



City of Creedmoor **PERSONNEL POLICY**

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**CITY OF CREEDMOOR
PERSONNEL POLICY**

BE IT RESOLVED by the City of Creedmoor’s Board of Commissioners that the following policies apply to the appointment, classification, benefits, salary, promotion, demotion, dismissal, and conditions of employment of employees of the City of Creedmoor.

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ARTICLE I. GENERAL PROVISIONS

SECTION 1.

PURPOSE OF THE POLICY

The purpose of this policy and regulations set forth herein is to establish a fair and uniform system of personnel administration for all employees under the supervision of the city manager, as provided under authority of North Carolina General Statutes Chapter 160-A, Article 7.

SECTION 2.

AT-WILL EMPLOYMENT

Employment with the City of Creedmoor is at-will; this means the employment relationship between the city and the employee is terminable at the will of either party at any time and with or without cause and with or without notice. No employee, officer, or representative of the city has authority to enter into any agreement or representation, verbally or in writing, which alters, amends, or contradicts this provision or the provisions set forth herein.

None of the benefits or policies set forth herein are intended, because of their publication, to confer any rights or privileges upon employees or to entitle them to be or to remain employed by the city. This document is not a binding contract, but merely a set of guidelines for the implementation of personnel policies. The city explicitly reserves the right to modify any of the provisions of these policies at any time and without any notice to employees.

SECTION 3.

MERIT PRINCIPLE

All appointments and promotions shall be made solely on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same salary range. No applicant for employment or employee shall be deprived of employment opportunities or otherwise adversely affected because of sex, race, color, ethnicity, religion, creed, national origin, disability, political affiliation, familial status, genetic information, age, or any other reason prohibited by law.

SECTION 4.

RESPONSIBILITIES OF THE BOARD OF COMMISSIONERS

The Board shall be responsible for establishing and approving personnel policies, the Position Classification Plan and Pay Plan, and may change the policies and benefits as necessary. Whenever possible and practical, the city shall provide advance notice to employees of policy changes.

SECTION 5.

RESPONSIBILITIES OF THE CITY MANAGER

The city manager shall be accountable to the Board for the administration and technical direction of the personnel program, and shall hire, suspend, and remove employees in accordance with this policy and relevant law.

The city manager shall supervise or participate in the following:

1. Recommending rules and revisions to the personnel system to the Board;

2. Making changes to maintain an up-to-date Position Classification Plan and Pay Plan;
3. Determining which positions shall be subject to overtime provisions of the FLSA; and
4. Performing other duties as assigned by the Board not inconsistent with this Policy.

SECTION 6.

RESPONSIBILITIES OF THE HUMAN RESOURCES OFFICER (HRO)

The city manager shall appoint a human resources officer (hereafter, "HRO") or perform the role himself or herself; if serving as HRO, the manager may delegate responsibilities.

The HRO shall be responsible to the city manager for the following:

1. Recommendation of rules and revisions to the personnel system;
2. Recommendation of adjustments to the Position Classification Plan and Pay Plan;
3. Recommendation for positions subject to the overtime provisions of the FLSA;
4. Establishing and maintaining a roster of all employees which identifies authorized positions, class titles, salary range, changes in class title and status, and other useful data;
5. Developing and administering effective recruitment programs to obtain an adequate supply of competent applicants to meet the needs of the city;
6. Developing and/or coordinating employee training and educational programs; and
7. Performing duties as assigned by the city manager not inconsistent with this Policy.

SECTION 7.

APPLICATION OF POLICIES, PLAN, RULES, AND REGULATIONS

This personnel policy and all rules and regulations adopted pursuant thereto shall be binding on all employees, but shall not create any contractual rights or property interest in favor of any person. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws which may have been violated.

SECTION 8.

DEPARTMENTAL RULES AND REGULATIONS

Each city department is authorized to establish its own supplemental written rules and regulations due to differing personnel and operational requirements; all such rules and regulations shall be subject to the approval of the city manager and shall not conflict in any way with the provisions of this Policy. If a conflict is identified, the provisions of this Policy shall be in effect. The department head shall provide a copy of all departmental rules and regulations to the city manager and the HRO.

SECTION 9.

DEFINITIONS

For the purposes of this policy, the following words and phrases shall have the meanings respectively ascribed to them by this section. Any terms which are not specifically defined shall have their common meaning, giving due regard to the context in which they are used.

Full-Time Employee. An employee whose position requires an average work week of 40 or more hours and who has successfully completed the probationary period.

Part-Time Employee. An employee whose position requires an average work week of less than 40 hours and who has successfully completed the probationary period.

In order to be eligible for enrollment in the local government retirement system, a part-time employee must work an average work week of 20 hours or more (i.e., 1000 hours per year); in order to be eligible for all other employee benefits (group health insurance, longevity pay, vacation leave, sick leave, holiday pay, etc.), a part-time employee must work an average work week of 30 hours or more.

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

Temporary Employee. An employee hired to a position which is expected to last less than 12 months.

ARTICLE II. POSITION CLASSIFICATION PLAN

SECTION 1.

PURPOSE

The position classification plan is an inventory, description, and class specification for all authorized positions in city service. The plan standardizes job titles, each of which is indicative of a defined range of duties and responsibilities.

SECTION 2.

COMPOSITION OF THE POSITION CLASSIFICATION PLAN

The position classification plan shall consist of

1. Classes of positions approximately equal in difficulty and responsibility with the same general qualifications, and which can be equitably compensated within the same pay range under similar working conditions;
2. A list of class titles descriptive of the work of the class; and
3. Written specifications for each class title.

SECTION 3.

USE OF THE POSITION CLASSIFICATION PLAN

The classification plan is used as a guide in recruiting and examining applicants for employment; in determining lines of promotion, salary for various types of work, and personnel in department budget; in developing training programs; and in providing uniform job terminology.

SECTION 4.

ADMINISTRATION OF THE POSITION CLASSIFICATION PLAN

The HRO shall be responsible for the administration of the plan and shall recommend appropriate changes to the city manager when needed.

SECTION 5.

AUTHORIZATION OF NEW POSITIONS AND THE POSITION CLASSIFICATION PLAN

Upon approval of the Board, the city manager shall establish new positions and allocate those positions into an appropriate existing class in the position classification plan or revise the plan to establish a new class for the position(s). The revised plan shall be kept on file with the HRO and made available to all employees for review upon request.

SECTION 6.

REQUEST FOR RECLASSIFICATION

An employee who considers his/her position to be classified improperly may submit a written request for reclassification to their supervisor who shall transmit the request through the department head to the HRO. Upon receipt, the HRO shall determine the merit of the reclassification request and recommend any revisions to the position classification plan to the city manager.

ARTICLE III. RECRUITMENT AND EMPLOYMENT

SECTION 1.

EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the city's policy to foster, maintain, and promote equal employment opportunity. Employees shall be selected on the basis of qualifications for the job and awarded with respect to compensation and opportunity for training and advancement without regard to age, sex, race, color, ethnicity, religion, creed, national origin, disability, political affiliation, familial status, genetic information, or any other reason prohibited by law to all persons otherwise qualified. Qualified applicants with disabilities shall be given equal consideration for positions where their disabilities do not represent an unreasonable barrier to satisfactory performance of essential duties that cannot be overcome with reasonable accommodation.

SECTION 2.

IMPLEMENTATION OF EQUAL EMPLOYMENT OPPORTUNITY POLICY

Personnel responsible for recruitment will regularly review this policy and relevant practices to ensure 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 as outlined above. Notices with regard to equal employment matters shall be posted in conspicuous places on city premises in places where notices are customarily posted. Notice of this policy shall also be included with each job posting using the acronym "EOE" (Equal Opportunity Employer).

SECTION 3.

RECRUITMENT, SELECTION, AND APPOINTMENT

Recruitment Sources. The Human Resources Department shall publicize employment opportunities including applicable salary information and employment qualifications. Information on job openings and hiring practices will be provided to recruitment sources, including those available to minority applicants, and posted internally as notice to current employees.

Individuals shall be recruited from as wide a geographic area as necessary and for a period of time sufficient to ensure that well-qualified applicants are obtained.

Job Advertisements. Jobs will be advertised in local area newspapers, on the city website, online job posting sources, social media pages, and other relevant means in order to establish a diverse and qualified applicant pool. Employment advertisements shall comply with all applicable laws. Due to emergency conditions, high turnover, specific position needs, or other reasonable circumstances, positions may be filled from internal or external candidates without advertising upon approval of the city manager.

Application for Employment. Persons expressing interest in employment shall be given the opportunity to file a city employment application for positions which are currently vacant.

Application Reserve File. Applications shall be kept for a period of two years in accordance with the NC Records Retention and Disposition Schedule.

Selection. The city shall investigate and conduct such examinations as necessary to accurately assess the knowledge, skills, and experience qualifications required for the position, including criminal history. All selection devices administered shall be valid measures of job performance.

Appointment. Before a commitment is made to internal or external applicants, the department head shall make a recommendation to the HRO including the position to be filled, the salary to be paid, and the reasons for selecting the candidate over other candidates.

The HRO shall recommend appointments and starting salary to the city manager for approval.

SECTION 4.

PROBATIONARY PERIODS

New Hires. All employees appointed to a regular position shall serve a probationary period of six (6) months. However, Sworn Police Officers applying for or holding a probationary law enforcement certification, shall serve a twelve (12) month probationary period to remain consistent with the North Carolina Criminal Justice Education Training and Standards (NCJETS).

Promoted or Transferred Employees. An employee transferred or promoted to a new position in a higher classification shall serve a three (3) month probationary period; however, an employee transferred to a new position in the same classification shall not be required to serve a probationary period if the employee previously completed a probationary period in the current classification.

A promoted employee who does not successfully complete the probationary period for the new position may be transferred or demoted to a position in which they show promise of success. If a position is not available, the employee shall be dismissed. Promoted and demoted employees on probation retain all other rights and benefits such as the right to use of grievance procedures.

Performance Monitoring. During the probationary period, supervisors shall monitor performance and communicate with the employee concerning performance progress. Supervisors will conduct probationary performance reviews as outlined in [Article VIII](#) of this Policy.

Probationary periods may be extended for a maximum of six additional months upon approval of the City Manager.

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. Successful completion of the probationary period does not guarantee a job for any period of time or in any way change the at-will employment relationship.

SECTION 5.

PROMOTION

Promotion is the movement to a position in a class assigned to a higher salary range. The city endeavors to create career opportunities for employees whenever possible; therefore, when a current employee is best suited of all applicants, he/she shall be appointed to the position.

The city will balance three goals in the employment process:

1. The benefit to employees and the organization of promotion from within the organization;
2. Obtaining the best possible employee to provide the most productivity in the position; and
3. Providing equal employment opportunities and a diversified workforce to the community.

To that end, except in situations where previous city experience is essential or an internal candidate possesses exceptional qualifications, internal and external candidates will be considered rather than automatically promoting from within.

Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Internal candidates shall apply for promotions using the same application process as external candidates.

SECTION 6. DEMOTION

Demotion is the movement to a position in a class assigned to a lower salary range. Demotion may be voluntary or involuntary. Pay implications of demotions are discussed in Section 5 of [Article IV](#).

Involuntary Demotion. An employee whose work or conduct in the current position is unsatisfactory may be demoted following the disciplinary procedures outlined in this Policy provided that the employee shows promise of becoming a satisfactory employee in the lower position.

Voluntary Demotion. An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a demotion. A voluntary demotion is not a disciplinary action and is made without using the above-referenced disciplinary procedures.

SECTION 7. TRANSFER

Transfer is the movement to a position in a class in the same salary range. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the same application process as external candidates.

With the agreement of the receiving department head, a department head may request an employee be transferred to a new department by submitting a recommendation through the HRO to the city manager.

An employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in [Article XIII](#).

ARTICLE IV. THE PAY PLAN

SECTION 1.

DEFINITION

The Position Classification Pay Plan (hereafter, "Pay Plan") adopted by the Board establishes the basic salary schedule including pay grade and the hiring rate, minimum, midpoint, and maximum rates of pay for all classes of positions.

SECTION 2.

ADMINISTRATION AND MAINTENANCE

The HRO shall be responsible for the administration and maintenance of the Pay Plan. Employees shall be paid at a rate listed within the salary range established for their respective position classification, except for employees whose existing salaries are above the established maximum rate following transition to a new Pay Plan.

The Pay Plan is intended to provide equitable compensation for all positions, reflecting differences in duties and responsibilities, comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, financial condition of the city, and other factors. To that end, the HRO shall recommend adjustments in salary ranges which appear to be pertinent. Such changes shall be made in the salary ranges in order that the hiring rate, intervening rates, and the maximum rate change according to the market.

To maintain market competitiveness, the city manager shall periodically request individual salary ranges be studied and adjusted if warranted. Upon approval of the Board, necessary adjustments will be made increasing or decreasing the salary grade and the rate of pay for employees in affected classifications.

SECTION 3.

STARTING SALARIES

Starting salaries for all positions are directly related to the Knowledge, Skills and Abilities (KSAs) outlined in the job posting and job description as approved the City Manager and HRO. New employees shall be paid the minimum rate for their position classification; however, in the event an applicant does not meet all minimally required KSAs in the job posting and there is a shortage of qualified applicants, the City Manager may set the salary at the hiring rate in order to secure a standout/promising applicant.

If an applicant greatly exceeds the minimum requirements of the position for which they have applied or for other reasons related to competitive recruitment, the City Manager may set the starting salary at an appropriate rate that best reflects the employee's qualifications for the job and relative worth to the city, taking into account the range of the position and qualifications and salaries of employees in the same classification or in similar jobs.

SECTION 4.

PROBATIONARY PAY INCREASES

Upon successful completion of the probationary period, employees hired or promoted into the hiring rate of the pay range shall receive a salary increase to the minimum of the pay range (approximately 5%). Employees may be recommended for this probationary pay increase upon

completion of six (6) months of service upon review by the HRO. The City Manager shall make the final determination in all instances.

Probationary employees completing six (6) months of satisfactory service are eligible to receive merit pay awarded as part of the annual performance review process if merit pay has been approved in the annual budget.

Employees hired or promoted at or above the minimum of the salary range are not eligible for a probationary increase.

SECTION 5.

SALARY EFFECT OF PROMOTIONS, DEMOTIONS, TRANSFERS, AND RECLASSIFICATIONS

Promotions. The purpose of a promotional pay increase is to recognize and compensate employees for taking on increased responsibility.

The employee's salary shall usually be advanced to the hiring rate of the new position or to a salary which provides an increase of approximately 5%, whichever is greater. In the event of highly skilled and qualified employees, shortage of qualified applicants, where the promotion exceeds an increase of two pay grades, or for other reasons related to the merit principle of employment, the city manager may set the salary at an appropriate rate that best reflects the employee's qualifications for the job and relative worth to the city, taking into account the range of the position and qualifications and salaries of employees in the same classification or in similar jobs. In no event shall the new salary exceed the maximum rate of the new salary range.

Demotions. When an employee is demoted, the salary shall be set at a rate within the lower pay range which provides a salary commensurate with the employee's qualifications to perform the job and consistent with the qualifications and placement of other employees within the same classification.

Transfers. The salary of an employee reassigned to a new position in the same salary grade shall not be changed by the reassignment.

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

An employee whose position is reclassified to a class having a lower pay range shall retain their current salary. If the salary is above the maximum established for the new range, the salary shall be maintained at the current level until the range is increased above the employee's salary.

SECTION 6.

EFFECT OF SALARY RANGE REVISIONS

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

SECTION 7.

EFFECTIVE DATE OF SALARY CHANGES

Salary changes approved after the first working day of a pay period shall become effective for that pay period, or at a date provided by procedures approved by the city manager as in the case of performance pay outlined in Section 9 of [Article VIII](#).

SECTION 8.

OVERTIME PAY PROVISIONS

Employees can be requested and may be required to work in excess of their regularly scheduled hours as dictated by city needs and determined by the department head. Overtime work should usually be approved in advance by the department head, city manager, or other designee.

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

Nonexempt Personnel.

1. Non-sworn personnel. Non-exempt, non-sworn personnel will be paid at a straight time rate for hours up to the FLSA established limit for their position (40 hours in a 7-day work period). The 7-day work period for non-exempt, non-sworn personnel begins on Saturday at 12:00 am and ends the following Friday at 11:59 pm.
2. Sworn law enforcement personnel. Non-exempt, sworn law enforcement personnel will be paid at straight time for hours up to the FLSA established limit for their position (up to 171 hours in a 28-day cycle) pursuant to section 207(k) of the FLSA and 29 CFR Part 553 which the city has adopted. The 28-day work period begins on Saturday at 12:00 am and ends 28 days later on Friday at 11:59 pm in accord with the current pay schedule.

All employees are paid biweekly regardless of their respective work period. In order to accommodate a biweekly pay date for the 28-day cycle, sworn law enforcement personnel are paid a maximum of 84 hours midway through the work period (equivalent to one-half of the 168 hours regularly scheduled for the full work period). On the pay date corresponding to the end of the 28-day cycle, sworn law enforcement personnel are paid for all remaining straight time and any overtime hours earned for the entire work period.

For all positions, only hours physically worked shall be considered in determining eligibility for overtime; in no event will vacation, sick leave, or holidays be included in the computation of hours worked for FLSA purposes.

Compensatory (Comp) Time & Flex Scheduling. At the discretion of the city, non-exempt personnel may receive compensatory (paid) time-off in lieu of cash overtime for hours worked beyond the FLSA established limit for their position. For each hour of overtime worked, the appropriate overtime rate will be applied, either time-off credited at the rate of one and one-half hours of compensatory time or at a cash rate equal to one and one-half times the regular rate of pay.

Compensatory leave balances may not exceed 100 hours unless specific authorization is obtained from the city manager. Any overtime worked after the maximum balance must be compensated in pay. The city manager will be notified whenever a compensatory balance exceeds 75 hours.

Whenever practical, instead of incurring overtime expenses, departments will schedule time off for non-exempt employees on an hour-for-hour basis within the applicable work period. When time off within the work period cannot be granted, overtime will be paid as stated above in accordance with the FLSA (See FLSA §207 (o)(2)(A)(ii)).

When a local, state, or federal state of emergency is declared and extended long hours are required, at the authorization of the city manager, non-exempt employees will be compensated at their usual overtime rate of time and one-half for hours worked in excess of forty (40) hours per week and double time for hours worked on weekends and holidays or time off with pay for rest and recuperation in order to ensure safe working conditions. Police Officers are paid regular pay for hours worked up to 171 in a 28-day cycle; any hours over 171 are paid at time and one-half.

Exempt. Employees in positions determined to be exempt from FLSA overtime requirements will not receive pay for hours worked in excess of their usual work periods; except as outlined below.

1. Exempt employees may be granted compensatory leave by their supervisor where the convenience of the department allows and in accordance with procedures established by the city manager. Such compensatory time is not guaranteed and ends without compensation upon separation from the organization.
2. When a local, state, or federal state of emergency is declared and long, continuous hours of work are required, exempt employees will be compensated for hours worked beyond the regular workweek at a rate not to exceed double time and/or be granted time off with pay for rest and recuperation to ensure safe working conditions for the duration of the emergency period when required to work overtime for purposes of response and/or recovery during the emergency.

SECTION 9.

CALL-BACK AND STAND-BY PAY

The city provides continuous 24/7 service to its residents; therefore, it may be necessary for employees to respond to reasonable requests for duty at any hour of the day or night. As a condition of employment, employees accept a share of the responsibility for continuous service in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary action up to and including dismissal.

Call-Back. Non-exempt employees will be guaranteed a minimum payment of two hours of wages for being called back to work outside of normal working hours. "Call-back" provisions do not apply to previously scheduled overtime work, training, meetings, etc. (scheduled one or more days in advance) or when an employee is requested to report to work early before a regularly scheduled shift (e.g., to attend a departmental meeting).

Stand-By. Stand-by time is defined as time when an employee shall be available during the stand-by period at a known telephone number and shall not travel beyond a 30-mile radius from city limits in order to be able to return for duty immediately, if called. In designating employees for stand-by, the city will endeavor to provide for the equitable distribution of stand-by duties among readily available, qualified employees who are normally required, in their regular duties, to perform that work. Non-exempt employees required to be on stand-by duty shall be paid for five hours of work for each week of stand-by time they serve.

Hours actually worked while on stand-by are calculated beginning when the employee reports to the work site. The worked hours are added to the total of all other hours worked for the week. Stand-by time requiring an employee to remain at a designated location is considered work time under the provisions of the FLSA. Stand-by schedules require approval of the city manager.

SECTION 10.

PAYROLL DEDUCTIONS

Deductions shall be made from each employee's salary as required by law. Additional deductions may be made upon request of the employee and determination by the city manager as to capability of payroll software, associated increase in workload, and appropriateness of the deduction.

SECTION 11.

PAY DATES

Employees are paid bi-weekly via direct deposit on the first Wednesday after the end of the applicable pay period. Direct deposit of employee's pay into either a checking or savings account is mandatory for all employees. Employees will receive a paper copy of a nonnegotiable pay stub each pay period. If a scheduled payroll date falls on a city holiday, staff will endeavor to distribute pay stubs on the workday preceding the holiday.

SECTION 12.

PAYROLL ADJUSTMENTS WHEN HOURS ARE EXCEEDED DUE TO VACATION/SICK LEAVE USAGE

The purpose of vacation and sick pay is not to supplement an employee's income but rather to make up the difference for hours not worked and thus ensure employees are made "whole" for the work period. The adjustments described below serve this purpose while minimizing impacts on employee's vacation and sick time accrual balances.

When the total hours reported for a work period include vacation or sick leave and the total exceeds the employee's regularly scheduled hours, adjustments to vacation and sick leave used shall be applied as outlined below:

- 1. Non-exempt, non-sworn personnel.** Total hours for an employee working a regular 40-hour work week should not exceed 40 hours for the work period. When the total exceeds 40 hours and includes physically worked hours along with vacation or sick leave, the vacation or sick leave shall be reduced down to reflect a total that equals 40 hours for the pay period.

Total hours for a tele-communicator working a 36-hour and 48-hour alternating work week should not exceed the regularly assigned, budgeted hours for the specified week. When the total exceeds the regular assigned hours and includes physically worked hours along with vacation or sick leave, the vacation or sick leave shall be reduced down to reflect a total that equals the regularly assigned hours for the work week (i.e., 36 or 48 depending on the week).

- 2. Non-exempt, sworn law enforcement personnel.** Total hours for a sworn law enforcement officer should not exceed 168 hours for the work period. When the total exceeds 168 hours and includes physically worked hours along with vacation or sick leave, the vacation or sick leave shall be reduced down to reflect a total that equals 168 hours for the pay period.

An exception to this policy may be granted when a sworn law enforcement officer is called back to duty for shift or special event coverage within the second half of the 28-day work period and the employee had previously taken vacation or sick leave. Due to the call-back nature of this situation and ensuring adequate coverage is available to preserve public

safety, the employee may be given the option to have those hours credited back to their vacation or sick leave balances or to receive straight time pay for the additional hours. The exception is not applicable for general meetings or training.

Notwithstanding the provisions of this section, physically worked hours which exceed the employee's regularly scheduled hours for the work period will be compensated in accord with applicable laws.

SECTION 13.

HOURLY RATE OF PAY

Employees with 40-hour work week schedule. The hourly rate shall be determined by dividing the annual salary for the position by the number of regularly scheduled hours per year [i.e., (40 x 2 = 80 hours per pay period); (80 x 26 pay periods per year = 2080 hours per year); (annual salary / 2080 = hourly rate)].

Tele-communicators with a 36-hour and 48-hour alternating work week schedule. The hourly rate shall be determined by dividing the annual salary for the position by the number of regularly scheduled hours per year including scheduled overtime hours; therefore, the eight overtime hours per pay period are counted as twelve hours which is equivalent to one and one-half hour for each hour of overtime worked [i.e., (36 + (40+12) = 88 paid hours per pay period); (88 x 26 pay periods per year = 2288 paid hours per year); (annual salary / 2288 = hourly rate)].

Sworn law enforcement officers with an average 42-hour work week schedule. The hourly rate shall be determined by dividing the annual salary for the position by the number of regularly scheduled hours per year [i.e., (42 x 2 = 84 hours per pay period); (84 x 26 pay periods per year = 2184 hours per year); (annual salary / 2184 = hourly rate)].

SECTION 14.

LONGEVITY PAY

Full-time and eligible part-time employees are compensated for years of continuous service by payment of a longevity supplement based on the following table. Years of service are calculated based on hire date as of October 31 of each year.

<u>YEARS OF SERVICE</u>	<u>LONGEVITY AMOUNT</u>
0 - 4	\$ 100
5 - 9	\$ 300
10 - 14	\$ 500
15 - 19	\$ 750
20 plus	\$ 1000

Longevity pay will be issued on the pay date immediately preceding the Thanksgiving holiday or on a date designated by the city manager. All applicable taxes and retirement contributions will be made.

SECTION 15.

PAY FOR INTERIM ASSIGNMENTS IN A HIGHER-LEVEL CLASSIFICATION

An employee formally designated by the city manager to perform the duties of a key position which is assigned to a higher salary grade than the employee's regular classification shall receive an increase for the duration of the interim assignment. To be considered interim, such assignments would usually last at least thirty (30) days.

The employee shall receive a salary adjustment to the minimum level of the job in which the employee is acting or an increase of at least 10%, depending on the degree of higher responsibility assigned. The salary increase shall be temporary and, upon completion of the assignment, the employee's salary will return to what it would have been if the employee had not been assigned an interim role, including any increases the employee would have received.

SECTION 16.

PAY INCENTIVE FOR OBTAINING ADDITIONAL TRAINING OR CERTIFICATIONS

An employee may be requested or required to obtain an initial certification, or to attain additional certification levels in order to fill a critical need as identified by the HRO and approved by the city manager. In recognition of this additional level of responsibility, the employee is eligible to receive pay incentives as outlined below.

Conditions. The city will pay for one (1) certification school and up to two (2) attempts at the exam for a single certification level. If the employee is unsuccessful in passing the exam after two (2) attempts, no further payment for schools or exams for that certification level will be made; any additional attempts will be the employee's financial responsibility. Copies of all correspondence and certificates must be provided to Human Resources. The city shall pay for renewal of certifications in accord with Section 14 of [Article IX](#).

Pay Incentive. The employee is eligible for up to a 2.5% salary increase for each level of certification or specific certification(s).

Requirement for Continuance of Certification(s). Employees who receive a pay incentive based on this policy must maintain the level of certification achieved. If the certification lapses, is suspended, or the employee changes roles within the organization and the certification is no longer utilized, any pay incentive(s) may be removed at the discretion of the city manager.

Ineligibility. Pay incentives shall not apply in the following situations:

1. When the certification is or was a required condition for an offer of employment;
2. When the certification is or was included in the employee's job description upon acceptance of an offer of employment (pay for certification requirements and related levels of responsibility is considered when assigning positions to salary grades); and
3. When an employee voluntarily obtains certifications for his/her own personal or professional development.

SECTION 17.

PAY INCENTIVE FOR OBTAINING ADVANCED EDUCATION DEGREES

The city recognizes the importance of advanced education in the professional development of its employees and the benefits such education brings to the organization as a whole. To that end,

employees pursuing a degree in higher education related to their current position or future advancement opportunities within city service are eligible for pay incentives as outlined below.

Pre-Enrollment Considerations. Not all degrees received by employees will be eligible for this policy; therefore, employees pursuing a degree in higher education and who intend to apply for a pay incentive should consult with their respective department head prior to enrollment.

After the consultation, the employee shall submit a written request including the following:

1. The name of the higher education institution;
2. The type of degree being pursued;
3. Major/Minor fields of study;
4. An explanation of how the degree relates to the employee's current position and/or future advancement opportunities with the city; and
5. Expected date of completion.

All requests shall be submitted to the HRO who will make a recommendation for approval or denial to the city manager who will consider budgetary implications prior to making a final determination.

Course Enrollment. College courses shall usually be taken outside of regular work hours.

Courses during working hours are typically not permitted but may be considered by the city manager on a case-by-case basis, if the work time can be made-up with minor schedule adjustments.

Employees will not be paid for time spent in college courses; however, employees may be eligible for reimbursement for tuition, registration fees, laboratory fees, books, and student fees upon successful completion of the individual course(s) as outlined in Section 10 of [Article V](#).

Eligibility Criteria. Upon receipt of a qualifying degree, employees shall be eligible for a pay incentive when the following conditions are met:

1. All steps and eligibility factors outlined above have been observed;
2. The employee has been employed full-time on a continuous basis with the city for a minimum of two (2) years; and
3. At least 30% of the coursework to attain the degree was completed while employed by the city on a full-time basis.

Application of Pay Incentives. Upon graduation, the employee shall submit a written statement along with a copy of the original request, college transcripts, and degree certificate to the department head. The department head will forward all documentation to the HRO to review for eligibility and recommendation to the city manager who will make the final determination.

To ensure proper budget planning, pay incentives shall usually be applied only at the beginning of a fiscal year (i.e., July 1); however, under certain circumstances, as when notification is given in advance of the current budget cycle or when salary reserves are available, the city manager may make an exception and apply the incentive at a time other than the start of the fiscal year.

Pay Incentive Levels. Eligible employees will receive approved pay incentives as an addition to their base salary in the amount of 2.5% upon earning an Associate's Degree (two-year); and/or 2.5% upon earning a Bachelor's Degree (four-year); and/or 2.5% upon earning a Master's Degree (post-secondary).

ARTICLE V. EMPLOYEE BENEFITS

SECTION 1.

ELIGIBILITY

Full-time and part-time employees are eligible for benefits as provided for in this Article. Temporary or per diem employees are eligible only for workers' compensation benefits.

All employee benefits are subject to change at the city's discretion.

SECTION 2.

GROUP HEALTH INSURANCE

The city provides group health insurance for full-time employees and for part-time employees scheduled to work 30 hours or more per week on a continuous year-round basis. For eligible part-time employees, the city shall pay a pro-rated amount of the cost of coverage paid for a full-time employee and the remainder of the cost shall be paid by the eligible part-time employee; this pro-rated amount shall be a percentage based on regularly scheduled hours.

Employees may purchase available group health and other insurance coverages for qualified dependents.

Retiree Health Insurance. The city shall provide individual health insurance for employees hired prior to July 1, 2013 who retire directly from the City of Creedmoor under the North Carolina Local Government Employees' Retirement System and who meet one of the criteria listed below at the time of retirement are:

1. **Age 62 or older** and employed by the city in a full-time position for at least 10 years;
2. **Age 55 or older** and employed by the city in a full-time position for at least 20 years; or
3. **Any age** and employed by the city in a full-time position for at least 30 years.

The city reserves the right to modify health contracts and/or policies in whatever means necessary to maintain the aforementioned level of retiree coverage. Employees must elect this coverage upon retirement. Employees who are involuntarily separated are not eligible for coverage.

As a condition of accepting retiree health insurance as outlined in this section, an employee who retires after June 30, 2018 shall notify the city immediately upon acceptance of employment to a position which provides health insurance coverage. Retiree health insurance coverage as outlined in this section shall cease upon the re-employment date.

Retirees may choose to pay for coverage of their dependents and such premium payments are payable when due. Coverage shall cease after one month when payments are delinquent.

The city may transfer any covered individual from the regular group health insurance policy to a Medicare supplemental policy subject to the conditions of the Medicare Supplement policy.

Coverage Eligibility Dates. Important dates in reference to this section:

1. Only employees who have retired since July 1, 1995 are eligible for retiree health insurance.
2. Employees hired on or after July 1, 2011 are eligible for retiree health insurance as described in this section only until they reach Medicare eligibility.
3. Employees hired on or after July 1, 2013 are not eligible for retiree health insurance.

SECTION 3.

GROUP LIFE INSURANCE

The city provides group life insurance for employees, subject to the stipulations of the insurance contract. Life insurance will be provided in an approved amount, subject to appropriation.

SECTION 4.

OTHER OPTIONAL GROUP INSURANCE PLANS

Upon authorization of the city manager or the Board, other group insurance plans may be available including dental and vision insurance. Such coverage shall be made available to full-time and eligible part-time employees subject to the specifications outlined in this Article.

SECTION 5.

NORTH CAROLINA LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM (LGERS)

As a condition of employment, employees who are expected to work more than 1,000 hours in a twelve-month period shall be required to join the North Carolina Local Government Employees' Retirement System (LGERS) on the first day of employment. The percentage of salary contribution required by LGERS shall be withheld from the employee's paycheck via payroll deduction and submitted by the city in accord with LGERS requirements.

SECTION 6.

401(K) SUPPLEMENTAL RETIREMENT PLAN

Beginning on the first day of employment, the city shall contribute the percentage of salary as prescribed by NC State Law into a 401(k) plan for sworn law enforcement officers.

Beginning on the first day of employment and subject to appropriation by the Board, the city shall contribute a percentage of salary into a 401(k) plan for non-law enforcement full-time and eligible part-time employees.

SECTION 7.

SOCIAL SECURITY

The city shall pay its portion of Social Security and Medicare taxes and shall withhold the employee's portion of these taxes and required federal and state income taxes.

SECTION 8.

WORKERS' COMPENSATION ACT

All employees are covered by the North Carolina Workers' Compensation Act and are required to report all injuries arising out of, and in the course of, employment to their supervisors at the time of the injury in order that appropriate action may be taken. This provision also applies to reactions to small pox vaccinations administered to employees under Section 304 of the Homeland Security Act; such reactions shall be treated the same as any other Workers' Compensation claim as regards leave and salary continuation.

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

Before the employee is permitted to return to work, a *Return to Work Authorization Form* or other written statement from the attending physician authorizing the employee to resume regular duties must be submitted to the HRO. Pay implications while on Workers' Compensation Leave are discussed in Section 21 of [Article VI](#).

SECTION 9.

UNEMPLOYMENT COMPENSATION

In accordance with NC General Statutes Chapter 96, local governments are covered by unemployment insurance. City employees who are terminated due to a reduction in force or released from service may apply for benefits through the NC Division of Employment Security where a determination of eligibility will be made.

SECTION 10.

TUITION ASSISTANCE PROGRAM

Full-time employees who have completed initial probation may apply for tuition reimbursement for courses taken on their own time.

Eligible courses include those which will improve the employees' skills for their current job or prepare the employee for promotional opportunities within city service. Tuition, registration fees, laboratory fees, books, and other student fees are eligible expenses. Employees may be reimbursed for up to \$1000 of eligible expenses per fiscal year, subject to availability of funds.

A *Tuition Assistance Application* form must be submitted to the department head prior to class registration. Proof of satisfactory completion of the courses and payment receipts will be required for reimbursement. Employees should review the application form for additional details.

SECTION 11.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Employee Assistance Program (EAP) exists to help the employee overcome behavioral/health problems which have affected job performance and to restore the employee to acceptable performance. The program is designed to identify the problem at the earliest possible stage, motivate the employee to seek help, and direct the employee to the appropriate assistance. Because employee work performance can be affected by the problems of an employee's spouse or other dependents, the program is also available to their family members.

There is no cost to employees or family members for the initial evaluation, counseling, or referral services offered by the EAP. The EAP maintains strict confidentiality and preserves all employee records related to the program in the same manner as all other medical records.

Self-Referral. It is in the best interest of the employee, the employee's family, and the organization to provide a service that deals with persistent problems; therefore, employees are encouraged to use the EAP voluntarily when they need professional help or guidance and are assured that job security or promotional opportunities will not be jeopardized for such participation.

Employees or family members may elect to utilize the services of the EAP by contacting the selected provider. Contact information can be found on the HR Board or by contacting the HRO.

Supervisory Referral. If an employee has not sought help independently for a behavioral/health problem, the supervisor is responsible for referring the employee to the EAP so that employees have the benefit of diagnosis and treatment. While supervisors must be alert to changes in employees' work and behavior patterns related to job performance, supervisors must never attempt

to counsel employees on personal problems. The supervisor is encouraged to contact the EAP provider themselves regarding the case.

Prior to referring an employee to the EAP, the supervisor shall record particular instances in which an employee's job performance or behavior fails to meet minimum established standards, or in which their individual pattern seems to be changing or deteriorating. The employee may be encouraged to voluntarily use the confidential services of the EAP. If the employee's performance deterioration continues, the employee may be offered a firm choice of seeking EAP services and/or private assistance or accepting consequences of the unsatisfactory performance.

At any point in the process, in consultation with the department head and approval of the HRO, the supervisor may make a mandatory referral to the EAP based on conduct or performance issues which are determined to be overly disruptive or unsettling to the workplace, and for which a determination is made that immediate interaction is warranted.

In all cases, the employee shall be responsible for cooperating in any required treatment or rehabilitation plan. After a reasonable opportunity for progress and when a noticeable improvement has not been observed, discipline up to and including termination of employment may occur.

SECTION 12.

LAW ENFORCEMENT SEPARATION ALLOWANCE

Sworn law enforcement officers, as defined by NC General Statute §128-21 (11b) or NC General Statute §143-166.50, shall be eligible for a separation allowance as provided by NC General Statute §143-166.42, in the amount specified in NC General Statute §143-166.41(a).

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

1. The officer shall have completed 30 or more years of creditable service, or have attained 55 years of age and completed five or more years of creditable service; and
2. Not have attained 62 years of age; and
3. Have completed at least five years of continuous service as a law enforcement officer immediately preceding a service retirement, as defined by NC General Statute §143-166.41(a) (3) and 143-166.41(b).

As used in this section, "creditable service" means the service for which credit is allowed under the retirement system, provided that at least fifty percent (50%) of the service is as a law enforcement officer. Termination of these benefits occurs:

1. At death;
2. On the last day of the month in which the officer attains 62 years of age; or
3. Upon the first day of re-employment in any position in any local government in NC.

The city may employ retired officers in a public safety position in a capacity not requiring participation in the Local Government Employees' Retirement System and doing so shall not cause payment to cease under these benefits. Participation in the retirement system is required by anyone scheduled to work 1000 hours in a twelve-month period.

After separation from employment with the city, law enforcement officers receiving this benefit must notify the city of any new employment with a local government employer in any capacity. In the event a former law enforcement officer fails to notify the city of such employment, the city may suspend further payments until information is provided which establishes that the new employment is non-disqualifying, at which point the individual shall be paid any funds which were withheld, and payments shall resume.

SECTION 13.

OFFICER BADGE AND SERVICE WEAPON AWARD AT RETIREMENT

Pursuant to [N.C. Gen. Stat. § 20-187.2](#), a retiring officer in good standing may be awarded their issued service handgun and official credentials consisting of a “retired” wallet badge, and identification card indicative of rank.

1. The retiring officer must have completed 20 years of service with the City of Creedmoor and meet the requirements under the North Carolina Retirement System for Local Law Enforcement Officers.
2. If an officer retires on a service-related disability with less than 20 years of service with the City of Creedmoor, the officer may be awarded the service handgun and official credentials as outlined above.
3. Officers retiring with 5 to 20 years of creditable service with the City of Creedmoor may request the award of the service handgun at the cost of \$200 or fair market value, whichever is less.
4. Non-service-related disability retirements will be evaluated based on individual circumstances with a determination to be made by the Chief of Police.

A valid North Carolina gun permit, as issued by the officer’s county of residence, or a valid North Carolina Concealed Carry Permit must be provided to the department prior to receipt of the service handgun.

The retiring officer will also be responsible for facilitating a transfer of the handgun through a Federal Firearms Licensed (FFL) Dealer.

The Chief of Police may award the service handgun and official credentials to the surviving family of a deceased officer upon receipt of a valid North Carolina gun permit as issued by the county of residence. If the surviving family member is a resident of a state other than North Carolina, the transaction will be processed by the City of Creedmoor in accordance to Federal law regarding the transfer of firearms.

ARTICLE VI. HOLIDAYS AND LEAVES OF ABSENCE

SECTION 1.

POLICY

The city's policy is to provide vacation, sick, and holiday leave to full-time employees and proportionately equivalent amounts to eligible part-time employees. Employees accrue leave with each payroll.

SECTION 2.

HOLIDAYS

The city has adopted the holiday schedule as published by the State of North Carolina to include at least the following:

New Year's Day	Memorial Day	Veteran's Day
Martin Luther King Jr. Birthday	Independence Day	Thanksgiving (2 days)
Good Friday	Labor Day	Christmas (3 days)

Employees scheduled to work the day before, day of, and/or day after a holiday (including Friday or Monday if the holiday falls on either of those days) must work those days in order to be eligible to receive pay for the holiday(s) unless granted approved leave at least 24 hours in advance. In certain circumstances, based on the employee's established responsible use of sick leave, the department head may recommend payment of the holiday pay to the HRO who in turn may authorize payment based on fair and consistent application across city departments.

Employees wishing to schedule time off for religious observances must request leave from their department head who will attempt to arrange the work schedule so that an employee may be granted annual leave for the religious observance. Annual leave for religious observances may be denied only when granting leave would create an undue hardship for the city.

SECTION 3.

HOLIDAYS: EFFECT ON OTHER TYPES OF LEAVE

Regular holidays which occur during vacation, sick, or other leave period shall not be considered as vacation, sick, or other leave but shall be paid as holiday leave.

SECTION 4.

HOLIDAYS: COMPENSATION FOR SHIFT EMPLOYEES

Shift employees required to perform work on regularly scheduled holidays may be granted compensatory time off or paid for hours actually worked in addition to any holiday pay to which they are entitled. If a holiday falls on a regularly scheduled off-duty day for shift personnel, the employee shall receive hours for paid holiday leave only. Whether holiday time is provided in time or pay for shift employees is determined by the city.

Employees shall receive holiday compensation in hours or pay based on the pro-rata amount identified in [Section 16](#) of this Article.

SECTION 5.

VACATION LEAVE: OVERVIEW

Vacation leave is intended to be used for rest and relaxation, school appointments, and other personal needs. Vacation leave may also be used by employees who wish to observe religious holidays other than those granted by the city as described in [Section 2](#) of this Article.

SECTION 6.

VACATION LEAVE: USE BY PROBATIONARY EMPLOYEES

An employee serving an initial employment probationary period will conditionally earn vacation leave time, but it shall not vest unless the probation is successfully completed. Employees shall be permitted to use accumulated vacation leave after three (3) months of service, subject to other requirements of this Policy.

SECTION 7.

VACATION LEAVE: ACCRUAL RATE

Employees must be in active pay status to accrue leave time (i.e., using vacation or sick leave and not on leave-without-pay or other leave where the employee is considered to be inactive).

Full and eligible part-time employees *hired prior to January 1, 2000* shall earn vacation leave with each payroll according to the following schedule, prorated by the average number of hours in the workweek (as described in [Section 16](#) of this Article):

<u>YEARS OF SERVICE</u>	<u>DAYS ACCRUED PER YEAR</u>
0 - 2	12
2 - 4	14
5 - 9	17
10 - 14	20
15 plus	23

Non-probationary full and eligible part-time employees *hired after January 1, 2000* shall earn vacation leave with each payroll at the following schedule, prorated by the average number of hours in the workweek (as described in [Section 16](#) of this Article):

<u>YEARS OF SERVICE</u>	<u>DAYS ACCRUED PER YEAR</u>
0 - 5	12
5 - 10	15
10 - 20	18
20 plus	20

SECTION 8.

VACATION LEAVE: MAXIMUM ACCUMULATION

Vacation leave may be accumulated without any applicable maximum until December 31 of each year and shall be treated as follows:

1. If an employee departs from service, payment shall not exceed 30 days pro-rated as shown in [Section 16](#) of this Article (e.g., a regular employee working a 40-hour week schedule could have 30 days of 8 hours each for a total of 240 hours; a sworn law enforcement

officer working a 42-hour week schedule could have 30 days of 8.4 hours each for a total of 252 hours).

2. Effective with the first complete payroll period in a new calendar year, employees with more than 30 days of accumulated leave shall have the excess accumulation removed so that only 30 days are carried forward.
3. Employees who take a minimum of one week of vacation during the calendar year (40 hours for regular employees; 42 hours for sworn law enforcement officers) may have any excess accumulation converted to sick leave (above 240 or 252, respectively). The request must be submitted in writing to the HRO. Employees who do not take a minimum of one week of vacation in the calendar year will lose the excess vacation.
4. Employees are not eligible to receive pay for the excess vacation time not taken in the year.

Employees are cautioned not to retain excess 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.

SECTION 9.

VACATION LEAVE: MANNER OF TAKING

Upon requesting in advance of the desired leave time, employees shall be granted the use of earned vacation leave at those times designated by the department head which will least obstruct normal operations. Department heads are responsible for ensuring that approved vacation leave does not hinder the effectiveness of service delivery. Vacation leave may only be taken in one-hour (1 hour) increments.

SECTION 10.

VACATION LEAVE: PAYMENT UPON SEPARATION

An employee who has completed six months of employment and who provides written notice to the supervisor at least two weeks in advance of the effective date of his/her resignation will usually be paid for accumulated vacation leave as established in [Section 8](#) of this Article.

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

Employees who are involuntarily separated shall receive payment for accumulated vacation leave subject to the established maximum. Employees dismissed for criminal conduct may be determined ineligible to receive accumulated vacation pay.

SECTION 11.

VACATION LEAVE: PAYMENT UPON DEATH

The estate of an employee who dies while employed by the city shall be entitled to payment of the employee's accumulated vacation leave subject to the established maximum.

SECTION 12.

SICK LEAVE: USAGE

Sick leave is a privilege provided by the city; it is not a right. Sick leave may be granted to probationary or regular employees for the following reasons:

1. sickness,
2. bodily injury,
3. required physical/dental examinations or treatment,
4. exposure to a contagious disease when continuing work may jeopardize the others' health,
5. to care for an immediate family member who is ill,
6. bereavement as established in this section, or
7. to supplement Worker's Compensation (subject to restrictions established in [Section 21](#)).

Notification of the desire to take sick leave should be submitted to the employee's supervisor in advance of the leave or according to departmental procedures for unexpected absences.

"Immediate Family" as referenced in this policy shall be defined as spouse, child, parent, brother, sister, grandparent, grandchild, son-in-law, daughter-in-law, parent-in-law, brother-in-law, sister-in-law, aunt or uncle of the employee or spouse, or guardian of the employee. The definition also includes various combinations of "step", "half", and adopted relationships.

Bereavement. The city does not have separate bereavement leave pay. Employees may use up to three days of sick leave for bereavement and funeral leave upon the death of an immediate family member, and may use vacation, accrued compensatory leave, or leave-without-pay with approval of the department head for additional time beyond the three days or for funeral leave for persons other than immediate family members.

Use During Resignation Notice Period. Sick leave will only be approved during the final two weeks of a resignation notice with a physician's certification or comparable documentation that the leave was required because of illness or injury which was not anticipated at the time notice of resignation was given.

SECTION 13.

SICK LEAVE: ACCRUAL RATE AND ACCUMULATION

Employees must be in active pay status to accrue leave time (i.e., using vacation or sick leave and not on leave-without-pay or other leave where the employee is considered to be inactive).

Sick leave shall accrue at a rate of one day per month of service (twelve days per year). Sick leave for full-time and eligible part-time employees working other than the basic work schedule shall be prorated as described in [Section 16](#) of this Article.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is involuntarily separated from the city, except as allowed for employees terminated due to reduction in force. Employees who resign or who are involuntarily separated from city service may elect to transfer their accumulated sick leave balance to a new employer who is covered by the State or Local Government Employees' Retirement System. The employee must authorize the transfer request by notification to the HRO.

Conversion for Retirement Service Credit. 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 NC Local Government Employees' Retirement System (LGERS).

SECTION 14.

SICK LEAVE: TRANSFER FROM PREVIOUS EMPLOYER

The city will accept up to 750 hours of documented sick leave balances when the employee worked for a previous employer covered by the State or Local Government Employees' Retirement System, and the employee did not withdraw accumulated contributions from that employer when leaving employment. The sick leave will be treated as though it were earned with the city.

The sick leave balance must be certified by the previous employer on that employer's official letterhead or submitted on a City of Creedmoor Sick Leave Transfer Form, and must be signed by an authorized representative. The employee is responsible to provide documentation from his/her previous employer to the HRO within three (3) months of start of employment. Transferred sick leave will be credited to the employee only after successful completion of the employee's probationary period.

The city manager may approve the transfer of sick leave balances in excess of 750 hours upon the HRO's recommendation when such consideration is critical to recruitment of key personnel.

SECTION 15.

SICK LEAVE: MEDICAL CERTIFICATION

The department head 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 on which an employee uses sick leave or whenever the supervisor observes a pattern of absenteeism. The employee may be required to submit to such medical examination or inquiry as the department head deems desirable.

The department head shall be responsible for the application of this provision so that

1. employees are not on duty when they might endanger their health or others' health; and
2. there is no abuse of leave privileges.

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

SECTION 16.

LEAVE PRO-RATED

Vacation, sick, and holiday leave earned by full and eligible part-time employees with either less or more hours than the basic 40-hour work week shall be determined by the following formula:

1. The average number of work hours scheduled per week shall be divided by the number of hours in the basic work week (i.e., 40 hours);
2. The proportion obtained in step (1) shall be multiplied by the number of leave hours earned annually by employees working the basic work week; and
3. The number of hours obtained in step (2) divided by 26 shall be the number of hours of leave earned biweekly.

SECTION 17.

FAMILY AND MEDICAL LEAVE ACT (FMLA)

The City will comply with the provisions of the Family Medical Leave Act (FMLA). Except as otherwise provided below, employees are entitled to take leave for up to 12 weeks for reasons contained within the Act. All applicable paid leave the employee has accrued shall run concurrent with the FMLA leave. Once accrued paid leave balances are exhausted, the employee shall complete the remaining FMLA leave in Leave Without Pay status. For recordkeeping purposes, the City has elected the rolling calendar year method for tracking FMLA usage.

Family Medical Leave is available as follows:

1. Eligible employee: An employee who has been employed with the City for at least twelve (12) months and who has worked at least 1,250 hours during the past 12 months is entitled to a total of twelve (12) work weeks of family and medical leave during a rolling twelve (12) month period for one or more of the following reasons:
 - a. For the birth of a child and to care for the newborn child within one year of birth;
 - b. The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
 - c. To care for the employee's spouse, child, or parent who has a serious health condition;
 - d. A serious health condition that makes the employee unable to perform the essential functions of his or her job;
 - e. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a military member on covered active duty or call to covered active duty status; or
 - f. An eligible employee may also take up to 26 workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the service member.
2. Definitions applicable. All terms in this Section are defined by FMLA, as amended from time to time. As of the date of publication of this Policy, FMLA defines these terms as follows:
 - a. Parent means a biological, adoptive, step or foster father or mother, or any other individual who was in loco parentis to the employee when the employee was a son or daughter as defined below. This term does not include parents "in law."
 - b. Child means a son or daughter, including a biological, adopted, or foster child, a step-child, a legal ward, or a child of a person standing in loco parentis, who is (A) under 18 years of age; or (B) 18 years of age or older and incapable of self-care because of a mental or physical disability.
 - c. Spouse means a husband or wife recognized by State law.
 - d. Serious health condition means an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.
3. Employee Responsibility: It is the employee's responsibility to notify the City at least thirty days in advance before the date on which the leave is to begin when the need for leave is foreseeable, such as an expected birth or a planned medical treatment. When circumstances prevent the employee from giving thirty days' notice, the employee is to provide

notice as soon as practicable. When an employee's need for leave is due to a serious medical condition of the employee or a member of the employee's family, a certification issued by a health care provider must be furnished as soon as possible. All applicable forms for taking FMLA will be made available by the HRO.

4. The HRO shall provide procedures for employees and departments to use in administering this section and shall follow the minimum standards for administration required by FMLA.

SECTION 18.

LEAVE-WITHOUT-PAY

A full or part-time employee may be granted a leave of absence without pay for a period of up to twelve months. Unpaid leave will be granted only when the employee has exhausted all appropriate types of paid leave. Employees must be in active pay status to be eligible to accrue leave time, therefore an employee ceases to accrue leave time on the date leave-without-pay begins unless the leave-without-pay status occurs during eligible FMLA or Workers' Compensation leave.

The leave may be used for reasons of sickness, personal disability, disability of an immediate family member, continuation of education, special work wherein the city will benefit by the experience gained or the work performed, or for other reasons deemed justified by the city manager.

Procedure. Prior to reaching leave-without-pay status, the employee shall complete and submit a *Special Leave Request Form* to the department head for approval. The form will then be forwarded to the HRO for review and submission to the city manager for final approval.

Return to Work. The employee shall return to duty within, or at the end of, the approved leave time or shall notify the supervisor immediately if he/she decides not to return to work. Unless an extension has been requested and approved, failure to report at the expiration of a leave of absence shall be considered as a resignation.

Upon returning to duty, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority, and pay.

SECTION 19.

RETENTION & CONTINUATION OF BENEFITS DURING LEAVE-WITHOUT-PAY

When an employee is on leave-without-pay due to a serious health condition, the employee's health benefits will be continued during the leave period at the same level, and under the same conditions, as if the employee had continued to work. All other employee-elected insurance and payroll deductions are the employee's responsibility and he/she must make those payments for continued coverage.

If an employee chooses not to return to work for reasons other than a continued serious health condition, reimbursement to the city of the amount paid for the employee's health insurance premium during the leave period will be required.

When an employee is in leave-without-pay status for other reasons, the employee may continue to be eligible for benefits under the city's group insurance plans. The HRO shall conduct an eligibility review every 30 days with the extension of paid benefits not to exceed beyond 180 days, subject to any regulation adopted by the Board and the regulations of the insurance provider.

SECTION 20.

PARENTAL LEAVE

In the absence of eligibility for FMLA, the city will grant Parental Leave to mothers and fathers for a period of up to three months for pregnancy, miscarriage, abortion, childbirth, recovery or adoption. The city manager may grant an extension when medically necessary.

Employees may use vacation leave, sick leave, or compensatory time as provided by this policy. Unpaid leave may be granted only when all appropriate types of paid leave have been exhausted.

Parental leave may be taken according to the following stipulations:

1. Sick leave may only be taken during the period of actual disability of the mother as certified by the attending physician, and when care of the disabled mother is required by an immediate family member.
2. Vacation, compensatory time, or leave-without-pay may be used for any period of parental leave, consistent with the leave provisions of this policy.

Procedure. The employee shall complete and submit a *Special Leave Request Form* to the department head for approval preferably 30 days in advance, unless the need is sudden. The form will then be forwarded to the HRO for review and submission to the city manager for final approval.

SECTION 21.

WORKERS' COMPENSATION LEAVE

Workers' Compensation provides a weekly payment to an employee who has suffered a work-related injury or illness. Because workers' compensation payments are income tax free and not subject to retirement system withholding, payments are based upon a percentage and equate to approximately two-thirds of regular pay. Employees may elect to use leave time to supplement for the remaining one-third of pay in accordance with the conditions established in this section.

With the exception of payment for medical expenses, compensation is not paid until an injury or illness prevents an employee from returning to work for more than seven (7) days. The employee is entitled to compensation for the first seven (7) days following the injury or illness (aka "the waiting period") only if the injury or illness prevents a return to work for more than twenty-one (21) days.

If an employee is eligible for FMLA leave in accordance with Section 17 of this Article, the period of Workers' Compensation shall run concurrently.

Use of Leave or Compensatory Time. Upon notification to the department head or HRO, an employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect:

1. To use accrued vacation or sick leave, or compensatory time during the waiting period until workers' compensation begins and subject to reimbursement conditions established in this section; or
2. To use accrued vacation or sick leave, or compensatory time during the waiting period until workers' compensation begins and subject to reimbursement conditions established in this section and then supplement workers' compensation payments after they begin for the remaining one-third of salary with vacation or sick leave, or compensatory time, provided that

the combination of leave supplement and workers' compensation payments shall not exceed usual take home pay (a review shall occur with each pay date); or

3. To use no leave or compensatory pay during the waiting period until workers' compensation begins nor to supplement workers' compensation payments after they begin.

Reimbursement. When workers' compensation leave extends long enough for the waiting period to be reimbursed (i.e., after 21 days) and the employee had elected to use accrued vacation or sick leave, or compensatory time as outlined earlier in this section, the employee shall return the reimbursement amount to the city and have any leave hours used during the waiting period reinstated.

Continuation of Benefits. During the disability covered by workers' compensation benefits, an employee continues to earn vacation and sick leave, and will retain all accumulated leave. Holidays which are observed by the city during the period of workers' compensation leave shall be paid in conjunction with the pay schedule observed for all employees.

An employee on workers' compensation leave shall continue to be eligible for benefits under the city's group insurance plan. Employee-elected insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage.

Upon return to work, the employee's salary will be computed on the basis of the last salary plus any salary increase to which the employee would have been entitled based upon performance and other compensation policies.

SECTION 22.

MILITARY LEAVE

The city will fully comply with the requirements of the *Uniformed Services Employment and Reemployment Rights Act of 1994* (USERRA 38 U.S.C. 4301-4335) and other related federal regulations. Regular employees who are members of an Armed Forces Reserve organization or National Guard shall be granted two calendar weeks per year for military leave.

On rare occasions due to annual training being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year. For this purpose only, an employee shall be granted an additional ten days of military leave during the same calendar year. If such duty is required beyond ten workdays, the employee shall be eligible to take accumulated vacation leave or be placed in a leave-without-pay status, and the provisions of that leave shall apply.

If the employee's military pay is less than the employee's regular pay, the city will pay the difference in wages. The employee must provide a copy of the military order, proof of compensation from the respective military branch, and a completed *Special Leave Request Form*. If all appropriate documentation is not received, payment for any wage difference will not be granted.

While on military leave, the employee's vacation leave, sick leave, and other benefits shall continue to accrue as if the employee physically remained with the city during this period. Employees who are eligible for military leave have all job rights specified by the Vietnam Veterans Readjustment Act.

SECTION 23.

REINSTATEMENT FOLLOWING MILITARY SERVICE

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

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

SECTION 24.

CIVIL LEAVE

An employee called for jury duty may elect to charge the absence to vacation leave or shall be granted leave-without-pay during the required absence without charge to accumulated leave.

An employee called as a court witness will be paid by the city for the time expended when the required absence is related to the employee's current official duties for the city.

An employee called as a court witness may be paid by the city for the time expended when the appearance is related to the employee's previous employment and the appearance requirement is on a regularly scheduled workday. The employee will not be paid by the city for the time expended when the appearance is related to the employee's previous employment and the appearance requirement is not on a regularly scheduled workday.

Employees will be required to provide a copy of subpoena or summons to their supervisor.

If the employee is paid by the city and receives compensation as a result of the court proceedings, the employee must surrender any monetary allowances awarded by the court for their appearance and/or travel allowances. While on civil leave, benefits and leave shall accrue as though on regular duty.

Procedure. The employee shall complete and submit a *Special Leave Request Form* along with a copy of the subpoena or summons, if applicable, to the department head for approval. The form will then be forwarded to the HRO for review and submission to the city manager for final approval.

SECTION 25.

PARENTAL SCHOOL LEAVE

An employee who is a parent, guardian, or person standing *in loco parentis* (in place of the parent) may take up to four (4) hours of unpaid leave annually to be involved in school activities of his/her child(ren).

Parental School Leave is subject to the following conditions:

1. The leave must be taken at a time mutually agreed upon by the employee and the city;

2. The city may require the employee to request the leave in writing at least 48 hours prior to the time of the desired leave; and
3. The city may require written verification from the child's school that the employee was involved at the school during the leave time.

Paid vacation leave taken by an employee to attend school activities of his/her child shall count toward the city's fulfillment of this provision.

Procedure. The employee shall complete and submit a *Special Leave Request Form* to the department head for approval. The form will then be forwarded to the HRO for review and submission to the city manager for final approval.

SECTION 26.

COMMUNITY SERVICE LEAVE

The city recognizes the need for volunteers to maintain the quality of life in our community and encourages its employees to volunteer in support of our schools. Full-time, non-probationary employees are eligible for up to 3 hours per month of paid time off to volunteer with a public educational institution located within the city limits of Creedmoor.

Procedure. In order to be approved for community service hours, employees must submit a request utilizing the *Community Service Leave Request Form* to their supervisor at least seven (7) but no more than sixty (60) days in advance of the time requested. The supervisor will consider the eligibility of the request, the needs of the city department, impact to other staff, etc. prior to submitting the request to the department head with a recommendation for approval or denial. If the request is not approved based on scheduling or coverage concerns, the employee may select alternate date(s) and/or time(s) and resubmit the request. At any time, the supervisor or department head may revoke previously approved community service hours based on unforeseen changes which have the potential to impact city operations.

The employee's written request must include the following information:

1. Recipient organization's name and physical address;
2. Contact person's name, phone, and email address;
3. The date(s) and time(s) for the requested leave; and
4. The purpose of the volunteer hours (i.e., what assignment or service they will be providing).

At the city's discretion, the recipient organization may be contacted to verify actual hours of community service by individual employees and/or to produce evidence of service hours during an investigation of abuse. Abuse of community service leave is subject to disciplinary action up to and including dismissal as defined in this Policy.

Continuous Community Service. Employees may request continuous community service leave beyond the sixty (60) day restriction; however, the department head may consider each date separately and selectively approve or deny individual dates and in no case will approve dates beyond sixty (60) days in advance as stated above. Dates which are beyond the sixty (60) day restriction shall subsequently be reviewed by the department head and approved or denied within thirty (30) days of each date.

An employee whose request for continuous community service leave is not approved shall be required to resubmit the request in accord with the steps outlined in this policy.

SECTION 27.

VOLUNTEER POLICY FOR EXEMPT PERSONNEL

Volunteering is a meaningful activity for employees that not only enhances the city's programs but also builds stronger relationships with the citizens of Creedmoor. Department Heads comprise the City of Creedmoor's leadership team and should strive to reflect the values and mission of the city.

City department heads who are FLSA-exempt employees are required to volunteer for a city-sponsored event or activity for a minimum of two (2) hours each calendar year. The volunteer hours shall be outside of the employee's ordinary working hours, and do not include any mandatory events required of all employees. Hours must be spent volunteering at the actual event or activity (i.e., time spent providing administrative or planning support is not counted).

Procedure. Department heads should select an event or activity of their choice and submit an inquiry regarding volunteer needs to the Recreation Department Director at least four (4) weeks prior to the chosen volunteer opportunity. If volunteers are needed, recreation staff will notify interested persons of the available volunteer assignment(s) and report time(s). Volunteers will confirm or deny the assignment by email with a cc: to Human Resources. Alternatively, when volunteer needs arise throughout the year, recreation staff may send notification to department heads to gauge their interest and/or availability. Absence of direct requests for volunteer service does not absolve department heads from meeting the minimum two (2) hours requirement as outlined in this Section.

SECTION 28.

SHARED LEAVE

This policy provides an opportunity for an employee to assist another employee affected by a medical condition that requires absence from duty for a prolonged period of time; the policy does not apply to short-term or sporadic conditions or illnesses that are common, expected, or anticipated including, but not limited to, sporadic short-term recurrences of chronic allergies or conditions, short-term absences due to contagious diseases, short-term recurring medical or therapeutic treatments. Each case must be examined based on its conformity to policy intent and must be handled consistently and equitably.

The transfer and use of vacation and sick leave from one individual to another is specifically prohibited unless allowed within this policy.

Recipient Eligibility. Full and eligible part-time, non-probationary employees experiencing a prolonged illness of at least twenty (20) consecutive days are eligible to receive donated leave. The illness or affliction must be that of the employee himself or herself (i.e., caring for an illness of a family member, etc. is not an eligible use of shared leave).

In anticipation that their own vacation and sick leave balances will be depleted as a result of the illness, employees must be approved for leave-without-pay in accordance with this Article prior to qualifying for shared leave benefits.

Employees who are entitled to receive benefits from a supplemental short-term disability policy are not eligible to participate in the shared leave program.

A request for shared leave must be submitted for review to the HRO and approval of the city

manager on the appropriate *Request for Voluntary Shared Leave* form when medical evidence is available to support the need for leave beyond the employee's available accumulated leave.

Donor Eligibility. Full and part-time, non-probationary employees may donate a minimum of four (4) hours and up to a maximum of forty (40) hours of vacation or sick leave per approved request; however, donor employees must maintain a minimum balance of at least forty (40) hours in each of their own leave accounts.

A *Donation Form for Voluntary Shared Leave* must be submitted for review to the HRO and approval of the city manager.

Approved Requests. If the request is approved, all employees will receive notification of the applicant's eligibility and of the opportunity to donate leave time.

The recipient will be advised of any leave time that has been donated; however, individual leave records are confidential and the names of donors shall not be revealed to the recipient or any other persons. Notwithstanding the confidentiality of donated leave time, individual donors are not prohibited from disclosing their own donation to the recipient.

The recipient employee is eligible to use the donated leave only when their own accrued sick and vacation leave balances are completely exhausted. The donated leave will be compiled in a separate tracking instrument and deducted in an equitable manner from each donor's leave balances per relevant pay date. Upon the recipient's return to work, any unused donated leave will no longer be subject to transfer and will remain in the donor's leave balance account.

The shared leave recipient is required to notify the HRO as soon as a physician authorizes their return to work. Failure to do so may result in a revocation of the employee's leave-without-pay status and may lead to disciplinary action up to and including dismissal.

Denied Requests. Requests for shared leave may be denied based on factors including, but not limited to, the employee's previous pattern of leave usage and any mitigating circumstances as to why their leave balances are not sufficient to cover the current medical need. If an applicant's request is not approved and circumstances change, additional information may be submitted and the request will be reviewed again by the city manager.

Program Limits. Participation in this program is limited to 520 hours, either continuously or for the same condition on a recurring basis. In special circumstances, the city manager may grant an exception if the employee continues to qualify for leave-without-pay.

Coercion Prohibited. Management or other employees shall not solicit donors on behalf of a recipient. An employee may not intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any employee's rights with respect to donating, receiving, or using leave under this program. Such action shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct.

SECTION 29.

ADVERSE WEATHER AND EMERGENCY CONDITIONS

The city has responsibility for providing emergency services and adequate staffing is required to operate these critical services 24 hours per day and 7 days per week in all weather.

The city manager, upon recommendation of department heads, should designate which staff members are in critical positions (i.e., essential personnel) required to report to work regardless of weather or other hazardous conditions. Employees in designated critical positions may be subject to disciplinary action for failure to report to work as required.

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

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

City offices and departments shall remain open for the full scheduled working day unless authorization for closing or other deviation is received from the city manager's office. The city manager will consider the hazard of driving conditions and other relevant factors in determining whether to close. To the extent possible, all departments and offices will be given sufficient advance notice of any authorized closing of non-critical functions.

When the city manager determines that city offices will open late or close early, the following will apply to employees in non-critical positions:

1. Employees who choose to leave work before an official early closing time may use earned vacation or compensatory leave for hours not worked and will be paid regular wages for the actual hours when work was "unavailable" due to the early closing time;
2. Employees who report to work late after an official delayed opening time may use earned vacation or compensatory leave for hours not worked and will be paid regular wages for the actual hours when work was "unavailable" due to the delayed opening time; and
3. Employees who do not report for work because of hazardous conditions or other reasons during a day in which City Hall had a delayed opening or early closure will not receive regular wages for the time period(s) when City Hall was closed but may use earned vacation or compensatory leave for all hours not worked.

ARTICLE VII. DISCIPLINARY ACTIONS

SECTION 1.

EMPLOYMENT AT-WILL STATEMENT

Disciplinary action will be taken in accordance with the procedures set forth in this Article whenever reasonably possible and appropriate; however, all employees are employed at-will and may be terminated at any time without notice, just as the employee may resign his/her position at any time without notice. Nothing in this Article shall be construed as or deemed to give any property right or interest to any employee. At the city manager's discretion, an employee may be disciplined, up to and including dismissal, without application of procedures contained herein.

SECTION 2.

DISCIPLINARY ACTION FOR UNSATISFACTORY JOB PERFORMANCE

An employee may be placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance if the employee's job performance continues to be unsatisfactory after following the procedures outlined in this Article. All cases of disciplinary suspension, demotion, or dismissal must be approved by the city manager prior to giving final notice to the employee.

SECTION 3.

UNSATISFACTORY JOB PERFORMANCE DEFINED

Unsatisfactory job performance includes any aspects of the employee's job which are not performed as required to meet the standards set by the department head or city manager.

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

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

SECTION 4.

COMMUNICATION AND WARNING PROCEDURES PRECEDING DISCIPLINARY ACTION

When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor shall meet with the employee in one or more counseling sessions to discuss specific performance problems and shall include a brief summary in the employee's personnel file.

An employee whose job performance is unsatisfactory over a period of time should usually receive at least two documented warnings from the supervisor, *one of which may be the final written warning*, before disciplinary action resulting in dismissal is taken by the city manager. In

each case, the supervisor should record the dates of discussions, the performance deficiencies discussed, corrective actions recommended, and time limits set.

If the employee's performance continues to be unsatisfactory, the supervisor should:

1. Provide notice to the employee with a final written warning notice that corrected performance must take place immediately in order to avoid suspension, demotion, or dismissal.
2. If performance does not improve, provide a written recommendation to the city manager for proposed disciplinary action such as suspension, demotion, or dismissal.

Disciplinary Suspension. Unpaid disciplinary suspensions are for the purpose of communicating the seriousness of the performance deficiency, not for the purpose of punishment, and should not generally exceed three days for non-exempt personnel.

Suspensions for exempt employees shall be for full work days in accordance with FLSA requirements to maintain exempt status. Deductions from pay of exempt employees may be made for unpaid disciplinary suspensions of one or more full days when imposed for infractions of workplace conduct rules (29 CFR 541.602 (b) (5)).

Disciplinary suspension shall be leave-without-pay and employees shall not be permitted to utilize accrued leave time to cover hours not worked while on suspension.

Demotions are appropriate when an employee has demonstrated inability to perform successfully in the current job, but shows promise and commitment to performing successfully in a lower level job. If no other options are available, dismissal is appropriate.

SECTION 5.

DISCIPLINARY ACTION FOR DETRIMENTAL PERSONAL CONDUCT

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

SECTION 6.

DETRIMENTAL PERSONAL CONDUCT DEFINED

Detrimental personal conduct includes behavior of such a serious nature that the functioning of the city 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*, the following:

1. Fraud or theft;
2. Conviction of a felony or the entry of a plea of nolo contendere thereto;
3. Falsification of records for personal profit, special privileges, or to obtain employment;
4. Willful misuse or gross negligence in the handling of city funds or personal use of equipment or supplies;
5. Willful or wanton damage or destruction to property;
6. Willful or wanton acts that endanger the lives and property of others;
7. Possession of unauthorized firearms or other lethal weapons on the job;
8. Brutality in the performance of duties;

9. Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician when medically necessary;
10. Engaging in incompatible employment or serving a conflicting interest;
11. Request or acceptance of gifts in exchange for favors or influence;
12. Harassment of an employee(s) and/or the public on the basis of sex or any other protected class status;
13. Harassment of an employee(s) or the public with threatening or obscene language or gestures;
14. Engaging in political activity prohibited by this Policy; or
15. Stated refusal to perform assigned duties, flagrant violation of work rules and regulations, or serious malfeasance of work.

SECTION 7.

NON-DISCIPLINARY SUSPENSION

During the investigation, hearing, or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct, or during the course of any civil action involving an employee, when suspension would, in the opinion of the department head or city manager, be in the best interest of the city, the department head or city manager may suspend the employee for part or all of the proceedings as a non-disciplinary action.

In such cases, the city manager may

1. temporarily relieve the employee of all duties and responsibilities and place the employee on paid or unpaid leave for the duration of the suspension; or
2. assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities.

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

If the employee is terminated following suspension, he/she shall not be eligible for any pay from the date of suspension; however, all other benefits with the exception of accrued vacation and sick leave shall be maintained during the period of suspension.

SECTION 8.

PRE-DISCIPLINARY CONFERENCE

Before a disciplinary suspension, demotion, or dismissal action is taken, the city manager, HRO, and/or department head will conduct a pre-disciplinary conference. If an employee does not wish to participate in or attend a pre-disciplinary conference, he/she may waive the requirement by submitting a written request stating same to the department head.

At the conference, the employee may present a response to the proposed discipline or dismissal to the city manager, HRO, and/or department head who will consider the response and notify the employee in writing of the final decision within ten (10) working days.

If the employee is dismissed, the notice shall contain a general statement of the reasons for the action and the employee's appeal rights.

SECTION 9.

REMOVAL OF DISCIPLINARY ACTIONS FROM PERSONNEL FILE

Delivered disciplinary action notices and other documents concerning conduct or work performance shall be placed in the employee's permanent personnel file. Any comments written by the employee regarding such notices are also placed in the file.

Criteria for Removal. Older disciplinary warnings would usually no longer influence future employment decisions; therefore, certain disciplinary actions and other documents concerning conduct or work performance may be removed from the employee's permanent personnel file with specific conditions as established by this Section.

Upon written request of the employee, notices of disciplinary action or other documents concerning conduct or work performance, counseling memoranda, or written files of discussions may be removed from the employee's permanent personnel file if there have been no other disciplinary actions of the same, or a similar kind, for a period of eighteen (18) months. Performance evaluations shall not be considered for removal, and in addition, documentation which demonstrates a pattern of inappropriate behavior or more egregious behavior, such as harassment, violence, or safety and security violations may not be removed.

Guidelines. Upon receipt of the employee's written request, the supervisor shall review the request to determine if the reason for the action has been resolved or corrected and:

1. Conduct an interim performance evaluation if a regular-cycle evaluation has not been completed within sixty (60) days prior to the written request; and
2. If the supervisor determines that the reason for the action has been resolved or corrected, he/she will add a written statement to confirm their assessment and sign the document prior to submitting it along with the completed performance evaluation to the department head for approval; or
3. If the supervisor determines that the reason for the action has not been resolved or corrected, he/she will return the request to the employee with a signed statement clearly noting the correction still needed.

If in agreement with the supervisor's assessment, the department head will sign and submit both documents to the HRO, or if not in agreement, the department head will return the request to the supervisor and employee noting the denial reason.

The city manager will consider the request to remove the action, and upon approval, the HRO will notify the employee and shall remove the specific documentation from the employee's permanent personnel file. In certain situations, the city manager may make a determination to keep the disciplinary action in place for a longer period of time. The employee shall be notified in writing and may resubmit his/her request after an additional six (6) month period has passed.

Actions having the potential to incur liability against the city and/or employee will be maintained by the Human Resources Department in a separate inactive file, in accordance with the State Records Retention Act, for the protection of both the employee and the city.

ARTICLE VIII. PERFORMANCE REVIEW AND EMPLOYEE DEVELOPMENT

SECTION 1.

OBJECTIVES

It is the intent of the city to maintain a performance review and employee development program that contributes to organizational excellence and focuses on continuous employee development and recognition of the performance levels of all employees. This will be accomplished through the following objectives:

1. Continuous Performance Improvement. To regularly discuss the performance of employees based on job-related criteria; to provide performance coaching, encouragement, and exploration of optional approaches where needed; to identify accomplishments and areas for employee performance development; to discuss specific plans to accomplish continuous improvement for each employee and the organization as a whole that translates into increasing service excellence for our customers and citizens.
2. Communication. To create and nurture an atmosphere for open and direct two-way communication between supervisors and employees concerning job performance and requirements. To ensure that supervisors and employees discuss performance on a regular basis so that there are no surprises in the annual review. To build a partnership based on mutual respect and increase the trust in the employee/supervisor relationship. To provide a format for supervisors to request and receive feedback from employees. To ensure that employees know how their jobs and goals fit into overall organizational and departmental vision, mission and goals.
3. Recognition. To establish a program of ongoing feedback whereby employees receive recognition and appreciation for good performance and accomplishments, 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 by supervisors and employees to determine appropriate training needs and resources. To discuss and identify how employees may prepare for potential advancement opportunities where appropriate.
6. Goal-Setting. To enable employees and supervisors to collaborate in establishing clear, challenging, and achievable goals. To ensure that employees know how their jobs and their goals fit into the overall organizational and departmental vision, mission, and goals.
7. Personnel Actions. To provide background information and objective and accurate documentation for consideration as a basis for any personnel actions or decisions including performance pay, disciplinary actions, and promotions.

SECTION 2.

PROGRAM RESPONSIBILITIES

Each person/group identified below plays an important role to ensure the overall program's success. This program has a significant interdependence component; the effectiveness of each person in performing his/her role may substantially affect the overall effectiveness of the program.

1. The Board

- a. Providing a clear mission and vision to guide the organization;
- b. Supporting and adopting policies to govern the program; and
- c. Valuing the city manager's role as program administrator.

2. City Manager

- a. Educating, promoting, and keeping the Board informed of program status;
- b. Ensuring a policy is developed and maintained to guide the program;
- c. 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;
- d. 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 their performance review meetings; and
- e. Fairly and objectively conducting employee appeals of performance ratings.

3. Human Resources Officer (HRO)

- a. Continuing to provide training and information on implementing the program to all;
- b. Working with department heads to make any needed improvements to the program;
- c. Keeping materials and resources up to date and communicating all changes;
- d. Facilitating performance review program appeals and processes;
- e. Monitoring the program for city-wide consistency from department to department, adherence to policies and procedures, training needs, consistency with other personnel actions, legality, and overall effectiveness, progress, and success of implementation/administration;
- f. Providing feedback where needed to departments regarding timeliness, thoroughness, legal issues, fairness, consistency, and program statistical data;
- g. Processing personnel transactions and insuring appropriate documentation;
- h. Providing internal consultation on the use of the program; and
- i. Serving as a resource on information regarding training programs for skills enhancement and continuous improvement as well as identifying trends that lead to training needs for the organization.

4. Department Heads

- a. Helping to develop and communicate organization and department objectives;
- b. Educating, promoting, and involving employees in program development, implementation, use, monitoring, and ensuring that new employees are oriented to the program;
- c. Providing ongoing feedback to their direct reports, including identifying specific ways employees may improve performance;
- d. Identifying employee development and advancement needs and interests and recommending appropriate training opportunities;
- e. Supporting the training activities of the program;
- f. Ensuring review meetings are conducted and documented in a timely fashion;
- g. Ensuring interim performance reviews are completed when supervision changes occur;

- h. Keeping management informed on the effectiveness of the program and monitoring their department's performance ratings for logical documentation and consistency among different supervisors to ensure departmental fairness;
- i. Fairly and objectively conducting performance review meetings with employees answering directly to the department head; and
- j. Fairly and objectively conducting any employee appeals and making decisions based on valid performance ratings.

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

5. Supervisors

- a. Communicating department goals and performance requirements regularly, as well as the benefits of the performance review program;
- b. Clarifying specific performance criteria, communicating same to employees, and providing ongoing performance feedback including identifying specific ways employees can improve their performance;
- c. Conducting thorough performance review meetings and documenting them in a timely fashion, including making performance rating recommendations;
- d. Keeping department heads informed on the effectiveness of the program including the content of the performance review forms, and following the chain of command to recommend changes necessary to maintain an accurate and fair program;
- e. Following policies and procedures and applying them fairly and consistently;
- f. Identifying employee development and advancement needs and interests and recommending appropriate training opportunities; and
- g. Training new employees on the program purpose, objectives, procedures, and performance requirements; as well as, reviewing forms and performance criteria and relating them specifically to their job while setting weights.

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

6. Employees

- a. Working with supervisor on a mutual understanding of job requirements;
- b. Providing input and feedback into the performance review meeting including identifying accomplishments and areas for improvement;
- c. Following the policies and procedures established for the program;
- d. Following the proper procedure to express concerns and make appeals;
- e. Providing candid open feedback to supervisors concerning their satisfaction with the performance review program; and
- f. Making suggestions regarding any needed changes in the performance criteria.

SECTION 3.

INSTRUMENTS

Instruments comprised of behaviorally-anchored performance criteria for each of the five levels of performance were developed based on the city's occupational groups.

Performance Factors. Performance factors are written using measures that are 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 & feasible.

Weights. Weights should be established in a conference jointly with the employee(s) and supervisor(s) at the beginning of the performance review period as part of communicating and understanding job expectations and requirements. 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. All weights must add to 100% using increments of .05 with a minimum of .05 and maximum of .25 in any one category.

Rating. Each factor should reflect a rating category that best fits the employee's performance throughout the year. The ratings should be performed only after discussion with the employee about his/her performance. Ratings numbers correspond with each definition: Exceeds Job Requirements (3); Achieves Job Requirements (2); and Needs Improvement (1). Ratings must be whole numbers.

Performance Categories.

- **Exceeds Job Requirements.** Fully meets all major job requirements identified for the position with significant and sustained high levels of proficiency in important aspects of work. Employee is known for demonstrating independent and self-initiated leadership competencies including strong interpersonal, communication, and decision-making skills, and actively contributes toward development of the organization and departmental employees. Accomplishes most difficult and complex assignments through to full completion with minimal supervision and maximum quality. Specific examples of such performance are readily available.
- **Achieves Job Requirements.** Meets all major job requirements in a competent and efficient manner, and may exceed some job requirements at times. Accomplishes duties in a reasonable and consistent manner demonstrating proficiency in the job. If occasional lapses in performance occur, they do not create any substantial problems for the organization, nor have any major impact on service delivery. Normal supervision is required.
- **Needs Improvement.** Performance meets job requirements 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 meet the needs for which the position was established. Work tasks are not performed or are not performed fully to completion without supervisory prompting. Remedial attention and close supervision are required. Specific examples of performance problems are readily available. A specific plan for improvement has been jointly designed by the employee and supervisor. Failure to correct performance deficiencies in an appropriate amount of time may result in suspension, demotion, or dismissal.

IMPORTANT NOTE: The purpose of the performance review form is not to dictate a performance rating to the supervisor, but rather to help the supervisor (1) focus on job-related criteria; (2) review the whole period, not just most recent months; (3) discuss relevant aspects of the employee's performance; (4) help document performance; and (5) think through a logical decision on the overall rating. The performance standards are not necessarily the only indication of performance; some categories or standards 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 performance requirements, not against each other.

SECTION 4.

PERFORMANCE REVIEW MEETINGS

Probationary Employees.

Promoted Employees Serving a Three (3)-Month Probationary Period. Probationary review meetings with promoted employees will be conducted and documented *within a 30-day window before the end of the probationary period.*

New Employees Serving a Twelve-Month Probationary Period. Probationary review meetings will be conducted and documented *within a 30-day window at three (3) months as an interim measure and again at the end of twelve (12) months.*

Additional meetings may be held at the request of the employee or supervisor. An employee must receive a rating of no less than "Achieves Job Requirements" to move from probationary to regular status.

Non-Probationary Employees. Performance review meeting dates will be the anniversary of the employee's hire date and will remain unchanged including after promotions, reclassifications, etc. Meetings will encompass one year and be conducted and documented *within a 30-day window before the employee's anniversary date.* These meetings will be conducted by the employee's supervisor who may also be accompanied by the next level of supervision. Supervisors will conduct the meetings with employees prior to completing a performance review form. Informal interim meetings may be conducted when needed, or according to department policies.

Ongoing performance feedback and coaching is an integral part of the program. Whenever a supervisor observes good performance or performance needing improvement, the supervisor should provide specific, timely feedback 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 discussions designed to help employees learn, develop their capacities and 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.

SECTION 5.

PROCEDURE FOR SUBMISSION OF THE PERFORMANCE REVIEW FORM

The Performance Review and Employee Development instrument ("the review form") is used to document the performance review meeting. The review form may be revised and updated as needed based on input from employees, supervisors, and department heads with approval of the city manager or his/her designee.

All review forms will be signed by the employee, supervisor, intermediate levels of supervision, and/or department head prior to forwarding to the Human Resources Department for obtaining

the city manager's approval. A copy of the review form will be printed for the employee only after all signatures/comments are completed. Additionally, a Personnel Action Form (PAF) must accompany all review forms when an employee status change (i.e., probationary employment to regular employment) or when performance pay is indicated.

Intermediate levels of supervision and/or department heads should not make changes to the review forms individually, instead changes should be made only after discussing the reasons for the changes with the employee and his/her immediate supervisor, following the chain of command up and down in the discussion as appropriate. All relevant sections of review forms, including comments sections and signatures, will be completed by the appropriate person prior to processing the forms in the Human Resources Department.

SECTION 6.

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 meeting within 30 days of the effective date and complete all necessary review forms. The interim review 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.

The new supervisor and employee should jointly review and discuss the employee's performance criteria, discuss meanings of words and performance criteria, and set weights within 30 days.

SECTION 7.

PERFORMANCE RATINGS REQUIRING ADDITIONAL SESSIONS

An overall performance rating of "Needs Improvement" is considered unsatisfactory job performance in the city's progressive disciplinary policies; these policies will be followed if an employee earns this performance rating. Such a rating requires a *Performance Improvement Plan* (PIP) 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 no more than three months, and careful performance monitoring and coaching will occur. In no case should an employee's performance remain in the "Needs Improvement" level for more than six months.

SECTION 8.

PERFORMANCE REVIEW TRAINING FOR SUPERVISORS

Department heads are responsible for identifying training needs of supervisors and ensuring that these needs are met so that performance reviews are conducted effectively. New supervisors will participate in training on how to conduct review meetings prior to performing them.

SECTION 9.

PERFORMANCE PAY

The purpose of the Performance Pay Program is to provide a systematic program to reward employees based on job performance, accomplishments, and contributions to the organization; to provide recognition and demonstrate appreciation for job performance; to provide a method of

moving employees within the salary range that results in a competitive actual salary and enhanced employee retention; to provide incentive for continuous performance improvement and productivity; and maintain a high level of employee performance and morale.

Definitions. The pay table will be designed with the following rates for each grade:

1. Hiring. The entry level rate for the pay grade for employees not meeting the minimum requirements for their respective class specification.
2. Minimum. A rate between the hiring rate and midpoint. Employees who exceed the education and experience requirements on their respective class specification may be considered for hiring at or above the minimum rate.
3. Midpoint. A rate that is halfway between the minimum rate and the maximum rate.
4. Maximum. A rate that is 50% greater than the minimum rate.

Responsibilities

- | | |
|------------------|--|
| CITY MANAGER | <ol style="list-style-type: none">1. Recommend sufficient funding to ensure an effective program.2. Make decisions regarding performance pay for department heads.3. Monitor for consistency, fairness, and accurate and complete information.4. May overturn department head decisions to award performance pay increases where inconsistencies, failure to follow established policies and procedures, funding availability, or other circumstances dictate. The manager will discuss the issue with the department head prior to making a final decision. |
| DEPARTMENT HEADS | <ol style="list-style-type: none">1. Make performance pay decisions based on completing and/or reviewing forms completed by immediate supervisors along with other relevant information, subject to review and approval of the city manager.2. Make performance pay decisions regarding performance pay increases for direct subordinates, subject to review and approval of the city manager.3. Communicate performance pay recommendations to employees, explaining that it is subject to review and approval of the city manager.4. Accountable to the city manager for the pay decisions they make. |
| SUPERVISORS | <ol style="list-style-type: none">1. Recommend performance pay amounts consistent with performance level ratings based on a review of performance specifics with the employee.2. Communicate to employees that final performance pay decisions are subject to management review for consistency and adherence to policy. |
| HUMAN RESOURCES | <ol style="list-style-type: none">1. Manage and monitor the program for consistency, fairness, adherence to policies, and accurate and complete information. |

Performance Pay Amounts. Performance pay amounts will be awarded based on the overall performance rating the employee receives for the full year on the final review form.

Performance pay amounts may vary from year to year depending on budget availability and market adjustment (COLA) amount. Unless a different schedule is published by the city manager by July 15 of any given year, the following schedule will apply:

<u>RATING</u>	<u>BELOW MIDPOINT</u>	<u>ABOVE MIDPOINT</u>
Exceeds Job Requirements II (2.86 – 3.00)	2.50%	2.00%
Exceeds Job Requirements I (2.66 -2.85)	1.75%	1.25%
Achieves Job Requirements (1.66 – 2.65)	1.00%	0%
Needs Improvement (1.00 – 1.65)	0%	0%

An employee whose performance needs improvement or is unsatisfactory will have the performance review scheduled again in no more than six months. If overall performance is still rated “Needs Improvement” the disciplinary process will continue.

Performance Pay for Employees At/Above Maximum Salary Range. An employee’s base salary may not move above the maximum rate of the assigned salary range for their position classification. Employees who are at the maximum may be considered for a lump sum payment which shall be awarded based upon the performance of the employee as reported on the review form. If an employee’s current salary is below the maximum of the salary range, but awarding the full performance pay amount would place him/her above the maximum,

1. The employee will receive the amount in base pay that places him/her at the maximum of the range; and
2. The employee will receive the remaining pay award in a lump sum amount.

Procedures for Application of Performance Pay. Employees will be considered for a performance pay increase on the anniversary of their hire date. Performance pay will be reflected on the first pay period in the month following the review date.

Promoted employees whose employment anniversary date occurs during the three (3)-month promotional probationary period shall be eligible for a performance pay increase upon successful completion of the probationary period. Performance pay shall be awarded based on the employee’s pre- and post-promotion performance; thereafter, performance pay increases shall be considered on the anniversary of their original hire date, as with all other employees.

All review forms and pay recommendations will be reviewed and approved by the city manager.

SECTION 10.

APPEALS

An employee who receives an overall rating of “Needs Improvement” and who believes that the application of this policy and resulting performance rating or performance pay decision is unfair or inaccurate may make a formal appeal by stating the specific disagreement(s) in writing and following the steps as outlined in [Article XIII](#).

A copy of all appeals and grievances filed must be provided to the HRO.

ARTICLE IX. CONDITIONS OF EMPLOYMENT

SECTION 1.

CONFIDENTIALITY

Upon employment with the city and as a condition of continuing employment, employees who are parties to confidential information by virtue of their positions are required to protect the confidential affairs of the city. Disclosure of confidential information is prohibited and may result in disciplinary action up to and including immediate discharge. Any employee who is unsure as to whether information is confidential should consult with his or her supervisor immediately.

SECTION 2.

WORK SCHEDULES

With the approval of the city manager, department heads shall establish work schedules which meet the operational needs of the department in the most cost-effective manner possible. Employees may be assigned to work flextime in order to minimize accrual of overtime. Flextime or flexible schedules may also be available to employees upon request and approval of the department head and city manager.

SECTION 3.

MEAL BREAKS

A sixty (60) minute meal break per work day is scheduled for employees. Meal breaks are generally unpaid unless an employee is required to work or remain at their station during the meal break, in which case an employee will be paid upon approval of the city manager. Employees must take their breaks as scheduled, unless other arrangements are made with their supervisor.

SECTION 4.

LACTATION BREAKS

The city may provide reasonable paid break time for an employee to express breast milk for a child provided that doing so does not unduly disrupt the operations of the city. If the employee does not have a private office, reasonable effort will be made to provide a room or other location in close proximity to the work area (excluding a bathroom) where the employee can express milk in privacy (see FLSA §4207).

SECTION 5.

POLITICAL ACTIVITY

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

1. Engage in any political or partisan activity while on duty;
2. Use official authority or influence for the purpose of interfering with or affecting the result of a nomination or an election for office;

3. 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;
4. Coerce or compel contributions from another employee for political or partisan purposes;
5. Use any city-owned supplies or equipment for political or partisan purposes; or
6. Be a candidate for nomination or election to office under the City Charter.

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

SECTION 6.

OUTSIDE EMPLOYMENT

The work of the city shall have precedence over other occupational interests of employees. All outside employment for salaries, wages, or commissions and all self-employment must be reported in advance to the employee's supervisor, who in turn will report it to the department head. The department head will review such employment for actual, potential, or appearance of a conflict of interest and then submit a record of the employment to the city manager for review and placement in the personnel file. Outside employment will not be approved if it could cast the city in a negative light or otherwise appears likely to interfere with the employee's work for the city.

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

1. Working for an employer who is in conflict or could likely come into conflict with the city;
2. Employment in a position that creates potential liability against the city;
3. Employment with organizations or in capacities that are regulated by the employee or employee's department;
4. Employment with organizations or in capacities that negatively impact the employee's perceived integrity, neutrality, or reputation related to the employee's city duties;
5. Working in a capacity which could affect the decisions of the employee in the normal course of his/her duties, or the decisions of other city employees in the conduct of their duties, or which gives the appearance of such influence.

Conflicting or unreported outside employment are grounds for disciplinary action up to and including dismissal.

SECTION 7.

DUAL EMPLOYMENT

Employees are prohibited from holding more than one position with the city if the combined positions will result in the employee incurring overtime in any given work period. FLSA regulations will be consulted in all dual employment cases to ensure the regulations are followed.

SECTION 8.

EMPLOYMENT OF RELATIVES

Employment of relatives can cause various problems including, but not limited to, charges of favoritism, conflicts of interest or perceived conflicts of interest, family discord, and scheduling conflicts that may work to the disadvantage of both employee and employer. For this reason,

and due to the limited number of positions available in city service, hiring and employment of immediate family members (as defined in Section 12 of [Article VI](#)) of current city employees, the mayor, or any member of the Board of Commissioners is prohibited.

SECTION 9.

HARASSMENT PROHIBITED

The city's policy is to maintain a workplace free from harassment and other behaviors that threaten the health, safety, productivity, and well-being of its employees and others.

This policy covers unlawful harassment based on a person's protected status such as sex, race, color, religion, creed, national origin, disability, political affiliation, familial status, genetic information, age, familial status, gender or sex, gender expression, gender identity, or sexual orientation. In addition, this policy prohibits workplace bullying regardless of whether it is based on a person's protected status.

Definitions.

Employee. For purposes of this policy, employees include full-time employees, part-time employees, employees on probationary status, unpaid interns, and volunteers.

Bullying. Repeated, unreasonable actions of individual(s) (or a group) directed towards an employee (or a group of employees), which intimidates and creates a risk to the physical and/or emotional health and safety of the employee(s). Bullying is unwanted offensive and malicious behavior which undermines an individual or group through persistently negative attacks. There is typically an element of vindictiveness and the behavior is calculated to undermine, patronize, humiliate, intimidate, or demean the recipient.

Harassment. Unlawful harassment includes unwelcome intimidation, ridicule, insults, comments, or physical conduct based on a person's protected status where an employee's acceptance or rejection of such conduct explicitly or implicitly forms the basis for an employment decision affecting the employee; or the conduct is sufficiently severe or pervasive as to create a hostile work environment or to alter the terms, conditions, or privileges of the employee's employment.

Sexual Harassment. Unwelcome conduct of a sexual nature that is sufficiently persistent or offensive to unreasonably interfere with an employee's job performance or create an intimidating, hostile, or offensive work environment. Sexual harassment is defined by the Equal Employment Opportunity Commission Guidelines as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (c) 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."

Hostile work environment. A hostile environment occurs when comments, conduct or actions of another are so severe or pervasive that they create an unwelcome, intimidating, and offensive work environment.

Ostracism. Ostracism is being deliberately left out of a group by exclusion and rejection.

Retaliation. Punishment of an employee for engaging in legally protected activity such as making a complaint of harassment or participating in workplace investigations. Retaliation can include

actions such as dismissal, refusal to hire, promotion, discipline, salary reduction, job or shift reassignment, and other actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references or increased surveillance.

Zero Tolerance Policy. Harassment in the workplace (whether on- or off-site) undermines the integrity of the employment relationship, upsets morale, and interferes with productivity. Harassment of any kind, including but not limited to bullying and sexual harassment, is unacceptable and will not be tolerated. Employees violating this policy will be subject to corrective action. An accused employee may be placed on administrative leave while the Human Resources Department investigates an allegation of harassment.

Examples of behaviors which will not be tolerated by the city's employees, vendors, or contractors include, but are not limited to:

1. Bullying others;
2. Sexual harassment;
3. Harassing others;
4. Creating a hostile work environment;
5. Ostracizing others;
6. Retaliating against others;
7. Breaking the confidentiality of a harassment investigation; and
8. A supervisor or manager's failure to notify appropriate officials of reported or observed harassing conduct within 24 hours or one business day.

Types of Sexual Harassment. There are two types of sexual harassment: (a) quid pro quo; and (b) hostile work environment. Sexual harassment can be physical and psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing. Employees are prohibited from harassing other employees whether or not the incidents of harassment occur on employer premises and whether or not the incidents occur during working hours.

Examples of Prohibited Conduct. Although sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include the following:

1. Physical assaults of a sexual nature, such as rape, sexual battery, or attempts to commit, and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, or brushing against or poking another employee's body.
2. Unwelcome sexual advances or sexual comments, such as sexually oriented gestures, noises, jokes, or comments about a person's sexuality or sexual experience.
3. Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
4. Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult.
5. Sexual or discriminatory displays or publications anywhere in the workplace.

Responsibilities.

All Employees shall:

1. Refrain from engaging in harassing, bullying, ostracizing, or other offensive conduct;

2. Report harassment, bullying, ostracism, or other offensive conduct by employees or others in the workplace to the appropriate official within 24 hours;
3. Understand their rights and responsibilities under this policy;
4. Participate in periodic learning opportunities as required;
5. Cooperate fully in any inquiry or investigation of alleged harassment; and
6. Refrain from retaliating against any person for reporting harassment, or for assisting in any investigation of alleged harassment.

The Human Resources Officer shall:

1. Receive reports of alleged violations, and direct further investigation into such reports;
2. Explore informal means of resolving sexual harassment complaints;
3. Notify the police if criminal activities are alleged;
4. Maintain a written record of reports made and actions taken pursuant to this policy; and
5. Notify the complainant and the respondent of the corrective actions to be taken, if any, and administer those actions.

Department Heads and Supervisors shall:

1. Ensure a workplace free of harassment, bullying, ostracism, or other offensive conduct;
2. Ensure that employees are aware of this policy and its requirements;
3. Act promptly to stop harassing, hostile, or abusive conduct of which they are aware;
4. Notify HR of reported or observed harassing conduct within 24 hours; and
5. Evaluate supervisors in their supervisory chain on their performance under this policy.

Procedures. If an employee believes there is immediate danger to themselves or anyone else, the employee should immediately call 911 and request police assistance.

If no perceived danger exists, the employee should attempt to resolve the matter with the harasser. The employee should inform the harasser in a polite, but firm manner that the behavior is unwelcome and offensive, and that it must stop immediately.

If the employee is uncomfortable with addressing the harasser, or the offending behavior continues, the employee must report the harassment to one of the following persons within 24 hours:

1. any supervisor in the employee's supervisory chain (supervisors who observe harassment or receive a report of harassment must notify HR within 24 hours);
2. the human resources officer;
3. the city manager; or
4. the city attorney.

To ensure the prompt and thorough investigation of a sexual harassment complaint, the complainant should provide as much of the following information as is possible:

1. Name and position of the person(s) allegedly causing the harassment;
2. Description of the incident(s), including the date(s), location(s), and any witnesses;
3. The effect of the incident(s) on the complainant's ability to perform his/her job, or on other terms or conditions of their employment;
4. Names of others who might have been subject to the same or similar harassment; and
5. What, if any, steps the complainant has taken to try to stop the harassment.

The HRO will investigate all complaints of harassment and shall:

1. Notify the complainant of the investigation's findings;
2. Recommend appropriate remedial action, including corrective action as necessary;

3. Communicate findings and recommendations to the city manager; and
4. Follow-up with the complainant to ensure that the harassment does not continue and that he/she is not retaliated against.

The procedures available under this policy do not preempt or supersede any legal procedures or remedies otherwise available to a victim of sexual harassment under local, state, or federal law.

SECTION 10.

SOLICITATION AND ACCEPTANCE OF GIFTS AND FAVORS

No official or employee of the city shall solicit or accept any gift, favor, or thing of value (greater than \$50) that may tend to influence such employee in the discharge of the employee's duties, or grant in the discharge of duty an improper favor, service, or thing of value.

SECTION 11.

SAFETY

The city's policy is to establish a safe work environment for employees. Safety is also the responsibility of all employees. A Safety & Loss Control Program including policies and procedures regarding practices and precautions, and training in safety methods shall be established.

Department heads and supervisors are responsible for ensuring the safe work procedures and providing necessary safety training programs. Employees shall follow all policies and procedures, and complete required safety training programs as a condition of employment; employees shall be subject to disciplinary action up to and including dismissal for violations.

SECTION 12.

REQUEST FOR MEDICAL INFORMATION

An employee may be requested to provide medical documentation or undergo a medical examination by a physician of the city's choice whenever a question arises as to the employee's physical or mental ability to safely perform their job. If it is determined that a condition limits their ability to do so, the medical information obtained will be used to determine whether a reasonable accommodation can be made to enable them to safely perform their duties.

SECTION 13.

DRUG FREE WORKPLACE

Applicability. Applicants who have been offered employment must undergo a drug screen test as part of the hiring process. All employees are subject to post-accident or post-incident testing, within the restrictions of this policy; employees whose positions have been determined to be safety-sensitive and those employees who must hold a Commercial Driver's License (CDL) as a requirement for the job are subject to random and "follow-up" testing, when applicable.

Notification of Medication Usage. Employees using prescribed medications under a physician's direction or an over-the-counter medication, which could alter their ability to perform the duties and responsibilities of their position are required to notify their supervisor. The supervisor shall consult with the department head to determine if the employee should be required to take sick leave or be allowed to continue to work and in what capacity. Notification of the employee's medication use and work status determination shall then be sent to Human Resources for inclusion with the employee's confidential medical file.

Prohibited Conduct. The following conduct is expressly prohibited and violations will result in disciplinary action up to and including termination:

1. Possession, consumption, manufacturing, distribution, dispensation or being under the influence of an unauthorized controlled substance, an illegal drug, drug paraphernalia, or alcohol while on duty, on city premises, in city vehicles, or in any city work area. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.
2. Sale, use, or possession of illegal drugs; or possession with intent to sell illegal drugs.
3. Off-premises abuse of alcohol or controlled substances when these activities adversely affect job performance, job safety, or the public's confidence in an employee's ability to perform their duties in an adequate and effective manner.

Consent Form. Before a drug and/or alcohol test is administered, subjects must sign a consent form for the test and to permit results to be released to city officials with a need to know. The consent form shall provide space for employees to acknowledge they have been notified of this policy and to indicate current or recent usage of prescription or over-the-counter medication(s). A final applicant who refuses to consent to a drug and/or alcohol test will have the offer of employment withdrawn. An employee who refuses to consent to a drug and/or alcohol test is subject to disciplinary action up to, and including, termination.

Drug Screening Criteria. Applicants or employees will be considered for a drug screening test under the following circumstances:

Pre-Employment. Applicants who have been offered employment will be required to undergo a drug screening test as part of the hiring process, and the offer of employment will be withdrawn if a drug screen test reveals the presence of illegal drugs or prescription drugs without a valid prescription.

Post-Accident/Incident. Employees shall be tested for the presence of controlled substances and alcohol when any of the following occur:

1. An accident/incident results in a fatality.
2. An employee causes or contributes to an accident that seriously damages city-owned vehicle(s), machinery, equipment or property, or results in an injury to themselves or another person requiring off-site medical attention;
3. Any other time where there is reasonable suspicion that the accident/incident was caused by impairment from alcohol or drug use as defined in this policy.

In any of these instances, the investigation and subsequent testing should take place within two (2) hours but no more than eight (8) hours following the accident, if not sooner. Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.

In all cases where an accident/incident has occurred, employees are required to follow the reporting requirements established in the *Safety & Loss Control Program*.

Reasonable Suspicion Testing. When there is reasonable suspicion that an employee on duty has alcohol or drugs in their system, the employee will be tested. Reasonable suspicion must be based on specific, objective facts, or reasonable inferences drawn from facts that would cause a reasonable person to suspect that the employee is or has been using drugs or alcohol. Facts supporting a reasonable suspicion determination include, but are not limited to, any one or more of the following:

1. Direct observation of prohibited drug or alcohol use or possession of same;

2. Slurred speech;
3. Odor or visible signs of a controlled substance or alcohol about the person;
4. Inability to walk a straight line;
5. Physical or verbal altercation;
6. Behavior that is so unusual that it warrants summoning a supervisor or other authority (i.e. confusion, disorientation, lack of coordination, irrational behavior);
7. A report of prohibited drug or alcohol use provided by a reliable and credible source; or
8. Arrests, citations, and deferred prosecutions associated with drugs or alcohol.

Federal or State-Mandated Testing. Employees who are subject to federal or state-mandated substance abuse testing, including but not limited to, Department of Transportation regulations, will be tested pursuant to such testing requirements notwithstanding this policy.

Random Testing. An employee that is entrusted with preserving public or employee health/safety has a special responsibility to maintain physical and mental fitness for duty while on the job. Random testing may be conducted on employees that hold safety-sensitive positions, chosen by a method that provides an equal probability that any employee from a group will be selected.

City positions defined as safety-sensitive include:

1. Sworn law enforcement personnel;
2. Positions requiring the consistent and frequent operation of heavy equipment or motor vehicles as a primary task;
3. Positions working around large equipment or with potential for hazards;
4. Positions working with youth and/or those required to drive citizens or clients;
5. Positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees, or general public at risk of serious injury, or the nature of which would create a security risk in the workplace; and
6. Positions as required by law, or designated by the HRO, due to specific safety-sensitivity.

Specimen Collection. The following shall be observed for each type of testing:

Pre-Employment. Applicants who refuse to test will not be hired. The applicant will be required to provide identification (such as driver's license) for inspection by the testing site.

Post-Accident or Incident and Reasonable Suspicion. Testing will be scheduled by the HRO or designee. The employee shall be escorted to the testing location by a supervisor or other city official who will carefully watch the employee to ensure that he/she does not eat or ingest anything or that he/she does not acquire "clean" urine from another person.

Once at the testing facility, the medical staff is responsible for collection and chain of custody procedures, not the city official. To ensure the privacy of the employee, the city official should not be a witness to the collection.

After the sample is obtained, the city official shall either escort the employee home (or to some other requested destination) or obtain transportation for the employee upon the completion of the collection process, if necessary. The supervisor will use every reasonable means to ensure that the employee reaches his/her destination safely.

Follow-up and Random. Employees designated for follow-up or random testing will be notified by their supervisor just prior to the testing that a specimen will need to be collected and/or that breath alcohol will be tested.

A supervisor or other city official shall escort the employee to the testing site and carefully watch the employee to ensure that he/she does not eat or ingest anything or that he/she does not acquire “clean” urine from another person.

Testing Requirements. All drug/alcohol testing shall be conducted in compliance with the Controlled Substance Examination Act, Article 20 of Chapter 95 of the NC Carolina General Statutes. The city shall select a medical facility or laboratory site to conduct the testing that has:

1. Testing procedures which ensure privacy consistent with the prevention of tampering.
2. Methods of analysis which ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive test results.
3. Chain of custody procedures which ensure proper identification and handling of samples.
4. Storage procedures to ensure reliable results on confirmatory test of original samples.

Alcohol testing shall be conducted by the NC State Highway Patrol.

Relief from Duty. An employee may be placed on administrative leave for the balance of the work shift for post-accident/incident testing; or placed on administrative leave pending the outcome of results for reasonable suspicion testing.

In either a post-accident/incident or reasonable suspicion drug testing, employees will usually be placed on annual leave or leave-without-pay during the administrative leave time (since the employee is considered to be awaiting disciplinary action if the test is positive, use of sick leave is not authorized during this period).

Positive Test Results. A test that yields a positive result shall be given a second or “confirmation” test using a gas chromatography/mass spectrometry test. The second test shall use a portion of the same sample used in the first test. If the confirmation test results are positive, the applicant or employee will be notified and will have the opportunity to rebut the results verbally or in writing; this rebuttal or explanation may be taken into account in making any employment decision.

After notice of a confirmed positive test, an applicant or employee may request yet a third retest of the original sample *at his or her expense*. Within five working days after the receipt of the confirmed positive test results, the applicant or employee shall notify the city in writing of the intention to obtain such a retest. The retest of the original sample shall be conducted with the same criteria used in the original test. If the retest does not confirm the original positive test result, no adverse employment action based upon the original test will be taken.

Communication of Test Results.

Negative Test Results. If the drug screening test result is negative, the laboratory will so advise the designated city official who will inform the applicant or employee.

Positive Test Results. If the drug screening test result is positive, the laboratory will so advise the designated city official and the following action shall be taken:

1. A job applicant shall be informed of the positive results verbally by the HRO or designee, followed by a written notice of the test results and that the conditional employment offer has been withdrawn.
2. An employee shall be informed of the positive test results verbally by the HRO or designee,

followed by a written notice of the test results; and

3. The city manager will meet with the employee, department head, and HRO to discuss the positive test result and to render a decision as to whether the employee could benefit from the Employee Assistance Program (EAP) in order to continue employment, or whether suspension from work and/or termination from employment would be appropriate. Employees who hold a CDL will be subject to DOT regulations.

Factors to be considered in determining an appropriate response to positive test results include the nature of the employee's position, extent of performance deficiencies, seriousness of accidents/incidents, employee's work history, and past disciplinary actions. Mandatory EAP referral, leave (with or without pay), and/or disciplinary action up to and including termination may result; and

4. The employee shall be notified in writing if suspension or termination from employment is determined by the city manager. The employee may appeal the decision per policy.

Return-to-Duty and Follow-Up Testing. Testing is conducted when an employee has violated alcohol/drug testing standards and returns to performing duties following evaluation by substance abuse professionals and treatment, if necessary. Testing is conducted prior to the return to work and on an unannounced/random basis for up to two years. An employee who receives another positive drug test after counseling and/or rehabilitation is subject to immediate termination.

Confidentiality. Information from an applicant or employee's drug and/or alcohol test is confidential and only those with a need to know are informed of the results; disclosure to any other person or organization is prohibited unless written authorization is obtained from the applicant or employee. Results of a positive test shall not be released until the test results are confirmed.

Exemptions. The city manager, or designee, may exempt certain classes of employees from all or part of the testing requirements of this policy.

Failure to Cooperate. Employee compliance with this policy is mandatory; failure or refusal to fully cooperate and participate, sign any required document, or submit to a screening test will be grounds for termination of employment, unless a compelling, satisfactory reason is provided.

Employees who continue employment while undergoing counseling or rehabilitation will be required to meet all established standards of conduct and job performance. Employees who have been referred for counseling or rehabilitation under this policy shall be required to fully cooperate and participate in their rehabilitation program and adhere to all directives.

Summary. Employees are encouraged to voluntarily request counseling or rehabilitation before their substance abuse leads to disciplinary or other work-related problems. No employee will have their job security jeopardized by such a good faith request.

Since it is impossible to anticipate every situation which may arise, the city manager or HRO should be contacted to resolve any situation not addressed herein before action is initiated.

SECTION 14.

REQUIRED LICENSURES AND CERTIFICATIONS

Employees whose positions require a specific certification or license (including a driver's license) shall be responsible to keep that certification or license current and in good standing. Annual or other periodic renewal fees for approved job-required certifications will be paid by the city.

Employees are required to notify their supervisor immediately upon notice of any pending disciplinary action, sanction or loss of privileges, suspension, revocation, lapse or loss of any credentials that make them eligible to perform their duties.

While each situation will be assessed based on the specific circumstances, failure to maintain required credentials in good standing may deem an employee unqualified for their job duties and may subject them to disciplinary action up to and including dismissal.

SECTION 15.

TRAVEL EXPENSE AND REIMBURSEMENT

This policy pertains to all travel and related expenses commonly associated with business travel including, but not limited to, meals away from home, lodging, fuel costs, incidental expenses, etc.

Significant travel expenses should be included during the preparation of the annual budget ordinance; therefore, unplanned employee requests must be approved by the city manager or assistant city manager. All arrangements and reimbursement requests are subject to review by the city manager/assistant city manager and availability of budgetary funds.

Actual economic conditions may prohibit budgeting for extended travel. No expenses may be budgeted which would create a violation of the Local Government Budget and Fiscal Control Act.

Lodging and Meal Expenses. Each department head is responsible for travel expenses incurred in their department and has the discretion to permit employee use of a city credit card. All credit card charges shall be supported by appropriate receipts, or other documentation, and submitted to accounts payable as promptly as possible upon the employee's return to work after the travel.

Employees making overnight lodging arrangements will seek to do so at the lowest possible rate and will inquire as to available government or corporate discount rates.

Meals away from home when in overnight travel status will be paid or reimbursed in accordance with the current per diem rates as established by the Office of State Budget and Management. Current rates are published at <http://www.osbm.nc.gov/> and updated annually on the *Request for Travel Reimbursement Form*. Reimbursements will not be made for alcohol or for additional expense incurred by an accompanying spouse.

Meals away from home for partial days of travel (when in overnight travel status and the partial day is the day of departure or the day of return) will be paid, or reimbursed, in accordance with the requirements as outlined below. *Note: The travel must involve a destination located at least 35 miles from the employee's regularly assigned work location or home, whichever is less.*

Overnight Travel.

Breakfast. Depart home or regularly assigned work location prior to 6:00 a.m. *and extend workday by 2 hours.*

Lunch. Depart home or regularly assigned work location prior to noon (day of departure) or return after 2:00 p.m. (day of return).

Dinner. Depart home or regularly assigned work location prior to 5:00 p.m. (day of departure) or return after 8:00 p.m. (day of return) *and extend workday by 3 hours.*

Same Day Travel. Employees are not eligible for lunch allowances if travel does not involve an overnight stay; however, employees are eligible for a breakfast and evening meal allowance

when the following applies (allowances for breakfast and evening meals for employees working non-traditional shifts must have specific prior approval):

Breakfast. Depart home or regularly assigned work location prior to 6:00 a.m. *and extend workday by 2 hours.*

Dinner. Return home or to regularly assigned work location after 8:00 p.m. *and extend workday by 3 hours.*

Reimbursement Procedures. Advance travel expense stipends are not available. When a city credit card is not used, employees shall be reimbursed for lodging, meals, and mileage expenses. Receipts are not required for reimbursement when the expense is at or less than the per diem rate, however receipts should be attached if travel was approved to exceed the per diem rate. Mileage reimbursements will be made at the prevailing Internal Revenue Service Standard Mileage Rate available at <http://www.irs.gov>.

SECTION 16.

COMPUTER NETWORK USAGE

City employees, contractors, and others shall have no expectation of personal privacy in the use of city computer networks and communication systems. “Computer Network” (hereafter, “Network”) means all equipment, software, and services related to the computer network or communication services provided by the city, including but not limited to, email and internet access. This policy is applicable to all who access the Network (hereafter, “Users”).

The Network facilitates communication and assists Users in performing work for the city; occasional personal use is permitted if it does not interfere with the User’s work performance; have a detrimental effect on the Network’s performance; violate or infringe on the right of any other person or entity; constitute a criminal offense or give rise to civil liability; or violate a city policy or regulation. Users are responsible for professional, ethical, and lawful use of the Network at all times. Personal use of the computer is a privilege that may be revoked without notice.

Examples of unacceptable uses include:

1. Displaying or transmitting images, jokes, or other communications that violate city harassment policies on the basis of race, color, sex, religion, national origin, age, or disability;
2. Using the Network to operate a personal business, or sending messages that violate city policies regarding solicitation and distribution;
3. Using the Network for political campaigning or endorsements that violate city policies; and
4. Placing the Network at risk of security breaches.

Illegal copying and/or violations of software licenses and other copyrighted material are prohibited. Users are responsible for complying with copyright laws and all applicable licenses that may apply to software, files, graphics, documents, and other material they download or copy.

Conservation of Resources. Acts that waste computer resources or unfairly monopolize resources to the exclusion of others are not permitted. Examples of these acts include spending excessive amounts of time on the Internet for non-business reasons such as social media, playing games; or uploading/downloading large files, accessing streaming audio and/or video files, or otherwise creating unnecessary loads on Network traffic due to non-business-related use.

Network Security. To enhance security, Users accessing the Internet through a computer attached to the Network must do so through an approved Internet firewall or other security device

using approved software. Bypassing Network security by accessing the Internet directly by modem or other means is prohibited unless access has been approved by management.

Users should exercise caution in sending confidential or sensitive information over the Internet, or the email system, as they may be passed along indefinitely without the sender's knowledge.

Disclaimer. The Internet is a worldwide network of computers that contains millions of pages of information and many of these pages include offensive, sexually explicit, and inappropriate material. It is difficult to avoid at least some contact with this material as even innocuous search requests may lead to sites with highly offensive content and an email address may lead to receipt of unsolicited email containing offensive content; therefore, Users access the Internet at their own risk. The city is not responsible for material viewed or downloaded by Users or others.

No Expectation of Privacy. Users should have no expectation of privacy regarding anything created, stored, sent, or received using the Network. The Network is the property of the City of Creedmoor; therefore, all email messages and attachments created or transmitted on the Network become the property of the city, regardless of the subject matter or purpose. Further, the city reserves the right to access, review, copy, and/or delete all materials created, stored, sent, or received through the Network and further reserves the right to disclose such materials to any party management deems appropriate.

This policy applies to personal and work-related messages and documents. Users may designate messages as "confidential" or "private," or password-protect access to documents; however, this does not alter the policy or confer any right to privacy regarding such messages or documents.

Nothing in this policy precludes the city from asserting attorney-client privilege or work-product protection with respect to documents created, stored, sent, or received using its Network.

Monitoring of Network and Internet Usage. The city may monitor and log any and all aspects of the Network without advance notice including among other things, monitoring Internet and social media sites visited, monitoring file downloads, and reviewing email and other communications sent and received by Users. Personnel involved in monitoring will follow the guidelines under which such monitoring will occur; these guidelines may change without notice.

The city reserves the right to utilize software to identify and block access to sites and email containing sexually explicit material or other material deemed inappropriate in the workplace.

A pop-up message which appears on each User's desktop at Network login shall serve as notice and reminder of this policy to employees.

Public Records. Documents created, stored, sent, or received using the Network may constitute public records as determined by NC General Statutes. Nothing in this policy shall invalidate any exception to public records laws, or to imply that all documents created, stored, sent, or received constitute public records.

Policy Violations. Employee violations of this policy may result in termination of employment or other disciplinary action and may also result in civil and/or criminal liability. For non-employees, violations of this policy will result in suspension of User access to the Network, constitute grounds for termination of contract, and possible civil and/or criminal liability.

Monitoring Guidelines. Authorized personnel may monitor Users' computer usage under the following circumstances and in accordance with the procedures set forth in this section:

1. When there is reasonable suspicion that a User has violated this policy, any other applicable policies, or any local, state, or federal law;

2. When evaluating performance problems with the Network;
3. When monitoring User performance and/or other interactions; or
4. To investigate a grievance, an actual or potential lawsuit, or other legal proceeding.

Computer usage may be monitored by requesting authorization from the city manager or the assistant city manager and must include the purpose for the request.

Procedures. When monitoring has been authorized, it will be performed only by the individual authorized to do so. The assistant city manager will ensure that (a) monitoring is conducted only to the extent allowed by the guidelines; (b) monitoring is conducted only by authorized personnel; and (c) results are disclosed only to the person who authorized it.

Results of computer usage monitoring will be regarded as confidential personnel information and may become part of the applicable employee's personnel file.

No Restriction on System Monitoring. The restrictions on monitoring as stated in these guidelines shall not apply to regular system monitoring by IT contractors and/or city internal IT personnel for the purpose of preventing, identifying, and solving system problems, where the focus is not to review content, or to periodic reports that show the time an individual spends on the Internet without identifying specific sites visited. The city shall be entitled to generate and disclose such reports without restriction.

Guidelines Not a Grant of Rights. The purpose of these guidelines is to instruct personnel regarding how to conduct monitoring of computer usage. They may change at any time at the discretion of the city manager and are not intended to grant any rights or expectations to Users regarding when their email, Internet access, or other computer usage will or will not be monitored nor to give Users an expectation of privacy in their use of the Network.

SECTION 17.

SOCIAL MEDIA USE

Employees may choose to express themselves by posting personal information on the Internet through personal websites, blogs, or chat rooms; by uploading content; or by posting comments on social media or blogs (blogging or other forms of social media or technology include, but are not limited to, video or wiki postings, social networking sites such as Facebook and Twitter, chat rooms, YouTube, online journals, diaries, or personal newsletters not affiliated with the city).

The city respects the right of employees to use blogs and social media sites on their own time as a medium of self-expression and public conversation and does not discriminate against employees who use these media for personal interests and affiliations or for other lawful purposes; however, employees are encouraged to exercise sound judgment and discretion in contributing to social media sites where information is available to numerous users. This is especially encouraged on personal sites to ensure a distinct separation between personal and organizational views. Inappropriate usage of social media may be grounds for disciplinary action. Employees are expected to follow the guidelines and policies set forth herein to provide a clear line between themselves as an individual and as an employee of the City of Creedmoor.

This policy provides guidance to employees or contractors in the implementation of social media applications in order to (1) prevent violation of existing policies such as logo standards, Internet usage policies, public records retention policies, or confidential personnel information; (2) utilize

technology to support the city's communication needs; (3) ensure appropriate review by management staff; and (4) protect against inadvertent establishment of a public forum.

Disclaimer Requirements. Employees are legally responsible for content they post to the Internet and can be held personally liable for defaming others and/or revealing confidential information. If an employee chooses to identify himself/herself as a City of Creedmoor employee, some readers may view them as a spokesperson for the city; thus, employees who choose to identify themselves in this way are required to conspicuously include the following statement, or substantially similar language, somewhere within the social networking page:

"The views expressed on this page are my own and not those of the City of Creedmoor, nor of any person or organization affiliated or doing business with the City of Creedmoor."

Guidelines for Personal Use. Certain activities on the part of employees may become a concern if they have the effect of impairing the work of any employee or city department; harassing, demeaning, or creating a hostile working environment for any employee; or disrupting the smooth and orderly flow of work within the organization.

Employees may use blogs or social media in any way they choose; as long as, such use does not produce adverse consequences for the city as noted above; for this reason, guidelines are provided below to advise employees regarding use of social media on their own personal time and personal computer resources.

1. If an employee publishes personal information about themselves, another employee of the city, the organization, a citizen, or a customer in any public medium that:
 - a. Creates a harassing, demeaning, or hostile working environment for any city official, employee, or contractor;
 - b. Disrupts the smooth and orderly flow of work, or delivery of services to citizens; THEN employee(s) responsible for such problems may be subject to counseling and/or disciplinary action, up to and potentially including termination of employment, depending upon the severity and repeat nature of the offense.
2. Employees are further prohibited from the following in connection with social media:
 - a. Using sites to harass, threaten, and/or discriminate against city officials, employees, or anyone associated with or doing business with the city;
 - b. Posting the City of Creedmoor logo on personal blogs or other sites without prior approval from the city manager or assistant city manager; and
 - c. Posting information including city-issued documents that are not a matter of public record.
3. Use of social media that involves any kind of criminal activity or harms the rights of others may result in criminal prosecution or civil liability to those harmed, or both.
4. Personal postings may not only be read by friends and family but also by co-workers, supervisors, city residents, and the media. An online identity can be discovered relatively easily even if posting anonymously; therefore, employees should exercise caution when deciding what to post or comment.
5. The city may require immediate removal of, and impose discipline for, material that violates the standards of this policy.
6. Misuse of social media, whether on or off-duty, is grounds for disciplinary action, up to and including termination.

7. This policy shall not be construed to prohibit any activities that constitute legally protected activities or constitutionally protected speech. Further, the First Amendment allows public employees broad, but not unlimited, discretion to speak on matters of public concern within the scope of their employment. Employees' speech is of public concern when it deals with issues of social, political, or other interest to the community at-large and where the public is likely to be truly concerned or interested in the public employee's message; however, this protection is not absolute and must be balanced against the city's interest in providing effective and efficient services to the public.

Employer Monitoring of Personal Use. Online postings can be reviewed by anyone, including city management and contracted IT personnel; in addition, the city reserves the right to lawfully and respectfully monitor social media and other online activities for compliance with its policies. Monitoring can occur through multiple methods, such as employees following one another online or a citizen bringing inappropriate material from an employee's posting to the attention of management. The city further reserves the right to use search tools and software to monitor blogs, other types of personal journals, and discussion forums.

Reporting Violations. Employees are encouraged to report any violations, including possible or perceived violations, to supervisors, department heads, or the HRO. Violations include, but are not limited to, the areas identified above, discussions of the city and its employees or vendors, discussion of proprietary information, and other unlawful activity related to social networking.

Discipline for Violations. The city will investigate and respond to reports of violations of the rules and guidelines set forth in this and other related policies. Violations may result in disciplinary action up to and including immediate termination. The city reserves the right to take legal action where necessary against employees who engage in prohibited or unlawful conduct.

Scope of Social Media Use by the City. The official city website (www.cityofcreedmoor.org) and Facebook page (City of Creedmoor, NC) will remain as the primary and predominant Internet presence for the city; however, with approval of the city manager or assistant city manager, departments and other city-sponsored event committees (e.g., the Creedmoor Music Festival Facebook page) may engage in social media to achieve certain business and communication goals including disseminating time-sensitive information such as during public safety emergencies; marketing/promoting city services and products; and encouraging public input for city projects, programs, and initiatives. Whenever possible, content posted to social media sites should also be available or contain links directly to the city's official website.

Detailed requests for approval to establish social media sites shall be submitted in writing to the assistant city manager. Such requests shall be submitted well in advance of the desired "go live" date and must include the following minimum criteria:

1. The purpose of the site including goals and objectives which cannot be accomplished through current sites;
2. A communication strategy with identification of audiences, messages, and other tactics; and
3. An implementation plan and process for managing the account such as frequency and protocol associated with posting, updating, and compliance with public records requirements.

Constant monitoring and updating are required in order for the site to be effective and the department initiating the social media page shall be responsible for updating information, monitoring content, replying to site users, and fulfilling public information requests.

All social media sites must adhere to existing city policies and protocols such as:

1. Maintaining administrative standards in the use of city logos and branding identifiers (variations of the standards must be approved by the assistant city manager);
2. Compliance with NC public records statutes (while information on social media sites has little or no historical value and most content will not be retained, exceptions may apply and retention will be determined on a case-by-case basis);
3. Adherence to website policies concerning linking to third-party sites, privacy, and guidelines for accessibility by the disabled;
4. Ensuring the social media site does not contain any political information and is not used for political activity;
5. Directing the public to the sponsoring department for questions or concerns;
6. Compliance with city policies and procedures for information security;
7. City social media sites shall be used only as a vehicle for communicating the city's message and shall not be utilized in a manner that allows members of the public to post comments directly onto the page; and
8. The following statement shall be predominantly displayed on the site:

The purpose of this site is to present matters of public interest in the City of Creedmoor including to its many residents, businesses, and visitors. The purpose of this site is for the dissemination of information; it is not intended to be a public forum.

You may submit your questions and comments in response to our posts, however please note this is a moderated site and the following policy is in effect:

The city reserves the right to delete submissions that contain: (i) vulgar language; (ii) personal attacks of any kind; (iii) offensive comments that target or disparage any ethnic, racial, or religious group; (iv) posts which are not in the public interest; and

Further, the city also reserves the right to delete comments that are:(i) spam or include links to other sites; (ii) clearly off topic; (iii) advocate illegal activity; (iv) promote particular services, products, or political organizations; (v) infringe on copyrights or trademarks; or (vi) use personally identifiable medical information. We strongly recommend you not share any of your medical information on our Facebook pages.

Note: The comments expressed on this site do not reflect the opinion and position of the City of Creedmoor government or its officers and employees. If you have any questions concerning the operation of this page, please contact the administrator at webmaster@cityofcreedmoor.org.

SECTION 18.

CITY EQUIPMENT AND PROPERTY

Employees routinely use city-owned equipment and/or property of various kinds (hereafter "Property") in the execution of their duties. A requirement is placed on all employees to ensure good governance of Property by coordinating service, maintenance, recalls, or upgrades. This policy serves to ensure proper care and accountability in handling Property and sets out consequences where provisions are not upheld.

Definitions.

Property. Any device, appliance, apparatus, or other equipment provided to employees for their use, in connection with the execution of their duties including, but not limited to, city -owned cell

phones, radios, cameras, firearms, uniforms, uniform accessories, vehicle up-fit equipment, computers, keys, tools, and capital equipment used in the regular course of employment such as vehicles, lawn mowers, power tools, backhoes, etc. The term “Property” shall apply to all such equipment no matter what its actual purpose, nor whether it is shared or personally-issued.

Personally-Issued Property. Property issued to employees for their exclusive individual use; specific differences in accountability occur for Property assigned to an individual employee.

Employee. Includes regular full-time, part-time, temporary, seasonal, reserve, or any other classification of employee, or a volunteer in any capacity.

Negligence. Failing to take proper care in doing something.

Gross Negligence. Loss, theft, or damage to any Property due to the employee’s dishonesty, willful misconduct, or gross negligence. Conscious and voluntary disregard of the need to use reasonable care, which is likely to cause foreseeable harm to a person’s property.

FWT (Fair Wear & Tear). Property condition will naturally degrade through the process of normal usage; therefore, a broad definition of FWT is “the degradation in overall performance of a device or equipment, or of individual components, to a point which renders the whole device or equipment ineffective for its defined purpose; the impairing effect of normal, reasonable usage.” An example is an integrated battery which becomes ineffective or ceases to hold its charge through the normal cycle of charge and discharge. FWT is unlikely to include cosmetic damage, ripping or tearing, water damage, or other breakage consistent with reckless usage or handling.

Responsibilities. The city accepts certain responsibilities for Property supplied to employees and expects them to properly care for Property provided for their use including presenting for maintenance or servicing, as applicable, upon the due dates or at intervals as established.

Employees are responsible at all times for the safekeeping, serviceable condition, proper care, and proper use of Property, whether or not they are on duty or engaged in the defined activity.

Special Considerations for Personally-Issued Property. On the basis that personally-issued property is deemed to be essential in order to carry out the employee’s job responsibilities, the employee must be in possession of each item of equipment issued to them at all times while carrying out (or likely to need to carry out) the defined activity for which the equipment has been issued. Failure to adhere to this requirement may result in formal disciplinary action.

An employee not in possession of personally-issued property identified as essential, must declare this immediately to a supervisor who will determine if a temporary replacement may be issued, subject to availability. Under these circumstances, all terms of this policy apply to the temporary replacement as if it was the original Property. The supervisor will determine whether unavailability of replacement Property has an impact on the employee’s ability to fulfill normal duties.

The city, at its discretion and at its cost, will repair or replace any item of personally-issued property which becomes unfit for use through the effects of FWT. Any degradation in performance or functionality which does not constitute FWT will be subject to the provisions in this policy.

Employees assigned personally-issued property shall be responsible for reimbursement costs or for obtaining a comparable replacement in the event it is lost, stolen, or damaged and a determination is made that the employee was negligent and either partially or wholly at-fault for the loss, theft, or damage as outlined by this policy.

Use of Property. Property shall only be used by those to whom it was assigned and limited to official purposes for which it was assigned, except when otherwise directed by appropriate supervisor or required by exigent circumstances. Intentional or negligent abuse or misuse may lead

to disciplinary action up to and including termination of employment. An employee may voluntarily reimburse the city for the loss, which may be considered a mitigating factor in determining the level of discipline.

Restrictions on Disposal. Property which becomes damaged or unserviceable shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority. No employee shall attempt to repair same without prior approval of a supervisor (unless completing such repairs is part of his/her job).

Lost, Stolen, or Damaged Property. Employees are responsible to promptly report lost, stolen, damaged, or unserviceable condition of Property to their supervisor.

The use of damaged or unserviceable equipment should be discontinued, as soon as practical, and turned in to the supervisor prior to replacing it with comparable, serviceable equipment.

Investigation. When loss, theft, or damage occurs, the supervisor/designee shall conduct an investigation and report findings on the Lost, Stolen, or Damaged Property Report. Loss, theft, or damage will be considered in terms of whether it was caused by negligence of the employee wherein the employee is wholly at-fault, partially at-fault, or not at-fault (i.e., accidental in origin). Due regard will be given for any previous cases of loss, theft, or damage by the same individual and previous judgments may be taken into account with the case at hand.

Negligence. If an employee is found to be negligent, appropriate disciplinary action may be imposed including, but not limited to, verbal counseling, verbal reprimand, written reprimand, suspension, demotion, or termination of employment. If the actions of the employee result in disciplinary action, any mitigating circumstances may be considered in the course of due process.

Based on the results of the investigation, the supervisor will recommend if the loss, theft, or damage to the Property should require the employee to cover the replacement cost at his/her expense via payroll deduction as authorized on the *City Property Record Form*. All such reimbursement requirements must be approved by the city manager on the *Lost, Stolen, or Damaged Property Report*; the original form and written findings of the investigation shall be forwarded to Human Resources for inclusion with the employee's personnel file.

ARTICLE X. WORKPLACE VIOLENCE

SECTION 1.

ACTS OR THREATS OF VIOLENCE DEFINED

Acts or threats of violence include, but are not limited to, conduct against persons or property that are sufficiently severe, offensive, or intimidating so as to alter the employment conditions at the city, or to create a hostile, abusive, or intimidating work environment for one or more employees. Acts or threats of violence shall subject an employee to disciplinary action.

SECTION 2.

SCOPE OF PROHIBITION AGAINST WORKPLACE VIOLENCE

The city will not tolerate:

1. Threats or acts of violence occurring on city property, regardless of the relationship between the city and the parties involved in the incident;
2. Threats or acts of violence not occurring on city property, but committed by one employee of the city against another employee of the city, except in self-defense;
3. Threats or acts of violence, resulting in the criminal conviction of an employee or of an individual performing services on the city's behalf on a contract or temporary basis, that adversely affect the legitimate interests and goals of the city.

SECTION 3.

EXAMPLES OF ACTS OR THREATS OF VIOLENCE

Conduct that is considered an act or threat of violence includes, but is not limited to, the following:

1. Hitting or shoving an individual;
2. Threatening to harm an employee or city official or his/her family, friends, associates, or their property;
3. The intentional destruction or threat of destruction of property;
4. Making harassing, intimidating or threatening telephone calls, letters or other forms of written or electronic communications;
5. Intimidating or attempting to coerce an employee to do wrongful acts;
6. Harassing surveillance, also known as "stalking," the willful, malicious and repeated following of another person and making a threat with intent to place the other person in reasonable fear for his/her safety;
7. Stating or suggesting that an act to injure a person(s) or property is "appropriate;"
8. Inappropriate possession, brandishing, or use of firearms, weapons, and objects whose purpose is violent or threatening, including knives, dangerous chemicals, explosives, chains and other objects, when carried, brandished or used for intimidating another, except as necessary for the proper functioning of the police department, or for purposes of self-defense.

While employees of the city may be required as a condition of their work assignment to possess firearms, weapons, or other dangerous devices, or permitted to carry them as authorized by law, employees must use them only in accordance with departmental operating procedures and all applicable state and federal laws.

SECTION 4.

EMPLOYEE RESPONSIBILITIES

Each employee of the city is required to report an incident(s) of a threat(s) or act(s) of violence which violate this policy to his/her supervisor, department head, assistant city manager, city manager, or city attorney. If the person committing the violent act is the employee's supervisor or department head, the employee may report the matter directly to the assistant city manager, city manager, or city attorney. Each supervising employee to whom such report is made shall promptly notify the department head who shall report the incidents of threats or acts of physical violence to the city manager, assistant city manager, and the Creedmoor Police Department.

In cases where the offending action(s) is perpetrated by a person who is not a city employee, the employee shall report such incident to the department head, who shall concurrently report the incident to the city manager, assistant city manager, and the Creedmoor Police Department.

Nothing in this policy alters any other reporting obligation established in city policies or in state, federal, or other applicable law.

ARTICLE XI. FRAUD PREVENTION AND WHISTLEBLOWER PROTECTION

SECTION 1.

PROHIBITED ACTIONS

Employees are required to observe high standards of business and personal ethics as they conduct their duties and responsibilities. The city prohibits fraudulent activity or dishonest acts involving employees, administrators, officials, consultants, vendors, contractors, outside agencies, or employees of other parties having a business relationship with the city (hereafter, “covered individuals”).

The city further prohibits discrimination or retaliatory action against an employee because the employee in good faith does, or threatens to, file a claim or complaint, initiate an inquiry, investigation, proceeding or other action, or testify or provide information with respect to:

1. A violation of state or federal laws, rules, or regulations;
2. Fraud;
3. Theft;
4. Malfeasance or misfeasance of state, federal, or local resources;
5. Substantial and specific danger to public health and safety;
6. Gross mismanagement, waste of monies, or abuse of authority; or
7. Any other alleged violation of this policy.

SECTION 2.

DEFINITIONS

The city manager and all levels of management are responsible for the prevention and detection of fraud, misappropriation, and other inappropriate conduct, including discrimination or retaliatory actions against employees who engage in protected activities or report fraudulent activity or dishonest acts by covered individuals.

As used in this policy, the term “fraudulent activity or dishonest act” includes, but is not limited to, the following:

1. A willful or deliberate act or failure to act by a covered individual, with an intention of obtaining an unauthorized or inappropriate financial benefit for himself or another person with whom he has a close familial, business, or other associational relationship;
2. Any dishonest or fraudulent act;
3. Forgery or alteration of a check, bank draft, or any other financial document or account;
4. Misappropriation of funds, securities, supplies, or other assets;
5. Impropriety in the handling or reporting of money or financial transactions;
6. Accepting or seeking anything of material value from vendors, contractors, or other persons providing services or materials to the city;
7. Using city funds to make unauthorized purchases; or
8. Authorizing or receiving compensation for hours not worked.

No person acting on behalf of the city shall, and it shall be considered misconduct on the part of an employee and an ethics violation on the part of any other covered individual, to dismiss, or threaten to dismiss, an employee; discipline, suspend, or threaten to discipline or suspend an employee; impose a penalty upon an employee; or intimidate or coerce an employee because

the employee has, in good faith, acted in accordance with the requirements of this policy to report the suspicion or detection of a fraudulent activity or dishonest act by a covered individual. It shall also be a violation of this policy for any informant to make a baseless allegation of fraudulent activity or dishonest act that is made with reckless disregard for the truth and that is intended to be disruptive or to cause harm to another individual.

SECTION 3.

RESPONSIBILITY TO REPORT

An employee who has a reasonable basis for believing a fraudulent activity or dishonest act has occurred or is occurring has a responsibility to promptly notify the city manager, and the failure to do so may be considered misconduct, depending on the circumstances.

Elected officials have a responsibility to immediately notify the city manager or city attorney of fraudulent activity or any dishonest act involving covered individuals which is reported to them or which they detect or suspect. If the alleged fraudulent activity, or dishonest act, involves a city employee, the city attorney shall refer the matter to the city manager for appropriate investigation or action. If the alleged fraudulent activity, or dishonest act, involves the city manager or other covered individual(s) other than a city employee, the city attorney may upon authorization by the Board of Commissioners investigate the matter, involve law enforcement personnel to investigate the matter, or refer the matter to the Granville County District Attorney for prosecution, depending on the circumstances.

Other individuals can report suspected fraudulent activity or dishonest acts by a covered individual anonymously by sending written notice in a sealed envelope to the city manager's office or directly to the city attorney. Depending on the classification of the covered individual about whom the fraudulent activity or dishonest act is alleged, the city manager or city attorney shall proceed, as appropriate, pursuant to this policy.

SECTION 4.

INVESTIGATION AND DISCIPLINARY ACTION

Fraudulent activity or dishonest acts by a covered individual, or discrimination or retaliation against a city employee for reporting any fraudulent activity or dishonest act, or discrimination or retaliation against a city employee for engaging in a protected activity, shall be reported immediately to the city manager, who will conduct an investigation into the alleged activity, involving other personnel and law enforcement agencies as he/she deems necessary or appropriate.

An employee found to have engaged in fraudulent activity or a dishonest act, or who is involved in discriminating or retaliating against a person who reports such activity or otherwise engages in protected activities, is subject to disciplinary action for misconduct, which may include dismissal and referral to the district attorney for prosecution, depending on the circumstances.

Fraudulent activity or dishonest acts or by a non-employee, covered individual may be referred to the appropriate law enforcement agency or Granville County District Attorney for investigation and prosecution.

An employee who believes that he has been discriminated or retaliated against due to a good faith report of fraudulent activity or dishonest act, or for engaging in a protected activity, shall be entitled to file a grievance in accordance with [Article XIII](#).

ARTICLE XII. SEPARATION AND REINSTATEMENT

SECTION 1.

TYPES OF SEPARATIONS

Separation of employees from positions in city service shall be designated as one of the following types and shall be accomplished in the manner indicated: Resignation, Reduction in Force, Disability, Voluntary Retirement, Dismissal, or Death.

SECTION 2.

RESIGNATION

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible.

1. In all instances, the minimum notice requirement is two calendar weeks.
2. Failure to provide minimum notice shall result in forfeiture of payment for accumulated vacation leave unless the notice is waived upon recommendation of the department head and approval by the city manager (see also Section 10 of [Article VI](#)).
3. Three consecutive days of absence without contacting the immediate supervisor or department head may be considered as a voluntary resignation.
4. Sick leave will only be approved during the final two weeks of a resignation notice with a physician's certification or comparable documentation that the leave was taken because of illness or injury and was not anticipated at the time notice of resignation was given.

The city manager may negotiate a resignation with an employee when it is determined to be in the best interest of the city. Such negotiated resignation may include a severance package consisting of salary, benefits, and/or accumulated leave.

SECTION 3.

REDUCTION IN FORCE

In determining employees to be retained when a reduction in force is necessary, consideration shall be given to the quality of each employee's performance, the needs of the organization, and seniority.

Employees who are separated because of a reduction in force shall be given at least two weeks' notice of the anticipated action or an equivalent amount of severance pay. 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.

SECTION 4.

DISABILITY

The city will comply with the Americans with Disabilities Act (ADAA) and the Americans with Disabilities Amendment Act (ADAA) and will make all responsible efforts to provide reasonable accommodation to employees who may be or may become disabled.

An employee who cannot perform the essential duties of a position because of a physical or mental impairment may be separated for disability with action initiated either by the employee or the city.

In cases initiated by the city, such action must be accompanied by medical or psychological evidence acceptable to the city manager. The city may require an examination, at its expense, performed by a physician or psychologist of its choice if a reasonable concern exists that, due to physical and/or mental conditions, the employee can no longer safely and/or effectively perform his/her job duties.

SECTION 5.

VOLUNTARY RETIREMENT

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

SECTION 6.

DISMISSAL

An employee may be dismissed in accordance with the provisions and procedures of [Article VII](#).

SECTION 7.

DEATH

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

SECTION 8.

REINSTATEMENT

An employee who is separated because of a reduction in force may be reinstated within one year of the date of separation, upon recommendation of the department head and approval of the city manager. An employee who is reinstated in this manner shall be recredited with any previously accrued sick leave.

SECTION 9.

REHIRING

An employee who resigns while in good standing may be rehired with the approval of the city manager, and may be regarded as a new employee, subject to the provisions of this Policy. An employee who is rehired in this manner shall be re-credited with any previously accrued sick leave which has not been transferred to another governmental unit.

An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position.

ARTICLE XIII. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

SECTION 1.

POLICY

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

Employees utilizing the grievance procedure shall not be subject to retaliation or any form of harassment from supervisors or other employees; further, any supervisor or other employee who is found to be in violation shall be subject to disciplinary action up to and including dismissal.

SECTION 2.

GRIEVANCE DEFINED

A grievance is a claim or complaint by a current or a former employee based upon an event or condition allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions which resulted in the employee receiving a disciplinary suspension, demotion, or dismissal. Grievances for levels of performance review are also defined in Section 10 of [Article VIII](#).

SECTION 3.

PURPOSES OF THE GRIEVANCE PROCEDURE

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

1. Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
2. Encouraging employees to express themselves about conditions of work which affect them;
3. Promoting better understanding of policies, practices, and procedures affecting employees;
4. Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures;
5. Increasing the sense of responsibility exercised by supervisors in dealing with employees;
6. Encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship, and therefore, encouraging conflicts to be resolved at the lowest level possible of the chain of command; and
7. Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the city or its leaders, thus freeing up employee motivation, productivity, and creativity.

SECTION 4.

PROCEDURE

When an employee has a grievance as defined in this Article, 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 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.

At each step of the grievance resolution process outlined below, the responder shall provide a written notice with his/her signature and the employee shall sign the notice to acknowledge receipt thereof. The responder shall provide copies of the grievance and each response to the HRO.

A decision to rescind a disciplinary suspension or demotion must be approved by the department head or city manager, and rescinding dismissal must be approved by the city manager before the decision becomes effective.

Informal Resolution. Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the respective department head as a resource to help resolve the grievance.

Formal Resolution.

STEP ONE

1. *Within fifteen business days* of the event, or *within fifteen business days* of learning of the event, or condition and no informal resolution has been achieved, the employee should submit the grievance in writing to the appropriate supervisor.
2. *Within ten business days after receipt of the grievance*, the supervisor shall provide a written response to the grievance after consulting with any appropriate city employees in order to reach a correct, impartial, fair, and equitable determination or decision concerning the grievance. Employees consulted by the supervisor are required to cooperate to the fullest extent possible.

STEP TWO

1. *Within ten business days* after receipt of the supervisor's response from Step One and if the grievance has not been resolved to the employee's satisfaction, the employee may appeal in writing to the appropriate department head.
2. *Within ten business days* after receipt of the employee's appeal, the department head shall respond in writing stating the determination of his/her decision.
3. If the grievance is not resolved to the employee's satisfaction in Step One and the direct supervisor is the department head, or there is currently no department head in place, the employee should skip Step Two and proceed to Step Three.

STEP THREE

1. *Within ten business days* after receipt of the response from Steps One or Two above (as applicable), and if the grievance is not resolved to the employee's satisfaction, the employee may appeal in writing to the city manager.
2. The city manager may request an informal meeting with the employee prior to responding to the appeal.
3. *Within 10 business days of the meeting* or *within 10 business days* after receipt of the appeal, whether a meeting is held or not, the city manager shall respond to the appeal in writing stating the determination of his/her decision.

4. The city manager's decision shall be the final decision and he/she shall notify the Board of any impending legal action.

SECTION 5.

ROLE OF THE HRO

Throughout the grievance procedure, the role of the HRO shall be as follows:

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

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

SECTION 6.

GRIEVANCE AND ADVERSE ACTION APPEAL PROCEDURE FOR DISCRIMINATION

When an employee, former employee, or applicant believes that an employment action discriminates illegally, he or she has the right to appeal such action using the grievance procedure as outlined in this Article.

While such persons are encouraged to use the grievance procedure, they shall also have the right to appeal directly to the HRO or city manager. Employment actions subject to appeal because of discrimination include promotion, training, classification, pay, disciplinary action, transfer, layoff, failure to hire, or termination of employment.

An employee or applicant should appeal an alleged act of discrimination within thirty calendar days of the alleged discriminatory action, but may appeal for up to six months following the action.

ARTICLE XIV. RECORDS AND REPORTS

SECTION 1.

PUBLIC INFORMATION

Per GS §160A-168, the following information with respect to each employee is a matter of public record:

1. name;
2. age;
3. date of original employment or appointment to the service;
4. the terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the city has the written contract or a record of the oral contract in its possession;
5. current position title;
6. current salary;
7. date and amount of each increase or decrease in salary with the city;
8. date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the city;
9. date and general description of the reasons for each promotion with the city;
10. date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the municipality. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the municipality setting forth the specific acts or omissions that are the basis of the dismissal; and
11. the office to which the employee is currently assigned.

Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safe-keeping of public records as the city may adopt.

For the purposes of this subsection, the term “salary” includes pay, benefits, incentives, bonuses, and deferred and other forms of compensation paid by the city.

SECTION 2.

ACCESS TO CONFIDENTIAL RECORDS

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

1. The employee, or his/her duly authorized agent, may examine all portions of his/her personnel file except
 - a. Testing or examination material used solely to determine individual qualifications for appointment, employment, or promotion in the city's service, when disclosure would compromise the objectivity or the fairness of the testing or exam process;
 - b. Investigative reports or memoranda and other information concerning the investigation of possible criminal actions of an employee, until the investigation is completed and no criminal action taken, or until the criminal action is concluded;
 - c. Information that might identify an undercover law enforcement officer or a law enforcement informer;

- d. Notes, preliminary drafts and internal communications concerning an employee. In the event such materials are used for any official personnel decision, then the employee or his duly authorized agent shall have a right to inspect such materials; and
 - e. Letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to the patient, or the disclosure of which is prohibited by law.
2. A licensed physician designated by the employee in writing may examine the employee's medical record.
 3. A city employee having supervisory authority over the employee may examine all material in the employee's personnel file.
 4. By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
 5. An official of an agency of the state or federal government, or any political subdivision of the state, may inspect any portion of a personnel file when such inspection is deemed by the city manager to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability; however, the HRO may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
 6. An employee may sign a written release to be placed in his/her personnel file that permits the records custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons.
 7. The city manager, with the concurrence of the Board, may inform any person of the employment, non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a city employee, and the reasons for that action. Before releasing the information, the city manager shall provide a written statement that the release is essential to maintaining the level and quality of city services; the statement shall be retained in the city manager's office as a record for public inspection and a copy placed in the employee's personnel file.

SECTION 3.

PERSONNEL ACTIONS

The HRO, with the approval of the city manager, will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system.

The city maintains only one set of official personnel files, centrally located as designated by the city manager, usually in the Human Resources office. These files shall contain documents such as employment applications and related materials, records of personnel actions, documentation of employee warnings, disciplinary actions, performance evaluations, retirement and insurance records, letters of recommendation, etc. Any document not located in the designated area is not an official part of that employee's personnel record.

SECTION 4.

RECORDS OF FORMER EMPLOYEES

Provisions for access to records apply to former employees the same as they apply to present employees.

SECTION 5.

REMEDIES OF EMPLOYEES OBJECTING TO MATERIAL IN FILE

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

SECTION 6.

PENALTIES FOR PERMITTING ACCESS TO CONFIDENTIAL RECORDS

NC General Statute §160A-168 provides that any public official or employee who knowingly and willfully permits any person to have access to 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 an amount consistent with the General Statutes.

SECTION 7.

EXAMINING AND/OR COPYING CONFIDENTIAL MATERIAL WITHOUT AUTHORIZATION

NC General Statute §160A-168 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, or remove or copy any portion of a confidential personnel file, shall be guilty of a misdemeanor and upon conviction shall be fined consistent with the General Statutes.

SECTION 8.

DESTRUCTION OF RECORDS REGULATED

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with GS §121.5, without the consent of the State Department of Cultural Resources. Whomever unlawfully removes a public record from the office where it is kept, or whomever 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 Statutes §132.3.