

TOWN OF WENDELL

PERSONNEL POLICIES



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**TOWN OF WENDELL
PERSONNEL POLICY**

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ARTICLE I. GENERAL PROVISIONS

Section 1. Purpose of the Policy

It is the purpose of this policy, and the rules and regulations set forth, to establish a fair and uniform system of personnel administration for all employees of the Town under the supervision of the Town Manager. This policy is established under authority of Chapter 160A, Article 7, of the General Statutes of North Carolina.

The policies included in this *Manual of Personnel Policies* shall apply to all appointed employees of the Town unless otherwise noted. That shall include all regular, temporary, probationary, full-time and part-time employees.

No department of the Town may establish rules, operating procedures, etc., that are inconsistent or in conflict with these policies.

All employees will be provided with a copy of the *Manual of Personnel Policies* upon employment and at other such times as deemed appropriate by the Town Manager. Employees will be required to sign a statement indicating receipt of a copy of the manual. Other policy statements either adopted in this manual or policies adopted subsequent to adoption of this manual may require an employee's signature.

Throughout the manual the personal pronoun "his" or "he" is used to refer to Town employees. Such reference is intended to refer to both males and females and does not imply gender preference or discrimination.

Section 2. At Will Employment

The issuance of this manual in no way establishes a contractual relationship with employees, either expressed or implied. Employees are considered to be employed "at will" and may be disciplined and/or dismissed for any reason within the sole discretion of the Town. The Town reserves the unrestricted right to administer discipline in the manner it deems appropriate and may modify or eliminate any of the requirements of this manual. Nothing stated in this manual guarantees an employee any vested rights as benefits and policies are subject to change without notification. No person has the authority to grant any employee any contractual rights of employment.

Section 3. Merit Principle

All appointments and promotions shall be made solely on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall, to the extent possible, be assigned to the same class and the same salary range. No applicant for employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee because of such individual's race, color, religion, sex, national origin, political affiliation, non-disqualifying disability, or age.

Section 4. Role of the Board of Commissioners

It is the responsibility of the Board of Commissioners to approve policies to govern employment with the Town. At such time it is deemed necessary by the board, or upon the recommendation of the Town Manager, the board may amend, delete or add policies. The establishment and approval of personnel policies rests solely with the Board of Commissioners.

The Board of Commissioners shall require a manual to be developed, in typewritten or electronic form, and to be issued to each employee. The Board of Commissioners shall also require the manual to be periodically updated and maintained as needed and to provide such updates to employees in a timely fashion.

Section 5. Role of The Town Manager

It is the responsibility of the Town Manager to administer the personnel policies and to provide interpretation of policies as needed. While it is not the responsibility of the Town Manager to establish policies, it is the Town Manager's duty to make recommendations to the Board of Commissioners regarding policies that need amendment or new policies that need to be created and to interpret policies as necessary.

All matters dealing with personnel shall be directed to the Town Manager who shall maintain, or delegate the maintenance of a complete system of personnel files and records. The Town Manager is responsible for causing the *Manual of Personnel Policies* to be developed and maintained with timely distribution to the employees.

The Town Manager will, on occasion, need to interpret application of policies. The Town Manager has the authority to make such interpretations and to use discretion whenever needed or indicated. The Town Manager may also allow exceptions to or modification of the rules in those situations where such authorization is not specifically noted in policy.

The Town Manager is the appointing authority for the Town and therefore has the authority to establish conditions of employment.

In some instances policy statements may make reference to the Town Manager or "designee". The Town Manager has the authority under these policies to designate authority to another employee to take actions specified in the policy.

The Town Manager shall:

- A. Recommend rules and revisions to the personnel system to the Board of Commissioners for consideration;
- B. Make changes as necessary to maintain an up to date and accurate position classification plan and recommend necessary revisions to the pay plan;
- C. Determine which employees shall be subject to the overtime provisions of FLSA;
- D. Appoint an employee to the role of Human Resources Officer; in the absence of a Human Resources Officer, the Town Manager shall fulfill the role.

Section 6. Role of the Human Resources Officer

The responsibilities of the Human Resources Officer are:

- A. Recommend rules and revisions to the personnel system to the Town Manager for consideration;
- B. Recommend changes as necessary to maintain an up to date and accurate position classification plan;
- C. Recommend necessary revisions to the pay plan;
- D. Recommend which employees shall be subject to the overtime provisions of FLSA;
- E. Maintain a roster of all persons in the municipal service;
- F. Establish and maintain a list of authorized positions in the municipal service at the beginning of each budget year which identifies each authorized position, class title of position, salary range, any changes in class title and status, position number and other such data as may be desirable or useful;
- G. Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
- H. Develop and coordinate training and educational programs for Town employees;
- I. Investigate periodically the operation and effect of the personnel provisions of this policy;
- J. Perform such other duties as may be assigned by the Town Manager not inconsistent with this Policy;
- K. Maintain all records and files related to human resources management and act as custodian of the same.

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

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

The terms and conditions herein stated in this Manual of Personnel Policies shall become effective immediately upon approval by the Board of Commissioners. All other policies previously in effect shall be repealed with the approval of these policies.

Section 8. Departmental Policies

Because of the particular personnel and operational requirements of the various departments of the Town, each department is authorized to establish supplemental, written policies applicable only to the personnel of that department. All such policies shall be subject to the approval of the Town Manager, and shall not in any way conflict with the provisions of this Policy, but shall be considered as a supplement.

Section 9. Tobacco Use in the Workplace Policy

The Town is committed to providing a safe, healthy and productive work environment for its employees. Consequently, the use of tobacco products is prohibited while on duty, in any Town vehicle, or in any of the facilities governed by the Town. Smoking and the use of other tobacco products are permitted only during breaks for outside work assignments and in designated areas on Town property.

Section 10. Conflict with Federal and State Law

The terms and conditions included in this manual are intended to be consistent with current federal and state laws. In the event of changes in laws and/or errors or omissions, federal and state law take precedence over the policy manual.

Section 11. Definitions

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

Exempt Employee – An employee who meets the qualifications for exemption from the overtime provisions of the Fair Labor Standards Act (FLSA).

Full-time Employee – An employee in an authorized position working the standard 40 hours per week, or law enforcement working 168 hours in 28 days.

Non-Exempt Employee – An employee who is subject to the provisions of the Fair Labor Standards Act and therefore the overtime provisions of the Act.

Part-time Employee – An employee who is regularly scheduled to work less than the normal 40 hours in a week. A part-time employee may be in a temporary or regular status.

Probationary Employee – An employee who is working a “trial” period following initial appointment or promotion to a new position. The period of probation is normally six months, except for law enforcement and in cases where probation has been extended.

Regular Employee – An employee who has satisfied a probationary period and has been notified that he has been taken off of probation. Regular employees may be either full-time or part-time.

Temporary Employee – An employee, either full-time or part-time, who is employed to work for a

specific period of time.

Trainee – An employee who does not meet the minimum requirements of the job at the time of hire but is expected to meet the requirements within a reasonable period of time. Trainee status is normally less than a year but may be longer depending upon the circumstances of the employment.

Immediate Family:

- a) Purpose of Employment – Immediate family includes wife, husband, mother, father, brother, sister, daughter, son, uncle, aunt, nephew, niece, mother-in-law, father-in-law, daughter-in-law, son-in-law, grandmother, grandfather, grandson, granddaughter, stepmother, stepfather, sister-in-law, brother-in-law, and life partner.
- b) Purpose of Sick Leave – Immediate family includes spouse, parents, children and life partner.

ARTICLE II. POSITION CLASSIFICATION PLAN

Section 1. Purpose

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

Section 2. Composition of the Position Classification Plan

The classification plan shall consist of:

- A. A grouping of positions in classes which are approximately equal in difficulty and responsibility which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions;
- B. Class titles descriptive of the work of the class;
- C. Written specifications for each class of positions; and
- D. An allocation list showing the class title of each position in the classified service.

Section 3. Use of the Position Classification Plan

The classification plan is to be used:

- A. As a guide in recruiting and examining applicants for employment;
- B. In determining lines of promotion and in developing employee training programs;
- C. In determining salary to be paid for various types of work;
- D. In determining personnel service items in departmental budgets; and
- E. In providing uniform job terminology.

Section 4. Administration of the Position Classification Plan

The Town Manager, assisted by the Human Resources Officer shall allocate each position covered by the classification plan to its appropriate class, and shall be responsible for the administration of the position classification plan. The Town Manager shall periodically review portions of the classification plan and make minor revisions to insure that classifications accurately reflect current job duties and responsibilities. The Town Manager shall also periodically review the entire classification plan and, when needed, recommend major changes to the Board of Commissioners.

Section 5. Authorization of New Positions and the Position Classification Plan

New positions shall be established upon recommendation of the Town Manager and approval of the Board of Commissioners. New positions shall be recommended to the Board of Commissioners with a recommended class title and grade. The Assignment of Classes to Grades, that will include any new positions or classifications, shall be approved by the Board of Commissioners and kept on file with the Human Resources Officer. Copies will be available to all Town employees for review upon request.

Section 6. Request for Reclassification

Because job duties change over time, individual positions or classifications may be subject to a classification review before the Town Manager and Human Resources Officer cause a comprehensive study to be done for the entire Town. A review of individual positions or classifications can be approved by the Town Manager upon the recommendation of the Human Resources Officer and department head. In order for a classification review to be authorized, the department head must provide the Human Resources Officer with documentation on how and to what extent the work has changed as well as the reasons for studying an individual position or classification before the study of all Town positions. The Town Manager must authorize all “out-of-cycle” reviews.

ARTICLE III. POSITION MANAGEMENT AND PAY ADMINISTRATION

Section 1. Definition

The pay plan includes the salary schedule and the *Assignment of Classes to Grades* adopted by the Board of Commissioners. The salary schedule consists of minimum salary, maximum salary, and mid-point of the salary range for all classifications authorized by the Town.

Section 2. Administration and Maintenance

The Town Manager, assisted by the Human Resources Officer, shall be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan shall be paid at a rate listed within the salary range established for the respective position classification, except for employees in trainee status or employees whose existing salaries are above the established maximum rate following transition to a new pay plan. Each year, if appropriate, the Town Manager shall recommend a market adjustment amount based on a variety of factors including the salary adjustments proposed by other local governments. When market adjustments are approved by the Board of Commissioners, the salary plan should adjust by that amount so that hiring rates and maximum rates of pay remain competitive in the market.

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in public employment in the area, changes in the cost of living, the financial conditions of the Town, and other factors. To this end, from time to time the Town Manager shall request the Human Resources Officer to make comparative studies of all factors affecting the level of salary ranges and may make minor adjustments in the allocation of positions to salary grades. Periodically, but no more than five years, the Town will conduct a comprehensive classification and pay study to update the plan insuring internal equity and external competitiveness. When major adjustments encompassing numerous positions are needed, or when a general adjustment is needed to the pay plan, the Town Manager shall recommend such changes in salary ranges as appear to be warranted to the Board of Commissioners. The Board of Commissioners shall adopt any changes to the *Assignment of Classes to Grades*.

Section 3. Starting Salaries

All persons hired or promoted into positions approved in the position classification plan shall be compensated at the minimum for the classification in which they are employed, however, exceptionally well qualified applicants may be paid above the minimum of the established salary range upon recommendation of the hiring department head and with the approval of the Human Resources Officer and the Town Manager.

Section 4. Trainee Designation and Provisions

Applicants being considered for employment or Town employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the department head. "Trainee" salaries shall be one, but no more than two grades, below the minimum established for the position for which the person is being trained. A trainee shall remain a probationary employee until the trainee period is satisfactorily completed.

If the training is not successfully completed to the satisfaction of the Town, the trainee shall be transferred, demoted, or dismissed. If the training is satisfactorily completed, the employee shall be paid at least at the minimum established for the position for which the employee was trained. Anyone employed in a trainee status is subject to dismissal without following the normal disciplinary process.

Section 5. Performance Pay

An annual performance evaluation shall be conducted for each employee as close as practical to January 1. Consultation between the employee and supervisor regarding performance at times other than the annual performance evaluation is anticipated and encouraged under this policy and shall be considered to supplement rather than replace the annual performance evaluation. Upward movement within the established salary range for an employee is not automatic but rather based upon specific performance-related reasons. Employees may be recommended for and approved for performance or merit pay subject to budgetary and other considerations at the time of review.

Section 6. Performance Pay Bonus

Employees who are at the maximum of the salary range for their position classification are eligible to be considered for a performance bonus at their regular performance evaluation time. Performance bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation and shall be the same percentage of annual salary as employees within the salary range with the same performance level. Performance bonuses do not become part of base pay and shall be awarded in a lump sum payment.

Section 7. Salary Effect of Promotions, Demotions, Transfers and Reclassifications

When an employee is promoted, the employee's salary shall normally be advanced to the minimum of the new classification, or to a salary, which provides an increase of at least five percent (5%) over the employee's salary before the promotion, provided, however, that the new salary may not exceed the maximum rate of the new salary range. The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility.

Demotions. When an employee is demoted to a position for which qualified, the salary shall be set at the rate in the lower pay range which provides a salary commensurate with the employee's qualifications to perform the job when the demotion is not the result of discipline. If the current salary is within the new range, the employee's salary may be retained at the previous rate, if appropriate. Consideration should be given to whether the employee is receiving the same pay for decreased workload or responsibility level and action should be appropriate to this consideration. If the demotion

is the result of discipline, the salary shall be decreased at least five percent (5%), but may be no greater than the maximum of the new range.

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

Reclassifications. An employee whose position is reclassified, or a number of employees whose classification is reclassified, to a class having a higher salary range is not generally given any adjustment in salary if the employee's salary is within the new salary range. However, given the circumstances of the reclassification, as well as budgetary and other considerations, the Town Manager may recommend to the Board of Commissioners an implementation schedule that may result in salary increases.

If the position is reclassified to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level (no salary increases including merit pay, cost of living, etc.) until the range is increased above the employee's salary.

Section 8. Effective Date of Salary Changes

Salary changes approved after the first working day of a pay period shall become effective at the beginning of the next pay period, or at such specific date as may be authorized by the Town Manager.

Section 9. Compensatory Time Provisions – Non-Exempt Personnel

Employees of the Town can be requested and may be required to work overtime hours as necessitated by the needs of the Town and as determined by the department head, or designee. All overtime hours worked must be authorized by the employee's department head. The Town will comply with the Fair Labor Standards Act (FLSA), which requires positions that are not exempt from the FLSA to be compensated in either money or time for all hours worked over 40 in a workweek, or 171 hours in a 28-day pay cycle for law enforcement. It is the policy of the Town to compensate for overtime by giving compensatory time. *(Note: Although sworn law enforcement officers work 168 hours in a 28 day period, overtime pay does not begin until time exceeds 171 hours in a 28 day period. The three-hour difference between 171 and 168 is paid as straight time.)*

The Human Resources Officer shall recommend, and the Town Manager shall approve, those jobs which are "non-exempt" and are therefore subject to the Act. Each position in the Town shall be considered separately for the purpose of determining exemption status and such designation shall be in accordance with the FLSA and reviewed periodically.

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (40 hours in a 7 day period; 171 hours for police in a 28 day cycle). Hours worked in excess of FLSA established limit will be compensated in paid time off at the rate of one and one-half times the hours worked. In extenuating circumstances, and subject to budgetary considerations and approval of the Town Manager, the Town may opt to pay employees for some or all of their overtime. In determining eligibility for overtime in a work period, only hours actually worked shall be considered. In no event will vacation, sick leave, holiday time or compensatory leave hours be counted toward the

total hours for the purpose of overtime compensation.

Non-exempt employees with compensatory time on the books shall use comp time prior to using any vacation leave or sick leave. Upon termination of employment with the Town all compensatory time must be taken prior to leaving or paid for at the time of departure.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of incurring overtime.

Section 10. Compensatory Time Provisions – Exempt Personnel

Employees in positions determined to be "exempt" from the FLSA (as Executive, Administrative, or Professional) are not required to be compensated in either money or time off for work over 40 hours in a week. However, because of emergency or other situations exempt personnel may earn compensatory time, which the Town wishes to recognize and provide some compensation for. The granting of compensatory time for exempt employees is entirely discretionary. Exempt personnel may earn compensatory time on an hour-for-hour basis up to a maximum of 80 hours. Compensatory time must be used before the use of any vacation time or sick leave.

Under no circumstances shall an exempt employee be paid for unused compensatory time at the time of separation unless specifically authorized by the Town Manager.

Section 11. Call-back and Stand-by Pay

The Town provides a continuous twenty-four hour a day, seven day a week service to its citizens. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. One of the conditions of employment with the Town is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. In cases of natural disasters, work outside normal working hours will be scheduled to the extent possible.

If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary actions up to and including dismissal.

Call-back. Non-exempt employees will be guaranteed a minimum payment of two hours per 24 hours for being called back to work outside of normal working hours. "Call-back" provisions do not apply to previously scheduled overtime work, scheduled one or more days in advance.

Stand-by. The Town does not normally require personnel to be in a "stand by" status. "Stand by" status is normally reserved for night and weekend responses to emergencies. Personnel most affected by "stand by" status is in the police department where internal policies and procedures will dictate recognition for being on stand-by.

Section 12. Payroll Deductions

The finance officer is authorized to make established deductions from an employee's gross pay to cover federal and state income taxes, contributions for retirement systems, court ordered payments or garnishments, and for employee group insurance premiums.

Section 13. Hourly Rate of Pay

Employees working in a part-time capacity, with the same duties as full-time employees, will work at a rate in the same salary range as the full-time employees. Temporary employees shall work at whatever rate of pay determined appropriate by the Town.

Section 14. Pay for Interim Assignment in a Higher Level Classification

An employee who is formally designated for a period of at least one month to perform the duties of a job that is assigned to a higher salary grade than that of the employee’s regular classification shall receive an increase for the duration of the acting assignment. The employee shall receive a salary adjustment to the minimum salary of the classification in which the employee is acting or an increase of at least five percent, whichever is greater. In extenuating circumstances the Town Manager has the ability to determine a temporary salary increase greater than specified above. The salary increase shall be temporary and the employee shall go back to the salary he would have had if not assigned to the acting role.

Section 15. Longevity Pay

The Town recognizes the value of continuity of service of its employees. Full-time employees of the Town shall be compensated for years of continuous service by payment of a longevity supplement based on continuous years of service as of December 1st of each year, provided such pay has been approved in the annual budget. Longevity pay shall be distributed by December 1st of each year.

Continuous service is continuous employment including any approved leave. Employees who leave the employment of the Town and subsequently return to employment are only allowed to count the years of service from the time the employee is reemployed. *Only full-time employment qualifies for determining years of service with the Town.*

Longevity amounts shall be as follows:

<u>Years of Service</u>	<u>Amount</u>
5 - 9 years	1.5%
10 - 14 years	2.0%
15 - 19 years	2.5%
20 - 24 years	3.0%
25 - 29 years	3.5%
30 plus years	4.0%

Employees who retire within the year will receive longevity pay pro-rated based on the number of months worked during the year.

Section 16. Pay Periods

All employees shall be paid bi-weekly on every other Thursday. In the event a holiday falls on a schedule payday, payday shall then be the last working day prior to the holiday.

Section 17. Pay Upon Termination

Upon termination of employment, an employee is entitled to payment, in the regularly scheduled pay period, for regular pay, unused vacation leave, and unused compensatory time if the employee is designated as non-exempt. No sick leave or other such leave as the Town may authorize, shall be paid upon termination. The finance director shall deduct and withhold from the final paycheck any amount owed to the Town such as for group insurance premiums and leave that has been advanced. The final payment for unused vacation leave will be combined with the last paycheck.

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Equal Employment Opportunity Policy

It is the policy of the Town to foster, maintain and promote equal employment opportunity. The Town shall select employees on the basis of the applicant's qualifications for the job and award them, with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to age, sex, race, color, religion, national origin, disability, political affiliation, or marital status. The Town does not discriminate against anyone for any reason. Applicants with physical disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of required duties with or without reasonable accommodation.

Section 2. Implementation of Equal Employment Opportunity Policy

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

Section 3. Recruitment, Selection and Appointment

Recruitment Sources. When position vacancies occur, the Human Resources Officer shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Information on job openings and hiring practices will be published on the Town's website and in local and other newspapers and websites as necessary to inform the community and create a quality and diverse pool of applicants. In addition, notice of vacancies shall be posted at designated conspicuous sites within departments. Individuals shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that well-qualified applicants are obtained for Town service. In some situations the Town may hire or promote current Town employees without advertising jobs.

Job Advertisements. Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes and be of such distribution as to insure a diverse pool of candidates.

Application for Employment. The Town will only receive employment applications for open positions and may accept application from individual who wish to file an application to remain on file.

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

Selection. Department heads, with the assistance of the Human Resources Officer, shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, experience and overall qualifications required for the position. In the event the Town uses tests or other

selection methods, those methods shall be valid indicators of potential job performance.

Appointment. Before any unconditional or conditional offer is made to an applicant the Department Head shall make a recommendation to the Human Resources Officer regarding the recommended selection. The Human Resources Officer and Department Head shall recommend the candidate, along with starting salary and other conditions of employment to the Town Manager. The Town Manager is the appointing authority and must make the offer of employment and determine the conditions of employment.

Section 4. Drug-Free Workplace, Substance Abuse and Drug Testing

The Town has the responsibility to insure the safety of its citizens and other employees by making sure Town employees are not under the influence of drugs and/or alcohol. Likewise, the Town may be required to comply with the Drug-Free Workplace Act as a result of receiving federal grant funds. Regardless of the status of federal grant funds at any given time, the Town voluntarily follows the provisions of the Drug-Free Workplace Act. The Act prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the workplace. The Town will not tolerate employees reporting to work with their ability to perform impaired by alcohol, illegal drugs, or inappropriately used prescription or over-the-counter drugs.

The Town will comply with the Act by reporting any conviction of a drug-related crime. An employee convicted of a drug-related crime in the workplace is required to notify the Town Manager within five days of conviction.

The Town does not generally require general drug testing prior to employment, however, for safety sensitive positions in law enforcement or equipment operation, candidates may be subject to pre-employment drug testing. The Town also participates in a multi-jurisdictional, random drug-testing program for all safety sensitive positions. The Human Resources Officer maintains a list of all safety sensitive positions. Employees in these positions are subject to random testing through a provider designated by the regional program manager.

Current employees may be subject to random drug testing or drug testing in the case of accidents. The Town has the right to require any employee to submit to a drug test if there is reasonable suspicion that the employee may be under the influence of drugs or alcohol. The Town shall designate the testing source and escort the employee to the testing site if there is reasonable suspicion of substance abuse. The Town shall assume financial responsibility for all testing.

Section 5. Probationary Period

An employee appointed or promoted to a regular position shall serve a probationary period for six months. Sworn police officers shall serve a twelve-month probationary period. Employees hired as trainees shall remain on probation until the provisions of their traineeship are satisfied. During the probationary period, the supervisor of the employee serving in a probationary status shall closely monitor the progress of that employee and shall frequently discuss with the employee his performance. Before the end of the probationary period the supervisor shall conduct a performance evaluation conference with the employee and discuss accomplishments, strengths, and needed improvements. A summary of this discussion shall be documented in the employee's personnel file. The supervisor shall

recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. Probationary periods may be extended for a maximum of six additional months.

Disciplinary action, including demotion and dismissal, may be taken at any time and for any reason during the probationary period of a new hire without following the steps outlined in this policy for disciplinary action. A promoted employee who does not successfully complete the probationary period may be transferred or demoted to a position in which the employee shows promise of success. If no such position is available, the employee shall be dismissed.

Section 6. Promotion

Promotion is the movement of an employee from one position to a position in a class assigned to a higher salary range. It is the Town's policy to create career opportunities for its employees whenever possible. Therefore, when all other factors are equal, current Town employees will be given priority for vacant positions.

Section 7. Demotion

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. Demotion may be voluntary or involuntary. An employee whose work or conduct in the current position is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a voluntary demotion. A voluntary demotion is not a disciplinary action.

Section 8. Transfer

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

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Work Schedule

The Town has a normal workweek of 40 hours. Regular office hours are Monday through Friday from 8:00 am to 5:00 pm. Because of the nature of work of individual departments, with the approval of the Town Manager, departments are allowed to deviate from the standard workday and set their own hours. Department heads shall establish work schedules, which meet the operational needs of the department in the most cost effective manner possible.

For the purpose of determining hours worked in a week, the Town defines workweek as the period from 12:00 AM Friday to 11:59 PM Thursday.

Section 2. Political Activity

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States. However, no employee shall:

- A. Engage in any political or partisan activity while on duty;
- B. Use official authority or influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
- C. Be required as a duty of employment or as condition for employment, promotion or tenure of office to contribute funds for political or partisan purposes;
- D. Coerce or compel contributions from another employee of the Town for political or partisan purposes;
- E. Use any supplies or equipment of the Town for political or partisan purposes; or
- F. Be a candidate for Town of Wendell Board of Commissioners.

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

Section 3. Outside Employment

The work of the Town shall have precedence over other occupational interests of employees. Outside employment must be of such a nature as would not reflect negatively upon the Town and must be reported to and approved by the department head in advance. The department head will review such employment for possible conflict of interest and decide whether to recommend approval of the work to the Town Manager. The Town Manager has the final authority for approving outside employment and setting conditions on such employment. Outside employment shall be reviewed annually.

Employees are prohibited from participating in dual employment with the Town. Employees are authorized to hold appointment to only one position at a time.

Conflicting or unreported outside employment are grounds for disciplinary action up to and including dismissal. Documentation of the approval of outside employment will be placed in the employee's personnel file.

Department heads are prohibited from secondary employment. There are times when department heads may serve on boards, commissions, etc., for which they are compensated. These types of assignments do not come under the general definition of "outside employment". In the event a department head is going to be in a situation where compensation will be rendered for services, the approval of the Town Manager is required in advance.

Section 4. Employment of Relatives

The Town prohibits the employment of immediate family in regular positions within the same work unit. The Town also prohibits the employment of any person into a regular position who is an immediate family member of individuals holding the following positions: Mayor, Mayor Pro Tem, Board of Commissioners Member, Town Manager, Finance Director, Human Resources Officer, Town Clerk, or Town Attorney. Otherwise, the Town will consider employing family members or related persons in the service of the Town, provided that such employment does not:

- A. Result in a relative auditing the work of a relative;
- B. Create a conflict of interest with either relative and the Town; or
- C. Create the potential or perception of favoritism.

Should a family member of a current employee be elected to the Town's Board of Commissioners, the employee must resign within six months of the relative taking office.

Section 5. Harassment

Harassment on the basis of race, color, religion, gender, national origin, age, disability, or for any other reason, constitutes discrimination. The Town opposes harassment by supervisors and co-workers in any form. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual for any reason.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- A. Submission to such conduct is made either explicitly or implicitly a term or 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;
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Any employee who believes that he or she may have a complaint of harassment may follow the Grievance Procedure described in this Policy or may file the complaint directly with the Town

Manager, Human Resources Officer, or any department head who will advise the Human Resources Officer of the complaint. The Human Resources Officer will insure that an investigation is conducted into any allegation of harassment and make a recommendation to the Town Manager as to what action is to be taken. The Town Manager is responsible for taking whatever action necessary to address any form of harassment.

Employees witnessing harassment shall also report such conduct to an appropriate Town official.

Section 6. Acceptance of Gifts and Favors

As a general rule no employee of the Town shall accept any gift, favor, or thing of value from anyone doing business with or potentially doing business with the Town. Employees are allowed to accept gifts of nominal value such as a meal. Nominal valued gifts are those things that a reasonable person would interpret as being inexpensive and inconsequential. By no means shall an employee accept any gift or favor that would give the impression of favoritism toward any individual or company. Nominal gifts provided to a department or the Town as a whole are acceptable as long as the gift does not go to the benefit of an individual employee.

Section 7. Performance Evaluation

Supervisors and/or Department Heads shall conduct performance evaluation conferences with each employee at least once a year to review the employee's accomplishments and strengths, areas for improvements, goals for the next year, and overall performance level. These performance evaluations shall be documented in writing and placed in the employee's personnel file. The Human Resources Officer shall determine procedures and evaluation forms for the performance evaluation program.

Section 8. Safety

Safety is the responsibility of both the Town and employees. It is the policy of the Town to establish a safe work environment for employees. The Town 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 ensuring safe work procedures for all employees and providing necessary safety training programs. Employees shall follow the safety policies and procedures and attend safety-training programs as a condition of employment. Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal.

Personal safety, and the safety of other employees, is the responsibility of all personnel. All safety issues should be brought to the attention of the Town Manager.

Each Town employee is responsible for:

1. Developing and maintaining safe work habits.
2. Promptly reporting all accidents and injuries.
3. Pointing out dangerous practices and working conditions.
4. Taking proper care of equipment.
5. Knowing the location and use of fire extinguishers, the location of fire exits and the method of reporting a fire or other emergency.
6. Reporting suspicious persons or activities.

7. Practicing safe driving habits.
8. Reporting unsafe conditions and submitting practical safety suggestions.

Section 9. Direct Deposit

Employees are required to participate in the Town's direct deposit program. Each employee's net pay is deposited into the employee's bank account of record on each payday.

Section 10. Use of Town Supplies and Equipment

Town equipment, materials, tools and supplies shall not be available for personal use nor be removed from Town property except in conduct of official Town business.

Town employees shall provide reasonable care for any Town vehicle as a duty and function of their job requirements and will be held accountable for the vehicle. In the event a Town vehicle is damaged due to the negligent and/or careless actions of the employee, the employee may, at the Town's discretion, be required to pay the Town's insurance deductible. Such vehicles are to be used exclusively for official Town business, except that by special approval by the Town Manager, an employee may be directed to take the vehicle home when doing so shall serve the best interest of the Town. Use of Town vehicles for commuting to and from work shall usually be limited to an employee who is subject to emergency call-back work. IRS guidelines will dictate any charges which shall accrue to the employee for personal use of a Town owned vehicle.

No individual shall operate or ride in a Town vehicle except as is required for the conduct of official Town business.

This policy does not apply to sworn law enforcement personnel whose use of Town vehicles is governing by the Police Department's standard operating procedures. However, if a Town vehicle is damaged as a result of the negligent and/or careless actions of a law enforcement officer, that officer may, at the discretion of the Town, be required to pay the Town's insurance deductible.

Section 11. Code of Ethics

Town employees are expected to discharge their duties conscientiously and to conduct themselves in a manner, on and off the job, which will reflect favorably upon the Town. Employees shall:

1. Refrain from any misuse of their position motivated by the desire for private gain for themselves or others. They must conduct themselves in such a manner that there is no suggestion of private gain from their employment with the Town.
2. Exercise discretion in their care of personal financial activities to avoid any legal liabilities, which would reflect unfavorably upon the Town.
3. Not use their positions to coerce, or give the impression of coercing, another person to provide any financial benefit to the employee or to other persons.
4. Avoid any action, which might result in giving preferential treatment to any organization or person, lose his independence, or lose the confidence of the public.
5. Notify appropriate supervisory personnel if the employee witnesses another employee engaging in an unlawful act on the job or violation of these personnel policies.

Section 12. Solicitation

Solicitation in the Town by employees or outsiders is generally prohibited. However, employees may participate in solicitation for civic and non-profit causes if done in a discrete manner. Solicitation must be conducted in such a way that no employee feels pressure to participate. Solicitation may be by e-mail, posting or word of mouth. Town copy equipment shall not be used to make copies for solicitations.

Section 13. Identification

All new appointments to the Town shall present proof of identification and employment eligibility before they are placed on the payroll. Documentation for identification must be in accordance with the Immigration Reform and Control Act of 1986 and an I-9 form completed. The finance director, or designee, shall be responsible for obtaining adequate identification and for maintaining such documentation in the files. In addition to the I-9 form requirement, the Town also participates in the E-Verify program, which is an internet-based system that allows employers to verify that applicants are eligible to work in the United States.

Section 14. Criminal Record and Credit Reports Required

Prior to employment, and after a conditional offer of employment has been made, all employees are subject to a criminal background check and a credit report. It is the responsibility of the Town to conduct the criminal background check and it is the responsibility of the employee to provide the Town with a current credit report. Employees who have received conditional employment offers are required to submit an authorization to complete the criminal background report. Authorization must include specific permission to obtain the report and include name, address, date of birth, and social security number. A criminal record or a poor credit report may exclude a person from employment if the criminal and/or credit activity has a potential impact on the work a person will be assigned or have a significant negative impact on the organization, but shall not be used for any discriminatory purpose.

Section 15. Compliance with Americans with Disabilities Act (ADA)

The Town is required to comply with ADA by making reasonable accommodation to qualified employees with disabilities who, with or without reasonable accommodation, can perform the essential functions of a job desired or held.

Disabled employees include those who have, have a record of, or are regarded as having sensory impairments, mobility impairments, and other impairments as defined under ADA. Reasonable accommodation for such employees applies not only to the work an employee is doing, but also to all other aspects of an employee's job, which includes access to facilities and work schedule.

It is the policy of the Town to comply with the provisions of ADA and to make reasonable accommodation for disabled employees whenever necessary and requested.

Section 16. Notification of Employment

All persons offered employment with the Town will be provided with a written confirmation of

employment. Such confirmation shall include the salary being paid, title, date of hire, and other conditions of employment that may be established. Such confirmation shall not be construed to create any employment contract or otherwise alter the At-Will nature of employment with the Town.

Section 17. Driver's License

All employees whose job requires the operation of a motor vehicle shall maintain a valid North Carolina driver's license at all times.

Requirements For New Employees

Any person who is applying for a position which will require operation of a licensed motor vehicle in the course of employment must list all traffic convictions on the employment application at the time application is made. Applicants will be required to produce a valid North Carolina driver's license prior to employment. Out-of-state candidates may submit a driver's license from the state where they currently reside but must obtain a North Carolina driver's license within 30 days of employment. Any omission or inaccuracy can result in disciplinary action up to and including dismissal.

Requirements for Current Employees

After employment all employees who are required to operate a vehicle as part of their job shall be required to maintain a current, valid North Carolina driver's license.

All citations and/or arrests or charges for moving violations and accidents must be reported in writing to the department head and the Human Resources Officer on the next business day following the conviction. All license suspensions or revocations must be reported to the department head and Human Resources Officer immediately. Failure to report a conviction, suspension or revocation can result in disciplinary action up to and including dismissal. The Town may check the driving record of employees periodically but no less than one time each year.

All accidents that occur while on official Town business must be reported to the employee's supervisor immediately who shall in turn notify the department head and Human Resources Officer.

Section 18. Dress Code

The image of the Town is directly related to its employees and the way in which they conduct and present themselves. All employees are expected to dress in an acceptable and professional manner at all times which is consistent with good business practice. Employees must be neat, clean and presentable while on duty. In departments where uniforms are required, employee must wear assigned uniforms in the manner in which they were intended while on duty. The department head shall have the responsibility of determining acceptable dress in each department.

ARTICLE VI. EMPLOYEE BENEFITS

Section 1. Eligibility

All full-time and part-time employees of the Town are eligible for employee benefits as provided for in this policy. These benefits are subject to change at the Town 's discretion. Temporary employees are eligible only for workers' compensation and FICA.

Section 2. Group Health and Hospitalization Insurance

The Town provides group health and hospitalization insurance programs for full-time employees, subject to annual appropriation by the Board of Commissioners and insurance policy provisions.

Part-time employees who are scheduled to work 30 hours or more per week on a continuous, year-round basis may purchase group health through the Town for themselves and their qualified dependents. A pro-rated amount of the cost of coverage paid for a full-time employee shall be paid by the Town with the remainder of the cost being paid by the employee. This pro-rated amount shall be based on regularly scheduled hours.

Information concerning cost and benefits shall be available to all employees from the Human Resources Officer.

Retiree Insurance Coverage

The Town provides medical, dental, vision and life insurance coverage for retirees, at no cost to the retiree. Employee eligibility for this coverage is determined as follows:

- A. Employees who began Town employment prior to September 20, 1994 and retire with the Town of Wendell will have insurance benefits paid by the Town without regard to the length of service or whether retirement is full or reduced service retirement.
- B. Employees who began Town employment between September 20, 1994 and July 31, 2001 and retire with the Town of Wendell will have insurance benefits paid by the Town if they have 10 years of full-time service with the Town of Wendell without regard to whether retirement is full or reduced service retirement.
- C. Employees who began Town employment between August 1, 2001 and April 11, 2004 and retire with the Town of Wendell will have insurance benefits paid by the Town if they have 10 years of uninterrupted full-time service with the Town of Wendell and they retire with regular full service retirement.
- D. Employees who began Town employment on or after April 12, 2004 and retire with the Town of Wendell will have insurance benefits paid by the Town if they have 20 years of uninterrupted full-time service with the Town of Wendell and they retire with regular full service retirement.
- E. Employees who retire under the disability provisions of the North Carolina Local Government Employees' Retirement System are subject to the above provisions.

Section 3. Group Life Insurance

The Town may elect to provide group life insurance for each employee subject to the stipulations of the insurance contract. Employees may elect to purchase additional coverage for themselves or to insure other family members. Additional employee insurance and dependent coverage is at the expense of the employee.

Section 4. Retirement

Each employee who is expected to work for the Town more than 1,000 hours annually shall join the North Carolina Local Governmental Employees' Retirement System immediately upon employment.

Section 5. Supplemental Retirement Benefits

The Town provides supplemental retirement benefits through a 401(k) or a 457 plan for full and part-time non-law enforcement personnel at the rate of five percent of the employee's annual salary.

Section 6. Social Security

The Town participates in FICA and therefore withholds FICA from the employee as well as provides the employer's matching share.

Section 7. Workers' Compensation

All employees of the Town are covered by the North Carolina Workers' Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisors at the time of the injury in order that appropriate action may be taken at once. This provision also applies to reactions to small pox vaccinations administered to Town employees under Section 304 of the Homeland Security Act. Such reactions shall be treated the same as any other workers compensation claim with regard to leave and salary continuation.

Before returning to work, a statement from the attending physician should be submitted to the Human Resources Officer giving permission for the employee to resume regular duties.

Upon returning to work the employee's salary will be computed on the basis of the last salary plus any merit increment or other salary increase to which the employee would have been entitled during the disability covered by Workers Compensation. An employee continues to earn annual leave and sick leave, and will retain all accumulated sick or annual leave.

Employees may use sick leave and/or vacation during the waiting period before Workers' compensation benefits begin.

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee and such claims should be filed with the North Carolina Industrial Commission within five days of the date of injury. The Human Resources Officer will assist the employee in filing the claim.

Section 8. Unemployment Compensation

In accordance with Public Law 94-566 and subsequent amendments, local governments are covered by unemployment insurance. Town employees who are terminated due to a reduction in force or released from Town service through no fault of their own may apply for benefits through the local Division of Employment Security office. Eligibility for unemployment will be determined by the Division of Employment Security.

Section 9. Tuition Assistance Program and Professional Development Payments

Full-time employees who have completed initial probation may apply for tuition reimbursement for courses taken on their own time or during educational leave which will improve their skills for their current job or prepare them for promotional opportunities with the Town. Tuition, registration, fees, laboratory fees, required books with an authentic receipt and student fees are eligible expenses. Employees may be reimbursed eligible expenses up to a total of \$1,500 per fiscal year. Employees must provide necessary supporting documentation for approved expenses, including receipts for paid tuition (please provide documentation that clearly shows what you paid, not what you owe). Satisfactory completion of the courses with at least a “C” in graded courses or for a pass/fail course will be required for reimbursement. The employee must provide a letter from the course instructor certifying the successful completion of the course or a certificate of completion from the institution within 30 days of class ending.

Employees must certify the amount and kind of other funds received for educational purposes from federal, state, or other sources (such as scholarships and grants). The Town will not reimburse the employee for amounts funded by other sources. Employees may not receive total reimbursements in excess of 100 percent of the total eligible expenses.

Requests for tuition assistance shall be submitted to the Human Resources Officer prior to course registration and are subject to the review and approval of Department Head and Town Manager and are subject to availability of funds. The Human Resources Officer shall request funding for this program as part of the budget process if not included in individual departmental budgets. Employees enrolled in approved educational programs may use Town-owned computers to do work related to school so long as such use does not detract from job related duties. Employees receiving tuition assistance will be required to repay the tuition assistance if separated from employment with the Town within 24 months of the receiving the tuition assistance.

The Town will provide employees with professional development opportunities and the opportunity to obtain and maintain credit hours for certifications as the Town’s budget and scheduling permits. Costs for courses and classes for professional development exceeding \$500 will be required to be repaid if the employee separates from employment with the Town within 12 months of payment of said cost.

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Policy

The policy of the Town is to provide vacation, sick leave, and holiday leave to all full-time and part-time employees, and to provide proportionately equivalent amounts to employees having average workweeks of different lengths. Temporary employees do not earn vacation or sick leave nor are they eligible to be paid for holidays.

Leave balances should be periodically provided to employees and may be included in bi-weekly pay advices.

Section 2. Holidays

The following days, and other such days as the Board of Commissioners may designate, are holidays with full pay for employees of the Town.

New Year's Day

Martin Luther King, Jr's Birthday

Good Friday

Memorial Day

Independence Day

Labor Day

Veterans Day

Thanksgiving Day and Friday after

Christmas - 3 days to coincide with the State of

NC (according to NC GS 1126-4(5))

When a holiday falls on a Saturday or a Sunday, Monday shall be observed as a holiday except for Christmas. The Town Manager has the authority to designate a day other than Monday if circumstances warrant.

An employee must be in active, paid status before and after the holiday in order to receive a paid holiday.

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Section 3. Holidays: Effect on Other Types of Leave

Regular holidays which occur during a vacation, sick, or other leave period shall be considered as a holiday and shall not be considered as vacation, sick, or other leave.

Section 4. Holidays: Compensation When Work is Required or Regularly Scheduled Off for Shift Personnel

Effective July 1, 2007, employees required to perform work on regularly scheduled holidays shall be paid at the regular rate for hours actually worked and receive pay at the regular rate for the holiday hours they did not take off. Holiday time will be pro-rated based on the average workweek.

Section 5. Vacation Leave

Vacation leave may be used for any reason desired by the employee for an absence from work. Employees are also provided with leave for sickness or family illnesses, however, vacation leave may be used for absences due to illness if the employee so chooses. All employees are strongly encouraged to take five (5) consecutive days of vacation each calendar year however, employees whose duties require them to collect money are required to take five consecutive days.

Section 6. Vacation Leave: Use by Probationary Employees

Employees serving a probationary period following initial employment may accumulate vacation leave but shall not be permitted to take vacation leave during the first six months of the probationary period. Employees shall be allowed to take accumulated vacation leave after six months of service.

Section 7. Vacation Leave: Accrual Rate

Each full and part-time employee of the Town shall earn vacation on a monthly basis based on the following schedule, prorated by the average number of hours scheduled in the workweek:

<u>Months of Service</u>	<u>General Employees</u>	<u>Law Enforcement Employees</u>
0 - 35	8 Hours Per Month	8.4 Hours Per Month
36 - 95	10 Hours Per Month	10.5 Hours Per Month
96 - 179	12 Hours Per Month	12.6 Hours Per Month
180 - 239	14 Hours Per Month	14.7 Hours Per Month
240 - 299	16 Hours Per Month	16.8 Hours Per Month
300 - 359	18 Hours Per Month	18.9 Hours Per Month
360 +	20 Hours Per Month	21.0 Hours Per Month

Section 8. Vacation Leave: Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until June 30 of each fiscal year. However, if the employee departs from service, payment for accumulated vacation leave shall not exceed thirty days (30). Effective the last payroll in the fiscal year, any employee with more than 30 days of accumulated vacation leave shall have the excess converted to sick leave. Employees are not eligible to receive pay for vacation time not taken.

Employees are cautioned not to retain excess accumulated vacation leave until late in the year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having vacation leave scheduled or in receiving any exception to the maximum accumulation.

Section 9. Vacation Leave: Manner of Taking

Employees shall be granted the use of earned vacation leave at those times designated by the Department Head which will least obstruct normal operations of the Town. Department heads are responsible for ensuring that approved vacation leave does not hinder the effectiveness of service delivery. Vacation may be taken in one-quarter hour increments and should be requested in advance according to departmental policies and procedures.

Section 10. Vacation Leave: Payment upon Separation or Retirement

An employee who has successfully completed six months of the probationary period will normally be paid for accumulated vacation leave upon separation, subject to a 30 day maximum; provided, however, in the case of resignation, written notice must be given to the supervisor at least two weeks in advance of the effective date of resignation. Department heads are required to give a minimum of 30 day's notice of resignation. Any employee failing to give the written notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the Town Manager when deemed to be in the best interest of the Town.

An employee retiring under the provisions of the North Carolina Local Government Retirement System may have any vacation in excess of the 30 day maximum converted to sick leave and used for retirement service credit.

Employees separated involuntarily shall also receive vacation balances paid according to these provisions.

Section 11. Vacation Leave: Payment upon Death

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

Section 12. Sick Leave

Sick leave is a privilege granted to an employee for use consistent with this policy and is not a right. Sick leave may be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, temporary disabilities, required physical or dental examinations or treatment, exposure to a contagious disease when continuing work might jeopardize the health of others, and death in the immediate family.

Sick leave may also be used when an employee must care for a member of his or her immediate family who is ill or needs medical care. An employee's immediate family member is defined as:

- Spouse
- Parent (biological, adoptive, step, in-law, or guardian)
- Child (biological, adoptive, step, foster, legal ward, in-law)
- Sibling (biological, adoptive, step, in-law)
- Grandparents or grandchildren (step, great)

Sick leave may be used concurrently with Family and Medical Leave. See Section 18 Family and Medical Leave (Extended Leave). Sick leave may also be used to supplement Workers' Compensation Disability Leave during the waiting period before Workers' compensation benefits begin.

Section 13. Sick Leave: Accrual Rate, Accumulation, and Manner of Taking

Sick leave shall accrue at a rate of one day per month of service or twelve days per year. Sick leave for full-time and part-time employees working other than the basic work schedule shall be pro-rated. Notification of the desire to take sick leave shall be submitted to the employee's supervisor prior to the leave or not later than two hours after the beginning of a scheduled workday following return from leave. An employee who works in shifts must notify his supervisor of the desire to take sick leave prior to leave or not later than two hours prior to the beginning of the shift. Failure to so notify the appropriate supervisor may result in disciplinary action.

The minimum amount of sick leave that may be taken is one half hour and leave must be taken in increments of one-quarter hour.

There is no maximum accumulation of sick leave and unused sick leave may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Government Employees' Retirement System.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the Town, except as stated for employees retiring.

Section 14. Transfer of Sick Leave from Previous Employer

The Town will accept the transfer of sick leave for employees from other employers who are participants of the North Carolina Local Government or State Employees Retirement System, provided the employer is the immediate past employer. The sick leave will be treated as though it were earned with the Town of Wendell. The previous employer must certify the sick leave amount. This sick leave may be taken after the employee successfully completes the initial probationary period.

Sick leave earned from an out-of-state employer will be considered for transfer on a case-by-case basis. Generally, the leave earned in states that allow unused sick leave to be applied toward retirement credit will be accepted by the Town.

Section 15. Sick Leave: Medical Certification

Under the general sick leave policy, (Section 12), the employee's Department Head may require a physician's certificate stating the necessity of the employee's absence due to an illness relating to the employee's own health or the health condition of a family member. The certificate must state the employee's ability to resume duties for each occasion on which an employee uses sick leave or whenever the supervisor observes a pattern of absenteeism. The employee may be required to submit to such medical examination or inquiry as the Department Head deems desirable. The Department Head shall be responsible for the application of this provision to the end that:

- A. Employees shall not be on duty when they might endanger their health or the health of other employees; and
- B. To prevent the abuse of leave privileges.

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

Under the Family and Medical Leave policy, (Section 18), the employee's or family's physician must complete specific certification forms to support the request for Family and Medical Leave and submit them to the Human Resources Officer. (See Sections 18 and 19).

Section 16. Donation of Sick Leave to Other Employees

Employees may donate some of their accumulated sick leave to other Town employees. The employee must request donation in writing for approval by the Town Manager. Donations are allowed one time per year not to exceed three days (24 hours) per year. In order to donate sick leave to another employee, the recipient must:

1. Have an illness themselves or have a prolonged illness in their immediate family; and
2. Have exhausted, or will exhaust in a short time, their sick leave balance.
3. Not be absent due to an injury involving a worker's compensation claim.

Only sick leave may be transferred. Annual leave cannot be donated.

Section 17. Leave Pro-rated

Holiday, annual, and sick leave earned by full-time and part-time employees with fewer or more hours than the basic work week shall be determined by the following formula:

- A. The number of hours worked by such employees shall be divided by the number of hours in the basic workweek, usually 40 hours.
- B. The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic workweek.
- C. The number of hours in step 2 divided by 12 shall be the number of hours of leave earned monthly by the employees concerned. The number of hours in step 2 divided by 26 shall be the number of hours of leave earned per bi-weekly payroll period.

This means, for example, law enforcement officers scheduled for an annual average 42- hour week earn 8.4 hours for each day of sick, vacation, or holiday leave.

Section 18. Family and Medical Leave (*Extended Leave*)

The Family and Medical Leave Act (FMLA) entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if they had not taken leave. The Town employs in excess of 50 employees and is required to follow the provisions of the Family and Medical Leave Act (FMLA). The Town supports the provisions of FMLA in fairness to its employees.

Employee eligibility is based on two requirements:

1. Must have a total of at least 12 months of service with the Town
2. Must have worked at least 1,250 hours during the last 12 months of service with the Town

Eligible employees are entitled to the following:

Twelve workweeks of leave in a 12-month period for:

- A. the birth of a child and to care for the newborn child within one year of birth;
- B. the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- C. to care for the employee's spouse, child, or parent who has a serious health condition;
- D. a serious health condition that makes the employee unable to perform the essential functions of his or her job; (*A serious health condition is defined as a condition, which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider. This policy covers illnesses of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition which results in a period of incapacity of more than three days would be considered a serious health condition.*)
- E. any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" **or**

Twenty-six workweeks of leave during a single 12-month period to care for:

- A. A covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).

Eligible employees will be allowed to take up to 12 weeks of leave per 12 months and may use their accumulated leave to cover the absence. Intermittent leave or a reduced working schedule may be provided for Family and Medical Leave when required as part of a medically necessary process. Family and Medical Leave may be taken using vacation and/or sick leave, unpaid, or a combination of paid and unpaid. As in the sick leave policy, sick leave is available only upon documented illness of an employee or when an employee must care for a covered family member who is ill. Unpaid leave may be granted when the employee has exhausted all types of paid leave or when it is in the best interest of the employee to take some or all of the leave without pay. Additional time away from the job beyond the 12-week period may be approved in accordance with the Town's Leave Without Pay policy and with the approval of the Human Resources Officer and the Town Manager.

The employee must submit the request for the use of Family and Medical Leave to the Human Resources Officer in writing. Eligibility will be determined; and the request will be approved or denied by the Human Resources Officer and the Town Manager. When the leave is foreseeable the employee must submit the request in writing to the Human Resources Officer 30 days in advance or as soon as practical. Unforeseeable leave requests must be made as soon as practical.

Within 5 business days of receipt of a request for FMLA leave or knowledge that the leave may be FMLA qualifying, the Human Resources Officer will determine if the employee is *eligible* for FMLA leave and provide the employee with an oral or written response using form **WH-381: Notice of Eligibility and Rights and Responsibilities**. The Human Resources Officer will also notify the Department Head of the request. If the employee is not eligible for FMLA leave, the Human Resource officer will also notify the employee within 5 business days.

In the case of serious health conditions, the Human Resources Officer will supply the requesting employee with the necessary medical certification forms. One of the following forms, specific to the type of request, may be supplied to the employee:

1. **Form WH-380E or WH-380F: Certification of Health Care Provider for Serious Health Condition**
2. **Form WH-384: Certification of Qualifying Exigency for Military Family Leave**
3. **Form WH-385: Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave**

FMLA leave forms should be completed by a medical professional and submitted to the Human Resources Officer within 15 days. The Human Resources Officer or the Town Manager may contact the health care provider only to authenticate the source of the information or to clarify a meaning of a response. If the certification form is not received within the allotted time, the Town reserves the right to deny leave until the necessary documentation has been received.

FMLA leave approval or denial notices will be given to the employee within 5 business days of receiving a completed medical certification form or otherwise acquiring enough knowledge to

determine whether an employee qualifies for FMLA leave. The Human Resources Officer will provide the employee with form **WH-382: Designation Notice indicating approval or denial of FMLA leave.** After receiving notice of initial approval of FMLA leave, the supervisor and/or the Department Head shall note absences on all subsequent timesheets pertaining to FMLA leave.

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

After a reasonable period of leave, the employee must respond to the employer's request for information about the status and intent to return to work. For an employee's own serious health condition, the Town may require certification that the employee is able to resume work. *The Town will follow the provisions of the Family and Medical Leave Act.*

Section 19. Leave Certification

The Town requires medical certification for an employee to qualify for leave under Family and Medical Leave. Upon the request of Family and Medical Leave, the Human Resources Officer will provide the employee with the necessary medical certification forms which must be taken to the employee's or the family member's physician (see Section 18. Family and Medical Leave).

The certification form completed by the employee's or the family member's physician should include the date when the condition began, its expected duration, and a brief statement of treatment that does not violate the employees right to privacy. For the employee's own health condition, the certification should state that the employee is unable to perform the essential functions of his/her position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and the employee's presence would be beneficial or required.

Certification should be furnished at least 30 days prior to the needed leave unless the employee's or family member's condition is a sudden one. Certification should be received no longer than 15 days from the date of the employee's request to the Human Resources Officer. The approval or denial decision will be made by the Human Resources Officer and the Town Manager within 5 days of receiving the certification.

The employee is expected to return to work at the end of the allotted time stated in the medical certification unless he/she has requested additional time in writing under the Town's Leave Without Pay policy. To return to work, the employee must provide a fitness-for-duty certification.

Section 20. Leave Without Pay

A full or part-time employee may be granted a leave of absence without pay for a period of up to twelve months by the Town Manager. The leave shall be used for reasons of personal disability after both sick leave and vacation have been exhausted, sickness or disability of immediate family members, continuation of education, special work that will permit the Town to benefit by the experience gained or the work performed, or for other reasons deemed justified by the Town Manager.

The employee shall apply in writing to the supervisor for leave. The employee is obligated to return to

duty within or at the end of the time determined appropriate by the Town Manager. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority, and pay. If the employee decides not to return to work, the supervisor shall be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested, shall be considered a resignation.

Section 21. Family and Medical Leave (Extended Leave) and Leave Without Pay: Retention and Continuation of Benefits

When an employee is on Family and Medical leave (Extended Leave), the Town will continue the employee's health and other non-leave benefits at the same level and under the same conditions as if the employee had continued to work for a period of up to 12 weeks. If the employee is in a pay status, such as using vacation, compensatory or sick leave, the Town will continue to pay for benefits until such leave is exhausted.

Other voluntary insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit. An employee shall retain all unused vacation and sick leave while on Leave Without Pay. An employee ceases to earn leave credits on the date leave without pay begins. The employee may continue to be eligible for benefits under the Town's group insurance plans at his or her own expense, subject to any regulation adopted by the Board of Commissioners and the regulations of the insurance carrier.

Section 22. Workers' Compensation Leave

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

- A. All injuries arising out of, and during, the course of employment should be reported by the injured employee to the immediate supervisor as soon as possible. The supervisor or department head shall file an injury report immediately. The employee must use sick leave or annual leave for the first seven (7) days of disability. These days will be reimbursed only if the disability continued for more than twenty-one (21) days.
- B. Before returning to work, a statement from the attending physician should be submitted to the Human Resources Officer giving permission for the employee to resume regular duties. The Town reserves the right to request a second opinion, at the expense of the Town, to verify the employee is fit for duty.
- C. Upon return to work, the employee's salary will be computed on the basis of the last salary plus any merit increment or other salary increase to which the employee would have been entitled

during the disability covered by Workers' Compensation. While receiving workers' compensation benefits, an employee continues to earn annual leave, sick leave, and will retain all accumulated sick or annual leave.

This provision also applies to reactions to smallpox vaccinations administered to Town employees under Section 304 of the Homeland Security Act. Such reactions shall be treated the same as any other workers' compensation claim as regards leave and salary continuation. Workers' Compensation leave may run concurrently with FMLA leave.

Section 23. Military Leave

Regular employees who are members of an Armed Forces Reserve or National Guard shall be granted two calendar weeks per calendar year for military leave without pay. Employees may use vacation, compensatory time or leave without pay during military leave. On rare occasions due to annual training being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year. For this purpose only, an employee shall be granted an additional ten days of military leave during the same calendar year. If such duty is required beyond this ten workdays, the employee shall be eligible to take vacation leave, compensatory time, or leave without pay. While taking the standard military leave, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the Town during this period. However, for military leave beyond the standard two weeks, leave credits and other benefits shall cease after the fourth week of leave.

Employees who are eligible for military leave have all job rights specified by the Vietnam Veterans Readjustment Act. Covered employees under the Uniformed Services Employment and Reemployment Rights Act (“USERRA”) shall be entitled to the rights therein and in the event of any conflict with these policies, the requirements of USERRA shall control.

Section 24. Reinstatement Following Military Service

An employee called to extended active duty with the United States military forces shall be reinstated with full benefits provided the employee:

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

An employee who remains in uniformed service for a period of five years or more shall not be eligible to be reinstated to service with the Town and is subject to termination. The Town Manager is responsible for determining whether circumstances warrant continued employment or termination.

Section 25. Civil Leave

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

Section 26. Community Service Leave

The Town encourages employees to be involved in their children's school activities as well as the community and civic organizations in the Town. Each employee is authorized to take 12 hours of community service leave per fiscal year, an average of one hour per month, to attend school functions, participate in a child's classroom, or volunteer for school and other community based organizations. Such leave must be taken with advanced approval from the employee's supervisor. Community Service Leave shall not be carried over from one fiscal year to the next. All unused Community Service Leave is lost at the end of the fiscal year.

Section 27. Educational Leave

The Town Manager may grant educational leave to an employee in his sole discretion. Educational leave may be granted with or without pay to an employee and is limited to one course at a time.

Section 28. Adverse Weather and Emergency Conditions

Because the Town is responsible for providing public safety services it is the general policy of the Town that offices do not close for inclement weather. However, under extenuating circumstances brought on by ice, snow, hurricanes, and other hazardous conditions, the Town Manager, or designee, shall declare that the Inclement Weather Plan is in effect by announcing that offices will open and/or close at some time other than the normal time. Such notification will be made through whatever means the Town Manager, or designee, deems appropriate. Department heads should designate which staff are in critical positions that are required to work regardless of weather conditions.

Employees in non-critical positions may report to work by the designated opening time or leave at a designated early closing time and still be considered as having worked the entire day. Those who do not report to work at all will be charged leave for the entire day. Employees reporting after the designated starting time shall be charged leave for the hours of work missed. Employees should always consider their personal safety in making a decision as to whether to report to work.

Because some employees are required to work during times when the Town Manager has declared the Town's offices closed, those employees will be allowed compensatory time on an hour for hour basis. Those hours worked are not considered as extra hours for determining hours worked in a workweek. Since the police department is normally scheduled to work 24 hours a day, seven days a week, this provision does not apply to sworn law enforcement personnel.

Section 29. Bereavement Leave

Bereavement Leave may be used for death in the employee's immediate family not to exceed 24 consecutive hours for any **two occurrences in a calendar year**. Additional leave time required for such occurrence may be charged to vacation or other leave such as accrued compensatory time when approved by the department head. Bereavement Leave for those not covered by the immediate family definition may be charged to vacation or compensatory leave. For purposes of this policy immediate family includes:

Spouse	Parent	Child	Brother/Sister	Grand/Great	Dependents /
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	(Mother/Father)	(Daughter/Son)			Life Partner
Husband Wife	Biological Adoptive Step In Loco Parentis In-law	Biological Adoptive Foster Step In Loco Parentis In-law	Biological Adoptive Step Half In- law	Parent Child Step In-law	Living in the employee's household

Section 30. Return of Town Equipment While in Leave Status

When paid leave (sick, vacation, or compensatory time) is exhausted, all Town equipment is to be returned to the Town until the employee has returned to work and has been reinstated.

ARTICLE VIII. SEPARATION AND REINSTATEMENT

Section 1. Types of Separations

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

Section 2. Resignation

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is two weeks with 30 days notice being required for department heads. Failure to provide minimum notice shall result in forfeit of payment for accumulated vacation unless the notice is waived upon recommendation of the Department Head and approval by the Town Manager. Vacation Leave may not be taken in the final two weeks when an employee is working during the resignation notice period. The department head may require a physician's certification if sick leave is used during the resignation notice period.

Three consecutive days of absence without contacting the immediate supervisor or Department Head may be considered to be a voluntary resignation.

Employees must return any Town property including uniforms and equipment upon resignation.

Section 3. Reduction in Force

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

Section 4. Disability

An employee who cannot perform the required duties because of a physical or mental impairment may be separated for disability. The employee or the Town may initiate action. In cases initiated by the employee, such action must be accompanied by medical evidence acceptable to the Town Manager. The Town may require an examination, at the Town's expense, performed by a physician of the Town's choice.

In cases where the employee becomes disabled while employed and if requested, the Town will make a reasonable accommodation for such disability under the provisions of the American With Disabilities Act (ADA).

Section 5. Voluntary Retirement

An employee who meets the conditions set forth under the provision of the North Carolina Local Government Employee's Retirement System may elect to retire and receive all benefits earned under the retirement plan. The employee shall give the Town notice of voluntary retirement.

Section 6. Death

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

Section 7. Dismissal

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

Section 8. Reinstatement

An employee who resigns while in good standing or who is separated because of reduction in force may be reinstated within one year of the date of separation, upon recommendation of the Department Head and approval of the Town Manager. An employee who is reinstated in this manner shall be re-credited with his or her previously accrued sick leave and previous service.

ARTICLE IX. DISCIPLINARY ACTION

Section 1. Disciplinary Actions

When an employee fails to meet the expectations of the Town in either job-related performance or in personal behavior the employee may be subject to disciplinary action. Discipline may take the form of oral or written reprimand, demotion, suspension or termination.

The Town, under the laws of the State of North Carolina, is an at-will employer and as such may terminate an employee for any reason. The Town subscribes to fair employment practices and therefore encourages training, coaching and other measures to make each employee successful in their jobs. Such practices include giving employees oral and written feedback on the quality of their performance through periodic performance evaluations.

Section 2. Disciplinary Action for Failure in Performance of Duties: Progressive Steps

In cases where an employee's performance is unsatisfactory, the supervisor shall document where performance is unsatisfactory and give the employee specific guidance in ways that performance needs to be improved. This is normally done during scheduled performance evaluation sessions but may be done between evaluation sessions or at any time performance issues arise.

If the employee is not meeting the expectations of the job, the supervisor and/or department head shall follow the steps listed below in administering progressive discipline. The Town may dispense with any or all of the below steps in its sole discretion if circumstances warrant.

Step 1. Provide a Written Warning – At this step of the disciplinary process the employee is warned that his performance is not acceptable and must improve in order to avoid termination. The supervisor shall be specific and document in writing what the deficiencies in performance are. This step follows any oral warnings and/or coaching sessions, which the supervisor shall document in writing. The supervisor shall inform the employee in person, and document in writing, that if performance is not improved in a reasonable amount of time, demotion or termination is the consequence. The department head, if not the direct supervisor, shall participate in a written warning conference and be provided with a copy of the warning and all other written documentation. Since all disciplinary actions have their own unique set of circumstances, it is often difficult to determine how long a “reasonable amount of time” is. It is up to the department head, with the consultation of the direct supervisor and the human resources officer, to determine what constitutes a reasonable amount of time.

Step 2. Action for Demotion or Termination – If the employee's performance has not improved as a result of the written warning, the department head must prepare a determination on final disciplinary action. A reasonable amount of time should be provided to allow the employee an opportunity to improve performance. The department head shall recommend to the Town Manager either demotion to a lower position or termination. Demotion is only an option if the employee shows promise of being successful in a position of less responsibility. If termination is recommended, the department head must document the reasons why the employee has not met the expectations of the job. The recommendation to terminate must be reviewed with the Human Resources Officer before being sent to the Town Manager for final approval.

Section 3. Disciplinary Action for Inappropriate Personal Conduct

In some instances it is the behavior of an employee that warrants a disciplinary action rather than a failure in performance of duties. An inappropriate behavior may be, as an example, coming to work late and may result in a mild disciplinary action such as a written reprimand. Another example of an inappropriate behavior may be reporting to work under the influence of drugs or alcohol or assaulting another employee which may result in a more serious disciplinary action such as dismissal. It is the responsibility of the department head to determine appropriate disciplinary actions, however, suspension or termination must be approved by the Town Manager.

Section 4. Role of the Human Resources Officer in Disciplinary Actions

Supervisors and department heads shall involve the Human Resources Officer in every aspect of disciplinary actions. It is the responsibility of the Human Resources Officer to:

- A. Ensure that due process has been followed.
- B. Ensure that all aspects of the process have been adequately documented.
- C. Review the documented deficiencies in performance or behavior of the employee to insure the recommended disciplinary action is consistent with the deficiencies.
- D. Serve as a resource to the Town Manager, department head, supervisor and employee.
- E. Make a recommendation to the Town Manager as to what action should be taken.

Section 5. Disciplinary Action Conference

The department head, in the presence of the Human Resources Officer, shall hold a disciplinary action conference with the employee for the purpose of explaining the action being taken: demotion, suspension, or termination. In cases of suspension or termination such action shall take effect immediately. The Town may dispense with the Disciplinary Action Conference as warranted by the circumstances.

Suspension from job duties may be an action in response to a failure in personal conduct. Unless it is deemed a non-disciplinary suspension, described below, suspensions are without pay. Suspensions are normally one to three days depending upon the offense. The department head shall recommend a length of suspension to the Human Resources Officer for his recommendation to the Town Manager. The Town Manager ultimately has the authority to administer suspensions.

In instances where personal safety of Town employees is involved, or in cases of egregious behavior, the department head has the authority to administer an immediate suspension. Such suspension shall be immediately referred to the Human Resources Officer and Town Manager for action. If termination is warranted that action must be by the Town Manager.

Section 6. Non-Disciplinary Suspension

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

- A. Temporarily relieve the employee of all duties and responsibilities and place the employee on paid or unpaid leave for the duration of the suspension, or
- B. Assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities.

If the employee is reinstated following the suspension such employee shall not lose any compensation or benefits to which otherwise the employee would have been entitled had the suspension not occurred. If the employee is terminated following suspension, the employee shall not be eligible for any pay from the date of suspension; provided, however, all other benefits with the exception of accrued vacation and sick leave shall be maintained during the period of suspension. Nothing herein shall preclude the Town from terminating an employee during or prior to any investigation, hearing, or trial for any criminal charge, during the course of any civil action, or as a result of alleged detrimental conduct if the Town deems necessary under the circumstances and in its sole discretion.

ARTICLE X. GRIEVANCE PROCEDURE

Section 1. Policy

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

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

Section 2. Grievance Defined

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

All cases of harassment or discrimination can be grieved directly to the Town Manager. In such cases the timeframe and requirements outlined in Step 2 of the grievance procedure shall be followed.

Section 3. Purposes of the Grievance Procedure

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

- A. Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
- B. Encouraging employees to express themselves about the conditions of work which affect them as employees;
- C. Promoting better understanding of policies, practices, and procedures which affect employees;
- D. Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures;
- E. Increasing the sense of responsibility exercised by supervisors in dealing with their employees.
- F. Encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship, and therefore, encouraging conflicts to be resolved at the lowest level possible of the chain of command through collaboration and/or mediation; and
- G. Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the Town or its leaders, thus freeing up employee motivation, productivity, and creativity.

Section 4. Grievance Process

When an employee has a grievance, the following successive steps are to be taken. The number of calendar days indicated for each step should be considered the maximum unless otherwise provided, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent. A decision to rescind a disciplinary suspension, demotion or dismissal must be approved by the Town Manager before the decision becomes effective.

Step 1. Informal Resolution with the supervisor. Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the Human Resources Officer as a resource to help resolve the grievance.

Step 2. Grievance filed with department head. If no resolution to the grievance is reached informally, the employee who wishes to pursue a grievance shall present the grievance to the department head. Grievances related to disciplinary suspensions, demotions, or dismissals shall skip the informal resolution process and be initially presented directly to the department head. The grievance must be presented within seven calendar days of the event or within seven calendar days of learning of the event or condition. The written grievance should identify the action that is deemed unfair and the reason the grieving employee believes it to be unfair. The department head shall respond to the grievance within seven calendar days after receipt of the grievance. The department head should, and is encouraged to, consult with any employee of the Town in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the department head is required to cooperate to the fullest extent possible.

The response from the department head shall be in writing and signed by the department head. In addition, the employee shall sign a copy to acknowledge receipt thereof. A copy of the grievance and the department head's response shall be provided to the Human Resources Officer.

Step 3. Grievance filed with the Town Manager. If the grievance is not resolved to the satisfaction of the employee by the department head, the employee may appeal, in writing, to the Town Manager within seven calendar days after receipt of the response from the department head. The Town Manager shall respond to the appeal, stating the determination of decision within ten calendar days after receipt of the appeal. The Town Manager's decision shall be the final decision.

Department heads may file grievances directly with the Town Manager as outlined in Step 3.

Mediation may be used at any step in the process if authorized by the Town Manager. Mediations shall not be authorized if the grievance is based on a disciplinary suspension, demotion, or dismissal. Mediation is the neutral facilitation of the conflict where the facilitator helps the parties find a mutually agreeable outcome. The mediator should be a party agreed upon by all parties to the grievance. The process of obtaining a mediator is the responsibility of the Human Resources Officer.

The Town Manager's decision regarding the disposition of the grievance shall be the final decision.

Section 5. Role of the Human Resources Officer

Throughout the grievance procedure, the Human Resources Officer shall:

- A. Advise parties (including employee, supervisors, and Town Manager) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistency of application;
- B. Be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents.
- C. Give notices to parties concerning timetables of the process, etc.;
- D. Assist employees and supervisors in drafting statements;
- E. Facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process; and
- F. Help locate mediation or other resources as needed.

The Human Resources Officer shall also determine whether or not additional time shall be allowed to either side in unusual circumstances if the parties cannot agree upon extensions when needed or indicated.

ARTICLE XI. TRAVEL EXPENSES

Section 1. Policy

Employees are expected to travel from time to time and incur travel related expenses. The Town will reimburse employees for reasonable and job related expenses in accordance with the guidelines established below. The Town Manager, or designee, must approve all out-of-county travel in advance in order for the travel to be eligible for reimbursement. All requests for travel reimbursement must be submitted on a Town-approved travel form.

Section 2. Travel by Personal Auto

Travel by private vehicle will be reimbursed at the IRS rate in effect at the time of travel only in cases where a town-owned vehicle is not available. Employees who choose to use their private vehicle when a town-owned vehicle is available are not eligible for reimbursement. Employees should confer with the finance department regarding the mileage reimbursement rate prior to travel if there is any question about whether travel will be reimbursed. Mileage will be paid on the basis of actual miles traveled from the Town offices. Travel by means other than personal car vehicle must be approved by the Town Manager in advance of the travel. All claims for travel shall be submitted on an approved travel claim form and submitted to the finance department within five (5) working days upon return to the office.

Section 3. Travel Related Expenses

- A. Travel expenses, other than meals, which are based on a per diem basis, will be authorized only for trips lasting over night or longer and will be figured on an actual expense basis. Receipts documenting hotel expenses and other travel related expenses are required for reimbursement. Meals are reimbursed up to a total of \$39 per day according to the following maximum reimbursable amounts:

1. Breakfast - \$8.00
2. Lunch - \$12.50
3. Dinner - \$18.50

The above rates are subject to change periodically. The Town has adopted the per meal and per diem rates of the State of North Carolina and, as such, will change as the State changes its rates.

- B. Employees may be reimbursed for meals for partial days of travel when in overnight travel status and the partial day is the day of departure or the day of return. The following applies:
- a. Breakfast: depart duty station prior to 6:00 AM and extend the workday by two hours;
 - b. Lunch: depart duty station prior to 12:00 Noon on the day of departure or return to duty station after 2:00 PM on the day of return.
 - c. Dinner: depart duty station prior to 5:00 PM on the day of departure or return to duty station after 8:00 PM on the day of return and extend the workday by three hours;
 - d. The travel must involve a travel destination located at least 35 miles from the employee's duty station or home whichever is less.

Reimbursement cannot be paid to employees for lunches if travel does not involve an overnight stay.

- C. All meal expenses associated with conferences the employee has been authorized to attend will be reimbursed if part of the conference.
- D. Employees of the Town shall be reimbursed for the actual cost for special expenses paid by them from their personal funds, such as registration fees, tuition fees, special tours, convention banquets or similar events scheduled as a part of the convention or course attended. Reimbursement for these items will be at actual cost and must be approved in advance by the Town Manager.
- E. No reimbursement will be paid without a written travel claim, with receipts attached, and signed by the employee and supervisor.
- F. With the approval of Town Manager an employee may obtain a travel advance prior to travel and such advance must be accounted for on the travel claim. Employees are not entitled to a second travel advance if an earlier advance has not been paid back or accounted for.
- G. Regular pay will continue during an employee's absence on official business, or when employee is participating in authorized training courses or when employee is attending authorized professional conferences and meetings. During these times the employee will be considered as officially working and such time will be used to determine hours worked for the week.

ARTICLE XII. INFORMATION TECHNOLOGY POLICY

Section 1. Purpose

The purpose of this policy is to set standards for appropriate use of Town information technology resources and to safeguard the integrity of computers, networks, and data.

Definitions

- E-mail:** The distribution of messages, documents, files, software, or images by electronic means over a phone line or a network connection. This includes internal e-mail, external e-mail, Internet e-mail, instant messaging (IM) and all forms of electronic correspondence.
- A. **Local Drive:** The primary drive of staff computers, which is used for the storing of programs. All data and information is stored on the server.
 - B. **Network:** A system by which all Town computers are connected together. The Town network allows employees access to authorized areas on different computer systems. This includes access to printers and shared drives.
 - C. **Outside Data Source:** Any file, program, image, picture, or document received on media (diskettes, CD ROM, or tapes), email, through the Internet (including Internet email), or through file transfer.
 - D. **Town Management:** Refers to the Town Manager or designee
 - E. **Streaming media:** Streaming media refers to video, audio, or broadcasts that play immediately when accessed, without requiring a full download before playback (e.g., video news clips, or radio stations accessed through the internet.)
 - F. **“Push” Technology:** “Push” technology is a type of streaming media through which a PC receives daily, hourly or continuous updates via the Internet; e.g., news, stock quotes, weather, and similar information.

Section 2. Appropriate Use of Technology

It is the policy of the Town to provide its employees with the information technology resources necessary to do the work of the organization. This policy covers the use of all information technology resources belonging to the Town whether individually controlled or shared, stand alone or networked. It includes all computer systems of any size and function and their attached peripherals, projectors, telephones, faxes, voice mail systems, e-mail systems, network resources and Internet resources.

All technology resources and all information transmitted by, received from, or stored on Town systems are the property of the Town and as such, are subject to inspection by Town management. The Town reserves the right to access all systems for review and monitoring for appropriate use.

At all times when an employee is using Town technology resources, he is representing the Town. The same good judgment used in written correspondence or in determining appropriate conduct should be applied to use of information technology resources.

- A. While in the performance of work-related functions, while on the job, or while using publicly owned or publicly provided technology resources, Town employees are expected to use them responsibly and professionally.
- B. Individuals may have access to the World Wide Web and web browser software to display information, obtain data or software, and access interactive data systems provided by external or internal resources.

Section 3. Public Record

Pursuant to North Carolina General Statutes, Chapter 132, Public Records – e-mail and any attachments, sent in conjunction with the conducting of official business, as well as any e-mail that may be sent in response to it, is considered public record and as such are subject to request for public review. All activities of the Town are in the public domain, therefore employees should have no expectation of privacy when using any information technology resources (e.g., e-mail, faxes, telephones, voice mail, Internet, cell phones, or computers).

Section 4. Limited Personal Use

The following limited personal use is authorized for all employees.

- A. Internet: Internet access is provided for Town business purposes. Occasional or casual use of the Internet on a limited basis is acceptable so long as it is not a detriment to one's job performance or a distraction to others.
- B. Email: Personal use of e-mail must not cause congestion, delay or disruption of service to any Town system or equipment. Employees should establish their own personal email account and direct personal communication to that address. The following applies to employee use of Town email:
 - 1. Employees using Town e-mail for personal purposes must not represent themselves as acting in an official capacity.
 - 2. Employees should not give out their Town e-mail address for personal purposes, particularly when "registering" at various Internet sites. Registering may result in the employee receiving unwanted e-mail, which in turn could further strain the network resources.
 - 3. Broadcast transmissions, mass mailings or bulletin boards for personal use are prohibited.
 - 4. Employees should refrain from reference to the Town when establishing a personal email address, website address or other technological identification which could result in confusion between personal use and approved Town technology use.

Section 5. Prohibited Uses of Technology Resources

Other provisions Town Personnel Policies covering political activity, secondary employment, sexual harassment, and solicitations, applies to the use of all Town information technology resources. The following items are strictly prohibited:

- A. Loading Unauthorized Software - Software may not be loaded onto any Town computer system without prior approval of the Town management. This includes shareware, freeware, personal software (such as tax preparation programs, computer games, etc.) or Internet distributed programs. An Information Technology impact analysis must be performed for a program or project that has a software requirement before that software can be installed or used.
- B. Inappropriate Uses - Using any Town technology resource, especially email, for activities that are illegal, inappropriate, offensive, or violates the civil rights of any person, such as the use of sexually explicit material or material or remarks that ridicule others on the basis of race, creed, religion, color, sex, disability, age, political affiliation, national origin or sexual orientation.
- C. Sexually Explicit Material - Access of any sexually explicit material will not be tolerated. Sexually explicit material may not be displayed, archived, stored, distributed, emailed, edited or recorded using the Town network or computing resources.
- D. Transmission of Confidential Information - Anytime information is transmitted through e-mail, over the Internet, or through other electronic media; there is the possibility that it could be intercepted. Therefore, no confidential Town information may be transmitted electronically without the prior approval of the Town management. If the employee is uncertain whether information is confidential, err on the side of caution and obtain approval before transmitting.
- E. Posting of Personal Opinions - Employees are prohibited from using Town provided access to the Internet to present their personal views in a way that would lead the public to interpret it as an official Town position. This includes posting to external news groups, bulletin boards, or other public forums (e.g., posting to a blog using your ...@Town.org email address for response.)
- F. Streaming Media - Live stream use of the Internet strains the network, significantly slows network speed, degrades network performance, and interferes with official business. Employees must exercise caution and good judgment concerning when and how to use the Internet as a radio, music or video player, using "push" technology on the Internet, or other continuous data streams.
- G. Security - Each employee is responsible for all actions taken on a PC while using his user profile or password. Sensitive or confidential information should remain password protected. Employees should make every effort to safeguard passwords.

Section 6. Altering Files on Other Computers

Except as provided elsewhere in this policy the examination, modification, copying, or deletion of files and/or data belonging to other employees without their prior consent is prohibited.

Section 7. Privacy of E-mail

Access to electronic mail on the Town's network of computers that involves reading electronic mail may occur only where authorized by the Town Manager, or designee, by the appropriate officials designated below and only for the following purposes:

- A. Troubleshooting hardware and software problems, such as rerouting or disposing of undeliverable mail, if deemed necessary by the Technology Officer(CIO) or Security Officer or his or her authorized designee;
- B. Preventing or investigating unauthorized access and system misuse, if deemed necessary by the CIO or the Security Officer;
- C. Investigating reports of violation of Organizational policy or local, state, or federal law* ;
- D. Investigating reports of employee misconduct;
- E. Complying with legal requests for information, such as subpoenas and public records requests;
- F. Retrieving information in emergency circumstances where there is a threat to health, safety, or organizational property involved.

The extent of the access will be limited to what is reasonably necessary to acquire the information for a legitimate purpose.

When an employee leaves employment from the Town, a system administrator may, with approval of the unit head to which the employee was assigned, remove the departing employee's email files from the Town's email systems in order to conserve space or for other business purposes. An employee's email may be retained and accessed by the unit as necessary for use in connection with Town business. In all such cases the extent of the access will be limited to what is reasonably necessary to acquire the information for a legitimate purpose. Units and departments are encouraged to make arrangements for disposition of email files with departing employees in advance of their departure.

Section 8. Disclosure Statement Regarding E-mail Retention and Access

In order to comply with federal wiretap laws the Town requires all employees to sign an acknowledgement statement indicating that the employee is aware of how e-mails are captured and retained by the Town's information technology system prior to delivery to the recipient. Such a statement shall be as follows:

“Users should be aware that electronic messages (E-mail) coming into the Town's system are captured by an archiving system before the e-mail reaches the e-mail server and individual mailboxes. This is done for the purpose of backing up files.”

ARTICLE XIII. RECORDS AND REPORTS

Section 1. Public Information

In compliance with GS 160A-168, the following information with respect to each Town employee is a matter of public record: name; age; date of original employment or appointment to the service; the terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the Town has the written contract or a record of the oral contract in its possession; current position; title; current salary; date and amount of each increase or decrease in salary with the Town; date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the Town; date and general description of the reasons for each promotion with the Town; the office to which the employee is currently assigned; and the date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the Town. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the Town setting forth the specific acts or omissions that are the basis of the dismissal. Any person may have access to this information 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 Town may adopt.

Section 2. Access to Confidential Records

All information contained in a Town employee's personnel file, other than the information mentioned above is confidential and shall be open to inspection only in the following instances:

- A. The employee or his/her duly authorized agent may examine all portions of his/her personnel file except letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to the patient.
- B. A licensed physician designated in writing by the employee may examine the employee's medical record.
- C. A Town employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- D. By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- E. An official of an agency of the State or Federal Government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the Town Manager to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of the personnel records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
- F. An employee may sign a written release to be placed in his/her personnel file that permits the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- G. The Town Manager, with the concurrence of the Board of Commissioners, may inform any person of the employment, non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a Town employee, and the reasons for that action. Before releasing that information, the Town Manager shall determine in writing

that the release is essential to maintaining the level and quality of Town services. The written determination shall be retained in the Town Manager's office, is a record for public inspection, and shall become a part of the employee's personnel file.

Section 3. Personnel Actions

The Human Resources Officer, with the approval of the Town Manager, will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system. The official personnel files are those which are maintained by the Human Resources Department. These files shall contain documents such as employment applications and related materials, records of personnel actions, documentation of employee warnings, disciplinary actions, performance evaluations, retirement and insurance records, letters of recommendation, and other personnel-related documents. Any documents not contained in these files or maintained as designated by the Human Resources Officer is not an official part of the personnel file. The Human Resources Officer shall serve as custodian of all personnel records.

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. Examining and/or Copying Confidential Material without Authorization

Section 160A-168 of the General Statutes of North Carolina 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 consistent with the General Statutes.

Section 7. 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 in an amount provided in Chapter 132.3 of the North Carolina General Statutes.

ARTICLE XIV. IMPLEMENTATION OF POLICIES

Section 1. Conflicting Policies Repealed

All policies, ordinances, or resolutions that conflict with the provisions of these policies are hereby repealed.

Section 2. Separability

If any provision of these policies or any rule, regulation, or order thereunder of the application of such provision to any person or circumstances is held invalid, the remainder of these policies and the application of such remaining provisions of these policies of such rules, regulations, or orders to persons or circumstances other than those held invalid will not be affected thereby.

Section 3. Effective Date

These policies shall become effective on a date approved by the Board of Commissioners.

Section 4. Amendments

This policy may be amended by action of the Board of Commissioners and by resolution appropriately approved. Notice of any suggested amendment to the policy, or any portion thereof, shall be provided to employees and opportunities for employee comment and reaction shall be made available prior to the amendments going to the Board of Commissioners for action. Proposed amendments should be posted on bulletin boards in all employee work locations and/or in employee newsletters. Any revisions or amendments adopted in conformance with this procedure shall become effective as of the date of such adoption.

Duly adopted on 11th day of October 2021 while in regular session.

ATTEST:

Virginia R. Gray,
Mayor

Megan Howard,
Town Clerk