

TOWN OF SOUTHERN SHORES

HUMAN RESOURCES POLICY



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ARTICLE 1. GENERAL PROVISIONS

Purpose

It is the purpose of this policy and the rules and regulations set forth to establish a fair and uniform system of personnel administration for all employees of the Town under the supervision of the Town Manager.

At Will Employment

All employees of the Town of Southern Shores are at will employees. Nothing in this policy creates an employment contract between the Town and its employees or creates a property interest for any person working for the Town. No person has the authority to grant any employee any contractual rights of employment.

Merit Principle

All personnel decisions shall be made solely on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same salary range. No applicant for employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee because of race, color, religion, gender, age, national origin, disability, genetic information, sexual orientation, gender identity or other protected status.

Responsibilities of the Town Council

The Town Council shall be responsible for establishing and approving personnel policies, including the position classification and pay plan. The Town Council may change the policies and benefits as necessary. They also shall make and confirm appointments when so required by N. C. General Statutes.

Responsibilities of the Town Manager

The Town Manager shall be responsible to the Town Council for the administration and technical direction of the personnel program. The Town Manager shall appoint, suspend, discipline, and remove all Town officers and employees except those elected by the people or whose appointment is otherwise provided for by law. The Town Manager shall make appointments, dismissals, and suspensions in accordance with the Town Charter and as guided by the policies and procedures described in this Policy.

The Town Manager shall:

1. recommend rules and revisions to the personnel system to the Town Council for consideration;
2. investigate periodically the operation and effect of the personnel provisions of this policy; and
3. perform such other duties as may be assigned by the Town Council not inconsistent with this Policy.

Responsibilities of the Human Resources Director

The Human Resources Director shall:

1. recommend to the Town Manager which employees are exempt or non-exempt from the overtime provisions of FLSA;
2. recommend to the Town Manager necessary revisions to the pay plan;
3. recommend rules and revisions to the personnel system to the Town Manager for consideration;
4. recommend to the Town Manager changes as necessary to maintain an up to date and accurate position classification plan;
5. establish and maintain 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;
6. develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
7. develop and coordinate training and educational programs for Town employees;
8. advise the Town Manager about the application and interpretation of the Town's personnel policies and the proper administration of the personnel system;
9. perform such other duties as may be assigned by the Town Manager not inconsistent with this Policy.

Application of Policies, Plan, Rules, and Regulations

This Personnel Policy and all rules and regulations adopted pursuant thereto shall be binding on all Town employees. The Town Manager, Town Attorney, members of the Town Council and advisory boards and commissions will be exempted except in where specifically included. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action.

Departmental Rules and Regulations

Subject to the written approval of the Town Manager, each department may establish supplemental written rules and regulations applicable only to the personnel of that department. All such rules and regulations shall not in any way conflict with the provisions of this Policy.

ARTICLE 2. EEO STATEMENT

Equal Employment Opportunity (EEO) Statement

The Town of Southern Shores is committed to providing equal employment opportunity for all employees and applicants on the basis of merit and without regard to race, color, religion, gender, age, national origin, disability, genetic information, sexual orientation, gender identity or other protected status. The Town will not condone, permit or tolerate any form of unlawful discrimination, harassment or retaliation by or against our employees.

Purpose

The Town of Southern Shores recognizes the importance of a diverse workforce in providing services and in applying equal employment opportunity (EEO) principles in all employment practices.

Policy

It is the policy of the Town of Southern Shores to strictly adhere to the principle of equal employment opportunity in all its personnel actions and decisions and provide equal employment opportunities to all employees and applicants for employment.

Coverage

This policy covers all Town employees.

ARTICLE 3. CONDITIONS OF EMPLOYMENT

Definitions Used in This Article

Immediate Family

Includes wife, husband, mother, father, brother, sister, son, daughter, grandmother, grandfather, grandson, granddaughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepmother, stepfather, stepson, stepdaughter, stepbrother, or stepsister.

Outside Employment/Secondary Employment

Self-employment or any other employment for salaries, wages, tips or commission other than the full-time position held with the Town of Southern Shores.

Conflict of Interest

Situation created when the interests or concerns (actual or potential) of an individual, may be seen as competing with the interests or concerns of the Town. In addition, the individual's judgment or conduct might be affected, or might reasonably appear to be affected.

Contractor

Any person or company who directly or indirectly provides construction, personal services, goods, or equipment to any department of the Town.

Gifts and Favors

Any offering or gratuity including, but not limited to, candy, flowers, free trips, meals and athletic tickets.

Electronic and Telephonic Communications Systems

Includes e-mail, voice mail, text messages, etc.

Email

Electronic mail. Mail composed, addressed, and sent/received electronically.

Information Processing Resources

Electronic computing and communications hardware, software, networks, and information.

Work Schedule

Policy

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.

The workweek for the Town of Southern Shores runs from midnight Sunday through 11:59 pm Saturday.

Employment of Relatives (Nepotism)

Policy

Two members of an immediate family shall not be employed by the Town if such employment will result in an employee supervising a member of his/her immediate family, or if one member occupies a position which has influence over the other's employment, promotion, salary administration, or other management or personnel considerations.

This policy is applicable to all new hires, promotions, demotions, transfers, and reinstatements.

This policy shall only apply prospectively from the date of the adoption of this Policy.

Outside/Secondary Employment

Policy

The work of the Town shall take precedence over all other occupational interests, paid or unpaid.

Purpose

This policy establishes a process for the request, and authorization to engage in outside employment.

Any employee involved in outside employment must report that outside employment to his/her Department Head in writing for approval or rejection. The Department Head, with the agreement of the Human Resources Director, shall submit a recommendation of any outside employment to the Town Manager or his/her designee for approval or disapproval.

A copy of the Town Manager's decision will be returned to the Human Resources Director for inclusion in the employee's personnel file. The Department Head shall notify the employee of the Town Manager's or designee's decision.

Outside employment which restricts an employee's mental or physical ability to perform the duties or functions of his or her regular job shall be considered in conflict with the restrictions set forth in this policy. Outside employment which compromises or violates the confidentiality of an employee's regular job, or which compromises the objectivity of Town services rendered to the public shall be considered a conflict of interest in violation of this policy.

Outside employment that creates a conflict of interest or unreported outside employment may be grounds for disciplinary action up to and including dismissal.

Restriction on Political Activity

Policy:

Every employee of the Town of Southern Shores has a civic responsibility to support good government by every available means and in every appropriate manner. Any employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings and may advocate and support the principles or policies of civic

or political organizations established by the Constitution and laws of the State of North Carolina and by the Constitution and laws of the United States of America.

While on duty, no employee of the Town of Southern Shores shall:

- a. Engage in any political activity.
- b. Be required as a duty of his office or employment, or as a condition for employment or promotion or tenure of office, to contribute funds for or to political or partisan purposes.
- c. Solicit or act as custodian of funds for political or partisan purposes.
- d. Coerce or compel contributions for political or partisan purposes from any other employee of the Town of Southern Shores.
- e. Use any Town supplies or equipment for political or partisan purposes.

Any violation of this policy shall be deemed unacceptable personal conduct and shall subject the employee to disciplinary action up to and including dismissal.

Gifts/Favors

Policy

No official or employee of the Town shall accept any gift, whether in the form of a service, loan, something of value or promise from any person, firm or corporation, who in the employee's knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the Town.

No official or employee shall accept any gift, favor or thing of value that may tend to influence that employee in the discharge of duties.

No official or employee shall grant in the discharge of duties any improper favor, service or thing of value.

All Town employees shall refuse gratuities in the form of money.

This policy shall not prohibit the following:

- a. Receipt of honorariums for the officer's or employee's participation in meetings.
- b. Advertising items or souvenirs of nominal value.
- c. Meals furnished at banquets or Town-sponsored events.
- d. Receipt or exchange of gifts or favors between employees/officers and their friends and/or relatives where it is clear that the motivating factor is a personal relationship rather than a business relationship.

Town Decision On Compensation For Overtime

The Town of Southern Shores retains at all times the determination of whether to compensate overtime work by awarding compensatory time off or by payment of time and a half overtime pay. Persons who accept a position with the Town of Southern Shores eligible for overtime compensation under the Fair Labor Standards Act agree to this as a condition of employment.

Electronic Devices/Internet Access/No Expectation of Privacy

The Town's information technology is considered a resource made available to Town employees to conduct and facilitate their work. It is to be used at all times in a lawful and ethical manner. Inappropriate and prohibited uses of Town-provided electronic devices and internet access include but are not limited to the following:

- Unauthorized and time-consuming recreational activities, such as shopping, or game playing or social media, including use of your personal device;
- Downloading games, music, videos or movies;
- Use unauthorized codes, passwords, or any other means to gain access to confidential Town files or the e-mail of other employees;
- Using the system for personal profit or illegal purposes;
- Use email or voice mail to harass or to make defamatory remarks about other employees or to send inappropriate or offensive messages such as racial, sexual, or religious slurs.
- Viewing websites with pornographic content.

The Town of Southern Shores reserves the right to examine, for good business reason, files, programs, passwords, accounting information, printouts, or other computing material without notice at any time. Employees have no expectation of privacy in their use of Town-owned devices or Town-provided Internet service.

Information Technology

All electronic and telephonic communications systems and all information transmitted by, received from, or stored in Town owned or provided systems are the property of the Town of Southern Shores. These systems and their various components are subject to random monitoring of system use and review of messages to determine whether any violations of Town policies have occurred.

Employees are expected to use these resources in the performance of work-related functions on the job, or while using Town owned or provided information processing resources, including the Internet, responsibly and professionally and shall make no intentional use of these services in an inappropriate, illegal, malicious, or obscene manner. Employees may make reasonable personal use of Town owned or provided resources, including Internet access, as long as there is no negative impact on employee job performance and there is little to no cost to the Town. Emails or texts sent from or received by electronic devices may constitute public records and could be disclosed as public records request.

A violation of this policy shall be considered unacceptable personal conduct and shall subject the employee to disciplinary action, up to and including dismissal.

Direct Deposit of Employee Paychecks

As a condition of employment with the Town of Southern Shores, every full-time and part-time employee shall have his/her paycheck directly deposited into the bank account of his/her choice. No paychecks shall be issued except as direct deposit.

Smoke/Tobacco-Free Workplace Statement

The Town of Southern Shores maintains a “smoke-free” workplace in all its facilities, offices and equipment. This policy applies to all employees, clients, visitors, and guests. Violation of this policy shall constitute unacceptable personal conduct and will result in disciplinary action.

Safety

Safety is the responsibility of both the Town and employees. It is the policy of the Town to establish a safe work environment for employees. The Town shall establish a safety program including policies and procedures regarding safety practices and precautions and training in safety methods. Department Heads and supervisors are responsible for ensuring the safe work procedures of all employees and providing necessary safety training programs. Employees shall follow the safety policies and procedures and attend safety training programs as a condition of employment. Employees who violate such policies and procedures or who otherwise engage in unsafe work practices or activities shall be subject to disciplinary action up to and including dismissal.

Performance Evaluation

Supervisors and/or Department Heads shall 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 Town Manager.

Emergency Service Duty

The Town provides a continuous twenty-four hour a day, seven day a week service to its residents. 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 by the Town Manager.

ARTICLE 4. RECRUITMENT AND EMPLOYMENT

Equal Employment Opportunity Policy

It is the policy of the Town to foster, maintain and promote equal employment opportunity. The Town shall select employees on the basis of the applicant's qualifications for the job and award them, with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to race, color, religion, gender, age, national origin, disability, genetic information, sexual orientation, gender identity or other protected status. Qualified applicants with disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of duties with or without reasonable accommodation.

Implementation of Equal Employment Opportunity Policy

All personnel responsible for recruitment and employment will continue to regularly review 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. Notices with regard to equal employment matters shall be posted in conspicuous places on Town premises in places where notices are customarily posted.

Definitions Used in This Article

Probationary Period A period of twelve months during which a supervisor monitors the performance and other behaviors of the new employee. A probationary employee may be separated at any time if it is determined that his/her performance or behavior is not satisfactory.

Promotion This is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range.

Demotion This 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.

Transfer This is the movement of an employee from one position to a position in a class in the same salary range.

Recruitment, Selection and Appointment

Prior to beginning the recruitment process, the Department Head should review the current job description for the vacancy and determine if it accurately describes the work to be done. If not, the department director should contact Human Resources and discuss revising the job description.

The Human Resources Department is responsible for managing the recruitment process for Town employees and for providing technical advice and assistance to hiring officials as needed.

Recruitment Sources. When a position vacancy occurs, the Human Resources Department, together with the Department Head, shall publicize these opportunities for employment. Information on job openings and hiring practices will be provided to recruitment sources, including organizations and news media available to minority applicants. Notice of vacancies shall be posted at designated conspicuous sites within departments. Department Heads are encouraged to use their special knowledge of their fields of work to aid in recruiting well-qualified applicants.

Job Advertisements. Recruiting announcements shall include information pertinent to the position/work involved, including at a minimum, the title of the position, the minimum salary for the grade, key duties of the position, knowledge and skill requirements, physical requirements with or without accommodations, and the minimum education and experience standards necessary to qualify for the job. The announcement should also include any special certification or licensing requirements, and an application closing date. The Town of Southern Shores will ordinarily advertise internally before posting a vacancy for external applicants.

Application for Employment. Applications will be taken from all persons expressing interest in employment with the Town only for those positions that are advertised. The Town of Southern Shores employment application is the only application accepted for employment with the Town. The applicant must apply each time there is an opening.

Applicants shall be considered on the basis of qualifications for the job in question without regard to age, sex, race, color, creed, religion, marital status, disability, gender identity, sexual orientation or national origin.

Selection. Department Heads shall review the qualifications of each applicant and use interviews and other selection tools as necessary to assess accurately the knowledge, skills, and experience qualifications of each applicant in order to determine the applicant best suited for the vacant position. As necessary based on the position, the Town will review criminal history (excluding arrests). All selection tools administered by the Town shall be valid measures of job performance.

Appointment. Before any commitment is made to an applicant either internal or external, the Department Head shall make recommendations to the Town Manager with a recommendation of the position to be filled, the salary to be paid (with a recommendation by the Human Resources Director), and the reasons for selecting the candidate over other candidates. The Town Manager shall approve appointments and the starting salary for all applicants.

Probationary Period

An employee appointed to a permanent position shall serve a probationary period. During the probationary period, supervisors shall monitor an employee's performance and

communicate with the employee concerning performance progress. Employees serving a probation shall have a probationary review at the end of six months as well as before the end of twelve months.

Before the end of the probationary period, the supervisor shall review the employee's performance and behavior during the probationary period. The supervisor should discuss this review with the employee and prepare a summary for the employee's personnel file.

The supervisor shall recommend in writing whether the probationary period should be completed, extended or the employee separated. Separation of the employee may occur at any time during the probationary period of a new hire without following the disciplinary procedures outlined in this Policy.

Promotion

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range. It is the Town's policy to create career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is best suited of all applicants, that applicant shall be appointed to that position.

The Town will balance three goals in the employment process:

- 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.

Except in unusual situations where previous Town experience is essential or the existence of an internal candidate with exceptional qualifications, the Town will consider external and internal candidates for selection 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.

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 (disciplinary.) An employee whose work in the current position is unsatisfactory may be disciplinarily demoted provided that the employee shows promise of becoming an acceptable employee in the lower position. Such disciplinary demotion shall follow the disciplinary procedures outlined in this policy.

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. The Department Head wishing to transfer an employee to a different department or classification shall make a recommendation to the Town Manager with the consent of the receiving Department Head. An employee who has successfully completed a probationary period may be transferred into the same classification without serving another probationary period.

Retention of Selection Process Documentation

The Human Resources Department shall be the repository for all documents generated by the selection process, including a list of all applicants, a list of persons interviewed with their applications, all interview tool(s) used in the selection process, responses for each interviewed candidate for questions/situations in the interview, references for the recommended hire, and the department director's written justification for hiring/promotion.

ARTICLE 5. POSITION CLASSIFICATION PLAN

Purpose

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

Composition of the Position Classification Plan

The classification plan shall consist of 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. The plan shall also include class titles descriptive of the work of the class, as well as written specifications for each class of positions. Finally the plan shall contain an allocation list showing the class title of each position in the classified service.

Use of the Position Classification Plan

The classification plan is to be used as a guide in recruiting and examining applicants for employment; in determining lines of promotion and in developing employee training programs; in determining salary to be paid for various types of work; in determining personnel service items in departmental budgets; and in providing uniform job terminology.

Administration of the Position Classification Plan

The Town Manager, upon the recommendation of the Human Resources Director, shall allocate each position covered by the classification plan to its appropriate class. The Human Resources Director shall be responsible for the administration of the position classification plan. The Human Resources Director, at the request of the Town Manager, shall periodically review portions of the classification plan and recommend appropriate changes. The Town Manager, at his/her discretion, shall recommend any necessary changes to the Town Council.

Adoption of the Position Classification Plan

The position classification plan shall be adopted by the Town Council and shall be on file with the Town Clerk. Copies will be available to all Town employees for review upon request. New positions shall be established upon recommendation of the Human Resources Director to the Town Manager. Once the Town Council approves a new position the Human Resources Director shall either allocate the new position into the appropriate existing class or amend the position classification plan to establish a new class for the new position.

ARTICLE 6. THE PAY PLAN/SALARY ADMINISTRATION

Definitions Used in This Article

Compensatory Time Off/Comp Time. This is paid time off earned by a non-exempt employee who works over 40 hours in a single work week. A non-exempt employee earns compensatory time off for working overtime at the rate of one and one-half of compensatory time off for every hour of overtime worked.

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 (disciplinary.)

Exempt Employee. An employee who is exempt from earning overtime under the Fair Labor Standards Act.

Full-time Employee. A Regular Employee who is in a position for which an average work week is 40 hours for at least 12 months.

Non-exempt Employee. An employee who is not exempt from overtime under the Fair Labor Standards Act.

Overtime Pay. This is compensation for all overtime worked at the rate of one and one-half times the employee's regular hourly rate. Unless approved by the Town Manager and the Town Council, regular police officers are eligible for overtime pay only if they are non-exempt.

Part-time Employee. A Regular Employee who is in a position for which an average work week is at least 20 hours but less than 40 hours

Probationary Period. A period of twelve months. During this time the supervisor monitors the performance and other behaviors of the new employee. A probationary employee may be separated at any time if it is determined that his/her performance or behavior is not satisfactory.

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

Promotion. Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range.

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

Regular Position. 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 Council and all employees' work and conduct must meet town standards.

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

Composition of the Pay Plan and Salary Schedule

The pay plan includes the basic salary schedule and the assignment of classes to grades and ranges adopted by the Town Council. The salary schedule consists of hiring rate, and the minimum, midpoint, and maximum rates of pay for all classes, and a designation of the standard hours in the work week for each position.

Administration and Maintenance

The Human Resources Director 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. Those employees whose salaries are above the established maximum rate following transition to a new pay plan are the only exception to this rule.

The pay plan is intended to provide equitable compensation for all positions. The pay plan is intended to reflect differences in the duties and responsibilities of the classes in the plan. It is also intended to reflect the comparable rates of pay for positions in private and public employment in the area, as well as changes in the cost of living, the financial conditions of the Town, and other factors.

Each budget year the Human Resources Director 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. He/ She will recommend to the Town Manager such changes in salary ranges as appear to be necessary. The Town Manager, at his/her discretion, shall recommend any necessary changes to the Town Council. Such changes shall be made in the salary ranges so that the hiring rate, all intervening rates and the maximum rate will change according to the market.

Periodically, the Human Resources Director shall recommend to the Town Manager 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 Council.

Starting Salaries

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

Probationary Pay Increases

Employees shall receive a salary increase within of 5% upon successful completion of the probationary period.

Merit 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.

Merit Pay Bonus

Employees who are at the top rate of the salary range for their position classification are eligible to be considered for a merit bonus at their regular performance evaluation time. Merit bonuses shall be awarded in lump sum payments and do not become part of base pay.

Salary Effect of Promotions, Demotions, Transfers, and Reclassifications**Promotions.**

When an employee is promoted, the employee's salary shall be increased to the minimum level of the new position, or by 5%, whichever is greater. Increases above this amount requires approval by Town Council. The new salary may not exceed the maximum rate of the new salary range. The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility.

Demotions.

When an employee is demoted for whatever reason, his/her salary shall be reduced at least 5%, and may be reduced more to avoid salary inequities.

Transfers.

The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary range shall remain the same.

Reclassifications.

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 of the new pay range, whichever is higher.

If the position is reclassified to a lower pay range, the employee's salary shall not change at the time of reclassification. 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. While the employee's salary is above the maximum rate the employee is not eligible for merit pay, or market adjustments. The employee shall be eligible for pay increases when cost of living or market adjustments increase the salary range maximum above the employee's current salary. The employee is eligible for longevity pay.

Salary Effect of Salary Range Revisions

When a class of positions is assigned to a higher salary range, employees in that class shall receive a pay increase of at least approximately 5%, or to the minimum rate of the new range, whichever is higher.

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 new 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 (see **Reclassifications** above).

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 to at least the new minimum for their classes.
- 3) All employees being paid at a rate below the maximum rate established for their respective classes shall be paid at a rate listed in the salary schedule.
- 4) all employees not at a listed rate shall have their salaries raised to a listed rate.
- 5) All employees being paid at a rate above the maximum rate established for their respective classes shall be maintained at that salary level until such time as the employees' salary range is increased above the employees' current salary (see **Reclassifications** above).

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.

Pay for Interim Assignments in a Higher Level Classification

An employee who is formally designated 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 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. 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 increases the employee would have received if they had not been placed in the interim role.

Hourly Rate of Pay – Part-Time/Temporary Capacity

Employees working in a part-time or temporary capacity with the same duties as full-time employees will be paid at a rate in the same salary range as full-time employees.

Overtime Pay Provisions

The Town Manager, based on the recommendation of the Human Resources Director, shall determine which jobs are non-exempt and eligible for overtime compensation in the form of either overtime pay or compensatory time off.

Non-exempt employees will be paid at a straight time rate for all hours actually worked up to 40 hours in a work week. (Eligibility for overtime compensation for police personnel will be different). The Town will compensate non-exempt employees (except law enforcement officers) with compensatory time off for time worked beyond 40 hours in a single workweek at the rate of time and one-half hours of paid time off for every hour of overtime worked.

Non-exempt sworn law enforcement employees with the Police Department will be paid one and one-half times their regular hourly rate for all time actually worked beyond 171 hours in a 28-day work period.

In determining eligibility for overtime in either a work week or a work period, only hours actually worked shall be considered. Vacation, sick leave, compensatory time used or paid holidays or any other time not actually worked shall not be included in the computation of hours worked for overtime purposes.

Accumulation/Use of Compensatory Time Off

Overtime work that would result in the accumulation of more than 40 hours of compensatory time off requires the approval of the Town Manager. The only time an employee will be paid for any accrued compensatory time is when his or her

employment is terminated with the Town or when the Town Manager deems it to be in the interest of the Town to pay down an employee's compensatory time balance.

When scheduling time out of the office, compensatory time must be used before any accumulated vacation time is used.

Avoiding the Creation of Overtime Work

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.

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. All work in excess of regularly scheduled hours, which would result in overtime, must be approved by the Department Head.

Exempt Employees

Employees in positions determined to be exempt will not be paid for hours worked in excess of their normal work periods. These employees may be granted compensatory leave by their supervisor where the convenience of the department allows and in accordance with procedures established by the Town Manager. Compensatory time given to exempt employees is not guaranteed to be taken and will not be paid out upon separation from the Town.

In emergency situations, where exempt employees are required to work long and continuous hours, the Town Manager can recommend to the Town Council bonus compensation for those hours worked beyond the normal work week. In the alternative, the Town Manager or the Town Council may grant time off with pay for rest and recuperation to ensure safe working conditions.

Call-back Pay

The Town provides a continuous twenty-four hour a day, seven day a week service to its residents. 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 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 by the Town Manager.

Non-exempt employees will be guaranteed a minimum payment of two hour's wages for being called back to work outside of normal working hours. Call-back provisions do not apply to previously scheduled overtime work.

Payroll Deduction

Deductions shall be made from each employee's salary, as required by law. Additional deductions may be made upon the request of the employee on determination by the Town Manager as to capability of payroll equipment and appropriateness of the deduction.

ARTICLE 7. EMPLOYEE BENEFITS

Definitions Used in This Article

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

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

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

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

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

Eligibility

All regular and probationary 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. Temporary employees are eligible only for workers' compensation and FICA.

Benefit Programs

Group Health and Hospitalization Insurance

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

Employees who are scheduled to work 20 hours or more but less than 40 hours per week on a continuous year-round basis may, if they so desire, purchase available group health through the Town for themselves or for themselves and qualified dependents. A pro-rated amount of the cost of coverage paid for a full-time employee shall be paid by the Town with the remainder of the cost being paid by the employee. This pro-rated amount shall be based on regularly scheduled hours.

Information concerning cost and benefits is available to all employees from the Human Resources Department.

Retired Employees.

The Town has adopted a separate policy to govern retiree health and dental insurance effective November 7, 2007. Please refer to this separate policy to determine proper coverage.

Life Insurance

The Town pays for a life insurance policy for each full-time employee. The employee can elect to purchase dependent coverage through the same company. The Town also offers a variety of supplemental insurance policies (including life insurance, short- and long-term disability insurance, cancer insurance, accident insurance and other types) to the employees. Employees pay for the costs for these optional forms of insurance. Employees can find out about this benefit by contacting the Human Resources Department.

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

Social Security

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

Workers' Compensation

All employees of the Town (full-time, part-time, and temporary) are covered by the North Carolina Workers' Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisors at the time of the injury in order that appropriate action may be taken at once.

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

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

Before returning to work from an injury arising out of or due to employment with the Town, a statement from the attending physician should be submitted to the Town confirming that the employee is fit for duty and specifying any necessary restrictions or conditions. Upon return to work in their usual position, the employee's salary will be

computed on the basis of the last salary plus any salary increase to which the employee would have been entitled based upon performance and other compensation policies.

During the disability covered by Workers Compensation benefits, an employee continues to earn annual leave, sick leave, and will retain all accumulated sick or annual leave.

Employees may use compensatory time off, sick leave and/or vacation leave both during the waiting period before Workers' compensation benefits begin, and afterward to supplement the remaining one-third of salary, except that employee may not exceed the regular salary amount using this provision.

Unemployment Compensation

Town employees who are separated 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.

Employee Assistance Program

All employees of the Town of Southern Shores and their spouse and children are encouraged to use the Vidant Employee Assistance Program. The services provided by the EAP are confidential and free for the first 6 visits. The EAP offers confidential counseling with a licensed behavioral health professional near your place of employment. To schedule an appointment employees may call 252-847-4357 or 877-843-7207. For more information about the Employee Assistance Program employees may also contact the Human Resources Department.

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 one thousand dollars (\$1,000) 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. These requests are subject to the review and approval of Town Manager. These requests are also subject to the availability of funds.

Longevity Pay

Employees shall receive longevity pay in the payroll following his/her anniversary date that reflects years of service. Employees shall receive longevity pay according to the following schedule:

<u>Years of Service</u>	<u>Longevity Amount</u>
0 - 4	\$ 0
5-9	500
10- 14	1000
15-19	1500
20-24	2000
25 or more	2500

ARTICLE 8. HOLIDAYS, LEAVE AND ADVERSE WEATHER

Policy

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

Definitions Used in This Article

Immediate Family. Includes wife, husband, mother, father, brother, sister, son, daughter, grandmother, grandfather, grandson, granddaughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepmother, stepfather, stepson, stepdaughter, stepbrother, or stepsister.

Essential Employees [Adverse Weather]. These are employees who have been designated as essential to the successful and efficient management of an emergency situation by their Department Head or the Town Manager. Essential employees are expected to report when contacted by the Department Head or Supervisor. This group includes, but is not limited to all Police, Public Works employees, the Building Inspector, and the Deputy Town Manager/Planning Director.

Holidays

The following days, and other such days as the Town Council may designate, are holidays with full pay for employees and officers of the Town:

New Year's Day	Independence
Martin Luther King Birthday	Day Labor Day
President's Day	Veteran's Day
Good Friday	Thanksgiving Thursday & Friday
Memorial Day	Christmas [3 days]

When any designated holiday falls on Saturday or Sunday, the following Monday will be the designated holiday. Christmas holidays include the last business day before Christmas, Christmas Day and the business day after Christmas. When Christmas falls on a Saturday, Thursday, Friday and Monday will be the designated holidays. When Christmas falls on a Sunday, Friday, Monday and Tuesday will be the designated holidays.

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.

Holidays: Compensations When Work is Required or Regularly Scheduled Off for Shift Personnel

Employees required to perform work on regularly scheduled holidays shall be paid at the rate of time and one half for hours actually worked and receive pay at the regular rate for the holiday hours they did not take off.

Order of Use of Leave

Non-exempt employees with accumulated compensatory time off leave are required to use that leave before using vacation leave.

Vacation Leave

Vacation leave shall be used for rest and relaxation, and may be used for medical appointments, school appointments, observance of religious holidays not recognized by the Town, or other such needs.

Vacation Leave: Use by Probationary Employees

Employees in an initial probationary period may accumulate vacation leave but shall not be permitted to take vacation leave during the first three months of the probationary period. Employees shall be allowed to take accumulated vacation leave after three months of service. The Town Manager may, at the request of a Department Head, allow use of accumulated vacation leave during the first three months of the probationary period.

Vacation Leave: Accrual Rate

Each full employee of the Town shall earn annual leave at the following schedule,

Years of Service	Days Accrued Per Year
0 to 4	12
5 to 9	15
10 -19	20
20 plus	24

Police Officer Vacation Leave Accrual

Police Officers accrue vacation leave at the following rates:

Years of Service	Days Accrued Per Year
0 to 4	12.84
5 to 9	16.05
10 plus	21.39
20 plus	25.68

Part-time employees shall earn annual leave prorated by the average number of hours in the employee's workweek.

Vacation Leave: Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until December 31 of each year. If the employee terminates employment with the Town, payment for accumulated vacation leave shall not exceed 30 days. From the last payroll in the calendar year, any employee with more than 30 days of accumulated leave shall have the excess accumulation transferred to sick leave.

Employees should not retain vacation leave over the 30 days maximum until late in the calendar year. Because of the necessity to keep all Town functions in operation throughout the year, 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.

Vacation Leave: Manner of Taking

Employees are expected to request vacation leave in advance and must receive approval before taking the leave. Department Heads are responsible for insuring that approved vacation leave does not hinder the effectiveness of service delivery. Vacation leave may be taken in amounts of not less than 15 minutes. Employees who fail to comply with these requirements are subject to disciplinary actions up to and including dismissal.

Vacation Leave: Payment upon Separation from Employment

The maximum amount of accumulated vacation leave that will be paid out is 30 days. An employee who has completed the probationary period will normally be paid for accumulated vacation leave upon separation, provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation. 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 annual leave subject to the 30-day maximum.

Vacation Leave: Payment upon Death

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

Sick Leave

Sick leave is a privilege which the Town grants and not a right. Sick leave may be used when the employee is unable to fully or safely perform their duties due to illness or injury. Sick leave may also be used when an employee must care for a member of his/her immediate family who is ill.

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

Sick leave may also be used for death in the employee's immediate family but may not exceed three days for any one occurrence. Additional leave time required for such occurrence may be charged to vacation or other approved leave when approved by the Department Head and/or Town Manager.

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

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. Sick leave for full-time and part-time employees working other than the basic work schedule shall be pro-rated as described in this Article. 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 Government Employees' Retirement System.

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

Transfer of Sick Leave from Previous Employer

The Town will accept the transfer of sick leave for employees from other employers who are participants of the North Carolina Local Government or State Employees Retirement System. The sick leave will be treated as though it were earned with the Town of Southern Shores. The sick leave amount must be certified by the previous employer. The sick leave must have been accrued under a leave system similar to that used by the Town.

Sick Leave: Medical Certification

A Department Head who believes that an employee is abusing the privilege of sick leave may require a physician's certificate. The Department Head is required to ensure:

- a) Employees shall not be on duty when they might endanger their health or the health of other employees or members of the public; and
- b) There will be no abuse of leave privileges.

Claiming sick leave under false pretense to obtain a day off with or without pay shall subject the employee to disciplinary action up to and including dismissal.

Leave Without Pay

A full or part-time employee may be granted a leave of absence without pay for a period of up to twelve months by the Town Manager. The leave shall be used only for these reasons:

- a) personal disability after all other available paid leave has been exhausted,

- b) sickness or disability of immediate family members,
- c) continuation of education,
- d) special work that will permit the Town to benefit by the experience gained or the work performed,
- e) or for other reasons deemed justified by the Town Manager.

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

Workers' Compensation Leave

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave or vacation during the first waiting period. The employee may also elect to supplement workers' compensation payments after they begin with sick leave, vacation, or compensatory time, provided that the combination of leave supplement and workers' compensation payments does not exceed normal compensation. An employee on workers' compensation leave may be permitted to continue to be eligible for benefits under the Town's group insurance plans.

When worker's compensation leave extends long enough for the waiting period to be reimbursed, the employee shall return the reimbursement check to the Town and have leave hours re-instated for all time covered by paid leave. In such cases, the Town will pay the employee for any unpaid time that is owed the employee.

Military Leave

Regular employees who are members of an Armed Forces Reserve organization or National Guard shall be granted ten workdays per year for military leave with pay. On rare occasions due to annual training being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year. For this purpose, only, an employee shall be granted an additional ten days of military leave during the same calendar year. If such duty is required beyond these ten workdays, 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 taking military leave, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the Town during this period. Employees who are eligible for military leave have all job rights specified by the Vietnam Veterans Readjustment Act.

Reinstatement Following Military Service.

- a) The Town will fully comply with the requirements of USERRA and other related federal regulations. An employee called to extended active duty with the United States military forces, who does not volunteer for service beyond the period for which called, shall be reinstated with full benefits provided the employee applies for reinstatement within ninety days after the release from military service: and:
- a) Is able to perform the duties of the former position or similar position; or
- b) Is unable to perform the duties of the former position or a similar position due to disability sustained as a result of the military service but is able to perform the duties of another position in the service of the Town. In this case the employee shall be employed in such other position as will provide the nearest approximation of the seniority, status, and pay which the employee otherwise would have been provided, if available.

Civil Leave

A Town employee called for jury duty or as a court witness for the federal or state governments, 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. 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.

Parental School Leave

A Town employee who is a parent, guardian, or person standing 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:

- a) The leave must be taken at a time mutually agreed upon by the employee and the Town;
- b) 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
- c) 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 an employee to attend to school activities of his or her child shall count towards the fulfillment of this provision by the Town.

Family/Medical Leave

As a public employer the federal Family/Medical Leave Act covers the Town of Southern Shores. As a covered employer, the Town is required to post information about the Family/Medical Leave Act and complies with that requirement.

However, since the Town of Southern Shores does not employ the statutorily required

minimum of fifty (50) employees, employees of the Town are not entitled to the other provisions of the FMLA, including twelve weeks of unpaid leave. Questions about the Family/Medical Leave Act should be directed to the Human Resources Department.

Bereavement Leave

A full-time regular employee may take up to three full days of bereavement leave for the death of a member of the employee's immediate family as defined in this Article. This entitlement is for each occurrence of a death in an employee's immediate family. This time will not be deducted from accumulated leave.

Adverse Weather Conditions

Policy

Town offices and departments shall remain open for the full scheduled working day unless authorization for early closing or other deviation is received from the Town Manager's office. All departments and offices will be notified by the Town Manager or designee as soon as possible of any authorized early closings.

Definition – Administrative Leave

For the purposes of this policy only, administrative leave is paid time off given to employees during a period of adverse weather. It is not added to any other form of paid leave, it must be used within 90 days from the end of the inclement weather event and it is not paid out if the employee leaves before using it.

Town Operations during Adverse Weather Conditions

In the event of adverse or catastrophic weather conditions, the following provisions will apply:

- A. Employees who leave work early, report for work late or do not report for work at all, when there has been no official cancellation or delay announced, will be required to use earned annual or compensatory time off for days or hours taken. The Department Head may approve specific make-up times for these employees as long as the time can be made up within the same work week and does not result in overtime work for that work week.
- B. Employees in departments that officially close due to adverse weather conditions should record administrative leave for the period of time during which the office was closed. Non-emergency employees who continue to work at their regular workstation during the time of an official closing will be paid but will not receive administrative leave for this time. Nor can the employee carry forward administrative leave that is not used during the time period when the office or department is officially closed.
- C. Employees on sick, annual, or personal leave are not eligible for the administrative leave and will be charged for their accrued paid leave for any leave time during which their department is closed due to inclement weather.

D. Both exempt and non-exempt employees in departments that must remain open during periods of inclement weather when the majority of Town departments are officially closed shall receive administrative leave to be used at a later date equivalent to the administrative leave received by other Town employees. Administrative leave must be used within 90 days from the end of the inclement weather and must be used before any other form of paid leave. This also applies to employees who work in departments that may officially close, but are assigned to shelter duty, or are otherwise placed on Emergency Call Back duty. Note: This policy does not apply to sworn law enforcement employees of the Police Department.

E. Essential Personnel: Employees essential to the successful and efficient management of an emergency situation shall be designated by their Department Head and are expected to report when contacted by Town officials. Failure to be available or to report when called shall be deemed insubordination and will subject the employee to disciplinary actions.

An essential employee who is unable to report for their scheduled shift due to legitimate environmental conditions that preclude them from travel to the work site, should contact their supervisor to see if alternate transportation can be arranged. This procedure also applies to any other reason outside the control of the employee that renders him/her unable to report to work. The supervisor must approve the absence of an essential employee during an emergency situation.

F. Return to Work During Adverse Weather Conditions

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 by the Town Manager.

G. Non-exempt employees reporting for emergency duty shall be compensated for travel time for travel from home to the emergency site and back home. This does not apply to exempt employees.

ARTICLE 9. SUBSTANCE ABUSE/DRUG TESTING POLICY

Alcohol and Drug Free Workplace Policy

Alcohol and drug abuse pose a threat to the health and safety of Town employees and to the security of the Town's equipment and facilities. A drug-free workplace will be the most prepared for reducing accidents, lowering employer liability, and preventing any damage to the reputation of the Town. For these reasons the Town is committed to the elimination of drug and alcohol use/abuse in the workplace.

All testing done under this policy will be conducted in a manner that will protect the rights of employees and applicants. The Town will take all necessary steps to safeguard the dignity of those being tested and will ensure adherence to the procedures within this policy. The Town will adhere to all standards of confidentiality. It will make sure that testing records and results will be released only to those persons authorized to receive them.

Employees with substance abuse problems are encouraged to voluntarily seek help, including using the Town's Employee Assistance Program. If an employee should seek help prior to being identified as a drug/alcohol user through testing, all positive consideration for a medical leave of absence for treatment or counseling will be pursued.

Employees who fail drug or alcohol tests may be disciplined, up to and including dismissal.

All employees will be provided with a copy of this policy. Employees are required to sign a receipt for this policy. Acceptance of this policy is a condition of employment for both new and current employees.

This policy applies to all employees and applicants.

Definitions Used in This Article

Town Premises. This includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by the Town or on any site on which the Town is conducting business.

Illegal Drug. This means a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed healthcare professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308)

Refuse To Cooperate. This means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and

alcohol testing will also be considered to have refused to cooperate and will be subject to dismissal.

Under The Influence of Alcohol. An employee with the presence of any alcohol in his/her blood will be considered to be under the influence.

Under The Influence of Drugs. This is a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient's name, the name of the substance, quantity/amount to be taken and the period of authorization).

Employee Assistance

The Town will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline or termination under this or other Town policies. Such employees will be allowed to use accrued paid time off, or placed on leave without pay, when referred to treatment providers and otherwise accommodated as required by law. Such employees will be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests.

Employees are required to report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medication's effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor. Employees need not and should not, however, disclose to the Town underlying medical conditions unless directed to do so.

Prohibited Behaviors Under This Policy

Whenever Town employees are working, are operating any Town vehicle, are present on Town premises or are conducting work for the Town offsite, they are prohibited from:

1. The use, consumption, possession or storage, manufacture, distribution, dispensation or sale of illegal drugs or illegal paraphernalia on Town premises or any Town work area, in Town vehicles, or while on Town business.
2. The use, consumption, or sale of alcohol on Town premises or any Town work area, in Town vehicles, or while on Town business.
3. Reporting to work or working on Town premises or any Town work area, in Town vehicles or on Town business while under the influence of alcohol, illegal drugs, or non-prescribed drugs.
4. Conviction of selling illegal drugs or of possession with intent to sell illegal drugs at any time or place.
5. Conviction of any criminal drug or alcohol statute at any time or place may be evaluated on a per-case-basis for relevancy to job duties or responsibilities.
6. Failure to notify the supervisor of any conviction under any criminal drug or alcohol statutes by the next workday following the conviction.

7. Failure to notify the supervisor, before beginning to work, of any prescription or over-the-counter medication use which may interfere with the safe and effective performance of duties.
8. Refusal to immediately submit to an alcohol and drug test when requested by a supervisor, in accordance with this policy.
9. Failure to adhere to the requirements of any drug or alcohol treatment program in which the employee is enrolled as a condition of continued employment.
10. Tampering with or obstruction of a drug or alcohol test being administered by or for the Town.

Required Testing

Pre-Employment

All applicants must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing or testing positive for drugs or alcohol as defined in Work Rules will result in disqualification for further employment consideration.

Reasonable Suspicion

An employee who reports to work and there is reasonable suspicion s/he is under the influence of a controlled substance or impaired by the use of prescription/nonprescription medication or alcohol shall immediately be relieved of employment related duties and responsibilities and when practicable, the employee will also be referred for appropriate testing.

Reasonable suspicion inferences may be drawn from observations concerning the appearance, behavior, speech or body odors of the employee, including but not limited to one or a combination of these documented facts: bloodshot or watery eyes; extensive sweating; dilated or constricted pupils; unfocused blank stare; slow reactions; unstable walking; poor coordination; or slurred or slowed speech.

In incidences of reasonable suspicion, if possible, the supervisor should confer with another supervisor to verify observed behavior or actions. She/he should consult with Human Resources prior to meeting with the employee or referring an employee for testing. The supervisor must meet with the employee privately about the performance/behavioral issues, state suspicions and allow the employee to provide an explanation for his/her actions or condition. Failure to take action when the supervisor has reason to believe an employee is impaired while at work will result in disciplinary action being taken against the supervisor.

If specimen collection must take place off site, the supervisor must drive the employee to the collection site in order to ensure the employee's safety, in addition to note the employee's arrival time, confirm the employee's identity and authorize the test. The employee cannot drive to the collection site. If the employee insists on driving, she/he will be subject to disciplinary action up to and including dismissal.

Immediately after the employee has been tested, the employee's supervisor shall provide written documentation of the behaviors and/or conditions which support reasonable

suspicion, including any prior related disciplinary action or other attempts to address the problem, and submit the documentation to Human Resources and the Department Head.

Within 24 hours of referral for testing, a letter will be given to the employee explaining the reasons for the reasonable suspicion testing and advising the employee that she/he is being placed on Investigatory Status with Pay and will be placed on administrative leave until the results of drug and/or alcohol screen are received. If the employee tests positive, the administrative leave will be adjusted to any appropriate and available leave categories. The employee shall be advised of any disciplinary action that may be taken as outlined in the progressive disciplinary process.

Random Testing

Employees in designated safety sensitive positions will be subject to random, unannounced drug and alcohol screening. The Human Resources Office will receive a quarterly listing from the designated medical facility [Outer Banks Urgent Care – Kitty Hawk.]

Human Resources will maintain a list of jobs selected for random testing. This list will be updated as the need exists. When an employee is selected for random testing, the employee will be notified by Human Resources Designee and must report immediately to the designated drug testing facility. Any employee selected for random testing who refuses to submit to testing or who has a positive test will be placed on Investigatory Status with Pay. If the positive test is confirmed, there will be a pre-termination review with the Department Head, and Human Resources, and consultation with the Town's attorney before a decision to be made regarding termination.

Collection and Testing Procedures

Drug Testing

Employees subject to drug testing should be driven to a Town designated medical facility and directed to provide a urine specimen. The collected specimen shall be sent to an approved laboratory and the specimen shall be screened as required by N.C.G.S. § 95-232.

The laboratory shall transmit all positive drug test results to a medical review officer retained by the medical facility who should offer persons with positive results a reasonable opportunity to rebut or explain the results. Individuals with positive test results may also ask to have their split specimen sent to another federally certified laboratory to be tested at the applicant's or employee's own expense. Such requests must be made within 72 hours of notice of test results. The employee must request release of the sample in writing specifying to which approved laboratory the sample is to be sent.

The applicant or employee incurs all reasonable expenses for chain of custody procedures, shipping, and retesting of positive samples related to this request.

If the second facility fails to find any evidence of drug use in the split specimen, the employee or applicant will be treated as a negative drug screen. In no event shall a positive test result be communicated to the Town until such time that the test has been confirmed to be positive.

Alcohol Testing

A positive test for alcohol will result in the employee immediately being placed on administrative leave and scheduled for a pre-disciplinary conference with the Department Head for unacceptable personal conduct.

Testing Procedure

Prior to leaving for the testing facility, Human Resources will contact the testing facility to inform it that a staff member from the Town will be arriving and will need a drug or alcohol test completed.

The employee to be tested must present a photo ID (i.e. a driver's license) to the testing facility staff before the specimen can be obtained. Ensure that the employee brings the photo ID with him or her when leaving the Town premises.

The employee to be tested must sign a consent form provided by the testing facility. Refusal to sign is addressed under the "Consequences" section of this document.

A Town representative must sign as a witness to the collection procedure, along with the tested employee.

After returning to the work site or when leaving the testing facility, the supervisor/manager must make arrangements to transport the person home (unless a negative test result is immediate). Under no circumstances will an employee who is tested due to reasonable suspicion be allowed to drive home.

Consequences

Employees who have tested positive, or otherwise violated this policy, are subject to discipline, up to and including dismissal.

Applicants or employees who test positive will not be eligible for employment with the Town unless and until they produce documentation proving they have completed a drug or alcohol rehabilitation treatment program through the Employee Assistance program and pass a pre-employment drug screen.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be placed on administrative leave and scheduled for a pre-disciplinary conference with their Department Head. If the employee refuses to be tested, yet the Town believes he or she is impaired, under no circumstances will the employee be allowed to drive home.

Employees will be paid for time spent in alcohol or drug testing and time spent waiting for the results of the drug or alcohol test. After the results of the test are received, employees who test positive are subject to disciplinary action up to and including dismissal. If the results are negative, the employee will be returned to work.

Confidentiality

Information and records resulting in positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO are kept confidential to the extent

required by law and maintained in the Human Resources Department. Information will not be released without written consent of the applicant or employee except as a result of action initiated by or on behalf of the applicant or employee or in compliance with a legal subpoena reviewed and approved by the Town legal department. Test results are to be maintained accordance with the Town records retention schedule.

Inspections

The Town reserves the right to inspect all portions of its premises for drugs or other contraband. All employees may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Any illegal drugs or drug paraphernalia discovered on Town premises will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline up to and including dismissal.

Safety Sensitive Classifications for the Town of Southern Shores

A list of safety sensitive positions for the Town of Southern Shores is maintained in the office of the Town Manager and in the Human Resources Department for the administration of random drug tests.

ARTICLE 10. DISCIPLINARY ACTION AND DISMISSAL

Purpose

While most employees are able to perform the essential functions of their jobs, and conduct themselves as adult, professional individuals, some employees cannot or will not perform their jobs satisfactorily or cannot or will not conduct themselves in an appropriate fashion. For those few individuals, the Town of Southern Shores has adopted this policy. This policy is designed to assist employees in understanding their job duties and how to discharge them effectively, thus reducing turnover; and to quickly remove from the workplace those employees who do not behave in an adult, professional manner.

Policy

It is the policy of the Town of Southern Shores to encourage fair, efficient, and equitable solutions for problems arising out of the employment relationship. This policy is designed to help and encourage all employees to achieve and maintain satisfactory standards of performance and conduct. All employees are responsible for acquainting themselves with performance criteria for their particular job, along with rules, procedures, and standards of conduct established by their department, and maintain standards of performance and conduct suitable and acceptable to the work environment.

Coverage

The provisions of this policy apply to all Town employees who have completed a probationary period. The provisions of this policy do not apply to employees in a probationary period.

Definitions Used in This Article

Active Written Warning. A written warning will remain active for a period of twenty-four (24) months after it is issued.

Disciplinary Demotion. Demotion is an involuntary movement from a higher-level position to a lower level position for disciplinary reasons with a corresponding permanent reduction in pay.

Disciplinary Suspension without Pay. A disciplinary action in which an employee is removed from work without pay lasting at least one (1) full work-day but not more than ten (10) consecutive work-days.

Unsatisfactory Job Performance. Unsatisfactory job performance occurs when an employee fails to satisfactorily meet job requirements as specified in the relevant class description or position description, work plan or as directed by the management of the work unit or agency.

Unacceptable Personal Conduct Discipline. Unacceptable personal conduct includes, but is not limited to, behavior that causes the functioning of the Town to be impaired; the safety of persons or property to be threatened; or the laws of the federal, state, or local government to be violated. Unacceptable personal conduct is intentional behavior, rather than inadvertent or negligent behavior.

Department Heads and supervisors are responsible for maintaining the proper job performance or conduct of employees under their supervision. When an employee's performance or conduct is determined by a supervisor or Department Head to be unsatisfactory or unacceptable, disciplinary action may be taken. The Town Manager or Department Head, with the assistance of Human Resources shall review the reasons for any disciplinary action, other than oral and written warnings, before any disciplinary action is taken.

Disciplinary Action Policy

Reason for Disciplinary Action

Any employee may be warned, demoted, suspended or dismissed by the Town Manager or his/her designee. The degree and type of action taken shall be based upon the sound and considered judgment of the Town Manager in accordance with the provisions of this policy. Disciplinary actions may take the form of:

1. Oral or written warning;
2. Reprimand;
3. Extension of or placement on probation;
4. Disciplinary suspension without pay;
5. Demotion; and
6. Dismissal.

Either unsatisfactory job performance or unacceptable personal conduct constitutes good business reason for discipline or dismissal.

This Article guides the process for imposition of any disciplinary action for a non-probationary employee

Employee Responsibilities

All employees are responsible for performance of their job duties and assignments in a manner that is consistent with, but not limited to, job expectations, class descriptions, personnel policies, and work rules. Employees are responsible for maintaining behavior consistent with Town policy and normal expectations of the workplace. Employees are responsible for knowing, understanding, and abiding by the Town's employment policies.

Department Head Responsibilities

Department Heads are responsible for ensuring timely and thorough documentation of all disciplinary actions. Documentation should contain:

1. A clear description of the performance that is the basis for the discipline, together with any work rules, expectations or standards that were not followed or achieved;

2. The action taken by the Department Head;
3. How the employee's performance must change;
4. The time frame during which the employee must demonstrate a change in performance and the date of a follow-up with the affected employee;
5. The expectation that the new performance must be sustained.

Department Heads, in conjunction with the Human Resources Director and Town Manager, are also responsible for ensuring that the Town applies discipline on a consistent basis.

Bases For Disciplinary Action

Unsatisfactory Job Performance

Unsatisfactory job performance is work-related performance that fails to satisfactorily meet job requirements as specified in the relevant class description or position description, work plan or as directed by management.

Unsatisfactory performance of duties, depending upon the circumstances, includes, but is not limited to:

1. Poor quality or volume of work
2. Insufficient quantity of work
3. Inefficient performance of work-related analysis, decisions, or judgment
4. Poor accuracy of work
5. Failure of regular and timely attendance

It is the Town's intent to assist and promote employee performance that meets or exceeds expectations.

This policy covers all types of performance-related deficiencies and does not require that successive disciplinary actions all concern the same type of unsatisfactory performance.

Before an employee will be dismissed for unsatisfactory job performance, they will usually receive at least two (2) prior disciplinary actions within the previous thirty-six (36) months. Any prior disciplinary actions provide notice that failure to make the required performance improvements may result in dismissal. This does not limit the authority of a supervisor to recommend, or the Town Manager to implement, the dismissal of any employee at any time regardless of whether they have been previously warned or disciplined.

Prior to the decision to dismiss a non-probationary employee on the basis of unsatisfactory job performance, the Town Manager or his/her designee will conduct a pre-disciplinary conference with the employee. At the request of the Town Manager or his designee, Human Resources may assist in this process.

An employee must file a grievance within fifteen (15) calendar days from being notified of dismissal.

Unacceptable Personal Conduct

Employees may be disciplined up to and including dismissal for any incident of unacceptable personal conduct without prior warning or disciplinary action. The Town

Manager shall determine whether any offense is of such a grievous nature as to justify and termination or lesser disciplinary action.

Unacceptable personal conduct may include but is not limited to:

1. Conduct for which no reasonable person should expect to receive prior warning;
2. Job related conduct which constitutes a violation of state or federal law;
3. Misappropriation of Town funds or property; or causing misappropriation of Town funds or property;
4. Falsification of Town records;
5. Providing any false information;
6. Reporting to work under the influence of alcohol or illegal drugs or partaking of alcohol or illegal drugs while on duty or while on public property, except that prescribed medication may be taken within the limits set by the physician so long as medically necessary and not disruptive to the employee's performance of job duties;
7. Carelessness, damage or destruction of Town property, or acts that would endanger the lives and property of others;
8. Acceptance of gifts in exchange for favors or influence;
9. Fraud in securing appointment, falsification of an employment application or other employment documentation or failure to disclose relevant work history;
10. Failure to maintain necessary credentials;
11. Insubordination, which is the willful failure or refusal to carry out a reasonable order from an authorized supervisor. Insubordination is considered unacceptable personal conduct for which any level of discipline, including dismissal, may be imposed without prior warning;
12. Disrespectful treatment of anyone while performing duties, on Town property, in a Town vehicle or during any Town event;
13. Violation of any Town policy or requirement.

Prior to the decision to dismiss a non-probationary employee on the basis of unacceptable personal conduct, the Town Manager or his/her designee will conduct a pre-disciplinary conference with the employee. At the request of the Town Manager or his/her designee, Human Resources may assist in this process.

An employee must file a grievance within fifteen (15) calendar days from being notified of dismissal.

Types of Disciplinary Actions

Oral or Written Warnings

It is the responsibility of every supervisor/Department Head to monitor the satisfactory performance of work assignments and acceptable standards of conduct.

Oral or Written warnings may be issued to correct behavior for minor infractions or repeated violations of policy, procedure, or work rules.

Oral or Written warnings are not grievable.

Disciplinary Suspension Without Pay

An employee may be suspended without pay for disciplinary purposes for unsatisfactory job performance

A disciplinary suspension without pay for an employee who is subject to the overtime compensation provisions of the Fair Labor Standards Act (FLSA) must be for at least one (1) full workday, but not more than ten (10) workdays. The length of a disciplinary suspension without pay for an employee who is exempt from the overtime compensation provisions of the FLSA must be for at least one (1) full workweek, but not more than two (2) full workweeks.

Prior to placing any employee on disciplinary suspension without pay, the Town Manager or his/her designee shall conduct a pre-disciplinary conference with the employee.

Demotion

A Department Head, upon review and in agreement with the Town Manager, may retain an employee in a lesser capacity when the employee's performance or conduct is sufficient to satisfy grounds for dismissal but the employee shows promise of acceptable performance or conduct in a lesser position.

Any employee may be demoted as a disciplinary measure. Demotion may be made on the basis of either unsatisfactory job performance or unacceptable personal conduct.

Prior to the decision to demote an employee for disciplinary reasons, the Town Manager must conduct a pre-disciplinary conference.

Procedure for Implementing Discipline

Fact Finding

Prior to taking any formal disciplinary action, the Department Head should gather any and all pertinent details regarding the situation. The Department Head will review the information and then shall discuss details with the Human Resources Director and the Town Manager or her/his designee.

Pre-Disciplinary Conference

Before any non-probationary employee may be demoted, suspended or dismissed, the Town Manager or her/his designee will conduct a pre-disciplinary conference with the employee.

The purpose of a pre-disciplinary conference is to give the employee an opportunity to provide information that he/she would like to have considered in the decision on whether to impose discipline, and if so, what form of discipline.

A pre-disciplinary conference is not a hearing, and the employee may not have an attorney or any other person present.

After the pre-disciplinary conference, the Town Manager or her/his designee may tell the employee to return to work or may send the employee home on administrative leave for the rest of the day.

Placement on Investigatory Status

Investigatory status is used to temporarily remove an employee from work status. Placement on investigation with pay does not constitute a disciplinary action as defined in this Article and is not an action that may be appealed. The Department Head must notify an employee in writing of the reasons for investigatory placement. An investigatory placement with pay may last no longer than thirty (30) calendar days without written notice of extension from the Town Manager. Under no circumstances is it permissible to use placement on investigation status for the purpose of delaying an administrative decision on an employee's work status pending the resolution of a civil or criminal court matter involving the employee.

It is permissible to place an employee in investigation status with pay only under the following circumstances:

1. To investigate allegations of performance or conduct deficiencies that could lead to disciplinary action;
2. To provide time within which to schedule and conduct a pre-disciplinary conference; or

Employee Appeal

An employee who has successfully completed the probationary period who wants to appeal a demotion, suspension or dismissal may present the matter in accordance with the provisions of the grievance procedure set forth in Article 11, Grievance Procedure/Discrimination, Harassment, and Retaliation Complaint Procedure.

ARTICLE 11. GRIEVANCES AND PROCEDURES FOR RESPONDING TO COMPLAINTS OF DISCRIMINATION, HARASSMENT AND RETALIATION

A. Town Grievance Procedure

Purpose

The purpose of this procedure is to provide the Town of Southern Shores and its employees a fair, effective, and prompt method of resolving an employee's grievance.

Policy

It is the policy of the Town of Southern Shores to provide a means whereby employees may freely discuss problems with supervisors and to provide a procedure for the presentation and mutual adjustment of points of disagreement that arise between employees and their supervisors. This grievance procedure is designed to assure all employees that their grievances will be answered and decided fairly, quickly, and without reprisal or threat.

Coverage

All Town employees who have completed a probationary period are eligible to use this Grievance Procedure. Employees who have not completed the probationary period are not eligible to use this procedure but may file a complaint regarding unlawful discrimination, unlawful harassment or retaliation under Part B of this Article.

Definitions Used in This Article

The following are definitions used in this procedure:

Grievance. A grievance shall be defined as a complaint or dispute of an employee relating to his/her employment, including but not limited to:

- (1) working conditions relevant to safety and health; and
- (2) other concerns about working conditions; and
- (3) decisions of the Town relative to disciplinary suspension without pay, demotion, or dismissal.

Days. Whenever used in this procedure, "days" shall mean calendar days, not working days. If a deadline for appealing or taking any action under this procedure falls on a weekend or holiday, the deadline shall move to the next business day for the Town.

Grievant. A grievant is either a current or former employee who has timely filed a grievance under this procedure that is within the authority of the procedure to deal with.

Non-grievable issues

Non-grievable issues include:

- (1) The negotiation of wages, salaries, or fringe benefits;
- (2) Performance evaluation ratings;
- (3) Any work activity accepted by the employee as a condition of employment;

- (4) Operating and/or organizational changes adopted by the Town for the efficient and economical operation of Town services, including but not limited to hours of work, licenses and certifications, work assignments including temporary assignments, and other specified conditions of employment;
- (5) Denial of promotion or transfer (unless due to illegal discrimination, harassment, or retaliation);
- (6) Disciplinary actions of less severity than suspension without pay, demotion, or dismissal (such as written warnings, reprimands, performance improvement plans, disciplinary probation, etc.); and
- (7) Subjects covered by existing regulations or established personnel policies and procedures.

Grievability Determination: When the question of whether or not an employee has just cause for a grievance cannot be satisfactorily resolved at the department level, the employee may make a request for a ruling on grievability from the Director of Human Resources, who shall respond in writing within two complete working days of the request. The decision of the Town Manager shall be final, and there shall be no further appeal.

Filing a Grievance and Steps in Grievance Procedure.

Filing a Grievance

An employee or former employee shall begin the grievance process by filing a written grievance request with the Human Resources Director within fifteen (15) days of the occurrence or decision the employee is grieving. After determining that the grievance is a grievable issue and that it has been filed in a timely fashion, the Human Resources Director shall forward to the Town Manager all information received relating to the grievance. The Human Resources Director shall then notify the employee that he/she may request a meeting with the Town Manager to discuss the grievance. Once this occurs, the employee has 5 days to request a meeting with the Town Manager.

Meeting with and Decision by Town Manager

The employee may appeal his/her grievance to the Town Manager within 5 days after notification from the Human Resources Director. The Town Manager (or her/his designee) shall meet with the employee as soon as possible to discuss the grievance. The Town Manager shall provide a written decision to the grievant within 10 days of meeting with him/her. The decision of the Town Manager is the final decision for the Town and may not be appealed further.

Note: During the grievance process, neither the Town nor the grievant may be represented by an attorney or any other person. If requested, the Human Resources Director may attend this meeting.

B. Discrimination/Harassment/Retaliation Complaint Procedure

Purpose

The policy is established to make clear to all Town employees, at all levels, that discrimination as prohibited by these policies, harassment on any basis, and retaliation for raising an issue of discrimination or harassment, or participating in a grievance or investigation, whether based on discrimination, harassment or any other basis is strictly prohibited.

Policy

The Town of Southern Shores prohibits discrimination on the basis of race, color, religion, gender, age, national origin, disability, genetic information, sexual orientation, gender identity or other protected status. The Town prohibits harassment on any of the above bases. The Town prohibits retaliation by any Town employee against any other Town employee for raising an issue of discrimination or harassment, or participating in any grievance, complaint or investigation based on any kind of allegation. If the Town finds that an employee has committed harassment or retaliation, the Town will discipline that employee up to and including dismissal.

Coverage

All Town employees, full time and part-time, including those employees who are still in the probationary period may use this complaint resolution procedure.

Filing A Discrimination, Harassment or Retaliation Complaint and Steps in Complaint Resolution Procedure

To file a complaint of discrimination, harassment or retaliation, an employee may file a complaint with the Human Resources Director or with a supervisor who is not the subject of the complaint. Any management person who receives such a complaint must transmit that complaint to the Human Resources Director. The Director will review the complaint and will see that the complaint is investigated. The investigation will result in a written report to the Town Manager or his/her designee, and the complaining employee.

If the report does not resolve the matter to the complainant's satisfaction, the complainant may request a meeting between complainant, the Town Manager and anyone the Town Manager thinks needs to be in meeting. The purpose of this meeting is to allow the complainant to discuss his/her complaint and to try to resolve it.

This is final step of the process for Town employees.

Any complaint under this policy that concerns the conduct of the Town Manager may be made to the Mayor or Town Attorney. The Town Attorney is responsible for ensuring that the complaint is investigated and addressed appropriately.

ARTICLE 12. SEPARATION/REINSTATEMENT

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.

Resignation

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is two weeks. Failure to provide minimum notice shall result in forfeit of payment for accumulated annual leave unless the notice is waived by 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 if supported by a physician's certification or comparable documentation.

Reduction in Force

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

Disability

An employee who cannot perform the required essential duties because of a physical or mental impairment even with reasonable accommodation may be separated for disability. Action may be initiated by the employee or the Town. The Town may require an examination, at the Town's expense, performed by a physician of the Town's choice.

Retirement

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

Death

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

Dismissal

An employee may be dismissed in accordance with the provisions and procedures of Article 10. An employee dismissed for detrimental personal conduct is not eligible for rehire by the Town.

Reinstatement

An employee who is separated because of reduction in force may be reinstated within one year of the date of separation, upon recommendation of the Department Head, and 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.

Rehiring

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

ARTICLE 13. PERSONNEL RECORDS

Purpose

The Town of Southern Shores will maintain all personnel records as required by applicable State and federal law.

The Human Resources Director will maintain such personnel records as are necessary for the proper administration of the human resources system. The Town shall maintain in personnel records only information that is relevant to accomplishing personnel administration purposes.

Policy

It is the policy of the Town of Southern Shores to maintain all relevant and legally required personnel records in a safe and confidential manner and will release such information as determined to be public information by State and Federal law and regulations.

Public Information

Information on each Town employee shall be maintained in accordance with General Statutes 160A-168.

The Town shall maintain certain personnel as confidential information in accordance with N.C.G.S. §160A-168.

Access to Personnel Records

The Town will comply with G.S. 160A-168, as amended, regarding public access to personnel records and information. Access to non-confidential information shall be governed by the following provisions:

- a. All disclosures of records shall be accounted for by keeping a written record (except for authorized persons processing personnel actions) of the following information: Name of employees; information disclosed; date information was requested; name and address of the person to whom the disclosure is made; purpose for which information is requested. This information must be retained for a period of two years.
- b. Upon request, records of disclosure shall be made available to the employee to whom it pertains.
- c. An individual examining a personnel record may copy any information that is public information. Town photocopying facilities may be made available. The cost

of photocopying may be charged to the person copying the information at the rate of \$.15 per page. Such charges may apply only in the event of copying more than 15 pages.

Records of Former Employees And Applicants

The provisions for access to records apply to former employees and applicants as they apply to current employees.

Personnel Actions

The Human Resources Director 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.

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.

Remedies of Employees Objecting to Material in Personnel File

An employee who objects to material in his file may place in his file a statement relating to the material he considers to be inaccurate or misleading.

ARTICLE 14. IMPLEMENTATION OF PERSONNEL POLICIES

Conflicting Policy Repealed

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

Separability

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

Violations of Resolution Provision

An employee violating any of the provisions of this Policy shall be subject to suspension and/or dismissal, in addition to any civil or criminal penalty, which may be imposed for the violation of the same.