



- PERSONNEL POLICY -

**TOWN OF NORTH TOPSAIL BEACH
PERSONNEL POLICY**

BE IT RESOLVED by the Board of Aldermen of the Town of North Topsail Beach that the following policies apply to the appointment, classification, benefits, salary, promotion, demotion, dismissal, and conditions of employment of the employees of the Town of North Topsail Beach.

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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.

Section 2. At Will Employment

The Town of North Topsail Beach is an “at will” employer. Nothing in this policy creates an employment contract or term between the Town and its employees. No person has the authority to grant any employee any contractual rights of employment. The Town reserves the right to modify the provisions of the Personnel Policy at any time. This policy does not bestow upon any employee a right to continued employment with the Town of North Topsail Beach. All Town positions are subject to budget review and approval each year, and salary advancement is subject to annual funding and approval by the Board.

Section 3. Merit Principle

All appointments and promotions shall be made solely on the basis of merit. Decisions regarding appointments and promotions are within the Town’s discretion. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall 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, religion, color, sex, national origin, sexual orientation, age, veteran status, marital status, political affiliation, non-disqualifying disability, genetic information, or on the basis of actual or perceived gender as expressed through dress, appearance or behavior.

Section 4. Responsibilities in the Administration of the Human Resource Management Program

Responsibilities of the Board of Aldermen

The Board of Aldermen shall be responsible for establishing and approving personnel policies, the position classification and pay plan, and may change the policies and benefits as necessary. They also shall make and confirm appointments when so specified by the North Carolina General Statutes.

Responsibilities of the Town Manager

The Town Manager shall be accountable to the Board of Aldermen for the administration and technical direction of the personnel program. The Town Manager shall appoint, suspend, and remove all Town employees except those whose appointment is otherwise provided for by law. The Town Manager shall make appointments, dismissals and suspensions in accordance with the Town Charter and other policies and procedures spelled out in other Articles in this Policy.

The Town Manager shall supervise or participate in:

- a) recommending rules and revisions to the personnel system to the Board of Aldermen for consideration;

- b) making changes as necessary to maintain an up-to-date and accurate position classification plan;
- c) preparing and recommending necessary revisions to the pay plan;
- d) determining which employees shall be subject to the overtime provisions of the Fair Labor Standards Act (FLSA);
- e) establishing and maintaining a roster of all persons and authorized positions in the municipal service, setting forth each position and employee, class title of the position, salary, any changes in class title and status, and such data as may be desirable or useful;
- f) developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent and diverse applicants to meet the needs of the Town;
- g) developing and implementing such administrative procedures as are necessary to implement these polices, provided the administrative procedures are not in conflict with these policies; and
- h) performing such other duties as may be required by law or assigned by the Board of Aldermen not inconsistent with this Policy.

Responsibilities for the Human Resources Function

The Town Manager shall designate an employee to perform this role or perform this role him/herself and delegate any or all of the responsibilities listed below. If delegated, the employee responsible for the Human Resources function shall make recommendations to the Town Manager on the following:

- a) policies and revisions to the personnel system for the Town Manager's consideration;
- b) changes as necessary to maintain an up-to-date and accurate position classification plan;
- c) necessary revisions to the pay plan;
- d) which employees shall be subject to the overtime provisions of the FLSA;
- e) maintenance of a roster of all persons in the municipal service;
- f) establishment and maintenance of a list of authorized positions in the municipal service at the beginning of each budget year which identifies each authorized position, class title of the position, salary range, any changes in class title and status, position number and other such data as may be desirable or useful;
- g) development and administration of such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
- h) development and/or coordination of training and educational programs for Town employees;
- i) development and recommendation of such administrative procedures as are necessary to implement these polices provided the procedures are not in conflict with these policies;

- j) periodic evaluations of the operation and effect of the personnel provisions of this Policy;
- k) actions that are needed to address barriers to effective employee communication, productivity, engagement, and morale; and
- l) such other duties as may be assigned by the Town Manager not inconsistent with this Policy.

Responsibilities of Department Directors and Supervisors

Department directors and supervisors shall meet their responsibilities as directed by the Board of Aldermen and/or the Town Manager, being guided by this Policy and Town ordinances. The Town will require all department directors and supervisors to meet their responsibilities by:

- a) dealing with all employees in a fair and equitable manner and upholding the principles of equal employment opportunities;
- b) developing and motivating employees to reach their fullest potential through continued education and training;
- c) making objective evaluations of individual work performance and discussing these evaluations with each employee so as to bring about needed improvements;
- d) keeping employees informed of their role in accomplishing the work of their unit and of conditions or changes affecting their work;
- e) making every effort to resolve employee problems and grievances and advising employees of their rights and privileges;
- f) cooperating and coordinating with other staff members in work flow and distribution of information;
- g) making proper performance documentation and maintaining current files; and
- h) abiding by the provisions of these policies and ensuring employees abide by same.

Responsibilities of Employees

Employees of the Town shall be expected to conduct themselves both on and off the job to reflect favorably upon the Town and fellow employees. Employees are expected to:

- a) ask questions and learn their full scope of responsibilities and perform those diligently;
- b) recognize and follow the chain of command in addressing work concerns and problems;
- c) show courtesy and respect and work cooperatively with other employees;
- d) show courtesy and respect and provide excellent customer service to citizens and tax payers; and;

- e) learn and follow these personnel policies along with any departmental policies and procedures.

Section 5. 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. Members of the Board of Aldermen and advisory Boards and commissions, the Town Manager and Town Attorney 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.

Section 6. Departmental Rules and Regulations

Because of the particular personnel and operational requirements of the various departments of the Town, each department is authorized to establish supplemental written rules and regulations applicable only to the personnel of that department. All such rules and regulations shall be subject to review and 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 to this Policy.

Section 7. Definitions

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

Full-time employee. An employee who is in a position for which an average work week is at least 40 hours, and continuous employment of at least 12 months are required by the Town.

Immediate family. Means an employee's spouse, child, parent, guardian, sibling, grandparent, and grandchild, to include comparable in-law, step and half relationships.

Limited Service employee. An employee appointed to a position for which either the average work week required by the Town over the course of a year is less than 20 hours, or continuous employment required by the Town is less than 12 months.

Part-time employee. An employee who is in a position for which an average work week is at least 20 hours and less than 40 hours and continuous employment of at least 12 months are required by the Town.

Permanent position. A position authorized as a regular position by the Board of Aldermen. Regular permanent positions are assigned a specific job title, salary grade, salary range, duties and desirable qualifications. Appointments to permanent positions are made through a competitive selection process. All Town positions are subject to budget review and approval each year by the Board of Aldermen. Reference to "permanent" positions or employment should not be construed as a contract or right to perpetual funding or employment

Probationary Employee. An employee appointed to a full or part-time position who has not yet successfully completed the designated probationary period.

Regular employee. An employee appointed to a full or part-time position who has successfully completed the designated probationary period.

Trainee. An employee status when an applicant is hired (or employee promoted) who does not meet all of the desirable education and experience requirements for the position. During the duration of a trainee appointment, the employee is on probationary status.

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 or his/her designee shall allocate each position covered by the position classification plan to its appropriate class and shall be responsible for the administration of the plan. The Town Manager shall periodically review portions of the plan and recommend appropriate changes to the Board of Alderman. The position classification plan shall be adopted by the Board of Aldermen.

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 Aldermen. New positions shall be recommended to the Board of Aldermen with a recommended class title and the Town Manager shall either allocate the new position into the appropriate existing class, or revise the position classification plan to establish a new class to which

the new position may be allocated. The position classification plan, along with any new positions or classifications, shall be approved by the Board of Aldermen.

Section 6. Request for Reclassification

Any employee who considers the position in which classified to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall transmit the request through the department director to the Town Manager. Upon receipt of such request, the Town Manager or his/her designee shall study the request, determine the merit of the reclassification, and recommend a revision to the classification and pay plan where necessary and such revision shall be approved by the Board of Aldermen.

Section 7. Maintenance of the Classification and Pay Plan

Because job duties change over time and the market pay rate changes at different rates for different jobs, comprehensive classification and pay plan reviews are needed periodically. When the organization is stable and budget allows, reviews are needed approximately every five years. When there is significant growth and/or change in the organization, comprehensive reviews are needed more frequently.

ARTICLE III. THE PAY PLAN

Section 1. Definition

The pay plan includes the basic salary schedule and the "Allocation of Classes to Grades" adopted by the Board of Aldermen. The salary schedule consists of hiring, minimum (normally probation completion), midpoint and maximum rates of pay for all classes of positions.

Section 2. Administration and Maintenance

The Town Manager 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 a trainee status or employees whose existing salaries are above the established maximum rate following transition to a new pay plan.

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 private and public employment in the area, changes in the cost of living, the financial conditions of the Town, and other factors. To this end, each budget year the Town Manager may make comparative studies of all factors affecting the level of salary ranges including the consumer price index, anticipated changes in surrounding employer plans, and other relevant factors. Changes may be made in the salary ranges such that the hiring rate, minimum, midpoint, and maximum rates change according to the market, subject to approval by the Board of Aldermen.

Section 3. Starting Salaries

All persons employed in positions approved in the position classification plan shall be employed at the hiring rate for the classification in which they are employed; however, exceptionally well qualified applicants may be employed above the hiring rate of the established salary range upon recommendation of the department director and approval of the Town Manager.

Section 4. Trainee Designation and Provisions

Applicants being considered for employment or Town employees who do not meet all of the desirable education and experience requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred by the Town Manager to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the department director.

"Trainee" salaries shall be no more than two salary grades below the hiring rate established for the position for which the person is being trained. A new employee designated as "trainee" shall be regarded as being in a probationary period. However, probationary periods shall be no less than six months and trainee periods may extend up to eighteen months. 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 Manager, the trainee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the hiring rate established for the position for which the employee was trained.

Section 5. Probationary Pay Increases

Subject to the availability of funds, employees hired or promoted into the hiring rate of the pay range shall receive a salary increase within the pay range of approximately 5% upon successful completion of the probationary period or upon six months of satisfactory service if the employee is not on probation.

Employees serving a twelve-month probationary period will be considered for this increase after six months of employment.

Section 6. Performance Pay

Upward movement within the established salary range for an employee is not automatic, but rather based upon specific performance-related criteria and available funds. Procedures for determining performance levels and performance pay increases or other performance-related movement within the range shall be established in procedures approved by the Town Manager.

The amount or range of performance increases shall be approved each fiscal year by the Board of Aldermen, upon recommendation of the Town Manager. The amount of monies available for performance increases for Town employees may vary from year to year, depending on funds available, performance criteria, and merit program design.

Section 7. Performance Pay Bonus

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

Section 8. Salary Effect of Promotions, Demotions, Transfers, and Reclassifications

Promotions. The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility. When an employee is promoted, the employee's salary shall normally be advanced to the hiring rate of the new position, or to a salary which provides an increase of at least approximately 5% over the employee's salary before the promotion, whichever is greater. In the event of highly skilled and qualified employees, shortage of qualified applicants, or other reasons related to the merit principle of employment, the Town Manager may set the salary at an appropriate rate in the range of the position to which the employee is promoted that best reflects the employee's qualifications for the job and relative worth to the Town, taking into account the range of the position and relative qualifications of other employees in the same classification. In no event, however, shall the new salary exceed the maximum rate of the new salary range. In setting the promotion salary, the Town shall consider internal comparisons with other employees in the same or similar jobs.

Demotions. Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. 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 and consistent with the placement of other employees within the same classification in that salary range. If the current salary is within the new

range, the employee's salary may be retained at the previous rate if appropriate. If the demotion is the result of discipline, the salary shall be decreased at least approximately 5%. Salaries of demoted employees 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 to a class having a higher salary range shall receive a pay increase of approximately 5% or an increase to the hiring rate of the new pay range, whichever is greater. If the employee has completed probation, the employee's salary shall be advanced to at least the probation completion amount in the new range.

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 with no increases to base pay until the range is increased above the employee's salary.

Section 9. Salary Effect of Salary Range Revisions

When an individual class of positions is assigned to a higher salary range, employees in that class shall normally receive a pay increase of approximately 5%, or to the minimum rate of the new range, whichever is greater. If the employee has passed probation, the employee's salary shall be advanced at least to the probation completion amount in the new range.

When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum rate established for the class, the salary of that employee shall be maintained at that level with no increases in base pay until such time as the employee's salary range is increased above the employee's current salary.

Section 10. Transition to a New Salary Plan

The following principles shall govern the transition to a new salary plan:

- a) no employee shall receive a salary reduction as a result of the transition to a new salary plan;
- b) all employees being paid at a rate lower than the minimum rate established for their respective classes shall have their salaries raised at least to the new minimum rate for their classes;
- c) all employees being paid at a rate below the maximum rate established for their respective classes shall be paid at a rate within the salary schedule; and
- d) all employees being paid at a rate above the maximum rate established for their respective classes shall have their salaries maintained at that salary level with no increases until such time as the employees' salary range is increased above the employees' current salary.

Because transition to a new salary plan is based on jobs, not people, the Town Manager has the authority to withhold or delay increases for any individual employee where there are documented disciplinary actions indicating that the employee is not fulfilling job requirements.

Section 11. 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 provided by procedures approved by the Town Manager.

Section 12. Payroll Deductions

Deductions shall be made from each employee's salary as required by law. Additional deductions may be made for insurance or for other reasons as authorized by the Town Manager considering the capability of the payroll system, associated increase in workload, and appropriateness of the deduction.

Section 13. Fair Labor Standards Act and Overtime Pay Provisions

Employees of the Town can be requested and may be required to work in excess of their regularly scheduled hours as necessitated by the needs of the Town and determined by the department director. Overtime work should normally be approved in advance by the department director, Town Manager or other designee.

To the extent that local government jurisdictions are so required, the Town will comply with the Fair Labor Standards Act (FLSA). The Town Manager or his/her designee shall determine which jobs are "non-exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

Non-Exempt Employees

Employees are expected to work during all assigned periods exclusive of breaks or mealtimes. Employees are not to perform work at any time that they are not scheduled to work, unless they receive approval from their department director or supervisor, except in cases of emergency.

Department directors are responsible for ensuring that overtime hours are authorized, recorded, and properly documented for compensatory time off or overtime pay in accordance with the established record keeping forms and instructions.

It is the policy of the Town, in agreement with its employees, that non-exempt employees receive compensatory time at the appropriate overtime rate, in lieu of cash payments, in accordance with the provisions of the FLSA. The Town shall not unreasonably prevent the employee from use of the compensatory time. Any unused accrued compensatory time balance will be paid out at termination or at which time an employee moves from non-exempt to exempt FLSA status, typically the result of a promotion. Compensatory leave requires approval by the Town Manager when creating a balance that exceeds 100 hours.

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period; 86 hours for sworn police and 106 for fire in a 14-day cycle). Hours worked beyond the FLSA established limit will be compensated in either compensatory time or pay at the appropriate overtime rate, if approved by the Town Manager.

In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, or holidays be included in the computation of hours worked for FLSA purposes, even though they are paid hours.

Whenever practical, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be compensated in accordance with the FLSA.

Compensatory time may be taken in 15-minute increments, not to exceed scheduled hours per day. Compensatory time must be taken before any vacation leave. Compensatory time is available for use once it has been earned.

Compensatory leave balances may not exceed 240 hours except for public safety employees (sworn police and fire) who may not accrue more than 480 hours. Any overtime worked after such maximum balances must be compensated in pay.

When employees are required to work long and continuous hours, the Board may approve compensation at time and a half for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe working conditions.

Exempt Employees

Employees in positions determined to be "exempt" from the FLSA (as Executive, Administrative, or Professional staff) are paid on a salary basis and will not receive pay for hours worked in excess of their normal work periods. These employees may be granted compensatory leave by their supervisor on an hour for hour basis where the convenience of the Town allows and as approved the Board. Such compensatory time is not guaranteed to be taken and ends without compensation upon separation from the organization.

In declared disaster or emergency situations requiring long and continuous hours of work, exempt employees shall be compensated at a rate of time and a half and/or be granted time off with pay for rest and recuperation to ensure safe working conditions for the duration of the emergency period, at the approval of the Board.

Section 14. Call-back Pay (On-Call)

The Town provides a continuous twenty-four hour a day, seven day a week service to its customers. 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. 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 receipt of two hours of pay or compensatory time 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).

Section 15. Hourly Rate of Pay

Employees working in a part-time or Limited Service capacity with the same duties as full-time employees will normally work at a rate in the same salary range as the full-time employees. Special exceptions may apply for intermittent work as part of recreational events. The pay rate will be negotiated between the employee and the Town Manager.

The hourly rate for employees working other than 40 hours per week, such as shift police officers working an average of 42 hours per week, will be determined by dividing the average number of hours scheduled per year into the annual salary for the position.

Section 16. Pay for Interim Assignments in a Higher-Level Classification

An employee who is formally designated, for a period of at least 14 days or more, to perform the duties of a job that is assigned to a higher salary grade than that of the employee's regular classification shall normally receive an increase for the duration of the interim assignment. The employee shall receive a salary adjustment to the minimum rate of the job in which the employee is acting or an increase of 5%, whichever is greater. Criteria involved in determining the amount of the compensation will include:

- a) the difference between the existing job and that being filled on a temporary basis, and
- b) the degree to which the employee is expected to fulfill all the duties of the temporary assignment.

The salary increase shall be temporary and upon completion of the assignment, the employee shall go back to the salary he or she would have had if not assigned in the interim role, taking into account any increase the employee would have received if not placed in the interim role.

Section 17. Certification and Educational Increases

The Town Manager will develop a schedule of salary increases to reward employees for attaining and maintaining certifications and obtaining degrees that increase the employee's value to the Town. The Town Manager shall present this schedule of salary increases to the Board of Aldermen for adoption and revision, when appropriate.

Section 18: Reimbursement of Training Expenses

An employee who enters a voluntary but job-related training program or educational course, with the prior approval of the Manager, may be reimbursed for expenses such as tuition and books upon successful completion of the program. The Board may set annual limits for the amount of reimbursement. If the employee leaves employment with the Town within twelve months thereafter, the employee shall reimburse the Town for such expenses within limits established by the FLSA. If the employee remains employed with the Town for at least twelve months following the job-related training, repayment of the cost of the training will be forgiven.

Section 19. Longevity Pay

Subject to availability of funds, full-time and part-time employees of the town are compensated for years of service by payment of a longevity supplement based on the following table:

<u>Years of Service</u>	<u>Longevity Amount</u>
0 - 2	\$ 150
3 - 4	250
5 - 9	350
10 - 14	450
15 - 19	550
20 - 24	650
25 plus	750

Years of service are calculated on a calendar year basis as of June 30 of each year.

Longevity pay will be issued on the last regular pay period in November or on a date in November designated by the Town Manager.

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 race, religion, color, sex, national origin, sexual orientation, age, veteran status, marital status, political affiliation, non-disqualifying disability, genetic information, or on the basis of actual or perceived gender as expressed through dress, appearance or behavior. 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 essential duties with or without reasonable accommodation.

It is a violation of Town policy to retaliate in any way against an employee who assists, participates in, or supports this policy or anyone making a bona-fide complaint under this policy or who participates or assists in any EEOC, OSHA or other internal or external processes protected by law.

Section 2. Implementation of Equal Employment Opportunity Policy

The Town Manager and 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 race, religion, color, sex, national origin, sexual orientation, age, veteran status, marital status, political affiliation, non-disqualifying disability, genetic information, or on the basis of actual or perceived gender as expressed through dress, appearance or behavior. 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 Town Manager shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Information on job openings and hiring practices will be provided to recruitment sources, including organizations and news media available to minority applicants. In addition, notice of vacancies shall be posted at designated conspicuous Town sites. 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 rare situations because of emergency conditions, high turnover, etc., the Town may hire or promote without advertising jobs upon approval of the Town Manager.

Job Advertisements. Jobs will be advertised in local area newspapers, professional publications, and other relevant publications, as needed, in order to establish a diverse and qualified applicant pool. Vacancy notices should be posted in all Town employment locations. Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.

Application for Employment. All persons expressing interest in employment with the Town shall be given the opportunity to file an application for employment for positions which are being recruited. The Town accepts applications and resumes only for vacant advertised positions.

Application Reserve File. Applications shall be kept in an inactive reserve file for a period of two years in accordance with state and federal guidelines.

Selection. Department directors, with input from the Town Manager, shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position, including criminal history where job-related. All selection devices administered by the Town shall be valid measures of job performance.

References and Background Investigations. Before any commitment is made to an applicant, the Town will conduct reference checks regarding the employee's qualifications and work performance. In addition, physical examinations, drug screening, driver's license and criminal background investigations may be performed. Conviction of a crime is not automatically disqualifying. The Town will consider the severity of the crime, degree to which the crime is job related to the job for which the applicant is being considered, and length of time since the conviction to determine the degree to which there is a business necessity for choosing not to hire the applicant.

Appointment. Before any commitment is made to an applicant either internal or external, the department director shall make recommendations to the Town Manager including the position to be filled and the salary to be paid. The Town Manager or his/her designee shall approve appointments and the starting salary for all applicants.

Section 4. Probationary Period

An employee appointed or promoted to a permanent position shall serve a probationary period. Employees shall serve a six-month probationary period, except that employees in sworn police, fire service personnel and department heads 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, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Employees serving a twelve-month probation shall have a probationary review at the end of six months as well as before the end of twelve months.

An important purpose of the probationary period is to provide an opportunity for the appointee to adjust to the new job. Likewise, it serves as a trial period during which the employee demonstrates his or her ability to perform the work, to demonstrate good work habits and to work well with the public and coworkers. 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. With approval of the Town Manager probationary periods may be extended for a maximum of six additional months.

Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in this policy. A new hire probationary employee who voluntarily separates from Town employment during the probationary period is not eligible for terminal pay for accrued annual leave and not eligible to file an appeal.

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. Promoted and demoted employees who are on probation retain all other rights and benefits.

Section 5. Promotion

Promotion is the movement of an employee from one position to a vacant 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 a current employee applying for a vacant position is best suited of all applicants, that applicant shall be appointed to that position. The Town will balance three goals in the employment process:

- a) the benefits to employees and the organization of promotion from within;
- b) providing equal employment opportunity and a diversified workforce to the community; and
- c) obtaining the best possible employee who will provide the most productivity in that position.

Therefore, except in rare situations where previous Town experience is essential or exceptional qualifications of an internal candidate so indicate, the Town will conduct an open recruitment and consider external and internal candidates rather than automatically promote from within. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Internal candidates shall apply for promotions using the same application process as external candidates.

Section 6. 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. Such disciplinary demotion shall follow the disciplinary procedures outlined in this Policy.

An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a demotion. A voluntary demotion is not a disciplinary action and is made without using the above-referenced disciplinary procedures.

Section 7. Transfer

Transfer is the movement of an employee from one position 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. A department director wishing to transfer an employee to a different department or classification shall make a recommendation to the Town Manager. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this Policy. Notwithstanding the employee's right to file a grievance, the Town reserves the right to transfer employees either temporarily or permanently when doing so will serve the Town's best interest. 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

Department directors shall establish consistent work schedules, with the approval of the Town Manager, which meet the operational needs of the department in the most cost-effective manner possible. The Town Manager may authorize a deviation from established work schedules when staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

Because Town services are essential and continuous, an employee shall avoid unnecessary absences and tardiness. Attendance and punctuality are important responsibilities of the employee which may influence his/her future eligibility for a merit pay increase for promotion.

The employee shall be required to call his supervisor in advance to advise him/her when illness prevents reporting to work, or when the employee expects to be late for work because of unusual and unavoidable circumstances.

If an employee is away from the job for three (3) consecutive work days without notice, it may be presumed that the employee has resigned and forfeited any claim to terminal pay for accumulated vacation.

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 United States and the State of North Carolina. 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 nomination or election to office under the Town Charter.

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. All outside employment for salaries, wages, or commissions and all self-employment must be reported in writing in advance to the employee's supervisor, who in turn will report it to the department director. The department director will review such employment for possible conflict of interest and then submit a record of the employment to the Town Manager for review and approval. Conflicting and/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.

Examples of conflicts of interest in outside employment include *but are not limited to*:

- a) employment with organizations or in capacities that are regulated by the employee or employee's department; or
- b) employment with organizations or in capacities that negatively impact the employee's perceived integrity, neutrality, or reputation related to performance of the employee's Town duties (such as working for a company where significant Town purchases are ordered by the employee).

An employee who sustains an injury or illness in connection with outside employment and is receiving workers' compensation from that employer shall not be entitled to receive Town workers' compensation benefits.

In no case may an employee use Town equipment or Town property in connection with any outside employment unless expressly authorized in writing by the Town Manager.

In cases where that off the Town job employment-related injury or illness results in temporary disability, an employee must either

- a) request and obtain a leave of absence without pay;
- b) request and use accrued sick leave and/or vacation leave; or
- c) be subject to termination by the Town due to lack of availability for work, following a three-month absence

All Police Officers seeking off duty employment must comply with local ordinances and Personnel Policy as well as executing the employment agreement (Tab 18-a) with the Police Chief. Tab 18-a clarifies and establishes guidelines for employment as Security Guards while utilizing Town vehicles. (Change dated August 3, 2000)

Section 4. Dual Employment

The Town prohibits any employee from holding more than one position with the Town if the combined positions will result in the employee working more than 40 hours per week in any week of the year unless approved by the Town Manager. The Town will consult and follow FLSA regulations in all dual employment cases to ensure that the regulations are followed.

Section 5. Employment of Relatives

The Town prohibits the hiring and employment of immediate family in full or part-time positions within the same work unit.

For the purposes of this Article, immediate family shall be defined as spouse, child, parent, sibling, grandparent, and grandchild, to include in-law, step and half relationships. The definition for this Article also includes individuals living in the same household who share a relationship comparable to immediate family members.

The Town also prohibits the employment of any person into a position who is an immediate family member of individuals holding the following positions: Mayor, Mayor Pro Tem, Board of Aldermen Member, Town Manager, Town Clerk, Town Attorney or Finance Officer.

Other circumstances may also prohibit the hiring of family members. 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 supervising relatives;
- b) result in a relative auditing the work of a relative;
- c) create a conflict of interest with either relative and the Town; or
- d) create the potential or perception of favoritism.

This provision shall not apply retroactively to anyone employed when the provision was adopted by the Town.

Section 6. Harassment Prohibited

The Town prohibits harassment in any form that is based on race, religion, color, sex, national origin, sexual orientation, age, veteran status, marital status, political affiliation, disability, genetic information, or on the basis of actual or perceived gender as expressed through dress, appearance or behavior. Harassment is defined as conduct that culminates in tangible employment action or is sufficiently severe or pervasive as to create a hostile work environment.

A particular form of harassment, 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; or
- 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.

Sexual harassment includes repeated offensive sexual remarks, continual or repeated comments

about an individual's body, offensive sexual language, and the display in the workplace of sexually suggestive pictures or objects.

Any employee who believes that he or she may have a complaint of harassment may file the complaint directly with the department director who will immediately notify the Town Manager. The employee may file the complaint directly with the Town Manager if it involves a department director. The Town Manager or his/her designee will ensure that an investigation is conducted into any allegation of harassment and advise the employee and appropriate management officials of the outcome of the investigation.

Employees who are found to be engaged in harassment are subject to disciplinary action up to and including dismissal. Employees making complaints of harassment are protected against retaliation from alleged harassers or other employees. Employees witnessing harassment shall also report such conduct to an appropriate Town management official.

All claims of harassment will be thoroughly investigated. Employees are expected to report claims of harassment in good faith and the information provided to be truthful to the best of their knowledge. The Town will endeavor to keep complaints, investigations and resolutions confidential to the extent possible, but the Town cannot compromise its obligation to investigate complaints.

Section 7. Gifts and Favors – Expectation of Ethical Conduct

The proper operation of Town government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

- a) No employee of the Town shall accept any gift, whether in the form of a service, a loan, a thing, or a promise from any person, vendor, firm, or corporation that, in the employee's knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the Town.
- b) No employee shall accept any gift, favor, or thing of value that may tend to influence that employee in the discharge of duties.
- c) No employee shall grant any improper favor, service, or thing of value in the discharge of duties.

Items of nominal value valued at less than \$25.00 may be accepted by employees as a gift or honorarium for participation in meetings, receipt of advertising items or souvenirs, or receipt of meals furnished at conferences and banquets. Full participation by officials or employees of the Town in activities of professional organizations in which they are a member is permitted even though the organization may receive donations from a contractor, subcontractor, or supplier or promotional items may be provided to attendees. Exceptions to this policy also include food/lodging/travel/events attended in an employee's official capacity, or gifts from family members, friends, or co-workers where it is clear that it is that relationship which is the motivating factor for the gift.

Gifts of food that may arrive during the holidays, and at other times of the year when gift giving is traditional, belong to the entire staff even if addressed to a single employee. Food gifts must be shared with and distributed to all staff during work hours, in central, worksite locations. Gifts of plants

or flowers shall be displayed in the lobby or at another central location where all employees may enjoy their presence.

If an employee receives a gift, if feasible, return the gift to the vendor. If not feasible to return the gift, the gift must be given to a charity of the Town's choosing.

Section 8. Performance Evaluation

Supervisors and/or department directors shall normally conduct performance evaluation conferences with each employee upon completion of their probationary period and at least once a year thereafter. These performance evaluations shall be documented in writing and placed in the employee's personnel file in a timely manner. Procedures for the performance evaluation program shall be published by the Town Manager. Evaluations will be based on employee performance during the appropriate work period. Evaluations will be based on factor such as work standards for the position and on goals for the position established through a process of performance planning with the supervisor and/or Town Manager and with the employee.

Section 9. 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 directors and supervisors are responsible for ensuring safe work procedures, including the use of all required personal protective equipment and providing necessary safety training programs. Employees shall follow the safety policies and procedures and attend safety training programs. Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal.

Section 10. Use of Town Property and Equipment

Town equipment, vehicles, materials, tools and supplies shall not be available for personal use and are not to be removed from Town property except in the conduct of official Town business, unless approved by the Town Manager. No employee shall purchase for personal use any equipment or supplies through Town purchase accounts. All Town property, including all electronic communications systems, issued to the employee shall be returned to the employee's supervisor upon termination of employment prior to the issuance of the final pay check.

Vehicles: An employee shall care for vehicles and equipment owned by the Town in the same responsible manner in which he/she should care for his/her own. Vehicles are to be used for official Town business, and personal use of Town vehicles and use of Town gasoline in privately owned vehicles is strictly prohibited. Employees on call may be authorized to take a vehicle to his residence, after approval has been granted by the Board. After driving the beach, all vehicles (including ATVs) shall be immediately rinsed off. Based on a meeting on July 24, 2000, the Board of Aldermen concluded that utilizing Town vehicles while employed as a Security Guard within the Town Limits is serving Public Purpose. Therefore, the continued use of Police vehicles by Town Police Officers while employed as Security Guards within the Town limits is authorized.

Section 11. Electronic Communications

The Town maintains electronic communications systems (e.g. voicemail, email, internet access) and provides access to telephones, computers, tablets, cell phones or other electronic equipment to assist employees while conducting business for the Town.

Employee access to the Town's electronic resources requires responsibilities and is subject to relevant Town policies and Local, State and Federal laws. This equipment is for business use and any personal use must be brief, infrequent, not interfere with other employees' work (i.e. personal mass emails) and be of no cost to the Town. Employees are expected to use discretion and be brief when using Town cell phones for any personal phone calls. In no instance shall Town technology resources be used to operate a personal business, for political activity, or for solicitation of any kind.

Under no circumstances may employees use Town electronic equipment to view, send or receive any material that might be considered offensive to someone based on their race, religion, color, sex, national origin, sexual orientation, age, veteran status, marital status, political affiliation, disability, genetic information, or on the basis of actual or perceived gender as expressed through dress, appearance or behavior.

Under North Carolina law, email sent or received by the Town, except in limited circumstances, is considered a public record and is subject to inspection on request by the public. All information created, stored or transmitted on or with any Town resource is the property of the Town, and no employee shall have an expectation of privacy with regard to their use of any of these systems or devices. The Town reserves the right to inspect or audit any documents, emails or messages sent or received on the Town's equipment.

Each employee is responsible, in coordination with the employee's department director, for the security and integrity of Town information stored on the computer(s) assigned to the employee. Employees will not download information from a website or install any software on Town computers, phones, etc., unless authorized by the Town Manager.

Employees may use personally owned technology equipment, such as cell phones or smart phones, etc., while on the job provided such use is limited and does not distract from or interfere with an employee's obligation to carry out Town duties in a timely and effective manner, does not interfere with other employees or officials performing their duties, does not undermine the use of any Town technology resource, and provided that such use does not otherwise violate Town policies and procedures.

Employees who learn of any misuse or violations of this electronic communications policy should immediately notify their Supervisor, Department Director, or the Town Manager.

Violation of the expectations contained in this electronic communications policy may result in disciplinary action, up to and including dismissal. Please refer to the "Internet Administrative Policy" for specific procedural requirements.

Section 12. Substance Abuse Policy

The Town may establish policies and procedures related to employee substance abuse in order to ensure the safety and well-being of citizens and employees, and to comply with any state, federal, or other laws and regulations.

The Town:

- a) prohibits employees from being under the influence of legal or illegal substances while on duty,
- b) is authorized to conduct pre-employment drug tests for safety sensitive positions,
- c) is authorized to conduct drug and alcohol tests based on a reasonable suspicion that the employee in any Town position is under the influence of substances on the job, and
- d) where authorized by federal law, is authorized to conduct random and post-accident drug tests for any employees subject to federal Department of Transportation drug-testing regulations.

Section 13. Driver's License

All employees who are in positions required on the class specification to maintain an active driver's license are required to do so as a condition of employment. The Town will periodically check the driving records of employees to assure that appropriate licenses are still valid. If the driver's license is not in good standing or if the employee has a marginal driving record (points or violations), the employee may be removed from operation of Town vehicles and suspended, demoted or dismissed.

Section 14. Credentials and Certifications

Some duties assigned to positions in local government service may be performed only by persons who are duly licensed, registered or certified as required by the relevant law, rule or regulation. Employees in such classifications are responsible for maintaining current, valid credentials as required by law, rule or regulation, and must inform their supervisor immediately of any change in certification or license. Failure to obtain or maintain the required credentials is a basis for immediate dismissal without prior warning.

Section 15. Technology/Social Media Policy

The Town understands that employees may enjoy and participate in various personal media sites (for example Facebook, Twitter, etc.). As holders of the public trust, employees are expected to exercise sound judgment and discretion in contributing to social media sites where information is available to numerous users. While at work any personal use must be brief and infrequent.

When using social media, unless specifically authorized by the Town Manager, employees are prohibited from:

- a) using personal social media to conduct any Town business unless approved by the Town Manager;
- b) disclosing any confidential Town information or personnel information protected by law or policy;

- c) using the Town's name in their personal identity or using any Town trademark, logo or other intellectual property;
- d) wearing any uniform or insignia that identifies the employee as an employee of the Town of North Topsail Beach;
- e) using their official position or title in any communications; or
- f) any suggestion that they are speaking as a representative on behalf of the Town; employees must always identify that they are speaking as private citizens.

Employees should be aware that public speech including social media, unless it is protected by law, may subject the employee to liability under civil laws as well as the Town's policies. When in doubt, the employee should discuss this with the appropriate department head. Nothing in this policy shall be read to prevent an employee from speaking out on matters of public concern.

Section 16. Non-Violent Work Place

The Town of North Topsail Beach is a non-violent workplace. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on Town property will not be tolerated. Workplace violence includes, but is not limited to, intimidation, threats, physical attacks, domestic violence or property damage committed by anyone against the Town or Town employees in the workplace.

All employees are responsible to help ensure that the Town avoids incidents of workplace violence. Employees shall not engage in or encourage another employee to engage in either physical or verbal confrontation with a potentially violent individual. Employees who overhear or become aware of any threatening communications from an employee or outside third party shall immediately report the information to the department director or Town Manager. Failure to report such conduct or to fully cooperate in the Town's investigation of such conduct may result in disciplinary action, up to and including dismissal.

If an employee feels that he/she has been threatened, the employee should report the occurrence immediately to the supervisor or department director who will in turn report the incident to the Town Manager.

The Town will investigate all threats or incidences of violence related to the workplace and/or involving employees during work hours. When a threat has been reported or management determines that a potential for violence exists, management may require an employee to undergo an assessment to determine the risk of danger.

Any employee charged with such behavior will be subject to discipline, up to and including dismissal and may be subject to criminal charges.

Section 17. Weapons Prohibited

No person employed by the Town, either paid or volunteer, is permitted to possess any firearm or other dangerous weapon while performing duties, including while on Town property or any Town-owned vehicle or in any personal vehicle used by the employee to perform duties. (Law enforcement officers are exempt from this section while performing their law enforcement tasks.)

Violation of this policy will result in disciplinary action, up to and including dismissal for the first offense.

Section 18. Whistle Blower Protection

The Town prohibits discrimination or retaliatory action against an employee because the employee, in good faith, files or threatens to file a claim or complaint, initiate an investigation, testify or provide information to any person with respect to the Workers' Compensation Act, the North Carolina Wage and Hour Act, the Occupational Safety and Health Act, or the Mine Safety and Health Act. In addition, this policy covers NC General Statute 95-28.1, which prohibits discrimination against any person on account of the person's having requested genetic testing or counseling services, or on the basis of genetic information obtained concerning the person or a member of the person's family, the National Guard Reemployment Rights Act, the Pesticide Board, or Chapter 90, Article 5F relating to Control of Potential Drug Paraphernalia Products. Please refer to the "Whistleblowers Policy and Reporting" for specific procedural requirements.

Section 19. Media Inquiries

From time to time, as an employee of the Town, employees may receive inquiries from the media (e.g., newspapers, radio stations, magazines, etc.). To ensure that the Town maintains the appropriate public image and that communications to the media are accurate and in line with applicable Town policy, if an employee is contacted by the media, the employee should refer the individual making the inquiry to the Town Manager or Town Clerk. No other employees are authorized to give official statements on behalf of the Town to any representative of the media without the express approval of the Town Manager. Nothing in this policy shall be read to prevent an employee from speaking out on matters of public concern.

Section 20. Use of Tobacco Products/Vaping Products

In keeping with The Town's intent to provide a safe and healthful work environment, smoking, use of smoke-less tobacco products and use of electronic cigarettes or vaping products is prohibited in any Town vehicle or on any Town property, except in designated areas. Any violation of this policy will result in disciplinary action up to and including dismissal. Employees are expected to dispose of cigarette or smoke-less tobacco remains in appropriate and designated places.

Section 21. Adverse Weather/Hazardous Conditions

The Town has responsibility for several emergency services including law enforcement services. Adequate staff are required to operate these critical services seven days per week and 24 hours per day in all weather. The Emergency Operations Plan designates which staff are in critical positions required to report to work regardless of weather or other hazardous conditions. If not specified in the Emergency Operations Plan, Department Directors may require additional employees to respond to critical incidents that occur outside of the provisions of the Emergency Operations Plan. The adverse weather/hazardous conditions policy is established to:

- a) maintain adequate staffing at all times of emergency services; and
- b) provide for as much safety as possible for all employees in traveling to and from work in hazardous conditions.

Town offices and departments shall remain open for the full scheduled working day unless authorization for closing or other deviation is received from the Town Manager's office. The Town Manager will consider the hazard of driving conditions and other relevant factors in determining whether to close Town offices. All departments and offices will be given sufficient advance notice of any authorized closing of noncritical Town functions. If their offices are officially closed, non-critical staff may receive their normal pay. Employees who leave work before an official early closing time, as well as employees who report for work late or do not report for work because of hazardous conditions may use earned vacation or compensatory leave for days or hours not worked.

ARTICLE VI. EMPLOYEE BENEFITS

Section 1. Eligibility

All active employees of the Town working 30 or more hours per week are eligible for employee benefits as provided for in this Article which are subject to change at the Town's discretion and annual budget appropriations. Limited service employees are eligible only for legally mandated benefits such as FICA and workers' compensation. Employees shall be enrolled in the programs in accordance with the provisions of the insurance contracts following the first day after 60 days of employment.

Section 2. Employee Group Health, Dental and Vision Insurance

The Town provides group health, dental and vision insurance programs for employees who are scheduled to work 30 hours or more per week on a continuous year-round basis and their families as specified under the terms of the group insurance contract.

The Town will comply with the Affordable Care Act by providing health insurance for all employees expected to work 30 or more hours per week for three or more months.

Employees who are on the health insurance policy may, if they so desire, purchase available group health, dental and/or vision coverage through the Town for qualified dependents when or if the Town offers it and within the stipulations of the insurance contract. Employees will pay the amount stipulated by the Town for their qualified dependents.

Information concerning cost and benefits shall be available to all employees from the Town Clerk.

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 and/or to insure other family members under this plan at their expense subject to the stipulations of the insurance contract.

Section 4. Other Optional Insurance Plans

The Town may provide and/or make other insurance plans available to employees upon recommendation of the Town Manager and approval by Board of Aldermen. Such benefits will be reviewed to ensure they do not create an incentive for absence prior to being offered. For information about optional group benefit programs, employees may contact the Town Clerk.

Section 5. 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 as a condition of employment and contribute the amount determined by the system. New hires who are current members of the NC Local or State Government Employees' Retirement Systems shall be covered under the retirement system by the Town on their first day of employment.

Section 6. Supplemental Retirement Benefits

The Town may provide supplemental retirement benefits for its full-time employees as determined in the budget each year. As prescribed by North Carolina State Law, the Town will contribute a percentage of salary to the State 401(k) Plan for each sworn law enforcement officer (currently 5%).

All full-time employees may make voluntary contributions to the 401(k) Plan up to the limits established by law and the 401(k) provider. The Town may contribute a percentage of salary to the State 401(k) Plan for each non-sworn employee, subject to availability of funds and approval by the Board of Aldermen.

Section 7. Social Security

The Town, to the extent of its lawful authority and power, has extended Social Security benefits to its eligible employees.

Section 8. Workers' Compensation

All employees of the Town (full-time, part-time, and temporary) 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.

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee, and such claims must be filed by the employee with the North Carolina Industrial Commission within two years from date of injury. The department director will assist the employee in filing the claim in consultation with the Town Manager.

Pursuant to a declaration invoking Section 304 of the Homeland Security Act, this provision will also apply to reactions to small pox vaccinations administered to Town employees under the Homeland Security Act. Such reactions shall be treated the same as any other workers' compensation claim.

Section 9. Unemployment Compensation

Local governments are covered by unemployment insurance. Town employees may apply for benefits upon separation from their employment with the Town through the local Division of Employment Security office where a determination of eligibility and benefits will be made.

Section 10. Tuition Assistance Program

Full-time employees who have completed initial probation may apply for tuition reimbursement for courses taken on their own time, which will improve their skills for their current job or prepare them for promotional opportunities within the Town service. Tuition, registration, fees, laboratory fees, and student fees are eligible expenses. Employees may be reimbursed eligible expenses up to a total of five hundred dollars (\$500) per fiscal year. Satisfactory completion of the courses will be required for reimbursement. Requests for tuition assistance shall be submitted to the Department Head prior to course registration and are subject to the review and approval of Town Manager, subject to availability of funds.

Section 11. Law Enforcement Separation Allowance

Every sworn law enforcement officer, as defined by N.C. Gen. Statute 128-21(11b) or N.C. Gen. Statute 143-166.50, shall be eligible for a separation allowance, as provided by N.C. Gen. Statute 143-166.42, in the amount specified in N.C. Gen. Statute 143-166.41(a).

Currently the law enforcement separation allowance is "equal to eighty-five hundredths percent (0.85%) of the annual equivalent of the base rate of compensation most recently applicable to the officer for each year of creditable service". The Town will pay this benefit on a monthly basis.

Eligibility and continuation of these benefits are subject to the following conditions:

- a) the officer shall have completed 30 or more years of creditable service, or have attained 55 years of age at the time of retirement from the Town and completed five or more years of creditable service as a sworn law enforcement officer (as defined in General Statute 143-166.42); and
- b) the officer shall not have attained 62 years of age;
- c) the officer shall have completed at least five years of continuous service as a law enforcement officer immediately preceding a service retirement, as defined by N.C. Gen. Statute 143-166.41(a)(3) and 143-166.41(b);
- d) the law enforcement officer, after separation from Town employment, notifies the Town of any new employment involving local law enforcement duties. Such notification shall include the nature and extent of the employment, and any change of employment status.

Payment of separation allowance benefits to a retired officer shall cease at the first of:

- a) the death of the officer;
- b) the last day of the month in which the officer attains 62 years of age; or
- c) the first day of re-employment in any position in any local government in North Carolina requiring retirement system participation.

The Town may employ retired officers in a public safety position in a capacity not requiring participation in the Local Governmental Employees' Retirement System and doing so shall not cause payment to cease to those officers under these benefits. Participation in the retirement system is required by anyone scheduled to work 1000 hours per year or more.

Should the separation allowance for law enforcement officers, now required by law, be rescinded, this separation allowance shall be rescinded at the same time.

Section 12. Credit Union Membership

Employees of the Town of North Topsail Beach are eligible for membership in the North Carolina Local Government Federal Credit Union.

Section 13. Uniforms

The Town provides uniforms for personnel in designated positions. Clothing or clothing allowances shall be provided to other employees as authorized by the Board. Upon separation from employment the employee shall return uniforms to the Town.

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

The policy of the Town is to provide annual leave, sick leave, and holiday leave to all full-time and part-time employees, and to provide proportionately equivalent amounts to employees having average work weeks of different lengths. Employees shall accrue leave proportionately with each payroll.

Section 1. Holidays

The following holidays, and such others as the Town Board may designate, shall be observed by Town offices.

- New Year's Eve
- New Year's Day
- Martin Luther King Day
- Good Friday
- Easter Monday
- Friday before Memorial Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving Day
- Christmas (three days)
- + 2 Floating Holidays

When any recognized holiday falls on Saturday or Sunday, the following Monday will be the designated holiday.

Christmas holiday schedule will be observed as follows:

<u>Christmas Day falls on:</u>	<u>The Town observes:</u>
Sunday	Friday, Monday and Tuesday
Monday	Friday, Monday and Tuesday
Tuesday	Monday, Tuesday and Wednesday
Wednesday	Tuesday, Wednesday and Thursday
Thursday	Wednesday, Thursday and Friday
Friday	Thursday, Friday and Monday
Saturday	Thursday, Friday and Monday

In order to receive paid holiday, the employee must have worked the regularly scheduled day before and after the holiday, or have been granted approved leave. All full employees scheduled to work on the day on which the holiday falls, shall receive these holidays with pay.

Section 2. Holidays: Effect on Other Types of Leave

Regular holidays which occur during a vacation, sick or other leave period of any employee shall not be considered as vacation, sick, or other paid leave.

Section 3. Holidays: Compensation When Work is Required or Regularly Scheduled Off for Shift Personnel

Employees required to perform work on regularly scheduled holidays may be granted compensatory time off or be paid at their hourly rate for hours actually worked in addition to any holiday pay to which they are entitled. Compensatory time shall be granted whenever feasible. If a holiday falls on a regularly scheduled off-duty day for shift personnel, the employee shall receive the hours for paid holiday leave. Holiday hours for full-time and part-time employees working other than the basic work schedule shall be pro-rated as described in this Article, Section 15, Leave Pro-rated.

An employee required to work on Christmas Day will be paid at 1.5 times the hourly rate for hours works in addition to receiving normal holiday pay.

Section 4. Vacation Leave

Vacation is a privilege granted to employees by the Town. Vacation leave is intended to be used for rest and relaxation, school appointments, and other personal needs. Vacation leave should be requested weeks in advance and approved by the supervisor.

Vacation leave may also be used by employees who wish to observe religious holidays other than those granted by the Town. Employees who wish to use leave for religious observances must request leave from their respective department directors. The department director will attempt to arrange the work schedule so that an employee may be granted vacation leave for the religious observance. Vacation leave for religious observance may be denied only when granting the leave would create an undue hardship for the Town.

Vacation leave is not considered hours worked for purposes of computing overtime compensation.

Section 5. 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 employment unless approved by the Town Manager. A probationary employee who is dismissed during the probationary period will not be eligible for terminal pay for any accumulated vacation leave.

Section 6. Vacation Leave: Accrual Rate

Each full and part-time employee of the Town shall earn annual leave at the following schedule, prorated by the average number of hours in the workweek:

<u>Years of Service</u>	<u>REGULAR</u>	<u>POLICE</u>	<u>FIRE</u>
1 – 4	96	102.6	127.2
5 - 9	120	128.3	159
10 plus	160	171	212

Section 7. Vacation Leave: Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until December 31 of each year. However, if the employee departs from service, payment for accumulated vacation leave shall not exceed 240 hours. On December 31, any employee with more than 240 hours of accumulated

leave, shall have the excess accumulation automatically transferred into his/her sick leave account so that only 240 hours are carried forward to January 1 of the next calendar year. Employees are not eligible to receive pay for excess 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 8. Vacation Leave: Manner of Taking

Employees shall be granted the use of accrued vacation leave upon request in advance at those times designated by the department director which will least obstruct normal operations of the Town. Department directors are responsible for ensuring that approved vacation leave does not hinder the effectiveness of service delivery. Vacation may be taken in 15-minute increments. Failure to request or take vacation leave without prior approval may result in disciplinary action. Notwithstanding the procedures described in this Article, employees will use accrued compensatory time before using accrued vacation leave.

Section 9. Vacation Leave: Payment upon Separation

An employee who has successfully completed six months of the established probationary period for his/her position will normally be paid for up to 240 hours of accumulated vacation leave upon voluntary separation, provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation. This provision also applies to employees terminated due to reduction in force.

The notice requirement may be waived by the Town Manager when deemed to be in the best interest of the Town. Employees who are involuntarily separated shall receive payment for accumulated annual leave subject to the 240-hour maximum.

An employee who is separated shall be paid for annual leave accumulated to the date of separation, which is not to exceed a maximum of 240 hours.

Section 10. 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 the maximums established in Section 7 of this Article.

Section 11. Sick Leave

Sick Leave with pay is a privilege granted to employees by the Town, not a right, and may be used only for the purposes described in this Policy. Abuse of sick leave privileges will subject the employee to disciplinary action.

Sick Leave may be used for the following reasons: sickness, non-job-related bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease, when continuing

work might jeopardize the health of others.

Sick leave also may be used when an employee must care for a member of his or her immediate family who is ill. For the purposes of this benefit, immediate family is defined as spouse, child, parent, guardian, sibling, grandparent, and grandchild, to include in-law, step and half relationships. Sick leave may not be used to care for a healthy infant or child.

Sick leave may also be used to supplement Workers' Compensation Disability Leave both during the waiting period before Workers' Compensation benefits begin, and afterward to supplement the remaining one third of salary, except that employee may not exceed the regular salary amount using this provision.

Notification of the desire to take sick leave should be submitted to the employee's supervisor according to departmental procedures.

Sick leave is not considered hours worked for purposes of computing overtime compensation.

Section 12. Sick Leave: Accrual Rate and Accumulation

Sick leave shall accrue at a rate of one (1) day per calendar 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 as described in this Article, Section 15, Leave Pro-rated.

Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Governmental 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. Employees who resign in good standing or are dismissed from employment because of reduction in force and are reinstated within one (1) year shall be credited with their previously accumulated sick leave. Employees who are dismissed from employment for reasons other than reduction in force or who are not reinstated within one (1) year shall lose all sick leave credits.

Section 13. Transfer of Sick Leave from Previous Employer

The Town will accept sick leave balances when documented by a previous employer when the employee worked for a previous employer covered by the North Carolina State or Local Government Retirement Systems and the employee did not withdraw accumulated retirement contributions from that employer when leaving employment.

The sick leave will be treated as though it were earned with the Town of North Topsail Beach and may be used as any other accrued sick leave by the employee. The sick leave amount must be certified by the previous employer and it is the employee's responsibility to provide documentation from his or her previous employer.

Section 14. Sick Leave: Medical Certification

The employee's supervisor or department director may require a physician's certificate certifying the employee's or employee's family member's illness and the employee's capacity 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 director deems desirable. The department director 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) there will be no 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.

Section 15. Leave Pro-rated

Holiday, vacation, and sick leave earned by full and part-time employees with more or fewer hours than the basic work week (40 hours) shall be determined by the following formula:

- a) the average number of hours scheduled for work per week by such employees shall be divided by the number of hours in the basic work week (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 work week (40 hours);
- 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, or divided by 26 shall be the number of hours of leave earned biweekly, and divided by 52 would be the amount of leave earned weekly.

Section 16. Bereavement Leave

An employee may have up to 24 work hours for any one occurrence, at full pay, granted in case of death in the immediate family. For the purposes of this benefit, immediate family is defined as spouse, child, parent, guardian, sibling, grandparent, and grandchild, to include in-law, step and half relationships. Additional time or time to attend funerals of other family members may be charged to vacation leave, compensatory time or leave without pay. Bereavement Leave does not accrue from year to year.

Section 17. Short-term Disability and Family Leave

Until the Town has 50 employees, the provisions of the Federal Family Medical Leave Act (FMLA) do not apply. However, the Town elects to provide some of the same provisions as specified below.

The Town may grant up to 12 weeks of leave per twelve months to eligible employees. The leave may be paid (coordinated with the Town's Vacation and Sick Leave policies), unpaid, or a combination of paid and unpaid. Earned compensatory time must be used first, followed by any holiday, sick or vacation time, once compensatory has been exhausted. Unpaid leave will be granted only when the employee has exhausted all appropriate types of paid leave. Additional time away from the job beyond the 12-week period may be approved in accordance with the Town's Leave without Pay policy.

The request for the use of leave must be made in writing by the employee and approved by the Town Manager.

To qualify, the employee must have worked for the Town 12 months or 52 weeks; these do not have to be consecutive. However, the employee must have worked 1,250 hours during the twelve-month period immediately before the date when the leave time begins.

Family leave can be used for the following reasons:

- a) the birth of a child and in order to care for that child;
- b) the placement of a child for adoption or foster care;
- c) to care for a spouse, child, or parent with a serious health condition;
- d) the serious health condition of the employee; or
- e) military exigency.

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 illness of a serious and long-term nature resulting in recurring intermittent or lengthy absences. Generally, a chronic or long-term health condition which results in incapacity for more than three days would be considered a serious health condition.

If a husband and wife both work for the Town and each wish to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (not parent in-law) with a serious health condition, the husband and wife together may only take up to a total of 12 weeks leave.

An employee taking leave for the birth of a child may use paid sick leave for the period of actual disability, based on medical certification. The employee may then use all paid vacation, accrued compensatory time and leave without pay for the remainder of the leave period.

“Military Exigency” is a qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a military service member (reserve or national guard) under a call or order to federal active duty in support of a contingency operation. Qualifying events are:

- a) deployment of service member with seven or fewer days’ notice;
- b) military ceremonies and events such as family-assistance or informational programs related to the family member’s active duty or call to active duty;
- c) urgent, immediate childcare or arranging for alternative childcare for the children of service members;
- d) attending school or daycare meetings relating to the child of service member;
- e) making financial or legal arrangements related to a family member’s active duty status or call to active duty;

- f) taking up to five days leave to spend with a covered military member who is on short-term temporary rest and recuperation leave during deployment;
- g) attending counseling provided by someone other than a health provider for oneself, the covered military member, or the child of the military member, the need for which arises from the active duty service or call to active duty status or the covered military member; or
- h) post-deployment activities for a period of ninety days after the termination of the service member's active duty status.

Military Caregiver Leave: An employee whose spouse, son, daughter, parent or next of kin is a current service member who is undergoing treatment, therapy, recuperation or outpatient treatment or has temporary disability retirement for injury or illness sustained in the line of duty, may be eligible for 26 weeks of leave in a single 12-month period. During a single 12-month period, the employee may be eligible for a total of 26 weeks of all types of Leave combined.

The request for the use of leave must be made in writing by the employee and approved by the Town Manager.

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.

Section 18. Medical Certification

In order to qualify for leave under this policy, the Town requires medical certification. This statement from the employee's or the family member's physician should include the date when the condition began, its expected duration, diagnosis, and brief statement of treatment. For the employee's own health condition, it 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 desirable.

This 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. The certification should be furnished as soon as possible (no longer than 15 days from the date of the employee's request). The certification and request must be made to the department director and filed with the Town Clerk.

The employee is expected to return to work at the end of the time frame stated in the medical certification, unless he/she has requested additional time in writing under the Town's Leave Without Pay policy.

Section 19. Retention and Continuation of Benefits

When an employee is on leave under this policy, the Town may continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If an employee chooses not to return to work for reasons other than a continued serious health condition, the Town will require the reimbursement of the amount paid for the employee's health insurance premium during the leave period.

Other insurance and payroll deductions are the responsibility of the employee and the employee

must make those payments for continued coverage of that benefit by the first of each month.

After using all paid leave for which the employee qualifies, the employee on family leave may use Leave without Pay for the remainder of the leave period. An employee ceases to earn holiday or leave credits on the date leave without pay begins.

Section 20. Leave Without Pay

A full-time or part-time employee may be granted a leave of absence without pay for a period of up to twelve (12) months by the Town Manager. Leave without pay may be granted by the Town Manager upon the recommendation of the Department Director. The leave may be used for reasons of personal disability, sickness or disability of immediate family members, continuation of education, specific 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. An employee must exhaust all compensatory time before being placed on leave without pay status.

The employee shall apply in writing to the supervisor for the 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 and granted, shall be considered a resignation.

An employee shall retain all unused vacation and sick leave while on Leave Without Pay. An employee ceases to earn holiday or 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 Town and the regulations of the insurance carrier. If the Leave Without Pay is for a circumstance that coincides with other Town policies or USERRA then the provisions of those policies will apply.

Section 21. Workers' Compensation Leave

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may receive a weekly salary. An employee may also elect to use accrued sick leave, vacation, or compensatory time during the first waiting period of seven days. Once Workers' Compensation benefits begin, the employee may supplement the two thirds payments with one third of a day of sick leave, vacation leave, or compensatory time, except that the employee may not exceed the regular gross salary amount using this provision. The employee will not be required to reimburse the Town for this paid leave in the event the absence extends beyond twenty-one days and the first seven days is paid by workers' compensation.

Limited Service employees will be placed on leave without pay effective with the date of injury. Once the waiting period is over, workers' compensation covers two thirds of regular pay.

Any workers' compensation disability that qualifies under the requirements of any other Town policy shall run concurrently with such policy. An employee on workers' compensation leave without pay may be permitted to continue to be eligible for benefits under the Town's group insurance plans during the period of workers' compensation leave.

Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit. Any amounts owed are due and payable by the first of the month.

An employee shall retain all unused vacation and sick leave while on Workers' Compensation Leave Without Pay. An employee ceases to earn holiday or leave credits on the date Workers' Compensation 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 the regulations of the insurance carrier.

Upon reinstatement, an employee's salary will be computed on the basis of the last salary earned plus any increment or other salary increase to which the employee would have been entitled during the disability covered by workers' compensation.

An employee on workers' compensation leave may return to work on light or restricted duty after obtaining a physician's statement stating the employee's ability to do so. The decision to allow an employee back on light duty and to determine the location of the light duty rests with the Town.

Section 22. Military and other USERRA Leave

The Town will fully comply with the requirements of the 1994 Uniformed Services Employment and Re-Employment Rights Act (USERRA) and related federal regulations. For the purposes of USERRA covered employees are the following:

- a) Armed Forces Active and Reserve (Army, Navy, Marine Corps, Air Force, Coast Guard)
- b) Army National Guard and Air National Guard
- c) FEMA's Disaster Assistance Teams
- d) Commissioned Corps of the Public Health Service
- e) Military Service Academies
- f) Reserve Officer's Training Corps (ROTC)

Employee taking leave under USERRA shall be eligible to take accumulated vacation leave, accrued compensatory time or be placed in a leave without pay status, and the provisions of that leave shall apply. While taking USERRA leave, the employee's unused leave balances will be retained and any seniority-based benefits such as leave accrual rates will continue to accrue.

Employees performing USERRA duty of more than 30 days may elect to continue the Town's health care for up to 24 months but will be responsible for paying the insurance premiums up to 102% of the premium costs. Employees whose USERRA duty is less than 31 days will have their health insurance coverage paid as if they were at work with the Town.

Military Training

In addition to complying with the requirements of USERRA, an employee who is a member of the National Guard or the Armed Forces Reserve will be allowed ten (10) working days of military training

leave annually. In addition to the compensation received while on military leave, the employee shall receive his or her regular base salary compensation that would have been earned during this same period as a Town employee. If such military duty is required beyond this period of ten (10) working days, the employee shall be eligible to take accumulated annual leave or be placed on leave-without-pay status.

If such military duty is required beyond the ten calendar days, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status, and the provisions of that leave shall apply. While on military leave, seniority-based benefits such as leave accrual rates shall continue to accrue as if the employee was actively at work. Employees on extended military leave will remain eligible for health benefits on a voluntary basis, at the employee's expense for a period of 24 months.

Limited Service employees will be granted time off without pay to meet their military reserve or National Guard training obligations.

Section 23. Reinstatement Following Military and other USERRA Service

An employee who volunteers or is called to active duty with the United States military forces, and who returns to work in less than five years will be returned to the same or like position he or she would have attained with reasonable certainty if not for the absence due to military service, with full seniority, status, leave accrual rates and pay as if there had been no break in employment. A military discharge form "DD214" with an honorable discharge must be submitted with the notification of intent to return to work.

Time limits for employees to reapply for return to work after release from military service are:

- a) less than 31 days absence - employee must report to employer by the next business day.
- b) 31 days -180 days absence - notification to the supervisor must be submitted within 14 days.
- c) more than 180 days absence - notification to the supervisor must be submitted within 90 days.

All reporting deadlines are extended for two years if the employee is injured during USERRA service.

Section 24. 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. Employees is court for their own case or appearing voluntarily as a witness in another person's case must use annual leave or leave without pay for their time in court.

Section 25. Parental School Leave

A Town employee who is a parent, guardian, or person standing in loco parentis (in place of the parent) may take up to eight hours of paid leave annually to involve him or herself in school activities of his or her child(ren). This leave is subject to the three following conditions:

- 1) The leave must be taken at a time mutually agreed upon by the employee and the Town;
- 2) The Town may require the employee to request the leave in writing at least 48 hours prior to the time of the desired leave; and
- 3) The Town may require written verification from the child's school that the employee was involved at the school during the leave time.

Section 26. Voluntary Shared Leave

The Town Manager has the authority to create administrative procedures whereby employees may donate vacation to other employees who have major illnesses or need leave to care for family members with major illnesses.

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 calendar weeks. Failure to provide the minimum notice shall result in forfeiture of payment for accumulated vacation unless the notification requirement is waived upon recommendation of the department director and approval by the Town Manager.

Three consecutive days of absence without contacting the immediate supervisor or department director may be considered to be a voluntary resignation. Sick leave will only be approved during the final two weeks of a notice with a physician's certification or comparable documentation.

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 Limited Service 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 Limited Service or probationary employee.

Section 4. Disability

The Town will comply with the Americans with Disabilities Act and will make all responsible efforts to provide reasonable accommodation to employees who may be or become disabled. An employee who cannot perform the essential duties of a position because of a physical or mental impairment may be separated for disability. Action may be initiated by the employee or the Town. 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.

Employees who meet the requirements of the North Carolina Local Governmental Employees' Retirement System may qualify for a disability retirement. Information about this option is available from the Retirement System.

Section 5. Voluntary Retirement

An employee who meets the conditions set forth under the provisions of the North Carolina Local Governmental Employees' Retirement System may elect to retire and receive all benefits earned under the retirement plan.

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 is separated because of a reduction in force or who resigns while in good standing may be reinstated within one year of the date of separation, upon recommendation of the department director, and upon 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.

Section 9. Rehiring

An employee who resigns while in good standing may be rehired with the approval of the Town Manager, and may be regarded as a new employee, subject to all of the provisions of rules and regulations of this Policy. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position.

ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT

Section 1. Disciplinary Action for Unsatisfactory Job Performance

A regular employee may be placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory. All cases of disciplinary suspension, demotion, or dismissal must be approved by the Town Manager prior to giving final notice to the employee.

Section 2. Unsatisfactory Job Performance Defined

Unsatisfactory job performance includes any aspects of the employee's job which are not performed as required to meet the standards set by the department director or Town Manager.

Examples of unsatisfactory job performance include, but are not limited to, the following:

- a) demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- b) careless, negligent or improper use of Town property or equipment;
- c) physical or mental incapacity to perform duties after reasonable accommodation;
- d) discourteous treatment of the public or other employees;
- e) absence without approved leave;
- f) improper use of leave privileges;
- g) failure to report for duty at the assigned time and place;
- h) failure to complete work within time frames established in the work plan or work standards;
- i) failure to meet work standards over a period of time;
- j) failure to follow the chain of command to address work-related issues; or
- k) failure to maintain certifications required by the job.

Section 3. Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance

When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor shall meet with the employee as soon as possible in one or more counseling sessions to discuss specific performance problems. A brief summary of these counseling sessions shall be noted in the employee's file by the supervisor.

An employee whose job performance is unsatisfactory over a period of time should normally receive at least two documented warnings, one of which may be in the final written warning, from the supervisor before disciplinary action resulting in dismissal is taken by the Town Manager. In each

case, the supervisor should record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set. If the employee's performance continues to be unsatisfactory, then the supervisor should use the following steps:

- a) a final written warning from the supervisor serving notice upon the employee that corrected performance must take place immediately in order to avoid suspension, demotion, or dismissal.
- b) if performance does not improve, a written recommendation should be sent to the department director and Town Manager for disciplinary action such as suspension, demotion, or dismissal.

Disciplinary suspensions are for the purpose of communicating the seriousness of the performance deficiency, not for the purpose of punishment, and should not generally exceed three days (24 hours) for non-exempt employees. Suspensions for exempt employees shall be for one full work week in accordance with FLSA requirements to maintain exempt status. Under FLSA, suspensions of less than a week are authorized for major safety violations or infractions of workplace conduct rules (detrimental personal conduct).

Demotions are appropriate when an employee has demonstrated inability to perform successfully in the current job but shows promise and commitment to performing successfully in a lower level job. If no other options are available, dismissal is appropriate.

If after suspension or demotion, the employee's performance does not reach an acceptable level, the employee may be dismissed. Dismissals are appropriate when the employee has shown he/she is unwilling or unable to perform work in a manner that meets the work and conduct standards of the Town.

Section 4. Disciplinary Action for Detrimental Personal Conduct

Normally, the Department Director or Town Manager would place the employee on non-disciplinary leave, with or without pay, prior to making a disciplinary determination to allow time to gather facts regarding the detrimental personal conduct and make a determination regarding the severity of the conduct.

With the approval of the Town Manager, an employee may be placed on disciplinary suspension, demoted, or dismissed without prior warning for causes relating to personal conduct detrimental to Town service in order to, but not limited to, the following:

- a) avoid undue disruption of work;
- b) to protect the safety of persons or property; or
- c) for other serious reasons.

Disciplinary suspensions should not normally exceed three days (24 hours) for nonexempt employees. Suspensions of exempt employees shall be for one full work week in accordance with FLSA requirements to maintain exempt status.

In exigent circumstances, a department director or designated supervisor may, with or without prior approval, suspend employees for the remainder of the work day. In such cases, the department director shall immediately notify the Town Manager.

Section 5. Detrimental Personal Conduct Defined

Detrimental personal conduct includes behavior 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; or the laws of any government may be or have been violated.

Examples of detrimental personal conduct include, but are not limited to, the following:

- a) demonstrated dishonesty, fraud or theft;
- b) conviction of a felony or the entry of a plea of nolo contendere thereto;
- c) falsification of records for personal profit, to grant special privileges, or to obtain employment;
- d) willful misuse or gross negligence in the handling of Town funds or personal use of equipment or supplies;
- e) willful or wanton damage or destruction to property;
- f) willful or wanton acts that endanger the lives and property of others;
- g) possession of unauthorized firearms or other lethal weapons on the job;
- h) brutality in the performance of duties;
- i) reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary;
- j) engaging in incompatible employment or serving a conflicting interest;
- k) requesting or accepting of gifts in exchange for favors or influence;
- l) engaging in political activity prohibited by this Policy;
- m) harassment of an employee and/or the public on the basis of sex or any other protected class status;
- n) harassment of an employee or the public with threatening or obscene language and/or gestures or any incidence of workplace violence;
- o) stated refusal to perform assigned duties, flagrant violation of work rules and regulations, or serious malfeasance of work; or
- p) violation of any specific policy in the Personnel Policy.

Section 6. Pre-Dismissal Conference

Before dismissal action is taken, whether for failure in personal conduct or failure in performance of duties, the department director or Town Manager (in the case of disciplinary action of a department director) will conduct a pre-dismissal conference. At this conference, the employee may present any response to the proposed dismissal to the department director. The department director will consider the employee's response, if any, to the proposed dismissal, and will, within three working days following the pre-dismissal conference, notify the employee in writing of the final decision after obtaining approval of the decision from the Town Manager. If the employee is dismissed, the notice shall contain a statement of the reasons for the action and the employee's appeal rights.

Section 7. Non-Disciplinary Leave

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 removal from the workplace would, in the opinion of the department director or Town Manager, be in the best interest of the Town, the department director with approval of the Town Manager may place the employee on leave for part or all of the proceedings as a non-disciplinary action. In such cases, the Town 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 leave, or
- b) temporarily 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 returned to regular duty following the leave such employee shall not lose any compensation or benefits to which otherwise the employee would have been entitled had the leave not occurred. If the employee is terminated following leave under this section, the employee shall not be eligible for any pay from the date of leave; provided, however, all other benefits with the exception of accrued vacation and sick leave shall be maintained during the period of leave.

Section 8. Name-Clearing Hearing

Following the decision to dismiss or demote an employee, including a probationary employee, the employee shall be afforded an opportunity for a name-clearing hearing. If requested by the employee, a time and date for the hearing will be established such that the hearing takes place prior to the release of any negative or stigmatizing information about the employee that could inhibit future employment. The employee may invite anyone the employee wishes to invite (including the media) to the hearing. At this name-clearing hearing, the employee may present any response to information that the employee believes to be false and/or stigmatizing to the employee's reputation with respect to his or her work performance or the reasons for the dismissal or demotion. The name-clearing hearing must be requested within five business days following the decision to dismiss or demote the employee.

Any written comments submitted by the demoted or dismissed employee will be placed in the employee's personnel file, and a copy will be provided to anyone who requests the termination letter on that employee. In lieu of actually attending the hearing, the employee may submit written comments and they will be placed in the file just as if the employee had presented them at the scheduled hearing. If the employee speaks at the hearing but does not provide written comments,

the person conducting the hearing shall take notes and place a copy of the notes in the employee's personnel file, and a copy will be provided to anyone who requests the termination letter on that employee. There is no requirement for the hearing officer to respond in any way to the comments of the demoted or dismissed employee at the hearing. The name clearing hearing is not a substitute for, or a second opportunity for, a pre-termination hearing at which the employee may contest the proposed disciplinary action. Information presented at the name clearing hearing will not be used by the Town to reconsider the disciplinary action.

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 procedure 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 a current or a former employee based upon an event or condition, which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.

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; 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 Procedure

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

Representation: An employee may be accompanied and assisted by a representative of his or her choosing in attempting to resolve the grievance.

Informal Resolution. 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 Town Manager as a resource to help resolve the grievance. In some instances, if both parties agree, and with the approval of the Town Manager, the parties may request mediation assistance from a neutral party to assist in identifying mutually agreeable solutions or understandings. Mediation may be used at any step in the process. The deadlines contained in this section are intended to be used as guidelines.

Step 1. If no resolution to the grievance is reached informally, the employee who wishes to pursue a grievance shall present the grievance to the appropriate supervisor in writing. The grievance must be presented within fifteen calendar days of the event or within fifteen calendar days of learning of the event or condition. The supervisor shall generally respond to the grievance within ten calendar days after receipt of the grievance. The supervisor 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 supervisor is required to cooperate to the fullest extent possible.

The response from the supervisor for each step in the formal grievance process shall be in writing and signed by the supervisor. In addition, the employee shall sign a copy to acknowledge receipt thereof. The responder at each step shall send copies of the grievance and response to the Town Manager.

Step 2. If the grievance is not resolved to the satisfaction of the employee by the supervisor, the employee may appeal, in writing, to the appropriate Department Head within ten calendar days after receipt of the response from Step 1. The Department Head shall respond to the appeal, stating the determination of decision within ten calendar days after receipt of the appeal.

Step 3. If the grievance is not resolved to the satisfaction of the employee at the end of Step 2, the employee may appeal, in writing, to the Town Manager within ten calendar days after receipt of the response from Step 3. 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. The Town Manager would notify the Town Board of Aldermen of any impending legal action.

Department Directors. In the case of department directors or other employees where the Town Manager has been significantly involved in determining disciplinary action, including dismissal, the Town may wish to obtain a neutral outside party to either:

- a) provide mediation between the grieving department director and the Town Manager (see definition of mediation in “informal resolution” above); or
- b) consider an appeal and make recommendations back to the Town Manager concerning the appeal. Such parties might consist of human resource professionals, attorneys trained in mediation, mediators, or other parties appropriate to the situation.

The Town Manager’s decision shall be the final decision. The Town Manager will notify the Town Council of any impending legal action.

Section 5. Grievance and Adverse Action Appeal Procedure for Discrimination

When an employee, former employee, or applicant, believes that any employment action discriminates (i.e. is based on an individual’s race, religion, color, sex, national origin, sexual orientation, age, veteran status, marital status, political affiliation, non-disqualifying disability, genetic information, or on the basis of actual or perceived gender as expressed through dress, appearance or behavior), he or she has the right to appeal such action using the grievance procedure outlined in this Article. While such persons are encouraged to use the grievance procedure, they shall also have the right to appeal directly to the Town Manager.

Employment actions subject to appeal because of discrimination include promotion, training, classification, pay, disciplinary action, transfer, layoff, failure to hire, or termination of employment. An employee or applicant should appeal an alleged act of discrimination within thirty (30) calendar days of the alleged discriminatory action.

ARTICLE XI. RECORDS AND REPORTS

Such personnel records as are necessary for the proper administration of the personnel system will be maintained by the Town Manager. The Town shall maintain in personnel records only information that is necessary and relevant to accomplishing legitimate personnel administration needs.

Section 1. Public Information

In compliance with North Carolina GS 160A-168, the following information with respect to each Town employee is a matter of public record:

- a) name;
- b) age;
- c) date of original employment or appointment to the service;
- d) 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;
- e) current position title;
- f) current salary;
- g) date and amount of each increase or decrease in salary with the Town;
- h) date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the Town;
- i) date and general description of the reasons for each promotion with the Town;
- j) 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; and
- k) the office to which the employee is currently assigned.

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. An individual examining a personnel record may copy the information. The cost of photocopying may be assessed to the individual who requests the copies.

For the purposes of this subsection, the term "salary" includes pay, benefits, incentives, bonuses, deferred and all other forms of compensation paid by the Town.

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 Aldermen, 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.

Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.

The Board of Aldermen shall establish procedures for all personnel files containing information other than the public information mentioned above whereby an employee who objects to material may place in the file a statement relating to the material.

Section 3. Personnel Actions

The employee designated with responsibility for performing human resources functions, 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. There shall be one set of official personnel files, centrally located as designated by the Town Manager. Any document not located there is not an official part of that employee's personnel record. 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, letters of recommendation, and other personnel-related documents.

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. In accordance with established grievance procedures, the employee may seek to have a record of upheld grievances relating to personnel records placed in the file and/or may seek removal of material in the file contingent upon approval of the North Carolina Department of Cultural Resources.

Section 6. Penalties for Permitting Access to Confidential Records

Section 160A-168 of the General Statutes provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount consistent with the General Statutes.

Section 7. 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 8. Destruction of Records Regulated

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with NC General Statute 121.5, without the consent of the North Carolina 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 NC General Statute 132.3.

ARTICLE XII. 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 hereunder 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. Amendments

This policy may be amended by action of the Board of Aldermen and by resolution appropriately approved. Any revisions or amendments adopted in conformance with this procedure shall become effective as of the date of such adoption.

Notice of any amendment to the policy or any portion thereof, shall be provided to employees. Adopted amendments should be posted on bulletin boards, in employee work locations and/or in employee newsletters.

ADOPTED BY RESOLUTION THIS the _____ day of _____, 2020

Originally adopted 8/5/10
Amended 11/4/10
Amended 1/4/12
Amended 9/3/15
Amended 6/2/16