

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: January 9, 2024

Item Details

Presenter(s): Karen Spurlin, Assistant Director

Department(s): Human Resources

Requested Motion

Motion to approve an amendment to the Town's Personnel Policies.

Approval Recommended?

Yes

Item Details

Town staff met with the Personnel Committee on Friday, December 8, 2023 and the following updates to the Town's Personnel Policies were unanimously approved to move forward for Town Council approval:

Additional Sick Leave Policy

A recent memorandum released by the NC Local Government Employees' Retirement System (LGERS) has caused question regarding the correct method of calculation for converting Additional Sick Leave into "creditable service" for retirement purposes. The calculation proposed by LGERS would significantly reduce the "value" of the Town's Additional Sick Leave in regards to converted creditable service. Therefore, the Town proposes amending the current Additional Sick Leave policy to remove language that requires the leave to be used only for Family Medical Leave qualifying events, and allow it to be used for any sick-related reason that is allowed under the Town's traditional sick leave policy. This would allow employees to use the Additional Sick Leave prior to their traditional sick leave, since under the LGERS proposed calculation, the traditional sick leave calculation provides more value at retirement.

The Town's Additional Sick Leave Policy would be amended to read as follows (red font is new language, strikethrough is language being removed):

Additional Sick Leave

In addition to regularly accrued sick leave, at the beginning of the 15th year of active service, employees holding a full or part-time regular position will have an Additional Sick Leave account established and accrue ten (10) days per month for the next 12 consecutive months. Beginning at the 25th year, employees will accrue an additional ten (10) days of Additional Sick Leave per month for the next 12 consecutive months.

~~To use the additional sick leave, an employee must have a family medical leave qualifying event of either their own serious health condition or to care for an immediate family member with a serious health condition. "Serious health conditions" include conditions covered under the Family Medical Leave Act, and a medical certification documenting the need for the leave will be required.~~

Additional Sick Leave may be used for the same purposes as the Town's traditional sick leave policy. Additional Sick Leave is not eligible for payout but may be used towards years of service requirements for retirement and retiree health insurance purposes. Leave will be prorated based on the Town's sick leave earning rates for employees who do not work a 40 hour per week schedule.

Other Policy Updates

Administrative updates would be made to the following policies (red font is new language, strikethrough is language being removed):

Conduct and Working Environment

Employees are expected to conduct themselves in an appropriate manner as judged by a reasonable person.

The Town encourages a congenial work environment of respect and professionalism. Decorum, collegiality, kindness, respect, and professional courtesy are ideals to be pursued amongst employees.

Disrespectful conduct or actions are prohibited. This prohibition includes but is not limited to intentional acts such as:

- Verbal abuse: slandering, ridiculing or maligning a person or his/her family; persistent name calling which is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks
- Physical abuse: pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property
- Hostile Gestures: non-verbal threatening gestures
- Exclusion: socially or physically excluding or disregarding a person in work-related activities
- Persistent singling out of one person
- Shouting and/or yelling at an individual in public and/or in private
- Personal insults and use of offensive nicknames
- Deliberately interfering with mail and other communications
- Spreading rumors and gossip regarding individuals
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave
- Using intimidation tactics and making threats
- Sabotaging another's work
- Stalking others
- Making malicious, false, and harmful statements about others or the Town
- Publicly disclosing another's private information (outside of public records law requirements)
- Fraud
- Falsification of records for personal profit

Any of the above actions, or conduct that is otherwise deemed as bullying or discriminatory, will not be tolerated and will be handled in accordance with ~~the Town's Job Discrimination and Workplace Harassment policy~~ **Article IX. Unsatisfactory Job Performance and Detrimental Personal Conduct.**

Section 4. Unsatisfactory Job Performance Defined

Disciplinary Action may be taken for unsatisfactory job performance. Unsatisfactory job performance includes any aspect of the employee's job that is not performed as required to meet the standards set by the supervisor. Examples of unsatisfactory job performance include, but are not limited to, the following:

- 1) Demonstrated inefficiency, negligence, incompetence, or lack of prudent judgment in the performance of duties.
- 2) Careless, negligent or improper use of Town property or equipment.
- 3) Physical or mental inability to perform duties after reasonable accommodation.
- 4) Discourteous treatment of the public or other employees.
- 5) Disruption of work environment - displaying unproductive behaviors such as promoting rumors, bad-mouthing others and other demeaning behaviors distracting from a positive working environment.
- 6) Excessive absences, late reporting, absence without approved leave, or repeated improper use of leave privileges.
- 7) Failure to meet work standards established in work plan.
- 8) Failure to follow established departmental or Town policies and procedures.
- 9) Failure to carry out supervisor's assignments or instructions.
- 10) Failure to maintain credentials or license required for position.

Section 5. Detrimental Personal Conduct Defined

Detrimental personal conduct includes behavior, whether on-duty or off-duty, intentional or unintentional, of such a serious detrimental nature that the functioning of the Town may be or has been impaired; the safety of persons or property may be or have been threatened; the laws of any government may be or have been violated or public confidence in Town government is likely to be undermined. Examples of detrimental personal conduct include, but are not limited to, the following:

- 1) Fraud, theft or dishonesty
- 2) Conviction of a felony or the entry of a plea of *nolo contendere* thereto.
- 3) Falsification of records for personal profit, to grant special privileges, or to obtain employment.
- 4) Misusing or directing the misuse of Town work time, funds, equipment or property.
- 5) Careless, negligent, reckless, willful or wanton damage to or destruction of Town property.
- 6) Careless, negligent, reckless, willful or wanton acts that endanger the lives or property of others.
- 7) Possession of unauthorized firearms or other lethal weapons on the job.
- 8) Communication of a threat or engaging in threatening behavior;
- 9) Brutality in the performance of duties.
- 10) Any violation of the Town's Drug and Alcohol Policy.
- 11) Engaging in incompatible employment or serving a conflicting interest.
- 12) Request or acceptance of gifts in exchange for favors or influence.
- 13) Engaging in political activity prohibited by the Town's Personnel Policies.
- 14) Engaging in acts during or outside duty hours that negatively affect the image of the Town and which interfere with the working relationship between the employee and co-workers or between the employee and the public that employee serves.

~~15) Inharmonious work environment – an employee displaying unproductive behaviors such as promoting rumors, bad-mouthing others and other demeaning behaviors distracting from a positive working environment.~~

16) Harassment of an employee or the public with threatening, obscene or derogatory language or gestures.

17) Stated refusal to perform assigned duties (insubordination) or flagrant violation of work rules and regulations.

18) Flagrant behavior or repeated rude or uncivil behavior directed toward citizens or co-workers.

19) Workplace Violence or workplace harassment.

Attachments

CN8-A1: Personnel Policy - Human Resources (HR) Policy Updates - Town's Personnel Policies

