



## Eastern Carolina Council

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**DATE:** March 7, 2019

**TO:** ECC Executive Committee Board Members

**FROM:** Shane Turney, President

**RE:** General Membership Board Agenda Packet

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Please make plans to attend the Eastern Carolina Council **Executive Committee Board meeting** to be held on Thursday, **March 14, 2019** at the **Eastern Carolina Council offices, 233 Middle Street, Second Floor Conference Room, OMarks Building, New Bern, NC.**

Dinner will commence at 6:00 p.m. (DINNER Complimentary). The meeting will commence promptly at 6:30 p.m.

Board Members are welcome to view the check register. You may contact Jenny Miller, Finance Director to do this.

If you need additional information, do not hesitate to call Eastern Carolina Council 252.638.3185 extension 3001.

We look forward to seeing you there.



## **Executive Committee Board Meeting**

***6:30 p.m. - Thursday, March 14, 2019***

***Second Floor Conference Room***

***233 Middle Street, New Bern, NC***

### **AGENDA**

- 1. Welcome, Invocation, and Call to Order**
- 2. Adopt Agenda - *Shane Turney, President***
- 3. Consent Agenda - *Shane Turney, President***
  - a. Executive Committee Board Minutes—November 29, 2018
  - b. Financial Statement
- 4. Budget & Audit Committee Report - *Edward Riggs, Treasurer***
- 5. Audit Contract for FY 19/20 – *Jenny Miller, Finance Director***
- 6. Personnel Pay & Classification Plan – *Jay Bender, Interim Executive Director***
- 7. Update to Personnel Policy – *Jenny Miller, Finance Director***
- 8. Appointment of Nominating Committee – *Shane Turney, President***
- 9. Interim Executive Director Report - *Jay Bender, 1<sup>st</sup> Vice President***
- 10. Member Comments**
- 11. Adjournment**



## **Executive Committee Board Meeting**

***6:30 p.m. - Thursday, November 29, 2018***

***Second Floor Conference Room***

***233 Middle Street, New Bern, NC***

## **Minutes**

### **Executive Committee in Attendance**

Jay Bender

Roland Best

Chris Roberson

Jesse Dowe

Bennie Heath

Joe Gurley

Edward Riggs

Arthur Robinson

Shane Turney

### **General Membership Board in Attendance:**

Clarkson Edwards

Dominick Spadaro

### **Guest In Attendance:**

Knox Proctor, Ward & Smith

Sarah Kate Willis, RSM

Robbie Bittner, RSM

### **ECC Staff in Attendance:**

Chad Davis

Jenny Miller

Patrick Flanagan

Leighann Morgan

Eric Howell

David Rosado

- 1. Welcome, Invocation, and Call to Order** – The meeting was called to order by President Shane Turney at 6:38 p.m. Bennie Heath offered the invocation
- 2. Adopt Agenda** - *Shane Turney, President*  
*Bennie Heath motioned to adopt the agenda, seconded by Chris Roberson, motion carried unanimously.*



**3. Consent Agenda - Shane Turney, President**

- a. Executive Committee Board Minutes—October 25, 2018
- b. Financial Statement

*Roland Best motioned to approve the consent agenda, seconded by Jesse Dowe, motioned carried unanimously.*

**4. Finance – Audit Presentation – Jenny Miller, Finance Director,**

*Robbie Bittner & Sarah Kate Willis, RSM*

Robbie Bittner, RSM, presented a presentation on the audit findings, covering the audit standards, stating a clean unmodified outcome and clean on compliance and opinions. There was a control deficiency in the dual check signature process, management control has been placed to prevent occurrence happening again.

**5. Closed Session – Personnel Issues**

*Motion to enter closed session to discuss personell matter per NC G.S. 143-318.11(a)(6) – Members of Executive Committee only made by Jay Bender, seconded by Edward Riggs, motion carried.*

**6. Budget & Audit Committee Report - Edward Riggs, Treasurer**

Edward Riggs reported that the Budget & Audit Committee met on November 8<sup>th</sup> and November 29<sup>th</sup> to view financials, Uniform Guidance Policy, Procurement Policy, preview Audit presentation, discussed building updates, and the search for new Executive Director.

**7. Approval of Action Items – Shane Turney, President**

- a. Resignation of Executive Director – Committee recommendation I to accept the resignation.

*Benny Heath motioned to accept resignation, seconded by Arthur Robinson, motion carries unanimously*

- b. Approve Jay Bender as Interim Executive Director

*Edward Riggs motioned to approve Jay Bender as interim Executive Director, seconded by Roland Best, motion carries unanimously.*

- c. Planning Director – Patrick Flanagan stepped down as Planning Director, Chad Davis has taken over those duties. Board recommends to take action to approve Chad Davis as Planning Director with a 5% increase in salary make that effect as October 1, 2018

*Arthur Robinson motioned to approve Chad Davis as Planning Director, seconded by Jay Bender, motioned carries unanimously*

d Planning Director - Employee that stepped down from Planning Director to Community Planner position, Budget & Audit Committee by majority vote is recommending a salary reduction equal to the 5% salary increase to the Planning Director

*Roland Best motioned to approve the decrease in salary, seconded by Jesse Dowe, motioned carries by majority vote*

e Merit Raises – two employees were given merit raises by the previous Executive Director that was against policy. Policy states Executive Director makes recommendations to the Executive Committee and the board approves it. Protocol was not followed. Budget & Audit Committee recommends that the board ratifies those two increase and to suspended all further merit raises until further notice  
*Jesse Dowe motioned to ratify merit raises and suspended future merit raises, seconded by Roland Best, motion carries unanimously.*

f Overtime Pay Two employees that were exempt that were paid overtime by authority of previous Executive Director that was against personnel policy. The recommendations from the Budget & Audit Committee is to ratify that decision.  
*Jesse Dowe motioned to ratify the overtime paid to exempt employees, seconded by Bennie Heath, motion carries unanimously.*

g Hiring Process of new Executive Director – Budget & Audit Committee recommends that they board hires a hiring firm at the cost of \$10,000 plus expenses to help do a search for new Executive Director and also look at and recommending hiring an interim Executive Director in the meantime. SERDI offers a comprehensive package that will help come up with a job description and outline of job responsibilities, advertising the position and will rank applicants accordingly. According to their chairmen they already have a list of candidates that have expressed interest in the position as well as the interim position. They think the process can be accomplished in 3 months.

*Jay Bender motioned to employee SERDI at the comprehensive package and hiring an interim Executive Director, seconded by Chris Robinson, motion carries unanimously.*

**8. Approval of Procurement, Conflict of Interest & Gift Policy – Jenny Miller, Finance Director**

Jenny Miller stated she has a policy submitted for approval in the agenda package. The purpose of this policy is to establish guidelines that meet or exceed the procurement requirements for purchase of goods, services and construction or repair projects when federal funds are being used in whole or in part to pay for the cost of the contract. To the extent that other sections of procurement policies and procedures adopted by ECC

are more restrictive than those contained in this policy local policies and procedures shall be followed. This follows the 2 C.F.R. Part 200, since ECC receives federal grants we have to follow the Uniform Guidance, ECC already has a policy in the books that is more stringent than the presented policy

*Jesse Dowe motioned to approve policy, seconded by Chris Robinson, motion carries unanimously*

**9. ECC Updates – Jay Bender & Shane Turney**

Jay Bender stated he has met with staff and department heads on several occasions. Which confirmed that the staff has been carrying the load and will continue. There are difficulty with no office. Project Volt was dropped by the previous Executive Director, Chad Davis has taking the lead on this project.. May need to hire temporary staff or outsource cause we don't have the staff with the normal work loads. May need to revisit the conversation of compensating employees for working over and beyond normal duties. Can't hire someone fast enough to pick up the slack. Pay & Classification Study needs to be implemented, we've paid for the study and needs to be brought back to the Budget & Audit Committee

Shane Turney stated the 3<sup>rd</sup> floor is in very disarray. They have meet with the building owners and discussed resolutions. Flooring has been pulled out, new flooring has been ordered and should be installed in the coming weeks. The neighbor upstairs lease is expiring in the next couple of months, ECC has the opportunity to lease the space, this will help with the security issues and will double our space with a new board room, extra office spaces and 10 extra parking spaces. Two spots have been identified with moistures issues and have been fixed, moisture levels have been monitored and is under the 65% level. We have tried to duplicate the process of the school system. A thermal camera has been purchased and no mold has been identifies except for 2 spaces, including the conference room, which is under investigation. Hope to get the employees back in the office as soon as possible.

Bennie Heath asked if the extra space effect the bottom line of finances. Jenny Miller stated that indirect costs can be adjusted to cover the expansion. Shane Turney stated that this will help ECC grow and expanded and is cheaper than moving to a new space. Arthur Robinson suggested to approve the rental space if the opportunity arises before next meeting.

*Bennie Heath motioned to authorize the lease of the 3<sup>rd</sup> floor cap at \$1,500, if comes available before next meeting, seconded by Arthur Robinson, motion carries unanimously*



## **10. Member Comments**

Clarkson Edwards thanked Chad Davis & Patrick Flanagan for their help and work on the Pine Knoll Shores water program study.

Arthur Robinson thanked Chad Davis for his help on the Hookerton study.

Jesse Dowe thanked Jay Bender for his work as interim Executive Director.

Jay Bender stated the COG has been helping the Town of Pollocksville with their finances, since the flood the town has lost records and had 21' of water in the town hall.

Thanks to Leighann Morgan and Jenny Miller for helping keep the bills pay. There is a lot of help the COG could be doing for small towns, we just need to figure out how.

## **11. Adjournment**

Arthur Robinson motioned to adjourn the meeting, seconded by Roland Best.

Respectfully Submitted by,

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**Shane Turney, President**

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**Jay Bender, Interim Executive Director**



## **3.b. Financial Statement**

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**Financial Statement of Activity**  
**Eastern Carolina Council of Governments**  
**For 1/31/2019**

001	M-T-D Actual	Y-T-D Actual	Annual Budget	Budget Remaining	Percent Used
<b>Revenues</b>					
4703. Other Revenue	4,386.12	33,558.53	320,812.00	(287,253.47)	10.46
4712. Appropriated Fund Balance	0.00	0.00	35,000.00	(35,000.00)	0.00
4713. Local Revenue	0.00	158,372.00	159,640.00	(1,268.00)	99.21
4717. ECC Match	0.00	0.00	(129,265.00)	129,265.00	0.00
Total Revenues	4,386.12	191,930.53	386,187.00	(194,256.47)	49.70
<b>Expenses</b>					
5455. Board Travel	0.00	0.00	1,000.00	1,000.00	0.00
5457. Board Meeting	588.50	2,045.72	5,000.00	2,954.28	40.91
5465. President Allowance	150.00	1,200.00	1,800.00	600.00	66.67
5466. Administration Misc Exp	0.00	0.00	33,952.00	33,952.00	0.00
5500. Advisory Council	104.20	104.20	104.20	0.00	100.00
5501. Special Project	0.00	1,640.00	1,640.00	0.00	100.00
5502. Training	(1,680.00)	1,036.71	19,127.59	18,090.88	5.42
5510. Program Services	0.00	100.00	100.00	0.00	100.00
5700. Mileage Expense	904.19	6,948.26	20,089.00	13,140.74	34.59
5701. Hotel, Meals, Incidentals	452.21	2,667.10	4,762.70	2,095.60	56.00
5720. Salary	14,896.82	119,290.92	305,595.36	186,304.44	39.04
5721. 401K	420.77	2,599.36	6,905.53	4,306.17	37.64
5722. FICA	1,037.87	8,414.19	15,553.75	7,139.56	54.10
5724. Health Insurance	2,450.23	18,479.85	41,265.14	22,785.29	44.78
5725. Dental Insurance	98.77	745.87	1,054.60	308.73	70.73
5726. Retirement	1,094.00	6,744.22	12,695.92	5,951.70	53.12
5736. Unemployment Benefits	101.30	253.48	877.00	623.52	28.90
5749. Legal Fees	5,650.00	13,652.50	26,000.00	12,347.50	52.51
5750. Consultant	604.95	898.15	8,543.44	7,645.29	10.51
5751. Audit	595.91	2,295.16	2,295.16	0.00	100.00
5752. Rent	6,251.50	23,609.85	41,058.00	17,448.15	57.50
5754. Equipment Lease	997.05	1,169.40	8,000.00	6,830.60	14.62
5757. Insurance & Bonding	243.24	8,540.54	10,000.00	1,459.46	85.41
5758. Postage	0.00	(44.66)	1,050.00	1,094.66	(4.25)
5759. Printing/Publication	0.00	0.00	2,000.00	2,000.00	0.00
5760. Telephone, Cell Service	344.62	2,371.25	4,840.00	2,468.75	48.99
5761. Utilities	719.56	5,761.28	13,752.00	7,990.72	41.89
5768. Broadband	258.08	2,031.08	5,800.00	3,768.92	35.02
5769. Computer Related Purchase	1,923.19	2,139.36	5,216.17	3,076.81	41.01
5770. Office Supplies	943.02	8,743.39	17,259.22	8,515.83	50.66
5771. IT System Administration	1,052.60	10,579.16	30,772.00	20,192.84	34.38
5772. Dues & Subscriptions	310.00	3,331.85	17,459.00	14,127.15	19.08
5773. Cleaning Services	408.00	3,264.00	4,920.00	1,656.00	66.34
5774. Advertising	0.00	0.00	1,000.00	1,000.00	0.00
5775. Maintenance & Repairs	28.19	1,695.06	8,000.00	6,304.94	21.19
5776. Administration Website	0.00	0.00	500.00	500.00	0.00
5778. Copier Costs/Paper	0.00	1,126.43	3,310.00	2,183.57	34.03
5779. Bank Charges	75.21	326.40	1,000.00	673.60	32.64
5780. Payroll Exp	0.00	0.00	6,000.00	6,000.00	0.00
5781. Employment Screening	0.00	0.00	1,000.00	1,000.00	0.00
5899. Indirect Cost	(18,816.67)	(153,698.04)	(305,110.78)	(151,412.74)	(50.37)
Total Expenses	22,207.31	110,062.04	386,187.00	276,124.96	28.50
Excess Revenue Over (Under) Expenditures	(17,821.19)	81,868.49	0.00	81,868.49	0.00

**Financial Statement of Activity**  
**Eastern Carolina Council of Governments**  
**For 1/31/2019**

003	M-T-D Actual	Y-T-D Actual	Annual Budget	Budget Remaining	Percent Used
<b>Revenues</b>					
4701. Federal Revenue	388,258.05	2,387,646.36	6,016,583.00	(3,628,936.64)	39.68
4702. State Revenue	61,131.98	245,839.13	399,403.00	(153,563.87)	61.55
4711. MIS Revenue	211.50	1,738.35	4,500.00	(2,761.65)	38.63
4712. Appropriated Fund Balance	0.00	0.00	28,255.00	(28,255.00)	0.00
4713. Local Revenue	0.00	54,571.00	54,566.00	5.00	100.01
4714. In-Kind Revenue	0.00	0.00	6,090.00	(6,090.00)	0.00
4717. ECC Match	0.00	0.00	139,435.00	(139,435.00)	0.00
Total Revenues	<u>449,601.53</u>	<u>2,689,794.84</u>	<u>6,648,832.00</u>	<u>(3,959,037.16)</u>	<u>40.46</u>
<b>Expenses</b>					
5460. MIS Fee	353.10	2,539.80	4,500.00	1,960.20	56.44
5500. Advisory Council	283.04	2,538.72	4,000.00	1,461.28	63.47
5502. Training	1,675.00	6,427.39	6,560.54	133.15	97.97
5510. Program Services	176,616.36	249,113.43	390,339.00	141,225.57	63.82
5700. Mileage Expense	3,305.28	25,031.00	41,601.18	16,570.18	60.17
5701. Hotel, Meals, Incidentals	652.32	14,487.64	36,077.55	21,589.91	40.16
5720. Salary	33,704.91	280,705.24	637,678.49	356,973.25	44.02
5721. 401K	908.35	6,784.85	31,062.81	24,277.96	21.84
5722. FICA	2,521.85	20,987.35	37,993.23	17,005.88	55.24
5724. Health Insurance	4,989.02	40,169.64	75,877.41	35,707.77	52.94
5725. Dental Insurance	225.73	1,802.68	6,375.35	4,572.67	28.28
5726. Retirement	2,361.72	17,605.83	31,348.32	13,742.49	56.16
5736. Unemployment Benefits	229.18	543.83	2,483.49	1,939.66	21.90
5750. Consultant	0.00	11,903.50	11,903.50	0.00	100.00
5751. Audit	7,404.09	29,704.84	34,341.57	4,636.73	86.50
5752. Rent	140.00	1,430.00	3,460.00	2,030.00	41.33
5758. Postage	0.00	84.86	1,490.00	1,405.14	5.70
5759. Printing/Publication	0.00	0.00	1,000.00	1,000.00	0.00
5760. Telephone, Cell Service	1,027.91	8,726.26	17,339.64	8,613.38	50.33
5768. Broadband	774.24	6,230.97	12,500.75	6,269.78	49.84
5769. Computer Related Purchase	926.55	1,058.89	1,258.90	200.01	84.11
5770. Office Supplies	816.96	3,716.20	7,276.00	3,559.80	51.07
5771. IT System Administration	3,139.67	21,784.19	29,557.38	7,773.19	73.70
5772. Dues & Subscriptions	1,870.00	11,221.53	11,315.00	93.47	99.17
5774. Advertising	0.00	0.00	12,807.00	12,807.00	0.00
5775. Maintenance & Repairs	0.00	1,500.00	3,000.00	1,500.00	50.00
5778. Copier Costs/Paper	0.00	1,314.27	4,566.29	3,252.02	28.78
5781. Employment Screening	0.00	107.28	107.28	0.00	100.00
5844. 844 ECC CAREGIVER VOUCHERS	0.00	2,100.00	2,100.00	0.00	100.00
5846. 846 INSTITUTIONAL RESPITE	0.00	275.00	275.00	0.00	100.00
5899. Indirect Cost	18,816.67	153,698.04	272,699.32	119,001.28	56.36
6200. HCCBG HCCBG PASS-THRU FUNDS	330,594.00	1,853,564.00	4,648,188.00	2,794,624.00	39.88
6600. Aging P & A LEGAL AIDE CARTERET PSLs	1.00	20,728.00	21,229.00	501.00	97.64
6700. Sr. Center Gen Purpose	10,847.00	24,099.00	78,413.00	54,314.00	30.73
6800. III-D	3,801.00	12,405.00	41,682.00	29,277.00	29.76
6900. FCSP	7,692.00	45,752.00	126,425.00	80,673.00	36.19
Total Expenses	<u>615,676.95</u>	<u>2,880,141.23</u>	<u>6,648,832.00</u>	<u>3,768,690.77</u>	<u>43.32</u>
Excess Revenue Over (Under) Expenditures	<u>(166,075.42)</u>	<u>(190,346.39)</u>	<u>0.00</u>	<u>(190,346.39)</u>	<u>0.00</u>



## 6. Personnel Pay & Classification Plan

### Proposed Implementation of Classification and Pay Plan

The complete Classification & Pay Study was distributed for review at the General Membership Board Meeting in June 2018 and will be available again at the March 2019 meeting as needed.

The following represents a proposed method of implementing the new job classifications, salary ranges and grade assignments and, to some extent, addressing compression. All employee salaries are adjusted at least to the Minimum of the proposed salary range if the employee has completed probation. In addition, each employee is advanced above the minimum based on a determination of total career experience related to their current job. This determination was based on ECC management consensus and is intended to adjust for times in the past where more experienced staff were hired at the entry rate, which failed to reflect previous experience.

Total cost to implement \$ 57,556  
Cost as a percentage of total payroll 8.13%

This option places employees closer to where they should be in the ranges while maintaining a conservative approach. The Budget & Audit Committee recommends this plan be implemented in two phases. The first phase will be retroactively effective with the first full payroll cycle in January 2019 and will reflect 50% of the total cost or \$28,778. The additional 50%, \$28,778, will be implemented in the next fiscal year effective July 1, 2019.

### Special Notes:

1. The costs detailed below are for salary dollars only and do not reflect the cost of associated benefits. The costs also change with turnover, promotions, etc.
2. The cost detailed below are \$829 higher than in the original document due to changes in personnel and job duties since the plan was completed.
3. The annual cost listed in the full document were the annual salary as of March 2018 and did not reflect any raises received between March 2018 – current. There was a 2% raise issued July 1, 2018, therefore the new annual salary has been updated on the attached spreadsheet for recommendation and the Salary Schedule has been adjusted by 2%.

Request a motion to approve the new Classification and Pay Plan for Eastern Carolina Council of Governments with the above mentioned implementation method.



Current Classification	Current		Recommended Class	Current		Cost
	Gr	Annual		Gr	Annual	
Human Services Planner	10	43,345	Family Caregiver Specialist	14	47,921	4,576
Human Services Planner	10	48,313	Lead Aging Programs Consultant	16	57,468	9,155
Planning Director	13	54,467	Regional Planning Director	22	62,107	7,640
Community Planner	13	60,646	Senior Transportation Planner	18	63,240	2,594
Community Planner	13	48,654	Community Planner	15	48,654	-
Executive Director	20	85,680	Executive Director	28		
Finance Director	18	66,562	Finance Director	23	75,829	9,267
Human Services Specialist	7	42,441	Deputy Finance Director	18	51,095	8,654
Regional Ombudsman	10	48,706	Lead Regional Ombudsman	15	51,641	2,935
Human Services Deputy	14	51,383	Aging Programs Consultant	14	51,383	-
Human Services Director	17	63,036	Area Agency on Aging Director	22	75,771	12,735
Regional Ombudsman	10	48,396	Regional Ombudsman	14	48,396	-
Community Planner	13	46,640	Transportation Planner	15	46,640	-
		708,269				57,556
						8.13%

GRADE	CLASSIFICATION	FLSA STATUS	HIRING RATE	MAXIMUM
10	Administrative Assistant		32,937	52,699
12	Planning Technician		36,313	58,100
14	Administrative & Program Specialist Aging Programs Consultant Family Caregiver Specialist Regional Ombudsman		40,035	64,055
15	Community Planner Lead Regional Ombudsman Transportation Planner		42,036	67,258
16	Lead Aging Programs Consultant		44,138	70,621
18	Deputy Finance Director Regional Re-Entry Coordinator Senior Community Planner Senior Transportation Planner		48,662	77,860
22	Area Agency on Aging Director Regional Planning Director	E E	59,149	94,639
23	Finance Director	E	62,107	99,371
28	Executive Director	E	79,266	126,825

E = Exempt from the Wage and Hour Provisions of the Fair Labor Standards Act (FLSA)



## 7. Update to Personnel Policy

### *Article III. The Salary Schedule Plan* *Section 11. Overtime*

- A. ECC abides by all applicable sections of the Fair Labor Standards Act (FLSA) and the Fair Labor Standards Amendments. Based on submission of the employee's timesheet and their recording of hours worked in excess of 40 hours in a week, ECC properly records and provides compensatory time off at the rate of 1.5 hours for every hour of all applicable overtime accrued for each covered employee. This overtime policy is applicable only to ECC employees who are nonexempt under the FLSA.
- B. Employees are expected to work during all assigned periods exclusive of breaks and mealtimes. Nonexempt employees are not to perform work during breaks or at any time that they are not scheduled to work unless they receive approval from their immediate supervisor, except in cases of emergency. An emergency exists if a condition arises that may reasonably result in damage to property or persons that requires immediate attention of the employee. Employees who work excess hours because of an emergency, advise their immediate supervisor of the overtime worked as soon as practical following the completion of the work.
- C. ECC supervisory staff are responsible to ensure that ECC employees do not unnecessarily accrue compensatory time off. It is ECC policy, in agreement with its employees, that the supervisor will flex the employee's hours of work in a given week to accommodate overtime hours that are known in advance so that the employee does not work over 40 hours in a work week.
- D. It is ECC policy, in agreement with its employees, that nonexempt employees may receive compensatory time off at the rate of one-and one-half hours for each hour of overtime worked in lieu of pay. This policy covers overtime that received prior approval of the employee's immediate supervisor. In circumstances where the work schedule does not allow compensatory time off to be taken in the week overtime was worked, the employee records the overtime hours worked on his or her timesheet as hours worked. The payroll system will calculate any hours worked over 40 for the week in question at time and a half and accrue the compensatory time earned in a compensatory leave bank which will be available for future use.
- E. At the discretion of the Executive Director or Budget & Audit Committee, compensatory time may be paid out rather than accrued, if the grant funding the position allows and funding is available. This is to be pre-approved in writing and signed by Executive Director and Finance Director stating approval period.



- F. An employee is permitted to determine when he or she desires to utilize accumulated compensatory time and such approval will not be unreasonably withheld. The employee may accumulate up to a maximum of 240 hours of compensatory time. An employee who has accrued compensatory time off is paid for any unused time off upon separation of employment at a rate of compensation not less than the employee's regular rate of pay existing at the time of the payment.