



**PERSONNEL POLICY**

# TOWN OF STALLINGS PERSONNEL POLICY

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**RECEIPT AND ACKNOWLEDGMENT OF MANUAL**

The Town’s Personnel Policy is to be used for assistance and guidance in the performance of employee duties and responsibilities.

The statements contained in this Policy are intended to provide exposure, and guidance for adherence, to the current existing policies and practices of employment. Nothing contained herein is intended to create, or shall be construed as creating, an expressed or implied contract or guarantee of employment for a definite or indefinite term.

Nothing contained in this policy should be considered as a contract between the Town and an employee. Employment with the Town is “at-will” and the Town or the employee may terminate the employment relationship at any time, with or without reason or notice.

The Town retains the right at any time, in its own discretion, to delete, add to, alter or amend any and all information, statements, employee benefits, or terms and conditions of employment contained herein.

My signature below represents that I have received the adopted Personnel Policy and agree to abide by the guidelines. Further, I agree that if there is any policy or provision within this document that I do not understand, I will seek clarification from the Town Manager and/or the Human Resources designee.

**Print Full Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_



## **STATEMENT OF EQUAL EMPLOYMENT OPPORTUNITY**

The Town provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability or genetics. The Town of Stallings complies with all applicable federal, state and local laws governing nondiscrimination for employment practices.

The statements contained in this Policy are intended to provide exposure, and guidance for adherence, to the current existing policies and practices of employment.

Furthermore, the Town expressly prohibits any form of workplace harassment based on race, color, religion, sex, sexual orientation, gender identity, national origin, age, familial status, protected veteran or disability status, genetic information or any other protected class. Improper interference with the ability of Town employees to perform their job duties may result in discipline up to and including termination.

## **SECTION I: GENERAL PROVISIONS**

### **I.1 Purpose of the Policy**

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

### **I.2. Coverage and Application of Policies**

The personnel policy shall be binding on all Town employees except where exempted by individual employee contract or employment agreement. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, to include, when applicable, judicial prosecution.

### **I.3. At Will Employment**

The Town is an at will employer. Nothing in this policy creates an employment contract or term between the Town and its employees. No person has the authority to grant any employee any contractual rights of employment. Any exception to this policy of at will employment must be expressly authorized in writing and approved by the Town Council.

Employment with the Town is voluntary and is subject to termination by either the employee or the Town at will, with or without cause, and with or without notice, at any time. Nothing in this policy shall be interpreted to be in conflict with or to eliminate or modify in any way the employment-at-will status of the Town's employees.

The Town Council explicitly reserves the right to modify any of these provisions, benefits, or policies at any time and without prior notice to employees. All Town positions are subject to budget review and approval each year, and salary advancement is subject to annual funding and approval by the Council.

### **I.4. Merit Principle**

The Town shall embrace the following merit system principles in administering its personnel program:

- a) Applicants and employees shall be assured of fair treatment in all aspects of personnel administration without regard for political affiliation, race, color, national origin, religion, sex, age, sexual orientation, disease, genetic information, pregnancy, handicap or physical disability. Individuals shall likewise be treated with proper regard for their privacy and constitutional rights as citizens.
- b) Employees shall be recruited, selected, trained and advanced on the basis of their ability, knowledge, skill, and performance.
- c) Employees shall be protected against coercion for partisan political purposes.
- d) Employees shall receive equitable and adequate pay and benefits and eligible employees shall receive pay increases in accordance with the pay plan policy.

### **I.5. Responsibilities of the Town Council**

The Town Council shall be responsible for establishing and approving personnel policies, and may change the positions, policies and benefits as necessary. The Council also shall make and confirm appointments when so specified by the NC General Statutes.

### **I.6. Responsibilities of the Town Manager**

The Town Manager shall be responsible to the Town Council for the administration and technical direction of the personnel system. The Town Manager shall hire, suspend, and remove all Town employees except those whose appointment is otherwise provided for by law. The Town Manager shall make hiring, dismissal and suspension decisions in accordance with the Town Charter and other policies and procedures spelled out in other Sections within this Policy. The Town Manager shall serve as, or shall appoint, the Human Resources Director.

The Town Manager shall supervise or participate in:

- a) Recommending personnel system rules and revisions to the Town Council for consideration;
- b) Preparing and recommending necessary revisions to the pay plan;
- c) Recommending which positions shall be subject to the overtime provisions of the Fair Labor Standards Act (FLSA);
- d) Developing and administering such recruiting programs as may be necessary to obtain an adequate supply of qualified applicants to meet the needs of the Town;
- e) Developing and coordinating training and educational programs for Town employees;
- f) Periodically investigating the operation and effect of the personnel provisions of this chapter; and
- g) Performing such other duties as may be assigned by the Council.

### **I.7. Responsibilities of Supervisors and Employees**

Responsibilities of supervisors in the implementation of these policies include:

- a) Accurately and consistently applying and following all personnel policies with all employees;
- b) Communicating and documenting performance expectations and relevant employee performance issues;
- c) Identifying potential problems with personnel policies and procedures and recommending improvements to their supervisor; and
- d) At least annually performing an evaluation of employee performance.

Responsibilities of employees include following the personnel policies, requesting clarification when needed, and making recommendations for improvement.

**I.8. Departmental Rules and Regulations**

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

**I.9. Conflicting Policies Repealed**

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

**I.10. Separability**

If any one Section of these policies and procedures is found to be invalid, the other Sections of the policies and procedures will not be invalidated.

**I.11. Amendments to the Policy**

The Policy will be considered for periodic review and shall be maintained in a standard format that will be accessible to all employees and other authorized personnel. The Town retains the right at any time, in its own discretion, to delete, add to, alter and amend any and all information, statements, employee benefits, or terms and conditions of employment contained herein. Personnel policies may be amended by vote of the Town Council. Proposed amendments may originate within Town staff, Council or a combination of the two.

**I.12. Definitions**

For the purposes of this policy, the following words and phrases shall have the meanings respectively ascribed to them by this Section. Other terms are defined in the context of their Section.

***Exempt.*** An Exempt staff person shall be expected to manage his/her time to accomplish the responsibilities of his/her position and shall work the number of hours necessary to assure the satisfactory performance of their duties. Exempt Staff are paid a predetermined salary and are not eligible for overtime pay. Exempt employees may be full-time or part-time or of limited service.

***Full-time employee.*** An employee who is in a position for which an average work week equals at least thirty-seven and one-half (37.5) hours and budgeted for at least twelve (12) months.

***Immediate Family.*** “Immediate family member” is defined as:

- Spouse/Domestic Partner;
- Child;
- Parent;
- Sibling;
- Grandparent;
- Grandchild;

- Aunt;
- Uncle;
- Niece;
- Nephew;
- Cousin;
- Guardian; or
- Various combinations of half, step, in-law, and adopted relationships deriving from the above named.

**Limited Service employee.** An employee, not in a permanent position, for which either the average work week required by the Town over the course of a year is less than 20 hours, or continuous employment required by the Town is less than 12 months.

**Non-Exempt.** A Non-Exempt staff person shall normally be assigned specific work hours to ensure office coverage. Under the provisions of the FLSA, “non-exempt” employees must be paid overtime for hours worked over forty (40) in a workweek at a rate of one and one-half (1.5) times their regular hourly rate of pay or compensatory time off at a rate of not less than one and one-half (1.5) hours for each hour of overtime worked.

**Part-time employee.** An employee who is in a position scheduled for less than thirty-seven and one half (37.5) hours per week and at least 1000 hours annually.

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

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

**Regular position.** A position authorized for the budget year for a full twelve months and budgeted for twenty or more hours per week. All Town positions are subject to budget review and approval by the Council. Reference to “regular” positions or employment should not be construed as a contract or right to perpetual funding or employment.

**Work Day.** A work day is defined at seven and one half (7.5) hours for administrative staff and non-sworn law enforcement and eight (8) hours for sworn law enforcement.

## SECTION II: RECRUITMENT AND APPOINTMENT

### **II.1. Implementation of Equal Employment Opportunity**

All personnel responsible for recruitment and employment will continue to regularly review the implementation of this Personnel Policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of race, color, religion, sex, sexual orientation, gender identity, national origin, age, familial status, protected veteran or disability status, genetic information or any other protected class.

Notices with regard to equal employment matters shall be posted in conspicuous places on Town premises in places where notices are customarily posted. All applicants for any position shall be evaluated using the same criteria.

### **II.2. Recruitment**

The Town participates in an active recruitment program to meet current and projected manpower needs and utilizes procedures that will ensure equal employment opportunities based on job related requirements.

- a) ***Recruitment and Advertisements.*** When position vacancies occur, the Town shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Information on job openings and hiring practices will be provided to recruitment sources. Jobs will be advertised in local newspapers, professional publications, and other relevant publications in order to establish a diverse and qualified applicant pool.
- b) ***Application for Employment.*** All persons expressing interest in employment with the Town shall be given the opportunity to file an application for employment for positions which are vacant.
- c) ***Application File.*** Applications shall be kept in an inactive file for a period of two years, in accordance with Equal Employment Opportunity Commission (EEOC) and North Carolina Records and Retention Schedule guidelines.

### **II.3. Selection**

The Department Heads or supervisor shall conduct investigations and examinations necessary to accurately assess the knowledge, skills, and experience required for the position, and when necessary use appropriate methods to obtain an applicant's background history. All selection devices administered by the Town shall be valid measures of job performance.

- a) ***Qualification Standards.*** All applicants considered for employment or promotion shall meet the minimum qualification standards established for the position to which applied. Applicants who knowingly make any materially false statement concerning their application for employment or promotion to a position in Town employment shall forfeit their right to be considered for or occupy the position.
- b) ***Medical Examination and Physician's Certification.*** Prospective employees may be required to

submit to a medical and/or psychological examination or inquiry, at the Town's expense, to determine if they are able to perform the essential duties and responsibilities of the job. Candidates for all positions will also be required to pass a drug test prior to employment.

#### **II.4. Employment Offer**

Before any employment offer is made to either an internal or external applicant, the Department Head shall recommend a candidate to the Town Manager for the position to be filled, the salary to be paid and the reasons for selecting the candidate over other applicants. The Town Manager shall approve the hiring and starting salary for all selected candidates.

- a) ***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. Immigration status for all applicants for employment shall be ascertained by using the Federal E-verify system.
- b) ***Credentials and Certifications.*** Some duties assigned to positions in local government service may be performed only by persons who are duly licensed, registered or certified as required by the relevant law, rule or regulation. Employees in such classifications are responsible for maintaining current, valid credentials as required by law, rule or regulation. Failure to obtain or maintain the required credentials is a basis for possible dismissal.

#### **II.5. Employment Status**

Employment status with the Town shall be as follows:

- Full-time; and
- Part-time.

#### **II.6. Limitation on Employment of Immediate Family Members**

The Town expressly prohibits the employment of any person who has an immediate family member currently employed in a position with the Town unless otherwise approved by Town Council.

The Town also prohibits the employment of any person who is an immediate family member of the Mayor or Town Council Member.

#### **II.7. 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 employees in sworn police, shall serve a twelve-month probationary period. Employees hired as "trainees" shall remain on probation until the provisions of their traineeship are satisfied. During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Employees serving a twelve-month probation shall have a probationary review at the end of six months as well as before the end of twelve months.

An important purpose of the probationary period is to provide an opportunity for the appointee to adjust to the new job. Likewise, its services as a trial period during which the employee demonstrates his or her ability to perform the work, to demonstrate good work habits and to work well with the

public and coworkers. Before the end of the probationary period, the supervisor shall conduct a performance evaluation conference with the employee and discuss accomplishments, strengths, and needed improvements. A summary of this discussion shall be documented in the employee's personnel file. The supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. With approval of the Town Manager probationary periods may be extended for a maximum of six additional months.

Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in this policy for disciplinary action. A new hire probationary employee who separates from Town employment, either voluntarily or involuntarily, during the probationary period is not eligible for terminal pay for accrued annual leave and not eligible to file an appeal.

A promoted employee who does not successfully complete the probationary period may be transferred or demoted to a position in which the employee shows promise of success. If no such position is available, the employee shall be dismissed. Promoted and demoted employees who are on probation retain all other rights and benefits.



## SECTION III: PERSONNEL ACTIONS

### III.1. Promotion

Promotion is the movement of an employee by their supervisor from one position to a position of a higher level of responsibility, based on merit and qualifications. The Town will balance three goals in the promotion process: the benefits to employees and the Town because of promotion from within; providing equal promotion opportunity; and promoting the most qualified employee.

### III.2. Demotion

Demotion is the movement of an employee from one position to a position in a lower salary range. Demotion may be voluntary or involuntary. An employee whose work 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 demotions shall follow the procedures outlined in this policy.

An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a voluntary demotion. The voluntary demotion will include a reduction in the employee's current pay range. A voluntary demotion is not a disciplinary action and is made without using the above-referenced disciplinary procedures.

### III.3. Transfer

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

- a) ***Voluntary Transfer.*** A voluntary transfer occurs when an employee voluntarily elects to apply for a vacant position and is selected for that job. The employee wishing to apply for the vacant position shall do so by submitting a letter of interest to the Department Head of the hiring department.
- b) ***Involuntary Transfer.*** An involuntary transfer is the reassignment by a Department Head of an employee to another position of the same salary and grade to meet operational needs. A Department Head wishing to transfer an employee to a different department or classification shall make a recommendation to the Town Manager with the consent of the receiving Department Head. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this policy.

### III.4. Types of Separations

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

- a) ***Resignation.*** Employees leaving employment with the Town should give at least a two-week notice in writing so that a smooth transition can be accomplished.

Employees will be paid for accumulated vacation leave.

An employee may resign by submitting their resignation and the effective date in writing to the immediate supervisor as far in advance as possible. In all instances, the expected notice

requirement is two weeks. Sick leave will only be approved during the final two weeks of employment with a physician's certification or comparable documentation.

Three consecutive days of absence without contacting the immediate supervisor may be considered to be a voluntary resignation.

All Town property, with the exception of non-uniform apparel, issued to the employee shall be returned to the employee's supervisor on the last day of employment.

- b) ***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 that order, in determining which employees to retain. Employees who are separated because of a reduction in force should be given at least one (1) month of notice before the anticipated action.

No regular employee shall be separated because of a reduction in force while there are temporary or probationary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary or probationary employee.

- c) ***Disability.*** An employee who cannot perform the essential duties of a position because of a physical or mental impairment may be separated for disability.

In determining disability, action may be initiated by the employee or the Town. In cases initiated by the employee, such request must be accompanied by a medical evaluation acceptable to the Town Manager. In cases initiated by the Town, the Town may require an examination, at the Town's expense, performed by a physician of the Town's choice. A copy of the employee's job description shall be provided to the physician to determine if the employee is able to perform the duties with or without reasonable accommodation.

The Town will make reasonable accommodation whenever possible for employees with disabilities in compliance with the Americans with Disability Act (ADA).

- d) ***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.
- e) ***Death.*** Separation shall be effective as of the date of death. All compensation due shall be paid in accordance with the employee's documented beneficiary plan.
- f) ***Discipline and Dismissal.*** An employee may be dismissed in accordance with the provisions and procedures of this policy.

### **III.5. Reinstatement**

An employee who is separated because of reduction in force may be reinstated within one year of the date of separation, upon recommendation of the Department Head, and upon approval of the Town Manager, subject to limitations of Section II.6. Limitation on Employment of Immediate Family

Members of this policy. An employee who is reinstated to the same or similar level position as held when eliminated from the previous position shall be credited with seniority and benefits held in the prior position to include vacation accrual rates and accumulated sick level.

### **III.6. Rehiring**

An employee who resigns while in good standing may be rehired with the approval of the Town Manager, and will be regarded as a new employee, subject to all of the provisions of rules and regulations of this policy.

### **III.7. Reemployment**

An employee who resigns in good standing may be considered for rehire. Rehired employees shall receive credit for previously accrued sick leave given the following conditions:

- The employee's subsequent employment was in a North Carolina governmental position;
- The time between the date of departing the Town position and date of rehiring does not exceed three years; and
- Previous Town service shall be considered for purposes of calculating longevity, years of service, and vacation leave accrual. A rehired employee will serve a new probationary period.

## SECTION IV: CONDITIONS OF EMPLOYMENT

### IV.1. Code of Ethics and Expectation of Ethical Conduct

There is hereby established a Code of Ethics for all Town employees. The purpose of this code is to establish suitable ethical standards for all employees by prohibiting acts or actions incompatible with the discharge of their public duties and the best interests of the Town; and, by directing disclosure of private financial interest or personal interest in matters affecting the Town by such employees. Any violations of this Code of Ethics may constitute a cause for disciplinary action up to and including termination.

- a) **Definitions.** As used in this code, the following terms have the following meanings:
1. Confidential: Personal and financial information which, if disclosed, would be detrimental to the Town and a violation of the trust placed in the disclosing employee.
  2. Employees: Any individual who, either on a full time, part time, contract or consulting basis, performs a service or duty for the Town and receives compensation for that service or duty from the Town or any other agency on behalf of the Town.
  3. Interest: Private financial benefit or interest other than financial, arising from blood or marriage relationships or close business or political association.
  4. Participating: The rendering of advice or recommendation, investigation, approval, disapproval or otherwise influencing a decision or action.
  5. Gender: Words of the masculine gender shall include the feminine.
- b) **Conflicts of Interest.** The Town defines conflicts of interest as when an employee is unable to be fair and impartial in choosing between the interests of the Town and his or her own personal interests. It is paramount that employees avoid conflicts of interest, or its appearance, to maintain impartiality and transparency.
1. No employee shall engage or participate in any business and/or transaction, or shall have any interest, direct or indirect, which is incompatible with the proper discharge of his official duties and the public interest or which would impair his independent judgment or action in the performance of his duties.
  2. Employees who may be called upon to act in their official capacity are prohibited from participating in any transaction or contract on behalf of the Town where the employee has any financial or personal interest in the transaction or contract with the Town; or in the sale of real estate, material, supplies or services to the Town. Any such employee shall also be required to disclose said interest to the Town Clerk and the Town Manager in the manner, time and form set forth below.

3. No employee shall appear on behalf of third-party private interests before any board, agency or committee of the Town. The following exception applies to this section: any such employee may, upon written application made to the Town Manager, be permitted to make such appearance after review and approval of said application and relevant facts of the case by the Town Manager. The Town Manager shall render a decision on such application within forty-five (45) days of its filing date. A copy of said application and Town Manager response shall be filed with the Town Clerk.
  4. No employee shall represent a third-party private interest against the interest of the Town in any litigation to which the Town is a party.
  5. Nothing contained in this code shall prohibit or restrict the employee from appearing before any board or commission of the Town on his own behalf, or being a party in any action, proceeding or litigation brought by or against the employee to which the Town is a party. When appearing before a board or commission on the employee's own behalf or being a party in any action or litigation to which the Town is a party, written application to, and approval from, the Town Manager is not necessary.
  6. No employee shall, without prior authorization from the Town Manager, disclose confidential information concerning Town affairs or use such information to advance the financial or private interest of themselves or others.
- c) ***Acceptance of Gifts and Favors.*** Town employees should avoid even the appearance of improper behavior.
1. No employee shall directly or indirectly solicit any gift, or accept or receive any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, object or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her, or could reasonably be expected to influence him or her in the performance of their official duties, or was intended as a reward for any official action on their part. By way of example and not limitation, no employee may accept a gift from any vendor or service provider who has a contract with the Town; or has performed under such a contract within the past year; or anticipates bidding on such a contract in the future.
  2. This section is not intended to prevent the gift and receipt of honorariums for participating in meetings, advertising items or souvenirs of nominal value, or meals furnished at banquets.
  3. This section is not intended to prevent any contractor, subcontractor, or supplier from making donations to professional organizations to defray meeting expenses where employees are members of such professional organizations, nor is it intended to prevent employees who are members of professional organizations from participating in all scheduled meeting functions available to all members of the professional organization attending the meeting.
- d) ***Discrimination Prohibited.*** The Town provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, sex, national

origin, age, disability or genetics. The Town complies with all applicable federal, state and local laws governing nondiscrimination for employment practices. Further, no employee shall grant any special consideration, treatment, favor or advantage to any person beyond that which is generally available to residents and/or taxpayers of the Town.

- e) ***Written Disclosure of Interest.*** Within forty-eight (48) hours of employment with the Town, and every year thereafter on the first day of July, Department Heads are required to file with the Human Resources Director a statement containing the following information:
- The identity, by name and address, of any business entity in which he or she or any member of their immediate household is an officer or director; or owns five (5) percent or more of the stock. Additionally, the employee and employee's spouse shall give the name of their employer or, if self-employed, state the nature of their work.
  - The identity, by location and address of all real property, excluding the employee's personal residence, located in the Town which is owned by the employee or any member of their immediate household, including an option to purchase or lease for ten (10) years or more.

The statements required by this section shall be on file with the Town.

- f) ***Higher Provisions Prevail.*** Should any provision of this Employee Code of Ethics conflict with any provisions of the Federal Law or the NC General Statutes, the provisions of the Federal Law and/or the NC General Statutes will prevail.

#### **IV.2. Work Schedule**

Department Heads shall establish, for the approval of the Town Manager, work schedules which, in the most cost-effective manner possible, meet the operational needs of the department.

#### **IV.3. Attendance**

Town services are essential and continuous. An employee shall avoid unnecessary absences and tardiness. Attendance and punctuality are important and may influence an employee's eligibility for a merit pay award or promotion. Employees shall keep their supervisor informed, to the extent possible, when the employee will miss or be late for work.

#### **IV.4. Political Activity**

Each employee has a civic responsibility to support good government practices. However, no employee shall:

- Engage in any political or partisan activity or promote political views while on duty;
- Use official authority or influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
- 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;
- Coerce or compel contributions from another Town employee for political or partisan purposes;
- Use any Town supplies or equipment for political or partisan purposes or to display political slogans, posters or stickers on Town equipment or facilities; and

- Be a candidate for Town Mayor or Council. However, if an employee is a candidate for or elected to an elective office outside of the Town, the employee's Town work will take precedence over all election and elected position responsibilities. If elected, NC General Statute 128-1.1 concerning dual office holding shall apply.

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

#### **IV.5. Outside Employment**

The work of the Town shall have precedence over other occupational interests of employees. All outside employment for salaries, wages, or commissions and all self-employment must be reported to the employee's supervisor, who in turn will report it to the Town Manager. The Department Head will review such employment for possible conflict of interest and then submit a record of the employment and review to the personnel file. Conflicting or unreported outside employment are grounds for disciplinary action up to and including dismissal. Documentation of the approval of outside employment will be placed in the employee's personnel file.

Examples of conflicts of interest in outside employment include, but are not limited to:

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

An employee who sustains an injury or illness in connection with outside employment and is receiving Workers' Compensation from that employer shall not be eligible to use accrued sick leave. In cases where such an employment-related injury or illness results in temporary disability, an employee must either:

- Request and obtain a leave of absence without pay; or
- Request and use accrued vacation leave.

Following a three (3) month absence, the employee may be subject to termination because of a lack of availability to work.

#### **IV.6. Dual Employment**

A full or part-time Town employee cannot also work for the Town as a consultant or contract employee. However, in order to support emergency responses during a declared State of Emergency, the Town may employ contractors or consultants in multiple capacities.

No single employee, either full or part time, may hold more than one position within the Town.

#### **IV.7. Anti-Harassment and Complaint Procedure**

The Town promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment.

- a) ***Unlawful Workplace Harassment.*** Unwelcomed or unsolicited speech or conduct based upon race, sex, creed, religion, national origin, age, color, or disabling condition as defined by NC General Statute 168A-3 that creates a hostile work environment or circumstances involving quid pro quo.
- b) ***Sexual Harassment.*** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; submission to, or rejection of, such conduct by an individual when it is used as the basis for employment decisions affecting such individual; or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment includes repeated offensive sexual flirtations, continual or repeated commentaries about an individual's body, offensive sexual language, and the display in the workplace of sexually suggestive pictures or objects.
- c) ***Hostile Work Environment.*** A hostile work environment is one where the object of the alleged harassment perceives, and a reasonable person would find, to be hostile or abusive. A hostile work environment is determined by looking at all of the circumstances, including the frequency of the alleged harassing conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee's work performance.
- d) ***Quid Pro Quo.*** This type of harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, or submission to or rejection of such conduct, by an individual, when it is used as the basis for employment decisions affecting such individual. The harassing conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Any employee who believes that he or she may have a complaint of harassment may follow the Grievance Procedure described in this Policy or may file the complaint directly with the Town Manager or Department Head who will ensure that an investigation is conducted into the allegation.

In the event the Town Manager is the alleged offending party, the grievant shall notify the Mayor or Mayor Pro Tem. They will schedule a meeting to determine appropriate steps or action to be taken. The Mayor and Mayor Pro Tem are given discretionary authority to decide if the Town Manager's suspension, or separation from the work environment, is warranted prior to convening a full council meeting to address the grievant's complaint. Both the Mayor and Mayor Pro Tem must agree on the appropriate action and must document the action in writing prior to effecting any suspension or separation from work environment. If suspension of the Manager or separation from the work environment occurs, the Mayor shall call a special meeting of the Council as soon as is reasonably possible.

Employees found engaging in harassment shall be subject to disciplinary action up to and including dismissal. Employees filing a harassment complaint shall be protected against retaliation.



#### **IV.8. Performance Evaluations**

Supervisors and/or Department Heads shall conduct performance evaluation conferences with each employee at least once a year.

- a) *Delay of Performance Evaluation.* An employee's absence from work due to sick leave, leave without pay, Workers' Compensation, or any other authorized leave is cause for the Department Head to request an extension for the annual performance evaluation review, so as to allow adequate time for evaluation of performance.

#### **IV.9. Travel and Related Expenses**

Employees will, from time to time, be involved in out-of-town travel to attend schools, business meetings, conferences, etc. Employee travel shall be preapproved by the supervisor. Employees will receive a per diem for hotel charges and meals.

Lodging: Hotel charges shall not exceed the US General Services Administration ([www.gsa.gov](http://www.gsa.gov)) maximum lodging rate for the area where the meeting/conference/training is located. Any exceptions must be pre-approved.

Meals: Employees shall receive the US General Services Administration ([www.gsa.gov](http://www.gsa.gov)) meals and incidentals rate amount per day based on the area where the meeting/conference/training is located. For travel days involving overnight stays, the employee shall receive seventy-five (75) percent of the said rate. Meals provided by the training/conference shall be deducted at the per diem rate. Any exceptions must be pre-approved.

## **SECTION V: HOLIDAYS AND LEAVE**

### **V.1. Policy**

The policy of the Town is to provide vacation leave, sick leave, and holiday leave to all full-time employees, and to provide proportionately equivalent amounts to employees having average work weeks of different lengths. In all cases, an employee with a compensatory leave balance shall use compensatory leave prior to use of sick or vacation leave.

### **V.2. Holidays**

The Town's Holiday Schedule shall include:

- New Year's Day;
- Martin Luther King Day;
- Good Friday;
- Memorial Day;
- Independence Day;
- Labor Day;
- Veteran's Day;
- Thanksgiving Day and Friday after; and
- Christmas—two (2) or three (3) days depending on the weekday Christmas falls

Employees on approved leave without pay shall not be eligible for holiday pay.

### **V.3. Holidays: Effect on Other Types of Leave**

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

### **V.4. Holidays: Compensation When Work is Required or Regularly Scheduled Off for Shift Personnel**

Non-exempt employees required to perform work on regularly scheduled holidays may be granted either compensatory time off, or be paid at their hourly rate, for hours actually worked. Compensatory time shall be granted whenever feasible. If a holiday falls on a regularly scheduled off-duty day for shift personnel, the employee will be granted the holiday leave as compensatory time.

### **V.5. Vacation Leave**

Vacation leave is intended to be used for rest and relaxation and may be used for medical appointments or for absences due to adverse weather conditions.

### **V.6. Vacation Leave: Accrual Rate**

Each full-time, non-law enforcement employee of the Town shall earn vacation leave monthly at one of the following rates, depending upon his or her length of service.

<b>Admin Years of Service</b>	<b>Total Annual Vacation Hours/Days</b>	<b>Hours Accrued per Month</b>
Less than 2 years	10 days	6.25 hours
2 to 5.99 years	12 days	7.5 hours
6 to 10.99 years	16 days	10 hours
11 to 15.99 years	19 days	11.875 hours
16 to 19.99 years	22 days	13.75 hours
20 years and over	24 days	15 hours

Similarly, each full-time, law-enforcement employee of the Town shall earn vacation leave monthly at one of the following rates, depending upon his or her length of service.

<b>PD Years of Service</b>	<b>Total Annual Vacation Hours/Days</b>	<b>Hours Accrued per Month</b>
Less than 2 years	10 days	6.66 hours
2 to 5.99 years	12 days	8 hours
6 to 10.99 years	15 days	10.667 hours
11 to 15.99 years	19 days	12.667 hours
16 to 19.99 years	22 days	14.467 hours
20 years and over	24 days	16 hours

Persons hired on or before the 15<sup>th</sup> of the month earn vacation for that month; those hired after the 15<sup>th</sup> begin earning vacation on the first of the following month.

**V.7. Vacation Leave: Maximum Accumulation**

Vacation leave may be accumulated without any applicable maximum until the pay period containing June 30 of each calendar year. However, if the employee separates from service, payment for accumulated vacation leave shall not exceed two hundred and twenty-five (225) hours (or two hundred and forty (240) hours for sworn law enforcement).

During the pay period containing June 30, any employee with more than two hundred and twenty-five (225) hours (or two hundred and forty (240) hours for sworn law enforcement) shall have the excess accumulation converted to sick leave so that only an accumulation of no more than two hundred and twenty-five (225) hours (or two hundred and forty (240) hours for sworn law enforcement) is carried forward to July 1 of the next calendar year.

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

**V.8. Vacation Leave: Manner of Taking**

Employees shall be granted the use of earned vacation leave, and must be requested in advance, as approved by the Department Head or designee which will least obstruct normal operations of the Town. Department Heads are responsible for insuring that approved vacation leave does not hinder the effectiveness of service delivery.

**V.9. Vacation Leave: Payment Upon Separation**

An employee will be paid for accumulated vacation leave upon separation, not to exceed two hundred and twenty-five (225) hours or two hundred and forty (240) hours for sworn law enforcement, provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation. The notice requirement may be waived by the Town Manager when deemed to be in the best interest of the Town.

An employee retiring under the provisions of the North Carolina Local Government Retirement System may have any excess vacation (above the two hundred and twenty-five (225) hour maximum or two hundred and forty (240) hours for sworn law enforcement) converted to sick leave and used for retirement service credit.

The estate of an employee who dies while employed by the Town shall be entitled to payment of all the accumulated vacation leave credited to the employee's account not to exceed the maximums that have been established.

**V.10. Sick Leave**

Sick leave may be granted to a regular 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 their family who is ill with the approval of the supervisor.

Sick leave, when approved by the Department Head and/or Town Manager, may also be used for time off in the event of a death in the employee's immediate family after Bereavement Leave has been exhausted.

Sick leave may also be used to supplement Workers' Compensation Disability Leave during the waiting period before Workers' Compensation benefits begin.

Notification of the desire to take sick leave shall be submitted to the employee's supervisor prior to the leave or not later than one-half (1/2) hour after the beginning of a scheduled work day. An employee who works in shifts must notify his or her supervisor of the desire to take sick leave prior to leave or not later than two hours prior to the beginning of the shift. Failure to notify the appropriate supervisor may result in disciplinary action.

Three consecutive days of absence without contacting the immediate supervisor or Department Head may be considered to be a voluntary resignation.

**V.11. Sick Leave: Accrual Rate and Accumulation**

Sick leave shall accrue at a rate of one (1) day per month of service or twelve (12) days per year. Sick leave for full-time employees working other than the basic work schedule shall be pro-rated as described in this Article. Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Government Employees' Retirement System.

All sick leave accumulated by an employee shall end without compensation when the employee resigns or is separated from the Town, except as stated for employees retiring or terminated due to reduction in force. The Town will maintain a record of the employee's final accumulated sick leave balance as documentation for possible transfers of leave.

**V.12. Sick Leave: Transfer from Previous Employer**

To facilitate recruitment of qualified persons with appropriate government experience, the Town will accept the transfer of sick leave for employees from other employers who are participants of the Local or State Employees' Retirement System. The sick leave will be treated as though it were earned with the Town and will be credited to the employee's account once the employee has completed a year of service with the Town. The sick leave amount must be certified by the previous employer.

**V.13. Sick Leave: Medical Certification**

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

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

Claiming sick leave under false pretense to obtain a day off with pay shall subject the employee to disciplinary action up to and including dismissal. The Town may require a physician's certification concerning the need of leave and the employee's fitness to resume duties for:

- Absence of three (3) or more consecutive work days; or
- Third absence in any thirty (30) day period.

**V.14. Leave Pro-rated**

Holiday, vacation and sick leave, earned by full-time employees with hours different than the basic work week, shall be determined by the following formula:

- The number of hours worked by such employees shall be divided by the number of hours in the basic thirty-seven and one-half (37.5) hour (forty (40) hours for PD) work week;
- The percentage obtained in the previous step shall be multiplied by the number of hours of leave earned annually by employees working the basic work week; and
- The number of hours in the previous step divided by twelve (12) shall be the number of hours of leave earned monthly by the employees concerned.

### **V.15. Leave Without Pay**

A full-time employee may be granted a leave of absence without pay for a period of up to twelve (12) months by the Town 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 Town to benefit by the experience gained or the work performed, or for other reasons deemed justified by the Town Manager.

The employee shall apply for leave in writing and submit that request to the supervisor. The employee is obligated to return to work by or before the leave end date approved by the Town Manager. Upon returning to work from leave without pay, the employee shall 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. If necessary, the employee may request a leave extension from their supervisor. Failure to report at the expiration of a leave of absence, unless an extension has been requested and approved, may be considered a resignation.

An employee shall retain all unused vacation and sick leave while on Leave Without Pay. An employee ceases to earn holiday or leave credits on the date leave without pay begins. The employee may continue to be eligible for benefits under the Town's group insurance plans at his or her own expense, subject to any regulation adopted by the Town and the regulations of the insurance carrier. If the Leave Without Pay is for a circumstance that coincides with other Town policies or USERRA then the provisions of those policies will apply.

### **V.16. Workers' Compensation Leave**

An employee that is absent from work because of a sickness or disability which is covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave or vacation during the first waiting period. (*See Workers' Compensation Act for waiting period perimeters.*) The employee may also elect to supplement workers' compensation payments with payment for accrued sick leave, vacation, or compensatory time earned prior to the injury, or begin workers' compensation leave without pay during the waiting period provided that the combination of leave supplement and workers' compensation payments do not exceed the employee's standard net pay, they would receive when not receiving workers' compensation benefits, after state and federal taxes. An employee on workers' compensation leave may continue to be eligible for benefits under the Town's group insurance plans.

When workers' compensation leave extends long enough for the waiting period to be reimbursed, the employee shall return the reimbursement check to the Town and have leave hours reinstated for all time covered by paid leave. When necessary, the Town will pay the employee for any unpaid time that is owed the employee.

Limited Service employees will be placed on leave without pay effective with the date of injury. Once the waiting period is over, workers' compensation covers two thirds of regular pay.

Any workers' compensation disability that qualifies under the requirements of any other Town policy shall run

concurrently with such policy. An employee on workers' compensation leave without pay may be permitted to continue to be eligible for benefits under the Town's group insurance plans during the period of workers' compensation leave.

Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit. Any amounts owed are due and payable by the first of the month.

An employee shall retain all unused vacation and sick leave while on Workers' Compensation Leave Without Pay. An employee ceases to earn holiday or leave credits on the date Workers' Compensation Leave without Pay begins. The employee may continue to be eligible for benefits under the Town's group insurance plans at his or her own expense subject to the regulations of the insurance carrier.

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

An employee on workers' compensation leave may return to work on light or restricted duty after obtaining a physician's statement stating the employee's ability to do so. The decision to allow an employee back on light duty and to determine the location of the light duty rests with the Town.

The Town reserves the right to have any employee get a second opinion on a medical condition by a doctor chosen by the Town at no cost to the employee.

#### **V.17. Short-Term Disability**

*Short-Term Disability.* If the Town provides Short Term Disability Insurance during the fiscal year of the employee's disability, then the employee shall utilize the Short-Term Disability Insurance Program.

In the event of a short-term disability of the employee and the Town does not provide Short Term Disability Insurance for that fiscal year, the employee may be allowed up to twelve (12) weeks of unpaid disability leave. This leave will be without pay unless the employee elects to use sick or vacation leave as provided in this Section. However, disabilities differ, and based upon the physician's return to work requirements, the Manager may shorten the duration of the disability leave but may not extend it to exceed twelve (12) weeks. Any combination of accumulated sick leave or vacation leave may be used to cover the absence required of the disability. The Town reserves the right to have any employee get a second opinion on a medical condition by a doctor chosen and paid for by the Town.

#### **V.18. Military and other USERRA Leave**

The Town will fully comply with the requirements of the 1994 Uniformed Services Employment and Re-Employment Rights Act (USERRA) and related federal regulations. For the purposes of USERRA covered employees are the following:

- Armed Forces Active and Reserve (Army, Navy, Marine Corps, Air Force, Coast Guard);

- Army National Guard and Air National Guard;
- FEMA's Disaster Assistance Teams;
- Commissioned Corps of the Public Health Service;
- Military Service Academies; and
- Reserve Officer's Training Corps (ROTC).

Employee taking leave under USERRA shall be eligible to take accumulated vacation leave, accrued compensatory time or be placed in a leave without pay status, and the provisions of that leave shall apply. While taking USERRA leave, the employee's unused leave balances will be retained and any seniority-based benefits such as leave accrual rates will continue to accrue.

Employees performing USERRA duty of more than thirty (30) days may elect to continue the Town's health care for up to twenty-four (24) months but will be responsible for paying the insurance premiums up to one-hundred and two (102) percent of the premium costs. Employees whose USERRA duty is less than thirty-one (31) days will have their health insurance coverage paid as if they were at work with the Town.

### **Military Training**

Permanent full-time employees who are members of the Armed Forces Reserve or National Guard shall be granted ten (10) workdays per year (annual military training) for military leave without pay.

When an employee is engaged in annual military training and the gross base pay received from the military is less than the gross salary that would have been earned during this period as a Town employee, the employee shall receive partial compensation equal to the difference in the salary calculated on the base pay earned as a reservist or National Guard member and the salary that would have been earned during this same period as a Town employee.

Also, as in annual military training, when, during extended active duty or military deployment, the employee's gross base pay from the military is less than the gross salary that would have been earned during this period as a Town employee, the employee shall receive partial compensation equal to the difference in the military salary and the salary that would have been earned during this same period as a Town employee. The partial compensation will be paid on the same pay dates as the Town staff.

On rare occasions, due to annual military training being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year. Under this circumstance, an employee shall be granted an additional ten (10) workdays of military leave during the same calendar year. If such duty is required beyond these additional ten (10) workdays, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status, and the provisions of that leave shall apply. While taking military leave, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the Town during this period. Employees who are eligible for military leave have all job rights specified by the Vietnam Veterans Readjustment Act.

Limited Service employees will be granted time off without pay to meet their military reserve or National Guard training obligations.



**V.19. Reinstatement Following Military Service**

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

- Applies for reinstatement within ninety (90) days after the release from military service; and
- Is able to perform the duties of the former position or similar position; or
- Is unable to perform the duties of the former position or a similar position due to disability sustained as a result of the military service but is able to perform the duties of another position in the service of the Town. In this case the employee shall be employed in such other position as will provide the nearest approximation of the seniority, status, and pay which the employee otherwise would have been provided, if available.

**V.20. Court/Civil Leave**

A Town employee called for jury duty or as a court witness for the federal or state government, or a subdivision thereof, shall receive leave with pay for such duty during the required absence. The employee may keep fees and travel allowances received for jury duty. Employees must turn over to the Town any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty.

Employees appearing in court for personal or non-Town business or appearing voluntarily as a witness in another person's case must use vacation leave or leave without pay for their time in court.

**V.21. Community Service Leave/Parental Involvement in Schools**

The Town's Community Service Leave allowance provides one full working day of paid leave per calendar year to be used for an employee:

- To meet with a teacher or administrator concerning a child over whom the employee has custody;
- To attend any function sponsored by a school in which a child over whom the employee has custody is participating. This provision shall only be utilized in conjunction with non-athletic programs that are a part of or a supplement to the school's academic or artistic program;
- To perform school volunteer work approved by a teacher, school or program administrator;
- To perform volunteer work associated with an education related organization; and
- To participate in activities supported by a community service organization such as those that serve citizens with special needs including children, youth, and the elderly.

An employee must receive approval from his or her immediate supervisor for use of community service leave. Department Heads may require proof of service for leave requested. This leave may not be carried over from one year to the next and employees shall not be paid for such leave upon termination.

**V.22. Adverse Weather and Emergency Conditions**

Employees are expected to report to their regular work stations each regular workday and to make preparations in advance in order to ensure that they can get to work during inclement weather. When hazardous conditions delay the beginning of the regular workday, employees are expected to report to work by the time the Town Manager stipulates for the Town offices to open for business.

When hazardous conditions prematurely end the regular workday, employees will be allowed to leave work at the time stipulated by the Town Manager.

a) ***Procedure.*** Once the Town Manager makes a decision to close or delay the opening of Town offices, he or she will initiate a message to all staff members through phone or text message.

b) ***Pay and Use of Leave Time.***

1. Unless the Town Manager stipulated otherwise, employees will receive regular pay when the office is closed due to inclement weather.
2. Employees who report to work after the time of the delayed opening, or who do not report to work, or who leave work prior to the designated end of the work day, may use accrued compensatory or unpaid leave for the time absent from work. Employees may use accrued vacation leave for full workdays missed beyond the days that the Town offices may be closed.

### **V.23. Bereavement Leave**

Bereavement leave may be granted when an employee has a death of an immediate family member. Bereavement leave may be granted up to a maximum of three full working days. The Town Manager is responsible for approval of any request for bereavement leave.

### **V.24. Educational Leave with Pay**

With the approval of the Town Manager, a leave of absence at full pay may be granted to an employee to pursue educational opportunities which will better equip the employee to perform assigned duties.

Employees on educational leave with pay continue to earn leave credits and any other benefits to which Town employees are entitled.

### **V.25. Voluntary Shared Leave Policy**

The Town offers a Voluntary Shared Leave Policy whereby employees can donate vacation or sick leave to another employee who has been approved to receive shared leave because of a life crisis or medical condition of the employee or medical condition of an employee's spouse, child, or parent. This policy covers all full-time employees.

The full Voluntary Shared Leave policy statement can be found in the Appendix.

## **SECTION VI: EMPLOYEE BENEFITS**

### **VI.1. Eligibility**

All full-time and part-time employees of the Town are eligible for employee benefits as provided for in this Section. Although employee benefits are an important component of the employee's complete compensation package, benefits and costs are subject to change. Questions regarding insurance coverage should be directed to the Human Resources Director.

### **VI.2. Health, Vision and Dental Insurance**

- a) ***Full-time Employees.*** The Town provides health, vision, and dental insurance as well as short-term disability for full-time employees.

With Town Manager approval, full-time employees may elect to use private health, vision, and dental insurance instead of Town provided insurance. In these cases, the Town may reimburse the employee for the cost of the coverage, not to exceed the cost of Town provided insurance.

- b) ***Part-time Employees.*** Part-time employees may elect vision and dental coverage by paying fifty (50) percent of the premium and may elect dependent dental and vision coverage by paying the full cost of the premium for the dependent coverage. The Town is required by Federal law to offer health insurance to any employee working thirty (30) hours per week. Part-time employees may elect to participate in the Town's health insurance plan by paying the full cost of the premium.
- c) ***Other Employees.*** Employee positions working less than 1000 hours annually are not eligible for any benefits.

### **VI.3. Other Group Insurance**

The Town provides Group Life insurance and Short-Term Disability insurance for each full-time employee subject to the stipulations of the insurance contract. Eligible employees may elect to purchase additional coverage and/or to insure other family members under the Town's plan, at their own expense, subject to the stipulations of the insurance contract.

### **VI.4. Other Optional Group Insurance Plans or Benefits**

The Town may make other group insurance plans, or other benefits, available to employees. These plans, or benefits, may include membership in the NC Local Government Employees Credit Union, and participation and contribution of pre-tax dollars to an account for unreimbursed medical or child care expenses under Section 125 of the Internal Revenue Service Code. The contribution to these additional plans, or benefits, will be the responsibility of the employee and not the Town.

### **VI.5. Retirement Benefits**

As a condition of employment, each employee whose position requires that the employee work more than one-thousand (1,000) hours in a calendar year shall join the North Carolina Local Governmental Employees' Retirement System when eligible. New hires who are current members of the NC Local or State Government Employees Retirement Systems shall be covered under the retirement system by the Town on their first day of employment. New hires who are not current members of the retirement system will be added to the retirement system thirty (30) days after their start date.

Employees who retire in good standing shall be awarded an appropriate retirement gift as determined by the Town Council.

**VI.6. Supplement Retirement Benefits**

- a) *Non-Law Enforcement/General Employee.* The Town will provide 401(k) supplemental retirement benefits to general employees by matching one (1) percent above their contribution up to a Town match of five (5) percent.
- b) *Law Enforcement.* The Town will also provide 401(k) supplemental retirement benefits to each law enforcement officer as prescribed by North Carolina State Law.

**VI.7. Social Security**

The Town, and its employees, shall participate in, and contribute to, the Social Security program as required by Federal law.

**VI.8. Workers' Compensation**

All employees of the Town 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.

It is the responsibility of the injured employee to file the claim for compensation under the Workers' Compensation. Claims must be filed with the North Carolina Industrial Commission within two years from date of injury.

**VI.9. Unemployment Compensation**

In accordance with Public Law 94-566 and subsequent amendments, local governments are covered by unemployment insurance. Town employees whose employment is terminated may apply for benefits through the local Employment Security Commission office, where a determination of eligibility will be made.

**VI.10. Employment Training/Education Assistance Program**

An employee may receive cost reimbursement for training and specific educational programs which the Town Manager has determined to be necessary or beneficial to the Town. All requests for personal training and/or educational programs will be documented in a contractual format. Documentation will include pre-approval of reimbursement rates, timelines, and requirements expected of the employee in order to be eligible for reimbursement.

**VI.11. Separation Allowance for Law Enforcement**

The Town pays a separation allowance to retired law enforcement officers, as specified in state statutes, subject to the following conditions:

- The officer shall have completed thirty (30) or more years of creditable service, or have attained fifty-five (55) years of age and completed five (5) or more years of creditable service;
- Not have attained sixty-two (62) years of age;
- Have completed at least five (5) years of continuous service as a law enforcement officer

immediately preceding a service retirement.

Separation allowance shall terminate at death, or on the last day of the month in which the officer attains sixty-two (62) years of age, or upon the first day of re-employment by a local government employer in any capacity.

The officer, after separation from the Town, will notify the Town of any new employment, including the nature and extent of the employment, any change in employment status, and any discontinuation of employment, within five (5) business days of the change. Failure to notify the Town will make the former employee liable for any payments received after returning to active status in the retirement system.

The Town may employ a retired officer on a contractual basis, or in a temporary or reserve capacity, as long as they do not work enough hours to require participation in the Local Government Employees' Retirement System.

Former Town law enforcement officers receiving the separation allowance may be re-employed in a manner that terminates their allowance. Their separation allowance will resume upon termination of employment provided they still meet all other eligibility requirements.

#### **VI.12. Employee Assistance Program**

The Town offers an Employee Assistance Program (EAP) to help employees resolve a wide range of problems that may have a negative effect on job performance. The EAP provides free and confidential services to employees and their immediate family members. Employees may choose to use the program, or they may be encouraged by their immediate supervisor when their job performance and/or behavior is unsatisfactory.

The full EAP policy statement can be found in the Appendix.

## **SECTION VII: POSITION CLASSIFICATION PLAN**

### **VII.1. Purpose**

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

### **VII.2. Composition of the Position Classification Plan**

The classification plan shall consist of:

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

### **VII.3. Use of the Position Classification Plan**

The classification plan is to be used:

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

### **VII.4. Administration of the Position Classification Plan**

The Town Manager or his/her designee shall allocate each position covered by the classification plan to its appropriate class and shall be responsible for the administration of the position classification plan. The Human Resources Director shall periodically review portions of the classification plan and recommend appropriate changes to the Town Manager.

### **VII.5. Authorization of New Positions and the Position Classification Plan**

New positions shall be established upon recommendation of the Town Manager and approval of the Town Council. New positions shall be recommended to the Town Council with a recommended class title after which the Human Resources Director, with the approval of the Town Manager, shall either allocate the new position into the appropriate existing class, or revise the position classification plan to establish a new class to which the new position may be allocated. The position classification plan, along with any new positions or classifications, shall be approved by the Town Council and will be on file with the Human Resources Director. Copies will be available for review to all Town employees upon request.

### **VII.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 transmit the request through the department director to the Human Resources Director. Upon receipt of such request, the Human Resources Director shall study the request, determine the merit of the reclassification, and recommend to the Town Manager a revision to the classification and pay plan where necessary and such revision shall be approved by the Town Council.

**VII.7. Maintenance of the Classification and Pay Plan**

Because job duties change over time and the market pay rate changes at different rates for different jobs, comprehensive classification and pay plan reviews are needed periodically. When the organization is stable and budget allows, reviews are needed approximately every five years. When there is significant growth and/or change in the organization, comprehensive reviews are needed more frequently.

## **SECTION VIII: THE PAY PLAN**

### **VIII.1. Purpose**

The intent of this Pay Policy is to standardize the employee pay system in order to increase stability and predictability. Moreover, a fair and equitable pay policy, effectively implemented and regularly reviewed, has the added benefit of providing a clear and documented rationale for salary decisions and financial planning.

Although standardization of the pay system provides predictability, it should not be construed as automatic or obligated. The employee pay system is a funded expense and, therefore, subject to economic variables as well as town budgetary pressures. Consequently, the pay system should be understood as a planning and decision tool that on occasion requires adjustment in order to align with town economic realities.

The key components of the employee pay system include positions and descriptions, pay ranges, starting salaries, merit increases, bonuses, promotion/demotion procedures, and cost of living adjustments (COLA).

### **VIII.2. Administration and Maintenance**

All staff personnel positions are recommended by the Town Manager and approved by the Town Council.

### **VIII.3. Pay Ranges**

- a) Every employee position will have an associated and approved pay range.
- b) A pay range delineates the minimum and maximum pay for each staff position.
- c) North Carolina League of Municipalities Annual Salary Survey will be used as a guideline for pay ranges.
- d) Selected positional pay ranges will account for required levels of education, training, experience, and responsibilities.
- e) The Town Council will approve all position pay ranges and changes to pay ranges.
- f) Pay Ranges can change due to a change to the position's job description or to a Cost of Living Adjustment.

### **VIII.4. Starting Salaries**

- a) In determining an employee's starting salary their skills, experience, and capacity for continued growth must be key determinants.
- b) When determining an employee's starting salary, it is necessary to determine the potential employee's years of applicable experience. This measure is a key determinant for the employee's starting salary within the pay scale. As a point of general reference, the pay ranges from minimum pay to maximum pay can be thought of as a twenty-five (25) year timeline.



- c) Starting salaries will be negotiated and finally decided upon based on providing the best value to the Town.

**VIII.5. Pay Step Increases**

- a) All employees will be considered for an annual pay step increase.
- b) Pay step increases are not automatic, but instead are determined in accordance with the Town's Performance Pay Program based on job performance during the previous year.
- c) Individual pay step increases can range from zero (0) to five (5) percent, with two (2) percent being the normal pay step increase for an employee meeting job performance standard or as otherwise determined by the Town's Performance Pay Program. No individual annual pay step increase will exceed five (5) percent.
- d) Under normal conditions, the Town will budget payroll for an aggregate annual two (2) percent pay step increase. The sum total pay step increase to all employees will not exceed two (2) percent unless approved by Town Council.
- e) Individual pay step increases are annual and take effect as determined by the Town Manager.

**VIII.6. Performance Bonus**

- a) A performance bonus is a monetary reward given in addition to an employee's usual compensation. A performance bonus does not affect an employee's salary.
- b) Supervisors may recommend an employee for a bonus for exceptional work performance. The Town Manager will approve all bonuses.
- c) Exceptional work performance includes initiatives, efforts, and accomplishments that exceed normal work standards and expectations.
- d) The Town will budget one (1) percent of annual payroll to be used for performance-based bonus rewards.
- e) Whenever possible, supervisors will publicly recognize bonus recipients.

**VIII.7. Promotion/Demotion**

- a) A promotion or demotion includes both a change in job description as well as movement to a different pay scale.
- b) A promotion to a higher scale will result in an increase in salary. The new increased salary will be the greater salary between the minimum salary of the new pay scale, or a salary increase of five (5) percent. In the event of highly skilled and qualified employees, or other reasons related to the merit principle of employment, the Town Manager may set the salary at an appropriate rate in the range of the position to which the employee is promoted that best reflects

the employees qualifications of the job and relative worth to the Town, taking into account that range of the position ad relative qualifications of other employees in the same classification.

- c) A demotion to a lower pay scale will result in a lower salary. The new decreased salary will be the lower salary between the maximum salary of the new pay scale, or a salary decrease of five (5) percent.

#### **VIII.8. Cost of Living Adjustment (COLA)**

The COLA is based on the percentage increase of the Consumer Price Index (CPI) for the previous twelve (12) months. If there is no increase in CPI, or the CPI is negative, there is no COLA.

The COLA percentage increase will apply equally to all employee salaries and is effective on the first day of the fiscal year.

#### **VIII.9. Change in Pay Rates**

The Town Manager may authorize changes in pay rates within the established ranges for meritorious service and at other times when circumstances warrant, including when an employee is remaining in their current position classification and taking on additional responsibilities. The Town Manager may set the salary at an appropriate rate in the range which he determines to be reflective of the additional responsibilities of the employee. In the event that the added responsibilities warrant a change in position classification, the reclassification provision will apply.

## **SECTION IX: UNSATISFACTORY JOB PERFORMANCE AND PERSONAL MISCONDUCT**

### **IX.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 Town Manager prior to giving final notice to the employee.

These procedures are not applicable to probationary employees.

### **IX.2. Unsatisfactory Job Performance Defined**

Unsatisfactory job performance includes any aspect of the employee's job which is not performed as required to meet the standards set by the Department Head, supervisor or Town Manager. Examples of unsatisfactory job performance include, but are not limited to, the following:

- Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- Outside of documented disability, the physical or mental inability to perform duties;
- Absence without approved leave;
- Improper use of leave privileges;
- Failure to report for duty at the assigned time and place;
- Failure to complete work within time frames established in work plan;
- Failure to meet work standards;
- Failure to use prescribed safety equipment or to follow established safety regulations; and
- Failure to maintain certifications required by the job.

### **IX.3. Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance**

When an employee's job performance is unsatisfactory, the supervisor will meet with the employee as soon as possible to discuss the specific performance problems.

An employee whose job performance is unsatisfactory should normally receive at least one counseling session before dismissal. The supervisor will record the date of the counseling, the performance deficiencies discussed, the corrective actions recommended, the time limits set for correction, and the consequences, up to and including dismissal if the employee's performance is not corrected.

The supervisor will document both the counseling session and the plan for improvement. The employee shall sign and receive a copy of both documents. The supervisor will retain all documentation in the employee's personnel file.

If the employees' performance does not improve within the time frame documented in the plan for improvement, a written recommendation will be sent to the Town Manager for final approval regarding suspension, demotion, or dismissal.

#### **IX.4. Disciplinary Actions for Personal Misconduct**

With Town Manager approval, an employee may be placed on disciplinary suspension, demoted, or dismissed without prior warning for causes relating to personal conduct detrimental to Town.

#### **IX.5. Detrimental Personal Conduct Defined**

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

- Fraud, theft, dishonesty or purposeful misrepresentation;
- Conviction for a felony or the entry of a plea of "no contest" thereto;
- Falsification of records;
- Willful misuse, or gross negligence, in the handling of Town funds;
- Willful or wanton damage or destruction to property;
- Willful or wanton acts that endanger the lives and property of others;
- Violation of the zero-tolerance policy for workplace violence as stated herein;
- Violation of the zero-tolerance substance abuse policy as stated herein;
- Engaging in incompatible employment or serving a conflicting interest;
- Request or acceptance of gifts exceeding Town policy
- Engaging in political activity prohibited by NC General Statute 160A-169;
- Harassment of an employee(s) and/or the public of any kind;
- Stated refusal to perform assigned duties or flagrant violation of work rules and regulations;
- Careless, negligent or improper use of Town property or equipment;
- Insubordination; or
- Failure to follow the chain of command to address work-related issues.

#### **IX.6. Types of Disciplinary Actions and Pre-disciplinary Conference**

Employees may be disciplined for unsatisfactory job performance or personal misconduct at the recommendation of their supervisor. The decision on appropriate discipline is made by the Town Manager.

- a) ***Suspension.*** Disciplinary suspensions are for the purpose of communicating the seriousness of the performance deficiency or misconduct and shall be without pay.
  1. Non-exempt employees: May be for short periods and should not generally exceed three (3) days.
  2. Exempt employees: In accordance with FLSA requirements to maintain exempt status,

suspensions for exempt employees shall normally be for one (1) full work week, especially if the suspension is for unsatisfactory job performance issues. In accordance with FLSA, suspensions of less than a week are authorized for major safety violations or infractions of workplace personal conduct rules.

- b) **Demotion.** Demotion is appropriate when an employee has demonstrated the inability to perform successfully in the current job but may be able to perform successfully in a lower level job, providing there is an existing vacancy in a lower level job for which they meet the minimum requirement.
- c) **Dismissal.** Termination is appropriate when the employee has shown to be unwilling or unable to perform work in a manner that meets the work and conduct standards of the Town.
- d) **Pre-disciplinary Conference.** Before suspensions, demotion, or dismissal action is taken, whether for failure in personal conduct or failure in performance of duties, the Town Manager and the employee's supervisor may conduct a pre-disciplinary conference. At this conference, the employee may present any response to the proposed disciplinary action.

The Town Manager will consider the employee's response, if any, to the proposed disciplinary action, and will, within three (3) working days following the pre-disciplinary conference, notify the employee in writing what, if any, disciplinary action will be taken. The notice of the final disciplinary action shall contain the reasons for the action and the employee's appeal rights.

If the employee was suspended without pay and the suspension is not upheld upon appeal, the Town Manager will authorize back pay for the time of suspension.

#### **IX.7. Non-Disciplinary Suspension**

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

- Temporarily relieve the employee of all duties and responsibilities and place the employee on paid or unpaid leave, as circumstances dictate, for the duration of the suspension; or
- 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 including pay of which otherwise the 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, accrued vacation and sick leave from the date of suspension; however, any other

benefits are maintained during the suspension period.

## **SECTION X: GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL**

### **X.1. Policy**

It is the policy of the Town to provide a just procedure for the presentation, consideration, and disposition of employee grievances. The purpose of this Section is to outline the procedure and to assure all employees that a response to their complaints and grievances will be prompt and fair.

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

### **X.2. Grievance Defined**

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

- Salaries, wages, or fringe benefits provided by the Town; and
- Organizational or operational changes adopted by the Town including but not limited to hours of work, reductions in force, licenses and certifications, types of training, residency requirements, and other specified conditions of employment, including those accepted at the time of employment but subsequently changed.

### **X.3. Purpose of the Grievance Procedure**

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

- Providing employees with a procedure by which their concerns can be considered promptly, fairly, and without reprisal;
- Encouraging employees to express their concerns about the conditions of work which affect them as employees;
- Promoting better understanding of policies, practices, and procedures which affect employees;
- Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures;
- Encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship, and therefore, encouraging conflicts to be resolved at the lowest level possible in the chain of command; and
- Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the Town or its leaders.

### **X.4. Procedure**

When an employee has a grievance, the following successive steps are to be taken unless otherwise provided. The number of calendar days indicated for each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. However, the

time limits set forth may be extended by mutual consent. The last step initiated by an employee shall be considered to be the step at which the grievance is resolved.

The Town Manager may rescind a disciplinary suspension, demotion or dismissal up to any point in the process prior to an appeal to Town Council. When the grievance involves a decision made by the Town Manager, the grievance will be submitted to the Town Council.

- a) **Step 1: Informal Resolution.** Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the respective Department Head as a resource to help resolve the grievance.

In addition, the employee, supervisor or Department Head may request in-house mediation or from other qualified parties to resolve the conflict. Mediation is the process where a neutral party assists the parties in conflict with identifying mutually agreeable solutions or understandings. Mediation may be used at any step in the process when mutually agreed upon by the employee, their supervisor, and the Town Manager. Mediation proceedings will be documented.

- b) **Step 2: Formal Grievance.** If a resolution to the grievance has not been reached informally, the employee who wishes to pursue a formal grievance shall present the grievance to the appropriate supervisor or Department Head.

The grievance must be written and presented within ten (10) working days of the event or condition or within ten (10) working days of learning of the event or condition. The written grievance should identify the event or condition that is the basis for the grievance and the reason the aggrieved employee believes it to be such. The employee should provide as much detail as possible so that the supervisor may evaluate the grievance effectively.

The supervisor shall respond to the grievance within ten (10) working days after receipt of the grievance. The supervisor should, and is encouraged to, consult with any employee of the Town to gather facts or information in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible.

The response from the supervisor will be in writing and signed by both the supervisor and the employee. The responder at each step shall send copies of the grievance and response to the Town Manager.

- c) **Step 3.** If the grievance is not resolved to the satisfaction of the employee at the end of Step 2, the employee may appeal, in writing, to the Town Manager within ten (10) working days after receipt of the response from Step 2. The Town Manager shall respond to the appeal, stating the decision within ten (10) working days after receipt of the appeal. The Town Manager's decision shall be final. However, in the event that the Town Manager is the



supervisor, the employee will appeal to the Town Council within ten (10) working days using the same grievance procedure if the employee believes that the employment decision was based on any of the reasons outlined in IX. 5. The Town Council will be the appellate with final decision.

The Town Manager shall notify the Town Council of any impending legal action.

All documents used in this procedure must be dated and signed by the employee and the supervisor involved and placed in the employee's personnel file.

In cases where the Town Manager has been significantly involved in determining disciplinary action, including dismissal, the Town Manager may wish to obtain a neutral outside party to provide mediation or make recommendations. Such neutral parties might consist of human resource professionals, attorneys, or mediators.

#### **X.5. Appeals Procedure**

While employees are encouraged to use the above grievance procedure, they shall also have the right to appeal directly to the Town Manager if the employee believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, national origin, religion, political affiliation, non-job related disability, marital status or genetic information) or is based on harassment, fraud, theft, gross abuse of authority, or a violation of State or Federal law. The Town Manager will notify the Mayor and Council of the situation and the appeal.

An employee or applicant should appeal a grievance decision on an alleged act of discrimination as soon as possible but may appeal up to six months following the action.

1. The grievant must submit a written complaint to the Town Manager within ten (10) working days of the alleged harassing action.
2. The Town Manager shall take appropriate remedial action within ten (10) working days from receipt of the written complaint, unless the Town Manager has waived the ten (10) day period and the grievant agrees with such waiver. The waiver and acknowledgement shall be agreed to and in writing and signed by all parties.
3. The Town Manager shall determine what actions will result from the grievant's written complaint and provide a written response to the grievant.
4. The grievant may appeal directly to the Mayor and Town Council within ten (10) working days of the receipt of the Town Manager's written response if not satisfied with the Manager's response to the complaint. The Town Manager will inform the grievant of this appeal process and provide the appropriate contact information.
5. The Town Manager will inform the Council of the complaint and action taken at the earliest meeting following the receipt of the complaint. In the event the Town Manager is the alleged

offending party, the grievant shall notify the Mayor and the Mayor Pro Tem by written complaint within ten (10) working days of the event. The Mayor and the Mayor Pro Tem will schedule a meeting to determine appropriate steps or action to be taken. The Mayor and Mayor Pro Tem are given discretionary authority to decide if the Town Manager should either be suspended or separated from the work environment prior to convening a full council meeting to address the grievant's complaint. A majority of the Town Council must agree on the appropriate subsequent action and must document the action in writing prior to effecting any further suspension or separation from work environment.

## **SECTION XI: RECORDS AND REPORTS**

### **XI.1. Public Information**

In compliance with NC General Statute 160A-168, the following employee information is a matter of public record: name; age; date of original employment or appointment to the service; the terms of any contract, or employment agreement, under which the employee is employed; current position title; current salary; date and amount of the most recent salary increase or decrease; 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; date and general description of the reasons for each promotion with the Town; date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the Town. If the disciplinary action was a dismissal, copies of the written notice of the final decision of the Town setting forth the specific acts or omissions that are the basis of the dismissal.

Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Town may adopt. Request for such information shall be submitted in writing to the Town Clerk. An appointment to review the information shall be made with the Town Clerk at a time that is satisfactory to both the Town and the person requesting the information.

For the purposes of this subsection of law, the term “salary” includes pay, benefits, incentives, bonuses and deferred, and all other forms of compensation, paid by the Town. Employment contracts are public information.

### **XI.2. Access to Confidential Records**

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

- The employee, or their duly authorized agent, may examine all portions of the employee's personnel file except letters of reference solicited prior to employment, and information concerning a mental or physical medical disability that a physician would not divulge to the patient;
- A licensed physician designated in writing by the employee may examine the employee's medical record;
- The Town Manager, Police Chief, and Human Resources may examine all material in the employee's personnel file;
- By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file; or
- An employee may sign a written release to be placed in his or 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.

Even if considered part of an employee's personnel file, the following information regarding any sworn law enforcement officer shall not be disclosed to an employee, or any other person, unless disclosed in accordance with NC General Statute 132-1.4, or in accordance with NC General Statute 132-1.10, or for the personal safety of that sworn law enforcement officer or any other person residing in the same residence:

- Information that might identify the residence of a sworn law enforcement officer;
- Emergency contact information; or
- Any identifying information as defined in NC General Statute 14-113.20.

### **XI.3. Personnel Actions**

The Town Manager will prescribe the necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system. 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. The files maintained by the Human Resources Director shall be the official files for all agencies of the Town.

### **XI.4. Records of Former Employees**

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

### **XI.5. Remedies of Employees Objecting to Material in File**

An employee who objects to material in their personnel 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.

### **XI.6. Penalties for Permitting Access to Confidential Records**

Section 160A-168 of the NC 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 NC General Statutes.

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

Section 160A-168 of the NC General Statutes 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 NC General Statutes.

### **XI.8. Destruction of Records Regulated**

Destruction of Public Records must be in accordance with the laws and procedures provided for such.

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with NC General Statute 121.5, without the consent of the 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 NC General Statute 132-3.

**APPENDIX**  
**ADMINISTRATIVE PROCEDURES**

## **A.1. Employee Assistance Program**

### **Purpose:**

The Town offers an Employee Assistance Program (EAP) to help employees resolve a wide range of problems that may have a negative effect on job performance.

### **Procedure:**

Confidential counseling services are available to employees and their immediate family members. Employees are encouraged to use the EAP when they are experiencing problems that may have an impact on their ability to be productive at work. Employees may choose, or may be encouraged by their supervisor, to use the program when job performance and/or behavior is unsatisfactory.

Employees participating in the EAP are required to meet existing job performance standards. Use of the EAP does not replace the use of established procedures for managing unsatisfactory job performance and/or behavior.

The Town will not have access to EAP records without written permission from the employee. All individual rights to confidentiality will be assured in the same manner as any other health records.

Use of the EAP will not jeopardize the employee's employment status or promotion opportunities. With approval, employees may use accumulated sick, vacation, or compensatory leave for scheduled EAP appointments.

The Town will provide up to six (6) initial EAP visits. EAP visits after the initial Town-provided visits will be paid for by the employee. The EAP may recommend additional assistance that may be covered by health insurance or available through community funded or self-help organizations.

## **A.2. Family and Medical Leave**

### **Purpose:**

Until the Town has 50 employees, the provisions of the Federal Family Medical Leave Act (FMLA) do not apply. However, the Town elects to provide some of the same provisions as specified below.

The Town may grant up to twelve (12) weeks of family and medical leave per twelve (12) months to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid (coordinated with the Town's Vacation and Sick Leave policies), unpaid, or a combination of paid and unpaid. Earned compensatory time must be used first, followed by any holiday, sick or vacation time, once compensatory has been exhausted. Unpaid leave will be granted only when the employee has exhausted all appropriate types of paid leave. Additional time away from the job beyond the twelve (12) week period may be approved in accordance with the Town's Leave without Pay policy.

The request for the use of leave must be made in writing by the employee and approved by the Town Manager.

### **Procedure:**

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

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

- The birth of a child and in order to care for that child;
- The placement of a child for adoption or foster care;
- To care for a spouse, child, or parent with a serious health condition;
- The serious health condition of the employee; or
- Military exigency.

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

If a husband and wife both work for the Town and each wish 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 up to a total of twelve (12) weeks leave.



An employee taking leave for the birth of a child may use paid sick leave for the period of actual disability, based on medical certification. The employee shall then use all paid vacation, accrued compensatory time and leave without pay for the remainder of the leave period.

“Military Exigency” is a qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a military service member (reserve or national guard) under a call or order to federal active duty in support of a contingency operation. Qualifying events are:

- Deployment of service member with seven or fewer days’ notice;
- Military ceremonies and events such as family-assistance or informational programs related to the family member’s active duty or call to active duty;
- Urgent, immediate childcare or arranging for alternative childcare for the children of service members;
- Attending school or daycare meetings relating to the child of service member;
- Making financial or legal arrangements related to a family member’s active duty status or call to active duty;
- Taking up to five (5) days leave to spend with a covered military member who is on short-term temporary rest and recuperation leave during deployment;
- Attending counseling provided by someone other than a health provider for oneself, the covered military member, or the child of the military member, the need for which arises from the active duty service or call to active duty status or the covered military member; or
- Post-deployment activities for a period of ninety (90) days after the termination of the service member’s active duty status.

**Military Caregiver Leave:** An employee whose spouse, son, daughter, parent or next of kin is a current service member who is undergoing treatment, therapy, recuperation or outpatient treatment or has temporary disability retirement for injury or illness sustained in the line of duty, may be eligible for twenty-six (26) weeks of FMLA leave in a single twelve (12) month period. During a single twelve (12) month period, the employee may be eligible for a total of twenty-six (26) weeks of all types of leave combined.

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

An employee who takes leave under this policy may return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position may be the same or one which entails substantially equivalent skill, effort, responsibility, and authority.

**Medical Certification:**

In order to qualify for leave under this policy, the Town requires medical certification. This statement from the employee's or the family member's physician should include the date when the condition began, its expected duration, diagnosis, and brief statement of treatment. For the

employee's own health condition, it should state that the employee is unable to perform the essential functions of his/her position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and the employee's presence would be beneficial or desirable.

This certification should be furnished at least thirty (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 fifteen (15) days from the date of the employee's request). The certification and request must be made to the department director and filed with the Human Resources Director.

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 Town's Leave Without Pay policy.

**Retention and Continuation of Benefits:**

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

Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit by the first of each month. After using all paid leave for which the employee qualifies, the employee on family and medical leave may use Leave without Pay for the remainder of the leave period. An employee ceases to earn holiday or leave credits on the date leave without pay begins.

### **A.3. Performance Pay Program**

#### **Purpose:**

The purpose of the Performance Pay Program is to:

1. To provide a systematic program to reward employees based on job performance, accomplishments, and contributions to the organization within budgetary allocations;
2. To provide recognition and demonstrate appreciation for job performance;
3. To provide a method of moving employees within the salary range that results in a competitive actual salary and employee retention; and
4. To provide incentive for continuous performance improvement and productivity and to maintain a high level of employee performance and morale.

#### a) *Definitions*

Calendar Month	The period from a particular date in one month to the same date in the next month. For example, from April 4 <sup>th</sup> to May 4 <sup>th</sup> .
Minimum	The pay table will be designed with a Minimum Rate, which is the entry level rate for the pay grade. Employees meeting the requirements on their respective class specification should be hired at the Minimum Rate. Employees who significantly exceed the education and experience requirements on their respective class specification may be considered for hiring above the minimum.
Maximum	The pay table will also be designed with a Maximum Rate, which is a rate that is fifty (50) percent greater than the Minimum Rate.

#### **Procedure:**

#### a) *Responsibilities*

1. Responsibility of the Town Manager:
  - The Town Manager will recommend to the Board sufficient funding to insure an effective Performance Pay program.
  - The Town Manager will make decisions regarding when to award Performance Pay to department heads.
  - The Town Manager will monitor the Performance Pay program in the organization for consistency, fairness, accurate and complete information, and sufficient documentation.
  - The Town Manager may overturn the decision of department heads to award performance pay increases due to inconsistencies, failure to follow established policies and procedures, funding availability, lack of sufficient documentation, or other circumstances dictate.

- The Town Manager will designate the month for employees to conduct the annual performance evaluations.

2. Responsibility of the Department Heads:

- Department heads will make performance pay decisions in the department, subject to the review and approval of the Town Manager based on completing and/or reviewing the Performance Review and Employee Development forms completed by immediate supervisors and upon any other information that is needed.
- Department Heads will make performance pay decisions regarding increases for their subordinates.
- Prior to communicating a rating of “Outstanding”, “Exceeds Job Expectations”, or “Fails to Meet Job Expectations” to an employee, Department Heads will receive approval from the Town Manager. For all other ratings, Department Heads will communicate their recommendations to employees, explaining that the recommendation is subject to the review and approval of the Town Manager.
- Department Heads will monitor the Performance Pay program in their respective department to ensure consistency, fairness, accuracy, complete information, and sufficient documentation.
- Department Heads are responsible for ensuring that performance pay increases stay within budgetary allocations.

3. Responsibility of the HR Director:

- The HR Director will monitor the Performance Pay program in the organization for consistency, fairness, accurate and complete information, and sufficient documentation.
- The HR Director will provide internal consultation on the policy and use of the program to employees, supervisors, and management.
- The HR Director will also provide recommendations for any needed improvement to the program and provide administrative support to management.

b) ***Performance Pay Amounts***

Performance pay amounts (pay step increase and performance bonus) will be awarded based on the overall performance rating the employee receives for the full year on the final performance review form.

Performance pay amounts may vary from year to year depending on budget availability and market adjustment amount. Unless the Town Council decides otherwise, the following schedule will apply:

<b>Performance Categories</b>	<b>Instrument Rating</b>	<b>Pay Step Increase</b>	<b>Performance Bonus</b>
Outstanding	3.76 - 4.00	2.0%	2.0%
	3.51 - 3.75	2.0%	2.0%
Exceeds Job Expectations	3.26 - 3.50	2.0%	1.0%
	2.75 - 3.25	2.0%	1.0%
Achieves Job Expectations	2.26 - 2.75	2.0%	0.5%
	1.75 - 2.25	2.0%	0.5%
Needs improvement	1.26 - 1.75	0.0%	0.0%
	0.71 - 1.25		
Fails to Meet Job Expectations	0.36 - 0.70	0.0%	0.0%
	0.00 - 0.35		

This funding is not a guarantee, and the Town Manager in his/her sole discretion may overturn the decision of department heads to award performance pay increases and/or performance pay bonuses due to inconsistencies, failure to follow established policies and procedures, funding availability, lack of sufficient documentation, or other circumstances dictate.

An employee whose performance fails to meet expectations will have the performance review scheduled again in no more than three months. If the employee's performance is rated "Needs Improvement" or "Fails to Meet Expectations" the disciplinary process will continue.

An employee in probationary status or an employee hired, promoted, or having successfully completed a probationary period less than three full calendar months prior to the start of the month designated by the Town Manager for employees to conduct performance evaluations is not eligible for any Performance Pay increases. However, an employee hired, promoted, or having successfully completed a probationary period three or more full calendar months but less than twelve (12) full calendar months before the start of the month designated for employees to conduct performance evaluations is eligible to receive a pro-rata portion of the appropriate performance pay amounts.

For example, if the month designated for employees to conduct performance evaluation starts October 1<sup>st</sup> and an employee was hired or promoted on September 15<sup>th</sup>, the employee would not be eligible for a performance pay increase. Similarly, an employee hired or promoted on July 16<sup>th</sup> would not be eligible for a performance pay increase. In contrast, an employee who was hired or promoted on April 1<sup>st</sup> (i.e. six (6) full calendar months prior to October 1<sup>st</sup>) would be eligible for fifty (50) percent of the performance pay amount as determined by this policy. Using the example where the employee was hired or promoted on April 1<sup>st</sup> and this employee was scored for a two (2) percent increase, then the employee

would receive one (1) percent (six (6) out of twelve (12) full calendar months = fifty (50) percent multiplied by two (2) percent).

c) ***Maximum Rate Performance Pay Bonus & Part-time Employees***

1. Maximum Rate 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 Maximum Rate Performance Pay Bonus. These bonuses shall be awarded based upon the performance of the employee as described in the Performance Review and Employee Development forms.
- An employee's base salary may not move above the maximum of his or her assigned salary range. Therefore, if an employee's current salary is below the maximum of the salary range but awarding the full performance pay amount places an employee above the maximum, then 1) the employee will receive the amount in base pay that places him or her at the maximum of the range; and 2) the employee will receive the amount that would place him or her above the maximum in a lump sum amount.
- A "Maximum Rate Performance Pay Bonus" is different from a "Performance Bonus".

2. Part-Time Employees:

- Part-time employees are not eligible for the performance pay increases except as follows. Permanent part-time employees, who have worked an average of twelve (12) hours or more per week for a full-year prior to the evaluation, are eligible for a pay step increase but not a performance pay bonus.

d) ***Performance Pay Eligibility Dates***

Employees will be considered for a performance pay increase following the designated month for employees to conduct performance evaluations. Performance pay begins on the first day of the payroll period immediately following the review date or as otherwise determined by the Town Manager.

e) ***Documentation***

All Performance Review and Employee Development forms will be signed by the employee, supervisor and department head and forwarded to Human Resources and the Town Manager with any accompanying memoranda and/or other documentation for review and filing. The employee shall be given access to a copy of the forms and other documents to keep as requested.

f) ***Appeals***

Any employee who believes that his or her performance pay decision is unfair or inaccurate may make a formal appeal by following the grievance procedure in the Personnel Policy.

#### **A.4. Performance Review and Employee Development Program**

##### **Purpose:**

To establish and maintain a performance review and employee development program that contributes to organizational excellence, increases accountability, and focuses on continuous employee development and recognition of the performance levels of all employees. This will be accomplished through the following objectives and instruments:

##### a) *Objectives*

1. **Continuous Performance Improvement:** To regularly discuss the performance of all Town employees based on job-related criteria; to provide performance coaching, encouragement, and exploration of optional approaches where needed; to identify during discussions both accomplishments and areas for employee performance development; to discuss specific plans to bring about continuous improvement for each employee and the organization as a whole that translates into increasing service excellence for our customers and citizens.
2. **Communications:** To create and nurture an atmosphere for open and direct two-way communications between supervisors and employees concerning job performance and requirements. To ensure that performance is discussed on a regular, on-going basis between supervisors and employees so that there are no surprises in the annual performance review. To build a partnership based on mutual respect and increase the trust in the relationship between employees and supervisors. To provide a format for supervisors, when they choose, to request and receive feedback from employees. To ensure that employees know how their jobs and their goals fit into overall organizational and departmental mission and goals.
3. **Recognition:** To establish a program of on-going feedback whereby employees receive recognition and appreciation for their good performance, accomplishments and achievements and feel affirmed for the contributions they make to the organization.
4. **Retention:** To encourage employee development and engagement with their work and with the organization and discuss employee needs in a way that results in enhanced employee retention.
5. **Employee Training /Career Development:** To develop information which can be used jointly by supervisors and employees to determine appropriate training needs and resources including on-the-job training. To discuss and identify how employees can prepare for potential advancement opportunities where appropriate.
6. **Goal-setting:** To enable employees to establish clear, challenging and achievable goals in collaboration with their supervisors. To ensure that employees know how their jobs and

their goals fit into the overall organizational and departmental mission, processes, and goals.

7. Service Excellence: To communicate, promote, and provide accountability for the Town's commitment to service excellence.
8. Reinforce "The Stallings Way": To reinforce and promote the Town's unique culture known as "The Stallings Way" including teamwork, respect, commitment, integrity, & collaboration.
9. Personnel Actions: To provide background information and objective and accurate documentation for consideration as a basis for any personnel actions or decision that may arise, including performance pay, disciplinary actions, and promotions.

b) ***Instruments***

1. Performance Review and Employee Development Program Instruments: Instruments will be developed for use with employees of the Town based on the occupational groups as identified in the Addendum. The instruments contain performance criteria that are behaviorally anchored for each of the five levels of performance identified in Section V of this policy. The Town Manager is authorized to change the occupational groups as he/she deems necessary.
2. Performance criteria: Performance criteria refer to the behaviorally anchored language mentioned in number one above and are developed based on input by employees and supervisors. Performance criteria are written using the following criteria:
  - Clearly job-related;
  - Stated in terms of behavior that can be observed;
  - Specific and descriptive of the behavior;
  - Focused on results/outputs, not inputs, effort, etc. and
  - Measurable, when possible, and feasible.
3. Weights: Weights should be established in a meeting jointly with the employee(s) and supervisor(s) at the beginning of the performance review period as part of communicating and understanding job requirements. All weights should add up to one-hundred (100) percent. Weights should be established individually where jobs are unique and in a team approach where multiple employees have the same job duties. Weights should be reviewed annually by those who originally established them to determine if they are still accurate.

**Procedure:**

a) ***Responsibilities***

Each person or group identified below has a very important role to play in the Performance Review and Employee Development Program to ensure the overall program's success.



Because this program has a significant interdependence component, the effectiveness of each person in performing each aspect of his/her role may substantially affect the overall effectiveness of the program for the Town.

1. Responsibility of the Town Council:
  - Providing a clear mission and vision to guide the organization;
  - Supporting the program;
  - Adopting policies to govern the program; and
  - Reinforcing the Council-Manager form of government by valuing and supporting the Town Manager's role as program administrator.
  
2. Responsibility of the Town Manager:
  - Educating, promoting, and keeping the Board informed of program status;
  - Ensuring a policy is developed and maintained to guide the program;
  - Monitoring the program for:
    - Consistency from department to department;
    - Adherence to policies and procedures;
    - Training needs;
    - Consistency with other personnel actions;
    - Legality, and
    - Overall effectiveness.
  - Jointly developing management performance criteria with department heads, communicating job requirements and giving feedback to department heads on their individual performance throughout the year, coaching them in the effective use of the program, fairly and objectively conducting performance review meetings with department heads;
  - Fairly and objectively conducting employee appeals of performance ratings; and
  - Designating the month performance evaluations will occur.
  
3. Responsibility of the Department Heads:
  - Helping develop and communicate organizational and departmental goals and objectives to their employees;
  - Educating, promoting, and involving employees in program development, implementation, use, monitoring, and insuring that new employees are oriented to the program;
  - Providing on-going feedback to their direct reports, including identifying specific ways employees can improve performance;
  - Identifying employee development and advancement needs and interests and recommending appropriate training opportunities;
  - Supporting the training activities of the program;
  - Ensuring that Performance Review and Employee Development meetings are conducted and documented in a timely fashion;
  - Ensuring that interim performance reviews are completed when supervision changes occur;

- Keeping management informed on the effectiveness of the program and monitoring the performance ratings in their departments for logical documentation and consistency among divisions and different supervisors to ensure departmental fairness;
- Ensuring that the program is being conducted within departments in accordance with Town policies and procedures and legal requirements;
- Fairly and objectively conducting Performance Review and Employee Development meetings with employees answering directly to the department head; and
- Fairly and objectively conducting any employee appeals and making decisions based on valid performance ratings.

Department heads are also accountable for the quality and effectiveness of the program within their departments.

4. Responsibility of the Supervisors:

- Communicating department goals and performance requirements regularly, as well as the benefits of the performance review program;
- Clarifying specific performance criteria, communicating them to employees, and providing on-going performance feedback including identifying specific ways employees can improve their performance;
- Conducting thorough Performance Review and Employee Development meetings and documenting them in a timely fashion, including making performance rating recommendations;
- Keeping department heads informed on the effectiveness of the program including the contents of the performance review forms and following the chain of command to recommend changes necessary to maintain an accurate and fair program;
- Following policies and procedures established for the program and applying them fairly and consistently;
- Identifying employee development and advancement needs and interests and recommending appropriate training opportunities;
- Fairly and objectively considering all performance rating appeals; and
- Training new employees in the Performance Review and Employee Development program purpose, objectives, procedures, and performance requirements of employees as well as reviewing forms and performance criteria and relating them specifically to the job while setting weights as appropriate.

Supervisors are also accountable for the Performance Review and Employee Development forms they complete and recommendations regarding employee performance they make.

5. Responsibility of the Employees:

- Working with his/her supervisor on a mutual understanding of job requirements;
- Providing input and feedback into the Performance Review and Employee Development meeting including identifying accomplishments and areas for improvement;
- Following the policies and procedures established for the program;

- Following the chain of command to express concerns and make appeals;
- Providing candid open feedback to supervisors concerning their satisfaction with the performance review program; and
- Making suggestions regarding any needed changes in the performance criteria related to their jobs.

6. Responsibility of the Human Resources Director or designee:

- Providing internal consultation on the use of the program to employees, supervisors, and management;
- Working with department heads to make recommendations for any needed improvements to the program;
- Monitoring the program for consistency, adherence to policies and procedures, training needs, consistency with other personnel actions, legality, and overall effectiveness;
- Processing personnel transactions and insuring appropriate documentation;
- Keeping materials and resources up to date and communicating all changes;
- Providing feedback where needed to departments regarding timeliness, thoroughness, legal issues, fairness, consistency, and program statistical data;
- Ensuring there is regular training on performance review and scheduling new supervisors and department heads for ESMP at the UNC School of Government as funding allows;
- Orienting new employees to the program; and
- Maintaining all records for the performance review and employee development program.

b) *Performance Categories*

The overall performance of all employees will be rated in one of the following five levels:

**Important Note:** The purpose of the Performance Review and Employee Development form is **not** to dictate a performance rating to the supervisor, but rather to help the supervisor:

- Focus on job-related criteria;
- Review the whole period (three (3) months, six (6) months, or a year), not just most recent months;
- Give feedback on relevant aspects of the employee's performance;
- Help document performance, and
- Think through a logical decision on the overall performance rating.

The performance criteria are not necessarily the only indication of performance; some categories or performance criteria are more important than others; other important aspects for consideration, such as disciplinary actions, may only be found in the summary comments. The supervisor is expected to use reasoned logic and good judgment in determining the overall rating of performance. Documentation is available to support the rating level. Employees should be rated against job requirements, not against each other.

1. **Outstanding:** Fully meets all job requirements identified for the position. In addition, performance consistently and significantly exceeds job requirements in important aspects of work. Work is performed at a sustained high level of proficiency. The employee also expands the scope of tasks and responsibilities or the amount of work performed resulting in increased productivity for the work unit. The employee accomplishes the most difficult and complex assignments with minimum supervision and maximum quality. Specific examples of such performance are readily available.
2. **Exceeds Job Expectations:** Fully meets all major job expectations identified for the position. In addition, performance frequently exceeds job expectations in several areas. Supervision is required only for special or unusual assignments or problems.
3. **Achieves Job Expectations:** Meets all major job expectations in a competent manner. The employee may occasionally exceed some job expectations. Accomplishes duties in a reasonable and consistent manner demonstrating full proficiency in the job. If there are occasional lapses in performance, they do not create any substantial problems for the organization, nor have any major impact on service delivery. Normal supervision is required.
4. **Needs Improvement:** Performance meets job expectations in important categories at least marginally. However, performance is inconsistent or unreliable in one or more performance categories. The employee needs to improve proficiency to more fully meet the needs for which the position was established. Remedial attention and close supervision are required.
5. **Fails to Meet Job Expectations:** Performance is inconsistent and one or more major job expectations are not met. Work tasks are not performed or must be repeated due to low quality. Remedial attention and close supervision are required. Failure to correct performance deficiencies in an appropriate amount of time may result in suspension, demotion, or dismissal. A rating at this level should be coordinated with the progressive disciplinary process.

**c) *Performance Review and Employee Development Meeting Dates***

Performance Review and Employee Development dates will typically be the same month for all employees as designated by the Town Manager.<sup>1</sup>

**d) *Performance Coaching***

(The “No Surprises Approach” to performance review) An integral part of the Performance Review and Employee Development Program is on-going performance feedback and coaching. Whenever a supervisor observes good performance or performance needing improvement, the supervisor should provide specific, timely feedback to the employee. Performance improvement

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<sup>1</sup> During the initial implementation of the program, the Town Manager may alter scheduling & process.

feedback should be designed to help the employee become more successful. Other coaching activities include helping employees identify optional approaches and develop problem-solving skills, planning projects, providing encouragement for difficult tasks, identifying training and resource possibilities, and general problem-solving discussions designed to help employees learn, develop their capacities, and develop their careers. The “No Surprises Approach” also includes keeping documentation on both positive and improvement feedback provided to employees throughout the year to ensure accurate details at performance review time.

**e) *Performance Review and Employee Development Meetings***

Performance Review meetings with all Town employees, except for probationary employees or employees who have a successfully completed a probationary period less than three full calendar months prior to the start of the month designated for employee performance evaluation meetings will be conducted and documented within the month designated by the Town for Performance Evaluations. Prior to Performance Review meetings, employees will submit a self-evaluation using the applicable instrument to their Supervisor. Performance Review and Employee Development meetings will be conducted by the employee's supervisor who may also be accompanied by the next level of supervision. The meeting will encompass one year.

Supervisor will conduct an initial performance review meeting with the employee to discuss the self-evaluation prior to completing the final performance review form. Informal interim Performance Review and Employee Development meetings may be conducted when needed or according to departmental policies. Prior to communicating a rating of “Outstanding” or “Fails to Meet Job Expectations” to an employee, Department Heads will receive approval from the Town Manager.

**f) *Additional Performance Review and Employee Development Meetings***

1. Probationary Employees: Performance Review meetings with new or promoted employees who are serving a probationary period will be conducted and documented within a thirty (30) day window before the end of the probationary period.
2. Additional Meetings: Additional meetings for any employee may be held at the employee's or supervisor's request. A probationary employee must receive a rating of no less than "Achieves Job Expectations" to move from probationary to regular status. A probationary employee whose performance needs improvement but shows clear promise of successful performance may have the probationary period extended for three months and up to a maximum of an additional six (6) months. This provision in no way restricts the Town from dismissing an employee whose performance or conduct is considered unsatisfactory at any point in the probationary period.

**g) *Performance Review and Employee Development Instrument***

The purpose of the instrument is to document the performance review meeting. The instruments may be revised and updated as needed based on input from employees, supervisors and department heads and approved by the Town Manager.

**h) *Coordination with Discipline***

Overall performance ratings of “Fails to Meet Job Expectations” are considered “unsatisfactory job performance” in the Town’s progressive disciplinary policies and procedures. Such a rating requires a performance improvement plan and may be followed by a written warning if one has not been issued. When such a rating is earned, additional counseling sessions and performance review sessions will be conducted in six (6) to twelve (12) weeks and careful performance monitoring and coaching will occur. In no case should an employee’s performance remain in the “Fails to Meet Job Expectations” level for more than six months. The time frames above are guidelines and this provision in no way restricts the Town from dismissing an employee prior to the end of the suggested timelines and/or following the above procedures if in the best interest of the Town.

Overall performance ratings of “Needs Improvement” may be considered by the supervisor as “unsatisfactory job performance” in the Town’s progressive disciplinary policies and procedures based on the circumstances.

**i) *Changes in Supervision***

When a change in supervision is imminent due to promotion, transfer or other action involving the employee or supervisor, the current supervisor should conduct an interim Performance Review and Employee Development meeting including meeting with the employee and completing all necessary forms. The review should be conducted within thirty (30) days. The interim Performance Review and Employee Development information should be considered by the new supervisor, along with performance observed and documented by the new supervisor in determining the employee's overall rating for the performance period.

In addition, when there is a change in supervision, the new supervisor and employee should jointly review the employee's performance criteria, discuss performance criteria, and set weights within thirty (30) days.

**j) *Documentation***

All Performance Review and Employee Development forms will be signed by the employee, supervisor, intermediate levels of supervision, and department head and forwarded to the Human Resources Director and Town Manager’s Office. The supervisor will offer to print a copy of the performance evaluation instrument for the employee to keep after all signatures and comments have been completed. Intermediate levels of supervision and/or department heads should not make changes to the forms unilaterally. Instead changes should only be made after discussing the reasons for the changes with the employee and his/her immediate supervisor, following the chain of command up and down in these discussions as appropriate. All relevant sections of Performance Review and Employee Development forms, including comments sections and all signatures, will be completed by the appropriate person prior to processing the forms in the Human Resources Office. A personnel action form may accompany all forms.

**k) *Appeals***

Any employee who believes that the application of this policy or his or her performance rating is unfair or inaccurate may make a formal appeal by writing the specific disagreement(s) and filing it following the Town's Grievance Procedure. A copy of the Grievance Procedure is available from the Town Manager or Town Clerk. A copy of all appeals and grievances will be provided to the Human Resources Director.

l) ***Training***

Department heads are responsible for identifying training needs of supervisors and insuring that these are met so that Performance Review and Employee Development meetings are conducted effectively. New supervisors will participate in some form of training in the Town's policies and procedures as well as effective techniques for conducting Performance Review and Employee Development meetings prior to performing them. The HR Director will coordinate this training.

m) ***Occupational Groups (as of August 30, 2018)***

Department Heads

Deputy Town Manager/Town Clerk  
Director of Administration/HR  
Finance Officer  
Town Planner  
Town Engineer  
Public Works Supervisor  
Parks & Recreation Director  
Police Chief

Public Works

Public Works Maintenance

Administrative and Fiscal

Administrative Accounting Clerk  
Planning Technician  
Communication Specialist/Deputy Town Clerk  
Police Records  
Parks & Recreation Office Assistant

Engineering

Associate Engineer

Parks & Recreation

Special Events Coordinator

Police

Patrol Officer  
Crime Scene Investigator

Code Enforcement Officer

Police Supervision

Police Corporal

Police Sergeant

Police Captain



**A.5. Substance Abuse Policy/Drug Free Workplace**

**Purpose:**

The Town has a zero-tolerance substance abuse policy. Employees found in violation of the drug-free workplace policy will be subject to immediate termination. The Town desires to prevent, to the extent possible, the accidents, injuries, mistakes and general poor performance attributable to impaired employees by administering a fair and consistent policy to promote and maintain a drug and alcohol-free work environment.

a) *Definitions*

Applicant	An individual who is not currently an employee of the Town and who is applying for a position or an existing employee who applies for a transfer or promotional opportunity.
Chain of Custody	Procedures designed to ensure the proper handling, labeling, identification, confidentiality, and documentation of test samples.
Commercial Driver License (CDL)	A Class A CDL is required in order to operate any commercial motor vehicle which: <ul style="list-style-type: none"> <li>• Has a combined gross vehicle weight rating of 26,001 or more pounds;</li> <li>• Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;</li> <li>• Is designed to transport 16 or more passengers, including the driver; or</li> <li>• Requires a HAZMAT placard regardless of the vehicle weight.</li> </ul> A driver of a commercial motor vehicle for the purposes of this policy means anyone who operates a commercial motor vehicle, whether full-time, part-time, casual, intermittent, occasional, volunteer, leased, or independent.
Current Use of Drugs	This term is not intended to be limited to the use of drugs on the day of, or within a matter of days or weeks before, the employment action in question. Rather, the term is intended to apply to the illegal drug use that has occurred recently enough to indicate that the individual is actively using drugs illegally.
Designated Collection Facility	A laboratory approved and certified by the U.S. Department of Health and Human Services or the College of American Pathologists for the collection and testing of the relevant sample.
Drug	A controlled substance as defined in NC General Statute 90-87(5) or a metabolite thereof. These substances include but are not limited to marijuana, cocaine, heroin, and prescription drugs, opiates, amphetamines and “designer drugs” or “look-alikes”.
Drug Test	An analysis conducted by a designated collection facility to determine blood alcohol or drug level, using appropriate methods as

	identified in 49 CFR Part 382 and following a chain of custody and other procedural guidelines.
Employee Assistance Program (EAP)	A program available to all Town employees and their family members that is designed to assist with the assessment, evaluation, counseling, referral and follow up programs for drug and alcohol related issues, in addition to providing assistance with other work-related issues. The continuation and availability of this program is subject to budgetary approval annually with each new fiscal year.
Federal Motor Carrier Safety Administration (FMCSA)	The FMCSA adopted regulations requiring certain commercial motor vehicle operators to be tested for alcohol and drugs in order to reach the goal of an alcohol and drug free transportation environment. The FMCSA's alcohol and drug testing rules apply to all employees who operate a commercial motor vehicle for the Town and are subject to the requirements of a CDL.
Medical Review Officer (MRO)	A physician responsible for reviewing all test results for confirmation prior to communicating to the employer. The MRO must protect the confidentiality of the individual involved.
Omnibus Transportation Employee Testing Act of 1991	A federal law that requires alcohol and drug testing for employees in transportation industries covered by the Omnibus Transportation Employee Testing Act of 1991. Town employees covered by this act are those who are required to hold a CDL to perform their job duties and those who hold a CDL that is not a requirement of their current position, but may be called to use that CDL, on behalf of the Town, outside of their regular job duties.
Random Testing	Unannounced drug testing conducted on an employee selected randomly must provide an equal probability that any employee from a group of employees will be selected.
Reasonable Suspicion	The belief that an employee is currently using or has recently used drugs or alcohol in violation of the Town's policy. This belief shall be based upon specific and objective facts and reasonable inferences.
Safety Sensitive Position	A position in which an employee is entrusted with preserving the public health and safety or the safety of other employees. A list of safety sensitive positions shall be on file with the Town. The following characteristics apply to safety sensitive positions: <ol style="list-style-type: none"> <li>1. Positions requiring the operation of heavy equipment, trucks, or automobiles while in the performance of duties for the Town;</li> <li>2. Positions working around large equipment or with potential OSHA-defined hazards while in the performance of duties for the Town.</li> </ol>
Substance Abuse	Any use of illegal drugs or controlled prescription drugs obtained unlawfully; or excessive use of lawfully obtained drugs or over the counter drugs or any use of alcohol when such use impairs job performance, alters work behavior, and/or creates a risk to the health and/or safety of the employee or others.

b) ***Covered Workers***

Any individual who conducts business for the Town, is applying for a position or is conducting business on Town property is covered by this drug-free workplace policy. Our policy includes but is not limited to all full and part time employees of the Town and applicants for employment.

c) ***Applicability***

Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the Town. Therefore, this policy applies during all working hours, whenever conducting business or representing the Town, while on call or on standby duty and while on Town property.

d) ***Shared Responsibility***

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles.

1. Responsibility of employees:

- Town employees are required to report to work on time, fit for duty and in appropriate mental and physical condition. All employees, regardless of job assignment, are subject to direct contact with the public and shall at no time be impaired by any substance to any degree;
- Town employees who have a reasonable basis to believe that another employee is illegally using or selling drugs or narcotics or violating any section of this policy shall immediately report the facts and circumstances to their supervisor;
- Submit immediately to reasonable requests for testing when requested by their supervisor;
- Notify his or her supervisor before beginning work when taking any medication or drugs, prescription or nonprescription, which may interfere with the safe and effective performance of duties or operation of Town equipment;
- Provide, within twenty-four (24) hours of request, a current valid prescription in the employee's name for any drug or medication identified by a drug screen/analysis when the result is positive.
- Town employees shall notify their supervisor and Human Resources within five (5) calendar days of any drug or alcohol related offense or conviction. If that offense or conviction results in the immediate suspension or revocation of driving privileges, and the employee's position requires them to drive a Town vehicle as part of their job duties, the employee must report that revocation or suspension immediately upon returning to work.

Failure to comply with these responsibilities may result in immediate disciplinary action up to and including dismissal.

2. Responsibility of Department Heads and supervisors:
  - Inform employees of drug-free workplace policy through the dissemination of this policy and all future policy revisions;
  - Comply with this policy and enforce the policy fairly and consistently;
  - Prevent any employee reasonably believed to be under the influence of drugs or alcohol from working and arrange for drug or alcohol testing, if appropriate;
  - Inform local law enforcement if an employee is observed to be in possession of illegal drugs;
  - Observe employee performance;
  - Investigate reports of dangerous practices;
  - Document negative changes and problems in performance;
  - Counsel employees as to expected performance improvement;
  - Inform employees experiencing unexplained changes in work performance or behavior of the availability of the Employee Assistance Program (EAP) encouraging voluntary referral or directing mandatory referral, when warranted and as necessary and appropriate, within established guidelines;
  - Clearly state consequences of policy violation;
  - Take appropriate actions to investigate any allegations of impairment or other violations of this policy, in consultation with Human Resources; and
  - Maintain confidentiality in all matters relating to this policy; access to confidential employee information is limited to those who have a need to know, as determined by the Town Manager, in compliance with relevant laws and management policies.

In general, supervisors shall not forcibly detain any employee or search any employee's person, personal belongings, possessions or personal vehicles. A search may only be conducted in the event of exigent circumstances or life-threatening conditions.

Failure to comply with these responsibilities and restrictions, or failure to take other reasonable actions related to maintaining a drug-free workplace, may result in disciplinary action up to and including dismissal.

e) ***Prohibited Behaviors***

1. It is a violation of our drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol or intoxicants.
2. With regards to the use of alcohol, an employee will not:
  - Consume alcohol while on duty;
  - Consume alcohol within eight (8) hours of reporting to duty; or
  - Consume alcohol up to eight (8) hours following an accident or until the completion of post-accident testing, whichever is sooner.
3. The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our drug-free workplace policy to intentionally misuse and/or abuse prescription medications.

Appropriate disciplinary action will be taken if job performance deterioration and/or accidents occur.

f) ***Prescription Drugs***

Prescriptions and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to determine whether the medication may interfere with safe performance of his or her job. If the use of a medication could compromise the safety of the employee, fellow employees, or the public, it is the employee's responsibility to use appropriate personnel procedures, such as requesting leave, requesting a change of duty, notify supervisor, etc., to avoid unsafe work practices. If necessary, the supervisor may temporarily re-assign the employee to duties that can be safely performed while the employee is taking the prescribed medication.

g) ***Drug and Alcohol Testing***

To ensure the accuracy and fairness of our testing program, all testing will be conducted according to NC General Statute 95-232, and will include a screening test, a confirmation test, a split sample, which shall be retained by the laboratory that conducts the confirmatory examination, and reviewed by a Medical Review Officer. Testing will include a documented chain of custody. Any employee who tests positive will have an opportunity to provide a legitimate medical explanation, such as a physician's prescription for the positive result. All drug testing information will be maintained by Human Resources in separate confidential records.

1. **Employees Subject to Testing:** Every employee of the Town, as a condition of employment, will be required to participate in testing in the case of reasonable suspicion, return to work after a period of separation, and follow-up testing upon request of management in accordance with this policy. Employees in safety sensitive positions and/or commercial vehicle drivers required to hold a CDL will additionally be required to participate in pre-employment, post-accident and random testing, as per the requirements of this policy. For the purpose of this section, a driver means anyone who operates a commercial motor vehicle, whether full-time, part-time, casual, intermittent, occasional, volunteer, leased or independent. This also refers to other employees who may not drive a commercial motor vehicle as part of their regular job duties, but who will occasionally be required to operate a commercial motor vehicle.
2. **What We Test For:** Testing for the presence of alcohol will be conducted by breath analysis. Testing for the presence of metabolites of drugs will be conducted by the urinalysis. Any employee who tests positive, without proper medical documentation and permission, will be subject to termination.

An employee's request for referral to an approved employee assistance provider will not be granted if the request is submitted after the employee is notified of the requirement to

submit to testing.

Behaviors relating to drug and alcohol testing including, but not limited to, the following shall result in consequences the same as if an employee tested positive:

- Employee adulterates, dilutes or attempts to adulterate or dilute their specimen;
- Employee substitutes the specimen with that from another person or sends an imposter to take the test in their place;
- Employee refuses to sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test;
- Inability, within a reasonable amount of time, or unwillingness to produce sufficient quantities of saliva or urine to be tested without a valid medical reason; or
- Failure to immediately report to the collection site when directed to do so.

The Town will test for substances in accordance with state and federal regulations; including, but not limited to:

- Amphetamines (including ecstasy);
- Marijuana, cannabis, THC;
- Cocaine;
- Opiates;
- Phencyclidine (PCP); or
- Alcohol.

3. Reason for Drug Testing: In keeping with the Town's mission of serving and protecting employees and the public, the Town will test applicants and employees under the following conditions.

- Pre-Employment Testing. Individuals who seek employment for a safety-sensitive position will be required to undergo a drug test for controlled substances prior to being hired. Employees selected for promotion or transferring to a safety sensitive position in any department, will be required to undergo a drug test. Refusal to take the test will result in disqualification for consideration for employment, promotion or transfer to the position sought.

Human Resources will refer applicants to the testing facility within a specified time frame as part of the pre-employment screening process. Applicants will be required to present identification when reporting to the testing facility. Applicants will be notified in writing of positive test results and receive notice of the right to re-test.

- Reasonable Suspicion. Reasonable suspicion is the belief, based on the totality of the circumstances, that an employee is using or has used drugs or alcohol in violation of Town policy. This belief will be based on specific and objective facts and reasonable inferences. Employees may be required to undergo drug testing whenever an employee's conduct on the job suggests a reasonable suspicion of the influence of drugs or alcohol. A recommendation that an employee be tested based on reasonable

suspicion must be individually corroborated and documented and based on specific, objective facts and reasonable inferences presented by that employee's supervisor.

Some factors that may constitute reasonable suspicion include, but are not limited to:

- Direct observation of drug use or possession;
- Direct observation of the physical symptoms of being under the influence of drugs (e.g.; slurred speech, odor of alcohol on body or breath, incoherence, loss of coordination, etc.);
- Impairment of motor functions, coordination, or speech;
- Pattern of abnormal or erratic conduct or behavior;
- Arrest or conviction for a drug-related offense;
- Identification of an employee as the focus of a criminal investigation involving illegal drugs; and
- Tips from reliable or credible sources.

**Procedure:**

- a) Supervisors are required to state, and to record for the file, the specific facts, symptoms, or observations which formed the basis for their recommendation that an employee should be required to have a drug test.
- b) Supervisors shall confer with the Human Resources Director or the Town Manager prior to requiring testing.
- c) When a supervisor suspects that an employee may be under the influence of drugs or alcohol, the employee should be prevented from operating equipment or vehicles or performing other potentially hazardous duties. Once approved for testing, the employee being referred for testing should be escorted to the testing facility as soon as possible by the supervisor or supervisor's designee.
- d) Once the test sample is obtained, the supervisor and/or supervisor's designee shall escort the employee home or obtain transportation for the employee and use every available means to ensure the employee reaches their destination safely. If the employee refuses transportation and insists on being returned to their vehicle to drive themselves, the supervisor should contact local law enforcement.
- e) While awaiting test results, an employee may not return to work and may be placed on either leave with pay, disciplinary suspension without pay, or non-disciplinary suspension with pay depending on the circumstances leading up to the reasonable suspicion testing and in accordance with the Town's personnel policy.
  - Post-Accident. Under the Town's authority, an employee in a safety sensitive position who is involved in a work place accident or observed performing an unsafe workplace practice may be required to take a drug and alcohol test when warranted by the nature

of the situation, as recommended by the supervisor and with the approval of the Human Resources Director or Town Manager.

- Motor Vehicle Accidents. Any employee in a safety sensitive position, and any employee with a CDL requirement, as required by the FMCSA, who is involved in a motor vehicle accident will be required to take a drug and alcohol test following a vehicular accident under the following conditions:
  - i. The accident involves a fatality; or
  - ii. The driver receives a moving traffic violation arising from the accident that requires a vehicle being towed or an injury requiring medical attention away from the scene.

In the interest of safety, it is the Town's policy to immediately transport the employee involved in the accident to the testing facility accompanied by the supervisor or supervisor's designee. In the event the employee is injured and transported for medical treatment, the testing will be performed within the required time frame. The employee will not be allowed to return to their regular duties pending receipt of test results but may be allowed to perform alternate duties that do not involve driving or pose any safety risk as assigned by the supervisor while awaiting results.

- Random Testing. Employees in safety-sensitive or CDL positions are subject to random testing for alcohol and/or controlled substances. Under the Town's selection process each employee shall have an equal chance of being tested each time selections are made. If an employee is selected for random testing, their name is returned to the selection pool from which it was drawn to ensure all drivers have an equal chance of being selected at any time.

Once notified of their selection for random testing by the Human Resources Director or supervisor, employees will report immediately to the designated testing facility. Employees will be required to present identification upon arrival. A random test may include tests for alcohol using a Breath Analysis Test and/or controlled substances using a urine test.

Employees refusing random testing for alcohol or controlled substances will be immediately removed from the performance of any safety-sensitive function.

- Return to Duty and Follow-Up Testing. Employees who have sought voluntary counseling for substance abuse will be required to undergo drug testing prior to returning to work with additional follow up testing required after returning to work as dictated by a substance abuse professional.



- Voluntary Testing. When an employee has an appropriate reason for voluntary testing, such as where the employee wants to refute an allegation of drug use, the Town will honor that request.
- f) Consent to be Tested: Before a drug test is administered, the employee or applicant will be asked to sign a consent form authorizing the test and permitting the release of test results to the appropriate Town official, which shall occur only after the employee has been notified of the results. The consent form provides space for employees and applicants to acknowledge that they have been notified of the Town's drug and alcohol testing policy. A refusal to sign the consent form by a current employee will result in termination of employment. Applicants who refuse to sign the form will not be considered for employment.
- g) Notification of Rights: Prior to testing, the Town shall provide the applicant or employee written notice of his or her rights and responsibilities under the Controlled Substance Examination Regulation Act.
- h) Confidentiality of Results: All information received by the Town through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.
- i) Actions Following Receipt of Test Results:
- Negative Test Results. The employee may return to work, providing he or she is otherwise able and, there are no other disciplinary considerations based on job performance or violations of the law.
  - Positive Test Results. In the event of a positive test result, the Medical Review Officer (MRO) will contact the employee and conduct an interview to determine if there are any legitimate reasons for the positive result, such as over the counter or prescription medications. The MRO is required to attempt to contact the employee three times; if the MRO tries three times and is unable to contact the employee, the MRO will release the test to the employer and document that they could not contact the donor.

If the MRO determines that there is a legitimate medical explanation for the presence of drugs, the result may be reported as negative.

For employees, a second examination of the sample utilizing gas chromatography with mass spectrometry test shall be performed in the event of a positive result within five (5) days unless the employee signs a written waiver at the time or after they receive the preliminary test result. A request for a same sample retest must be made to the MRO of the third-party Program Administrator for the Testing Authority.

Employees will not be allowed to return to work until the results of the re-test are

obtained. The status of an employee while out of work under these circumstances shall be recorded in keeping with the Personnel Policy. If there is no medical reason for a validated positive test result, as determined by the MRO, the determination stands.

The second test shall be done in accordance with the requirements of NC General Statute, 95-232(c1).

- j) Consequences: One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an employee of the Town violates this policy, the consequences are serious.

Applicants, including employees seeking promotion, demotion or transfer to certain safety sensitive positions, who refuse testing or who test positive will no longer be considered as candidates for employment, promotion, demotion or transfer for that position.

Applicants will be informed in writing if they are rejected on the basis of a confirmed positive drug test. Individuals who are denied employment because of a positive drug test may not reapply.

The Town maintains zero substance abuse tolerance. Employees found in violation of the drug-free workplace policy will be subject to immediate termination.

- k) Treatment and Counseling for Substance Abuse Problems: The Town recognizes that alcohol and drug abuse and addiction are treatable illnesses and that early intervention and support improve the success of rehabilitation. To support employees, The Town's drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they, or their family members, may have a drug and/or alcohol problem;
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help; and
- Offers all employees and family members assistance with alcohol and drug problems through the EAP.

Employees will not be penalized for seeking help on their own. However, an employee's request for referral to an approved EAP provider or other community resource will not be granted if the request is submitted after the employee is notified of the requirement to submit to testing.

- **Mandatory Referrals.** Employees are not required to seek drug treatment, but if a supervisor observes marked deterioration in work performance or unacceptable personal conduct then the employee may be asked by the supervisor to seek help from

the EAP or receive a mandatory referral to the EAP, if he or she is to maintain employment with the Town.

- As appropriate for qualified employees, the Town will normally refer the employee to a Town approved employee assistance provider, or the Town may refer the employee to an EAP, if available.
  - When such referral is made by the Town, the Town will pay for the treatment. However, the duration and payment of treatment is not guaranteed and for a limited period at the discretion of the Town Manager. Treatment not covered by the Town will be the employee's responsibility.
  - The Town approved employee assistance provider, or the EAP provider, will assess the employee's level of substance use and make recommendations to the employee and the Town about the appropriate level of treatment necessary for rehabilitation.
  - The Town approved employee assistance provider will assist in selecting an appropriate treatment program for the employee.
  - Failure of the employee to enter, or to continue participation in, the program recommended by the Town's approved EAP provider, or failure to follow the treatment recommendations of the approved program, will result in termination.
  - To continue employment when a referral is made under this section an employee must participate in the program specifically approved by the Town. Participation in a program not pre-approved by the Town will not be acceptable to continue employment.
  - Employees must sign a release form to provide the Town with attendance information for rehabilitation, treatment or evaluation programs. Periodic verification of attendance in treatment programs to designated Town officials will be required. Failure to sign the appropriate releases constitutes failure to participate in treatment and may result in termination.
  - The employee may use accumulated sick leave and/or vacation leave while participating in the treatment program with sick leave being used first and until exhausted. If no leave is available, the employee may be granted leave-without-pay.
  - In either case, vacation or sick leave and leave-without-pay separately or in combination may not exceed thirty (30) days without an extension approved by the Town Manager or his or her designee. In some cases, if all conditions are met, provisions of the Family Medical Leave Act of 1993 could apply, making the employee eligible for a total of twelve (12) weeks of leave without pay. The employee should check with his or her supervisor.
- Reinstatement Conditions for Return to Work. The Town's Human Resources Department will work with the treatment agency and will make a recommendation to Town management concerning the employee's treatment progress and conditions for return to work, if any. The decision to return to work will be made by the Town, with the advice of the Town's approved facility and the involved treating agent.

If recommended by the Town approved facility and treatment agencies and accepted, employees may be allowed to return to work. Reinstatement may be either to full or restricted duties. Employees may be required to meet several conditions including:

- Periodic unannounced follow-up testing for up to one (1) year. Minimum six (6) tests in the next twelve (12) months.
- Random pool testing, if position is classified as Safety Sensitive, or subject to Federal Motor Carrier Safety Administration Regulations.
- Periodic confirmation by approved counseling or treatment facilities programs that the employee is receiving treatment.
- The Town will require the employee to sign an agreement acknowledging acceptance of these and other reasonable conditions prior to the return to work.

Participation in a treatment program will not excuse continued performance deficiencies or relieve the employee of any other obligations of employment. Disciplinary action, up to and including termination as provided under this Personnel Policy, may result if performance continues to be unsatisfactory.

- Notification to Grant Agencies. The Town will notify the federal grant agency within ten (10) days of receiving notice in the event that any employee who is working directly in an activity funded, in whole or in part, by a federal grant is convicted of a drug related violation on Town premises. The notice shall be promulgated by the Town Attorney.

## **A.6. Training and Certification Policy**

### **Purpose:**

The purpose of this program is to encourage and reward employees to complete training, development, and certification programs that provide them with knowledge, skills, and abilities that will enable the Town of Stallings to become more flexible and adaptable, improve client services, ensure that work is performed in a safe manner, and develop capacity to provide continuous services at a high level into the future.

### **Procedure:**

#### **a) *Training and Certification Programs Covered***

The program covers training and certification beyond the minimum training and certification requirements listed in job descriptions and classification specifications and/or otherwise deemed necessary/beneficial/non-routine to the job by the Town, and any others that are required and specified upon hire or promotion. Employees may request training or certification from a list of training and certifications approved by the Department Head, Human Resources Director, and Town Manager or other training or certification that is related to their jobs and the purpose of the Training and Certification Program.

#### **b) *Program Description and Operation***

The program operates on a fiscal year basis. Participation in the Training and Certification Program is voluntary on the part of employees. Employees who elect to participate must submit a Request for Training and/or Certification form for each certification or training program they request. The Request for Training and/or Certification form shall include the following information:

- Training or certification program requested;
- The cost of the training or certification, the location of any training, and its duration;
- A brief description of how completion of the certification or training program will benefit job performance, client services, safety, and/or ability of the Town to provide services in a continuous manner into the future; and
- A statement documenting that any pre-requisites have been met.

Upon receipt of a form, the Department Head, Human Resources, and Town Manager (final decision-maker) will either approve or reject requests considering the following factors:

- The extent to which the training or certification enables the employee to perform higher level duties required by the Town, improves client services, ensures that work is performed in a safe manner, and/or develops capacity to provide continuous services at a high level into the future;
- Employee workload;
- Employee performance;
- Departmental needs; and
- Funds available.

Upon approval of a Request for Training and/or Certification, management will indicate to the employee the compensation that they will receive if the training and/or certification is successfully completed and any conditions that must be met such as:

- Continuing education if that is required to continue certification into the future;
- Demonstration of new knowledge, skills, and abilities on the job after training/certification is complete; and
- Timing issues regarding compensation.

Any compensation changes may be delayed for up to six (6) months after completion of a training and/or certification program for management to determine if the training and/or certification was successful. All compensation changes are contingent on funding availability, which may be delayed indefinitely until funding becomes available.

Upon completion of training or certification, employees shall be responsible for providing proof of successful completion to management. Management shall enter information regarding the training or certification into the Employee Training and Certification Record.

**c) Compensation**

Compensation may be in the form of a one-time bonus or a continuing salary increase according to the following criteria:

<b>Compensation</b>	<b>Criteria</b>
One-time bonus	Certification or training results in improved employee performance or is related to the ability of the Department to provide continuous services into the future
Permanent salary increases	Certification or training results in the employee performing additional duties that are at a significantly higher level or which result in a considerable increase in the variety of work performed

The increase amount shall be the amount on the list of training and certifications approved by the Department Head, Human Resources Director, and Town Manager (final decision-maker). For training and certifications not included on the list, the Department Head, Human Resources Director, and Town Manager (final decision-maker) shall determine the compensation amount, if any, considering the difficulty of completing the training or certification, higher level duties that result, improvement to client services or on-the-job safety, and improved capacity to provide continuous services at a high level into the future.

In no case shall employees be eligible for more than a two and one-half (2.5) percent increase per fiscal year, except employees earning either their Professional Engineer License (P.E.) or Certified Public Accountant License (C.P.A.) may be eligible for up to a five (5) percent increase if approved per this policy. Any P.E. or C.P.A. increases are not automatic and are subject to the Program’s approval process.

If an employee loses a certification that resulted in a bonus or continuing salary increase, the employee may be required to reimburse the bonus amount or be subject to a reduction in pay. If an employee voluntarily leaves employment within a pre-determined time-period of receiving a compensation increase under the policy, the Town may require the employee to pay back all training and certificate costs/expenses by the Town towards underlying training/certification that resulted in the relevant compensation increase. (As indicated in the appropriate request/approval form, this time period is determined by the Town Manager in his/her discretion based on the circumstances but shall not exceed two (2) years). The amount to be repaid is not a penalty; rather it is a reimbursement for the expenses incurred by the Town. The Town may deduct these training costs/expenses from the employee's final paychecks to the extent that the deduction does not bring the employee's regular rate of pay below minimum wage.

## **A.7. Voluntary Shared Leave Policy**

### **Purpose:**

The Town of Stallings offers a voluntary Shared Leave Policy whereby employees can donate vacation or sick leave to another employee who has been approved to receive shared leave because of a life crisis or medical condition of the employee or medical condition of an employee's spouse, child, or parent.

This policy covers all full-time employees.

### **Procedure:**

#### **a) *Qualifying Conditions for Shared Leave***

An employee is eligible if he/she has a prolonged medical condition, which is defined as requiring an absence of twenty (20) or more workdays. Employees are also eligible if they are needed to care for immediate family (spouse, parent, or child). Shared leave is not allowed in instances of elective surgery, pregnancy, or in conjunction with worker's compensation.

The employee must have used all of their vacation, sick, and compensatory time before any shared leave is used. In addition, employees will not be allowed to apply for shared until they have been absent for twelve (12) days (ninety-six (96) hours for police officers, ninety (90) hours for all other employees).

#### **b) *Nonqualifying Reasons***

This policy does not apply to short-term conditions or illnesses. This includes such things as sporadic short-term recurrences of conditions, short-term absences due to contagious diseases, or recurring medical or therapeutic treatments. These examples are not all-inclusive; each case will be decided based on its conformity to the intent of the policy.

#### **c) *Application Process***

The employee requesting shared leave must have completed their initial probationary period and must provide a doctor's statement, the statement must detail the estimated recovery period. All requests should be made as early as possible and as soon as a need for shared leave is recognized.

The Town Manager will review the merits of the request and will have the sole discretion to approve or deny the request based upon those merits.

#### **d) *Maximum Amount Allowable***

The maximum amount of shared leave an employee per shared leave request may receive after approval is six (6) weeks (two hundred and forty (240) hours for police officers, two hundred and twenty-five (225) hours for all other employees). This time can be continuous – or, if necessary – split up for a recurring illness. While using shared leave, the employee will continue to earn vacation and sick leave. This time will be used each month before any shared time is applied. Employees will be eligible to apply for additional time after their initial amount runs out; however,



the maximum amount of shared leave an employee can receive in a year will be twelve (12) weeks (four hundred and eighty (480) hours for police officers, four hundred and fifty (450) hours for all other employees). For the purpose of this policy, the year will start when the first shared leave request is approved.

e) *Donations*

Once the shared leave request is approved, an email announcing the request will be sent out. Neither the name of the employee nor the specific circumstance will be released.

An employee donating leave may contribute vacation or sick time by filling out a Donation of Leave form. The minimum amount that may be donated is eight (8) hours for police officers (seven and one half (7.5) hours for other employees), and the maximum is eighty (80) hours for police officers (seventy-five (75) for other employees). After donating their time, the donating employee must have a combined balance of two (2) weeks' vacation and sick leave (eighty (80) hours for police officers, seventy-five (75) for other employees).

Employees cannot donate any sick time they carried over from a prior employer.

No employee shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other employee for the purpose of donating, receiving, or using sick leave under this policy. Such action will be grounds for disciplinary action, up to and including dismissal.

If the employee does not use all of the contributed leave, the unused portion will be returned on a proportional basis to the donors of the leave.

## **A.8. Workplace Violence**

### **Purpose:**

The Town has established a zero-tolerance policy for workplace violence and/or the threat of workplace violence. It is the Town's intent to provide a safe workplace that is free from violence for all employees, in keeping with the Federal Occupational Safety and Health Act (OSHA) of 1970, which requires employers to provide their employees with a safe and healthy work environment. Violent acts against employees, whether committed while on-duty or off-duty, have the potential to impact an employee's ability to perform assigned duties. The Town will not tolerate any type of workplace violence committed by or against employees at any time. Employees are prohibited from making threats or engaging in violent activities.

### **Procedure:**

#### a) ***Prohibited Conduct***

This list of behaviors, while not inclusive, provides examples of conduct that is prohibited:

- Causing intentional physical injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or which subjects another individual to emotional distress;
- Intentionally damaging Town property or the property of another employee;
- Possession, while on Town property, on Town business, or in a Town vehicle, of any weapon, explosive or other device designed to injure persons or destroy property. An exclusion is made for a personal safety or protection device or a permitted weapon secured in one's personal vehicle. The Town Manager is authorized to approve, on a case by case basis, exceptions based on specific requirements and conditions. Those conditions and requirements shall be specified and documented;
- Committing acts motivated by, or related to, sexual harassment or domestic violence;
- Harassing surveillance, also known as stalking, the willful, malicious and repeated following of another person and making a threat with the intent to place the other person in reasonable fear of his or her safety; and
- Intimidating or attempting to coerce an employee to do wrongful acts that affect the interests of the Town.

#### b) ***Manager and Supervisor Roles and Responsibilities***

- Document the employee's signed acknowledgement of the policy;
- Learn to recognize the signs of conflict, understand Town policies, and take appropriate action;
- Take appropriate steps to resolve differences through conflict resolution, mediation, or other communications techniques;
- Report, document, and investigate all acts and threats of violence;
- Take the necessary action to maintain or restore a safe working environment;
- Without endangering personal safety, take all reasonable steps to protect employees from the source of violence; and

- Take, and document, the necessary disciplinary action.

c) ***Roles and Responsibilities of Employees***

Employees are expected to treat others with respect and consideration. They are expected to show good judgment in the areas of inter-personal relationships and avoid behavior which may be interpreted as violent, or offensive, or which violates another person's right to a workplace free of intimidation and violence.

Employees shall cooperate in every investigation of workplace violence. This includes, but is not limited to coming forward with evidence, whether favorable or unfavorable, when a person is accused of violence in the workplace. Also, the employee shall fully and truthfully answer questions during the course of an investigation of violence and/or intimidation.

Employees will:

- Resolve differences through conflict resolution, mediation, or other communication techniques, as appropriate and when possible;
- Report to their immediate supervisor, or through the supervisory chain, acts, or threats, of violence against themselves or others. Reports should include statements from the victim or any other witnesses to the incident;
- Refrain from exhibiting violent behaviors in the workplace; and
- Report to their direct supervisor if they become aware of any signs of potential violence. Failure to report knowledge of potential violations by an employee of any provision of this Workplace Violence Policy may lead to disciplinary action up to and including termination.

d) ***Reporting Procedures***

All workplace violence events or potentially dangerous situations must be reported immediately to a supervisor, Department Head, the Human Resources Director, or the Town Manager. Also, injuries resulting from a workplace violence incident must be reported in accordance with OSHA standards.

Reports may be made confidentially, and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis.

e) ***No Retaliation***

The Town forbids retaliation against any person for reporting a violation of this policy or for cooperating in any investigation pursuant to the policy or for filing a complaint relating to workplace violence, assisting in making a complaint, or cooperating in any investigation with or by the Town. Any such retaliation will be considered a violation of this policy. If an employee feels he or she has been the subject of retaliation, he or she is strongly encouraged to immediately notify a supervisor or the Human Resources Director.

f) ***Risk Reduction Measures***

1. Hiring: The Town conducts background investigations to review candidates' backgrounds and reduce the risk of hiring individuals with a history of violent behavior.
2. Safety: The Town conducts regular work-safety inspections of the premises to evaluate and determine any vulnerability to workplace violence or hazards. Any necessary corrective action will be taken to reduce all risks.
3. Individual Situations: While there is no expectation that employees be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform their supervisor if any employee exhibits behavior which a sign of a potentially dangerous situation could be.

g) ***Recognizing Inappropriate Behavior***

Inappropriate behavior is often a warning sign of potential hostility or violence, and when left unchecked has the potential to escalate to higher levels. Employees who exhibit any of the following behaviors shall be reported and investigated in accordance with this policy:

- Unwelcome name-calling, obscene language, or other abusive behavior;
- Intimidation through direct or veiled verbal threats;
- Throwing objects in the workplace due to anger regardless of the size or type of object being thrown or whether a person is the target of a thrown object;
- Physically touching another employee in an intimidating, malicious, or sexually harassing manner. That includes such acts as hitting, slapping, poking, kicking, pinching, grabbing, and pushing; and
- Display of materials that a reasonable person may find offensive.

**Examples of other behaviors may include:**

- Bringing, or threatening to bring, weapons, explosives or other devices designed to injure or destroy property to the workplace or carrying such a weapon, explosive or device in a Town vehicle;
- Displaying overt signs of extreme stress, resentment, hostility, or anger;
- Making threatening remarks;
- Sudden or significant deterioration of performance;
- Displaying irrational or inappropriate behavior;
- Irrational beliefs and ideas;
- Verbal, nonverbal or written threats or intimidation;
- Expressions of a plan to hurt himself/herself or others;
- Externalization of blame;
- Unreciprocated romantic advances;
- Taking up much of supervisor's time with behavior or performance problems;
- Fearful reaction among coworkers/clients;

- Displays of unwarranted anger;
- New or increased source of stress at home or work;
- Inability to take criticism;
- Feelings of being victimized;
- Intoxication from alcohol or other substances;
- Expressions of hopelessness or heightened anxiety;
- Productivity and/or attendance problems;
- Violence towards inanimate objects;
- Stealing or sabotaging projects or equipment; and
- Lack of concern for the safety of others or self.

h) ***Dangerous/Emergency Situations***

Staff employees who encounter an armed or dangerous person should not attempt to challenge or disarm the individual. If a supervisor can be safely notified of the need for assistance, without endangering the safety of the employee or others, such notice should be given. Otherwise, cooperate and follow the instructions given.

i) ***Enforcement***

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Violent conduct has a potential adverse impact on the employee's ability or the ability of another employee to perform assigned duties and responsibilities. Any employee determined to have committed such acts, or to have otherwise violated this policy, either while on duty or when off-duty, will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on or off Town property will be reported to the proper authorities.