

# **Town of Waynesville**

## **Personnel Policy**

**(Revisions, Additions and/or Deletions to Policy Approved  
and Adopted by the Mayor & Board of Aldermen) Last Policy  
Revisions, October 2010)**

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(Board Amended changes added in 2010 in compliance with federal changes to FMLA & NC HB 961, Public Record Law for Employees)

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

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## INTRODUCTION

The purpose of this policy manual is to provide officials and employees of the Town of Waynesville (hereinafter referred to as the Town) with a concise document which contains the personnel policies governing Town personnel. This policy manual replaces and supersedes all previously issued manuals, policies, memorandums and directives.

Other policies governing work practices that have been duly adopted by the Town, are incorporated herein by reference. Examples of such policies include Safety, ADA, FLMA, the Exposure Control Plan and the Harassment policy. Copies of these and other policies that may be subsequently adopted by the Town, are available through the Human Resources Department.

This personnel manual represents the "official" personnel policies of the Town and should be used to conduct employee orientation and resolve disputed matters. Each employee of the Town will receive a copy of this manual and will be responsible for maintaining it as policies are revised.

***The issuance of this policy manual does not constitute a contractual relationship with employees and is adopted by Resolution by the Mayor & Board of Aldermen.*** The Town has the right to change or suspend any provisions of this manual at any time at the Town's discretion. No term of this handbook will be binding on the Town.

Reference is made throughout this manual to the personal pronouns "his," "him," and "he." The use of these terms are not intended to imply gender and consequently such reference means both male and female.

**ORGANIZATION OF PERSONNEL SYSTEM****ARTICLE I**

**Policy in Totality, Adopted by Resolution by the Mayor & Board of Aldermen on  
10/7/98                      Effective date: October 7, 1998**

**Section 1        Purpose**

The purpose of this policy is to establish a personnel system which will recruit, select, develop and maintain an effective and responsible work force for the Town. The policy is established under the authority of Chapter 160A - 164 of the General Statutes of the State of North Carolina.

**Section 2        At Will Employment**

Nothing in this policy creates an employment contract or term between the Town and its employees. No person has the authority to grant any employee any contractual rights of employment. This means the Town can terminate your employment at any time without any reason, just as any employee can terminate employment at any time without any reason.

**Section 3        Coverage**

This policy will cover all regular, temporary, seasonal, part-time, and probationary employees except as specifically exempted. Members of the Board of Aldermen and any other task force, advisory board or commission are exempted from these policies unless specifically stated.

**Section 4        Definitions**

**Designee** - An employee who has been designated to make decisions or conduct business on behalf of another employee.

**Exempt employee** - An employee who is not subject to the provisions of the Fair Labor Standards Act.

**Full-Time employee** - An employee who is regularly scheduled to work the standard number of work hours per week, who has successfully completed the probationary period, and is budgeted for at least 12 months.

**Grievance** - A claim or complaint by an employee based upon: (a) an event or term or condition which affects the circumstances under which an employee works, including employment practices, policies or programs or benefits; (b) involuntary termination of employment; or © any allegedly illegal discrimination by the Town.

**Permanent position-** A position authorized for the budget year for a full twelve months and budgeted for twenty or more hours per week. All positions are subject to budget review and approval each year by the Board of Aldermen. All employees' work and conduct must meet Town standards, therefore, reference to "permanent" positions or employment should not be construed as a contract or right to perpetual funding or employment.

**Permanent Part-time employee** - An employee who is in a position which is authorized for an average work week of at least 20 hours but less than 35 hours and budgeted for at least 12 months.

**Probationary period** - A working test period of six months, extendable for an additional six months, for all new employees except law enforcement which are subject to a 12 month probationary period. Wastewater and Water Operations apprenticeship employees may be subjected to a probationary period of 12 months, but not exceed 12 months contingent upon operator licensure by the state.

**Temporary/Seasonal Employee** - An employee regularly scheduled to work the standard number of hours per week but for a limited period. Temporary/seasonal employees are not entitled to employee benefits or any type of leave, unless specifically indicated.

**Trainee** - An employee's status when the applicant hired (or employee promoted) does not meet all of the requirements for the position. During the duration of the trainee appointment, the employee is on probationary status.

## **Section 5      Merit Principle**

All appointments, promotions, and other personnel transactions will be made solely on the basis of merit.

## **Section 6      Responsibility of Town Manager**

The Town Manager will be responsible to the Board of Aldermen for the administration and direction of the personnel program. The Town Manager will make appointments, dismissals and suspensions in accordance with the policies and procedures spelled out in later sections of this policy. Appointment, dismissal, and suspension policies will apply to all employees. The Town Manager will be responsible for interpreting policies when necessary and recommending to the Board of Aldermen policy changes and new policies. The Town Manager will also be responsible for determining conditions of employment.

## **Section 7      Responsibility of Board of Aldermen**

The Board of Aldermen will establish and amend personnel policies, position classifications and pay plan, and related rules and will make and confirm appointments when so specified by law.

**Section 8      Responsibility of Human Resource Manager**

The Human Resource Manager is responsible for maintaining all official personnel files which include, but are not limited to the following: employment applications, conditions of employment, reference checks, performance evaluation forms, attendance records, disciplinary actions taken, commendations received, and documentation of all other personnel actions as deemed pertinent by the Town Manager.

**Section 9      Departmental Rules and Regulations**

Due to the particular personnel and operational requirements of the various departments of the Town, each department is authorized to establish supplemental written rules and regulations applicable only to the personnel and operating procedures of that department. All such rules and regulations will be subject to the approval of the Town Manager, and will not in any way conflict with the provisions of this policy, but will be considered as a supplement to this policy.

**Section 1      Equal Employment Opportunity Statement**

It is the policy of the Town to foster, maintain, and promote equal employment opportunities. The Town will select employees on the basis of applicants' qualifications and merit. All terms and conditions of employment will be administered without regard to age, sex, race, marital status, color, creed, religion, national origin, or disability. The Town will abide by all provisions of the Americans with Disabilities Act.

Notices with regard to equal employment matters will be posted in conspicuous places on the premises in places where notices are customarily posted.

**Section 2      Posting of Vacancies**

When job vacancies occur within the Town, the Human Resource Manager will be responsible for posting job vacancies on each department's bulletin board, as well as in Town Hall and other conspicuous places where notices of Town activities are customarily posted. Postings for vacant positions can be posted internally and externally at the same time. Internal job posting will be listed in house for five (5) working days. Employees must file a written application with the Human Resources Department to be considered for the vacant position. The Human Resource Manager is responsible for such distribution of vacancy notices that will provide a reasonable opportunity for all employees to be aware of vacancies.

**Section 3      Recruitment Sources**

All recruitment sources will be advised of the Town's equal employment opportunity policy. The Town will include among its recruitment sources, organizations and news media to inform the community and create a pool of diverse qualified applicants. Recruitment will be from a geographic area as wide as is necessary to insure that well qualified applicants are obtained.

**Section 4      Job Advertisement**

Job advertisements will contain assurance of equal employment opportunity and provide basic information about the position being advertised. The information will include salary range, hiring rate, employment qualifications, and a brief description of the duties of the position. Openings will be listed with the Employment Security Commission.

**Section 5      Applications for Employment**

All persons applying for employment with the Town will be required to complete an official Town employment application, which will be made available to all applicants for all position listings.

Applications will be accepted only at the time that a job vacancy exists and only through the Employment Security Commission and the Human Resources Department. All information provided on the application must be true and correct with the provision of false information being grounds for elimination from consideration and/or dismissal from Town employment. Additional disciplinary procedures can be instituted as provided in G.S. 14-3 and G.S. 14-122.1. (Adopted by the Mayor & Board of Aldermen, 10/7/98)

Applications will be kept in an inactive reserve file for a period of two years, in accordance with Equal Employment Opportunity Commission guidelines.

## **Section 6      Testing**

Applicants for certain positions may be required to take various job-related tests which measure ability, aptitude, agility or skill. The Town may also require a polygraph examination for law enforcement applicants. Law enforcement personnel will be required to have been administered a psychological screening examination by a clinical psychologist or psychiatrist licensed to practice in North Carolina in accordance with 12 NCAC 9B.0101. Law enforcement personnel who carry firearms may be subject to periodic evaluation for mental and physical fitness for duty. All tests given to applicants will be administered and evaluated by qualified individuals chosen by the Town and at the Town's expense. All tests administered will conform to all applicable legal regulations.

## **Section 7      Medical Examination/Fitness for Duty**

All applicants will be required to undergo a drug screening and physical examination by a licensed physician after receiving a conditional offer of employment. Examinations will be at the expense of the Town.

## **Section 8      Identification**

All personnel employed by the Town must present a valid North Carolina driver's license or other acceptable form of identification at the time of employment

All new appointments to the Town will present proof of identification and employment eligibility before they are placed on the Town payroll. New appointments are required to present acceptable documentation in accordance with the Immigration Reform and Control Act of 1986. The Human Resource Manager will be responsible for obtaining adequate identification for satisfying the requirements of the Act. Documentation will be maintained on file in accordance with the Act.

## **Section 9      Selective Service Compliance**

All new appointments to the Town, who are U.S. male citizens, 18 to 26 years of age, must certify they have registered for Selective Service. This applies to all positions, whether full-time, part-time or seasonal.

Applicants not in compliance are ineligible for employment. After notification of ineligibility, the applicant has thirty (30) days to provide the Town with information that he is now in compliance with the federal law.

The Town Manager may then give the applicant a hearing and if the applicant proves that the failure to register "was not a knowing and willful failure," he may be hired by the Town. This procedural requirement only applies to applicants hired by the Town after October 1, 1989 (G.S. 143B-421.1).

## **Section 10     Appointment**

It is the policy of the Town to employ according to merit. The Town will develop, use, and document on a consistent basis, a selection process that best meets the Town's need in filling positions within each department. All selection methods developed and utilized will be valid measures of job performance.

After all interviews and an investigation of the qualifications and experience of the applicants, the Town Manager will have the authority to make the final appointment including the salary to be paid and the authority to determine any conditions of employment.

**Section 1      Probationary Period of Employment**

An employee appointed to a regular position will serve a probationary period of six (6) months. The probationary period may be extended up to an additional six months if performance is deemed unsatisfactory after the initial probationary period. Disciplinary action, including demotion or dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in the policy for disciplinary action. Promoted employees retain all other rights and benefits such as the right of use of the grievance procedures.

An employee appointed to a regular apprenticeship position in Wastewater or Water Operations ultimately requiring State certification of a minimum grade C license or a class I certification will serve an extended probationary period to allow time for testing and written notification from the State, that the employee has successfully passed the certification process. This extended probationary period may last up to one (1) year, but may not exceed one (1) year. Failure to pass the certification process within one (1) year will result in the apprentice being dismissed. Initial testing will occur approximately 6 months following training. Upon receiving written certification from the State, pay will be adjusted in steps to achieve a pay increase of (5 %). Apprenticeship trainees will be hired at 10% below the regular starting rate. Following state certification, the apprentice will be promoted to an Operator I and advanced to the minimum grade and step in accordance with the pay plan. Upon satisfactory completion of a 6-month period following promotion to an operator, the employee will be advanced by the pay steps necessary to allow for an increase of five (5%) of the current grade.

Sworn law enforcement personnel are required to serve a 12-month probationary period (1 2 NCAC 9C.0302).

An employee serving a probationary period will receive all benefits provided in accordance with these policies except employees serving a probationary period following initial appointment will not be permitted to take vacation leave during the probationary period.

If a probationary employee is terminated during the probationary period, the employee will not be paid for accumulated vacation leave.

During a performance evaluation prior to completion of the probationary period, the employee's immediate supervisor will indicate in writing the following:

- 1) That the employees progress (accomplishments, strengths, and weaknesses) have been discussed with the new employee;
- 2) Whether the new employee is performing satisfactory work;

- 3) Whether the employee should be retained in the present position or should be released and whether the probationary period should be extended for an additional six (6) months.

Following successful completion of the 6 month probationary period, an employee's pay will be adjusted by the pay steps necessary to allow for an increase of (5%) in accordance with the Town's pay plan. Likewise, the employee becomes eligible to take accumulated vacation leave and the Floating Holiday. Police recruits may received the same pay adjustments as regular employees after six months of employment, assuming the employee shows promise of satisfactorily completing the required 12-month probationary period.

## **Section 2      Periodic Performance Evaluation**

Performance evaluations will be conducted for all employees who have probationary or regular employment status. Annual performance evaluations will be completed on each employee's anniversary date. It is recommended that employees with questionable performance be evaluated every six months or as frequently as deemed necessary by the department head.

Evaluations should be performed by the employee's immediate supervisor who is most familiar with his work. The evaluation session is intended to provide an opportunity for the employee to receive the supervisor's assessment of the employee's work performance and to allow the employee to evaluate his relationship with the Town and fellow employees. The evaluation determines if performance is satisfactory and is not necessarily related to salary increases. Satisfactory performance, which is documented in the evaluation process could be considered for a merit increase provided merit pay is available.

After an evaluation session has been conducted, the supervisor should complete and sign the evaluation form and have the employee review and indicate in writing any comments about the evaluation and sign it. Then the supervisor should forward the form to the Human Resource Manager for filing in the employee's permanent record.

Refusal of the employee to sign the evaluation form will be noted but will not be interpreted as an indication of the employee's disagreement with the evaluation, nor will it affect the validity of that evaluation.

All probationary employees must have a satisfactory performance evaluation to be given regular employment status.

The Town Manager must review all performance evaluations involving a salary increase prior to forwarding to the Human Resource Manager.

### **Section 3      Promotions**

It is the policy of the Town to encourage qualified Town employees to apply for any position they believe they are qualified in filling. Candidates for promotion will be chosen on the basis of their qualifications and work history. Any employee promoted to a higher position will be given a pay increase in accordance with the pay plan.

(Adopted by the Mayor & Board of Aldermen, 10/7/98)

### **Transfers**

Employees serving a probationary period are not eligible to apply for transfer to another department or position until the probationary period is satisfactorily completed.

Employees may transfer to another department or position only once each calendar year provided an open position exists and the employee meets the qualifications for the position.

### **Section 4      Demotion**

An employee whose work in his present position is unsatisfactory or whose personal conduct is detrimental to service with the Town may be demoted or dismissed at the Town Manager's discretion. Both demotion and dismissal will be preceded by the warning procedures outlined in Article VII, Section 8.

### **Section 5      Permanent Part-time Positions**

Position must be approved by the Board as a permanent position and budgeted for a minimum of 20 or more hours each week for 52 weeks a year. Positions classified as permanent part-time are eligible for one-half (½) pro-rata fringe benefits afforded to full-time positions.

### **Section 6      Auxiliary, Seasonal, Temporary Part-time Positions**

The Town employs many temporary seasonal and auxiliary employees during any given period, these employees are not eligible for any of the Town's paid fringe benefit programs; the Town will however allow such employees to purchase(at their own expense) medical, life and dental coverage through the Town's insurance providers for themselves and their eligible dependents. Participation in the Town's insurance programs for this group of temporary, seasonal or part-time employees would require that they pay the cost of selected coverage, one month in advance.

**Section 1      Standard Hours of Work**

The standard work week for Town Hall is 8:30 am to 5:00 p.m., Monday through Friday. All other departments have varying work schedules depending on the nature of work. Each department with the approval of the Town Manager, may determine beginning and ending work times for its employees. Adjustments may be made in schedules only with the approval of the Town Manager. All departments other than those in Town Hall and law enforcement, will work a 40-hour work week. No adjustment will be authorized which provides less than one-half hour for lunch. Regular attendance is expected and required of all employees.

**Section 2      Use of Town Property**

Use of Town-owned property is intended for official Town business only. Town-owned property including supplies, tools, materials, equipment and vehicles are not for personal use and should not be removed from Town property except in the conduct of official Town business. Vehicles owned by the Town will be cared for in a responsible way. Such vehicles are to be used exclusively for Town business, except, in special circumstances the Town Manager may authorize an employee to take a vehicle home if it is in the best interest of the Town. Use of Town vehicles for commuting to and from work usually will be limited to an employee who is subject to emergency call-back work. Employees who drive Town owned vehicles back and forth to work will be subject to all provisions of the Internal Revenue Service regarding private use of Town vehicles, and will provide information on their driving record prior to being hired.

**Section 3      Use of Personal Car for Business**

When it is necessary to use a personal car for Town business, with prior approval of the Town Manager, the Town will pay the prevailing Internal Revenue Service rate for business mileage for use of the private vehicle. A travel expense form must be completed by the individual and submitted to the department head for approval.

**Section 4      Employment of Relatives (amended by Mayor/Board of Aldermen 7/13/99)**

The Town prohibits the hiring and employment of immediate family in permanent positions within the same work unit. "Immediate Family" is defined in Article X, Section 10. The Town also prohibits the employment of any person into a permanent position who is an immediate family member of individuals holding the following positions: Mayor, Mayor Pro Temp, Town Board of Aldermen Member, Town Manager, Finance Officer, Human Resources Manager, Town Clerk or Town Attorney. Otherwise, the Town will consider employing family members or related persons in the service of the Town, provided that such employment does not:

- (a) Result in a relative supervising relatives;

- (b) Results in a relative auditing the work of a relative;
- (c) Create a conflict of interest with either relative and the Town; or
- (d) Create the potential or perception of favoritism.

Exception: Individuals hired for seasonal and part-time positions are exempt from guideline (a) and may work under the direction of a family member in a supervisory role.

The provisions of this section will not be retroactive, and no action will be taken concerning members of the same family employed in conflict with Subsection 1, before the adoption of this policy.

#### **Section 5      Political Activity \*(amended Mayor& Board 8/8/00)**

The Town encourages an employee to exercise his civic responsibility in supporting good government by voting for the issues and candidates of his choice. Employee may join or affiliate with political organizations, may attend political meetings and may advocate and support political principles and policies in accordance with the Constitution and laws of the State of North Carolina and of the United States of America. However, while on duty an employee will not:

- (1) Engage in any political or partisan activity;
- (2) Be required to contribute funds or support for political or partisan purpose as a condition of employment, duty, pay raise, or promotion;
- (3) Coerce or compel contributions for political or partisan purposes by another Town employee;
- (4) Use Town supplies, equipment or funds for political or partisan purposes;
- (5) \*Be a candidate for or hold a federal or state publicly elected office; be a candidate for or hold a position on the Haywood Board of Commissioners or any governing board of a municipality within Haywood County. Any employee holding or being a candidate for an office not prohibited herein, will observe the other Conditions of Employment stated in this Article. Current non-conflicting offices to this policy are Haywood County School Board, Maggie Valley Sanitary District, Junaluska Sanitary District and Water Conservation District.
- (6) Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.

Any violation of this policy may subject the employee to disciplinary action up to and including dismissal.

## **Section 6      Outside Employment**

Full-time employment with the Town will take precedence over all other employment opportunities of employees. Any employment, including self employment if it is income producing, is considered secondary. In order to participate in outside employment an employee must have the prior approval of the department head and Town Manager. The purpose of the approval procedure is to determine the effect on the employment with the Town and to insure a conflict of interest will not exist. There will be periodic reviews during the time of outside employment to determine if there have been any

Outside employment will not be permitted when it among other things may:

- (1) Create either directly or indirectly a conflict of interest with the primary of the adverse effects on Town employment.
- (2) Impair in any way the employees ability to perform all expected duties, to make decisions and carry out in an objective fashion the responsibilities of the employees position.
- (3) Tend to disrupt, adversely affect or impede the work of the Town.
- (4) The assumption of outside employment without prior approval by the Town may be deemed improper conduct and subject the employee to disciplinary action, up to and including dismissal.

## **Section 7      Gifts and Favors**

An employee will not accept any gift or gratuity, whether in the form of service, loan, thing of value, or promise from any person, business concern, or organization who is interested directly or indirectly in business dealings with the Town. These limitations are not intended to prohibit the acceptance of articles of nominal value which are distributed generally, nor to prohibit employees from obtaining personal loans from regular lending institutions.

A employee will not grant, in the discharge of his official duties, any improper favor, service, or thing of value.

## **Section 8      Dress Code/Personal Appearance (Board amended 5/18/03)**

Much of the public image of the Town of Waynesville and its employees is based upon the impression citizens make as a result of their contact with Town employees. Appearance, as well as conduct is a part of that initial impression.

Employees are expected to dress at all times in an acceptable and professional manner which is consistent with good business practices and the provisions of the safety policy. Employees who are issued Town uniforms by their respective departments are expected to wear uniforms at all times, while on duty. Additionally, employees working on private property or out in the

community are readily identified by wearing a Town uniform and/or ID Badge; both forms of identification allow citizens to identify employees when service is needed. Uniforms are not to be worn off-duty. All other employees are expected to dress appropriately, wearing clothes that are neat, clean and well-arranged in appearance.

While not all inclusive, unacceptable or inappropriate work attire would be: short shorts; low rise jeans, hip hugger jeans; T-shirts bearing writing and/or logos (other than the Town of Waynesville logo) and short wasted T-shirts; exception: (special occasion shirts, as approved by department heads) halter, tank, tube and spaghetti strap tops (unless covered by a sweater or jacket) and; any low cut clothing that expose or reveal personal body parts, i.e. midriff area.

Department heads will be responsible for assuring that dress code guidelines set forth in this policy are followed, as well as they may further define dress codes for administrative and office personnel, should the need arise. Employees that are deemed to be in violation of this policy will be subject to appropriate disciplinary measures, as well as being sent home without pay to change into appropriate professional attire.

Uniforms are issued to employees in certain departments with the understanding that upon receipt, they are the property of the Town. If uniforms are damaged as a result of neglect or abuse, individuals will be required to replace them at their own expense. The Town will replace uniforms damaged as a result of job requirements or performance. Damaged uniforms should be reported immediately to employee's supervisor. Employees leaving Town employment must turn in all uniforms and/or any Town property acquired. Items not returned will be deducted from employee's final pay check.

## **Section 9      Employee Ethics**

Town employees are expected to discharge their duties conscientiously and to conduct themselves in a manner, on and off the job, which will reflect favorably upon the Town. Additionally:

- (1) Employees will refrain from any use of their position which is motivated by the desire for private gain for themselves or other persons. They must conduct themselves in such a manner that there is no suggestion of the extracting of private advantage from their employment with the Town.
- (2) Employees will exercise discretion in their care of personal financial activities to avoid any legal liabilities which would reflect unfavorably upon the Town.
- (3) Employees will not use their positions, in any way, to coerce, or give the appearance of coercing, another person to provide any financial benefit to the employee or to other persons.
- (4) Employees will avoid any action which might result in giving preferential treatment to any organization or person, losing his independence or

impartiality of action; or affecting adversely the confidence of the public in the integrity of the Town.

- (5) An employee who witnesses another employee engaging in an unlawful act on the job will report that employee to his supervisor.

## **Section 10     Harassment**

The Town is committed to providing a professional work environment which promotes equal opportunities and prohibits discriminatory practices, based upon an individual's national origin, color, religious affiliation, age, gender, or disability. This prohibition against discriminatory practices also includes the practice of sexual harassment in any form, whether same or opposite gender sexual harassment. Harassment in any form is unacceptable and will not be tolerated. This policy covers all employees. The Town will not tolerate or condone harassment, whether engaged in by fellow employees, supervisors, or by other non-employees who conduct business with this organization.

## **Section 11     Harassment Policy (updated 12/05)**

The Town of Waynesville will not tolerate any form of harassment. Harassment in any form violates our No-Harassment Policy, which prohibits harassment or intimidation of others based on age, sex, color, race, creed, religion, national origin, ethnicity, disability, marital status, military/veteran status, status in any other group protected by federal or local law, or for any other reason, and will not be tolerated.

Sexual harassment includes unwelcome: sexual advances; requests for sexual favors; and other verbal or physical conduct of a sexual nature, as well as behavior or remarks that intimidate, ridicule, demean or belittle a person on the basis of their gender (regardless of whether the remarks are sexually provocative or suggestive of sexual facts).

Harassment occurs when:

1. Submission to and/or tolerance to the unwelcome conduct is explicitly or implicitly made a term or condition of a person's employment;
2. Submission to, tolerance of, and/or rejection to the unwelcome conduct is a basis for employment decisions; or
3. The unwelcome conduct substantially interferes with a person's work performance and creates an intimidating, hostile or offensive work environment.

**YOU HAVE THE RESPONSIBILITY TO BRING ANY FORM OF HARASSMENT TO MANAGEMENT'S ATTENTION.**

All employees of the Town of Waynesville are responsible for helping assure that we avoid harassment. If you experience any problem of this sort, become aware of any other employee experiencing a problem of this sort, or have knowledge of any form of harassment, sexual or otherwise, you *must* immediately report it to the Human Resources Manager; or the Town Manager or any Department Head.

We will investigate thoroughly and promptly the charges of any person who reports that he or she has been harassed, WITHOUT REPRISAL TO THE EMPLOYEE EXPERIENCING OR REPORTING THE CONDUCT, so long as the report is made in good faith and the information provided is truthful to the best of your knowledge. We will endeavor to keep complaints, investigations and resolutions confidential to the extent possible; however we cannot compromise our obligation to investigate complaints.

**VIOLATION OF THIS POLICY AGAINST UNLAWFUL HARASSMENT WILL SUBJECT AN EMPLOYEE TO DISCIPLINARY ACTION UP TO AND INCLUDING IMMEDIATE DISCHARGE.**

If an investigation confirms that unlawful harassment has occurred, we will take immediate corrective action, including discipline up to and including immediate termination of employment of the harassing party as is appropriate. However, if after investigating any complaint of unlawful harassment or unlawful discrimination, the Town determines that the complaint is not bona fide and was not made in good faith, or that the employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the improper complaint or who gave the false information.

**Section 12     Minimum Age Requirement**

The minimum age for employment with the Town is 18 for all regular positions. Exceptions to the minimum age are provided for under the law if the applicant procures an employment certificate from the Haywood County Department of Social Services.

**Section 13     Solicitation**

Employees are prohibited from participating in any type of solicitation during work time. Solicitation may occur during lunch and before and after work if done on a strictly volunteer basis. Solicitation must be conducted in such a way that no employee feels pressure to participate. Solicitation includes selling items for fund raising or for personal profit. The Town's official participation in the United Way campaign is excluded from this policy.

**Section 14     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 will establish a safety program

including policies and procedures regarding safety practices and precautions and training in safety methods.

Each Town employee is responsible for following:

- (1) Developing and maintaining safe work habits.
- (2) Reporting all accidents and injuries promptly.
- (3) Pointing out dangerous practices and working conditions.
- (4) Assisting with investigations of accidents.
- (5) Taking proper care of equipment.
- (6) Wearing proper clothing, and avoiding loose sleeves, cuff, rings, bracelets and long hair around moving machinery.
- (7) Knowing the location and use of fire extinguishers, the location of fire exits and the best method for reporting a fire.
- (8) Following the safety policies and procedures and attending safety training programs.

Employees who violate such policies and procedures will be subject to disciplinary action up to and including dismissal.

#### **Section 15     Use of Intoxicants Prohibited**

No employee will use intoxicating beverages or illegal drugs of any kind while on duty, nor will an employee report for duty while under the influence of an intoxicant or illegal drug. Employees violating this policy are subject to disciplinary action, up to and including dismissal. Employees holding Commercial Driver licenses must comply with the Department of Transportation regulations requiring random drug and alcohol testing (Omnibus Act 1991).

**Section 1      Purpose**

**SUBSTANCE ABUSE POLICY**

**ARTICLE V**

The Town has established policies and procedures related to employee substance abuse in order to insure the safety and well-being of citizens and employees and to comply with any state, federal, or other laws and regulations. Copies of the Substance Abuse Policy is available under separate cover (hand brochure) and is available in the Human Resources Department.

**Section 1      Overtime Pay Provisions**

Employees of the Town may be required to work overtime hours as necessitated by the needs of the Town and determined by the Department Head. The Town will compensate non-exempt employees with pay at the rate of one and one-half times, the overtime hours worked in excess of 40 hours within a seven-day work week. (FLSA Exceptions) Fire fighters overtime will be paid when hours exceed 212 hours in a 28 day consecutive period. Law enforcement personnel overtime will be paid when hours exceed 171 in a 28 day consecutive period. Compensatory leave requires approval by the Town Manager when creating a balance that exceeds 100 hours.

Department heads and supervisors will make every effort to see that work is accomplished within the established work week for their respective departments. However, the Town recognizes that weather conditions, required seasonal activities, emergencies and other situations may dictate the number of hours needed to provide Town services.

Whenever practicable, departments will schedule compensatory time off within the applicable work period for non-exempt employees.

**Section 2      Compensatory Time**

Compensatory time may be given in lieu of cash overtime compensation under the following FLSA guidelines (29.U.S.C 207(0)).

- (1) Compensatory time is provided at the rate of 1.5 hours for each hour of overtime (special provisions for public safety employees);
- (2) Compensatory time must be provided in accordance with some agreement or understanding with employees. Employees must agree to be compensated in comp time hours in lieu of cash compensation;
- (3) FLSA comp time hours limits are 480 for public safety, emergency response, and seasonal employees, and 240 hours for all other employees;
- (4) Employees may request the use of accumulated comp time as paid time off; and
- (5) Employees must be compensated for any unused accumulated comp time if employment is terminated.

### **Section 3      Call-back and Stand-by Pay**

The Town provides a continuous twenty-four hour a day, seven day a week service to its customers. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. One of the conditions of employment with the Town is 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 will be subject to disciplinary actions up to and including dismissal.

**Call back** - Non-exempt employees will be guaranteed a minimum of two hours of wages for being called back outside of normal working hours when not on stand-by. "Call back" provisions do not apply to previously scheduled overtime work (scheduled one or more days in advance). On-call duty will not be assigned to employees who are on approved vacation leave, sick leave, civil leave, or military leave without authorization from the Town Manager.

**Stand-by** - Hours actually worked while on stand-by are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week. In-addition, employees on stand-by will be paid an established flat stand-by rate. Stand-by time is defined as that time when an employee must remain near an established telephone or otherwise substantially restrict personal activities in order to be ready to respond when called.

Time spent by an employee who is required to remain on-call /stand-by on the Town's premises or so close thereto that he cannot use the time for his own purposes is considered working time. However, if he is required only to leave word where he may be reached, or has the use of the Town's beeper, the hours spent on call-or on stand-by are not regarded as working time.

**Stand-by duty** will not be assigned to employees who are on approved vacation leave, sick leave, civil leave, or military leave without authorization from the Town Manager.

### **Section 4      Hourly Rate of Pay**

The hourly rate of pay, maintained by the Human Resource Manager, is obtained by dividing the annual salary by the standard work hours in a year (i.e. 2,080 for a 40 hour per week employee). If, in a single work week, an employee works at two or more different types of work for which different straight time rates have been established, the employee will be paid at the rate for the job being done when overtime was incurred.

Employees working in a part-time or temporary capacity with the same duties as full-time employees will work at a rate in the same salary range as full-time employees. The hourly rate for employees working other than 40 hours per week, such as police officers working an average of 42 hours per week, will be determined by the dividing the average number of hours scheduled per year into the annual salary for the position. All employees must be paid at least the minimum wage.

## **Section 5      The Work Week**

A work week is a regular recurring period of 168 consecutive hours. The work week need not coincide with the calendar week. It may begin any day of the week and any hour of the day but it must in each case be established in advance. The work week may be changed, but only if the change is intended to be permanent and is not made to evade the policy. The Town will operate under a one work week period. All employees will have an established work week of Thursday through Wednesday for the purpose of computing overtime compensation. The work week will run from midnight to midnight. Exception: Law enforcement personnel and fire fighters will work a 28 day work cycle.

## **Section 6      Unauthorized Work**

Hours worked by an employee without his supervisor's permission or contrary to his instructions may or may not be considered as hours worked. Unrecorded hours worked during a workweek by an employee at the job site or at his home must be counted as hours worked if the supervisor knows or has reason to know of such practice. The Town must enforce the no-work rule and may not unjustly benefit from work performed without prior knowledge.

## **Section 7      Hours Worked**

"Hours worked" is defined as the time during which an employee is required, suffered or permitted to be on duty on the Town's premises or at a prescribed work place. Ordinarily, an employees working hours will include all hours from the beginning of the work day to the end with the exception of periods when the employee is relieved of all duties for the purpose of eating meals.

## **Section 8      Leave and Holidays**

In determining the number of hours worked by an employee within a workweek or established pay period, time spent on vacation, sick leave, civil leave, and military leave will be counted as time worked. Such time off is included in straight-time pay, and is not included in computing hours of work for overtime pay.

## **Section 9      Meal Period**

A bona fide meal period is a span of at least 30 consecutive minutes (never less) during which an employee is completely relieved of duty and free to use the time for his purposes. It is not counted as hours worked or paid time. Any meal period of less than 30 consecutive minutes will be paid as hours worked.

## **Section 10     Training Time**

Required attendance at training sessions, workshops, and other meetings, whether before, during or after the employees regular work schedule, is work time. Free time employees have while participating in these programs will not be considered as work time.

Voluntary attendance at training sessions, workshops, and other meetings is not work time. Attendance is voluntary only if the employee is not led to believe that his working conditions or continued employment would be adversely affected by non-attendance.

## **Section 11     Record keeping for Hours Worked**

Records of hours worked and wages paid are required to be kept for each employee subject to this policy. Records must be preserved for at least three years. Such records will be kept by the Human Resource Manager.

- (1) Name
- (2) Home address
- (3) Date of birth, if under 19
- (4) Sex and position classification in which employed (sex may be indicated by use of prefixes Mr., Mrs. or Ms.)
- (5) Time and day of week the workweek begins
- (6) Total wages paid each pay period
- (7) Date of payment and pay period covered
- (8) Basis on which wages are paid
- (9) Regular hourly rate of pay for any week in which overtime is worked
- (10) Amount and nature of each payment excluded from regular rate
- (11) Hours worked each workday and total hours worked each workweek
- (12) Total daily or weekly straight-time earnings or wages
- (13) Total overtime earnings for the workweek
- (14) Total additions to or deductions from wages paid each pay period plus the dates, amounts and nature of the times which make up the total additions and deductions.

## **Section 12     Exemptions - General**

The exempt or non-exempt status of any particular employee must be determined on the basis of the nature of work performed, the duties, responsibilities assigned, and the terms or conditions of employment. The Town Manager is responsible for determining exempt positions.

### **Section 13     Exempt Employees - Time Off**

Employees in positions determined to be "exempt" from the FLSA (as Executive, Administrative, or Professional staff) will not receive pay 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. Such compensatory time is not guaranteed to be taken and ends without compensation upon separation from the Town.

At the discretion of the Town Manager, administrative leave may be granted to exempt employees for substantial overtime worked.

### **Section 14     Volunteers**

Excluded from the definition of "employee" and thus from coverage of the Fair Labor Standards Act, individuals who volunteer services to the Town, such as volunteer firefighters, and who volunteer services without compensation, but are paid expenses, reasonable benefits, or a nominal fee.

All individuals who volunteer to perform fire protection activities will not lose their volunteer status if they are reimbursed for travel or training time or other out-of-pocket expenses they may incur. These individuals will not be treated as employees of the Town, but will be paid the nominal amount allowed under the Fair Labor Standards Act per call for expenses incurred during the performance of their work.

**Section 1      Types of Separation**

All separations of employees from positions in the service of the Town will be designated as one of the following types and will be accomplished in the manner indicated: resignation, reduction in force, disability, retirement, dismissal or death.

**Section 2      Resignation**

An employee who desires to terminate his employment with the Town should give written notice to his department head two weeks prior to his last intended day of employment. Resigning department heads will give one month's notice. An employee who does not provide the required notification will have recorded on his service record that he resigned without giving proper notice. An employee who is absent from work three consecutive days without reporting to his supervisor the reason for his absence will be considered to have terminated his employment without notice, and notation to this effect will be recorded on the employee's service record.

**Section 3      Reduction in Force**

The Town Manager with the approval of the Board of Aldermen has the authority to call for a reduction in force. In the event a reduction in force becomes necessary, consideration will be given to the quality of each employee's performance, as documented by current performance appraisals, organizational needs, the need for the employee's service, and seniority in determining those employees to be retained. Employees who are laid off because of reduction in force will be given at least two weeks notice of the anticipated lay-off and will be given first opportunity to return to work should an opening become available commensurate with his skills. No regular employee will be separated while there are temporary 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 employee. Under the provisions of reduction in force, the Town Manager has the option to make changes in work time and/or work load to accomplish the reduction.

**Section 4      Disability**

An employee may be separated when the employee cannot perform the essential functions of his/her job with or without accommodations because of physical or mental impairment which substantially limits the employee's ability to perform the essential job functions.

Action may be initiated by the employee or the Town, but in all cases consideration for disability separation will be supported by medical evidence or psychological evidence as certified by a competent physician or psychologist.

Before an employee is separated for disability, a reasonable effort will be made to locate vacant positions within Town service for which the employee may be suited. The Town will comply with the American with Disabilities Act (ADA) in this matter.

#### **Section 4A     ADA Policy**

##### **Section 1     ADA Coordinator**

The Town has designated a coordinator to handle issues related to the Americans with Disabilities Act of 1990 (ADA). All requests for reasonable accommodation, auxiliary communication aids and services, alternative accessible formats for notices, policies and other information, as well as complaints regarding the Town's ADA program should be directed to the ADA Coordinator:

Human Resource Manager  
Town of Waynesville  
16 S. Main Street/PO Box 100  
Waynesville, NC 28786  
Telephone #   (828) 456-2028  
Fax #           (828) 456-2011

##### **Section 2     Complaint Procedures**

Complaints of alleged discrimination on the basis of disability by the Town may be filed by job applicants, employees and members of the general public by using the Grievance Procedure set forth in Article VIII of the Town's Employee Handbook, with the exception that any complaint or grievance relating to disability must be filed in writing directly with the ADA Coordinator, and can be appealed if necessary to the Town Manager. The Grievance Procedure will be distributed to members of the general public upon request to the ADA Coordinator. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available upon request for persons with disabilities. Any complaints relating to the ADA will be considered confidential and kept separate from an employee's personnel file.

##### **Section 3     No Retaliation**

Individuals who oppose any act or practice that is unlawful under any title of the ADA, or who make a charge, testify, assist, or participate in any investigation, proceeding, or hearing under the ADA will not be retaliated against, nor will they be coerced, intimidated, threatened or interfered with in the exercise of any ADA right.

## **Section 5      Confidentiality of Medical Records**

All information obtained by the Town regarding an applicant's or employee's disability, medical condition, or request for reasonable accommodation will be maintained in medical files which are kept separate from the regular personnel files.

All medical files and records will be treated as confidential. Access to medical information will be given only as set forth in the ADA.

## **Section 5-A    Retirements**

Town employees participate in and are eligible to retire under the North Carolina Local Governmental Employees Retirement System. Any employee who is planning to retire should submit a written request to the Human Resource Manager one month prior to the planned effective retirement date. Those employees retiring from Town service will be paid up to 30 days annual leave not used. Employees may apply unused sick leave toward their retirement credit.

## **Section 6      Death**

All compensation due to an employee who dies while employed by the Town will be paid to the estate of the deceased employee. The date of death will be recorded as the separation date for computing compensation due to the estate.

## **Section 7      Disciplinary Actions**

An employee may be reprimanded, suspended, demoted or dismissed by the employee's department head. Disciplinary actions may be enforced if an employee's work performance or personal conduct affecting work performance is unsatisfactory. An employee may be reprimanded, suspended, demoted or dismissed for reasons of misconduct without prior warning or disciplinary action having been given to the employee.

Depending upon the circumstances one or more of the following kinds of disciplinary actions may be taken: counseling, oral reprimand, official written reprimand, withholding of merit pay increase, suspension, demotion, or dismissal. Because of substantial difference between failure in performance of duties and failure in personal conduct, the disciplinary action for each may be carried out differently, in the discretion of the Town.

An employee whose work performance is unsatisfactory should receive three warnings, the second and third should be in writing, before disciplinary action resulting in dismissal is taken.

In all cases the employee will receive a written summary of charges and actions taken, a copy of which will go into his/her personnel file.

## **Section 8      Disciplinary Actions for Failure in Performance of Duties**

An employee whose work is unsatisfactory over a period of time will be notified in writing by the employee's immediate supervisor in what way the employee's work is deficient and what must be done if the work is to be satisfactory. Unsatisfactory work performance includes aspects of the employee's job which do not meet the standards set by the supervisor.

## **Section 9      Progressive Steps of Discipline**

The progressive steps of discipline outlined below should normally be taken with an employee whose work performance is unsatisfactory. However, the Town reserves the right to skip steps at its discretion.

- A.    **Oral Warning(s)** - The supervisor will talk privately with the employee and discuss the following:
  - (1)    Inform the employee that the discussion is a warning and not some other non-disciplinary process such as counseling;
  - (2)    inform the employee how he has not met the performance requirements of the job and why his performance has been unsatisfactory;
  - (3)    Inform the employee specific actions he needs to take, and the time frame for taking such actions, to improve performance to a satisfactory level.
  - (4)    advise the employee of the consequences of failing to make the required improvements;
  - 5.    The person conducting the meeting should record the date of the meeting, and other necessary information for any future use, and place a copy of the notes in the employees personnel file.
  
- B.    **Initial Written Warning** - If the oral warning(s) have not caused an improvement in the employee's performance, or if the supervisor determines the work performance problems to be of a more serious nature, the supervisor will prepare a written summary of the performance problem(s) as outlined below. The supervisor will present the written warning to the employee and discuss its contents, which should include the following:
  - 1.    Date(s) and points covered in previous warning(s);
  - 2.    A description of specific performance problem(s);

3. Specific actions the employee needs to take to improve performance to a satisfactory level;
4. A general time frame allowed for improvement;
5. A strong notice that continuation of the performance problem(s) will result in more severe disciplinary action up to and including dismissal.

The written warning should be signed by the employee with a copy being placed in the employee's personnel file. The employee's failure to sign the written warning does not affect the validity of the warning. The supervisor should indicate on the warning that the employee refused to sign it.

**C Final Written Warning** - If previous warnings have not been effective, the employee should generally be given a final warning before being dismissed or demoted. However, an employee may be dismissed or demoted without following these progressive disciplinary steps, if the infraction is of a sufficiently serious nature or type, in the discretion of the Town Manager. Before issuing the final written warning, the department head should review the contents of the previous warnings and take the following steps:

1. Prepare a final written warning outlining the points covered in the previous warnings.
2. Conduct a disciplinary conference with the employee and discuss the specific reasons for the action, the necessary improvements and the time allowed to make improvements.
3. Present the final written warning to the employee and indicate that failure to immediately correct the unsatisfactory performance may result in dismissal.

If all efforts have failed to improve the performance of the employee the following steps should be taken to dismiss an employee:

1. A written summary of the case will be prepared by the Department Head along with a decision for the action to be taken;
2. A pre-dismissal conference will be held between the Department Head and the employee for the purpose of presenting the employee with the specific reason(s) for the dismissal. The employee will have the right to respond at the pre-dismissal conference;
3. The Department Head will notify the employee of the action taken and will provide the employee with a written copy of the decision. Such

written notice will include an indication of the employee's right to appeal. A copy of the action will be placed in the employee's file.

#### **Section 10     Disciplinary Actions for Failure in Personal Conduct**

An employee may be suspended or dismissed without prior notice by the Department Head or Town Manager for causes relating to personal conduct detrimental to service with the Town in order to avoid undue disruption of work, to protect the safety of person or property, or for other serious reasons.

Inappropriate personal conduct such as insubordination, reporting to work under the influence of alcohol or illegal drugs, or conduct that threatens the health and safety of persons or property or any other disruptive behavior the Department Head, or Town Manager deems unbefitting the Town are examples, but are not an inclusive list of reasons for immediate suspension or dismissal.

#### **Section 11     Immediate Disciplinary Suspension**

An employee may be suspended or dismissed without pay and without warning for reasons relating to personal conduct detrimental to the Town. In less serious or disruptive situations, or if there is doubt as to whether there are grounds for immediate suspension or dismissal, steps similar to those listed under Section 9 of this Article may be followed.

When an employee is suspended immediately, the following steps will be taken by the Town Manager, or designee:

- a.     Tell the employee to leave the work site at once and either report back- the next day or remain away until further notice. Only the Town Manager may invoke a suspension greater than three working days.
- b.     Determine if the suspension is with or without pay.
- c.     Clearly document all facts leading to the suspension. A written summary should be prepared giving the circumstances and facts which led to the decision for suspension and include a final decision whether the employee should be dismissed or retained. A final decision should be made within forty-five (45) days of the initial suspension. A copy of the written action should be filed in the employee's personnel file and a copy furnished the employee.

Before any disciplinary action is taken whether for misconduct or unacceptable performance, the department head will provide the employee with a written notice of proposed disciplinary action, which will include the nature of the proposed action, its recommended effective date, the reason(s) for the action, and a date and time for a pre-disciplinary conference. At this conference the employee may present any response to the proposed disciplinary action to the department head.

The department head will consider the employees response, if any, to the proposed disciplinary action, and will, within five (5) working days of the pre-disciplinary conference, notify the employee in writing of the final decision to take disciplinary action. The notice of the final disciplinary action will contain a statement of the reason(s) for the action and the employees appeal rights. The Town Manager will be provided a written notice of action taken.

## **Section 12     Investigatory Suspension**

Investigatory Suspension without pay may be used to provide time to investigate, establish facts, and reach a decision concerning an employee's status. Investigatory suspension without pay may be appropriately used to provide time to schedule and hold a pre-dismissal conference. Also, the Town may elect to use an investigatory suspension to avoid undue disruption of work or to protect the safety of persons or property. An investigatory suspension without pay will not exceed forty-five (45) calendar days. If no action has been taken by the Town by the end of forty-five (45) calendar days, one of the following must occur: reinstatement of the employee with full back pay; appropriate disciplinary action based on the results of the investigation; or reinstatement of the employee with up to three (3) days pay deducted from back pay. (Adopted by the Mayor & Board of Aldermen, 10/7/98)

Investigatory suspension of an employee will not be used 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.

An employee who has been suspended for investigatory reasons may be reinstated with up to three (3) days pay deducted from his or her salary. The decision to deduct pay is to be based upon management's determination of the degree to which the employee was responsible for or contributed to the reasons for suspension. If the period constitutes a disciplinary suspension without pay it must be affected in accordance with (Section 7-11) of this policy.

## **Section 13     Right of Appeal**

An employee may appeal disciplinary action taken against him through the Town's grievance procedure as described in Article VIII of this manual.

## **Section 14     Non-Disciplinary Suspension**

During the investigation, hearing or trial of an employee on any criminal charge or during the course of civil action involving an employee, the Town Manager may suspend the employee without pay for the duration of the proceeding as a non-disciplinary action. However, the investigation, hearing, trial or civil action must involve matters that may form the basis for disciplinary suspension, demotion or dismissal in order for the non-disciplinary suspension to be allowed.

## **Section 15     Reinstatement**

An employee who resigns while in good standing or who is separated because of a reduction in force, may be reinstated within one year of the date of separation. An employee, who is reinstated, within one year, will be credited with previous service and previously accrued sick leave and will receive all benefits provided in accordance with this policy. The salary paid a reinstated employee will be as close as reasonably possible, given the circumstances of each employee's case, to the salary previously attained by the employee, plus any across-the-board pay increases.

**Section 1      Policy Statement**

The Town desires to resolve employee complaints and grievances in a fair and equitable manner. Employees whose grievances result from work situations deserve and have the right to submit grievances for orderly resolution in accordance with these procedures with or without a representative from interference, penalty, discrimination, coercion, recrimination, restraint, reprisal or retaliation. Employees utilizing the grievance procedures will not be subjected to retaliation or any form of harassment from supervisors or employees for exercising their rights under this policy. The resolution of grievances promotes more effective employer-employee relationships and is in the best mutual interests of all affected parties.

Employees will be allowed such time off from their regular duties, as may be necessary and reasonable as determined by the department head or Town Manager to prepare and present a grievance.

**Objective of the Town's grievance procedure is to:**

Assure employees of a way in which they can get their problems and complaints considered rapidly, orderly, fairly and without fear of retaliation.

Encourage the employee to express himself about how conditions of work affect him as an employee.

Foster better employee understanding of policies, practices and procedures.

Provide employees with assurance that actions are taken in accordance with policies.

Provide a check on how policies are carried out.

**Section 2      Coverage**

The provisions of this procedure will apply to all the Town's employees. The Town Manager has the authority to hire, supervise, discipline and dismiss employees.

**Section 3      Grievances - Definition**

A grievance is a claim or complaint by an employee based upon: (a) an event or term or condition which affects the circumstances under which an employee works, including employment practices, policies or programs or benefits; (b) involuntary termination of employment; or © any allegedly illegal discrimination by the Town.

#### **Section 4      Grievance Procedure**

All grievances will be administered in the specified manner and processed within the stated time limits unless a time extension is mutually agreed upon. Failure by the employee to process a complaint within the stated time limits, or agreed upon extension will constitute termination of the complaint. At each step of the grievance process where written documentation is required, the Human Resource Manager will receive a copy to put in the employee's permanent file. The employee filing a grievance will have the right to have a representative present at each step of the process.

##### **Step One - Department Head**

An employee with a grievance will present the matter orally or in writing to his department head within fifteen (15) working days of its occurrence with the objective of resolving the matter informally. The department head will consult with the employee within ten (10) working days of receipt of the grievance. If the matter cannot be resolved informally, the department head will give the employee a written decision of the grievance within ten (10) working days after the meeting.

##### **Step Two - Appeal to the Town Manager**

If the response from step one is not acceptable to the employee, within ten (10) working days of the Department Head's written decision, the grievant may file a written grievance with the Town Manager. The written grievance will state concisely the basis for the complaint and if based on alleged discrimination, indicate whether the basis for the alleged discrimination was based on race, color, religion, sex, national origin, age, or disability. The Town Manager will promptly notify the employee and the department head of a date and time for a meeting which will be no later than fifteen (15) working days following receipt of the grievance by the Town Manager. Within fifteen (15) working days from the date of the meeting, the Town Manager will render a decision on the grievance. The decision of the Town Manager is final.

No grievance will be accepted after separation from employment with the Town.

#### **Section 5      Exempt/Department Head Appeal Process**

In the event the supervisor is the Town Manager, the appeal process is filed with the Board within fifteen (15) working days of the occurrence. The Board will consult with the employee within ten (10) working days of receipt of the grievance. Within fifteen (15) working days following the meeting between the Board and the employee, the Board will render a decision on the grievance. The decision of the Board is final.

## **Section 6      Grievance Procedure for Discrimination**

When an employee, former employee, or applicant, believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, national origin, religion or disability, he or she has the right to appeal such action using the grievance procedure outlined in this Article. While such persons are encouraged to use the grievance procedure, they will also have the right to appeal directly to the Human Resources Manager or Town Manager. Employment actions subject to appeal because of discrimination include hiring, promotion, training, classification, pay, disciplinary action, transfer, layoff, or termination of employment.

**Section 1      Group Health Insurance for Active Employees (Board amended 12/13/05)****2-Tier Healthcare Rate Plan for employees hired prior to January 1, 2006, and employees hired after January 1, 2006.**

Medical coverage will be made available to all regular full-time, permanent part-time employees and their eligible dependents. Medical coverage is provided at *no cost* for the employee. Dependent coverage is provided at a cost to employees. Employees with working spouses whose employers offer group health coverage must elect medical coverage through their employer and are therefore ineligible to participate in the Town's health plan. Non-working spouses can be covered as eligible dependents and are subject to the Town's fee structure plan for dependents. Medical coverage will be effective on the first day of the month, following sixty (60) days of consecutive employment.

**Tier 1 - Healthcare Fee Structure**

**Employees hired prior to January 1, 2006 with dependents.** Dependent costs are set by the Board, based on class of coverage selected. Tier I rates for dependent coverage are available in the Human Resources Department.

**Tier 2 – Healthcare Fee Structure**

**Employees hired on or after January 1, 2006 with dependents.** Dependents costs are set by the Board, based on class of coverage selected. Tier 2 rates for dependent coverage are available in the Human Resources Department.

Employees in both tier groups are subject to the same eligibility guidelines for coverage.

Specific information on health insurance benefits is available in the Town's, "Group Insurance Benefits Brochure" which is provided during employee orientation. Additional information may also be obtained from the Human Resource Manager. The Town reserves the right to re-evaluate healthcare benefits and to make changes in coverage and rates at its discretion without prior notice to employees.

The Town will comply with the Health Insurance Portability and Accountability Act of 1996, (HIPPA) regarding pre-existing health conditions. Consult the Human Resources Department for more information.

**Section 2 Health Insurance For Retirees** (Board amended 12/13/05)

**Health Insurance for retirees is limited to a maximum of ten (10) years regardless of the years of service with the Town.** Cobra (Consolidated Omnibus Reconciliation Act) allows for continuation of health coverage at the retiree's expense for a specified time period, following termination of group coverage. Retirees must meet the Local Governmental Employees Retirement System or the Law Enforcement Officers Retirement System's eligibility guidelines for retirement.

**Health Benefits for Retirees hired prior to January 1, 2006**

- 1) A retiree who has achieved ten (10) or more years of service with the Town, not including any accumulated sick or vacation time, and has reached 55 years of age will receive health insurance coverage, *at no cost* to the retiree, until the retiree reaches age 65 or until the retiree becomes Medicare eligible through a disability at an earlier age.
- 2) A Retiree who has achieved 25 or more years of service with the Town, not including any accumulated sick or vacation time, will receive health insurance coverage for a maximum period of ten (10) years from their official retirement date, regardless of the age at which that employee retires, *at no cost* to the retiree. At the conclusion of the ten (10) year period, the retiree (if he/she chooses) will be allowed to pay the cost of the group health premium and maintain coverage in the Town's health insurance program until age 65, or until employee becomes Medicare eligible through a disability at an earlier age.

The Town reserves the right to change benefits at its discretion without prior notice to retirees.

### Section 3

#### **Health Benefits for Employees Hired On or After January 1, 2006**

(Added and adopted by the Mayor & Board of Aldermen - 12/13/05)

**Employees hired on January 1, 2006, and thereafter** who meet the age and service eligibility requirements for retirement with the Town and the Local Governmental Employees Retirement System or Law Enforcement Officers Retirement System will be eligible for health insurance coverage to a maximum of ten (10) years. Premium will be shared by the Town and retiree. The retiree's years of service with the Town will determine the percentage of insurance premium paid by the Town. The Town reserves the right to change benefits and premiums at its discretion without prior notice to retirees.

#### **Retiree Premium Rate Table:**

<b><u>If an Employee has:</u></b>	<b><u>Town will pay:</u></b>
<b>25 years of service</b>	<b>100 % of premium for employee only</b>
<b>20 years of service</b>	<b>75 % of premium for employee only</b>
<b>15 years of service</b>	<b>50 % of premium for employee only</b>
<b>10 years of service</b>	<b>25 % of premium for employee only</b>

#### **Eligible Retiree Dependents** (amended by the Board 10/7/98)

Retirees may obtain coverage for eligible dependents from the Town by paying the full premium for dependents as established by the insurance carrier. Employees who retire under conditions set forth in Subsection 1 or 2 above, may purchase coverage for their spouse, at their own expense, until the retiree's coverage terminates, then spouse would be eligible for medical coverage based on COBRA guidelines.

When the retiree and/or spouse reach the age of 65 and the Town's regular health insurance coverage terminates, the retiree may have the option of purchasing Medicare supplement insurance, if available through the Town's insurance program. The retiree and/or spouse would be responsible for the full cost of Medicare supplemental insurance premium.

#### **Section 4      Group Life Insurance (amended 12/13/05)**

The Town will provide fully paid life insurance for full-time regular employees. Permanent part-time employees must contribute 50% of the cost to be eligible for life insurance coverage. Coverage will be effective on the first day of the month following 60 days of continuous employment. Dependent coverage is optional at the employee's cost.

Retirees may purchase a portion of their active life insurance coverage through the Town's insurance program. Consult the Personnel Department for more information.

Specific information on life insurance benefits is provided in the Town's "Group Benefits Program Brochure", which is provided during employee orientation. Additional information may also be obtained from the Human Resources Department.

Life insurance eligibility is subject to the same eligibility requirements as noted under medical coverage.

#### **Section 5      Dental Insurance**

Dental coverage will be made available to all regular full-time and permanent part-time employees and their eligible dependants. Dental coverage for all employees hired on or after January 1, 2006, will become effective on the first day of the month following 60 (sixty) days of continuous employment. Coverage for eligible employees is paid by the Town, dependent coverage is provided at the group rate.

Dental benefits are not available to retirees.

#### **Section 6      Cafeteria Benefits (Optional)**

Optional group insurance plans, including Health Savings Accounts are available to active employees as approved by the Town Board.

#### **Section 7      Retirement Plan**

All regular, full-time and permanent part-time positions that are budgeted as permanent positions for a minimum of 1,000 hours per year are required to enroll in the North Carolina Local Governmental Employees Retirement System. The Town contributes to this tax sheltered plan in addition to the six percent payroll deduction from employees. The Town will pay the employer's portion and deduct the employee's portion from his pay check each pay period.

The North Carolina Local Governmental Employees Retirement System is described in a booklet entitled "Your Retirement Benefits; North Carolina Local Governmental Employees Retirement System" which is available to all Town employees from the Human Resources Department.

## **Section 8      Training and Educational Incentives**

The Town recognizes the need to encourage its employees to acquire job-related training and to further their education through accredited programs and institutions. Therefore, with the prior approval of the department head and authorization from the Town Manager, the Town will provide reimbursement for expenses incurred in completing job-related training sessions, seminars, or workshops which relate directly to the employees duties and responsibilities with the Town.

Reimbursement for expenses will include registration fees, books, meals, transportation costs, reimbursement for use of private vehicle at the prevailing IRS rate and lodging expenses, which must be documented by receipts. Claims for reimbursement of expenses must be approved by the department head before submission to the finance officer for approval. All claims for reimbursement are subject to budget appropriation and should receive approval in advance of taking the training.

## **Section 9      Workers Compensation**

Employees 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 supervisor at the time of the injury so that appropriate action can be taken at once.

During the first seven (7) working days following a job-related injury, the Town will continue to pay the employee's salary, provided the employee has accrued sick leave benefits. On the eighth calendar day following the injury, the employee will become eligible to receive Worker's Compensation payments equal to two-thirds of his/her weekly earnings, but no more than the maximum weekly salary set by the North Carolina Industrial Commission, and will be removed from the Town payroll.

It may be necessary to terminate the employment of an employee who is determined medically to be unable to return to work because of his/her injury. This determination will be made following a formal evaluation of his case, including a medical examination at the Town's expense performed by a physician of the Town's choice.

If an employee does not return to work because of medical reasons he may be eligible to retire under the provisions of disability retirement.

If the employee becomes able to return to work, he may apply for any vacant Town position for which he is qualified and receive priority consideration over other qualified candidates. He may be required to undergo a medical examination (fitness for duty) before returning to work.

## **Section 10     Unemployment Compensation**

Employees who are laid off or dismissed from Town service may apply for unemployment compensation through the local office of the Employment Security Commission, which will determine eligibility for unemployment compensation.

**Section 11     Law Enforcement Officers Separation Allowance: Supplemental Retirement Income Plan**

The Town will provide a special separation allowance to qualified officers who retire early and meet all of the following qualifications:

- 1)     The officer must have completed 30 years or more of creditable service or have attained 55 years of age and have completed 5 or more years of creditable service;
- 2)     The officer must not yet be age 62; and
- 3)     The officer must have completed at least 5 years of continuous service as a law enforcement officer immediately before service retirement.

Payment of the separation allowance will cease if the officer 1) reaches age 62; 2) dies; or 3) is re-employed in any capacity by the State of North Carolina or any of its political subdivisions. All law enforcement officers automatically become members of the State Supplemental Retirement Income Plan on the date of hire.

**LEAVES OF ABSENCE****ARTICLE X****Section 1      Holidays Observed (Board Amended 07/01/08)\***

The following days and such other days as the Board of Aldermen may designate, are holidays with pay for regular, full-time and permanent part-time Town employees.

New Years Day	January 1
Martin Luther King	Third Monday in January
Good Friday	Friday before Easter Sunday
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Thanksgiving	Fourth Thursday and Friday in November
Christmas	December 25 and one additional day
Floating Holiday*	See Guidelines Below

When a holiday, other than Christmas Day, falls on a Saturday, the holiday will be observed on Friday. If the holiday, other than Christmas Day, falls on Sunday, Monday will be observed as a holiday unless otherwise amended by the Board of Aldermen. When Christmas Day falls on a Saturday or Sunday, the preceding Friday and following Monday will be observed as holidays.

**Section 2      Floating Holiday – Eligibility Guidelines (Amended 12/13/05)**

Employees hired on or after January 1, 2006, will be eligible to take the "Floating Holiday" upon successful completion of the 6-month probationary period.

***Scheduling***

1) Floating Holiday must be requested in writing by employee at least (2) two weeks prior to taking and subject to approval by the Department Head. Requests may be turned down for any specific day or time, if in the opinion and/or judgment of the Department Head, request would impair the department's ability to adequately function and maintain an acceptable level of service in the community.

2) Requests will be approved on a first come, first serve basis. If several employees apply for the same day off in the same department, approval will be determined by the following method:

- a) Number of employees that can be out of the department on any given day or hour;
- b) Date and time request was made in writing;
- c) Employee's department seniority;
- d) Employee's hire date.

Employees not following the outlined procedure to schedule the floating holiday should:

- 1) Expect their request to be turned down, until procedure is correctly followed.
- 2) Floating Holiday "use or lose" rule must be taken by December 31 of each year. Floating Holiday does not carry over into the next year.

Unscheduled and/or exception requests to the two-week notification approval will be evaluated on a case by case basis, and will require authorized written validation.

### **Section 3      Holidays - When Work is Required**

The Town recognizes that some employees are required to work on holidays to provide essential services to the citizens of the Town and that this hardship should be compensated. Therefore, employees who work on designated holidays will be given regular pay for the time worked on the holiday in addition to normal pay. Actual hours worked on a holiday will be recorded and included in determining total hours for the work week for the purpose of calculating overtime payments.

### **Section 4      Vacation Leave - Policy**

Vacation leave will be used for rest and relaxation, and may be used for unexcused absences due to adverse weather conditions or for other appropriate reasons. Employees are encouraged to use vacation during each year.

### **Section 5      Vacation Leave – Accumulation**

All full-time, regular and probational employees of the Town will earn vacation leave at the following rate:

Length of Service	Hours Earned Each Month	Days earned each month	Days Earned Each Year
0-5 years	6.67	.83	10
5-10 years	8.00	1.00	12
10- 15 years	10.00	1.25	15
15-20 years	11.33	1.41	17
20+ years	13.33	1.67	20

Vacation leave may accumulate to a maximum of thirty (30) days. When the maximum has been accumulated, all additional leave over thirty (30) days must be taken by December 31st.

On January 1st the accumulated leave balance will be reduced back to the thirty (30) day maximum. Vacation days reduced in excess of 30 days on January 1, will be transferred to the employee's accrued sick leave benefits. Time taken off by employees using approved leave with pay, or receiving workers compensation benefits, will be counted as time worked for the purpose of earning vacation leave.

Persons hired on or before the 15th of the month will earn one-half day vacation leave for that month. Those hired after the 15th of the month begin earning vacation leave on the first of the following month.

Probationary employees will accrue vacation leave but are not entitled to take such leave until completion of the probationary period. Permanent part-time employees will accrue vacation on a prorated schedule based on hours worked.

An employee that has at least one (1) year of service may request for an advancement in vacation leave to a maximum of 40 hours with the approval of the Town Manager. Approval or denial is at the Manager's discretion.

#### **Section 6      Vacation Leave - Use and Reporting**

Vacation leave may be taken as earned by the employee, subject to the approval of the department head, except in the case of a probationary employee. Probationary employees may earn but may not take vacation leave during their six month probationary period.

All requests for vacation leave must be approved, in writing, in advance by the department head. Minimum vacation leave that can be taken is in one-half day increments.

An employee will not be permitted to work for the Town at the same time he is on vacation leave. Under no circumstances will an employee be paid for accumulated or unused vacation leave while still in the employment of the Town.

#### **Section 7      Adverse Weather Conditions**

Town offices will remain open for the full scheduled work day unless authorization for early closing or other deviation is received from the Town Manager. All employees will be given, when possible, advance notice of any authorized early closing. Employees who, of their own volition, leave work before an official early closing time has been announced will be required to use earned vacation for all unauthorized time taken.

Following severe weather conditions occurring during the night, it is the responsibility of each employee to report to work as soon as possible after the normal workday begins. The employee must charge time away from work during adverse weather to vacation leave unless other specific arrangements are made with the Town Manager. The Town Manager has the authority to alter the regular business day in the event of severe weather conditions.

## **Section 8      Transfer of Vacation Leave to Another Employee**

Vacation time can be transferred to fellow employees under certain conditions on a voluntary basis, when a deserving employee is threatened with loss of income due to extended illness or a family crisis. Transfer of time will require approval by the employee's supervisor, and must be reviewed by the Town Manager and Human Resource Manager. No employee may transfer more than one-half of their time to a deserving employee. Time transferred/donated will be converted from the donating employee's dollar value to the receiving employee's dollar value in hours. This is a voluntary program in which no employee will coerce any employee to donate vacation time. Confidentiality between donor and recipient will be maintained.

## **Section 9      Vacation Leave - Payment of Leave Upon Termination of Employment**

Upon termination of employment with the Town for whatever reason, an employee must have worked through the last day of the month of termination to earn vacation leave for that month. At the time of an employee's separation, any advanced vacation leave owed the Town will be deducted from the employee's final compensation.

Upon submission of a resignation, an employee will be eligible to be paid for vacation leave accumulated to the date of separation, not to exceed the maximum thirty (30) days.

## **Section 10     Vacation Leave - Payment of Vacation Leave Upon Death**

The estate of an employee who dies while employed by the Town will be entitled to payment of all of the accumulated vacation leave credited to the employee's account, not to exceed thirty (30) days.

## **Section 11     Sick Leave – Policy**

Sick leave with pay is a privilege granted by the Town for the benefit of an employee when sick or when tending to an immediate family member who is sick. "Immediate family member" will be defined as a spouse, parent, child, step parent, brother, sister, grand parent, grand child, daughter-in-law, son-in-law, mother-in-law, or father-in-law of the employee or legal guardian. As well as various combinations of half-brothers/sisters and legally adopted relationships that can be derived from the family members named herein. Sick leave is also available when an employee has been exposed to a contagious disease when continuing to work could jeopardize the health of others.

Temporary/part-time employees are not entitled to earn sick leave. Temporary employees must take leave without pay for days missed due to sickness.

## **Section 12   Sick Leave - Accumulation**

Each regular and probationary employee will earn sick leave at the rate of eight hours per month. Employees hired on or before the fifteenth of the month earn one-half day sick leave for that month and those hired after the fifteenth of the month begin earning sick leave on the first of the following month. Permanent part-time employees will accrue sick leave benefits on a pro-rated schedule, based on hours worked.

Time taken off by employees using approved leave, or time off under workers compensation, will be counted as time worked for the purpose of sick leave accumulation.

There is no maximum accumulation for sick leave. Unused sick leave may be applied toward retirement credit, at the rate of one month of credit for every twenty (20) days of unused sick leave, under the rules of the North Carolina Local Governmental Employees Retirement System.

## **Section 13   Sick Leave - Use and Reporting**

Sick leave must be charged as used. All employees will be eligible to use sick leave as soon as it is earned. Minimum sick leave that can be taken is one-half day.

Employees are required to notify their supervisors as soon as possible, but no later than two hours after the beginning of their regular work day, if they are unable to report to work due to illness.

## **Section 14   Sick Leave - Physician's Certification**

For all absences due to illness extending beyond three days, a physician's certificate providing proof the employee was unable to work due to illness or injury is required before returning to work. A physician's certification regarding an employee's ability to return to work after an illness or injury may also be required. The Human Resources Department and/or department head has the authority to request the certification. The Town Manager may require a doctor's statement for any sick leave taken at his discretion.

Failure of an employee to provide requested proof will constitute a reason for nonpayment of the days taken. Such action may also be construed as grounds for further disciplinary action.

## **Section 15   Sick- Leave - Payment upon Separation**

All sick leave accumulated by an employee will 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.

## **Section 16     Transfer of Accrued Sick Leave to Another Employee**

Sick leave benefits may be transferred to fellow employees under certain conditions on a voluntary basis, when a deserving employee is threatened with loss of income due to extended illness or family crisis. Transfer of time will require approval by the employee's supervisor and must be reviewed by the Town Manager and Human Resource Manager. No employee may transfer more than one-half of their time to a deserving employee. Time transferred/donated will be converted from the donating employees dollar value to the receiving employees value in hours. This is a voluntary program in which no employee will coerce any employee to donate sick leave time. Confidentiality between donor and recipient will be maintained.

## **Section 17     Authorized Absences with Pay**

An employee may be granted leave with pay, with the prior approval of the department head, for the following reasons:

- 1)     Absence not to exceed three work days in the case of a death in the immediate family. Immediate family for authorized pay will be defined as spouse, child, mother, father, sister, brother, grandparent, grandchild, mother-in-law, and father-in-law.
- 2)     Absence from the job for purposes of direct job-related training may be granted with the approval of the Town Manager.
- 3)     Other such reasons that will be recommended by the Town Manager and approved by the Board of Aldermen.

## **Section 18     Leave Without Pay**

A regular full-time employee may be granted a leave of absence without pay for up to 12 calendar months by Town Manager. The granting of such leave is at the discretion of the Town Manager and does not have to be granted. The employee may elect to use appropriate accrued leave before going on leave without pay status. An employee will not be allowed to use leave without pay privileges for vacation purposes while maintaining his accumulated vacation leave. He must use accrued vacation leave before requesting leave without pay. Leave without pay may also be used by the Town as a form of disciplinary action against employees who:

- take vacation leave without authorization; or
- do not notify their supervisors of the need to take sick leave.

The employee will apply in writing to his department head and then to the Town Manager for leave without pay. The employee is obligated to return to duty within or at the end of the time determined appropriate by the Town Manager.

Upon returning to duty after being on leave without pay, the employee will be entitled to return to the same or a similar position held at the time leave was granted including the same classification, seniority and pay.

If the employee decides not to return to work, the Town Manager should be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested and granted, will be considered a resignation.

#### **Section 19     Leave Without Pay - Retention and Continuation of Benefits**

An employee will retain all unused vacation and sick leave while on leave without pay, except in cases where leave without pay is requested for vacation purposes, then all accrued vacation leave must be used first. An employee ceases to earn leave credits on the date leave without pay begins.

The employee may continue to be eligible for benefits under the Town's group insurance plans, subject to any regulations adopted by the Board of Aldermen and the regulations of the respective insurance companies and FLMA guidelines.

#### **Section 20     Workers Compensation Leave**

An employee absent from duty because of sickness or disability covered by the North Carolina Workers Compensation Act may receive Workers Compensation benefits.

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

Temporary employees will be placed in a leave without pay status and will receive all benefits for which they are eligible for under the Worker's Compensation Act.

#### **Section 21     Military Leave**

Employees entering active military duty will have all job rights specified by the Vietnam Veterans Readjustment Act. Regular employees, not serving an initial probationary period, who are members of the National Guard or Armed Forces Reserve will be allowed up to 80 working hours per calendar year military training leave. If such military duty is required beyond this period, the employee will be allowed to take accumulated vacation leave or be placed in a leave without pay status. While on guard duty, the employee will be paid the difference between military pay and the pay normally received from the Town.

While taking military leave, the employees leave credits and other benefits will continue to accrue as if the employee physically remained with the Town during this period.

Employees serving a probationary period, and all part-time and temporary employees, must take leave without pay to serve any required duty. Regular employees who are guardsmen and reservists have all job rights specified in the Veterans Readjustment Assistance Act.

## **Section 22     Civil Leave**

Employees may be granted time off with pay for a reasonable amount of time to be established by the Town Manager at the beginning or end of their regular work day so that they may vote in national, state and local elections.

This leave is only available to employees whose normal work hours would not otherwise allow them an opportunity to vote.

Civil leave may also be granted when an employee is called for jury duty or as a witness in any civil or criminal legal proceeding. The employee will receive leave with pay for such duty during the required absence without charge to accumulated vacation.

When an employee's obligation for jury or witness duty ends before the end of that employee's normal workday, the employee is expected to return to work for the remainder of the workday.

While on civil leave, benefits and leave will accrue as though on regular duty.

**Exception** - An employee who is a principal in private litigation will not be entitled to civil leave, but may take vacation leave or leave without pay for necessary court appearances with the approval of the Town Manager.

## **Section 23     Parental School Leave**

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

- 1) The leave must be taken at a time mutually agreed upon by the employee and the Town;
- 2) The Town may require the employee to request the leave in writing at least 48 hours prior to the time of the desired leave; and
- 3) The Town may require written verification from the child's school that the employee was involved at the school during leave time.
- 4) Paid leave (vacation time) taken by an employee to attend to school activities of his or her child will count towards the fulfillment of this provision by the Town.

**Section 24. Family and Medical Leave Policy** (Amended & Adopted by Board 1/12/10)

The Town of Waynesville will grant up to 12 weeks of job-protected family and medical leave *or 26 weeks as care giver* for a FMLA covered service member during any 12-month period to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA), *and as amended by Federal Statutes (final version, Military Caregiver Leave) on November 17, 2008*. The leave may be paid (coordinated with the Town's Vacation and Sick Leave Policies), unpaid, or a combination of paid and unpaid leave. Unpaid leave will be granted only when the employee has exhausted all appropriate types of paid leave. Additional time away from the job beyond the 12 week period may be approved in accordance with the Town's leave with-out pay policy.

The National Defense Act signed into law on October 28, 2009, expands the *Military Caregiver and Qualifying Exigency Leave Act* to include the following additional provisions:

- 1) Employees are entitled to take military caregiver leave to care for family members who were injured on active duty in the military for up to 5 years after separation from military service. The requirement that the family member still be in the military no longer applies; and
- 2) Employees will qualify for military caregiver leave when they have a family member who suffered from a pre-existing serious injury or illness that was aggravated by their active-duty service in the military.

To qualify for FMLA coverage, the employee must:

- Have worked for the Town a minimum of 52 weeks; these do not have to be consecutive;
- However, the employee must have worked at least 1,250 hours over the previous 12 months immediately before the date when the FMLA time begins.

The 12-month period is a "rolling" 12 months beginning with the first day of FMLA leave taken.

Example: If four (4) weeks of leave is used in March, the employee could use the remaining FMLA leave prior to next March.

Family and Medical Leave can be used for the following reasons:

- 1) the birth of a child and in order to care for that child;
- 2) the placement of a child for adoption or foster care;
- 3) to care for a spouse, child, or parent with serious health condition;
- 4) because of "any qualifying exigency (emergency)" arising out of the fact that the spouse, or a son, daughter, parent of the employee is on active duty (or has been notified of an impending call or order to active duty status) in the Armed Forces in support of a contingency operation; also applies to members of the National Guard or military reserves called to active duty *in a foreign country*.

FMLA defines "*any qualifying exigency*" as;

- 1) Short-notice deployment; 2) Military events and related activities; 3) Childcare and school activities; 4) Financial and legal arrangements; 5) Counseling;

- 6) Rest and recuperation; 7) Post-deployment activities; 8) Additional activities not encompassed in the other categories, but agreed to by the employer and the employee.
- 5) for a spouse, son, daughter, parent, or next of kin to care for a service member; or
- 6) the serious health condition of the employee.

A serious health condition is defined as a condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider. This policy covers illness of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition which results in a period of incapacity or more than 3 days would be considered a serious health condition.

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

An employee taking leave for the birth of a child may use paid sick leave for the period of actual disability, based on medical certification. Should the employee exhaust all sick leave benefits, paid vacation benefits may be used for the remainder of the 12-week period.

The request for the use of leave must be made in advance and in writing by the employee and approved by the Department Head *or* the Human Resources Manager. In an emergency situation, the request for the use of FMLA leave must be made as soon as reasonably practical. On its initiative, the Town may designate leave as FMLA.

Prior to an employee returning to work after an FMLA, the employee's Supervisor, Department Head, or the Human Resources Manager may require a physician's certification that the employee can safely resume employment and has regained the ability to effectively perform the essential functions of the job. An employee who takes leave under this policy will return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility and authority.

**Section 1      Definition**

The pay plan includes the basic salary schedule and the "List of Classes arranged by Grades" adopted by the Board of Aldermen. The salary schedule consists of steps for minimum, beginning, maximum, and intervening rates of pay for all classes of positions.

**Section 2      Administration and Maintenance**

The Town Manager, assisted by the Human Resource Manager, will be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan will be paid at a rate listed within the salary range established for the respective position classification, except for employees in trainee status or employees whose existing salaries are above the established maximum rate following transition to a new pay plan.

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the Town, and other factors. To this end, from time to time the Human Resource Manager will make comparative studies of all factors affecting the level of salary ranges and will recommend to the Town Manager such changes in salary ranges as appear to be pertinent. Such assignments 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 Board of Aldermen.

**Section 3      Starting Salaries**

All persons hired into positions approved in the position classification plan will 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.

**Section 4      Trainee Designation and Provisions**

Applicants being considered for employment or Town employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred to a "trainee" status.

In such cases, a plan for training, including a time schedule, must be prepared by the department head. "Trainee" salaries will be one or (no more than) two grades below the minimum salary established for the position for which the person is being trained.

A new employee designated as "trainee" will concurrently serve a probationary period. However, probationary periods will be no less than six months and trainee periods may extend from six to twelve months.

A trainee will remain a probationary employee until the trainee period is satisfactorily completed. If the training period is not successfully completed to the satisfaction of the Town, the trainee will be dismissed. If the training is successfully completed, the employee will be paid at least at the minimum rate established for the position for which the employee was trained.

#### **Section 5      Probationary Pay Increases**

Employees hired, promoted, or reclassified into the minimum rate of the pay range will receive a salary increase in steps to equal approximately 5% upon successful completion of the probationary period. Employees serving a twelve month probationary period are eligible for consideration for this pay increase after six months of successful employment. Employees hired or promoted at or above the minimum step of the pay grade table may not be eligible for a probationary increase. Final decision is at the discretion of the Town Manager.

#### **Section 6      Merit Pay**

Upward movement within the established salary range for an employee is not automatic but rather based upon specific performance-related factors. Employees may be considered for advancement within the established salary range based on the quality of their overall performance. Procedures for determining performance levels and performance pay increases will be established in procedures approved by the Town Manager.

#### **Section 7      Merit Pay Bonus**

Employees who are at the top step 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 will be awarded based upon the performance of the employee as described in the performance evaluation and will be the same percentage of annual salary as employees within the salary range with the same performance level. Merit bonuses are not part of base pay and will be awarded in a lump sum payment.

#### **Section 8      Salary Effect on Promotions, Demotions, Transfers, and Reclassifications**

**Promotions:** When an employee is promoted, the employee's salary will normally be advanced to the minimum level of the new position, or to a salary increase by steps to provide an increase of approximately 5% over the employee's salary before the promotion; provided, however, that 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 to a position for which qualified, the salary will be set at the rate in the lower pay range which provides the smallest decrease in pay if demotion is not "for cause." If the current salary is within the new range, the employee's salary may be retained at the previous rate, or placed at a rate commensurate with the

employee's qualifications for that job. If the demotion is for cause, the salary will be decreased approximately 10%, not to exceed the maximum of the new range.

**Transfers:** The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary range will not be changed by the reassignment.

**Reclassifications:** An employee whose position is reclassified to a class having a higher salary range will receive a pay increase of approximately 2.5% or an increase to the minimum of the new pay range, whichever is higher. If the employee has successfully completed probation, the employee's salary will be advanced to at least the probation completion amount in the range.

If the position is reclassified to a lower pay range, the employee's salary will remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee will be maintained at the current level until the range is increased above the employee's salary.

## **Section 9      Salary Effect of Salary Range Revisions**

When a class of positions is assigned to a higher salary range, employees in that class will receive a pay increase of at least 2 pay steps or to the minimum step of the new pay range, whichever is higher. If the employee has successfully completed probation, the employee's salary will be advanced at least to the probation completion amount in the new range. When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum step established for the new class, the salary of that employee will be maintained at that level until such time as the employee's salary range is increased above the employee's current salary.

## **Section 10     Transition to a New Salary Plan**

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

- 1) No employee will receive a salary reduction as a result of the transition to a new salary plan.
- 2) All employees being paid at a lower rate than the minimum rate established for their respective classes will have their salaries raised to the new minimum for their classes.
- 3) All employees being paid at a rate below the maximum rate established for their respective.
- 4) Classes will be paid at a rate listed in the salary schedule; employees not at a listed rate will have their salaries raised to a listed rate.

- 5) Employees being paid at a rate above the maximum rate established for their respective classes will be maintained at that salary level until such time as the employee's salary range is increased above the employee's current salary.

**Section 11     Effective Date of Salary Changes**

Salary changes approved after the first working day of a pay period will become effective at the beginning of the next pay period, or at such specific date as may be provided by procedures approved by the Town Manager.

**Section 12     Payroll Deductions**

Deductions will 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.

**Section 13     Longevity Pay (added 7/10/01)**

Employees will receive longevity pay in the last payroll in November that reflect years of service as of July 1, of each year according to the following schedule:

<b>Years of Service</b>	<b>Longevity Amount</b>
0-10	\$10/year of service
11-15	\$15/year of service
16-20	\$20/year of service
20+	\$25/year of service

Effective 7/1/01, employees will receive longevity pay in the last payroll of November, for each year that reflects the years of service as of July 1, of that fiscal year. Any employee that retires from service with the Town between July 1, and the date when that last payroll of November is issued, will receive the longevity check at their time of retirement. An employee will only be entitled to receive one longevity check in any fiscal year.

**Section 1      Purpose**

**POSITION CLASSIFICATION PLAN**

**ARTICLE XII**

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

**Section 2      Composition of the Position Classification Plan**

The classification plan will consist of:

- a) a grouping of positions in classes which are approximately equal in difficulty and responsibility which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions;
- b) class titles descriptive of the work of the class;
- c) written specifications for each class of positions; and
- d) an allocation list showing the class title of each position in the classified service.

**Section 3      Use of the Position Classification Plan**

The classification plan is to be used:

- a) as a guide in recruiting and examining applicants for employment;
- b) in determining lines of promotion and in developing employee training programs;
- c) in determining salary to be paid for various types of work;
- d) in determining personnel service items in departmental budgets; and
- e) in providing uniform job terminology.

**Section 4      Administration of the Position Classification Plan**

The Human Resource Manager will allocate each position covered by the classification plan to its appropriate class, and will be responsible for the administration of the position classification plan. The Human Resource Manager will periodically review portions of the classification plan and recommend appropriate changes to the Town Manager.

**Section 5      Authorization of New Positions and the Position Classification Plan**

New positions will be established upon recommendation of the Town Manager and approval of the Town Board of Aldermen. New positions will be recommended to the Board of Aldermen with a recommended class title. The position classification plan, along with any new positions or classifications will be approved by the Town Board of Aldermen and on file with the Human Resource Manager. Copies will be available to all Town employees for review upon request.

**Section 6      Request for Reclassification**

Any employee who considers the position in which classified to be improper will submit a request in writing for reclassification to such employee's immediate supervisor, who will immediately transmit the request through the department head to the Human Resource Manager. Upon receipt of such request, the Human Resource Manager will study the request, determine the merit of the classification, and recommend any necessary revisions to the classification and pay plan to the Town Manager. The Town Manager will respond to this request within thirty (30) working days.

**Section 1      Travel Policy**

It is the policy of the Town to reimburse its employees for out-of-town travel and transportation expenses directly related to official business of the Town. All travel costs will be paid directly to the individual incurring the expense.

This policy is intended to address out-of-pocket expenses for employees and Aldermen on official Town business. It is not intended to replace travel allowances given to employees as a condition of employment who are required to provide a vehicle in their work. The Town Manager is responsible for determining if additional reimbursement of travel expenses is appropriate.

**Section 2      Prior Approval for Travel**

The Town recognizes the need for flexibility in obtaining approval for travel. It is the Town Manager's responsibility to determine if travel is necessary and reasonable and to set standards for approval. All travel out-of-state and travel requiring an overnight stay will be approved in advance by the Town Manager. It is always the responsibility of the department head to insure that a sufficient unexpended appropriation remains to cover all travel expenses.

**Section 3      Eligible Transportation Expenses**

Transportation expenses that are ordinary and necessary while conducting official business for the Town are eligible. Eligible transportation expenses include the cost of travel by air, rail, bus, taxi, and personal auto. All transportation by commercial carrier must be less than first class unless such rates are not available and no other travel options are available.

Whenever possible Town vehicles should be used for auto travel. In the event a Town vehicle is not available, personal auto may be used.

Reimbursement for use of an employees personal auto is allowable at the prevailing rate allowed by the Internal Revenue Service for business mileage. Generally, reimbursement for the use of an employee's private auto is limited to travel incurred in the general area or within the state.

Occasionally, either for personal preference or for the benefit of the Town, an employee may take his personal auto for out-of-town travel when transportation by other means would be more economical. In those cases reimbursement will be limited to the governmental mileage rate or an equivalent air fare, whichever is less.

Other transportation expenses that are allowable are:

- Taxi fares or other costs of transportation between the airport or station and employees hotel or from one place of business to another. Taxi fares are also allowable between the hotel and temporary work assignment.
- Baggage charges.
- Reasonable tips that are incidental to any of the above transportation expenses.

#### **Section 4      Eligible Travel Expenses**

Expenses for lodging and other expenses incurred while traveling away from home and related to official duties, are eligible for reimbursement if reasonable and supported by receipts. Travel items eligible for reimbursement are as follows:

- Meals served as part of a convention or conference will be reimbursed at actual cost. Required night meetings and dinner meetings will also be reimbursed if supported by receipts.
- Actual cost of lodging at the single room rate if supported by receipts. Employees are encouraged to obtain governmental rates whenever possible.
- Telephone expenses that are related to official business. Tips associated with the costs listed above.

Expenses incurred for personal entertainment and alcoholic beverages are not allowable. Employee will be reimbursed for meals if reasonable and supported by receipts.

#### **Section 5      Reporting Expenses for Reimbursement**

All employees authorized to travel should keep all receipts and memoranda of actual expenditures, with the exception of normal subsistence costs, from which they can prepare an official travel voucher. Receipts for lodging, transportation other than auto, tolls, parking fees, registration fees, etc. must accompany the travel voucher.

Claims for mileage reimbursement should indicate the point of departure and destination and will be computed in a manner that is most reasonable and favorable to the Town. The business purpose of each trip for which reimbursement is claimed must be clearly stated. Travel vouchers which have been approved by the department head are to be submitted sufficiently in advance for reimbursement. Reimbursement expenses are for out-of-town, official Town business only.

## **Section 6      Travel Advance**

If a travel advance is necessary to conduct official Town business, the request for such advance must be submitted to the finance officer by no later than five (5) working days prior to the time travel is anticipated. Travel advances may not exceed the estimated cost of travel and must be accounted for on the travel voucher.

Travel expenses to and from work is not eligible for reimbursement.

**Section 1      Personnel Records Maintenance**

The Human Resource Manager will be responsible for maintaining such personnel records as are necessary for the proper administration of the personnel system. The following information will be kept on each Town employee:

- (1) name;
- (2) age;
- (3) date of original employment;
- (4) current position title;
- (5) current salary; \*
- (6) date and amount of most recent change in salary;
- (7) date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification;
- (8) department and/or office to which the employee is currently assigned;
- (9) Date and type of each dismissal, suspension, demotion for disciplinary reasons taken by the department, agency, institution, commission or bureau. If the disciplinary action was a dismissal, a copy of the written notice for the final decision of the head of the department setting forth the specific acts or omissions that are the basis of the dismissal. *(NC House Bill 96, effective October 1, 2009)*

\* For the purpose of this subsection, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing public entity. The Mayor and Board shall determine in that form and by whom this information will be maintained. Any person having may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Mayor and Board have adopted. Any person denied access to this information may apply to the appropriate division of the General Court of Justice for an order compelling disclosure, and the court shall have jurisdiction to issue such orders.

Additional information regarding pay, as described in Article V, Section 12 on Hours of Work and Overtime, will also be maintained. Section, Public information (G.S. 153A-98)

**Section 2      Access to Personnel Records**

As required by North Carolina General Statute 160A- 168, any person may have access to the information listed in the above section for the purpose of inspection, examination, and copying, during the regular business hours, subject to such rules for the safekeeping of public records as the Board of Aldermen may adopt. Employees requiring photo copies of their personnel file must make such a request in writing and pay the Town's established printing

costs. The Human Resources Department will comply to appropriate requests within seven (7) working days from receipt of the request.

### **Section 3      Confidential Information**

All information contained in a Town employee's personnel file, other than the information listed in Section 1 of this article will be maintained as confidential in accordance with the requirement of G.S. 160A-168 and will be open to public inspection only in the following instances:

The employee or his duly authorized agent may examine all portions of his personnel file except, (a) letters of reference solicited prior to employment, and (b) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.

A licensed physician designated in writing by the employee may examine the employee's medical record.

- (b) A Town employee having supervisory authority over the employee may access employee's personnel file for information listed in Section 1, if job related; excludes medical and psychological records which are maintained under strict confidentiality separate from the personnel records.
- (c) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- (d) An official of any agency of the state or federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such information is deemed by the Town Manager to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information will be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employees tax liability.
- (e) An employee may request a written release, to be placed with his personnel file that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- (f) The Town Manager, with concurrence of the Board of Aldermen, may inform any person of the employment, or non-employment, promotion, demotion, suspension, or other disciplinary action, reinstatement, transfer, or termination of a Town employee and the reasons for that personnel action. Before releasing the information, the Town Manager or Board of Aldermen will determine in writing that the release is essential to maintaining public confidence in the administration of Town services or to maintain the level and quality of Town services. This written determination will be retained in

the office of the Town Manager or the Town Clerk and is a record available for public inspection and will become part of the employee's personnel file.

- (g) each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
- (i) A record will be made of each disclosure and placed in the employee's file (except disclosures to the employee and the supervisor).

#### **Section 4      Records of Former Employees**

The provisions for access to records apply to former employees as they apply to present employees.

#### **Section 5      Remedies of Employees Objecting to Material in File**

An employee who objects to material in his file may place in his file a statement relating to the material he considers to be inaccurate or misleading. The employee may seek the removal of such material in accordance with established grievance procedures.

#### **Section 6      Penalties for Permitting Access to Confidential Records**

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

#### **Section 7      Examining and/or Copying Confidential Material without Authorization**

Section 160A - 168 of the General Statutes of North Carolina provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who will knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file will be guilty of a misdemeanor and upon conviction will be fined consistent with the General Statutes.

#### **Section 8      Destruction of Records Regulated**

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G.S. 121-(5), without the consent of the North Carolina Department of Cultural Resources.

<b>IMPLEMENTATION OF POLICY</b>	<b>ARTICLE XV</b>
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**Section 1      Conflicting Policies**

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

**Section 2      Separability**

If any provision of this policy is held invalid, the remainder of this policy and the application of such remaining provisions of this policy, other than those held invalid will not be affected.

**Section 3      Amendments**

Amendments to these personnel policies will be recommended by the Town Manager and approved by the Board of Aldermen.