



TOWN OF

SHALLOTTE

North Carolina



TOWN OF SHALLOTTE PERSONNEL POLICY



TOWN OF SHALLOTTE PERSONNEL POLICY

BE IT RESOLVED by the Board of Aldermen of the Town of Shallotte 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 Shallotte.

Contents

ARTICLE I. GENERAL PROVISIONS.....	8
Section 1. Purpose of the Policy.....	8
Section 2. At Will Employment	8
Section 3. Merit Principle.....	8
Section 4. Responsibilities in the Administration of the Personnel Program	8
Section 5. Application of Policies, Plan, Rules, and Regulations.....	10
Section 6. Departmental Rules and Regulations.....	10
Section 7. Definitions	10
ARTICLE II. POSITION CLASSIFICATION PLAN	11
Section 1. Purpose.....	11
Section 2. Composition of the Position Classification Plan.....	11
Section 3. Use of the Position Classification Plan	12
Section 4. Administration of the Position Classification Plan	12
Section 5. Authorization of New Positions and the Position Classification Plan	12
Section 6. Reclassification upon Combination of Position Responsibilities.....	12
Section 7. Request for Re-classification	12
ARTICLE III. THE PAY PLAN	13
Section 1. Definition.....	13
Section 2. Administration and Maintenance	13
Section 3. Starting Salaries.....	13
Section 4. Trainee Designation and Provisions	13
Section 4a. Cadet Designation and Provisions	14
Section 5. Probationary Pay Increases	14
Section 6. Performance Pay	14
Section 7. Performance Pay Bonus	14
Section 8. Salary Effect of Promotions, Demotions, Transfers, and Reclassifications	14
Section 9. Salary Effect of Salary Range Revisions	15
Section 10. Transition to a New Salary Plan.....	15
Section 11. Effective Date of Salary Changes.....	16

Section 12. Overtime Pay Provisions.....	16
Section 13. Standby and Call-back Pay	17
Section 14. Payroll Deductions	17
Section 15. Hourly Rate of Pay	17
Section 16. Pay for Interim Assignments in a Higher Level Classification.....	17
Section 17. Longevity Pay.....	18
Section 18. Payroll Discrepancies and Recovery Procedures	18
ARTICLE IV. RECRUITMENT AND EMPLOYMENT	19
Section 1. Equal Employment Opportunity Policy	19
Section 2. Implementation of Equal Employment Opportunity Policy	19
Section 3. Recruitment, Selection and Appointment	19
Section 4. Probationary Period	20
Section 5. Promotion.....	21
Section 6. Demotion.....	21
Section 7. Transfer	22
ARTICLE V. CONDITIONS OF EMPLOYMENT	22
Section 1. Work Schedule	22
Section 2. Political Activity	22
Section 3. Outside Employment.....	22
Section 4. Dual Employment.....	23
Section 5. Employment of Relatives and Other Working Relationships	23
Section 6. Harassment Prohibited.....	23
Section 7. Acceptance of Gifts or Favors	24
Section 8. Performance Evaluation	24
Section 9. Safety.....	24
Section 10. Use of Town Property and Equipment.....	24
Section 11. Drug and Alcohol Policy.....	25
SECTION 1: POLICY OVERVIEW	25
SECTION 2: PURPOSE.....	25
SECTION 3: STANDARD	25
I. Alcohol	25
II. Drugs and Other Controlled Substances.....	25
III. Prescribed Medications	25
SECTION 4: RESPONSIBILITIES	25
I. Employee Responsibilities:	25

II. Management Responsibilities	26
III. Supervisor Responsibilities.....	26
IV. Supervisor Restrictions	27
SECTION 5: TRAINING	27
SECTION 6: BASIS FOR TESTING	27
SECTION 7: DRUG AND ALCOHOL TESTS	28
I. Pre-employment Testing	28
SECTION 8: PROCEDURES FOR TESTING	30
A. Drug Testing Procedures.....	30
B. Alcohol Testing Procedures	31
C. Positive Test Results	31
D. Refusal to Test	31
E. Challenges to Results	32
SECTION 9: EMPLOYEE ASSISTANCE PROGRAM	32
SECTION 10: CONFIDENTIALITY	32
SECTION 11: IMPAIRMENT OR OTHER BEHAVIOR OFF THE JOB	33
SECTION 12: OTHER CONSIDERATIONS	33
SECTION 13: SPECIAL CONSIDERATION FOR POLICE EMPLOYEES ONLY	33
Section 13. Vehicle Use Policy	33
SECTION 1: VEHICLE USE	33
C. Definitions:	33
D. Vehicle Uses:	34
E. Procedures:	34
F. Driver Responsibilities / Requirements:	36
G. Maintenance of Vehicles:	38
H. Accident Procedures:	38
Section II: GPS	40
Section 14. Pregnant Workers Fairness Act (PWFA).....	41
ARTICLE VI. EMPLOYEE BENEFITS	42
Section 1. Eligibility	42
Section 2. Employee Group Health Insurance	42
Section 3. Other Optional Insurance Plans	43
Section 4. Retirement	43
Section 5. Supplemental Retirement Benefits	43
Section 6. Social Security.....	44

Section 7. Worker’s Compensation.....	44
Section 8. Unemployment Compensation	44
Section 9. Law Enforcement Separation Allowance	44
Section 10. Credit Union Membership.....	45
Section 11. Tuition Assistance Program.....	45
Section 12. Flower Policy	45
Section 13. Employee Assistance Program	46
ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE.....	46
Section 1. Policy	46
Section 2. Holidays	46
Section 3. Holidays: Effect on Other Types of Leave	46
Section 4. Holidays: Compensation When Work is Required or Regularly Scheduled Off for Shift Personnel	46
Section 5. Vacation Leave	46
Section 6. Vacation Leave: Use by Probationary Employees	47
Section 7. Vacation Leave: Accrual Rate	47
Section 8. Vacation Leave: Maximum Accumulation.....	47
Section 9. Vacation Leave: Manner of Taking.....	47
Section 10. Vacation Leave: Payment upon Separation	48
Section 11. Vacation Leave: Payment upon Death	48
Section 11A. Personal Leave	48
Section 12. Sick Leave	48
Section 13. Sick Leave: Accrual Rate and Accumulation.....	48
Section 14. Transfer of Sick Leave from Previous Employer.....	49
Section 15. Sick Leave: Medical Certification.....	49
Section 15A. Shared Leave Policy.....	49
Section 16. Leave Pro-rated	51
Section 17. Family and Medical Leave	51
Section 18. Family Medical Leave – Certification	53
Section 19. Family Medical Leave: Retention and Continuation of Benefits.....	53
Section 20. Leave Without Pay	53
Section 21. Worker’s Compensation Leave	54
Section 22. Military and USERRA Leave	54
Section 23. Reinstatement Following Military and other USERRA Service.....	55
Section 24. Civil Leave	55
Section 25. Parental School Leave	55

Section 26. Adverse Weather Conditions	56
Section 27. Break Time for Nursing Mothers.....	56
Section 29. Excessive Use of Leave	57
ARTICLE VIII. SEPARATION AND REINSTATEMENT	57
Section 1. Types of Separations	57
Section 2. Resignation	57
Section 3. Reduction in Force.....	57
Section 4. Disability	57
Section 5. Voluntary Retirement.....	58
Section 6. Death	58
Section 7. Dismissal.....	58
Section 8. Reinstatement.....	58
Section 9. Rehiring	58
ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT.....	58
Section 1. Disciplinary Action for Unsatisfactory Job Performance.....	58
Section 2. Unsatisfactory Job Performance Defined.....	58
Section 3. Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance	59
Section 4. Disciplinary Action for Detrimental Personal Conduct	60
Section 5. Detrimental Personal Conduct Defined	60
Section 6: Disciplinary Actions Related to Special Job Requirements	61
Section 7. Pre-Dismissal Conference.....	61
Section 8. Non-Disciplinary Suspension	61
ARTICLE X. Grievance Procedure and Adverse Action Appeal	61
Section 1. Policy	61
Section 2. Grievance Definition and Limitations.....	62
Section 3. Purposes of the Grievance Procedure.....	62
Section 4. Grievance Procedure.....	62
Section 5. Role of the Human Resources Officer	63
Section 6. Employee Concerns	63
Section 7. Grievance and Adverse Action Appeal Procedure for Discrimination	63
ARTICLE XI. RECORDS AND REPORTS	64
Section 1. Public Information	64
Section 2. Access to Confidential Records	65
Section 3. Personnel Actions.....	65
Section 4. Records of Former Employees	65

Section 5. Remedies of Employees Objecting to Material in File	65
Section 6. Penalties for Permitting Access to Confidential Records	66
Section 7. Examining and/or Copying Confidential Material without Authorization	66
Section 8. Destruction of Records Regulated	66
ARTICLE XII. IMPLEMENTATION OF POLICIES.....	66
Section 1. Conflicting Policies Repealed	66
Section 2. Severability	66
Section 3. Amendments	66
Article XIII. Personnel Related Forms.....	67

ARTICLE I. GENERAL PROVISIONS

Section 1. Purpose of the Policy

This policy sets forth the rules and regulations necessary to establish a fair and uniform system of personnel administration for all employees of the Town under the supervision of the Town Manager. This policy is established under authority of Chapter 160A, Article 7, of the General Statutes of North Carolina. The Town retains the right, in its sole discretion at any time, to change, modify, suspend, interpret differently or cancel, in whole or in part any of the published or unpublished personnel policies or procedures even though not previously communicated to employees or reprinted or inserted in the Policy Manual.

Section 2. At Will Employment

The employment relationship between the Town and the employee is terminable at the will of either at any time and with or without cause and with or without notice. No employee, officer or representative of the Town has any authority to enter into any agreement or representation, verbally or in writing, which alters, amends, or contradicts this provision or the provisions in these policies. Any exception to this policy of at-will employment must be expressly authorized in writing, approved by the Board of Aldermen and executed by the officers designated by the Board.

None of the benefits or policies set forth in these policies are intended, because of their publication, to confer any rights or privileges upon employees or to entitle them to be or remain employed by the Town. The contents of this document are presented as a matter of information only.

These personnel policies are not a binding contract, but merely a set of guidelines for the implementation of personnel policies.

Notwithstanding any of the provisions within these policies, employment may be terminated at any time, either by the employee or by the Town, with or without cause and without advance notice.

Section 3. Merit Principle

All appointments and promotions shall be made solely on the basis of merit. No applicant for employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee because of such individual's race, color, religion, gender, national origin, marital status, political affiliation, non-disqualifying disability, age, veteran status or genetic information.

Section 4. Responsibilities in the Administration of the Personnel Program

Responsibilities of the Town Aldermen

The Town 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 Town 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 Town 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 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 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 applicants to meet the needs of the Town;
- g) developing and implementing such administrative procedures as are necessary to implement these policies provided the administrative procedures are not in conflict with these policies;
- h) performing such other duties as may be required by law or assigned by the Town Aldermen not inconsistent with this Policy; and
- i) appointing an employee to the role of Human Resources Officer.

Responsibilities of the Human Resources Officer

The Town Manager shall appoint a Human Resources Officer or perform this role themselves. If serving as Human Resources Officer, the Manager may choose to delegate any of these responsibilities. The responsibilities of the Human Resources Officer are to make recommendations to the Town Manager on the following:

- a) 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 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 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 policies provided the administrative procedures are not in conflict with these policies;
- j) ensure all employees receive and sign for a copy of this policy and make periodic evaluations of the operation and effect of the personnel provisions of this Policy; and
- k) such other duties as may be assigned by the Town Manager not inconsistent with this Policy.

Responsibilities of Supervisors and Department Heads

Supervisors shall meet their responsibilities as directed by the Town Manager, being guided by this Policy and Town ordinances. The Town will require all 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 documentation and maintaining current files.

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. The Town Attorney, members of the Town Aldermen and advisory Boards and commissions will be exempted except in sections where specifically included. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws, which have been violated.

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 by the Human Resources Officer and the approval of the Town Manager and shall not in any way conflict with the provisions of this Policy, but shall be considered as a supplement to this Policy.

Where there may arise a conflict in interpretation or administration of department rules and regulations, the provisions of this policy shall govern.

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:

<i>Full-time employee</i>	An employee who is in a position for which an average workweek equals at least 37.5 hours, and continuous employment of at least 12 months, as required by the Town.
<i>Part-time employee</i>	An employee who is in a position for which an average workweek of at least 20 hours and less than 37.5 hours and continuous employment of at least 12 months are required by the Town.
<i>Regular employee</i>	An employee appointed to a full or part-time position who has successfully completed the designated probationary period.
<i>Probationary employee</i>	An employee appointed to a full or part-time position who has not yet successfully completed the designated probationary period.

<i>Temporary employee</i>	An employee, not in a regular position, for which either the average workweek 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.
<i>Trainee</i>	An employee status when an applicant is hired (or employee promoted) who does not meet all of the requirements for the position. During the duration of a trainee appointment, the employee is on probationary status.
<i>Cadet</i>	An individual conditionally hired by a law enforcement or fire agency who has not yet completed the required training or obtained certification to serve as a sworn Police Officer or Firefighter. Cadets are typically enrolled in a formal training program and must meet all training, testing, physical and psychological assessments, and other requirements set by the Town and State. They are classified as probationary employees and are not guaranteed future employment.
<i>Regular position</i>	A position authorized for the budget year for a full twelve months and budgeted for twenty or more hours per week. All Town positions are subject to budget review and approval each year by the Town Aldermen and all employees' work and conduct must meet Town standards.
<i>Unpaid Leave</i>	Unpaid leave shall be defined as separation from employment during which the employee shall not receive compensation in any form, salary, accumulation of benefits, etc., except that the individual shall be entitled to utilize vacation and compensatory leave as of the date of suspension for no more than thirty (30) days.
<i>Compensatory Time</i>	Compensatory Time (Comp. Time). A form of compensation for overtime hours worked where the employee is provided time off from work rather than receiving monetary compensation.

ARTICLE II. POSITION CLASSIFICATION PLAN

Section 1. Purpose.

The position classification plan provides a complete inventory of all authorized and allocated 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 Human Resources Officer shall allocate each position covered by the classification plan to its appropriate class, and shall be responsible for the administration of the position classification plan. The Human Resources Officer shall periodically review portions of the classification plan and recommend appropriate changes to the Town Manager.

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 Town Aldermen. New positions shall be recommended to the Town Aldermen with a recommended class title after which the Human Resources Officer, with the approval of 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 Town Aldermen and will be on file with the Human Resources Officer. Copies will be available for review to all Town employees upon request.

Section 6. Reclassification upon Combination of Position Responsibilities

When the responsibilities of a position are permanently redistributed to a currently existing position, or if additional responsibilities are added to a position, the Town Manager shall determine whether the changes to the existing position(s) substantially alter the scope of responsibilities to warrant consideration for that position's reclassification. The Town Manager shall recommend re-classifications to the Board of Aldermen for approval.

Section 7. Request for Re-classification

Any employee who considers the position in which they are classified to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall immediately transmit the request through the Department Head to the Human Resources Officer. Upon receipt of such request, the Human Resources Officer shall study the request, determine the merit of the reclassification, and recommend to the Town Manager and Town Aldermen a revision to the classification and pay plan where necessary.

ARTICLE III. THE PAY PLAN

Section 1. Definition

The pay plan includes the basic salary schedule and the "Assignment of Classes to Grades" adopted by the Town Aldermen. The salary schedule consists of minimum, midpoint, and maximum rates of pay for all classes of positions.

Section 2. Administration and Maintenance

The Town Manager, assisted by the Human Resources Officer, shall be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan shall be paid at a rate listed within the salary range established for the respective position classification, except for employees in 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 Human Resources Officer shall 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, and will recommend to the Town Manager such changes in salary ranges as appear to be pertinent. Such changes shall be made in the salary ranges such that the minimum, midpoint, and maximum rates change according to the market subject to approval by the Town Aldermen.

Periodically, the Town Manager shall recommend that individual salary ranges be studied and adjusted as necessary to maintain market competitiveness. Such adjustments will be made by increasing or decreasing the assigned salary grade for the class and adjusting the rate of pay for employees in the class when the action is approved by the Town Aldermen.

Section 3. Starting Salaries

All persons employed in positions approved in the position classification plan shall be employed at the minimum salary rate for the classification in which they are employed; however, the prior relevant experience and training of a candidate may be considered for a recommendation of initial placement and subject to budgetary limitations.

The candidate may be employed above the minimum rate of the established salary range upon recommendation of the Department Head and Human Resources Officer and approval of the Town Manager, not to exceed the midpoint of the position classification.

Section 4. Trainee Designation and Provisions

Applicants being considered for employment or Town employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred by the Town Manager to a "trainee" status, the best qualified individual shall be hired. In such cases, a plan for training, including a time schedule, must be prepared by the Department Head, and approved by the Human Resources Officer and the Town Manager. The "trainee" shall receive bi-monthly reviews of their performance during the probationary period.

"Trainee" salaries shall be no more than two salary grades below the minimum salary 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 to {a} a position for which the employee is qualified {b} demoted, or {c} dismissed. If the training is successfully completed, the employee shall be paid at least at the minimum rate established for the position for which the employee was trained.

Section 4a. Cadet Designation and Provisions

Applicants who do not yet meet all the required qualifications for a sworn Firefighter or Police Officer position may be hired into a cadet status by the Town Manager. This designation is intended to allow individuals to obtain the required training, complete academy instruction, and gain the experience necessary to become eligible for appointment to a full-duty role.

Cadets shall be considered probationary employees and are not guaranteed continued employment with the Town. Performance, conduct, and professionalism demonstrated throughout the cadet period – including participation during formal training and academy instruction – shall be closely monitored by supervisory and command staff and shall be taken into consideration in all employment-related decisions.

Upon successful completion of all required training, academy instruction, graduation — and for Police Officer positions, meeting the requirements set forth by the North Carolina Criminal Justice Education and Training Standards Commission — as well as any other conditions established by the Town, the employee may be assigned to the appropriate grade for the position of Police Officer or Firefighter and may be compensated at no less than the minimum salary rate for that established role. The employee shall begin a new probationary period of no less than twelve months.

If the required training, instructions, or other conditions are not satisfactorily completed within the designated time frame, employment may be subject to immediate termination.

Section 5. Probationary Pay Increases

Employees hired or promoted below the midpoint of the pay range may be eligible for a salary increase of up to 5% within the pay range upon successful completion of the probationary period or after six months of satisfactory service if the employee is not on probation.

Employees serving a twelve-month probationary period may be considered for this increase after six months of employment; employees with a twelve-month probationary period who receive an increase at the six-month review will not be eligible for an increase at the end of the twelve-month probationary period. Employees hired or promoted above the midpoint rate of the salary range ~~are~~ may be eligible for a probationary increase of up to 2.5%.

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. 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 and Town Aldermen. Funding for merit pay increases are subject to annual review and appropriation by the Town Aldermen.

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. Merit 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. Funding for performance pay bonus increases is subject to annual appropriations.

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

<i>Promotions</i>	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 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.
<i>Demotions</i>	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 employees' 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 5%. Salaries of demoted employees may be no greater than the maximum of the new range.
<i>Transfers</i>	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.
<i>Reclassifications</i>	An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase of 5% or an increase to the minimum rate of the new pay range, whichever is higher. 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 until the range is increased above the employee's salary.

Section 9. Salary Effect of Salary Range Revisions

Subject to the availability of funds and approval of the Town Aldermen, when an individual class of positions is assigned to a higher salary range, employees in that class shall normally receive a pay increase of 5%, or to the hiring rate of the new range, whichever is higher. 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 until such time as the employee's salary range is increased above the employee's current salary.

General salary range adjustments (market adjustments) to the entire salary schedule will be implemented by adjusting the Town's overall salary schedule up (or down) by the same percentage amount. General salary range adjustments will be approved by the Town Board of Aldermen, normally during the annual budget review.

Section 10. Transition to a New Salary Plan

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

- 1) No employee shall receive a salary reduction as a result of the transition to a new salary plan.

- 2) 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, to the minimum if the employee has completed probation.
- 4) 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.

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. 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 Head. Overtime work should normally be approved in advance by the Department Head, 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 Human Resources Officer shall determine and recommend to the Town Manager 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 Head or supervisor, except in cases of emergency.

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; 171 hours for sworn police in a 28 day cycle or 43 hours in a 7- day cycle; 212 hours for firefighter in a 28 day cycle). Hours worked beyond the FLSA established limit will be compensated in either time or pay at the appropriate overtime rate.

In determining eligibility for overtime in a work period, only hours actually worked shall be considered and vacation, sick leave, or holidays will be excluded in the computation of hours worked for FLSA purposes.

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.

In emergency situations, where employees are required to work long and continuous hours, the Town Manager may approve compensation at time and one-half for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe working conditions.

Compensatory leave balances may not exceed 240 hours except for public safety employees (sworn police) who may not accrue more than 480 hours. Any overtime worked after such maximum balances must be compensated in pay. The Manager will be notified whenever a compensatory balance exceeds 100 hours.

Non-exempt employees, with prior approval from their supervisor, may choose to work through their meal break once per pay period. Working through a meal break is a privilege granted by the Town and should be used on an occasional basis, rather than as a regular practice, to avoid disruption of workflow. Requests should be submitted in advance to the employee's supervisor and must be approved by the employee's supervisor.

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 occasional compensatory leave by their supervisor where the convenience of the department allows and in accordance with procedures established by the Town Manager. 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 may be compensated at a rate of up to time and one 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, as authorized by the Town Manager.

Section 13. Standby and Call-back Pay

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 a minimum payment of two hours of wages or compensatory time for being called back to work outside of normal working hours. Hours actually worked while on call-back are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week. "Call-back" provisions do not apply to previously scheduled overtime work (scheduled in advance).

Standby

Non-exempt employees required to be on "standby" duty will be paid for one day (8 or 8.4 hours) of work for each week (approximately 128 hours, excluding work time) of standby time they serve. Standby compensation for less than one full week shall be determined by the ratio of .04 hours of pay per one hour of standby time. Hours actually worked while on standby are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week. Standby time is defined as that time when an employee must carry a communication device (on-call phone, cell phone, radio) and must respond immediately to calls for service.

Section 14. 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 considering the capability of the payroll system, associated increase in workload, and appropriateness of the deduction.

Section 15. Hourly Rate of Pay

Employees working in a part-time or temporary 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. Exceptions must be approved by the Town Manager.

The hourly rate for employees working other than 40 hours per week, such as police officers working an average 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 one month, by the Town Manager 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 level

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. Longevity Pay

Full-time employees of the Town may be compensated for years of service by payment of a longevity supplement based on continuous years of service as of December 31st of each year if funds are appropriated. Continuous service is continuous employment with the Town of Shallotte including any approved leave or involuntary reduction in force. Longevity shall be prorated during the first year of employment.

Longevity amounts shall be as follows:

YEARS OF SERVICE	PERCENTAGE
0 - 4	.75%
5 - 9	1.00%
10 - 14	1.50%
15 - 19	2.25%
20 – 24	3.25%
25+	4.50%

Section 18. Payroll Discrepancies and Recovery Procedures

In the event that a clerical, administrative or system error results in an employee receiving an underpayment of wages or benefits, the error will be corrected on the following next payroll cycle.

In the event that a clerical, administrative, or system error results in an employee receiving an overpayment of wages or benefits, the employee is required to repay the full amount of the overpayment to the Town. Overpayments include, but are not limited to, excess wage and salary payments, erroneous refunds, under-withheld FICA/Social Security insurance programs and miscellaneous deductions.

The Town will notify the employee in writing of the overpayment, including the amount and the reason it occurred. A repayment plan may be arranged, if necessary, at the discretion of the Town Manager, provided it complies with applicable state and federal wage laws.

Failure to repay the overpayment may result in payroll deductions, as permitted by law, or other collection efforts deemed appropriate by the Town Manager.

It is the responsibility of all employees to review their pay statements regularly and report any discrepancies to Payroll or Human Resources immediately. For more information, please refer to the Finance Department Policies and Procedures Manual.

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Equal Employment Opportunity Policy

Town of Shallotte is fully committed to equal employment opportunity (EEO) principles, and issues this anti-discrimination/EEO compliance clause to support and maintain employee's rights and responsibilities relating to equal employment. The core of equal employment opportunity is the right to work and advance on the basis of merit, ability, and potential, free from prejudice or discrimination. In accordance with the applicable anti-discrimination statutes, executive orders, and other authorities, Town of Shallotte protects employees against discrimination, to the fullest extent of law, on the basis of race, color, religion, sex (including transgender status and pregnancy), national origin, sexual orientation, gender identity, age (40 or older), disability, genetic information, marital status, political affiliation, whistleblower activity, parental status, and military service (past, present, or future), veteran status, and against retaliation for participation in EEO activity or opposition to discrimination.

Section 2. Implementation of Equal Employment Opportunity Policy

The Human Resources Officer 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 race, color, religion, sex (including transgender status and pregnancy), national origin, sexual orientation, gender identity, age (40 or older), disability, genetic information, marital status, political affiliation, whistleblower activity, parental status, and military service (past, present, or future), veteran status, and against retaliation for participation in EEO activity or opposition to discrimination except where certain physical and mental requirements are Bona-fide Occupational Qualifications (BFOQ). 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

All Town positions will be filled on a competitive basis. The specific process will be determined by the hiring official in consultation with the Human Resources Manager and will be based on the skill level of the position, the anticipated pool of qualified applicants and how they can be recruited, the diversity of the current workforce and other bona-fide occupational requirements.

The processes for hiring sworn Police Officers and Firefighters personnel have exceptions to this policy depending on the approved procedures established by those respective departments and various requirements for screening and testing to meet required qualifications.

Recruitment Sources

When position vacancies occur, the Human Resources Office shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Information on job openings and hiring practices will be published in local and or/other news/social media as necessary to inform the community and create a quality and diverse pool of applicants. In addition, notice of vacancies shall be posted at designated conspicuous sites within departments. Individuals shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that well-qualified applicants are obtained for Town service. In 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

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 that are vacant. 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 Equal Employment Opportunity Commission guidelines.

Selection

Department Heads, with the assistance of the Human Resources Officer, shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position. All selection devices administered by the Town shall be valid measures of potential job performance based on the required skills established in the position requirements.

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 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.

In compliance with G.S. 160A-164.2(b), if the position being filled requires an applicant for employment to work with children in any capacity, the Town must require the applicant, if offered the position, to be subject to a criminal history record check conducted by the SBI. These checks must be performed in accordance with G.S. 143B-1209.26, which authorizes the SBI to provide fingerprint-based state and national criminal record check to cities and counties.

Appointment

Before any commitment is made to an applicant either internal or external, the Department Head shall make recommendations to the Human Resources Manager regarding the salary to be paid, and the reasons for selecting the candidate over other candidates. The Human Resources Manager and Department Head shall recommend approval of appointments and the starting salary for all applicants to the Town Manager. The Town Manager shall approve appointments and the starting salary for all applicants.

Section 4. Probationary Period

All newly employed individuals shall participate in a new employee orientation which shall include, at a minimum, the completion and explanation of all required forms and documents, an overview of Town and Department policies and an explanation of probationary employee expectations and procedures.

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 positions 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 six-month probationary period shall have a review at the conclusion of three months and at the conclusion of the six month period; twelve-month probation shall have a probationary review at the end of three and eight months as well as before the end of twelve months. This is a period of adjustment and learning. It is time for the employee and the Town to ensure that this is the proper career path for the employee. The employee is not guaranteed employment during the probationary period upon the completion of the probationary period.

An important purpose of the probationary period is to provide an opportunity for the new employee 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 accept additional responsibility, to demonstrate good work habits and to work well with the public and fellow employees. 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 Human Resources 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 for disciplinary action. A probationary employee dismissed during the probationary period is not eligible for terminal pay for accrued vacation leave.

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. The Town will balance three goals in the employment process:

- 1) the benefits to employees and the organization of promotion from within;
- 2) providing equal employment opportunity and a diversified workforce to the community; and
- 3) 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 (such as promotions to Police Sergeant), or exceptional qualifications of an internal candidate so indicate, the Town will 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.

Department Heads are responsible for developing staff capacity to provide back up for coworkers and to prepare employees for higher-level positions; to prepare staff and the organization for smooth transitions because of staff changes; and to insure capacity to cover interim absences and vacancies.

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. Voluntary demotions are subject to the Town Manager's approval.

In the event that the Town, due to staffing or budgetary needs, is required to reduce staff it may, at its sole discretion, move an employee to a position with a lower classification than currently held. That employee's pay rate shall be frozen at the level at the time of demotion until such time that the pay rate of the lower classification exceeds the salary at the time of demotion.

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 Head wishing to transfer an employee to a different department or classification shall make a recommendation through the Human Resources Officer to the Town Manager with the consent of the receiving Department Head. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this Policy. 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 heads shall establish work schedules, with the approval of the Town Manager, which meet the operational needs of the department in the most cost effective manner possible.

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 Head. The Department Head 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.

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

Section 4. Dual Employment

Dual employment is defined as employees holding more than one job with the Town. The Fair Labor Standards Act regulates dual employment very strictly requiring that any hours over 40 in the two or more combined jobs be compensated at time and one half using an hourly rate that is pro-rated based on the two different jobs. The Town will consult FLSA regulations in all dual employment cases to ensure that the regulations are followed.

Section 5. Employment of Relatives and Other Working Relationships

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

The Town also prohibits the employment of any persons into a position who is an immediate family member of individuals holding the following positions: Mayor, Town Aldermen Member, Town Attorney, Town Manager, or Human Resources Manager.

For the purposes of this policy, "immediate family" shall be defined as spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, and in-laws, as well as step-relationships (step-parents, step-siblings) and half-relationships (half-siblings). This policy also includes individuals living in the same household who share a relationship comparable to immediate family members.

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 gender, race, color, religion, national origin, age, disability, veteran status, sexual orientation, or genetic information. 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

- 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- 3) 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 and offensive sexual language.

Any employee who believes that he or she may have a complaint of harassment may follow the Grievance Procedure described in this Policy or may file the complaint directly with the Human Resources Officer or Department Head who will immediately notify the Town Manager. The employee may file the complaint directly with the Town Manager if it involves a Department Head. The Human Resources Officer 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.

Section 7. Acceptance of Gifts or Favors

The proper operation of Town government requires that public 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. No official or employee of the Town shall solicit or accept any gift, favor, or thing of value (\$50 or more) that may tend to influence such employee in the discharge of the employee's duties, or grant in the discharge of duty an improper favor, service, or thing of value.

Section 8. Performance Evaluation

Supervisors and/or Department Heads shall normally conduct performance evaluation conferences with each employee at least once a year. These performance evaluations shall be documented in writing and placed in the employee's personnel file. Procedures for the performance evaluation program shall be published by the Human Resources Officer with the approval of the Town Manager.

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, precautions, and training in safety methods. Department Heads and supervisors are responsible for ensuring safe work procedures, including the use of all required personal protective equipment and providing necessary safety training programs.

All employees shall properly use all personal safety equipment furnished by and/or required by the Town. Employees shall follow the safety policies and procedures and attend safety training programs as a condition of employment.

The failure of an employee to adhere to Town safety guidelines may be subject to disciplinary action.

Section 10. Use of Town Property and Equipment

Town equipment, 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. All offices, desks, files, lockers, etc. are considered Town property and are provided to the employee for the employee's use in his/her employment. The Town reserves the right to inspect all areas and articles that are on Town property and shall maintain a master key and/or combinations for locks. Any information or article which an employee considers private and/or personal should not be kept on Town property.

All Town property issued to the employee shall be returned to the employee's supervisor upon termination of employment prior to the issuance of the final paycheck.

Section 11. Drug and Alcohol Policy

SECTION 1: POLICY OVERVIEW

The Town of Shallotte has a responsibility to all employees to provide a safe, healthy, and productive work environment, and a responsibility to the public to ensure that its safety and trust in the Town of Shallotte is upheld. Substance abuse undermines these objectives. The use of drugs and alcohol can significantly impair an individual's health, judgment, and coordination, adversely affecting workplace safety, job performance, and personal well-being.

Therefore, the Town of Shallotte has adopted a policy **applicable to all Town employees** that prohibits the following behaviors by employees:

- The use, abuse, or being under the influence of drugs, alcohol, controlled substances, or the abuse of prescription medications, while on work time or work premises, or in Town vehicles.
- The possession, sale, distribution, or provision of alcohol or any controlled substance while on work time or work premises, or in Town vehicles.
- Reporting to work or working while intoxicated or otherwise impaired.

Any violations of this policy will subject the employee to disciplinary action, up to and including termination.

SECTION 2: PURPOSE

The purpose of the drug and alcohol policy is to:

1. Identify all requirements and actions necessary to eliminate drug abuse and alcohol misuse in the Town of Shallotte.
2. Ensure full compliance with federal requirements for establishing a drug-free workplace.
3. Identify when, and under what conditions Town employees are subject to drug and alcohol testing.

SECTION 3: STANDARD

I. Alcohol

No employee shall report for duty or remain on duty while having a blood alcohol concentration (BAC) of 0.01 or greater. No employee shall possess or consume alcohol while on duty. No employee shall perform safety-sensitive functions within four hours after consuming alcohol. No employee required to take a post-accident test shall use alcohol for eight hours following the accident, or until the employee undergoes a post-accident alcohol test, whichever occurs first.

II. Drugs and Other Controlled Substances

No employee shall report for duty or remain on duty when the employee has used any drug or controlled substance in amounts that would result in a positive result on any alcohol or drug test administered by the Town pursuant to this Policy, except when it is recommended by a physician pursuant to a legal prescription and the physician has advised that the drug or controlled substance does not adversely affect the employee's ability to safely operate a motor vehicle.

III. Prescribed Medications

All employees taking prescribed medications or over-the-counter medication that could impair their ability to carry out their job duties safely must report this to their immediate supervisor.

SECTION 4: RESPONSIBILITIES

I. Employee Responsibilities:

- a. Employees shall not report to work or be subject to duty when they have used alcohol, drugs, or any controlled

substance in amounts that would result in a positive result on any alcohol or drug test administered by the Town pursuant to this Policy, except where they have a lawful prescription.

- b. Employees shall not possess or use drugs or alcohol during working hours, on breaks, during meal periods, while on Town property, or while operating any Town equipment or vehicles.
- c. Employees shall not directly or through a third party sell, distribute, or provide drugs or alcohol to any person or to any other employee while either employee or both employees are on duty, "on-call", in uniform, on Town property, or operating Town equipment or vehicles.
- d. Employees shall not perform safety-sensitive functions within four hours of consuming alcohol.
- e. Employees shall submit immediately to reasonable requests for testing when requested by a supervisor or other Town representative.
- f. Employees shall notify the employee's supervisor, before beginning work when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of Town equipment or vehicles.
- g. Employees shall provide, within 24 hours of a request, a current valid prescription for any drug or medication identified when a drug screen/analysis is positive. The prescription must be in the employee's name.
- h. Employees shall notify the Shallotte Police Department and management, or police department in local jurisdiction, of any accidents or property damage in a Town vehicle and notify the supervisor of any type of accident or property damage as soon as possible or no later than 24 hours following an accident.

Failure to comply with these responsibilities of any other reasonable request by a supervisor or other Town representative may result in immediate disciplinary action, up to and including termination.

II. Management Responsibilities

The Town Manager or Department Heads shall:

1. Disseminate this policy and any subsequent revisions to all supervisors.
2. Support supervisor training.
3. Contract for specimen collection with a reliable medical provider.
4. Contract for specimen analysis with a laboratory with appropriate certifications(s).
5. Provide employees with an Employee Assistance Program (EAP), with access to counseling for a limited amount of visits.
6. Comply with and enforce this policy uniformly through the Town.

III. Supervisor Responsibilities

1. Disseminate this policy and any subsequent revisions to all subordinates.
2. Attend and utilize all scheduled training.
3. Comply with this policy and enforce it consistently.
4. Prevent any employee reasonably believed to be under the influence of drugs or alcohol from working and arrange for testing if appropriate.
5. Upon an employee's refusal to submit to testing, remind the employee that testing is mandatory and that refusal to participate will be considered a positive test.
6. Arrange for escort and transportation of employee to a testing facility. Instruct an employee believed to be under the influence of drugs or alcohol to wait for a reasonable time before attempting travel without assistance or arrange for transportation if necessary.
7. Inform the Shallotte Police Department, Human Resources, and Town Manager if the supervisor has a reasonable suspicion that an employee is in possession of illegal drugs.

8. Inform any employee experiencing unexplained changes in work performance or behavior of the availability of assistance through EAP.

IV. Supervisor Restrictions

Supervisors shall **not**:

1. Forcibly detain an employee
2. Unlawfully search an employee's person, personal belongings, personal possessions, or personal vehicles.

SECTION 5: TRAINING

Supervisors will be trained to recognize behaviors that may indicate drug and alcohol abuse and how to take appropriate referral action, and how to follow proper post-accident protocols.

Employees will be shown this policy prior to or on their first day of employment and will acknowledge it is their responsibility to become familiar with the rules, regulations, policies, and procedures. Employees and supervisors will complete Drug Free Workplace training within the first week of employment, and as needed on an ongoing basis.

SECTION 6: BASIS FOR TESTING

The Town will use Mandatory Testing or Random Testing only to the extent that the Town is required by law, or in order to comply with the recommendations or requirements of a professional "standards" group such as the North Carolina Criminal Justice Training and Standards Commission, or the National Fire Protection Association (NFPA).

All permanent employees of the Town of Shallotte are subject to drug and alcohol testing as outlined in this policy. The types of testing an employee is subject to will depend on their department and position, and may include the following:

- Pre-employment
- Random
- Reasonable suspicion/cause
- Return to duty
- Follow-up
- Post-Accident

Employees who are considered High Risk or Safety-Sensitive (HRSS Category) are subject to random drug testing. This will include employees permanently or temporarily assigned to an HRSS position. Police officers, firefighters, and other emergency response personnel are considered HRSS due to the safety-sensitive nature of their duties.

A High Risk or Safety-Sensitive position includes:

1. Positions requiring the operation of vehicles, machinery, or equipment, or the handling of hazardous materials, the mishandling of which may place the employee, fellow employees, or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace.
2. Positions where the employee's mental fitness is necessary to minimize or prevent the risks described in 1.
3. Positions, which require a Commercial Driver's License as regulated by the Department of Transportation.

SECTION 7: DRUG AND ALCOHOL TESTS

I. Pre-employment Testing

All applicants who receive a conditional offer of employment from the Town will be required to undergo drug testing prior to beginning employment. The Human Resources Department will coordinate and schedule all pre-employment drug screenings.

Employment will be contingent upon successfully passing a pre-employment drug test. A confirmed positive drug test result, unless supported by a valid and verifiable prescription, will result in disqualification from employment consideration. Refusal to submit to the required drug test will also result in disqualification from employment. Applicants will be advised of any disqualification under this policy.

Pre-employment testing will also be required for current employees who are:

- Transferring from a non-safety-sensitive position to a safety-sensitive position for the first time, or
- Returning to a safety-sensitive position after an absence of more than 90 calendar days.

II. Random Testing

Unannounced random testing will be completed for the designated percentage of HRSS employees. These employees are selected in a statistically sound random selection process from a pool of all eligible employees. The Human Resources Department will coordinate and schedule all random drug screenings.

An employee who has been selected to submit to the random testing will be immediately driven to the testing site by the immediate supervisor or human resources. The employee will remain continually supervised upon receiving notification of required testing.

III. Reasonable Suspicion/Cause

Reasonable Suspicion is a belief based upon specific, contemporaneous, articulable observations regarding an employee's appearance, behavior, speech, or odors that indicate the employee may be using, or has used, drugs or alcohol in violation of the Town's policy.

Any employee who while working on Town property, while operating a Town vehicle, or while otherwise on duty, demonstrates work performance or behavior that creates a reasonable suspicion that the employee is under the influence of alcohol or drugs in violation of this policy shall be subject to alcohol or drug testing.

Supervisors are expected to remain observant of employee behavior and performance that may indicate impairment and promptly document and report such observations to Town Manager or Human Resources. Supervisors should use the Town's Reasonable Suspicion Determination Form. All reasonable suspicion testing must be approved by the Town Manager or Human Resources whenever possible prior to the test being administered.

A written record must be documented outlining the basis for administering a reasonable suspicion test for alcohol or drugs and signed by the supervisor or Department Head who made the determination of reasonable suspicion within twenty-four (24) hours of the observed behavior or before the results of the alcohol or drug test are released, whichever is earlier.

Once a reasonable suspicion is established, the employee shall not be allowed to report to duty or remain on duty until:

1. An alcohol or drug test is administered and the results of such test are negative, or
2. Eight (8) hours have elapsed following a determination of reasonable suspicion of alcohol, or
3. Thirty-two (32) hours have elapsed following a reasonable suspicion of drugs.

A test for alcohol shall be administered within two (2) hours, but no later than eight (8) hours, following determination of reasonable suspicion. If the test is not administered within two (2) hours, the supervisor must document the reason(s) the test was not promptly administered. If the test is not administered within (8) hours, the supervisor shall cease attempts to administer the test and shall prepare and maintain a written record stating the reason(s) for not administering the test.

A test for drugs should be administered as soon as possible, but not later than thirty-two (32) hours, following the determination of reasonable suspicion. If the test is not administered within thirty-two (32) hours, the supervisor shall cease attempts to administer the test and shall prepare and maintain a written record stating the reason(s) for not administering the test.

Supervisors who fail to take appropriate action when there is reasonable cause to believe an employee is impaired while at work may be subject to corrective action.

IV. Return to Duty Testing

Return to duty testing is required for any employee who has been suspended due to violating this policy and is returning to work on the recommendation of the substance abuse professional following their suspension period.

A negative test result is required before the employee may be authorized to return to duty. A positive return to duty test shall result in termination.

Nothing in this section requires the Town to return an employee to safety-sensitive duties because the employee has met these conditions.

V. Follow-up Testing

If an employee is allowed to return to duty following referral, evaluation, and treatment, a minimum of six (6) unannounced periodic follow-up alcohol and/or drug tests will be required during the next 12 months of employment. Follow-up testing may continue for up to 5 years following return to duty at the Town's discretion, based on recommendations from the EAP or Substance Abuse Professional (SAP).

A positive follow-up test will result in termination.

Follow-up testing is separate from and in addition to Random Testing. Employees subject to follow-up testing must also remain in the standard random pool and must be tested whenever their names come up for random testing, even if this means being tested twice in the same week or month.

VI. Post-Accident Testing

A post-accident test, which includes a drug and an alcohol test, will be given immediately to Town employees who are involved in an accident meeting the following certain criteria:

TYPE OF ACCIDENT INVOLVED	CITATION ISSUED TO THE DRIVER	TEST MUST BE PERFORMED BY EMPLOYER
Human Fatality	Yes	Yes
Human Fatality	No	Yes

Bodily Injury with Immediate Medical Treatment Away From the Scene	Yes	Yes
Bodily Injury with Immediate Medical Treatment Away From the Scene	No	No
Disabling Damage to Any Motor Vehicle Requiring Tow Away	Yes	Yes
Disabling Damage to Any Motor Vehicle Requiring Tow Away	No	No

An employee who is subject to post-accident testing under the section above shall remain readily available for such testing or may be deemed by the Town to have refused to submit to testing. Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of the accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

No employee required to take a post-accident test shall use alcohol for eight hours following the accident, or until the employee undergoes a post-accident alcohol test, whichever occurs first.

Post-accident testing for alcohol will be administered immediately following the accident or as soon thereafter as medically and legally possible, but no later than eight (8) hours after the accident. If the test is not administered within two (2) hours, the supervisor shall prepare and maintain a written record stating the reason(s) why the test was not administered within two (2) hours. If the test is not administered within eight (8) hours, the supervisor shall cease attempts to administer the test and shall prepare and maintain a written record stating the reason(s) why the test was not promptly administered.

Post-accident testing for drugs will be administered immediately following the accident or as soon thereafter as medically and legally possible, but no later than thirty-two (32) hours after the accident. If the test is not administered within thirty-two (32) hours, the supervisor shall cease attempts to administer the test and shall prepare and maintain a written record stating the reason(s) why the test was not promptly administered.

SECTION 8: PROCEDURES FOR TESTING

The Town will follow these procedures for drug and alcohol testing.

A. Drug Testing Procedures

The Town will contract with health care professionals for collecting specimens and conducting analysis. Chain of custody procedures for sample collection and testing will be utilized to ensure proper record keeping, handling, labeling, and identification for samples. The Town will only use a laboratory for analysis, which has received appropriate certification(s). Appropriate measures shall be taken to ensure confidentiality and accuracy of results.

All drug tests require an employee to provide a urine specimen for urinalysis at an approved medical facility. The collection, analysis, and reporting processes are strictly controlled to ensure accuracy of test results and maximum confidentiality.

Every urine specimen undergoes an initial screening followed by a confirmation test for all positive screen results. Any confirmed positive test result is reviewed and interpreted by a Medical Review Officer (MRO). The MRO is responsible for confirming test results.

B. Alcohol Testing Procedures

Employees selected for alcohol testing must be escorted to the testing facility. The testing will be performed in an area which gives privacy to the employee. If an employee refuses to undergo the alcohol test, the results will be handled as though a 0.01 or greater result had been obtained.

If adequate breath is provided, the device will immediately register and display a result. If the result is a BAC of less than 0.01, no further testing is authorized, and the results will be sent in a confidential manner to the Town and stored by the Town in a confidential manner.

If a result is a BAC of 0.01 or greater, a confirmation test must be performed to verify the initial test. This test will occur between 15 and 20 minutes after the first test. If the results differ, the confirmation test results will be considered the valid test.

Both the employee and the technician will sign and date the test results.

If the employee does not provide an adequate amount of breath, the Town will direct the employee to seek a medical evaluation, at the employee's expense, as soon as possible from a licensed physician who is acceptable to the Town. The physician will state in writing if there is a medical condition which prevents the employee from providing the necessary breath. If there was a medical reason, the Town will reimburse the employee for his or her expenses. If the physician states there is no medical reason, the employee will be considered to have refused the test, and the Town will take appropriate measures.

C. Positive Test Results

Any Town employee who receives a confirmed alcohol breath test result with a BAC of .01 or greater will be prohibited from operating a Town vehicle or driving on behalf of the Town for at least 24 hours following the positive test. In addition, the employee will be subject to disciplinary action, up to and including termination.

Any Town employee who tests positive for drugs or controlled substances, or who receives a confirmed alcohol breath test result with a BAC of .01 or greater, will be immediately removed from safety-sensitive functions and will be referred to the Employee Assistance Program (EAP) for support. The employee will be subject to discipline, up to and including termination.

If a Town employee receives a citation for Driving Under the Influence (DUI) either on or off duty, that employee will not be permitted to operate a Town vehicle until test results are received by the Town. If the results are confirmed positive, the employee will be restricted from driving a Town vehicle for a period of one year.

A confirmed positive drug/controlled substances or alcohol test result will subject the employee to disciplinary action, up to and including termination.

Temporary employees who test positive may be released without recourse or appeal.

D. Refusal to Test

A refusal to test includes actions such as failing to appear for the test, failing to remain at the testing site, refusing to provide a specimen or adequate breath, tampering with or adulterating a specimen, or refusing to follow the testing process as required. An employee who refuses testing will be treated as having tested positive.

In **post-accident** situations, for an alcohol test, if 2 hours elapse and the test has not been administered, the supervisor will document the reasons the test was not administered promptly. If the employee has not received an alcohol test within 8 hours, the Town will stop trying to get the test, and the supervisor will document the reasons. In the case of a drug test, if the employee has not submitted to the test within 32 hours, the Town will stop trying, and will document the reason. The required form is to be used to document refusal of testing.

If the employee is sufficiently impaired that they may not understand the consequences, they should be placed on sick leave (or leave without pay if sick leave is not available).

Applicants who refuse testing will no longer be considered for the position.

E. Challenges to Results

An applicant or employee has 72 hours from being notified of a positive result to request that the split specimen be tested, at the employee's expense.

SECTION 9: EMPLOYEE ASSISTANCE PROGRAM

In cases where an employee announces that they have a substance abuse problem, the employee will be referred to the Employee Assistance Program (EAP) for evaluation, referral, and treatment. If it is determined that the employee requires rehabilitation, the EAP will assist in selecting a program of rehabilitation for the employee. The employee may use accumulated sick leave while participating or will be granted leave without pay (LWOP). In either case, sick leave and LWOP separately or in combination may not exceed 90 days without an extension approved by the Town Manager or their designate. Reinstatement may be contingent upon certification by the treatment provider that the employee has successfully completed the initial structured treatment program.

In cases where the employee tests positive following a random, reasonable suspicion, or post-accident test, or where an employee refuses testing, the employee shall be referred to the Town's EAP provider. The EAP referral is independent of any disciplinary action the Town may take as the result of a positive test or refusal to test.

While the initial consultations with EAP are at no cost, the expense of any treatment program is the employee's responsibility.

SECTION 10: CONFIDENTIALITY

The reports or test results may be disclosed to management on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without employee consent, may also occur when:

1. A disclosure is required by law
2. The information has been placed at issue in a formal dispute between the employer and the employee.
3. The information is to be used in administering an employee benefit plan.
4. The information is needed for the diagnosis or medical treatment of the patient who is unable to authorize disclosure.

The Human Resources Department shall keep confidential records or test results, EAP referrals, and employment status. Information will be released only as required by law or as expressly authorized.

An employee shall have access to their own alcohol and drug records upon written request.

When requested, the Town will disclose post-accident testing information to the National Transportation Safety Board as part of an accident investigation.

The Town will make records available to a subsequent employer only upon receipt of written authorization by the employee.

The Town may disclose information to the employee or to the decision-maker in a lawsuit, grievance, or other proceedings initiated by or on behalf of the individual, or in accordance with other legal proceedings. This may include workers compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee.

SECTION 11: IMPAIRMENT OR OTHER BEHAVIOR OFF THE JOB

Any employee whose job duties require operation of a motorized vehicle, hazardous machinery or use of hazardous materials who is CHARGED with a controlled substances or alcohol related offense (including DWI) must notify the appropriate supervisor or Department Head within one work day of arrest, arraignment, or indictment. Any employee who is required to have a driver's license for the performance of their job duties will be placed either in a non-disciplinary or a disciplinary suspension without pay status until their license is returned after the automatic ten-day revocation. An employee's failure to notify his/her supervisor or Department Head may result in disciplinary action, up to and including termination. Under no circumstances shall an employee operate a Town vehicle or equipment without a valid operator's license.

Any employee CONVICTED of a controlled substance or alcohol related offense must notify the appropriate supervisor or Department Head within one workday of conviction. Failure to notify management may result in disciplinary action, up to and including termination. If an employee's job functions require a valid driver's license and the employee's license is revoked, the employee shall be subject to disciplinary action, up to and including termination. Failure to notify supervisor or Department Head of any revocation shall result in disciplinary action, up to and including termination. Under no circumstances shall an employee operate a Town vehicle or equipment without a valid operator's license.

Any employee convicted of an off the job controlled substance or alcohol related offense which could directly, or indirectly, affect his/her credibility or ability to carry out effectively the duties and responsibilities of his/her position with the Town of Shallotte, shall be subject to review by the Town Manager and possible disciplinary action, up to and including termination.

SECTION 12: OTHER CONSIDERATIONS

This policy does not create any legal rights to Town employment, which do not otherwise exist. Should any provision of this policy or procedure be ruled invalid or unconstitutional, the ruling shall not affect or impair any of the remaining provisions.

SECTION 13: SPECIAL CONSIDERATION FOR POLICE EMPLOYEES ONLY

All applicants for employment as criminal justice officers, as well as veteran officers applying for lateral transfer to a new agency, are subject to drug testing rules adopted by the Criminal Justice Education and Training Standards Commission. Should the Town's Drug and Alcohol Policy or this Standard Procedure conflict with the Commission's rules now or in the future, then the Commission's rules shall take precedence.

Section 13. Vehicle Use Policy

SECTION 1: VEHICLE USE

A. Subject: Town Vehicle Assignment and Use of Town Vehicles

B. Purpose: This policy establishes procedures regarding the assignment of Town vehicles, use of Town vehicles, and business use of private vehicles. This applies to all Town employees who operate a motor vehicle owned or leased by the Town unless otherwise noted within the policy. This policy is also prepared according to all applicable Federal and State regulations regarding tax reporting of employer provided take-home vehicles.

C. Definitions:

Assigned Vehicle: A Town-owned automobile, truck, or leased vehicle designated for the use of an individual

employee in the normal performance of his/her duties but not authorized for take-home use.

Mileage Reimbursement: A per mile rate to compensate employees for the incidental, non-routine, or extraordinary use of a privately owned vehicle for official business, based on actual logged miles.

Take-Home Vehicle: A Town-owned or leased automobile or truck designated for the use of an individual employee in the normal performance of his/her duties including the commute from home to work.

At-Fault: An accident/incident or collision caused by the employee's negligence. This includes an employee failing to fulfill his/her basic obligation to behave with reasonable degree of care on the road and/or prevent harm to another person or property.

D. Vehicle Uses:

- a. Only Town employees or drivers on Town business and authorized by a Town Manager and Department Head may drive or operate Town vehicles or equipment.
- b. Town-owned or leased vehicles are to be used for official business only with reasonable consideration for use for meals, while performing business on behalf of the Town. For individuals assigned vehicles for overnight use, stopping between work and home to perform some minor personal business may be acceptable but any such use should be the exception rather than the rule, and only if the stop is directly in route from work to the employee's residence.
- c. Town-owned or leased vehicles are not assigned for nor shall they be used for the convenience of the employee with regard to transportation needs or other non-business activities except as determined by the Town Manager with concurrence of the Town Board.
- d. Alcoholic beverages or any illegal drugs are not permitted in ~~city~~ town vehicles at any time. Law enforcement personnel or lab personnel as approved by proper police authority may transport lawfully confiscated alcoholic beverages or drugs.

E. Procedures:

- I. Take-Home Vehicles
 - a. For an employee to be authorized for the take-home use of a Town-owned or leased vehicle, the employee must possess a valid North Carolina's driver's license, maintain a safe driving history, and meet one of the following tests:

Test 1 - The employee is:
1. Subject to frequent after-hours emergency callback or other unscheduled work, and
2. Such unscheduled work involves the first response to a real or present threat to life or property requiring an immediate response, and
3. A specialized vehicle, tools, or equipment are required for the performance of emergency duties.

Test 2 - The employee is:
1. Subject to frequent after-hours callback, and
2. Such callback arrangements are to locations other than the employee's normal duty station, and
3. A special vehicle, tools or equipment are required to perform after-hours assignments, and
4. An unacceptable delay in the response would result from the employee's return to the normal duty station to retrieve the needed equipment.

- b. Assignments are not permanent. When priorities or circumstances have changed, vehicles should be reassigned. All take home vehicle assignments must be reviewed and evaluated by the Department Heads and Town Manager annually beginning July 1st. The following conditions should be considered:
- Requirements of the job.
 - Productivity.
 - Availability of Town vehicles.
 - Cost to the Town.
- c. No personal use of take-home vehicles is permitted. For the purposes of this policy, the daily commute to and from the employee's work location and normal meal periods within on-duty hours are considered official use.
- d. No passengers may be transported in take-home vehicles except as required for official duties or as approved by the Town Manager.
- e. Except as approved by the Town Manager, take-home vehicles may not be used for commuting travel outside the city limits. Exceptions are when employees are commuting to a scheduled event or training. This must be approved by the Department Head. Multiple employees attending the same event, using a town vehicle, will share a ride in one vehicle unless prior approval by the Town Manager.
- f. Employees permitted to take a vehicle home (commute) from their workstation may do so for job-related reasons and not as a compensatory measure.
- f. Vehicles so assigned are not intended to be perceived as personal property or interpreted as a salary supplement or fringe benefit. The commuting costs of the use of a Town vehicle may be a taxable fringe benefit cost to an employee. Any vehicle not specifically designated as exempt under the 1985 Tax Act (Attachment I), may result in a taxable fringe benefit to the employee.

- g. The Finance Director or designee is responsible to compute the commuting cost of any non-exempt vehicle taken home by an employee and reporting this taxable benefit on the employees form W-2 at the end of each calendar year. The Town will only deduct FICA taxes on the cost of this benefit. No Federal or State Income taxes will be deducted by the Town, the payment of these taxes will be the responsibility of the employee, when his or her personal income tax return is filed. The gross cost of this benefit is not subject to state retirement deductions.

II. Revocation of Take-Home Authorization

- a. For Failure to comply with the provisions of this policy or when violating the city travel policy.
- b. For a change in job assignment, duties or responsibilities such that a take home vehicle is no longer justified.
- c. In the event that the employee has had two (2) accidents in a Town vehicle within an eighteen-month period and found to be at fault. The employee may also be subject to disciplinary actions as outlined in the Personnel Policy.
- d. If the employee fails to maintain a valid driver's license
- e. When placed on worker's compensation, or when under medical care in which driving is not permitted.
- f. If the employee has violated the Town's drug/alcohol policy.
- g. As a result of disciplinary action.
- h. When it is in the best interest of the Town as determined by the Town Administrator.
- i. Failure to report a traffic violation – Any employee charged or convicted of a controlled substance or alcohol related offense (including DWI) must notify the appropriate supervisor or Department Head within one workday of arrest, arraignment, indictment, or conviction. Under no circumstances shall an employee operate a Town vehicle or equipment without a valid operator's license. (Please refer to the Town's Drug & Alcohol Policy – Impairment or Other Behavior Off the Job)

III. Mileage Reimbursement:

The Department Head and/or Town Manager may authorize mileage reimbursement for an employee who must utilize his/her personal vehicle to conduct Town business and who receives no other form of allowance, except as otherwise provided within this policy.

- a. Claims for mileage reimbursement shall be made in accordance with current Travel Expense Reimbursement procedures.
- b. The standard rate of mileage reimbursement shall be in accordance with the Town's mileage reimbursement rate.

- ## IV. Additions to this policy – Specialty vehicles such as those that are operated for emergency response and/or weight can be subject to additional responsibilities and restrictions that are documented in the departments SOPs.

F. Driver Responsibilities / Requirements:

- a. Each driver of any Town-owned or leased vehicle must have a valid North Carolina drivers/operator's license. Should an employee who drives a Town owned vehicle be involved in an incident, on or off the job, where their license is suspended or revoked, the employee is obligated to inform their immediate supervisor and the Town Manager within 24 hours of the incident. Failure to inform the Town of a suspended or revoked license may result in immediate dismissal.

- b. Town employees, who drive vehicles weighing more than 26,000 pounds or a vehicle carrying sixteen (16) or more passengers, must have a valid Commercial Class B license with a passenger endorsement. Town employees who drive vehicles with a trailer must have a valid Commercial Class A license if required by law.
- c. All drivers identified as having a safety sensitive position, based on their job descriptions, are required to undergo post-accident drug testing, which may include but not limit other drug testing implemented by the Town.
- d. Employees authorized to drive or assigned a Town-owned or leased vehicle are subject to an annual review of their motor vehicle driving record with the State of North Carolina. Those employees found to be of a high risk or who have failed to report violations and/or accidents to the Town will have their vehicle privileges revoked, thus; resulting in dismissal for employees in positions where vehicular transportation is deemed an essential job function. ALL drivers charged with any offense that results in immediate suspension or revocation of the license must immediately notify his/her supervisor/Department Head and may not operate any Town vehicle or use a personal vehicle on Town business.
- e. Employees are responsible for any vehicle or equipment assigned to them such as reporting unsafe operations or working conditions via a "Vehicle Repair Request" form available in each department or from Administration (see form included in policy).
- f. Employees shall allow sufficient time to reach destinations without violating speed limits or traffic laws. Employees must know and abide by all driving laws in all areas where they operate Town vehicles and shall drive defensively at all times.
- g. It is mandatory that all occupants of a Town vehicle, use seat belts at all times, without exception. The driver of the vehicle is responsible for enforcing belt usage by all occupants and shall report any failure to comply with employee's supervisor.
- h. The Town will not pay traffic tickets or parking fines of employees driving Town owned vehicles, nor will the Town pay if the employee is authorized to use their personal vehicle on Town business. Employees found guilty of moving violations may be subject to disciplinary action.
- i. An employee receiving a moving violation while driving a Town vehicle has an obligation to immediately inform their Department Head. The Department Head will notify Human Resources.
- j. The use of tobacco products or E-Cigarettes/vaping products are not permitted in Town Vehicles.
- k. Use of electronic devices – Employees shall refrain from operating hand held cellular telephones or any other device that may cause vehicle operator distraction while operating a Town vehicle.
- l. New Hires – As a condition of employment and in order to be eligible for hire to a position in which driving is an essential job function, a MVR must be ordered and reviewed before a final offer of employment is made.
- m. Employees who are found to be at fault in multiple vehicle accidents, whether in a Town-owned or personal vehicle, may be required to complete a Defensive Driving Course before being permitted to operate a Town-owned or leased vehicle again. This requirement applies when such incidents raise concerns about the employee's ability to safely perform job duties involving the operation of a vehicle.
- n. Any employee charged or convicted of a controlled substance or alcohol related offense (including DWI) must

notify the appropriate supervisor or Department Head within one workday of arrest, arraignment, indictment, or conviction. Under no circumstances shall an employee operate a Town vehicle or equipment without a valid operator's license. (Please refer to the Town's Drug & Alcohol Policy – Impairment or Other Behavior Off the Job)

G. Maintenance of Vehicles:

- a. Employees with assigned Town-owned or leased vehicles are responsible for regular inspections of their vehicles. Scheduling of routine maintenance and repairs is the responsibility of the employee to whom the vehicle is assigned.
- b. Individual departments are responsible for monthly inspections of unassigned vehicles and scheduling of routine maintenance and repairs.
- c. An authorized dealer must perform warranted repairs. Other repairs will be done by mechanics authorized by the Town.
- d. No alterations may be made to Town-owned vehicles without prior written approval by the Town Manager.
- e. No bumper stickers, other than Town approved stickers, may be placed on the vehicles.
- f. Each department is responsible for maintaining accurate and complete maintenance history files for each assigned vehicle. It is the responsibility of the employee with assigned vehicles and the department for unassigned vehicles to provide the Finance Department with receipts for maintenance.

H. Accident Procedures:

Regardless of the situation, the following procedure **MUST** be followed in the event of an accident while in a Town-owned or leased vehicle:

- a. Immediate notification of the proper law enforcement agency for accident investigation and report. Employee should take pictures of the accident site to document the type and extent of damage to all vehicles involved, as may be possible and prudent.
- b. Immediate notification of the employee's supervisor or Department Head.
- c. Prepare a Town Vehicle Accident report (see sample form attached). This report along with one copy of the law enforcement report should be submitted to the Town Administrator.
- d. If necessary, an "Employee Incident/Injury Report" and/or "Vehicle Accident/Injury Report" must be completed and submitted to the Town Administrator soon as possible in order to file a workers' compensation claim within 24 hours of the accident. (see forms included in policy).
- e. Securing accident repair estimates and approval of actual repair work is the responsibility of the employee's department with assistance from the Town Manager.
- f. Post-Accident Substance Abuse Testing
In accordance with the Town's Drug and Alcohol Policy, a post-accident test, which includes a drug and an alcohol test, will be given immediately to Town employees who are involved in an accident meeting the following certain criteria:

TYPE OF ACCIDENT INVOLVED	CITATION ISSUED TO THE DRIVER	TEST MUST BE PERFORMED BY EMPLOYER
Human Fatality	Yes	Yes
Human Fatality	No	Yes
Bodily Injury with Immediate Medical Treatment Away From the Scene	Yes	Yes
Bodily Injury with Immediate Medical Treatment Away From the Scene	No	No
Disabling Damage to Any Motor Vehicle Requiring Tow Away	Yes	Yes
Disabling Damage to Any Motor Vehicle Requiring Tow Away	No	No

An employee who is subject to post-accident testing under the section above shall remain readily available for such testing or may be deemed by the Town to have refused to submit to testing. Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of the accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

No employee required to take a post-accident test shall use alcohol for eight hours following the accident, or until the employee undergoes a post-accident alcohol test, whichever occurs first.

Post-accident testing for alcohol will be administered immediately following the accident or as soon thereafter as medically and legally possible, but no later than eight (8) hours after the accident. If the test is not administered within two (2) hours, the supervisor shall prepare and maintain a written record stating the reason(s) why the test was not administered within two (2) hours. If the test is not administered within eight (8) hours, the supervisor shall cease attempts to administer the test and shall prepare and maintain a written record stating the reason(s) why the test was not promptly administered.

Post-accident testing for drugs will be administered immediately following the accident or as soon thereafter as medically and legally possible, but no later than thirty-two (32) hours after the accident. If the test is not administered within thirty-two (32) hours, the supervisor shall cease attempts to administer the test and shall prepare and maintain a written record stating the reason(s) why the test was not promptly administered.

I. Safety Standards:

- a. Before operating the vehicle, perform a general, visual inspection to identify any potential safety defects or problems with mechanical or operating conditions. The vehicle should not be operated if a significant operating, mechanical, or safety problem exists. Any problems encountered during operation of the vehicle should be reported to his/her supervisor as soon as possible.

- b. Before operating a vehicle, it is the driver's responsibility to determine when he or she is unfit to operate the vehicle due to fatigue, illness, taking prescription medications, etc. The vehicle should not be operated if the physical condition of the driver might cause or contribute to an accident.
- c. Drivers should manage their driving environment to minimize distractions that can have impact an impact on their ability to safely operate the vehicle (i.e. eating, consuming beverages, talking to passengers, cell phone use, etc.)
- d. It is the responsibility of the driver to determine when conditions make driving unsafe. When driving conditions are determined to unsafe, it is the driver's responsibility to either identify alternative routes where the risk of accident or injury is within acceptable parameters, or, alternatively, to advise his or her supervisor or Department Head of the unsafe conditions.
- e. At all times while operating a vehicle, the driver must use defensive driving principles. Defensive driving requires that each driver make allowances for driving habits of others by stopping, slowing, or yielding to avoid an accident.
- f. Be courteous to other motorists and pedestrians at all times
- g. Vehicles that are specialty to a certain department must comply with the safety standard operating procedures that are specific to that department.
- h. All employees are subject to discipline as outlined in the Personnel Policy.

J. Safe Backing/Spotter Procedures

- a. A vehicle driver will stop backing immediately if visual contact is lost with workers on foot. Backing will only be resumed when visual contact with workers is restored. A rider will step off the back of riding steps before the driver begins to back up.
- b. Passengers not being utilized as spotters will stay in the vehicle while the vehicle is backing.
- c. Workers will never cross or step behind a vehicle when it is backing up or when backup lights are on
- d. Spotters will remain visible in the driver's mirrors and maintain a clear view of the driver's hazard area (blind spot).
- e. Spotters will be familiar stay clear of the vehicle's path and will never walk backward.
- f. Spotters will be familiar with and use agreed upon hand signals to communicate with the driver
- g. Spotters will immediately signal the driver to stop if any person or object enters the area behind the truck
- h. Spotters will signal the driver to stop if the spotter must change positions when the vehicle is backing
- i. Workers will not use cellular phones while working and walking around heavy equipment.
- j. All appropriate Personal Protective Equipment (PPE) must be worn when applicable including high visibility (Class II or Class III vests) per the established PPE policy
- k. Any violation of this policy by an employee may be subject to disciplinary actions, up to and including termination.

Section II: GPS

A. Purpose:

The Town's commitment to highway/road safety and employee welfare, as well as, the wellbeing of the public, is a top priority and the origin of GPS. The purpose of this policy is to establish criteria for the maintenance and use all Town of Shallotte Fleet vehicles that may be equipped with GPS monitoring devices. Town owned vehicles shall be operated in compliance with all applicable state and local laws and ordinances. There should be no expectation of privacy when using company owned equipment and/or vehicles.

B. Definition:

GPS is a satellite tracking system that is attached to the Town vehicle, which monitors the vehicle during operation.

This policy identifies categories in which the Town will be monitoring. The GPS system enables the Town to generate information and notifications regarding use location, and servicing requirements of the GPS equipped vehicles. The device will be used to notify supervisory personnel and fleet managers of vehicle trouble codes, mileage, vehicle location, speed, hard braking, rapid acceleration, etc. This information is transmitted and can be updated every minute.

C. GPS Uses:

The following GPS related activities are monitored and if a violation should occur the employee will be subject to disciplinary action up to and including termination:

1. Speed of travel – All Town of Shallotte employees must obey all local traffic laws including speed limits. The GPS tracking device will transmit the highest speed of each vehicle.
2. Device tampering – Any tampering attempts to remove, or disable the GPS equipment is prohibited.
3. Time vehicle is spent idling
4. Location of the vehicle at every stop/Unauthorized Use – Town vehicles are to be used for conducting Town business. Leaving the Town of Shallotte without permission is prohibited.
5. Vehicle mileage
6. Acceleration and deceleration
7. Rapid Starts – “jackrabbit starts”

Driving habits, patterns, and violations of the policy are reviewed monthly and remain on the driver’s record for 12 months. This means that a GPS policy violation remains viable and subject to progressive disciplinary actions for one year from the date of violation. Should multiple violations occur on the same day, they may be treated as one violation, with any applicable discipline based upon the most serious offense.

*This policy does not apply to the Public Safety personnel as they are monitored via the County’s 911 system.

D. Responsibility Assignments:

1. **EMPLOYEES:** Employees are responsible for compliance with all provisions of this policy when using Town vehicles to conduct Town business. For the purpose of this policy, the actual driver and/or operator of each vehicle shall be the responsible employee.
2. **SUPERVISORS:** It is the responsibility of the supervisory personnel to ensure the requirements of this policy are understood by his/her subordinate employees. In the event of a violation of this policy, it is the responsibility of appropriate supervisory personnel to act in accordance with this policy. Any required disciplinary action deemed necessary shall be documented and shall be included in the employee personnel file.

Supervisors will use the [GPS Tracking Coaching/Counseling Form](#) if a violation should occur. (see form in policy)

Section 14. Pregnant Workers Fairness Act (PWFA)

Introduction

This policy outlines the procedures and guidelines for providing reasonable accommodations to pregnant employees in accordance with the Pregnancy Workers Fairness Act (PWFA).

Scope

This policy applies to all employees, regardless of employment status, who are pregnant, have recently given birth, or have related medical conditions covered under the Pregnancy Workers Fairness Act.

Definitions

Pregnancy: The condition of being pregnant, childbirth, or related medical conditions.

Reasonable Accommodation: Modifications or adjustments to job duties, schedules, work environments, or processes that enable pregnant employees and applicants to perform their job functions without causing undue hardship to the employer.

Undue Hardship: Significant difficulty or expense that would impose a disproportionate burden on the operation of the organization.

Interactive Process: The collaborative dialogue between the employer and the pregnant employee to identify and implement appropriate accommodations.

Policy

It is the employee's responsibility to notify the Town of any pregnancy-related limitation and that she needs an accommodation. An employee or applicant may request an accommodation due to pregnancy, childbirth or a related medical condition by submitting the request in writing to human resources or to the employee's Department Head. The accommodation request should include an explanation of the pregnancy-related limitations, the accommodation needed and any alternative accommodation(s) that might be reasonable. Depending on the nature of the accommodation, the individual may be requested to submit a statement from a health care provider substantiating the need for the accommodation.

Upon receiving a request for accommodation, the employer will engage in an interactive process with the pregnant employee to discuss the request and determine if an accommodation is reasonable and can be provided without significant difficulty or expense, i.e., undue hardship. The interactive process may involve discussions between the employee, their supervisor, and HR personnel. Reasonable accommodations will be determined on a case-by-case basis, considering the pregnant employee's specific needs, the organization's operational requirements, and any potential undue hardships. Information regarding an employee's pregnancy and accommodations will be treated confidentially and shared only with individuals directly involved in the accommodation process on a need-to-know basis.

The Town prohibits retaliation, harassment or adverse employment action due to an individual's request for accommodation pursuant to this policy or for reporting or participating in an investigation of unlawful discrimination under this policy.

ARTICLE VI. EMPLOYEE BENEFITS

Section 1. Eligibility

All full-time and part-time employees of the Town are eligible for employee benefits as provided for in this Article, which are subject to change at the Town's discretion and annual budget appropriations. Temporary employees are eligible only for legally mandated benefits such as workers' compensation and FICA.

When the probationary period of a specific job class exceeds six (6) months, the employee will be eligible for benefits as all other job classifications.

Section 2. Employee Group Health Insurance

The Town provides group health insurance programs for full-time and part-time employees 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.

The Town pays the entire cost of health insurance for full-time employees and part-time employees who qualify for coverage under the Affordable Care Act. These employees may, if they so desire, purchase available group health coverage through the Town for qualified dependents within the stipulations of the insurance contract.

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

Retiree Insurance

The Town will provide health insurance (does not include dental or vision) for a retired employee according to the following guidelines. This amount will not exceed what the Town pays for active full time employees. The Town is currently a member of the NC State Health Plan, which DOES NOT cover retirees. The retiree is responsible for providing the Town with proof of health insurance every six (6) months.

- With 20 years of service with the Town of Shallotte – 50% of health insurance premium for five (5) years or until eligible for Medicare.
- With 25 years of service with the Town of Shallotte – 75% of health insurance premium for five (5) years or until eligible for Medicare.
- With 30 years of service with the Town of Shallotte – 100% of health insurance premium for five (5) years or until eligible for Medicare.

The Town will follow the North Carolina State Retirement System guidelines, concerning retirement eligibility, however years of service are only service with the Town of Shallotte.

Section 3. Other Optional Insurance Plans

The Town may provide and/or make other insurance plans (such as life, disability, vision, dental, Flexible Spending accounts (FSA), etc.) available to employees upon authorization of the Town Manager and Town Aldermen. For information about optional group benefit programs, employees may contact Human Resources.

Section 4. Retirement

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

Retirement Recognition

Employees who have completed a minimum of 15 years of continuous service with the Town of Shallotte will be eligible for a formal retirement recognition upon notifying their Department Head of their intended retirement date.

- \$250.00 for a retiring employee who has served the Town for 15-20 years of service
- \$500.00 for a retiring employee who has served the Town for 21-29 years of service
- \$1,000 for a retiring employee who has served the Town for 30+ years of service

Section 5. Supplemental Retirement Benefits

The Town provides supplemental retirement benefits for its full-time employees. As prescribed by North Carolina State Law, the Town will contribute a designated percentage of salary to the State 401-K plan for each sworn law enforcement officer.

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.

Section 6. Social Security

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

Section 7. Worker's Compensation

All employees of the Town (full-time, part-time, and temporary) are covered by the North Carolina Worker's 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.

Employees may use sick leave and/or vacation during the waiting period before Worker's Compensation benefits begin and after benefits begin to supplement the remaining one-third of salary except that employee may not exceed the regular salary amount using this provision.

Responsibility for claiming compensation under the Worker's 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 Head and the Human Resources Officer will assist the employee in filing the claim.

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 worker's compensation claim.

Section 8. Unemployment Compensation

In accordance with Public Law 94-566 and subsequent amendments, local governments are covered by unemployment insurance. Town employees who are terminated due to a reduction in force or released from Town service may apply for benefits through the local Employment Security Commission office, where a determination of eligibility will be made.

Section 9. 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).

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

- a) The officer shall have completed 30 or more year of creditable service, or have attained 55 years of age and completed five or more years of creditable service (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.

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 10. Credit Union Membership

Employees of the Town of Shallotte are eligible for membership in the North Carolina Local Employees Federal Credit Union. Administration of this credit union is being provided under contract with Civic Credit Union.

Section 11. 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 12. Flower Policy

The purpose of this policy is to establish guidelines for sending flowers to current full-time employees and Board members (past and present) to be consistent and equitable for the citizens of Shallotte.

Illness

1. In the event of the overnight hospitalization of a Board member or employee, the Town of Shallotte will send an appropriate floral arrangement, gift basket, meal, or appropriate gift card to the person's home on behalf of the Town. It will be the responsibility of the employee's Department Head to notify the Town Clerk who will handle the arrangements on behalf of the Town. If the employee or Board member should become hospitalized more than once during a 12 month period, the Town will send the above mentioned the first time and cards for the subsequent hospitalizations.

Prices not to exceed \$60

Death

2. In the event of the death of a Board member (past or present), employee or an immediate family member (as defined below) of one of the foregoing, the Town of Shallotte will send an appropriate floral arrangement or in lieu of flowers at the family's request, make a charitable contribution in memory of the deceased (the contribution will be equal to the cost of flowers).

Prices: Currently the following limits are in effect: Sister/Brother \$65.00; Father/Mother \$65.00; Child/Spouse \$80.00; Employee \$100.00; Elected Officials (past and present) \$100.00

Section 13. Employee Assistance Program

The Town provides a confidential Employee Assistance Program (EAP) to support employees and their immediate family members with personal or work-related concerns, including mental health, stress, substance abuse, legal or financial issues, and more.

The EAP is available 24/7 and offers a limited number of sessions at no cost to the employee. Any sessions beyond the Town-provided allotment will be the employee's financial responsibility. Participation is voluntary and confidential, and use of the program will not affect employment status.

Supervisors may recommend the EAP as a resource, but participation is optional unless part of a formal performance or disciplinary plan.

For more information or access instructions, employees may contact Human Resources.

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Policy

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

Section 2. Holidays

The Town will follow the holiday schedule as adopted and published by the State of North Carolina for its employees.

In order to receive a paid holiday, an employee must be on paid status before and after the holiday.

Employees wishing to schedule time off for religious observances, other than those observed by the Town, may request vacation leave from their respective Department Head. The Department Head will attempt to arrange the work schedule so that an employee may be granted vacation leave for the religious observance. Vacation leave for religious observances may be denied only when granting leave would create an undue hardship for the Town.

Section 3. 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 leave.

Section 4. 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 paid at their regular rate for hours actually worked in addition to any holiday pay to which they are entitled. If a holiday falls on a regularly scheduled off-duty day for shift personnel, the employee will receive the additional hours for paid holiday leave. Whether holiday time is provided in time or pay for shift employees is determined by the Town. Employees shall receive holiday compensation in hours or pay based on the pro rata amount identified in Section 16 of this Article.

Section 5. 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 should be requested in advance in methods determined by the department 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 Heads. The Department Head 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.

Section 6. Vacation Leave: Use by Probationary Employees

Employees serving a probationary period following initial employment may accumulate vacation leave but shall not be permitted to take vacation leave during the first six months of 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 7. Vacation Leave: Accrual Rate

Each full-time general employee of the Town will accrue vacation on the following schedule. Employees who work other than 40 hours per week will earn vacation at a pro-rated amount. Sworn law enforcement officers who work an average workweek of 42 hours (168 hours in a 28-day cycle) will earn a prorated amount based on the average number of hours in the workweek. (See Section 16 of this Article for more information.)

YEARS OF SERVICE	DAYS ACCRUED PER YEAR
0 – 4 years	12
5 – 9 years	15
10 – 14 years	18
15 – 19 years	20
20+ years	22

Section 8. Vacation Leave: Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until the pay period containing December 31 of each calendar year. During the pay period containing December 31, any employee with a balance exceeding 30 days (pro-rated according to Section 16) shall have the excess accumulation transferred to sick leave so that only a balance of 30 days is carried forward to January 1. Employees are not eligible to receive pay for vacation time not taken.

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

Section 9. Vacation Leave: Manner of Taking

Employees should request vacation from their supervisor and take vacation only when approved. Employees shall be granted the use of accrued vacation leave upon request in advance at those times designated by the Department Head which will least obstruct normal operations of the Town. Department heads are responsible for insuring that approved vacation leave does not hinder the effectiveness of service delivery. Vacation may be taken in one (1) hour increments.

Section 10. Vacation Leave: Payment upon Separation

An employee who has successfully completed six months of the probationary period will normally be paid for accumulated vacation leave upon separation not to exceed 240 hours provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation, thirty days for Department Heads.

Any employee failing to give the notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the Town Manager when deemed to be in the best interest of the Town.

Employees who are involuntarily separated shall receive payment for accumulated vacation leave not to exceed the 240-hour maximum. However, employees involuntarily separated 'for cause' due to serious violations of personal or criminal conduct shall forfeit payment of their accumulated vacation leave.

Section 11. Vacation Leave: Payment upon Death

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

Section 11A. Personal Leave

An employee of the Town shall be allowed twenty-four (24) hours per fiscal year personal leave with pay over and above sick leave or annual leave. Personal leave will be in addition to any other leave which a Town employee may earn and accumulate. Personal leave shall not accumulate beyond the end of the fiscal year.

Employees serving a probationary period following initial employment shall not be permitted to take personal leave during the first six months of employment unless approved by the Town Manager. Personal leave is not paid out upon separation of employment.

Section 12. 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, the first seven days of Worker's Compensation Leave, 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.

"Immediate family" is defined as spouse, child, sibling, parent, grandparent, grandchild, guardian, various combinations of step, half, in-law and adopted relationships of the employee. Sick leave may not be used to care for a healthy child.

Sick leave may be used for a death in the immediate family but is limited to three days per occurrence. Additional time needed for bereavement or funerals may be charged to accrued vacation or compensatory time.

Sick leave may also be used to supplement worker's compensation disability leave for the seven-day waiting period before worker's compensation benefits begin.

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

Section 13. Sick Leave: Accrual Rate and Accumulation

Sick leave shall accrue at a rate of one day per month of service or twelve days per year for general employees.

Sick leave for full-time employees working other than the basic forty-hour work schedule (sworn law enforcement officers who work an average workweek of 42 hours-168 hours in a 28-day cycle) shall be prorated as described in this Article, Section 16.

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. A day shall be calculated based on the formula found in Section 16 of this Article.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the Town, except as stated above for retirement or upon reinstatement with one year of separation.

Section 14. Transfer of Sick Leave from Previous Employer

The Town will accept the transfer of sick leave for employees coming directly from other employers who are participants of the Local or State Employees Retirement System. The sick leave amount must be certified by the previous employer. The employee must complete 12 months of continuous service with the Town before transferred sick leave may be used.

Section 15. Sick Leave: Medical Certification

The employee's supervisor or Department Head may require a physician's certificate stating presence of 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 Town deems desirable. The Department Head shall be responsible for the application of this provision to the end that:

- 1) Employees shall not be on duty when they might endanger their health or the health of other employees; and
- 2) 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 15A. Shared Leave Policy

Voluntary shared leave allows one employee to assist another employee in the case of a prolonged medical condition that exhausts the employee's available leave and would otherwise force the employee to be placed in leave without pay status, resulting in a loss of income and benefits. The receiving of shared leave must be approved by both the Department Head and The Town Manager, and is subject to denial. The denial of shared leave is not a grievable occurrence. An employee must fill out an application with the Human Resource Office to be considered for shared leave. Eligibility requirements are outline below.

- A. Prolonged Medical Condition: A prolonged medical condition is one shall be defined that required an employee's absence from duty for a prolonged period of time, at least twenty (20) consecutive days.
- B. The medical condition may involve the employee or an immediate family member. In either case, a document from the attending physician, estimating the time of treatment and recovery required.
- C. For the purposes of using voluntary shared leave, **"Immediate family"** shall be defined as spouse, child, parent, brother, sister, grandparent, grandchild, son-in-law, daughter-in-law, parent-in-law, brother or sister-in-law of the employee or guardian of the employee. This also includes various combinations of step, half and adopted relationships.

- D. The employee must exhaust all accrued vacation leave, sick leave, compensatory time off, or any other available paid time off before using any donated shared leave.
- E. Shared leave cannot be used for Worker's Compensation.
- F. The period of actual physical disability as a result of pregnancy and childbirth (normally six (6) weeks for natural birth or eight (8) weeks for a cesarean birth), as certified by a physician, is a condition covered by this policy. Eligibility also may be extended for complications related to the pregnancy and delivery.
 - 1. Although an employee may receive up to twelve (12) weeks of Family Medical Leave for the birth, adoption or foster care placement, only the period of actual physical disability as a result of pregnancy or childbirth is covered under the Shared Leave Policy. The additional "bonding time" allowed under FMLA is not eligible for shared leave coverage.
- G. Shared leave will not ordinarily apply to short-term or sporadic conditions or illnesses. Each case must be examined and decided based on its conformity to policy intent, and must be handled consistently and fairly. Examples of non-qualifying conditions include, but are not limited to, conditions such as:
 - 1. Short-term or sporadic recurrence of chronic allergies or conditions
 - 2. Short-term or sporadic absences due to contagious disease
 - 3. Short-term or recurring medical or therapeutic treatments.
 - 4. Elective procedures will not be considered.
 - 5. Cosmetic procedures will have to be deemed medically necessary and recommended by the physician.
- H. No one may directly or indirectly make any attempt to intimidate, threaten, or coerce any other employee for the purpose of soliciting leave. (Such action is considered a personal conduct issue and subject to disciplinary action, including dismissal).

Guidelines

- A. The employee receiving leave must have been employed by the Town for at least one (1) year. Under extenuating circumstances, the Town Manager has the discretion to approve shared leave before one (1) year of employment is completed. The employee receiving leave cannot receive more than 320 hours (8 weeks).
- B. Any eligible employee may donate vacation or sick leave to any approved employee.
- C. May only donate a maximum of forty (40) hours of vacation or sick leave in a calendar year.
- D. Must donate a minimum of four (4) hours. The donor cannot fall below 160 hours of combined sick and vacation leave after the donation.
- E. This type of leave will not be eligible for an employee receiving benefits from the Disability Income Plan of North Carolina, started the process for retirement under the NC State Retirement System or are covered under any other ancillary insurances that may be paying benefits (AFLAC, Colonial, Liberty, etc.).
- F. Employees with a pending separation of service are not eligible to donate leave.
- G. Employees wishing to request shared leave must submit the completed Shared Leave Request Form with the physician's medical certification form and an authorization for the release of medical information to the Human Resources Officer. The Department Head will confirm there has been no abuse of leave, approve the request, and

forward to the Human Resources Officer who will confirm all information before submitting to the Town Manager for final approval.

- H. After the Town Manager's approval, the Human Resources Officer will send out information identifying the employee, circumstances and a request for shared leave donors.
- I. The Privacy Act makes medical information confidential. When disclosing information on an approved recipient, only a statement that the recipient or family member has a prolonged illness will be made. Donors and donation amounts shall remain confidential.
- J. All donated leave, whether sick or vacation, will be converted into sick leave for the recipient.
- K. To donate shared leave, the employee must fill out an application provided by the Human Resource Officer.
- L. Any additional unused donated leave (above the allowed 40 hours) will be returned to the donor(s) on a pro rata basis and credited to the leave account from which it was donated. Fractions of one hour shall not be returned to an individual donor.

Section 16. Leave Pro-rated

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

- 1) The average number of hours scheduled for work per week by such employees shall be divided by the number of hours in the basic workweek (usually 40 hours)
- 2) The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic workweek (40 hours).
- 3) 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 17. Family and Medical Leave

The Town will grant up to 12 weeks of family and medical leave per twelve months to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). 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 may also be used during FMLA leave. 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 found in Section 20.

To qualify for FMLA coverage, the employee must have worked for the employer 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 FMLA time begins.

Family and medical leave can be used for the following reasons:

- 1) the birth of a child and in order to care for that child;
- 2) the placement of a child for adoption or foster care;

- 3) to care for a spouse, child, or parent with a serious health condition;
- 4) the serious health condition of the employee; or
- 5) 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 a period of 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 wishes 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 a total of 12 weeks leave under FMLA.

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 shall then use all paid vacation, accrued compensatory time and leave without pay for the remainder of the 12-week 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:

1. deployment of service member with seven or fewer days’ notice;
2. military ceremonies and events such as family-assistance or informational programs related to the family member’s active duty or call to active duty;
3. urgent, immediate childcare or arranging for alternative childcare for the children of service members;
4. attending school or daycare meetings relating to the child of service member;
5. making financial or legal arrangements related to a family member’s active duty status or call to active duty;
6. 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;
7. 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
8. 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, is eligible for 26 weeks of FMLA leave in a single 12-month period. During a single 12-month period, the employee is eligible for a total of 26 weeks of all types of FMLA Leave combined.

The request for the use of leave must be made in writing by the employee and approved by the Department Head or 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. Family Medical Leave – Certification

In order to qualify for leave under this law, 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 Head and filed with the Human Resources Officer.

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

Section 19. Family Medical Leave: Retention and Continuation of Benefits

When an employee is on leave under FMLA, the Town will 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 FMLA 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 FMLA may use Leave Without Pay for the remainder of the FMLA 12/26 week entitlement. An employee ceases to earn holiday or leave credits on the date leave without pay begins.

Section 20. Leave Without Pay

A full-time employee may be granted a leave of absence without pay for a period of up to twelve months by the Town Manager. The leave may be used for reasons of personal disability, sickness or disability of immediate family members (as defined in Section 12 of this Article), continuation of education, special work that will permit the Town to benefit by the experience gained or the work performed, or for other reasons deemed justified by the Town Manager.

The employee shall apply in writing to the Town Manager for leave. The employee is obligated to return to duty within or at the end of the time determined appropriate by the Town Manager. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority, and pay.

If the employee decides not to return to work, the Department Head 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 FMLA or USERRA then the provisions of those policies will apply.

Section 21. Worker's Compensation Leave

An employee absent from duty because of sickness or disability covered by the North Carolina Worker's Compensation Act may elect to use accrued sick leave, vacation, or compensatory time only during the first waiting period of seven days. 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 worker's compensation. If the employee elects to use accrued sick leave, vacation, or compensatory time for the initial waiting period, he/she will be placed on leave without pay at the end of the seven days; part-time and temporary employees as well as full-time employees who do not elect to use paid leave for the initial waiting period 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.

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 as established by the Town.

An employee shall retain all unused vacation and sick leave while on Worker's Compensation Leave Without Pay. An employee ceases to earn holiday or leave credits on the date Worker's Compensation Leave without Pay begins.

All injuries arising out of and during the course of employment should be reported by the injured employee to the immediate supervisor as soon as possible. The supervisor or Department Head shall file an injury report to the Human Resources Officer within twenty-four hours of the time of the accident.

Before returning to work, a statement from the attending physician must be submitted to the Human Resource Officer giving permission for the employee to resume regular duties or defining the conditions for a return to light duty if available.

Upon return to work, the employee's salary will be computed on the basis of the last salary plus any performance pay or other salary increase to which the employee would have been entitled during the disability covered by Worker's Compensation.

Section 22. Military and 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:

1. Armed Forces Active and Reserve (Army, Navy, Marine Corps, Air Force, Coast Guard);
2. Army National Guard and Air National Guard;
3. FEMA's Disaster Assistance Teams;
4. Commissioned Corps of the Public Health Service;
5. Military Service Academies; and
6. 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, the Town provides addition benefits for military training. Full-

time employees who are members of an Armed Forces Reserve organization or National Guard shall be granted fifteen calendar days per year for military leave with pay. If the compensation received while on military leave is less than the salary that would have been earned during this same period as a Town employee, the employee shall receive partial compensation equal to the difference. The effect will be to maintain the employee's salary at the normal level during this period.

If such duty is required beyond the fifteen 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.

Part-time and temporary employees will be granted time of 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 occupied prior to the active duty enlistment 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:

- 1) Less than 31 days absence - employee must report to employer by the next business day.
- 2) 31 days-180 days absence - notification to the supervisor must be submitted within 14 days.
- 3) 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 full-time Town employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the Town any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty.

Section 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 four hours of unpaid 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.

Paid leave (vacation time) taken by a full-time employee to attend to school activities of his or her child shall count toward the fulfillment of this provision by the Town.

Section 26. Adverse Weather Conditions

In the event of adverse weather conditions, Town offices and departments shall remain open for the full scheduled workday unless authorization for early closing or other deviation from regular business hours is received from the Town Manager. All departments and offices shall receive advance notice of any authorized early closing or delayed opening.

The Town of Shallotte has a responsibility to provide essential services even during periods of adverse weather or other emergency conditions. Adequate staff are required to operate these critical services seven days per week and 24 hours per day in all weather. Department heads shall designate which employees are essential employees required to report to work regardless of weather or other emergency conditions. The list of essential employees by position shall be provided to the Town Manager and Human Resources Manager

Compensation

Non-essential employees will be paid for those hours worked prior to and after the event that caused the Town Manager to close, delay, or cancel Town offices and/or services. If Town offices and/or services remain closed for a standard business workday or more, the Town Manager will have the authority to grant leave with pay for adverse weather conditions not to exceed 24 hours per fiscal year.

Those employees designated by their Department Head as being essential employees and who must work to maintain the safety and well-being of the Town during adverse weather conditions will be compensated based on the following:

- Non-exempt employees will receive their base rate of pay for all hours worked in accordance with all applicable town policies and Fair Labor Standards Act (FLSA) related to compensation. In addition, eight (8) hours of adverse weather pay per day, not to exceed twenty-four (24) hours ~~annually~~ per fiscal year will be paid. These hours will not be included when calculating overtime pay.
- Exempt employees will receive their base rate of pay for all hours worked not to exceed forty (40) hours. Exempt employees who have worked in excess of forty (40) hours will receive eight (8) hours of adverse weather pay per day, not to exceed twenty-four (24) hours per fiscal year. In addition, if the State of Emergency declaration is proclaimed for the Town, all exempt employees will be compensated for any time worked in excess of forty (40) hours in a standard seven-day workweek at one and one-half (1 ½) times the regular hourly rate.

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 adverse weather conditions may use earned vacation or compensatory leave for days or hours not worked. Sick leave may not be used to cover absences due to adverse weather. If an employee is sick, sick leave may be used. If the employee does not have any compensatory or vacation leave accrued, the employee will be placed in a Leave Without Pay status. Employees on approved vacation leave, sick leave, or leave without pay when an official closing is declared will be charged for vacation, sick, or leave without pay as arranged.

Section 27. Break Time for Nursing Mothers

Pursuant to Fair Labor Standards Act, the Town will provide a break time for any employee to express fresh milk for her nursing child for one year after the child's birth each time such employee has the need to express milk. The Town will provide an employee with a place other than a bathroom that is shielded from co-workers and the public, which may be used by an employee to express breast milk.

Section 29. Excessive Use of Leave

While employees are entitled to use accrued leave in accordance with policy, the Town expects all employees to manage their time responsibly and maintain regular attendance. Absenteeism can disrupt workflows and increase workloads for remaining employees. Excessive use of leave – particularly when leave is used immediately upon accrual or when patterns of use impact scheduling or departmental operations – may be subject to review.

Excessive leave may include, but is not limited to:

- Frequent absences or tardiness that affect job performance or disrupt department operations.
- Repeated use of leave as soon as it is earned, leaving no balance for unplanned or emergency situations.
- Establishing patterns of unscheduled leave (for example: frequent Mondays, Fridays, or adjacent to holidays).

Supervisors may counsel employees whose leave usage patterns are concerning. In some cases, excessive or inappropriate use of leave may result in progressive disciplinary action, up to and including termination.

Employees are encouraged to speak with their supervisor or Human Resources if they are experiencing challenges that may be impacting their attendance, as support and accommodations may be available.

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 minimum notice shall result in forfeit of payment for accumulated vacation unless the notification requirement is waived upon recommendation of the Department Head and approval by the Town Manager. Thirty days' notice is expected of Department Heads and the Town Manager.

Three consecutive days of absence without contacting the immediate supervisor or Department Head 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 decisions concerning the retention or the furloughing shall be made by the Town, in its sole discretion, based on the most effective deployment of staff. Employees who are separated because of a reduction in force shall be given at least two weeks' notice of the anticipated action when possible.

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 Human Resources Officer or the Retirement System.

Section 5. Voluntary Retirement

An employee who meets the conditions set forth under the provisions of the North Carolina Local Governmental Employee's 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 Head, 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 will 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. The Human Resources Officer will be available to assist all parties with the procedures in taking or responding to disciplinary actions. 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 Head or Town Manager.

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

- 1) Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- 2) Careless, negligent or improper use of Town property or equipment;
- 3) Physical or mental incapacity to perform duties after reasonable accommodation;
- 4) Discourteous treatment of the public or other employees;
- 5) Absence without approved leave;
- 6) Improper use of leave privileges;
- 7) Failure to report for duty at the assigned time and place;
- 8) Failure to complete work within time frames established in work plan or work standards;
- 9) Failure to meet work standards over a period of time; or
- 10) Failure to follow the chain of command to address work-related issues.
- 11) 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:

1. 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.
2. If performance does not improve, a written recommendation should be sent to the Department Head 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 workweek 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

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:

1. avoid undue disruption of work;
2. to protect the safety of persons or property; or
3. for other serious reasons.

In exigent circumstances, a Department Head or designated supervisor may, with or without prior approval, suspend employees for the remainder of the workday. In such cases, the Department Head shall immediately notify the Town Manager.

Normally, the Department Head or Town Manager would place the employee on non-disciplinary suspension prior to making a disciplinary determination to allow time to gather facts regarding the detrimental personal conduct and make a determination regarding severity of the conduct.

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:

- 1) Fraud or theft;
- 2) Conviction of a felony or the entry of a plea of nolo contendere thereto;
- 3) Falsification of records for personal profit, to grant special privileges, or to obtain employment;
- 4) Willful misuse or gross negligence in the handling of Town funds or personal use of equipment or supplies;
- 5) Willful or wanton damage or destruction to property;
- 6) Willful or wanton acts that endanger the lives and property of others;
- 7) Possession of unauthorized firearms or other lethal weapons on the job;
- 8) Brutality in the performance of duties;
- 9) 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;
- 10) Engaging in incompatible employment or serving a conflicting interest;
- 11) Request or acceptance of gifts in exchange for favors or influence;
- 12) Engaging in political activity prohibited by this Policy;
- 13) Harassment of an employee and/or the public on the basis of sex or any other protected class status; or

- 14) Harassment of an employee or the public with threatening or obscene language and/or gestures or any incidence of workplace violence
- 15) Stated refusal to perform assigned duties, flagrant violation of work rules and regulations.

Section 6: Disciplinary Actions Related to Special Job Requirements

An employee may be placed on disciplinary suspension, demoted or dismissed without prior warning for failing to obtain or maintain a required license, certificate, registration, or failing to maintain a satisfactory driving record, or have a valid driver's license when driving is a job requirement.

Section 7. Pre-Dismissal Conference

Before dismissal action is taken, whether for failure in personal conduct or failure in performance of duties, the Town Manager will conduct a pre-dismissal conference. At this conference, the employee may present any response to the proposed dismissal to the Town Manager. The Town Manager 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. If the employee is dismissed, the notice shall contain a statement of the reasons for the action and the employee's appeal rights.

Section 8. Non-Disciplinary Suspension

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

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

If the employee is reinstated following the suspension such employee shall not lose any compensation or benefits to which otherwise the employee would have been entitled had the suspension not occurred.

ARTICLE X. Grievance Procedure and Adverse Action Appeal

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. The Human Resources Officer will be available to assist all parties with the procedures during the grievance process.

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

Section 2. Grievance Definition and Limitations

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.

Appeals involving a disciplinary suspension, dismissal, or involuntary demotion shall be initiated at Step 3 of the grievance procedure set forth in Section 4 herein. Such appeals must be made in writing by the employee within 10 calendar days of receipt of the final disciplinary decision

Section 3. Purposes of the Grievance Procedure

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

- 1) Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
- 2) Encouraging employees to express themselves about the conditions of work which affect them as employees;
- 3) Promoting better understanding of policies, practices, and procedures which affect employees;
- 4) Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures;
- 5) Increasing the sense of responsibility exercised by supervisors in dealing with their employees;
- 6) 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
- 7) 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, and 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 or demotion must be approved by the Department Head or Town Manager and rescinding a dismissal must be approved by the Town Manager before the decision becomes effective.

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 respective Department Head or the Human Resources Officer as a resource to help resolve the grievance.

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 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 Human Resources Officer.

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 will notify the Town Aldermen of any impending legal action.

Section 5. Role of the Human Resources Officer

Throughout the grievance procedure, the roles of the Human Resources Officer shall be as follows:

- 1). To advise parties (including employee, supervisors, and Town Manager) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistency of application;
- 2) To be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents;
- 3) To give notices to parties concerning timetables of the process, etc.
- 4) To assist employees and supervisors in drafting statements; and
- 5) To facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process; and
- 6) To help locate mediation or other resources as needed.

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

Section 6. Employee Concerns

It is the desire of the Town of Shallotte to maintain open and clear lines of communication with its employees. To that end, the Township encourages employees who may have concerns about workplace issues to bring those matters to the attention of their immediate supervisor. In those instances where the immediate supervisor is unable to resolve the matter, the employee may bring the matter to the attention of the Department Head who, with the input of the Human Resource Officer and/or Township Manager shall address the matter.

Section 7. Grievance and Adverse Action Appeal Procedure for Discrimination

When an employee, former employee, or applicant, believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, national origin, religion, creed, political affiliation, non-job related disability, or genetic information), he or she has the right to appeal such action using the grievance procedure outlined in this Article (Section 4

above). While such persons are encouraged to use the grievance procedure, they shall also have the right to go directly to the Human Resources Officer or 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 calendar days of the alleged discriminatory action, but may appeal for up to six months following the action.

ARTICLE XI. RECORDS AND REPORTS

Section 1. Public Information

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

- 1) name;
- 2) age;
- 3) date of original employment or appointment to the service;
- 4) 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;
- 5) current position title;
- 6) current salary;
- 7) date and amount of each increase or decrease in salary with the Town;
- 8) date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the Town;
- 9) date and general description of the reasons for each promotion with the Town;
- 10) 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
- 11) 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.

A record will be maintained of all disclosures of personnel records, except for authorized personnel processing personnel actions or supervisors in the line of authority of the employee. Upon request, the records of disclosure will be made available to the employee to whom it pertains.

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:

- 1) 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.
- 2) A licensed physician designated in writing by the employee may examine the employee's medical record.
- 3) A Town employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- 4) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- 5) 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.
- 6) 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.
- 7) The Town Manager, with the concurrence of the Town 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.

Section 3. Personnel Actions

The Human Resources Officer, with the approval of the Town Manager, will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system. There shall be one set of official personnel files, centrally located as designated by the Town Manager, normally in the Human Resources Office. 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. Severability

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 Town 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.

Article XIII. Personnel Related Forms



Vehicle Accident/Injury Report

Department _____ Date _____

Name of Driver _____ Vehicle ID/Unit Number _____

Type of Vehicle _____

Date Driver Last Certified On Above Vehicle _____

Date of Accident _____ Time _____ Date Reported _____

Location of Accident _____

Roadway

- | | |
|------------------------------------|--|
| ☐ Straight | ☐ 2-lane |
| ☐ Curve | ☐ 3-lane |
| ☐ On Grade | ☐ 4-lane |
| ☐ Level | ☐ Divided |
| ☐ Hillcrest | ☐ Rural |
| ☐ Dry | ☐ Lanes Marked |
| ☐ Wet | ☐ Lanes Unmarked |
| ☐ Muddy | ☐ No road defects |
| ☐ Snowy | ☐ Holes, ruts, etc. |
| ☐ Sleet | ☐ Loose material |
| ☐ Icy | ☐ Other _____ |
| ☐ Oily | |

Accident Occurred:

- | |
|--|
| ☐ Town facility |
| ☐ Town venue |
| ☐ Town auxiliary services |
| ☐ Town event |
| ☐ Emergency scene |
| ☐ Training |
| ☐ In transit during performance of duties |
| ☐ Other _____ |

Type of Loss:

- | |
|--|
| ☐ Personal injury |
| ☐ Property damage |
| ☐ Vehicle damage |

Weather

- | |
|---|
| ☐ Clear |
| ☐ Rain |
| ☐ Frozen Precipitation |
| ☐ Fog |
| ☐ Smokey |
| ☐ Other _____ |

Description of Accident

Motor Vehicle Diagram

Complete the following diagram showing direction and positions of automobiles involved, designating clearly point of contact.

Indicate North

Instructions:
 1. Show vehicles and direction of travel
 2. Use solid line to show path of each vehicle before accident; dotted line after accident...

Give Street Names and Directions

Your Vehicle

Other Vehicle 1 2

Safety Analysis

What acts, failures to act and/or conditions contributed most directly to this accident? (Immediate Cause)

What are the basic or fundamental reasons for the existence of these acts and/or conditions? (Fundamental Cause)

2
Accident/Injury Report

Note: This document is intended to be consistent with existing standards; therefore, if an area is considered by the reader to be inconsistent with a standard, then the standard for best practices should be followed.

What action has or will be taken to prevent recurrence? Place "X" by items completed.

Safety's Comments

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

Driver's Signature_____

Date _____

Supervisor's Signature _____

Date _____

Safety's Signature _____

Date _____

3
Accident/Injury Report

Note: This document is intended to be consistent with existing standards; therefore, if an area is considered by the reader to be inconsistent with a standard, then the standard for best practices should be followed.

DEPARTMENT	CERTIFICATION/LICENSE/DEGREE	PERCENT OF INCREASE
Police	Intermediate Certificate	5.00%
	Advanced Certificate	5.00%
Fire	Advanced Professional	5.00%
Finance	Finance Officer Certification	2.50%
	Certified Public Accountant	5.00%
	Certified Local Government Purchasing Officer	3.50%
Planning	American Institute of Certified Planners (AICP)	5.00%
	NC Certified Zoning Officer (CZO)	2.50%
Clerk	IIMC Certified Municipal Clerk	2.00%
	IIMC Master Municipal Clerk	3.00%
Sewer	Collections I	1.00%
	Collections II	1.50%
	Collections III	2.00%
Pesticide License Public Health	NCDA Pesticide Safety Education Program- NCSU	1.00%
Manager	ICMA Credentialed Manager	2.50%
Human Resources	SHRM, HRCI, PSHRA HR Certification	3.75%
All Departments	Associate's Degree*	2.50%
	Bachelor's Degree*	5.00%
	Master's Degree*	7.50%
	*Degrees need to be in field of work	