

EXHIBIT "A"

# **Town of Pineville**

## **EMPLOYEE HANDBOOK**



**ADOPTED DECEMBER 8, 2105**  
**Amendments MARCH 9, 2021**

## EXHIBIT “A”

Page 7

### EMPLOYEE STATUS DEFINITIONS

#### EMPLOYEE STATUS DEFINITIONS

For the purpose of this policy, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A **full-time regular** employee works at least 40 hours per week and has successfully completed the six month introductory period with the exception of **department heads, sworn police, and firefighters** whose introductory period is one year.

A **part-time regular** employee works at least 20 hours, but less than 40 hours per week **on a recurring basis** and has successfully completed the introductory period. (Employees who work 20 hours a week or more totaling 1000 hours per year are eligible for participation in the NC Retirement System & pro-rated sick and vacation leave. Part time employees who work 30 hours or more per week will be eligible for all benefits including pro-rated sick and vacation leave).

**Introductory employee** is a full time or part time regular employee who has not yet successfully completed the six month introductory period of employment. For Sworn officers, per State regulations, their introductory period is one year.

A **temporary employee** works either an average work week of less than 20 hours, or continuous employment of less than 12 months. Approval from the Town Manager is required for all temporary employees working three or more consecutive months.

A **trainee/apprentice** is an employee who is hired or promoted, but does not meet all the requirements for the position. During trainee status the employee remains in the introductory status until such time as they are able to meet the minimum requirements for the position.

**Exempt** employees are fulltime and part-time employees who have been classified as “Exempt” from overtime provisions, including compensatory time, of the Fair Labor Standards Act and are paid for the accomplishment of assigned accountabilities rather than being paid for the number of hours worked in a work week. An exempt employee must meet the requirements as determined and set forth by the Fair Labor Standards Act.

A **Non-exempt** employee is a fulltime and/or part-time employee whose work is generally routine with set standards and rules. In accordance with the Fair Labor Standards Act, employees are entitled to at least federal minimum wage for the first 40 hours worked and time and a half for any hours actually worked over 40 hours in the work week **with the exception of Public Safety personnel**. Overtime will be calculated based on the employee’s actual hourly rate. If an employee records a total of forty hours of combined work and leave time in a work week, but has not actually worked 40 hours, they will receive straight time for those hours until they

reach the actual forty hours worked. For Law Enforcement personnel, the work period is 28 consecutive days. Overtime for sworn police officers is defined as those hours worked exceeding one-hundred seventy one (171) hours within the 28-day period. For Firefighters, the work period is 24 consecutive days. Overtime for Firefighters is defined as those hours worked exceeding one-hundred ninety two (192) hours within the 24-day work period.

## Page 12

### **INTRODUCTORY PAY INCREASES**

Supervisors and/or Department Heads must complete the six month introductory performance evaluation to determine, based on work performance, whether the introductory period was completed successfully. The performance rating of the introductory employee will determine the percentage increase the employee is entitled to receive. The percentage range for successful completion of the introductory period shall range from 0% to 5%, with the exception of sworn officers, and firefighters. If an employee's introductory period is extended he/she is ineligible to receive the maximum increase of 5%. The maximum eligible under an extended introductory period is a 4% increase.

Department Heads, ~~and~~ Sworn Officers (including field training completion), and Firefighters will have an introductory period of a year, but are eligible for an increase if their six month performance evaluation indicates promise of success. For Department Heads, they are eligible for percentage increase as set forth for all other employees. As for Sworn Officers and Firefighters they will be eligible for a one-step increase under their department's pay plan.

Instances where an employee's introductory period has been extended, in addition to affecting the maximum increase potential, will also have an effect on the employee's annual evaluation date, which is a year from their introductory date.

For additional information on the introductory period please see "Conditions of Employment" section.

### **EFFECTS ON SALARY RATE**

**Promotions.** Employees shall receive a pay increase to recognize and compensate the employee for their knowledge, skills and ability and their increased responsibility and duties. With the exception of LEO and Firefighters, when there is opportunity for promotion, the pay percentage is set at 5% or the minimum of that pay grade. Like a new hire, there will be a probationary period of 6 months. At the end of the probationary period, the employee can receive a 2.5% increase upon successful completion. The employee's new anniversary date will be one year from the date of completion of the introductory period. If for any reason the probationary period is extended, there will be no increase. For LEO and Firefighters, the incumbent will receive the equivalent of a 7.5% increase and placed into the corresponding step of the new grade. If the 7.5% increase is less than the minimum salary for the new position, the incumbent will move to Step 1 of the new

grade. At the completion of the introductory period in the new position, the incumbent is eligible for another one step increase (for a total max increase of 10% at the conclusion of their introductory process).

## Page 13

### OVERTIME PAY PROVISIONS

Employees of the Town may be required to work overtime hours as necessitated by the business needs of the Town and approved by the Department Head. All overtime hours worked must be authorized by appropriate management, except in cases of emergency. An emergency exists if a condition arises that could reasonably result in damage to property or persons or which requires immediate attention of the employee. Employees who work excess hours due to an emergency shall advise their immediate supervisor of the overtime worked as soon as practical following the completion of the work.

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

All "hours worked" in excess of 40 hours per week for non-exempt employees may receive 1 ½ hours for each hour worked. According to the Fair Labor Standards Act, "hours worked" are actual hours worked during that workweek and no leave time was taken to make up the forty hours. If this does occur, the employee will be given straight time for each hour worked until they have reached the actual forty hours. Any paid or unpaid time off from work (ex. vacation, sick, holidays) shall not be counted as hours worked for purposes of determining overtime pay. (The exceptions ~~is~~ **are** law enforcement officers **who** must work in excess of 171 hours in a 28 day cycle, **and Fire Firefighters who must work in excess of 192 hours in a 24 day cycle**, before they are entitled to 1 ½ hours for each hour worked.)

It is the policy of the Town that employees who work in excess of the required hours for overtime eligibility will receive compensatory time off at a rate of 1 ½ hours for each hour of overtime worked above 40 hours and 171 hours in a 28 day cycle for sworn law enforcement officers, **and 192 hours in a 24 day cycle for firefighters**. Actual overtime compensation will only be granted in lieu of compensatory time in special circumstances as requested by a Department Head and with the written approval of the Town Manager.

Employees, with the exception of law enforcement officers **and firefighters**, may accrue no more than 60 hours of compensatory leave time and it must be used within 90 days. For law enforcement officers **and firefighters** they may accrue up to ~~36~~ **480** hours of compensatory leave time. It is up to the discretion of the Department Head with the approval of the Town Manager to allow their employees to accrue over the respective limits for compensatory time if the business need requires it. As required by law, under no circumstances must it exceed 240 hours for regular employees and 480 hours for law enforcement, **and fire protection** employees. It is the responsibility of the Department Head to ensure that the time off is granted, and if an employee accrues more than the allotted amount of compensatory leave time, all additional hours worked must be compensated in overtime pay.

## CONDITIONS OF EMPLOYMENT

### NEW EMPLOYEE INTRODUCTORY PERIOD

All new, regular full-time or part-time employees must successfully complete a six month introductory period with the exception of the sworn police, **firefighters**, and Department Heads whom must satisfy a twelve-month introductory period. Employees serving twelve months' introductory period shall have an evaluation at the six month period and again before the end of the twelve months.

An introductory period is the initial period of employment, "trial period" during which the supervisor carefully considers whether the employee is able to meet the standards and expectations of the job and if the employee should be retained by the Town as a "regular" employee. During this time the supervisor evaluates the employee's:

- Ability to learn and perform job duties
- Quality of work
- Productivity
- Work habits
- Cooperation
- Attendance
- Punctuality
- Other standards and expectations specific to the employee's work situation.

If the employee is clearly not meeting the requirements of the job, the employee may be released at any time during the introductory period.

### WORK SCHEDULES

#### HOURS OF WORK

At the Town of Pineville, the normal hours of operation are from 8:00am to 5:00pm, Monday through Friday with an exception of a few departments (ex. Police dept., etc.) which provide services that can require flexible hours, shift work, on call hours and work 365 days a year.

Department Heads shall establish work schedules, with the approval of the Town Manager, which meet the operational needs of the department.

Normal hours of work are generally assigned as follows:

<u>Employee Group</u>	<u>Work Period</u>	<u>Hours per Day</u>	<u>Hours per Pay Period</u>
General employees	40	8	40
Some Police Personnel	36/48	12	36/48 (avg. 42)
<b>Some Fire Personnel</b>	<b>48/56</b>	<b>24</b>	<b>48/56 (avg. 52)</b>

Administrative/Professional/Executive Exempt Employees hours are not designated

The Town Manager may authorize variations from this policy as allowed under FLSA requirements.

### **LUNCH HOURS**

Employees who work at least 8 hours a day can take up to 1 hour for lunch. Employees working less than 8 hours per day may take ½ hour lunch. The lunch break is meant for employees to take time away from their work and therefore it will be deducted from time worked. Employees who are required to work during their scheduled lunch period or remain stationary, lunch time will not be deducted from time worked.

### **OVERTIME WORK**

Based on operational needs, some departments may require their employees to work overtime. All overtime must be approved by the employee's supervisor. If an employee works unauthorized overtime they will be subject to disciplinary action up to and including termination.

For each "hour worked" beyond 40 hours with the exception of law enforcement officers and firefighters, the employee must receive one and one half times their regular rate of pay or in lieu of cash payment an employee may receive compensatory time which is one and one half hours for every hour worked over 40 hours. In accordance with law, compensatory leave time must not exceed a total of 240 hours (See Overtime Pay Provisions under the compensation section of Employee Handbook for maximum compensatory leave time allowed). It is the discretion of the Town Manager to determine whether overtime will be compensated in cash or compensatory leave time.

If an employee shall terminate employment with the Town, they will be paid for all accrued but not used compensatory time.

**Law Enforcement Officers (LEO)** are entitled to overtime only for hours worked over 171 hours in a 28-day work period. LEO's will either receive one and one half times their rate of pay or compensatory time of one and one half hours worked over 171 hours in the work period. Law enforcement officers are entitled to accrue up to a total of 480 hours in compensatory time (See Overtime Pay Provisions under the compensation section of Employee Handbook for maximum compensatory leave time allowed). If an officer terminates employment from the Town, they will be paid for all unused compensatory time.

**Firefighters** are entitled to overtime only for hours worked over 192 hours in a 24-day work period.

Firefighters will either receive one and one half times their rate of pay or compensatory time of one and one half hours worked over 192 hours in the work period. Firefighters are entitled to accrue up to a total of 480 hours in compensatory time (See Overtime Pay Provisions under the compensation section of Employee Handbook for maximum compensatory leave time allowed). If a firefighter terminates employment from the Town, they will be paid for all unused compensatory time.

## HOLIDAYS AND LEAVES OF ABSENCES

### HOLIDAYS

The Town of Pineville will follow the Holiday schedule as set for by the North Carolina Office of Human Resources. The Town Manager reserves the right to change holiday schedule if deemed appropriate and also change holiday observances for holidays that fall on either a Saturday or a Sunday.

The following holidays will be observed:

- New Year's Day
- Martin Luther King Jr's Birthday or Day of Observance
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day including the Friday following the holiday
- Christmas (3 days, which will be determined by the published holiday schedule each year)

All fulltime regular employees are entitled to holiday pay as listed above. A part-time regular employee working at least 20 hours a week whether they are scheduled or not scheduled to work will receive 4 hours of holiday pay.

Non-exempt employees who are scheduled to work on a holiday will receive 8 hours of holiday pay and time and a half for hours worked (applies to all fulltime regular staff including shift personnel). For shift employees only, if a holiday falls on a regularly scheduled day off the employee will be paid 8 hours in addition to normal hours; **except for firefighters who will be paid for 12 hours. Firefighters who are scheduled to work on a holiday will receive 12 hours of holiday pay, and time and a half for hours worked.**

Part-time regular employees who work at least 20 hours a week and work on the holiday will receive 4 hours of holiday pay and pay for hours worked.

### Page 58

Fulltime employees will earn vacation leave accrual based on the chart below. All eligible part-time employees will received pro-rated vacation accruals based on the average number of hours worked in a work week.

<u>Years of Service</u>	<u>Days Accrued Per Year/Converted into Hours</u>	<u>Days Accrued Per Year/Hours</u>
	<b>40 hr per week employees</b>	<b>Firefighters</b>
0-4	10/80 hours	10/120 hours
5-12	15/120 hours	15/180 hours
13+	20/160 hours	20/240 hours

