employee** - A person appointed to fill an established budgeted position and who has not yet completed the probationary period. See Article IV, Section II.
19. **Project Employees** - An employee appointed to perform work or fulfill responsibilities on a special project and whose duration of employment, salary, and benefits, if any, are specified in an employment agreement. These employees are exempt from normal employee benefits.
20. **Regular Employee** - An employee who has satisfactorily completed the probationary period following initial appointment to an established budgeted position and has been approved for regular status by his or her department head and/or the county manager, where applicable.
21. **Substitute Worker** - An employee who fills in for an employee during times of annual leave, sick leave or other types of leave. These employees are paid an hourly rate equivalent to the minimum salary of the pay grade and are exempt from benefits.
22. **Temporary Employee** - A person appointed to serve in a position for twelve months or less in either a full or part time capacity. These employees are exempt from normal employee benefits.

23. **Temporary Position** - A position for which the duties and responsibilities are required to be met for a specific short period of time, normally not to exceed twelve (12) months and which may or may not require employment of an individual for a full work day or work week. No normal employee benefits up to twelve (12) months.

#### **SECTION 4 – EMPLOYMENT PRINCIPLE**

All appointments, promotions, and other personnel transactions shall be made in accordance with Article IV, Section 1.

#### **SECTION 5 – RESPONSIBILITY OF BOARD OF COMMISSIONERS**

The board of commissioners shall establish personnel policies and rules, including the classification and pay plan, and shall make and confirm appointments when so specified by law.

#### **SECTION 6 – RESPONSIBILITY OF COUNTY MANAGER**

The county manager shall be responsible to the board of commissioners for the administration of the personnel program. The county manager shall appoint, suspend, and remove all county officers and employees except those elected by the people or whose appointment is otherwise provided for by law. The county manager shall make appointments, dismissals, and suspensions in accordance with 153A-82 of the General Statutes of the State of North Carolina and Articles IV, VII, and VIII of this personnel administration policy.

The county manager shall:

1. recommend rules and revisions to the personnel system to the board of commissioners for consideration;
2. recommend revisions to the position classification plan to the board of commissioners for approval.
3. prepare and recommend revisions to the pay plan to the board of commissioners for approval.
4. determine which employees shall be subject to the overtime provisions as provided for in Article III, section 8;
5. establish and maintain a roster of all persons in the county service, setting forth each officer and employee, class title of position, salary, any changes in class title and status, and such data as may be desirable or useful;
6. develop and administer such recruiting programs as may be necessary to obtain competent applicants to meet the needs of the county;
7. develop and coordinate training and educational programs for county employees;
8. investigate periodically the operation and effect of the personnel provisions of this policy and at least annually report findings and recommendations to the board of commissioners; and
9. perform such other duties as may be assigned by the board of commissioners not inconsistent with this policy.

## **SECTION 7 - RESPONSIBILITY OF ELECTED/APPOINTED OFFICIALS**

The sheriff and the register of deeds have the exclusive right to hire, discharge, and supervise the employees in their respective departments under the authority of 153A-103 of the General Statutes of the State of North Carolina.

The tax administrator, within budgeted appropriations, shall employ listers, appraisers, and clerical assistants necessary to carry out the listing, appraisal, assessing, and billing functions required by law in accordance with North Carolina General Statutes 105-296(b).



## **ARTICLE II CLASSIFICATION PLAN**

### **SECTION 1 – ADMINISTRATION OF THE POSITION CLASSIFICATION PLAN**

The county manager shall be responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. Department heads shall be responsible for bringing to the attention of the county manager (1) the need for new positions, and (2) material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classifications of any existing positions.

New positions shall be established only with the approval of the board of commissioners after which the county manager shall either (1) allocate the new position to the appropriate class within the existing classification plan, or (2) recommend that the board of commissioners amend the position classification plan to establish a new class to which the new position may be allocated.

When the county manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the county manager shall (1) direct that the existing class specification be revised, (2) reallocate the position to the appropriate class within the existing classification plan, (3) recommend that the board of commissioners amend the position classification plan to establish a new class to which the position may be allocated.

Position reclassification within the competitive service agencies are determined by the Department of Human Resources of the Office of State Personnel. Transylvania County has adopted a sign-off procedure for the review of all position and personnel action requests. This procedure requires the approval of the county manager, prior to a position being reviewed by the Office of State Personnel.

### **SECTION 2 – AMENDMENT OF POSITION CLASSIFICATION PLAN**

Classes of positions shall be added to and deleted from the position classification plan by the board of commissioners based on the recommendation of the county manager.

### **ARTICLE III** **THE PAY PLAN**

#### **SECTION 1 – MAINTENANCE OF THE PAY PLAN**

The county manager shall be responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide equitable compensation for all positions, reflecting differences in duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the county, and other factors. To this end, the county manager shall from time to time make comparative studies of all factors affecting the level of salary ranges and shall recommend to the board of commissioners such changes in salary ranges as appear to be warranted.

#### **SECTION 2 – USE OF SALARY RANGES**

Salary ranges are intended to permit the recognition of individual performance. The following general provisions shall govern the granting of within-range pay increases:

1. The minimum rate established for the class is the normal hiring rate, except in those cases where unusual circumstances appear to warrant appointment at the higher rate. Appointment above the minimum rate may be made on the recommendation of the department head with the approval of the county manager when deemed necessary in the best interest of the county. Above-the-minimum appointments will be based on such factors as the qualifications of the applicant being higher than the minimum education and training for the class, a shortage of qualified applicants available at the minimum rate, and the refusal of qualified applicants to accept employment at the minimum rate.
2. Each year, all department heads shall evaluate the eligibility of employees to receive performance based pay increases. Department heads shall consider each employee's overall job performance and shall submit their recommendations to the county manager in writing. All performance based pay increases must be approved by the county manager.

#### **SECTION 3 – PAYMENT WITHIN AN ESTABLISHED RANGE**

All employees covered by the salary plan shall be paid at a rate within the salary ranges established for their respective job classes except for employees in a trainee status, or employees whose present salaries are above the established maximum rate following transition to a new pay plan.

#### **SECTION 4 – SALARY OF TRAINEE**

An applicant hired or an employee promoted to a position in a higher class, who does not meet all established requirements of the position, may be appointed at a rate in the pay plan below the minimum established for the position. An employee will remain at the trainee rate until the department head certifies that the trainee is qualified to assume the full responsibilities of the position and the county manager approves the certification. The department head shall review the progress of each employee in a trainee status every six (6) months or, more frequently if as necessary, to determine when the trainee is qualified to assume the full responsibilities of the position. The State Personnel Act governs trainee status within competitive services agencies.



## **SECTION 5 – PAY RATE IN PROMOTION, DEMOTION, TRANSFER AND RECLASSIFICATION**

When an employee is promoted, demoted, transferred or reclassified, the rate of pay for the new position shall be established in accordance with the following rules:

1. An employee who is promoted shall receive at least a 5% increase in his/her rate of pay or an increase to the minimum of the new pay range, whichever is higher. However in no case shall an employee's pay exceed the maximum for that position.
2. An employee who is demoted may have his/her salary left the same or reduced to any rate in the lower range.
3. An employee transferring from a position in one grade to a position in another grade or to a different position in the same grade assigned to the same pay range shall continue to receive the same salary not to exceed the maximum rate for the new position. If the new position is in a grade assigned to a lower grade pay may be adjusted based on the qualifications and recommendations of the department head.
4. An employee whose position is reclassified to a grade having a higher salary range shall receive a 5% increase in his/her rate of pay or an increase to the minimum of the new pay range. If the position is reclassified to a lower pay range and the employee is receiving a salary above the minimum rate established for the new grade, the salary of the employee shall be maintained at that level until such time as the employee's pay range is increased above the employee's current salary.
5. The county manager has the authority to approve variations to any of the above provisions based on circumstances.

## **SECTION 6 – REVISIONS TO PAY RATES IN SALARY RANGES**

When the board of commissioners approves a change in salary range for a class of positions, the salaries of employees whose positions are assigned to that class shall be affected as follows:

1. When a class of positions is assigned to a higher pay range, employees in that class shall receive at least a 5% increase in his/her rate of pay or an increase to the minimum of the new pay range, whichever is higher. However in no case shall an employee's pay exceed the maximum for that position.
2. When a class of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged. If this assignment to a lower pay range results in an employee being paid at a rate above the maximum rate established for the new class, the salary of the employee shall be maintained at the level until such time as the employee's pay range is increased above the employee's current salary.
3. When the board of county commissioners, at its discretion, modifies the salary schedule, then all pay ranges shall be adjusted upward or downward, revising the minimum midpoint and maximum for each pay range.

## **SECTION 7 – PAY FOR PART-TIME WORK**

The pay plan established by this policy is for full-time service. An employee appointed for less than full-time service will be paid an amount determined by converting the established salary for the position to an hourly rate.



## **SECTION 8 – OVERTIME**

Overtime work shall be that work performed by an employee who exceeds forty (40) hours per workweek (171 hours in a 28-day period for law enforcement and detention personnel of the Sheriff's Department). For employees under the basic workweek of thirty-seven and one-half (37.5) hours, straight time shall be paid for hours worked between 37.5 and 40 hours per workweek.

Overtime opportunities will be distributed as equally as practicable among employees in the same job class, department and shift regardless of age, sex, race, color, creed, religion, national origin, political affiliation or physical handicap.

Employees required to work over scheduled hours up to forty (40) hours may be compensated with time off on an hour-for-hour basis if taken within the workweek. For non-exempt employees working a 37.5 hour workweek, compensatory time off may be granted if it would not unduly disrupt the operations of the county or department. Such compensatory time will be accrued on an hour-for-hour basis for hours worked between 37.5 and 40 hours per workweek. All non-exempt employees who work above forty (40) hours per workweek will be paid or given compensatory time off at one and one-half (1.5) times the regular hourly rate or number of hours worked.

The following provisions apply to overtime:

1. the work is of an unusual, scheduled or unscheduled or emergency nature and is directed by the department head or the authorized representative of the department head;
2. compensatory time off shall be granted by the department head or immediate supervisor in accordance with the above policy and taken in accordance with departmental policy within a period not to exceed three (3) months from the time it is earned unless otherwise approved by the county manager;
3. department heads may, with the prior approval of the county manager, authorize pay to employees for compensatory time when it is not feasible to permit their absence for the purpose of taking compensatory time in accordance with the above policy;
4. department heads may, with prior approval of the county manager, establish a different work schedule for those employees whose number of hours worked or hours "on-call" exceeds the number of hours constituting the established workweek for the employee's position;
5. relief hours for the Sheriff's Department will be paid to substitute workers at a rate equal to the minimum of the pay range. Regular full-time employees who work relief in addition to their regular hours will be paid one and one-half (1.5) times their regular rate for hours exceeding forty (40) per workweek or 171 hours per 28-day period, whichever is applicable;
6. approval of overtime work shall depend upon the availability of funds in the departmental budget for overtime payment.

## **SECTION 9 – PAYROLL DEDUCTIONS**

Payroll deductions specifically mandated or authorized by Federal or State Act shall be deducted at each pay period from each employee's pay. Other deductions as requested by the employee and approved by the county manager may be deducted. Such deductions could be insurance premiums, United State Savings Bonds, Credit Union savings/payments, tax shelters and other payments.

## **ARTICLE IV**

### **RECRUITMENT AND EMPLOYMENT**

#### **SECTION 1 – STATEMENT OF EQUAL EMPLOYMENT OPPORTUNITY POLICY**

It is the policy of the county to foster, maintain and promote equal employment opportunity. The county shall select employees on the basis of the applicant's qualifications and without regard to age, sex, race, color, religion, political affiliation or national origin except where specific age, sex, or physical requirements constitute bona fide occupational qualifications necessary for job performance. Applicants with 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 duties. Every effort will be made to accommodate the disability.

#### **SECTION 2 – IMPLEMENTATION OF EEO POLICY**

All personnel responsible for recruitment and employment shall implement this personnel policy through procedures that will assure equal employment opportunity based on reasonable performance-related job requirements. Notices with regard to equal employment matters shall be posted in conspicuous places on county government premises in places where notices are customarily posted.

#### **SECTION 3 – RECRUITMENT**

Prior to filling open positions the department head shall evaluate the need to fill the position and justify the need to the county manager in writing. The county manager will notify the human resources director concerning the position to be filled and give authorization to proceed with recruitment.

For all full-time budgeted positions the department head and the human resources director are responsible for determining the need for internal or external advertising or doing both simultaneously. All part-time and temporary positions will be externally advertised. The process for internal and external advertising is as follow:

1. **Internal Posting:** A Job Vacancy Announcement should be posted in an area known to all employees for no less than five (5) working days. This will allow an opportunity for part-time and full-time county employees to express their interest in a job. The Job Vacancy Announcement should include the job title, grade, salary range, duties, minimum education and experience, preferred skills and abilities, and the date the position will be available. Employees should be informed that they can express their interest in an open position by submitting an internal application to the Human Resources Department. In situations where previous Transylvania County experience is essential or exceptional qualifications of an internal candidate so indicate, the county may choose to consider only internal candidates for a position.
2. **Public/External Advertising:** The Human Resources Department with the acknowledgment of the department head will post a job vacancy announcement with the Employment Security Commission for no less than five (5) working days. The job vacancy announcement will contain the same



information as stated above.

Information on job openings and hiring practices shall be provided to recruitment sources, including organizations and news media available to minority applicants. Individuals shall be recruited from a geographic area as wide as necessary to ensure that well-qualified applicants are obtained for county service.

#### **SECTION 4 – JOB ADVERTISEMENTS**

Employment advertisements shall contain statements of equal employment opportunity and shall comply with federal and state statutes regarding discrimination in employment matters.

#### **SECTION 5 – APPLICATIONS FOR EMPLOYMENT**

Applications/resumes will be accepted for posted job openings only. All applications must be submitted on a state application PD107 to the Employment Security Commission.

#### **SECTION 6 – APPLICATION RESERVE FILE**

Applications will be considered inactive once the posted vacancy has been filled. However, if a position within the same class becomes vacant within 45 working days from the closing date of the posted vacancy, the application file may be reactivated upon official posting of the new vacant position.

Inactive applications shall be destroyed in accordance with relevant state and/or federal guidelines.

#### **SECTION 7 – QUALIFICATION STANDARDS**

1. Employees shall meet the employment standards established by the position classification plan as may be approved by the county manager with the advice and recommendations of the department heads.
2. Criminal history background checks will be conducted on final applicants. Employment with the County may be denied based on the outcome.
3. Final applicants must submit to a urinalysis drug screening procedure. A negative result from this screening is a condition of employment.
4. Qualifications shall be reviewed periodically to assure that requirements are fair and conform to the actual job performance requirements.
5. The county may employ an applicant in a trainee capacity who does not meet all minimum qualifications for a particular job if the deficiencies can be eliminated through orientation and on-the-job training.



## **SECTION 8 – SELECTION**

Department heads shall make such investigations and conduct such examinations as deemed appropriate to assess fairly the aptitude, education and experience, knowledge and skills, character, physical fitness and other qualifications required for positions in the service of the county. All selection devices administered by the county or by persons or agencies for the county shall be valid measures of job performance.

## **SECTION 9 – APPOINTMENTS**

Before any commitment is made to an applicant, the department head shall forward the applicant's completed application form to the county manager with a recommendation concerning the position to which the applicant is to be appointed, the salary to be paid, and the reasons for selecting the particular applicant over others. After investigating the qualifications and experience of the applicant, the county manager shall approve or reject the appointment to the position and the starting salary of the employee. In the departments of the sheriff, the register of deeds, the tax administrator the department head shall make the appointments and the county manager will approve the starting salaries of new employees.

In all cases, every individual employed by the county must satisfy the requirements of the Immigration Reform & Control Act of 1986 which requires all employees hired after November 6, 1986 to prove that they are either United States citizens or that they have the proper authorization to work in the United States.

By the authority of Chapter 153A-103 of the North Carolina General Statutes, the board of commissioners must approve the appointment by the sheriff or register of deeds of a relative by blood or marriage of nearer kinship than first cousin or of a person who has been convicted of a crime involving moral turpitude. Employment of individuals in the tax administrator's office shall be subject to Article V, Section 5 in regard to employment of relatives.

## **SECTION 10 – PROBATIONARY PERIOD OF EMPLOYMENT**

An employee appointed or promoted to a permanent position shall serve a probationary period of six (6) months, but no more than nine (9) months. An employee serving a probationary period following initial appointment may be dismissed at any time during the probationary period if found to be performing assigned duties unsatisfactorily. A permanent employee serving a probationary period following a promotion shall be demoted as provided in Section 12 of this article if unable to perform assigned duties of the new job satisfactorily.

At the end of the probationary period, all supervisors shall complete a six-month evaluation of the employee. If the employee is performing satisfactory work and it is recommended that he or she be retained in the current position a copy of the evaluation form and a payroll change notice should be submitted to the Human Resources Department by the department head.

If the supervisor and the department head agree that an employee's probationary period be extended, this shall be documented on the six-month evaluation form and submitted to the Human Resources Department. No employee shall remain on probation for more than nine (9) months.

## **SECTION 11 – PROMOTION**

- 1) Candidates for promotion shall be chosen on the basis of their qualifications and their work records – without regard to age, sex, race, color, creed, religion, political affiliation, national origin, or disability. Performance appraisals and work records for all personnel meeting minimum qualifications for the position shall be carefully examined when openings for positions in higher classifications occur.
- 2) Vacancies in positions shall be filled as far as practicable by the promotion of employees in the service of the county.
- 3) If a current county employee is chosen for promotion, the department head shall forward the employee's name to the county manager with recommendations concerning the position to which the employee is to be promoted, the salary, and reasons for selecting the employee over other applicants. After considering the department head's comments, the county manager shall make the appointment to the position and approve the starting salary.

In the departments of the sheriff and the register of deeds, the respective department head will forward the employee's name to the county manager with recommendations for classification and salary.

## **SECTION 12 – DEMOTION**

Any employee whose work is unsatisfactory or whose personal conduct is unsatisfactory may be demoted provided the employee shows promise of becoming a satisfactory employee in another position. Such a demotion shall be preceded by the warning procedures outlined in Article VIII, Section 8.

Representative causes for demotion because of failure in work performance and failure in personal conduct are listed in Article VIII, Sections 8 and 9.

If the demotion is for failure in the performance of duties or failure in personal conduct, the employee shall be provided with written notice citing the recommended effective date and reasons for demotion and the appeal rights available to the employee in Article IX.

If an employee is demoted based on any of the provisions of this section, the effective date of demotion will be their new position start date. Although their performance will be reviewed within the first six (6) month period, they will not be eligible for a raise or pay for performance.

## **SECTION 13 – TRANSFER**

An employee who wishes to accept a position with less responsibility may do so for reasons other than unsatisfactory performance of duties or failure in personal conduct. An employee transferring to a position in a lower grade shall not receive a rate above the mid-point for the new position, but their pay may be adjusted based on their qualifications and the recommendation of the department head.

If a vacancy occurs and an employee in another department is eligible for a transfer and is selected, the department head wishing to hire the employee shall request the transfer which shall be subject to the approval of

the county manager. Any employee transferred without having requested it may appeal the action in accordance with the grievance procedures outline in Article IX.

Any employee who has successfully completed a probationary period and who transfers to the same or similar class in a different department may be required to serve another probationary period.

#### **SECTION 14 – EVALUATION OF COUNTY PERSONNEL**

New county employees shall have their performance evaluated by their immediate supervisor by the end of their six (6) month probationary period and at least once every twelve (12) months thereafter.

Each employee shall have the right and shall be encouraged to comment on any evaluation before it is put into his or her personnel file.

The county manager is responsible for evaluating each department head under his/her appointing authority and for ensuring that the performance evaluation process is being carried out fairly and effectively within all county departments.



**ARTICLE V**  
**CONDITIONS OF EMPLOYMENT**

**SECTION 1 – WORKWEEK**

The standard workweek for most employees is 37.5 hours per week. However, exceptions are made based on the needs of each department and those being served. Such variations are made by and with the approval of the county manager.

All non-exempt employees are subject to overtime provisions set forth in Article III, Section 8. All exempt employees are paid on a salary basis as defined by the Fair Labor Standards Act and are not subject to overtime provisions.

Law enforcement and detention personnel of the Sheriff's Department normally work 168 hours per 28-day work period. Hours worked between 168 and 171 per 28-day work period will be compensated at the regular hourly rate; all hours worked above 171 per 28-day work period will be compensated at 1.5 times the regular hourly rate in accordance with the Fair Labor Standards Act.

Permanent part-time employees shall work hours as designated by the department head.

One (1) fifteen (15) minute break may be allowed twice (2 times) per day.

**SECTION 2 – GIFTS AND FAVORS**

- 1) No elected official or employee of the county shall accept any gift, whether in the form of service, loan, thing or promise from any person who, to the employee's knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the county.
- 2) No elected official or employee shall accept any gift, favor or thing of value that may tend to influence the employee in the discharge of duties.
- 3) No elected official or employee shall grant in the discharge of duties any improper favor, service, or thing of value.

**SECTION 3 – POLITICAL ACTIVITY RESTRICTED**

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 and policies of civic or political organizations in accordance with the laws of the State of North Carolina and in accordance with the Constitution and laws of the United States of America. However, no employee shall:

- (1) engage in any political or partisan activity while on duty;
- (2) use official authority or influence for the purpose of interfering with or affecting the results of an election or

a nomination for office;

(3) be required as a duty of employment or as a condition for employment, promotion, or tenure of office to contribute funds for political or partisan purposes;

(4) coerce or compel contributions for political or partisan purposes by another employee of the county; or

(5) use any supplies or equipment of the county for political or partisan purposes.

Competitive service employees and employees in certain federally-funded programs are subject to the Hatch Act as amended in 1975 and/or G.S. 126 Article 5. The federal act, in addition to prohibiting (2), (3), and (4) above, also prohibits candidacy for elective office in a partisan election.

Any violation of this section shall subject such employee to dismissal or other disciplinary action.

#### **SECTION 4 – OUTSIDE EMPLOYMENT**

The work of the county will take precedence over other occupational interests of employees. No employee shall hold any office or have other employment which may conflict with his employment. All outside employment must be reported to the employee's department head, before such work is to begin. It is the responsibility of the department head and the human resources director to determine whether the outside employment would create a conflict of interest. The acceptances of outside employment without prior approval by the county may be deemed improper conduct and may be grounds for disciplinary action, up to and including dismissal.

Employees who are on active duty for the county in the execution of their jobs shall not accept additional compensation for the same time period in the form of stipends, wages or other forms of payment from an outside source.

#### **SECTION 5 – LIMITATION OF EMPLOYMENT OF RELATIVES**

The employment of close relatives within the same department is to be avoided unless significant recruitment difficulties exist.

- 1) Members of an immediate family shall not be employed if such employment would result in an employee directly or indirectly supervising a member of the immediate family.
- 2) This policy shall not be retroactive, and no action will be taken concerning those members of the same family employed in conflict with (a) above prior to the adoption of this policy.
- 3) Immediate family is defined for the purpose of this section as spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those name.
- 4) The board of commissioners shall approve the appointment by the sheriff or the register of deeds of a relative by blood or marriage or nearer kinship than first cousin, as required by Chapter 153A-103 (1) of



the North Carolina General Statutes. This section shall also apply to the tax, who is appointed by the board of commissioners.

#### **SECTION 6 – INCLEMENT WEATHER POLICY**

Transylvania County employees can anticipate occasional periods of inclement weather each year. Employees are expected to make provisions for travel to and from work during all weather conditions.

In extreme cases, the county manager, in the interest of employee safety and welfare, may temporarily close the county offices or shorten the hours of operation to cope with the weather situation. Announcements of closing or changing of hours of operation will be made through local media and through the call chain to county department heads. In the absence of such an announcement, employees are expected to report to work as scheduled.

If the county manager modifies the hours of operation, employees will utilize appropriate leave time (annual leave, comp time or leave without pay) to total a full workday when combined with the hours worked. If an employee lacks adequate leave to cover an administrative closing, annual leave may be advanced up to the amount of hours needed to cover the closing. In the event that an employee leaves employment with Transylvania County and has a negative leave balance, the employee will reimburse the county for the full amount remaining. Employees who are classified as exempt under the Fair Labor Standards Act are exempt from this provision. For absences of one full workday exempt employees shall use annual leave.

In the event that an employee does not report for work when county offices are open, annual leave, comp time or leave without pay will be charged for the absence.

Some departments provide essential services such as snow removal during periods of inclement weather. Department heads or the county manager may require all or a portion of their employees to work during the hours in which county offices are closed and may be subject to be called in to render assistance. Employees will be paid for all hours worked as required by the Fair Labor Standards Act.

The sheriff's department, communications and emergency medical services are considered "emergency services departments" and they will operate on their normal schedule (24 hours a day/7 days a week) and will not be closed during periods of inclement weather.

Unless otherwise authorized by the department head or county manager, employees other than emergency service personnel and employees called in to provide assistance should not report to work during periods when county offices are closed.

#### **SECTION 7 – DRUG-FREE WORKPLACE**

Any location at which county business is conducted is declared to be a drug-free environment. Workplace is defined as the site for the performance of work done and includes any county building, premises, or vehicle.



- 1) All employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, partaking, possessing, or using any controlled substance or alcohol in the workplace, or reporting to work under the influence of any controlled substance or alcohol, except medications prescribed by a licensed health care provider and certified by said provider not to constitute a workplace hazard.
- 2) As a condition of employment, any employee violating this policy is subject to discipline for failure in personal conduct, up to and including termination for the first offense.
- 3) To assist employees in overcoming drug abuse problems, the county may offer rehabilitative help through our Employee Assistance Program and shall periodically provide supervisory and employee training to assist in identifying and addressing illegal drug use by employees.
- 4) Any employee convicted of violating a criminal drug statute must inform the human resources director of such conviction within five days of the conviction. Failure to inform the county shall result in disciplinary action, up to and including termination for the first offense.
- 5) The county reserves the right to offer employees convicted of violating a criminal drug statute in the workplace participation in an approved rehabilitation or drug abuse assistance program as an alternative to discipline. If such a program is offered and accepted by the employee, then the employee must satisfactorily participate in the program as a condition of continued employment.

## **SECTION 8 – DRUG TESTING POLICIES**

### **Applicant Drug Screening through Urinalysis**

As a public employer, the county is entrusted with the health and safety of its citizens. In keeping with this obligation and as a condition of employment, prior to the offer of employment, the applicant shall be required to submit to a urinalysis drug screening procedure for the purpose of screening for the presence of illegal drugs or an abusive level of prescribed medication. *This policy includes the employees of the sheriff's department, who have a separate departmental policy and the employees of the transportation department and the solid waste department, who are in safety sensitive positions and fall within the guidelines of the Substance Abuse Policy which meets the FTA and FHWA guidelines.*

It shall be the policy of the county that a negative result from this screening is a condition of employment. A confirmed positive test result indicating the presence of illegal drugs or an abusive level of prescribed medication shall result in a rejection of the applicant for employment. Drug screen test results shall be held in the strictest confidence. Applicants who are tested shall be provided with a copy of the test results if requested. Specimens shall be checked by a lab utilizing strict chain of custody procedures.

- 1) Drug screen testing shall be limited to the top finalist upon completion of the employment selection process.
- 2) All individuals applying for employment with the county must sign a Drug Screening Applicant Consent Form.
- 3) Applicants who refuse to sign the Drug Screening Applicant Consent Form shall not be considered for employment.

- 4) This applicant drug testing through urinalysis policy shall be posted and prominently displayed in the Human Resources Office.

Participation in the drug and alcohol testing program is a condition of employment. As stated in the Drug Free Workplace Act of 1988, employees are required to notify their employer of any criminal drug statute conviction for a violation occurring within the workplace within five days after such conviction. Transylvania County requires employees to notify their employer of all drug statute convictions whether in the workplace or not.

### **Prohibited Conduct**

The prohibitions of this section apply wherever the interests of Transylvania County may be adversely affected, including any time an employee is on county premises, conducting or performing county business, regardless of location, is operating or is responsible for the operation, custody or care of county equipment or other property and whenever an employee is responsible for the safety of others

- 1) Alcohol

The following acts are prohibited and subject to termination:

- a. Unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol in any form; or
- b. Being under the influence of alcohol in any form

- 2) Illegal Drugs

The following acts are prohibited and subject to termination:

- a. Use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any illegal drug or other controlled substance; or
- b. Being under the influence of any drug or other controlled substance

- 3) Legal Drugs

The following acts are prohibited and subject to termination:

- a. Abuse of any legal drug
- b. Purchase, sale, manufacture, distribution, transportation, or dispensation or possession of any legal drug in a manner inconsistent with law; or
- c. Working while impaired by the use of a legal drug whenever such impairment might:
  1. endanger oneself or the safety of any other person;
  2. pose a risk of significant damage to county property; or
  3. substantially interfere with job performance or the efficient operation of the county's business.

### **Reasonable Suspicion Testing**

Reasonable suspicion testing is required when a supervisor can articulate and substantiate physical behavioral or performance indicators of probable drug use or alcohol misuse by observing the appearance, behavior, speech or body odors of employees. When possible, the supervisor making the observation shall seek out another supervisor to corroborate the observation. No employee shall be returned to a safety sensitive



position after a reasonable suspicion determination has been made until such time as the test results are returned and confirmed negative.

### **Random Drug Testing**

All employees who are classified as safety sensitive employees will be subject to drug and alcohol screening on an unannounced and random basis. Employees will be notified as to their safety sensitive status at the time of hire or anytime their status changes.

### **Post-accident**

Post accident testing is required in the following situations. An accident or incident involving a vehicle accident results in a:

- Fatality
- One of more individuals receiving injuries requiring immediate transportation to a medical treatment facility
- One or more vehicles receiving disabling damage (damage which precludes the departure of a motor vehicle from the scene of an accident in its usual manner in daylight after simple repair),

When there is a fatality, all surviving covered employees operating the vehicle at the time of the accident must be tested. Additionally, all other covered employees whose performance could have contributed to the accident must be tested as well.

If based on the best information available at the time of the decision, an employee can be immediately discounted as a contributing factor in a non-fatal accident, then that employee need not be tested. The reason for discounting an employee as a contributing factor must be documented.

The drug and alcohol screening must be conducted as soon as possible and not more than 32 hours after the accident for drugs and not more than 8 hours for alcohol. Preferably, testing will be conducted within two hours of the accident. Additionally, if an employee is not tested within two hours of an accident, a written explanation must be provided. During this time period, the employee must remain readily available for testing, which means the employer must know the location of the employee. Failure to remain available for post accident testing will be considered a test refusal.

Transylvania County reserves the right to test employees after all accidents under its own authority.

### **Confirmed positive drug and/or alcohol screen**

Transylvania County is a zero or no tolerance workplace. Therefore, it is the policy of Transylvania County to terminate the employment of employees who test positive for drugs or alcohol.

Any applicant who tests positive for drugs will not be eligible for rehire and will be permanently banned from employment with Transylvania County.



Any employee who tests positive for drugs and/or alcohol for reasonable suspicion, random, post accident or upon returning to duty, from a leave of absence, will be terminated.

A refusal to submit to a drug and/or alcohol test will constitute a verified positive test result and the employee will be terminated. Behavior that will constitute a test refusal includes but is not limited to the following:

- Verbal or written refusal to take the test
- Inability to provide sufficient quantities of breath or urine without a valid medical explanation. A physician must provide a written conclusion that the employee's inability to provide a urine or breath specimen has no medical cause.
- Conduct which prevents the completion of a required drug or alcohol test
- Tampering with or attempting to adulterate the specimen or collection procedure
- Failure to arrive at the collection site at all or in a timely manner
- Failure to remain readily available following an accident

If it is determined that an employee has tampered with his/her urine or fails to complete any step in the drug or alcohol testing process, the employee will be terminated.

### **Substance Abuse Professional**

An employee or applicant who receives a verified positive drug and/or alcohol test will be referred to and given the opportunity to be evaluated by an SAP (Substance Abuse Professional). The SAP will determine the need and provide assistance in resolving problems associated with prohibited drug use or alcohol misuse. Evaluation and treatment will be at the individual's expense.

## **SECTION 9 – EMPLOYEE HARASSMENT**

### **Policy**

Transylvania County expressly forbids harassment of employees because of age, race, sex, color, religion, handicap, national origin or political affiliation. Even in mild forms, such harassment constitutes unacceptable personal conduct, and is subject to disciplinary action. More serious instances of harassment shall carry more serious penalties, up to and including dismissal. Sexual harassment of employees by supervisors or co-workers is forbidden in any form.

### **Coverage**

All employees of the county are covered by this policy.

### **Definitions**

- 1) Harassment is behavior based on age, race, sex, color, religion, handicap, national origin, or political affiliation that offends another employee.

2) Sexual harassment is defined by federal guidelines as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when one or more of the following occur:

- a. Submission to such conduct is made, either explicitly or implicitly, a term or a condition of an individual's employment,
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- c. Such conduct has the purpose or the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- d. An employee who believes he or she may have a complaint of harassment may pursue four alternative complaint procedures. If the complaint concerns allegations of sexual harassment, in order to be pursued, it is required by federal law to be filed within 180 days of the time of the alleged incident.
- e. The following alternatives shall apply:

**Alternative 1:**

The employee should tell the person who is offending him/her that the behavior is offensive and should stop. (Because offensive behavior often is not intended as harassment, letting the individual know that the behavior is offensive and instructing him/her to stop can often resolve the problem.)

**Alternative 2:**

The employee should notify his or her immediate supervisor of the situation. The immediate supervisor is responsible for investigating the situation and taking corrective action.

**Alternative 3:**

If the complaint of harassment is against the immediate supervisor, the employee should report the situation to the department head. The department head is responsible for investigating the situation and taking corrective action. If the allegation is against the department head, the complaint should be reported to the human resources director, who shall then assume responsibility for investigating the situation and recommending appropriate corrective action to the county manager.

**Alternative 4:**

If at any point in the process the employee prefers to do so, he/she may report the situation to the county manager, or human resources director, who shall then assume immediate responsibility for investigating the situation and recommending appropriate corrective action to the county manager.

- f. If the allegation of harassment is against the county manager or an elected official, the



complaint should be filed with the chairman of the board of county commissioners, who shall personally investigate the complaint, or designate a representative to conduct the investigation and advise the employee and board of county commissioners on the outcome of the investigation.

#### **SECTION 10 - SAFETY**

Safety is the responsibility of both the county and its employees. It is the policy of the county to establish a safe work environment for employees. The county 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 the necessary safety training program. Department heads and supervisors shall be responsible for insuring that employees adhere to prescribed policies and procedures. Employees shall follow the safety policies and procedures and shall attend safety training programs. Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal.

Additional procedures and policies regarding safety, worker's compensation, injury and infection control may be established by the board of county commissioners.

#### **SECTION 11 - MEDIA RELATIONS POLICY**

Transylvania County is an open and accessible public organization. At the same time, we recognize the potential for unintended negative consequences resulting from miscommunications, remarks taken out of context and inaccurate information.

This policy is designed to improve media relations, to protect and enhance the image of the county and its employees, and to ensure that accurate, appropriate information is released to the news media. If an employee is contacted by the media, the employee should put them in touch with the spokesman for the appropriate department or, if unsure as to the appropriate department, the media may be directed to the county manager's office.

Department heads routinely field requests for information on various issues dealing with day to day operations. Department heads and/or their designees along with other county representatives are expected to handle these requests and notify other county officials as necessary.

The media will often request public records. The North Carolina Public Records law is quite broad and generally requires the custodian of a record to allow inspection or provide a copy within a reasonable time. However some types or records and information either cannot or do not have to be released. (i.e. personnel records or personnel-related matters; economic development efforts or records relating to the proposed expansion or location of business or industrial projects; closed sessions of the commissioners; and actual or potential litigation). The county attorney should be consulted when it is unclear whether a requested document or information is public record.

County departments may issue news or press releases as necessary. The county manager's office should receive a copy of each release that is distributed by any county department. When appropriate, briefings may be conducted to inform the media about potentially controversial, complex or important issues and provide an



opportunity for the media to ask in-depth questions. The county manager must be notified in advance of such briefings and the subject may require consultation with others parties regarding the strategy, preliminary statements, materials and information to be shared to assure that the matter is handled in the best interest of the county. In most cases the briefings will be handled by the appropriate department head and/or the county manager.

In some instances it is prudent to respond to the media in writing rather than submitting to an interview. In such cases, it is important to inform the county manager of the request and obtain appropriate assistance before the information is released.

In the event of a disaster or an emergency, the public information officer or the designee will act as the spokesman for the Emergency Operations Center (EOC).

It is not the intent of this policy to infringe on an employee's First Amendment right to free speech. However, if an employee intends to give his/her personal opinion regarding a issue to a news reporter he/she must make it perfectly clear that the comment is their personal opinion and that they are not speaking on behalf of their department or the county.

## **ARTICLE VI** **TRAVEL POLICY**

### **SECTION 1 – GENERAL**

The board of commissioners recognizes that travel is necessary in the performance of duties assigned to county employees. Attendance at conferences, meetings and seminars enhances the services provided by county government to its citizens. This policy applies to assist department heads in their administrative duties and to ensure equitable application of rules and regulations relating to travel for county employees. This policy applies to all county employees and officials, whether elected or appointed.

Employees are expected to use the most economical and expeditious means of travel, and whenever possible, employees going to the same meeting should arrange to travel together. It is the county's intent to allow for adequate, comfortable accommodations for employees who are required to travel on county business. It is expected that employees will use discretion and good judgment in spending county funds, as if they were traveling on personal business and expending personal funds. Resort hotels, luxury restaurants, and items of the like nature are usually considered to be in excess of normal business needs. The county manager has the authority to deny reimbursement for excessive costs.

### **SECTION 2 – TRAVEL ALLOWANCES**

Expenses for travel on official business by county employees shall be reimbursed at the rates approved by the board of commissioners, which are, at the present time:

- 1) whenever a county vehicle is available, this method of transportation is to be used. When on approved travel, the county vehicle will be used for the purpose of conducting official county business only. General Statute 14-247 states that it is illegal for a county-owned vehicle to be used for private purposes. A minimum amount of personal use, such as driving the vehicle to and from dinner will be allowed.
- 2) for transportation by privately owned automobile if a county owned car is unavailable, reimbursement for travel expenses will be paid at the prevailing rate as set by the board of commissioners. For transportation by privately owned automobile at the request or preference of an employee, the county will reimburse for gas expenses only;
- 3) for transportation by airline, bus, railroad or other conveyance, actual coach fare;
- 4) meals, reimbursement for actual expenses as evidenced by receipts, provided they do not exceed the maximum amounts allowed below. Allowable expenses will be based on the following rates which include a gratuity maximum of 20%:

Breakfast	\$10	Breakfast if employee departs prior to 7:00 a.m.
Lunch	\$15	

Dinner	\$20	Dinner if employee returns after 7:00 p.m.
Daily Maximum	\$40	

If time associated with the meal causes the employee to return after the designated timeframe, the dinner will not be an allowable expense by the County. Time of departure and return must be documented on the travel reimbursement form. There shall be no reimbursement for alcoholic beverages or for meals inside Transylvania County unless they are business related and approved by the County Manager. If actual expenses exceed the allowable amount due to the costs in the area of travel, this exception can be approved by the County Manager.

- 5) for lodging, actual expenses as evidenced by receipts will be reimbursed.
- 6) for registration and any included meal functions (but not entertainment outside the planned program), the actual amount expended, as shown by receipt, or paid in advance on a detailed registration form which shall be submitted to the finance office. If spouses or guests are to be included in any function, the employee shall pay in advance for this.
- 7) other required business related expenditures will be reimbursed at actual cost. Receipt and justification must be submitted.

### **SECTION 3 – CHOICE OF ACCOMMODATIONS**

Employees should use care in choosing places of lodging and meals so that costs to the county are not excessive. It shall be the responsibility of the department head to approve travel arrangements of employees within each department. The county manger shall have the authority to deny reimbursement for excessive costs.

### **SECTION 4 – PROCEDURE**

All travel must be authorized by the department head. Travel reimbursement requests shall be approved in the same manner as travel authorization. Reimbursement requests shall be turned in to the finance office at least monthly.

### **SECTION 5 – TRAVEL ADVANCES**

Employees may request a travel advance in an amount not to exceed the estimated cost of travel. The advance shall be requested ten (10) days prior to the trip so that the check can be prepared on the computer and not necessitate manual preparation of a check. The travel advance check shall be issued to the traveler no sooner than two (2) days prior to travel. The dates of travel shall be shown on the check request.

Employees who receive checks for travel in advance of a trip shall turn in all cost information, including receipts for each expenditure, within three (3) days of returning from the trip. Any cash in excess of verified cost shall also be turned in at this time.

If the employee is due a reimbursement for expenses over the amount advanced, the reimbursement check will



be issued with the next run of weekly computer written checks.

Should the required receipts and/or cash not be turned in prior to the next payroll date, then the total of funds advanced shall be deducted from the employee's paycheck.

If, after a travel advance check has been issued, the scheduled trip is not made, the employee shall immediately notify the department head who in turn shall notify the finance office. When travel is postponed for more than one (1) week or canceled, the travel advance check will be returned immediately to the finance office by the department head.

Travel advance checks will be made payable to and delivered by the finance office to the person who is to make the trip, who will sign a receipt for the check. The check shall be endorsed only by the person to whom it is made payable. The finance office shall maintain a log of advances and post issuance and repayments for purposes of control.

**ARTICLE VII**  
**HOLIDAYS AND LEAVES OF ABSENCE**

**SECTION 1 – HOLIDAYS**

The following days, and other such days as the Board of Commissioners may designate, are holidays with pay for employees and officers of the county working the basic workweek:

New Year's Day  
Martin Luther King Jr. Day  
Good Friday  
Memorial Day  
Independence Day  
Labor Day  
Veteran's Day

Thanksgiving Day  
Day after Thanksgiving  
Christmas - Two (2) or three (3) workdays  
(see following Christmas holiday schedule)

The county will follow the State of North Carolina holiday closing schedule. In general, when a holiday other than Christmas Day, falls on Saturday or Sunday, Monday shall be observed as a holiday.

When Christmas Day falls on:

Sunday  
Monday  
Tuesday  
Wednesday  
Thursday  
Friday  
Saturday

The County observes:

Friday and Monday  
Monday and Tuesday  
Monday, Tuesday, and Wednesday  
Tuesday, Wednesday, and Thursday  
Wednesday, Thursday, and Friday  
Thursday and Friday  
Friday and Monday

Holiday leave earned by employees having a workweek with greater or fewer hours than the standard workweek shall be the same as the hours the employee would have normally worked on that day not to exceed eight hours.

The employee will not be paid for a holiday if he or she is on leave without pay. In order to be eligible for holiday pay, an employee must have been at work or on paid leave the day before and the day after the holiday.

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

**SECTION 2 – HOLIDAY WHEN WORK REQUIRED**

Employees that work in departments that operate on a 24-hour basis and do not close for holidays (communications, EMS, sheriff's department) or departments who vary from the county administration designated holidays will be compensated for the holiday pay for the legal holiday not the day designated for closing of county offices.

Employees required to perform work on regularly scheduled holidays may be granted compensatory time off or be paid an additional pay equal to the regular hourly rate for the hours actually worked. Compensatory time shall be granted whenever feasible and taken within three (3) months from the time it is earned unless special written permission is obtained from the department head.

### **SECTION 3 – VACATION LEAVE**

Vacation leave is earned and accrued from the first day of employment for eligible employees. Vacation days must be approved by department heads at least three (3) days prior to the vacation. The department head has the discretion to waive this requirement when circumstances warrant.

### **SECTION 4 – VACATION LEAVE – INITIAL APPOINTMENT PROBATIONARY EMPLOYEES**

Employees serving a probationary period following initial appointment may accumulate vacation leave but shall not be permitted to take vacation leave during the probationary period. Exceptions may be approved by the department head and/or the county manager.

If a probationary employee is terminated or resigns during the probationary period he/she shall not be paid for any annual leave accruals.

The county will not transfer annual leave from another jurisdiction; however, the county will allow a transfer of 30 days of unused sick leave from an out-of-state governmental employer and will accept in total the balance of unused sick leave for an employee who is an active member of the North Carolina Government Retirement System.

### **SECTION 5 – MANNER OF ACCUMULATION**

An employee working the standard workweek of 37.5 hours shall earn vacation leave at the following rates:

Years of Aggregate Service	Bi-Weekly Hours <u>Accrued</u>	Annual Hours <u>Accrued</u>	Annual Days <u>Earned</u>
(a) Less than 2 years	2.88	75	10
(b) 2 years but less than 5	3.46	90	12
(c) 5 years but less than 10	4.33	112.6	15
(d) 10 years but less than 15	5.19	135	18
(e) 15 years but less than 20	6.06	157.5	21
(f) 20 years or more	6.92	180	24

- These bi-weekly hours accrued are rounded to the nearest hundredth, but will be carried out to ten-thousandth for all computer calculation.

Vacation leave earned by employees having a workweek with greater or fewer hours than the standard workweek shall be determined in accordance with the formula set forth in Section 19 of this article.



#### **SECTION 6 – VACATION LEAVE – MAXIMUM ACCUMULATION**

Annual leave may be accumulated without any applicable maximum until December 31 of each calendar year. However, if the employee separates from service, payment will be made for all accumulated annual leave. At the end of the calendar year any employee with more than the designated number of vacation leave shall have the excess accumulation converted to sick leave. No more than the maximum accumulation is carried forward into the next calendar year.

Employees are cautioned not to retain excess accumulation of annual leave until late in the calendar year; due to the necessity to keep all county functions in operation, large numbers of employees cannot be granted annual 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 annual leave scheduled or in receiving any exception to the maximum accumulation.

#### **SECTION 7 – VACATION LEAVE – CASH IN LIEU OF TIME OFF**

An employee who has a minimum of 75 hours of accrued vacation may be allowed to receive pay for up to one (1) week of vacation in lieu of time off during any calendar year. A request must be made on a leave form and approved by the department head.

#### **SECTION 8 – VACATION LEAVE – PREVIOUS LEAVE CREDIT**

Vacation leave credit accumulated by each employee as of the adoption of this personnel administration policy shall be retained as of the effective date of this policy.

#### **SECTION 9 – VACATION LEAVE – RETENTION OF BENEFIT STATUS**

Leave accrual is based on aggregate service. Any permanent employee who transfers from another North Carolina unit of local or state government shall have their years of service (determined by the number of years paid into the Local Governmental Employees' Retirement System, the Law Enforcement Retirement System, or the State Employees' Retirement System) credited toward the county's schedule for determining vacation accrual rates.

Any exception to this policy must be approved by the county manager and the board of commissioners.

#### **SECTION 10 – VACATION LEAVE – TERMINAL PAY AND REPAYMENT OF VACATION LEAVE**

A permanent employee, who is separated without failure in performance of duties or personal conduct, or resigns giving two (2) weeks notice, shall be paid for vacation leave accumulated to the date of separation.

#### **SECTION 11 – VACATION LEAVE – PAYMENT FOR ACCUMULATED VACATION LEAVE UPON DEATH**

The estate of an employee who dies while employed by the county shall be entitled to payment of all accumulated vacation leave credited to the employee's account.

## **SECTION 12 – TRANSFER OF VACATION LEAVE**

An employee may request the transfer of vacation to another county employee in medical situations which are severe and would qualify for leave under FMLA. Sick leave may not be transferred.

The employee receiving the leave must have exhausted all other leave hours and there must be a valid reason for the request. A letter requesting the transfer must be submitted to the human resources director and be approved by the county manager. Requests will be considered on an individual basis.

## **SECTION 13 – SICK LEAVE**

Paid sick leave protects employees against loss of income during absences from work due to illness or injury that prevents the performance of duties. It may also provide limited paid leave during periods of bereavement. It is intended to cover the needs of the employee and provide a limited amount of coverage for situations related to the illness or injury of an immediate family member that requires direct care by the employee. For the purposes of this section, the employee's "immediate family" is defined as the employee's spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law and adopted relationships that can be derived from those names. Exceptions may be granted by department heads.

Sick leave with pay is not a right which an employee may demand, but a privilege granted by the Transylvania County Board of Commissioners for the benefit of an employee. Sick leave shall be used by an employee absent from work for any of the following reasons:

- a. Illness or injury of the employee that prevents the employees from performing his/her job.
- b. Caring for members of immediate family.
- c. Medical or dental examinations or treatment.
- d. Pregnancy, childbirth, postpartum care, pregnancy related illness, miscarriage, adoption or foster care placement with the employee.
- e. Quarantine due to exposure to a contagious disease when continuing to work might jeopardize the health of others.
- f. Death of a member of the employee's immediate family. Up to three days of sick leave may be used for bereavement. Accrued vacation leave or compensatory time off may be requested for any additional bereavement time off. Exceptions may be granted by department heads.

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave. Notification of an absence should be given no later than 30 minutes after reporting time of the day that the absence occurs. Emergency Services employees must give notice two hours prior to the beginning of the employee's assigned work shift, in order to find coverage for the shift.

The minimum amount of sick leave which may be taken is thirty (30) minutes. Sick leave must be taken in thirty (30) minute increments. Sick leave may be taken as earned by a permanent employee.

Pay in lieu of sick leave shall not be an option. No employee will be paid for accrued or unused sick leave at the time of separation from service. The County does not advance sick leave.



#### **SECTION 14 – SICK LEAVE – MANNER OF AND ACCUMULATION**

Each full-time permanent and probationary employee shall earn twelve (12) days of sick leave annually, or 3.46 hours per pay period. Sick leave earned by permanent employees having a workweek with hours that differ from the basic workweek shall be determined in accordance with the formula set forth in Section 19 of this article.

#### **SECTION 15 – SICK LEAVE – MAXIMUM ACCUMULATIONS**

Sick leave will be cumulative for an indefinite period; there is no maximum amount that may be accumulated.

#### **SECTION 16 – SICK LEAVE – RETIREMENT CREDIT FOR ACCUMULATED SICK LEAVE**

One (1) month of retirement credit is allowed for each twenty (20) days accrued in an employee's sick leave account at time of retirement to employees who are members of the North Carolina Local Governmental Employees' Retirement System.

#### **SECTION 17 – SICK LEAVE – TRANSFER FROM NORTH CAROLINA GOVERNMENTAL ENTITY**

Any permanent employee who transfers from another North Carolina unit of local or state government shall have their years of service (determined by the number of years paid into the Local Governmental Employees' Retirement System, the Law Enforcement Retirement System, or the State Employees' Retirement System) credited toward the county's schedule for determining vacation accrual rates.

#### **SECTION 18 – ABUSE OF SICK LEAVE**

To avoid the abuse of sick leave privileges, a supervisor or department head may require a statement from a medical doctor or other satisfactory evidence that the employee was unable to work due to personal illness, family illness or death in the family. Abuse of sick leave is subject to disciplinary action.

#### **SECTION 19 – CALCULATION OF VACATION LEAVE AND SICK LEAVE**

Vacation leave and sick leave earned by permanent employees in budgeted positions having a workweek of twenty (20) hours or more shall be determined in accordance with the following formula:

- 1) The number of hours worked by such employees shall be divided by the number of hours in the standard workweek.
- 2) The proportion obtained in step (a) shall be multiplied by the number of hours of leave earned annually



by employees working the basic workweek.

- 3) The number of hours in step (b) divided by, twenty six (26) shall be the number of hours of leave earned bi-weekly by the employees.

## **SECTION 20 – FAMILY AND MEDICAL LEAVE POLICY (FMLA)**

In accordance with the Family and Medical Leave Act of 1993, eligible Transylvania County employees are entitled to a total of 12 work weeks of leave for the following reasons:

- 1.) The birth of a child or to care for the newborn child;
- 2.) The placement with the employee of a child for adoption or foster care; or to care for the child after placement;
- 3.) The care of an employee's spouse, child or parent with a serious health condition;
- 4.) A serious health condition that makes the employee unable to perform the essential functions of the employee's job.

To be eligible for FMLA leave, the employee must have been employed by Transylvania County for at least 12 months and must have worked at least 1,250 hours during the 12-month period immediately preceding the start of the leave.

FMLA leave shall begin at the point an eligible employee has taken 10 working days of accrued, paid sick leave for any FMLA purpose. An eligible employee is entitled to a total of 12 work weeks of FMLA leave for the reasons given during any twelve month period. The twelve month period is defined as the twelve months immediately preceding and ending with the beginning of any FMLA eligible leave. All leave, paid or unpaid, or leave covered under Worker's Compensation, which is used for an FMLA purpose shall be counted as FMLA leave.

In the event that FMLA leave is granted for the birth of a child and both parents are eligible Transylvania County employees, each parent may be granted one 12-week period of leave for the birth and postpartum care of the child.

It is the responsibility of each employee to inform his/her employer regarding the circumstances resulting in absence from work. If the absence for an FMLA purpose is foreseeable, the employee should to submit a FML Request Form to his/her supervisor 30 days prior to beginning the leave. In cases when circumstances do not permit a 30 day notice, the employee is required to provide at least verbal notification to the immediate supervisor as soon as possible.

The County may request a report from the employee or certifying physician regarding the employee's status with respect to returning to work. After the employee has used a total of 12 weeks of leave for FMLA purposes, but is unable to return to work, a determination regarding the employee's continued employment with Transylvania County will be made. Additional leave may or may not be approved based on the needs of the department. Failure to return to work within three workdays of the expiration of approved FMLA leave will be considered a voluntary resignation.

## **SECTION 21 – MATERNITY LEAVE**

Time taken away from work for maternity-related reasons shall be considered a qualified Family and Medical leave event and as such, shall be covered under Section 20 of this policy. An FML Request should be submitted at least 30 days prior to the expected leave.

At any stage of pregnancy, a supervisor may request a doctor's certificate regarding the employee's ability to perform all duties required by her position. If a pregnant employee holds a position that requires physical demands more strenuous than permitted by her attending physician and therefore cannot perform the tasks and duties of the position for an amount of time greater than is provided through Family and Medical Leave, the department head may hold the position open or may fill the position with a part time or temporary employee until the full time employee is released by her physician for return to duty.

## **SECTION 22 – LEAVE WITHOUT PAY – POLICY**

A permanent or probationary employee may be granted a leave of absence without pay for a period of up to 90 days within a 12-month period for compelling personal reasons. The employee shall apply in writing to his/her immediate supervisor for leave. Leave without pay must be approved in advance by the department head and the county manager. Exceptions to the 90-day limit may be granted by the county manager.

The employee is obligated to return to duty within or at the end of the time determined appropriate by the appointing authority. Reinstatement to the same position or one of like classification, seniority and pay shall be made upon the employee's return to work. An employee who is on leave without pay status is not exempt from a reduction in force policy which may be implemented.

## **SECTION 23 – LEAVE WITHOUT PAY – RETENTION & CONTINUATION OF BENEFITS**

An employee shall retain all unused vacation and sick leave while on leave without pay. An employee ceases to earn all leave credits on the date leave without pay begins. The employee may continue to be eligible for benefits under the county's group insurance plans, subject to any regulations adopted by the board of commissioners and the regulations of the respective insurance carriers. If the employee chooses to remain active in the county's group insurance plans, the employee shall be responsible for the entire amount of premiums. If the employee fails to remit payment for insurance premiums by the twenty-fifth (25<sup>th</sup>) day of the preceding month, insurance coverage will be terminated as of the first day of the following month. Payment should be made to the finance office.

## **SECTION 24 – WORKERS' COMPENSATION LEAVE**

When an employee is injured in the course of performing duties related to his/her job, the employee may draw benefits due under the North Carolina Workers' Compensation Act by choosing one of the following options: Leave taken under Worker's Compensation shall be considered a qualified Family and Medical Leave event.



Employees who are injured in the course of performing their job related duties may choose one of the following options:

- 1) **Option 1.** Take accumulated sick and annual leave and receive all medical benefits adjudged to be due under the Workers' Compensation Act. First sick leave and then annual leave must be exhausted before going on leave without pay and before receiving any weekly benefit payments.
- 2) **Option 2.** Take accumulated sick leave only and receive medical benefits due under the Workers' Compensation Act. After exhaustion of sick leave, the employee may go on leave without pay and receive weekly benefit payments.
- 3) **Option 3.** Go immediately on leave without pay and reserve for personal use accumulated sick leave and annual leave. Under this option, the employee will receive all the benefits for which he/she may be adjudged eligible under the Workers' Compensation Act.

Once an option has been selected by the employee, it cannot be changed during the period covered. Any Workers' Compensation benefits received while on sick or annual leave will be reimbursed to the county. Upon reinstatement, an employee will have his/her salary computed on the basis of the employee's last salary plus any increase to which the employee would have been entitled during disability covered by Workers' Compensation. An employee will retain all accumulated sick and annual leave while drawing Workers' Compensation payments in a leave without pay status. Temporary employees will be placed in a leave without pay status and will receive all benefits for which they may be adjudged eligible under the Workers' Compensation Act.

#### **SECTION 25 – MILITARY LEAVE**

Permanent employees who are members of the National Guard or Armed Forces Reserve will be allowed 15 workdays per year for training purposes with full compensation. Additional military leave needed for training shall be charged to vacation or leave without pay at the discretion of the employee.

In the event that an employee is called to Active Duty the employee will also be eligible for 30 calendar days of differential pay. If the compensation received while on military duty is less than the salary that would have been earned during this same period as a county employee, the employee will receive compensation equal to the difference in the salaries for the period of military leave up to 30 calendar days per year. The employee must provide a copy of their Military Leave and Earnings Statement for the purpose of calculating the differential pay.

For other periods of reserve active duty, employees will be placed on leave without pay. The employee may choose to retain their vacation, exhaust their vacation, or be paid in a lump sum for their vacation up to a maximum of 240 hours. Compensatory time may also be exhausted or it may be paid in a lump sum.

Creditable service to the Retirement System is given to those employees who are on military leave without pay for active duty at no cost. The employee must return to county service within two years after the earliest discharge date or return at any time after discharge and complete at least 10 additional years of service as a contributing member. The employee must file a copy of the service record (DD -214) showing dates of



entrance into and separation from the military to receive retirement credit with the North Carolina Local Government Retirement System.

Upon return to work, the employee shall receive pay for holidays, which occurred during the military leave and the employee will be credited with the appropriate amounts of sick and vacation leave, as if the employee had remained with the county during the period. The employee will maintain seniority and receive longevity credit for the length of the military leave. If the employee is otherwise eligible, they will receive longevity as other active full time employees.

The county will make-up the required contribution to the 401-K Supplemental Retirement Program for sworn law enforcement officers and to the 457 and regular county employees. The contribution amount will be based on the amount which would have been contributed if the employee had continued to work the base number of hours with the county during the period of military leave.

Upon return, the employee will be reinstated to the same or a similar position with the same or similar pay. The employee's salary will be based on the rate at the time of leave, plus any market adjustments the employee would have received. Employees are not eligible for merit adjustments while on leave without pay.

Permanent employees who are guardsmen and reservists have all job rights specified under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

## **SECTION 26 -- MILITARY FAMILY LEAVE**

Military Family Leave shall be granted for the following reasons:

- 1) The care of a spouse, son, daughter, parent or next of kin who is a military service member recovering from a serious illness or injury sustained in the line of active duty. Up to 26 weeks may be granted.
- 2) Any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. Up to 12 weeks may be granted.

The eligible employee is entitled to a combined total of 26 work weeks of unpaid leave during any 12-month period. The term "12-month period" shall be defined as a rolling 12-month period measured backward from the date an employee uses any FML.

## **SECTION 27 – CIVIL LEAVE**

A county 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 vacation or sick leave.

An 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 county any witness fees or travel allowances 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 28— EDUCATIONAL LEAVE WITH PAY**

Educational leave at full or partial pay for a period not to exceed twelve (12) calendar months may be granted to an employee to take a course that will better equip the employee to perform assigned duties, upon the recommendation of the department head and the appointing authority, with the approval of the board of commissioners. An employee granted such extended educational leave with pay shall agree to return to the service of the county upon completion of training and remain in the employment of the county for a period equal to twice the educational leave received, or the employee shall reimburse the county for all compensation received while on educational leave.

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

#### **SECTION 29 – WEEKLY INDEMNITY BENEFITS**

Employees eligible for Weekly Indemnity Benefits through the county's insurance program, regardless of tenure, must use all sick leave benefits before disability benefits can be paid.

#### **SECTION 30— EMPLOYEE LEAVE FOR INVOLVEMENT IN CHILDREN'S SCHOOLS**

Transylvania County actively supports and encourages employees to participate in the school activities of their children. Therefore, each employee who is a parent, guardian or "in loco parentis" of a school-aged child shall receive four (4) hours leave per calendar year to participate in their child's school activities.

The county requires:

- 1) The employee provide a written leave request at least 48 hours before the time desired for the leave.
- 2) The leave shall be mutually agreed upon between the employer and the employee.
- 3) The employer may require the employee to furnish written verification from the school that the employee attended or was otherwise involved at the school during the time of the leave.

The definition of school includes: public schools, private schools, church schools, preschools and day care facilities.



**ARTICLE VIII**  
**SEPARATION, DISCIPLINARY ACTION, AND REINSTATEMENT**

**SECTION 1 – TYPES OF SEPARATIONS**

All separations of employees from positions in the service of the county 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**

A minimum of two (2) weeks' notice is expected of all resigning personnel. Such notice should be given in writing to the department head (or in the case of department heads, to the county manager). Human Resources shall be notified in writing (with an attached copy of the employee's letter of resignation) by the department head or the county manager upon receipt of an employee's notice of resignation. Administration may elect to agree to two (2) weeks' pay in lieu of two (2) weeks' notice.

**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 past performance, organizational needs, and seniority in determining those employees to be retained. Employees who are laid off because of a reduction in force shall be given at least two weeks notice of anticipated layoff.

If an employee is separated due to a reduction in force the county will provide a severance benefit as follows:

- a. One weeks' salary for each full year of satisfactory service up to 12 weeks with a minimum of two (2) weeks' salary.
- b. Payment of all accrued vacation and compensatory time.
- c. Payment of all medical insurance premiums for 3 months. (Employee and covered family members)

No permanent employee shall be separated while there are temporary employees serving in the same job classification within the county, unless the permanent employee is not willing to transfer to the position held by the temporary employee.

The county shall attempt to transfer employees affected by the reduction in force to vacant positions in other departments for which the employee is qualified.

For a period of one (1) year an employee who is separated due to a reduction in force will be notified and may make application for open county positions through the internal posting procedures.

If an applicant who was subject to a reduction in force were reemployed within the one year period, then their previous service time would be reinstated.

If the employee is eligible for longevity, it will be prorated based on the number of months worked during the previous fiscal year.



#### **SECTION 4 – DISABILITY**

An employee may be separated for disability when the employee cannot perform the required duties because of a physical or mental impairment. Action may be initiated by the employee or the county, but in all cases it shall be supported by medical evidence as certified by a competent physician. The county may require an examination at its expense and performed by a physician of its choice. Before an employee is separated for disability, a reasonable effort shall be made to locate alternative positions within the county's service for which the employee may be suited.

#### **SECTION 5 – RETIREMENT AGE**

There is no mandatory age at which a county employee must retire. Any questions as to an employee's ability to perform the duties of his/her position shall be addressed through the provisions of Section 4. Disability.

#### **SECTION 6 – DEATH**

All compensation due in accordance with Article VII, Section 11 of this policy will be paid to the estate of a deceased employee. The date of death shall be recorded as the separation date for computing compensation due.

#### **SECTION 7 – DISCIPLINARY ACTIONS**

An employee may be suspended or demoted or placed on probation by the department head because of failure in performance of duties or failure in personal conduct. The department head shall provide the employee with a written notice including the recommended effective date, reasons for the action, and appeal rights available to the employee.

#### **SECTION 8 – FAILURE IN PERFORMANCE OF DUTIES**

An employee whose work is unsatisfactory over a period of time shall be notified by their supervisor of specific areas of work that are deficient and what must be done if the work is to be brought up to satisfactory.

An employee who is suspended, demoted or dismissed or placed on probation for unsatisfactory performance of duties shall receive at least three (3) warnings before disciplinary action is taken. First, one or more oral warnings must be issued by the employee's supervisor; second, an oral warning with a follow-up letter to the employee which sets forth the points covered in their discussion must be issued by the supervisor; and third, a written warning must be issued by the department head serving notice upon the employee that corrective action must be taken immediately in order to avoid disciplinary actions. The supervisor and the department head must record the dates of their discussions with the employee, the performance deficiencies discussed and the corrective actions recommended, and must file the information in the employee's personnel file. The employee must sign a statement in acknowledgment of the discussion with the supervisor and/or department head.

The employee must be allowed at least five (5) workdays to respond to the charges before any determination is made by the department head concerning a suspension or a demotion or a determination is made by the

appointing authority concerning dismissal.

The following causes relating to failure in the performance of duties are representative of those considered to be adequate grounds for probation, suspension, demotion, or dismissal:

- 1) inefficiency, negligence or incompetence in the performance of duties;
- 2) careless, negligent or improper use of county property or equipment;
- 3) physical or mental incapacity to perform duties;
- 4) discourteous treatment of the public or other employees;
- 5) absence without approved leave;
- 6) habitual improper use of leave privileges; and
- 7) habitual pattern of failure to report for duty at the assigned time and place.
- 8) violation of safety policies and procedures

#### **SECTION 9 – FAILURE IN PERSONAL CONDUCT**

An employee may be suspended, demoted, placed on probation or dismissed for causes relating to personal conduct detrimental to county service (1) in order to avoid undue disruption of work, (2) to protect the safety of persons or property, or (3) for other serious reasons.

The following causes relating to failure in personal conduct are representative of those considered to be adequate grounds for suspension, demotion, placing on probation or dismissal:

- 1) fraud in securing appointment;
- 2) conduct unbecoming a public officer or employee;
- 3) conviction of a felony or of a misdemeanor which would adversely affect performance of duties, or entry of a plea of “no contest” to either;
- 4) misappropriation of county funds or property;
- 5) falsification of county records for personal profit or to grant special privileges;
- 6) reporting to work under the influence of alcohol or narcotic drugs or partaking of such substances while on duty while on public property, except that prescribed medication may be taken within the limits set by a physician so long as medically necessary;
- 7) willful damage or destruction of property;
- 8) willful acts that would endanger the lives and property of others;
- 9) acceptance of gifts in exchange for “favors” or “influence”;
- 10) incompatible employment or conflict of interest;
- 11) violation of political activity restrictions; or
- 12) other gross conduct inappropriate for public service.

An employee demoted or dismissed or placed on probation for causes relating to personal conduct shall be given a statement of the charges, shall be allowed to respond in writing, and shall be given a prompt written statement of the decision of the department head or the appointing authority. These steps shall be taken before the disciplinary action except in cases of suspensions, where a written statement will be sent to the employee by certified mail.



#### **SECTION 10 – DISCIPLINARY SUSPENSION**

An employee who is suspended for disciplinary reasons shall be relieved temporarily of all duties and responsibilities and shall receive no compensation for the period of suspension.

#### **SECTION 11 – IMMEDIATE DISCIPLINARY SUSPENSION**

An employee may be suspended without notice by the department head for causes related to personal conduct in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. When a department head suspends an employee he or she shall tell the employee to leave county property at once and remain away until further notice. The department head shall notify the county manager immediately.

A written summary giving the circumstances and facts leading to the suspension shall be prepared; one copy shall be delivered to the employee by certified mail, and one copy shall be filed in the employee's personnel file.

#### **SECTION 12 – NON-DISCIPLINARY SUSPENSION**

During the investigation, hearing or trial of an employee on any criminal charge or during the course of civil action involving an employee, the department head may suspend the employee without pay for the duration of the proceeding as a non-disciplinary action. However, the investigation, hearing, trial, or civil action must involve matters that may form the basis for disciplinary suspension, demotion or dismissal in order for the non-disciplinary suspension to be allowed.

Full recovery of pay and benefits for the period of non-disciplinary suspension will be authorized by the board of commissioners, if the suspension is terminated with full reinstatement of the employee.

#### **SECTION 13 – DISMISSAL**

All dismissals shall be preceded by an automatic three (3) day suspension without pay pending completion of an investigation and hearing with the employee by the appointing authority. If the appointing authority determines that a dismissal action is appropriate, such dismissal shall be effective at the end of the three (3) day suspension. If a dismissal is made at the end of this period, a written summary giving the circumstances and facts leading to the dismissal shall be prepared. A copy of the summary shall be delivered to the employee by certified mail and one copy shall be filed in the employee's personnel file.

Employees in hourly, non-exempt, part-time & temporary positions may be terminated for sub-standard performance without notice and have no recourse to the county grievance process.

#### **SECTION 14 – EMPLOYEE APPEAL**

A permanent employee wishing to appeal probationary action, demotion, suspension or dismissal may present the matter in accordance with the provisions of the grievance procedure prescribed in Article IX of this ordinance.



## **SECTION 15 – REINSTATEMENT**

An employee who resigns while in good standing or who is separated because of reduction in force may be reinstated within one (1) year of the date of separation, with the approval of the department head and the appointing authority. An employee who enters extended active duty with the Armed Forces of the United States, the Public Health Service, or with a Reserve component of the Armed Forces will be granted reinstatement rights commensurate with Chapter 43 of Public Law 93-508. An employee who resigns and who is reinstated shall be credited with previous service and previously accrued sick leave and will receive all benefits, excluding certain longevity provisions, provided in accordance with this policy and state law. The salary paid a reinstated employee shall be as close as reasonably possible, given the circumstances of each employee's case, to the salary rate previously attained by the employee in the salary range for the previous class of work, plus any across-the-board pay increases.

## **ARTICLE IX** **GRIEVANCE AND APPEAL PROCEDURE**

### **SECTION 1 - PURPOSE**

The grievance procedure provides an adequate and fair means for hearing and resolving matters of employment conditions of county employees who have earned permanent status.

### **SECTION 2 - COVERAGE**

The grievance procedure applies to all permanent employees of Transylvania County. Under the grievance procedure, there are four categories of employees. The procedure for each category is specified in Section 4 of this Article. They are:

Employees subject to the North Carolina Personnel Commission (Social Services, Child Development and Health Department)	Section 4 A
Employees of Elected Officials, Board of Elections and Soil and Water Conservation Board	Section 4 B
General County Employees	Section 4 C
Department Heads (not subject to section 4A or 4B)	Section 4 D

A grievance is a claim or complaint 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 may only pertain to allegations of involuntary demotion, suspension, reduction in force, dismissal, discriminatory practices, and/or hostile work environment to include sexual discrimination. Voluntary demotion or Investigatory Suspension is not grievable in accordance with the process described in this policy.

### **SECTION 3 - GRIEVANCE AND APPEAL POLICY**

Every permanent employee shall have the right to present his/her grievance or appeal through an orderly procedure free from interference, coercion, restraint, discrimination, penalty or reprisal. Employees shall be permitted a reasonable amount of time away from regular duties as determined reasonable by the department head or the county manager to prepare and present a grievance. All grievances based on demotion for disciplinary reasons, suspension for disciplinary reasons, dismissal and reduction in force may be appealed directly to the county manager or the corresponding appointing authority. Employees shall have ten (10) working days from the date of receipt of written notice of such an action to file an appeal.

All grievances based on alleged discrimination may be appealed directly to the county manager or the corresponding appointing authority, indicating whether the alleged discrimination was based on race, color, religion, sex, national origin, political affiliation, disability or age.

Grievances filed on an untimely basis will be dismissed. Allegations of discrimination if raised more than thirty (30) calendar days after the party alleging discrimination became aware of or should become aware of the alleged discrimination will be dismissed.

#### **SECTION 4 - PROCEDURE**

**A. *Employees subject to the North Carolina Personnel Commission (Social Services, Child Development and Health Department Employees)***

##### **Step One**

1. An employee must file a grievance in writing, with the immediate supervisor within ten (10) working days of the date the incident occurred. The immediate supervisor shall meet with the employee within ten (10) working days and attempt to quickly and informally resolve the grievance. If the grievance is not settled, the employee and immediate supervisor should prepare a written statement, which describes the action the employee desires the immediate supervisor or organization take to resolve the grievance.
2. If the immediate supervisor's resolution efforts fail, the immediate supervisor must issue a written decision to the employee and the department head on the grievance and submit it no later than five (5) working days following the meeting. This letter must summarize the grievance, the requested statement of actions desired, and documentation as to why the grievance was not resolved. The grievance procedure would at this point move to Step Two.
3. If the employee is alleging sexual harassment or hostile work environment by the immediate supervisor, the employee may file the complaint directly with the department head, county manager, human resources director or corresponding appointing authority.

##### **Step Two**

1. Employees not reaching resolution in Step One may file the grievance and a statement of actions desired, in writing, with the department head or appointing authority within five (5) working days of receipt of the immediate supervisor's written decision. This must state clearly and specifically the basis for the complaint. If the complaint is based on alleged discrimination, indicate whether the alleged discrimination was based on race, color, religion, sex, national origin, political affiliation, disability or age.
2. The department head shall meet with the employee within five (5) working days to discuss the grievance, review the decision made at Step One, and make an independent determination on the merits of the grievance. Within ten (10) working days of meeting with the employee the department head shall issue a written decision to the employee with copies to the immediate supervisor and the human resources department. If the employee and department head reach an agreement at this step, the decision and statement of agreement shall be issued and the grievance is resolved.
3. Should the grievance not be resolved at this level, Section 6 of this procedure is available to this category of employee.



**B. *Employees of Elected Officials, Board of Elections and Soil and Water Conservation***

**Step One**

1. An employee must file a grievance in writing, with the immediate supervisor within ten (10) working days of the date the incident occurred. The immediate supervisor shall meet with the employee within ten (10) working days and attempt to quickly and informally resolve the grievance. If the grievance is not settled, the employee and immediate supervisor should prepare a written statement, which describes the action the employee desires the immediate supervisor or organization take to resolve the grievance.
2. If the immediate supervisor's resolution efforts fail, the immediate supervisor must issue a written decision to the employee and the department head on the grievance and submit it no later than five (5) working days following the meeting. This letter must summarize the grievance, the requested statement of actions desired and documentation as to why the grievance was not resolved. The grievance procedure would at this point move to Step Two.
3. If the employee is alleging sexual harassment or hostile work environment by the immediate supervisor, the employee may file the complaint directly with the department head, county manager, human resources director or corresponding appointing authority.

**Step Two**

1. Employees not reaching resolution in Step One may file the grievance and a statement of actions desired, in writing, with the department head or appointing authority within five (5) working days of receipt of the immediate supervisor's written decision. This must state clearly and specifically the basis for the complaint. If the complaint is based on alleged discrimination, indicate whether the alleged discrimination was based on race, color, religion, sex, national origin, political affiliation, disability or age.
2. The department head/appointing authority shall meet with the employee within five (5) working days to discuss the grievance, review the decision made at Step One, and make an independent determination on the merits of the grievance. Within ten (10) working days of meeting with the employee the department head/appointing authority shall issue a written decision to the employee with copies to the immediate supervisor and the human resources department. If the employee and department head reach an agreement at this step, the decision and statement of agreement shall be issued and the grievance is resolved.

This is the final appeal for employees of Elected Officials, the Board of Elections and the Soil and Water Conservation Board.

C. *General County Employees*

**Step One**

1. An employee must file a grievance in writing, with the immediate supervisor within ten (10) working days of the date the incident occurred. The immediate supervisor shall meet with the employee within ten (10) working days and attempt to quickly and informally resolve the grievance. If the grievance is not settled, the employee and immediate supervisor should prepare a written statement, which describes the action the employee desires the immediate supervisor or organization take to resolve the grievance.
2. If the immediate supervisor's resolution efforts fail, the immediate supervisor must issue a written decision to the employee and the department head on the grievance and submit it no later than five (5) working days following the meeting. This letter must summarize the grievance, the requested statement of actions desired and documentation as to why the grievance was not resolved. The grievance procedure would at this point move to Step Two.
3. If the employee is alleging sexual harassment or hostile work environment by the immediate supervisor, the employee may file the complaint directly with the department head, county manager, human resources director or corresponding appointing authority.

**Step Two**

1. Employees not reaching resolution in Step One may file the grievance and a statement of actions desired, in writing, with the department head within five (5) working days of receipt of the immediate supervisor's written decision. This must state clearly and specifically the basis for the complaint. If the complaint is based on alleged discrimination, indicate whether the alleged discrimination was based on race, color, religion, sex, national origin, political affiliation, disability or age.
2. The department head shall meet with the employee within five (5) working days to discuss the grievance, review the decision made at Step One, and make an independent determination on the merits of the grievance. Within ten (10) working days of meeting with the employee, the department head shall issue a written decision to the employee with copies to the immediate supervisor and the human resources department. If the employee and department head reach an agreement at this step, the decision and statement of agreement shall be issued and the grievance is resolved.
3. Should the grievance not be resolved at the department head level this employee has additional grievance rights as specified in Step Three.

**Step Three**

1. Employees not reaching a resolution or timely response in Step Two are able to take the grievance from the department level to the county manager. This enables the employee, immediate



supervisor and department head to have the grievance reviewed by someone external to the department. The grievance must be filed with the county manager within ten (10) working days of the decision or decision due date of Step Two. The manager shall meet with the employee within ten (10) working days, complete an investigation and make an independent determination on the merits of the grievance. The manager shall review the grievance and render a decision within ten (10) working days of the meeting.

2. The decision, in writing, shall be provided to the employee, immediate supervisor and department head. Should the employee and manager reach a resolution, the agreement shall be outlined and the grievance shall be resolved.

This is the final step of the grievance and the decision is final except in the case of for department heads not subject to the jurisdiction of the North Carolina State Personnel Commission and who have appeal rights specified in Step Four.

D. *Step Four (Applicable only to department heads not subject to the jurisdiction of the North Carolina State Personnel Commission)*

1. Department heads not reaching a resolution or a response in Step Three are able to take the grievance from the county manager level to the county commissioners. The grievance must be filed with the county commissioners within ten (10) working days of the decision of the county manager. The commissioners shall have a hearing with the employee within 30 days to review the grievance and they shall render a decision within ten (10) working days.

#### **SECTION 5 - FINAL DECISION**

Upon receiving the decision of the county manager, corresponding appointing authority or the county commissioners (for department heads only) the decision issued and applicable relief to resolve the grievance is at this stage final and is not grievable, except by those employees subject to the jurisdiction of the North Carolina Personnel Commission, who may appeal from the appointing authority directly to the State Personnel Commission.

#### **SECTION 6 - APPEAL TO THE STATE PERSONNEL COMMISSION**

Employees subject to the jurisdiction of the North Carolina State Personnel Commission shall have the right to appeal to the State Personnel Commission through the Office of Administrative Hearings no later than thirty (30) days after receipt of notice of the corresponding appointing authority's decision, provided that the employee has obtained permanent status in accordance with the rules and regulations of the State Personnel Commission. The decision of the State Personnel Commission shall be binding on appeals of local employees subject to the State Personnel Act if the commission finds that the employee has been subjected to discrimination or if a binding decision is required by applicable federal standards. However, in all other local employee appeals, the decision of the State Personnel Commission shall be advisory to the local appointing authority.



**ARTICLE X**  
**EMPLOYEE BENEFITS**

**SECTION 1 – INSURANCE**

The county provides disability, medical and life insurance programs to permanent county and competitive service employees.

The county provides medical insurance to retired county employees who were eligible and elected this benefit before July 1, 2006. For other county employees, the county makes a bi-weekly contribution to a 457 benefit plan to help with post-retirement medical costs.

The county may make other group insurance plans available for its employees upon authorization of the board of commissioners.

**SECTION 2 – UNEMPLOYMENT INSURANCE**

In accordance with Public Law 94-566 and Chapter 1124 of the Session Laws of 1977 of the North Carolina General Assembly, local governments are covered by unemployment insurance effective January 1, 1978.

County employees who are laid off or released from the county service may apply for unemployment compensation through the local office of the Employment Security Commission who will determine the employee's eligibility for this benefit.

**SECTION 3 – OLD AGE AND SURVIVOR'S INSURANCE**

The county, to the extent of its lawful authority and power, has extended Social Security benefits for its eligible employees and eligible groups and classes of such employees.

**SECTION 4 – RETIREMENT BENEFITS**

The county provides a retirement program for employees through the North Carolina Local Governmental Employee's Retirement System or the Law Enforcement Retirement System. Only at the time of employment, sworn law enforcement officers shall have the option of membership in either retirement system.

Each employee appointed to a permanent position shall be required to join one of the county retirement plans.

**SECTION 5 – LONGEVITY PAY**

In addition to regular salaries, a longevity payment will be made annually in recognition of long term service of permanent full time employees who have served at least five (5) continuous years with Transylvania County.

Annual longevity pay amounts are based on the length of continuous county service and a percentage of the employee's annual rate of base pay on the date of eligibility as of July 1 of each year, with the payment being made the Wednesday prior to Thanksgiving. Longevity pay amounts are computed by multiplying the employee's base pay rate by the appropriate percentage from the following table:

Years of Service	Longevity Pay Rate
5 through 10 years	2%
11 through 15 years	3%
16 through 20 years	4%
21 and over	5%
\$1,250 ceiling for any annual longevity payment	

**ARTICLE XI**  
**PERSONNEL RECORDS AND REPORTS**

**SECTION 1 – PERSONNEL RECORDS MAINTENANCE**

Such personnel records as are necessary for the proper administration of the personnel system will be maintained by the county manager. The county shall maintain in personnel records only information that is relevant to accomplishing personnel administration purposes.

The following information on each county employee shall be maintained as a matter of public records:

- 1) name;
- 2) age;
- 3) date of original employment or appointment to county services;
- 4) current position title;
- 5) current gross salary;
- 6) date and amount of most recent change in salary;
- 7) date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and
- 8) office to which the employee is currently assigned.

**SECTION 2 – ACCESS TO PERSONNEL RECORDS**

As required by G.S. 153A-98, any person may have access to information listed in Section 1 of this article for the purpose of inspection, examination and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the board of commissioners may adopt. Access to the employee's personnel file shall be governed by the following provision:

- 1) All disclosures of records from the employee's personnel file shall be accounted for by keeping a written record (except for authorized persons processing personnel actions) of the following information: name of employee; information disclosed; date information was requested; name and address of the person to whom the disclosure is made. This information must be retained for a period of two (2) years.
- 2) Upon request, records of disclosure shall be made available to the employee to whom it pertains.
- 3) An individual examining a personnel record may copy the information; any available photocopying facilities may be provided and the cost may be assessed to the individual.
- 4) Any person denied access to any record shall have a right to compel compliance with these provisions by application to a court for writ of mandamus or other appropriate relief.

**SECTION 3 – CONFIDENTIAL INFORMATION**

The information contained in a county employee's personnel file, other than the information listed in Section 1



of this article, will be maintained as confidential in accordance with the requirement of G.S. 153-A-98 and shall be open to public inspection only in the following instances:

- 1) The employee or a duly authorized agent may examine all portions of the employee's personnel file, except (1) letters of reference solicited prior to employment, and (2) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his/her patient.
- 2) A licensed physician designated in writing by the employee may examine the employee's medical record.
- 3) A county employee having supervisory authority over another employee may examine all materials in that employee's personnel file.
- 4) An official of any agency of the State or Federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such information is deemed by the county manager to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability.
- 5) Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
- 6) A record shall be made of each disclosure and placed in the employee's file (except of disclosures to the employee and the supervisor).

#### **SECTION 4 – RECORDS OF FORMER EMPLOYEES**

The provisions for access to records apply to former employees as they apply to present employees.

#### **SECTION 5 – 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.

#### **SECTION 6 – PENALTIES FOR PERMITTING ACCESS TO CONFIDENTIAL FILE BY UNAUTHORIZED PERSON**

General Statute 153A-98 provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed five hundred (500) dollars.

#### **SECTION 7 – PENALTY FOR EXAMINING and/or COPYING CONFIDENTIAL MATERIAL WITHOUT AUTHORIZATION**

G.S. 153A-98 provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined at

the discretion of the court, but not in excess of five hundred (500) dollars.

**SECTION 8 – DESTRUCTION OF RECORDS REGULATED**

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with GS 121.5, without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever, alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined not less than ten (10) dollars nor more than five hundred (500) dollars as provided in G.S. 132-3.

**ARTICLE XII**  
**IMPLEMENTATION OF POLICY**

**SECTION 1 – CONFLICTING POLICIES REPEALED**

All policies, ordinances or resolutions that conflict with the provisions of this policy are hereby repealed.

**SECTION 2 - SEPARABILITY**

If any provision of this policy or any rule, regulation or order there under of the application of such provision to any person or circumstances is held invalid, the remainder of this policy and the application of such remaining provisions of this policy of such rules, regulations or orders to persons or circumstances other than those held valid will not be affected thereby.

**SECTION 3 – VIOLATION OF POLICY REVISION**

An employee violating any of the provisions of this policy shall be subject to suspension and/or dismissal, in addition to any civil or criminal penalty which may be imposed for the violation of the same.

**SECTION 4 – EFFECTIVE DATE**

This policy became effective on January 1, 1984 and thereafter shall be revised as needed. The most recent revisions were September 10, 2012.



# APPENDIX

# E

APPENDIX

E

## TRANSYLVANIA COUNTY APPEARANCE POLICY

The public image of Transylvania County and its employees is based in part on the impression staffs make in their contact with the public. Appearance, as well as conduct, is a part of that lasting impression. This policy has been adopted in order to maintain a positive public image of Transylvania County and its employees and addresses the minimum appearance requirements for the workplace.

Certain departments may require a more stringent set of requirements for reasons of safety or professional standards and therefore may require specific attire. Department heads make the final decision on what is appropriate or inappropriate appearance in the workplace.

Accommodations may be made for employees with medical conditions and/or religious beliefs that require special attire.

In general, all Transylvania County personnel will:

1. Maintain a neat, clean and professional appearance.
2. Maintain good hygiene.
3. Wear appropriate clothing and footwear.
4. Wear county-issued name tag/badge/ID card indicating the name of the employee and his/her working title and containing the photographic likeness of the employee.
5. Fingernails must be an appropriate length based on job responsibilities and polish must be neat and un-chipped if worn.

Generally, the following list outlines what is considered inappropriate appearance and may be viewed as violations of this policy:

1. Soiled, wrinkled, stained or torn clothing.
2. Strongly scented perfume, cologne or other personal care products.
3. Visible tattoos that could be viewed as offensive, sexist or racist to the public.
4. Visible piercings other than earrings.
5. Jewelry which could pose a safety risk to the employee or the public.
6. Artificial nails (acrylic, gel, overlays, tips, extenders, silk, press-on, etc.) are not allowed for any staff member providing patient care and food services.
7. Warm-up suits; sweatshirts/pants; shorts; transparent, see-through, low-cut, revealing, or tight-fitting clothing; halter/tank tops; skirts shorter than 3 inches above the knee; clothing with inappropriate advertising or slogans.
8. Tee shirts, pocket tee-shirts and undergarment type shirts, unless part of a uniform or regular department attire, special function or recognition.
9. Hats or head coverings, unless required as part of a uniform or regular department attire or for religious or medical reasons. (As a reminder common courtesy is to remove hats inside buildings or offices.)
10. Beach type flip-flops, bedroom slippers and bare feet. (Shoes should be appropriate for the work environment.)

Employees should be familiar with the specific requirements for their respective departments. An employee's department head and/or supervisor will address the subject of personal appearance with the employee if it is felt that his or her appearance does not positively reflect the image of the County.

Any employee deemed to be inappropriately dressed or groomed will be asked to return home in order to correct the problem. Employees will not be compensated for the time they do not work unless vacation leave or compensatory time is used. Repeated violations will be subject to further disciplinary action up to and including dismissal.

Adopted by the Board of Commissioners 4/11/2016.



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# APPENDIX

# F

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## **Computer and Internet Acceptable Use Policy Transylvania County, North Carolina**

### **Purpose**

To establish an employee policy pertaining to the acceptable use of computers, related peripherals, and software belonging to Transylvania County and the Internet.

### **Background**

Technological advances provide a unique opportunity to increase access to information and to improve the productivity of staff and the quality of county program services. Transylvania County and its subdivisions have made considerable financial contributions and a commitment of human resources to provide the means to utilize these capabilities. Transylvania County has an obligation and responsibility to protect this investment and to insure that these county facilities and services are in accordance with all applicable laws, regulations, and standardized recommendations, and that use is in accordance with established principles and philosophies of Transylvania County. The following guidelines are established to provide for access and proper use of the Internet, e-mail, computers, local area networks (LAN) and service connections.

### **Scope**

This policy applies to all users (as defined in the Definitions section) and to all county-owned computer systems and includes all hardware, data, software, terminals, printers, modems and any networks accessed by these systems including the Internet.

### **Policy**

All existing and future laws, rules, regulations, and guidelines on the legal and ethical behavior of county employees and the appropriate use of government resources apply to the use of electronic systems provided by Transylvania County

2. **Computers and software**
  - a. All purchase requisitions and check requests for computer-related hardware and software will be reviewed and signed by the information technology (IT) director.
  - b. All new computers will be set up by the IT department or by an individual in the user department approved by IT.
  - c. Space will be provided in a central location within each department for the storage of all original compact disks (CD) and diskettes received with each individual personal computer (PC). These items will be clearly marked with the serial number of the PC on which they are installed and will be stored in a CD holder as determined by the IT department
  - d. No personal software, (including games, screen savers, media players, etc.) or software not belonging to the county will be installed on any county PC except as follows:

Adopted 2/10/2001

- a. Staff will not use county computing resources for private business purposes or soliciting of any kind.
  - b. Incidental personal use is acceptable at the discretion of each department head; it should be kept to a minimum, and must not interfere with the performance of an employee's job.
  - c. Personal use must not interfere with other employees performing their jobs or with the use of county resources for official purposes.
  - d. Direct measurable cost to the county is none or is negligible.
  - e. Hard disk space should be reserved for official business.
  - f. Personal use of county resources by an employee neither expresses nor implies sponsorship or endorsement by Transylvania County.
  - g. Employees should not expect privacy in the personal use of county computers.
  - h. Personal use must not violate any other provision of this policy.
6. Employees are required to abide by all copyright and trademark laws. Protection for copyright and trademark materials encompasses all formats including electronic. In most cases, installing software on more than one PC is a felony and is punishable by up to \$150,000 in fines. Each piece of software is accompanied by a license agreement that must be carefully followed. Installing software that is purchased by the county on one's home computer so that the individual can work at home is in direct violation of most license agreements. Clip art that can be downloaded from the Internet is often copyrighted and must be used only in accordance with the author's statement.
7. Each employee shall be vigilant to the possible receipt and transmission of computer viruses.
- a. County-approved anti-virus software shall be loaded on all PCs, workstations and servers. County will provide anti-virus software as needed.
  - b. The anti-virus software shall be activated at all times and shall be updated no less than bi-monthly.
  - c. If a user's anti-virus software detects a virus that can be deleted or quarantined, user shall delete or quarantine the file containing the virus as appropriate, document the name and source of the document and notify IT immediately.
  - d. If a user's anti-virus software detects a virus that cannot be deleted or quarantined or any unusual message appears on the screen, user shall contact IT immediately, leave the message on the screen and not proceed with any other action on the computer.
8. The following activities are prohibited:
- a. Use of computer equipment or accounts by any non-county employee, including family members of employees, except for designated "public computers." Use by vendors and volunteers is allowed as approved by the department head.



**Firewall:** A software and/or hardware security system designed to block unauthorized Internet users from gaining access to provide computer network(s), especially intranets, and files by screening and monitoring all incoming and outgoing transfers of information.

**Internet:** The worldwide network of computers that allow access to information through the use of special computer languages and by using the Transmission Control Protocol/Internet Protocol (TCP/IP) unique addressing system suites.

**Graphics** Photographs, pictures, animation, movies, or drawings.

**Public computers:** Computers set up by the county for public use such as those in the Library, Tax Assessor's Office and Register of Deeds.

**Software:** The computer programs that reside on any type computer to perform a desired function. It encompasses programs provided by the manufacturer, a vendor or developed by in-house staff.

**Spam** Unsolicited bulk commercial electronic mail

**Spamming:** The process of sending unsolicited bulk commercial electronic e-mail

**Streaming sites:** Internet sites that provide information or data in a continuous "stream," such as but not limited to video, audio and "tickers" (news, weather, stock quotes, sports, etc.). These connections consume a large amount of bandwidth and greatly degrade network performance.

**Users:** As used in this policy, refers to all employees, elected and appointed officials, volunteers, independent contractors and other persons or entities accessing or using any of Transylvania County's electronic technology resources.

**World Wide Web:** A global Internet system that links documents (web pages) housed on computer servers using the Hyper Text Transfer Protocol (HTTP) and special languages such as HTML and Multipurpose Internet Mail Extensions (MIME). Web pages are accessed and read by using a web browser.



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# APPENDIX

## G

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**TRANSYLVANIA COUNTY, NORTH CAROLINA  
ANIMAL SERVICES DEPARTMENT**

**RABIES QUARANTINE POLICY**

**RABIES SUSPECT**

A rabies suspect is any mammal exposed to or suspected to have been exposed to the rabies virus.

Any mammal classified as a rabies suspect shall be received, impounded, quarantined or tested according to State and local laws.

Only Animal Service staff or personnel appointed by the Health Director are authorized to handle an animal that is classified as a rabies suspect or is received or quarantined by Animal Services at the animal shelter as a rabies suspect.

No animal classified as a rabies suspect shall be available for casual public viewing regardless of the quarantine location.

**RABIES QUARANTINE**

All dogs, cats and ferrets that have bitten or potentially exposed a human to the rabies virus shall be quarantined and observed for signs of illness for a ten day period beginning at the time of the bite at the animal shelter or other facility as approved by the Health Director or Animal Services Director.

Other species of animals classified as a rabies suspect shall be received, impounded, quarantined or tested according to the NC State Public Health Veterinarian.

Dogs, cats and ferrets current on the rabies vaccination may be quarantined and observed at the owner's household upon approval of the Animal Services Director or the Health Director.

Animals not current on the rabies vaccination shall be quarantined and observed or humanely euthanized at the animal shelter or other facility approved by the Animal Services Director and/or Health Director.

**HOME QUARANTINE**

Animal Services Officers may allow dogs and cats or ferrets that have bitten a human to remain at the owner's household for the required 10 day quarantine and observation period.

All criteria must be met for approving household quarantine as follows:

- The bite is considered accidental or obviously provoked.
- The owner does not have an active violation history with Animal Services.
- The owner agrees to quarantine and observe the animal as instructed by the officer.
- The owner agrees to accurately complete documentation the officer prescribes and to properly return such documentation to the officer.
- The animal is quarantined in a location where the animal will not have contact with any other animals or persons besides the owner/caretaker.
- The animal is current on the rabies vaccination.

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# APPENDIX

## H



APPENDIX

H

## **TRANSYLVANIA COUNTY ANIMAL SERVICES**

1124 OLD ROSMAN HIGHWAY BREVARD, NC 28712

828-883-3713

[ElmaRae.Greene@transylvaniacountync.org](mailto:ElmaRae.Greene@transylvaniacountync.org)



### **FY 17-18 ANIMAL SHELTER FEE STRUCTURE**

DOG ADOPTION	\$100
CAT ADOPTION	\$90
IMPOUND	\$10
VACCINATION/EACH	\$5
RABIES VACCINATION	\$10
HEARTWORM/FELV TEST	\$5
DEWORMING/EACH	\$5

### **RESCUE FEES**

VACCINATED	\$10
VACCINATED/TESTED	\$15
UNALTERED/VACCINATED/TESTED	\$20
ALTERED/VACCINATED/TESTED	\$25

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYS 435

LECTURE 1: INTRODUCTION TO QUANTUM MECHANICS

- 1.1 The wave function
- 1.2 The Schrödinger equation
- 1.3 The uncertainty principle
- 1.4 The harmonic oscillator
- 1.5 The hydrogen atom
- 1.6 The spin of the electron
- 1.7 The Pauli exclusion principle

PROBLEM SETS

- 2.1 The wave function
- 2.2 The Schrödinger equation
- 2.3 The uncertainty principle
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