

ARTICLE I. GENERAL PROVISIONS

Section 1. Purpose of the Chapter

It is the purpose of this policy and the rules and regulations set forth to establish a fair and uniform system of personnel administration for all employees of the City under the supervision of the City Manager. This policy is established under authority of Chapter 160A, Article 7, of the General Statutes of North Carolina.

Section 2. AT Will Employment

The City of Roxboro is an “at will” employer. Nothing in this policy creates an employment contract or term between the City and its employees. No person has the authority to grant any employee any contractual rights of employment.

Section 3. Merit Principles

All appointments and promotions shall be made solely on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same salary range. No applicant for employment or employee shall be deprived on employment opportunities or otherwise adversely affected as an employee because of such individual’s race, color, religion, sex national origin, political affiliation, non-disqualifying disability, or age.

Section 4. Responsibilities of the City Council

The City Council shall be responsible for establishing and approving personnel policies, the position classification and pay plan, and may change the policies and benefits as necessary. They also shall make and confirm appointments when so specified by the general statutes.

Section 5. Responsibilities of the City Manager

The City Manager shall be responsible to the City Council for the administration and technical direction of the personnel program. The City Manager shall appoint, suspend, and remove City officers and employees except those elected by the people or whose appointment is otherwise provided for under state statutes. The City Manager shall make appointments, dismissals and suspensions in accordance with the City Charter and other policies and procedures spelled out in other Articles in this Chapter.

The City Manager shall maintain the position classification plan and the pay plan and perform such other duties in connection with a modern personnel program as the City Council requires. All matters dealing with personnel shall be routed through the office of the City Manager who shall maintain a complete system of personnel files and records.

The City Manager shall:

- a) recommend rules and revisions to the personnel system to the City Council for consideration;
- b) make changes as necessary to maintain an up to date and accurate position classification plan
- c) recommend revisions to the pay plan to the City Council for approval;
- d) determine which employees shall be subject to the overtime provisions of FLSA;
- e) develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the City;
- f) investigate periodically the operation and effect of the personnel provisions of this chapter;
- g) perform such other duties as may be assigned by the City Council not inconsistent with this Chapter; and
- h) appoint an employee to the role of Human Resources Manager.

Section 6. Responsibilities of the Human Resources Manager

The responsibilities of the Human Resources Officer are to make recommendations to the City Manager on the following:

- a) recommend rules and revisions to the personnel system to the City Manager for consideration;
- b) recommend changes as necessary to maintain an up to date and accurate position classification plan;
- c) recommend necessary revisions to the pay plan;
- d) recommend which employees shall be subject to the overtime provisions of FLSA;
- e) maintain a roster of all persons in the municipal service
- f) establish and maintain a list of authorized positions in the municipal service at the beginning of each budget year which identifies each authorized position, class title of position, salary range, any changes in

class title and status, position number and other such data as may be desirable or useful;

- g) develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the City;
- h) develop and coordinate training and educational programs for City employees;
- i) investigate periodically the operation and effect of the personnel provisions of this policy; and
- j) perform such other duties as may be assigned by the City Manager not inconsistent with this Policy.

Section 7. Application of Policies, Plans, Rules, and Regulations

The personnel policy and all rules and regulations adopted pursuant thereto shall be binding on all City employees. The City Manager, City Attorney, members of the City Council and advisory boards and commissions will be exempted except in sections where specifically included. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws which have been violated.

Section 8. Departmental Rules and Regulations

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

Section 9. Definitions

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

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

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

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

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

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

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

ARTICLE II. POSITION CLASSIFICATION PLAN

Section 1. Purpose.

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

Section 2. Composition of the Position Classification Plan

The classification plan shall consist of:

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

Section 3. Use of the Position Classification Plan

The classification plan is to be used:

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

Section 4. Administration of the Position Classification Plan

The City Manager, assisted by the Human Resources Manager, shall allocate each position covered by the classification plan to its appropriate class, and shall be responsible for the administration of the position classification plan. The City Manager shall periodically review portions of the classification plan and make minor revisions to insure that classifications accurately reflect current job duties and responsibilities. The City Manager shall also periodically review the entire classification plan and, when needed, recommend major changes to the City Council.

Section 5. Adoption of the Position Classification Plan

The position classification plan shall be adopted by the City Council and shall be on file with the City Clerk. Copies shall be available to City employees for review upon request.

New positions shall be established upon recommendation of the City Manager and approval of the City Council after which the City Manager shall either allocate the new position into the appropriate existing class, or amend the position classification plan to establish a new class to which the new position may be allocated.

Section 6. Request for Reclassification

Any employee who considers the position in which classified to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall immediately transmit the request through the department head to the Human Resources Manager. Upon receipt of such request, the Human Resources Manager shall study the request, determine the merit of the reclassification, and recommend any necessary revisions of the classification and pay plan to the City Manager. The City Manager will respond to this request within ten working days. Upon receipt of such request, the City Manager shall study the request, determine the merit of the reclassification, and forward the recommendation to the City Council for consideration.

ARTICLE III. THE PAY PLAN

Section 1. Definition

The pay plan includes the basic salary schedule and the "Assignment of Classes to Grades and Ranges" adopted by the City Council. The salary schedule consists of minimum or beginning, maximum, and intervening rates of pay for all classes of positions. Salary increases within the pay range shall be based on criteria established by the City Manager.

Section 2. Administration and Maintenance

The City Manager, assisted by the Human Resources Manager, shall be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan shall be paid at a rate listed within the salary range established for the respective position classification, except for employees in 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 public employment in the area, changes in the cost of living, the financial conditions of the City, and other factors. To this end, from time to time the City Manager shall request the Human Resources Manager to make comparative studies of all factors affecting the level of salary ranges and may make minor adjustments in the allocation of positions to salary grades. When major adjustments encompassing numerous positions are needed, or when a general adjustment is needed to the pay plan, the City Manager shall recommend such changes in salary ranges as appear to be warranted to the City Council. The City Council shall adopt the "Assignment of Classes to Grades and Ranges," including any minor adjustments made by the City Manager during the previous budget year, annually as part of the budget process.

Section 3. Starting Salaries

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

Section 4. Trainee Designation and Provisions

Applicants being considered for employment or City employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred by the City Manager to a "trainee" status. In such cases, a plan for training including a time schedule must be prepared by the supervisor. "Trainee" salaries may be no more than two grades below the hiring rate established for

the position for which the person is being trained. A new employee designated as "trainee" shall be regarded as a probationary employee.

If the training is not successfully completed to the satisfaction of the City within the established timeframes, the trainee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the minimum rate established for the position for which the employee was trained.

Section 5. Probationary Pay Increases

Employees hired or promoted into the hiring rate of the pay range shall receive a salary increase to the minimum rate upon successful completion of the probationary period. Employees hired or promoted above the hiring rate shall not receive increases when removed from probationary status.

Section 6. Performance Evaluation and Performance Pay Increases

An annual performance evaluation shall be scheduled for each employee as close as is practicable to a year from the date of the successful completion of the probationary period. Consultation between the employee and supervisor regarding performance at times other than the annual performance evaluation is anticipated and encouraged under this policy and shall be considered to supplement rather than replace the annual performance evaluation.

Upward movement within the established salary range for an employee is not automatic but rather based upon specific performance-related reasons.

Supervisors and/or Department Heads shall conduct Performance Evaluation conferences with each employee at least once a year. These performance evaluations shall be documented in writing. Employees may be considered for advancement within the established salary range based on the quality of the overall work performance or other factors established by the City Manager. Procedures for determining performance levels and performance pay increases shall be determined by the City Manager.

Section 7. Performance Pay Bonus

Employees who are at the maximum rate of the salary range for their position classification are eligible to be considered for a performance bonus, as established by City Council, and approved in annual budget. Performance bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation and shall be the same percentage of annual salary as employees within the salary range with the same performance level. Performance bonuses shall be awarded in lump sum payments and do not become part of base pay.

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

Promotions. When an employee is promoted, the employee's salary shall normally be advanced to the minimum level of the new position, or to a salary which provides an increase of at least 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 shall be set at the rate in the lower pay range which provides a salary commensurate with the employees' qualifications to perform the job when the demotion is not the result of discipline. If the current salary is within the new range, the employee's salary may be retained at the previous rate, if appropriate. Consideration should be given to whether the employee is receiving the same pay for decreased workload or responsibility level and action should be appropriate to this consideration. If the demotion is for cause, the salary shall be decreased at least 5%, or to 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 grade shall not be changed by the reassignment.

Reclassifications. An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase of at least 5% or an increase to the minimum of the new pay range, whichever is higher.

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

Section 9. Salary Effect of Salary Range Revisions

When a class of positions is assigned to a higher salary range, employees in that class shall receive a pay increase of at least 5%, or to the hiring rate of the new salary range whichever is higher. If the employee has passed probation, the employee's salary shall be advanced at least to the probation completion amount (minimum rate) 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 shall 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 shall govern the transition to a new salary plan:

- 1) No employee shall receive a salary reduction as a result of the transition to a new salary plan.
- 2) All employees being paid at a rate lower than the hiring rate established for their respective classes shall have their salaries at least to the new hiring rate for their classes.
- 3) All employees being paid at a rate below the maximum rate established for their respective classes shall be paid at a rate listed in the salary schedule; all employees not at a listed rate shall have their salaries raised to a listed rate.
- 4) All employees being paid at a rate above the maximum rate established for their respective classes shall be maintained at that salary level until such time as the employees' salary range is increased above the employees' current salary.

Section 11. Effective Date of Salary Changes

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

Section 12. Overtime Pay Provisions

Employees of the City can be requested and may be required to work overtime hours as necessitated by the needs of the City and determined by the supervisor.

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

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7 day period). Hours for public safety personnel shall be based on a 28-day cycle with compensation at overtime rates beginning after 171 hours are worked in the cycle for police staff and 27-day cycle with compensation at overtime rates beginning after 204 hours are worked in the cycle for fire personnel. Hours worked beyond the FLSA established limit will be compensated in either time or pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, or holidays be included in the computation of hours worked for FLSA purposes. Accumulation of overtime hours shall not exceed 40 hours for any

employee. Compensatory leave requires approval by the City Manager when creating a balance that exceeds 40 hours.

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

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

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 City Manager. Such compensatory time is not guaranteed to be taken, and ends without compensation upon separation from the organization.

Section 13. Call-Back and Stand-By Pay

The City provides continuous twenty-four hour a day, seven-day a week services 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 City is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary actions up to and including dismissal by the City Manager.

Call-Back. Non-exempt employees will be guaranteed a minimum payment of two hours of wages per twenty-four hour period for being called back to work 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).

Stand-By. Non-exempt employees required to be on "stand-by" duty will be paid for four hours of work for each week (approximately 128 hours, excluding work time) of stand-by time they serve. Stand-by compensation for less than one full week shall be determined by the ratio of .035 hours of pay per one hour of stand-by time. 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. Stand-by time is defined as that time when an employee must wear a pager or otherwise restrict personal activities or travel in order to be ready to respond when called.

Call-back. Non-exempt employees will be guaranteed a minimum payment of two hours wages per 24-hour period for being called back to work outside of normal working hours.

(Exception: Off duty fire personnel off will be guaranteed a minimum of one hour in wages for being called back). "Call-back" provisions do not apply to previously scheduled overtime work.

Section 14. Payroll Deduction

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

Section 15. Extra Duty or Certification Pay

When employees assume additional duties as result of additional training and/or certification and it does not substantially change the duties and responsibilities of the position enough to merit a new job classification, then the City Manager may authorize additional flat rate amounts of dollars for each pay period as long as these additional duties are being performed and the certification is retained and current.

Section 16. Hourly Rate of Pay

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

Section 17. Pay for Interim Assignment to Higher Classification

An employee who is formally designated for a period of at least one month to perform the duties of a job that is assigned to a higher salary grade than that of the employee's regular classification shall receive an increase for the duration of the "acting" assignment. The employee shall receive a salary adjustment to the entry level (Hiring rate) of the job in which the employee is acting or an increase of 10%. Criteria involved in determining the amount of compensation shall include 1) the difference between the existing job and that being filled on a temporary basis, and 2) the degree to which the employee is expected to fulfill all the duties of the temporary assignment. The salary increase shall be temporary and the employee shall go back to the salary he or she would have had if not assigned to the "acting" role upon completion of the assignment.

Section 18. Longevity Pay

Full-time employees of the town are compensated for years of service by payment of a longevity supplement based on continuous years of service on the employee's anniversary date of employment. Continuous service is continuous employment including any approved leave or involuntary reduction in force. Payments are based on the employee's base salary. Payment will be made in the next payroll period following the employee's anniversary date.

Service with Roxboro	Amount
Hired after July 1 of current year	\$25
6 months but less than 5 years	1.35%
5 but less than 10 years	1.5%
10 but less than 15 years	1.75%
15 years and more	2%

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Equal Employment Opportunity Policy

It is the policy of the City to foster, maintain and promote equal employment opportunity. The City shall select employees on the basis of the applicant's qualifications for the job and award them, with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to age, sex, race, color, religion, national origin, non-job related handicap, political affiliation, or marital status. Applicants with a disability shall be given equal consideration with other applicants if such applicants can, with or without reasonable accommodation, perform the essential requirements of the position.

Section 2. Implementation of Equal Employment Opportunity Policy

All personnel responsible for recruitment and employment will continue to review regularly the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related job requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of age, sex, race, color, religion, non-job related handicap, national origin, political affiliation, or marital status. Notices with regard to equal employment matters shall be posted in conspicuous places on City premises in places where notices are customarily posted.

Section 3. Recruitment, Selection and Appointment

Recruitment Sources. When position vacancies occur, supervisors shall notify the Human Resources Manager concerning the number and classification of positions that are to be filled. The Human Resources Manager shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Information on job openings and hiring practices shall be provided to recruitment sources including organizations and news media available to minority applicants. In addition, notice of vacancies shall be posted at designated conspicuous sites within departments. Individuals shall be recruited from a geographic area as wide as necessary to ensure that well-qualified applicants are obtained for City service. The North Carolina Employment Security Commission shall normally be used as a recruitment source. In rare situations because of emergency conditions, high turnover, etc., the City may hire or promote without advertising jobs, upon approval of the City Manager.

Job Advertisements. Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.

Application for Employment. All persons expressing interest in employment with the City shall be given the opportunity to file an application for employment for positions that are vacant.

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

Selection. Department heads, with the assistance of the Human Resources Manager, shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position. All selection devices administered by the City shall be valid measures of job performance

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

Section 4. Probationary Period

An employee appointed or promoted to a permanent position shall serve a probationary period. Employees shall serve a six-month probationary period, except that sworn law enforcement personnel, fire shift personnel and department heads shall serve a twelve-month probationary period. Employees hired as a "trainee" shall remain on probation until the provisions of their trainee period are satisfied.

During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Before the end of the probationary period, the supervisor shall conduct a performance evaluation conference with the employee and discuss accomplishments, strengths, and needed improvements. A summary of this discussion should be documented in the employee's personnel file. The supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. Probationary periods may be extended for a maximum of three additional months.

Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in this Chapter. A promoted employee who does not successfully complete the probationary period may be transferred or demoted to a position in which the employee shows promise of success. If no such position is available, the employee shall be dismissed.

Section 5. Promotion

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range. It is the City's policy to create career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is best suited of all applicants, that applicant shall be promoted to that position. The City will balance three goals in the employment process: 1) the benefits to employees and the organization of promotion from within; 2) providing equal employment opportunity and a diversified workforce to the community; and 3) obtaining the best possible employee who will provide the most productivity in that position. Therefore, except in rare situations where previous town experience is essential (such as promotions to Police Sergeant), or exceptional qualifications of an internal candidate so indicate, the City will consider external and internal candidates rather than automatically promote from within. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Candidates shall apply for promotions using the same application process as external candidates.

Department heads are responsible for developing staff capacity to provide backup for coworkers and higher level positions; to prepare staff and the organization for smooth transitions; and to insure capability to cover interim absences and vacancies.

Section 6. Demotion

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. An employee whose work or conduct in the current position is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. Such demotion shall follow the disciplinary procedures outlined in this chapter.

Section 7. Transfer

Transfer is the movement of an employee from one position to a position in a class in the same salary range. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual application process. The department head wishing to transfer an employee to a different department or classification shall make a recommendation to the City Manager. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this chapter. An employee who has successfully completed a probationary period may be transferred into the same classification without serving another probationary period.

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Work Schedule

Department heads shall establish work schedules, with the approval of the City Manager, which meet the operational needs of the department in the most cost effective manner possible.

Section 2. Political Activity

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States. However, no employee shall:

- a) Engage in any political or partisan activity while on duty;
- b) Use official authority or influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
- c) Be required as a duty of employment or as condition for employment, promotion or tenure of office to contribute funds for political or partisan purposes;
- d) Coerce or compel contributions from another employee of the City for political or partisan purposes;
- e) Use any supplies or equipment of the City for political or partisan purposes;
- f) Be a candidate for nomination or election to office under the City Charter;

Any violation of this section shall subject the employee to disciplinary action including dismissal.

Section 3. Outside Employment

The work of the City shall have precedence over other occupational interests of employees. All outside employment for salaries, wages, or commission and all self-employment must be reported in writing in advance to the employee's supervisor, who in turn will report it to the City Manager. The City Manager will review such employment for possible conflict of interest and then approve or disapprove the secondary employment. Conflicting or unreported outside employment is grounds for disciplinary action up to and including dismissal.

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

limited to:

- a) employment with organizations or in capacities that are regulated by the employee or employee's department; or
- b) employment with organizations or in capacities that negatively impact the employee's perceived integrity, neutrality, or reputation related to performance of the employee's town duties.

Section 4. Dual Employment

A full or part-time employee of the City may simultaneously hold another position with the City if the temporary position is in a different department and/or clearly different program area from that of the full or part-time position. However, the work of the full or part-time position shall take precedence over the temporary position, and such work will not count toward the calculation of overtime for pay or time off.

Section 5. Employment of Relatives

The City prohibits the hiring and employment of immediate family in permanent positions within the same work unit. "Immediate Family" is defined in Article VII, Section 12. The City also prohibits the employment of any person into a permanent position who is an immediate family member of individuals holding the following positions: Mayor, City Council, City Manager, Assistant City Manager, Finance Director, Human Resources Officer City Clerk, or City Attorney. Otherwise, the City will consider employing family members or related persons in the service of the City, provided that such employment does not:

- 1) result in a relative supervising relatives;
- 2) result in a relative auditing the work of a relative;
- 3) create a conflict of interest with either relative and the City ; or
- 4) create the potential or perception of favoritism.

This clause shall not be retroactive concerning any relative currently working for the City at the time of adoption.

Section 6. Harassment

Harassment on the basis or race, color, religion, gender, national origin, age or disability constitutes discrimination. The City opposes harassment by supervisors and co-workers in any form. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, national origin, age, or disability, or that of his or her relatives, friends, or associates.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual

favors, and other verbal or physical conduct of a sexual nature when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Any employee who believes that he or she may have a complaint of sexual harassment may follow the Grievance Procedure described in this Policy or may file the complaint directly with the City Manager, Human Resources Manager, or any department head who will advise the Human Resources Manager of the complaint. The Human Resources Manager will insure that an investigation is conducted into any allegation of harassment and advise the employee and appropriate management officials of the outcome of the investigation. Employees witnessing harassment shall also report such conduct to an appropriate City official.

Section 7. Acceptance of Gifts and Favors

The conduct of any employee in City service shall be free from influence arising from gifts, favors, or special privileges. It is the obligation of an employee to refuse personal gifts, favors, or special privileges in situations where it is reasonable to believe that such may be offered so as to affect the giver's interest or otherwise exert influence on the actions of the employee. Furthermore, no employee shall seek personal or financial advantage because of his/her position with the City.

Section 8. Safety

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

Section 9. Immigration Law Requirements

All employees are required to furnish proof of citizenship or other required documents indicating a legal right to work in the United States. Copies of the completed I-9 form shall be a permanent part of their personnel file.

Section 10. Use of City Owned Property

The City Council forbids the personal use of any City owned vehicles, equipment, or

supplies by any employee except for Police Officers or unless approved by the City Manager.

Police Officers shall follow the “Assigned Police Vehicle Policy” approved by the Council and adopted as part of the department’s Standard Operating Procedures in the operation and maintenance of the vehicles.

ARTICLE VI. EMPLOYEE BENEFITS

Section 1. Eligibility

All full-time employees of the City are eligible for employee benefits as provided for in this Article which is subject to change at the City's discretion. Temporary employees are eligible only for workers' compensation.

Section 2. Group Health and Hospitalization Insurance

The City provides group health and hospitalization insurance programs for fulltime employees and their families. The City also offers a dental insurance coverage plan for employees and dependents through payroll deductions.

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

Retirees shall be able to continue health and hospitalization coverage on the City's plan for a maximum of three years prior to eligibility for Medicare as long as they have at least 10 years of service with the City.

Section 3. Other Optional Group Insurance Plans

The City may make other group insurance plans available to employees upon authorization of the City Manager or City Council.

Section 4. Retirement

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

Section 5. Supplemental Retirement Benefits (401-K)

The City allows employees to defer a portion of their income before taxes into a 401K tax deferment plan.

The City provides contributions to a 401K plan for active law enforcement personnel and a monthly separation allowance to retired law enforcement officers as required in Chapter 143 Article 12E and Article 12D of the General Statutes of North Carolina.

Section 6. Social Security

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

Section 7. Workers' Compensation

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

Employees may use sick leave and/or vacation both during the waiting period before Workers' compensation benefits begin, and afterward to supplement the remaining one-third of salary, except that employee may not exceed the regular salary amount using this provision. This provision also applies to reactions to small pox vaccinations administered to Town employees under Section 304 of the Homeland Security Act. Such reactions shall be treated the same as any other workers' compensation claim as regards leave and salary continuation.

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee and the supervisor and such claims must be filed by the employee with the North Carolina Industrial Commission within two years from date of injury.

Section 8. Unemployment Compensation

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

Section 9. Tuition Assistance Program

The City shall continue to improve the level of service offered to its citizens by providing employees with training opportunities. The encouragement of education and training to improve job performance as well as increase the employee's knowledge, skills, and abilities for promotions within the City shall be accomplished by means of a tuition assistance program and should be considered each year when funding is established for the upcoming budget. This benefit will be provided, as funding is made available. The maximum amount per fiscal year or semester shall be established in procedures distributed by the City Manager. All requests for tuition assistance shall be approved prior to the employee beginning the course and the reimbursement shall occur only after the completion of the course and the submission of the required forms certifying a successful completion of the course with a grade of "C" or better.

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Policy

The policy of the City is to provide annual leave, sick leave, and holiday leave to all full-time and part-time employees, and to provide proportionately equivalent amounts to employees having average work weeks of different lengths.

Section 2. Holidays

The policy of the City is to follow the holiday schedule listed below: Each holiday is an eight hour period.

New Year's Day	Independence Day
Martin Luther King's Birthday	Labor Day
Good Friday	Thanksgiving Day & Day After
Memorial Day	Thanksgiving
	Christmas – 3 Days

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

In order to be eligible for holiday pay, an employee must be in pay status for a full regularly scheduled workday before and after the holiday, unless excused by the City Manager.

Section 3. Holidays: Effect on Other Types of Leave

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

Section 4. Holidays: Compensation When Work is Required

Employees required to perform work on regularly scheduled holidays may be granted compensatory time off or paid at their hourly rate for hours actually worked in addition to any holiday pay to which they are entitled. Compensatory time shall be granted whenever feasible and taken within three months from the time it is earned. If a holiday falls on a regularly scheduled off-duty day for shift personnel, the employee shall receive the hours for paid holiday leave at another time.

Section 5. Vacation Leave

Vacation leave shall be used for rest and relaxation, and may be used for medical appointments.

Section 6. Vacation Leave: Use by Probationary Employees

Employees serving a probationary period following initial employment may accumulate vacation leave but shall not be permitted to take vacation leave during the probationary period. Employees shall be allowed to take accumulated vacation leave after six months of service.

Section 7. Vacation Leave: Accrual Rate

Each full and part-time employee of the City shall accrue vacation leave at the following schedule, pro-rated by the average hours in the workweek:

Years of Service	Hours Per Month	Hours Per Year	Days Earned in One Year
Less than 3 years	6 hrs. 40 min	80	10
3 years but less than 5 years	8 hrs.	96	12
5 years but less than 10 years	9.333 hrs.	112	14
10 years but less than 15 years	10.667 hrs	128	16
15 years but less than 20	12 hrs.	144	18
20 plus	13.333 hrs	160	20

56 - Hour Employees: Fire Shift Employees

Years of Service	Hours Per Month	Hours Per Year	Days Earned in One Year
Less than 3 years	9.333 hrs.	112	5
3 years but less than 5 years	11.250 hrs.	135	6
5 years but less than 10 years	13.067 hrs	157	7
10 years but less than 15 years	14.933 hrs.	179	8
15 years but less than 20 years	16.800 hrs.	202	9
20 plus	18.667 hrs.	224	10

Employees working greater of fewer hours than forty would be prorated based upon the formula in Article VII Section 16.

Section 8. Vacation Leave: Maximum Accumulation

The maximum vacation leave that may accrue to an employee's credit is limited to 240 hours for regular employees and 336 hours for 56 hours employees.

Vacation Leave may be accumulated without any applicable maximum until June 30 of each year. Effective the last payroll in the fiscal year, any employee with more than 30 days (240 hours or 336 hours) of accumulated leave shall have the excess accumulation removed so that only 30 days are carried forward to the new payroll period. The excess amount will be converted to sick leave up to a maximum of one half of the employee's current vacation accrual rate.

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

Section 9. Vacation Leave: Manner of Taking

Employees shall be granted the use of earned annual leave in days of five or more upon request, in writing, at those times designated by the supervisor which will least obstruct normal operations of the City. Smaller amounts of vacation leave will be granted as approved by the supervisor. Supervisors are responsible for insuring that approved vacation leave does not hinder the effectiveness of service delivery.

Section 10. Annual Leave: Payment upon Separation

An employee who has successfully completed six months of the probationary period will normally be paid for accumulated vacation leave upon separation subject to a 30 day maximum, provided written notice is given to the supervisor at least two weeks in advance of the effective date of resignation (minimum of 30 days notice for department heads). Any employee failing to give the written notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the City Manager when deemed to be in the best interest of the City.

Section 11. Annual Leave: Payment upon Death

The estate of an employee who dies while employed by the City shall be entitled to payment of all the accumulated vacation leave credited to the employee's leave account.

Section 12. Sick Leave

Sick leave with pay is not a right that an employee may demand, but a privilege granted for the benefit of an employee when sick. Sick leave may be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others.

Sick leave may be used when an employee must care for a member of his or her immediate family who is ill, but may not be used to care for healthy children when the regular caregiver is sick. Sick leave may also be used for death in the employee's immediate family, but may not exceed three days for any one occurrence. Additional leave time required for such occurrence may be charged to annual leave.

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

"Immediate family" shall be defined as spouse, parent, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law, and adopted relationships that can be derived from those named.

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave or not later than two hours after the beginning of the scheduled workday.

Section 13. Sick Leave: Accrual Rate and Accumulation

Sick leave shall accrue at a rate of one day per month of service or twelve days per year. Sick leave for full-time and part-time employees working other than the basic work schedule shall be pro-rated. Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Government Employees' Retirement System. All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the City, except as stated for employees retiring or terminated due to reduction in force.

Section 14. Transfer of Sick Leave From Previous Employer

The City will accept the transfer of sick leave for employees from other employers who are participants of the North Carolina Local Government or State Employees Retirement System. The sick leave will be treated as though it were earned with the City of Roxboro. The sick leave amount must be certified by the previous employer. This sick leave may be taken after the employee successfully completes the initial hire probationary period.

Section 15. Sick Leave: Medical Certification

The employee's supervisor or the City Manager may require a physician's certificate stating the nature of the employee or immediate family member's illness and the employee's capacity to resume duties, for each occasion on which an employee uses sick leave or whenever the supervisor observes a "pattern of absenteeism." The employee may be required to submit to such medical examination or inquiry as the department head deems desirable. The Department Head shall be responsible for the application of this provision to the end that:

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

Claiming sick leave under false pretense to obtain a day off with pay shall subject the employee to disciplinary action.

Section 16. Leave Pro-rated

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

- 1) The number of hours worked by such employees shall be divided by the number of hours in the basic workweek (usually 40 hours).
- 2) The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic workweek.
- 3) The number of hours in step 2 divided by 12 shall be the number of hours of leave earned monthly by the employees concerned.

Section 17. Leave Without Pay

A full or part-time employee may be granted a leave of absence without pay for a period of up to twelve months by the City Manager. The leave shall be used for reasons of personal disability after both sick leave and desired amount of vacation leave have been exhausted, sickness or disability of immediate family members, continuation of education, special work that will permit the City to benefit by the experience gained or the work performed, or for other reasons deemed justified by the City Manager.

The employee shall apply in writing to the supervisor for leave. The employee is obligated to return to duty within or at the end of the time determined appropriate by the City Manager. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority, and pay. If the employee decides not to return to work, the supervisor shall be notified immediately. Failure to report at the expiration of a

leave of absence, unless an extension has been requested, shall be considered a resignation.

Section 18. Family Medical Leave and Leave Without Pay and Retention and Continuation of Benefits

The City will grant up to 12 weeks of family and medical leave during any 12-month period to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid (coordinated with the City's Vacation and Sick Leave policies), unpaid, or a combination of paid and unpaid. Additional time away from the job beyond the 12-week period may be approved in accordance with the City's Leave Without Pay policy. Employees may be required to exhaust eligible paid leave before going on a leave without pay status.

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

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

1. the birth of a child and in order to care for that child;
2. the placement of a child for adoption or foster care;
3. to care for a spouse, child, or parent with a serious health condition; or
4. the serious health condition of the employee.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition that 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 that results in a period of incapacity or more than three days would be considered a serious health condition.

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

An employee taking leave for the birth of a child may use paid sick leave for the period of actual disability, based on medical certification. The employee shall then use all paid vacation for the remainder of the 12-week period.

The request for the use of leave must be made in writing by the employee and approved by the department head or City Manager.

An employee who takes leave under this policy will return to the same job or a job with

equivalent status, pay, benefits, and other employment terms. The position will be the same or one that entails substantially equivalent skill, effort, responsibility, and authority.

Retention of Benefits

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

Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit.

An employee may retain all unused vacation and sick leave while on FMLA Leave and Leave Without Pay with the approval of the City Manager. An employee ceases to earn leave credits on the date leave without pay begins.

Section 19. Family and Medical Leave: Certification

In order to qualify for leave under this law, the City requires medical certification. This statement from the employee's or the family member's physician should include the date when the condition began, its expected duration, diagnosis, and brief statement of treatment. For the employee's own health condition, it should state that the employee is unable to perform the essential functions of his/her position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and the employee's presence would be beneficial or desirable.

This certification should be furnished at least 30 days prior to the needed leave unless the employee's or family member's condition is a sudden one. The certification should be furnished as soon as possible (no longer than 15 days from the date of the employee's request). The certification and request must be made to the department head and filed with the Human Resources Manager.

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

Section 20. Workers' Compensation Leave

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

The Workers' Compensation Leave will also be counted against the twelve (12) weeks of

leave under the provisions of the Family and Medical Leave Act.

Section 21. Military Leave

Regular employees who are members of an Armed Forces Reserve organization or National Guard shall be granted ten workdays per year for military leave without pay. On rare occasions due to vacation training being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year. For this purpose only, an employee shall be granted an additional ten days of military leave during the same calendar year. If the compensation received while on military leave is less than the salary that would have been earned during this same period as a City employee, the employee shall receive partial compensation equal to the difference in the base salary earned during this same period as a City employee. The effect will be to maintain the employee's salary at the normal level during this period. If such duty is required beyond this ten workdays, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status, and the provisions of that leave shall apply. While taking military leave without pay or with partial pay, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the City during this period. Employees who are eligible for military leave have all job rights specified by the Vietnam Veterans Readjustment Act.

Section 22. Reinstatement Following Military Service.

An employee called to extended active duty with the United States military forces, who does not volunteer for service beyond the period for which called, shall be reinstated with full benefits provided the employee:

- 1) Applies for reinstatement within ninety days after the release from military service; and
- 2) Is able to perform the duties of the former position or similar position; or
- 3) Is unable to perform the duties of the former position or a similar position due to disability sustained as a result of military service, but is able to perform the duties of another position in the service of the City. In this case the employee shall be employed in such other position as will provide the nearest approximation of the seniority, status, and pay which the employee otherwise would have been provided, if available.

Section 23. Civil Leave

A City employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the City any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty.

Section 24. Educational Leave with Pay

A leave of absence at full or partial pay during regular working hours may be granted to an employee to take one course which is only offered during working hours and will better equip the employee to perform assigned duties upon the recommendation of the Department Head, and with the approval of the City Manager.

An employee on educational leave with full pay shall continue to earn leave credits and other benefits to which City employees are entitled. An employee on educational leave with partial pay shall earn proportional leave credits.

Section 25. Adverse Weather

The City has responsibility for emergency services including law enforcement. Adequate staff is required to operate these critical services seven days per week and 24 hours per day in all weather. Department heads should designate which staff is in critical positions required to report to work regardless of weather or other hazardous conditions.

The adverse weather/hazardous conditions policy is established to be as fair as possible to all employees applying the following principles:

1. Maintain adequate staffing at all times of emergency services;
2. Provide for as much safety as possible for all employees in traveling to and from work in hazardous conditions; and
3. Not pay regular salaries to some employees for *not working* when others are required to be at work.

City offices and departments shall remain open for the full scheduled working day unless authorization for closing or other deviation is received from the City Manager's office. The Manager will consider the hazard of driving conditions and other relevant factors in determining whether to close City offices. All departments and offices will be given sufficient advance notice of any authorized closing of non-critical town functions. Upon authorizing a closing, non-critical staff may use vacation, earned compensatory time, or time without pay for the hours not worked. Employees who leave work before an official early closing time, as well as employees who report for work late or do not report for work because of hazardous conditions may also use earned vacation or compensatory leave for days or hours not worked.

ARTICLE VIII. SEPARATION AND REINSTATEMENT

Section 1. Types of Separations

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

Section 2. Resignation

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is two weeks. Failure to provide minimum notice shall result in forfeit of payment for accumulated annual leave unless the notice is waived upon recommendation of the supervisor and approval by the City Manager.

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

Section 3. Reduction in Force.

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

Section 4. Disability

An employee who cannot perform the required duties because of a physical or mental impairment may be separated for disability. Action may be initiated by the employee or the City. In all cases, such action must be accompanied by medical evidence acceptable to the City Manager. The City may require an examination, at the City's expense, performed by a physician of the City's choice.

Section 5. Voluntary Retirement

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

Section 6. Death

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

Section 7. Dismissal

An employee may be dismissed in accordance with the provisions and procedures of Article IX.

Section 8. Reinstatement

An employee who is separated because of reduction in force may be reinstated within one year of the date of separation, upon recommendation of the supervisor and approval of the City Manager. An employee who is reinstated in this manner shall be re-credited with his or her previously accrued sick leave.

Section 9. Rehiring

An employee who resigns while in good standing may be rehired with the approval of the City Manager. If the employee is rehired to the employee's previous position within one year of the date the employee resigned while in good standing: (1) He/She will not be regarded as a new employee and will not have to serve a probationary period; and (2) will retain all benefits that the employee enjoyed prior to resignation.

ARTICLE IX. JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT

Section 1. Disciplinary Action for Unsatisfactory Job Performance

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

Section 2. Unsatisfactory Job Performance Defined

Unsatisfactory job performance includes any aspects of the employee's job that are not performed as required to meet the standards set by the supervisor. Examples of unsatisfactory job performance include, but are not limited to, the following:

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

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

When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor should meet with the employee as soon as possible in one or more counseling sessions to discuss specific performance problems. A brief summary of these counseling sessions should be noted in the employee's file by the supervisor. An employee whose job performance is unsatisfactory over a period of time should normally receive at least two warnings from the supervisor before disciplinary action resulting in dismissal is taken by the City Manager. In each case, the

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

- 1) A final written warning from the supervisor serving notice upon the employee that corrected performance must take place immediately in order to avoid suspension, demotion, or dismissal.
- 2) If performance does not improve, a written recommendation should be sent to the City Manager for disciplinary action such as suspension, demotion, or dismissal.

Section 4. Disciplinary Action for Detrimental Personal Conduct

With the approval of the City Manager, an employee may be placed on disciplinary suspension, demoted, or dismissed without prior warning for causes relating to personal conduct detrimental to City service in order to 1) avoid undue disruption of work; 2) to protect the safety of persons or property; or 3) for other serious reasons.

Section 5. Detrimental Personal Conduct Defined

Detrimental personal conduct includes behavior of such a serious detrimental nature that the functioning of the City may be or has been impaired; the safety of persons or property may be or have been threatened; or the laws of the government may be or have been violated. **Examples of detrimental personal conduct include, but are not limited to, the following:**

- 1) **Fraud or theft;**
- 2) **Conviction of a felony or the entry of a plea of nolo contendere thereto;**
- 3) **Falsification of records for personal profit, to grant special privileges, or to obtain employment;**
- 4) **Willful misuse or gross negligence in the handling of Town funds;**
- 5) **Willful or wanton damage or destruction to property;**
- 6) **Willful or wanton acts that endanger the lives and property of others;**
- 7) **Possession of unauthorized firearms or other lethal weapons on the job;**
- 8) **Brutality in the performance of duties;**
- 9) **Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits**

set by a physician as long as medically necessary;

- 10) Engaging in incompatible employment or serving a conflicting interest;
- 11) Request or acceptance of gifts in exchange for favors or influence;
- 12) Engaging in political activity prohibited by this policy;
- 13) Harassment of an employee or the public with threatening or obscene language and/or gestures;
- 14) Harassment of an employee(s) and/or the public on the basis of sex or any other protected class status; or
- 15) Stated refusal to perform assigned duties or flagrant violation of work rules and regulations.

Section 6. Pre-Disciplinary Conference.

Before any disciplinary action is taken, whether for failure in personal conduct or failure in performance of duties, the supervisor shall 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 reasons 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 supervisor. The supervisor will consider the employee's response, if any to the proposed disciplinary action, and will, within three working days following the pre-disciplinary conference, notify the employee in writing of the final decision to take disciplinary action. The notice of the final disciplinary action shall contain a statement of the reasons for the action and the employee's appeal rights. The City Manager will be provided with a written notice of action taken.

Section 7. Non-Disciplinary Suspension

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

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

If the employee is reinstated following the suspension such employee shall not lose any benefits to which otherwise employee would have been entitled had the suspension not occurred. If the employee is terminated following suspension, the employee shall not be eligible for any pay from the date of suspension; provided, however, all other benefits with the exception of accrued vacation leave and sick leave shall be maintained during the period of suspension.

Section 8. Appeals

An employee wishing to appeal a reprimand, a demotion, a suspension, or a dismissal may present the matter using the grievance procedures prescribed in Article X.

Section 9. Substance Abuse Policy

The City 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. Such policies and procedures apply to all City employees, as set forth therein.

ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Section 1. Policy

The grievance procedure is designed to ensure an employee or group of employees a fair impartial and prompt consideration of a problem or dissatisfaction without fear of reprisal. The procedure also encourages employees at all levels to express themselves regarding conditions of work.

The grievance procedure is intended to promote better understanding of policies, practices, and procedures; to instill confidence in employees that fair and impartial treatment will be received; and develop in supervisors a continuing sense of responsibility for maintaining effective working relationships with employees. All employees, including supervisors and department heads, are expected to discuss their problems and concerns with higher management levels. Open two-way communications is a proven factor in reducing and resolving grievances.

Section 2. Grievance Defined

A grievance is a claim or complaint by an employee based upon an event or condition, which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.

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

Section 3. Procedure

When an employee or group of employees feels the need to resolve a work-related problem, dissatisfaction or complaint, the following procedure is available:

Informal Discussion. Before filing a formal grievance, the employee (or group of employees) and supervisor shall discuss the problem up through the chain of command and seek to resolve it informally. This action assures that the supervisory staff knows about and has had the opportunity to consider and investigate the problem and to resolve it informally. The employee must request this meeting within five calendar days of the event or working condition occurring. (Ongoing conditions are not subject to this deadline.)

If the employee is grieving a disciplinary action already discussed with the supervisor, the meeting is encouraged, but not mandatory.

Exception: If an employee alleges harassment by the immediate supervisor, an informal discussion will not be required and the employee may file the report with the human

resources office, who will initiate a grievance on behalf of the employee.

Formal Grievance.

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

Step 1: Immediate Supervisor.

The first step of the formal grievance procedure is for the employee to file a written notice with the supervisor. This notice must be filed within five calendar days of the employee's meeting with the supervisor to discuss the issue or, in a discipline case where no further meeting was held, five calendar days from receipt of the notice of discipline. An employee shall file a written notice with the supervisor within fifteen calendar days from receipt of a discipline notice, or from a related meeting with the supervisor in cases of demotion, suspension, or termination.

Grievances must be filed in writing, stating the problem or complaint and what solution or remedy the employee desires.

The supervisor shall investigate the matter and respond in writing to the employee within five calendar days of receipt of the formal grievance. The response should be signed by the supervisor. In addition, the employee shall sign a copy to acknowledge receipt thereof. The grievance and the supervisor's response should be forwarded to the Human Resources Manager by the supervisor. Time limits for either party may be waived by mutual consent.

The supervisor should, and is encouraged to, consult with any employee of the City in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible.

Step 2: Department Head

If the grievance is not settled at Step 1, the employee may proceed to Step 2. The employee must file in writing a request to proceed to this level with the Department Head. The grievance must be filed within five calendar days of receiving the supervisor's written response. This written request must state the area of disagreement with the supervisor's response at Step 1 and must state the requested remedy or solution desired by the employee.

The Department Head shall review the issues in the grievance, meet with the employee,

and respond in writing to the employee within five calendar days of the meeting. The grievance and the Department Head's response shall be forwarded to the Human Resources Manager by the Department Head.

Step 3: City Manager

If the grievance is not settled at Step 2, the employee may proceed to Step 3, the City Manager. The employee shall file the grievance in writing with the City Manager within five calendar days of receipt of the Department Head's written response. As in previous steps, the employee shall be specific as to the solution or further remedy desired and any concerns about the particular points of disagreement with the supervisor's and the Department Head's responses.

The City Manager shall either forward the employee's grievance directly to a Personnel Appeals Committee that passes the grievance automatically to Step 4 OR schedule a hearing with the employee and a representative from the department. If a hearing is scheduled, the City Manager shall respond in writing to the employee within ten calendar days of the hearing date. As in previous steps, the time limits for either party to the grievance may be waived by mutual consent.

As part of the City Manager's response, the employee shall receive a determination as to whether the grievance is appealable to Step 4. If determined to be not appealable, the City Manager's response is final. Non-appealable grievances include:

1. appeals of adopted City or departmental policies themselves (inconsistent or unfair application of policies is appealable); and
2. grievances alleging improper position classification and salary grades.

Step 4: Personnel Appeals Committee

If the grievance has been determined to be appealable, the employee may appeal to the Personnel Appeals Committee within five calendar days of receipt of the City Manager's response. The appeal shall be filed with the City Clerk's office and the employee shall request in writing a hearing before the Committee.

The Personnel Appeals Committee is composed of six citizens appointed to 3-year terms by the City Council. The Committee has a standing meeting to hear grievances and the City Clerk shall inform the committee and the employee of the next hearing date. Five members of the Committee shall constitute a quorum.

The employee may request either an open or closed hearing; the City Manager also may close all or part of the hearing to protect the privacy rights of other employees. A closed hearing shall exclude the media and members of the public, but may include the employee, his/her representative, the Committee, management representatives, the City Clerk, the City Attorney, witnesses for either side or called by the Committee. Witnesses may be asked to leave after their testimony.

The employee presents information first, except in disciplinary action cases. In those cases, management presents information first. Each side may call witnesses and the Committee may call witnesses; each witness may be questioned by the employee, management, and the Committee. After the hearing, the Committee shall meet to consider the information and shall issue their report and recommendations to the City Manager as soon after the hearing as possible, but no more than ten calendar days.

The City Manager shall review the report of the Personnel Appeals Committee. A copy of the report of the Committee and the response to the employee shall be sent to the employee and the City Council. If the City Manager's decision is different from the Committee's recommendation, he/she shall explain the reasons for the decision to the City Council. The decision of the City Manager is final. The decision of the Personnel Appeals Committee and the City Manager will not be made public by the City unless the City Council deems it to be in the best interest of the City.

Section 4. Role of the Human Resources Manager in Grievance Process

Throughout the grievance procedure, the Human Resources Manager shall:

1. Advise parties (including employee, supervisors, and City Manager) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistency of application;
2. Be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents.
3. Give notices to parties concerning timetables of the process, etc.;
4. Assist employees and supervisors in drafting statements; and
5. Facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process; and
6. Help locate mediation or other resources as needed.

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

Section 5. Grievance and Adverse Action Appeal Procedure for Discrimination

When an employee, former employee, or applicant believes that any employment action discriminates illegally (ie. is based on age, sex, race, color, national origin, religion, creed, political affiliation, or disability) he or she has the right to appeal such action using the grievance procedure outlined in this policy. While such persons are encouraged to use the grievance procedure, they shall have the right to appeal directly to the City Manager. An employee or applicant should appeal an alleged act of discrimination within thirty calendar days of the alleged discriminatory action, but may appeal for up to six months following the action.

Section 6. Back Pay Awards

The City Manager may award back pay and benefits to reinstated employees in suspension, demotion, dismissal and discrimination cases.

ARTICLE XI. PERSONNEL RECORDS AND REPORTS

Section 1. Public Information

In compliance with GS 160A-168, the following information with respect to each City employee is a matter of public record: name; age; date of original employment or appointment to the service; current position title; current salary; date and amount of the most recent increase or decrease in salary; date of the most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and the office to which the employee is currently assigned. Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the City may adopt.

Section 2. Access to Confidential Records

All information contained in a City employee's personnel file, other than the information mentioned above, is confidential and shall be open to inspection only in the following instances:

- 1) The employee or his/her duly authorized agent may examine all portions of his/her personnel file except letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to the patient.
- 2) A licensed physician designated in writing by the employee may examine the employee's medical record.
- 3) A City employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- 4) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- 5) An official of an agency of the State or Federal Government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the City Manager to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of the personnel records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
- 6) An employee may sign a written release to be placed in his/her personnel file that permits the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.

- 7) The City Manager, with the concurrence of the City Council, may inform any person of the employment, non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a City employee, and the reasons for that action. Before releasing that information, the City Manager shall determine in writing that the release is essential to maintaining the level and quality of City services. The written determination shall be retained in the City Manager's office, is a record for public inspection, and shall become a part of the employee's personnel file.

The City Council shall establish procedures for all personnel files containing information other than the public information mentioned above whereby an employee who objects to material may seek to have the material removed from the file or may place in the file a statement relating to the material.

Section 3. Personnel Actions

The Human Resources Manager with the approval of the City Manager will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system. The official personnel files are those which are maintained by the Human Resources Office. These files shall contain documents such as employment applications and related materials, records of personnel actions, documentation of employee warnings, disciplinary actions, performance evaluations, retirement and insurance records, letters of recommendation, and other personnel-related documents. Any documents not contained in these files or maintained as designated by the Human Resources Manager is not an official part of the personnel file.

Section 4. Records of Former Employees

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

Section 5. Remedies of Employees Objecting to Material in File

An employee who objects to material in his/her file may place a statement in the file relating to the material considered to be inaccurate or misleading. The employee may seek 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 shall be fined in an amount consistent with the General Statutes.

Section 7. Examining and/or Copying Confidential Material without Authorization

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

Section 8. Destruction of Records Regulated

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with GS 121.5, without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever, alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined in an amount provided in Chapter 132.3 of the General Statutes.

ARTICLE XII. IMPLEMENTATION OF POLICIES

Section 1. Conflicting Policies Repealed

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

Section 2. Separability

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

Section 3. Effective Date

These policies shall become effective on a date approved by the City Council.