



Personnel Policy

Handbook

Adopted September 20, 2007

Last Revised June 21, 2018

**TOWN
OF
LELAND**

**PERSONNEL
RESOLUTION**

READOPTION 2007:

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ARTICLE I. POLICY

Section 1. The employment relationship between the Town and the employee is terminable at the will of either at any time and with or without cause and with or without notice. No employee, officer, agent or representative of the Town has any authority to enter into any agreement or representation, verbally or in writing, which alters, amends, or contradicts this provision or other provisions in these policies. Any exception to this policy of “at will” employment must be expressly authorized in writing, approved by the Town Council and executed by the officers designated by the Town Council.

Section 2. None of the benefits or policies set forth in this policy are intended because of their publication to confer any rights or privileges upon employees or to entitle them to be or remain employed by the Town. The contents of this document are presented as a matter of information only. Although the Town believes wholeheartedly in the plans, policies, and procedures described herein, they are not conditions of employment.

Section 3. This personnel policy resolution is not a binding contract, but merely a set of guidelines for the implementation of personnel policies. The Town explicitly reserves the right to modify any of the provisions of this resolution at any time and without any notice to employees. Notwithstanding any of the provisions within this policy, employment may be terminated at any time, either by the employee or by the Town, with or without cause and with or without advance notice.

ARTICLE II. GENERAL PROVISIONS

Section 1. Purpose

The purpose of this policy is to establish a personnel system which will recruit, select, develop and maintain an effective and responsible work force. These policies are established under the authority of Chapter 160A, Article 7 of the General Statutes of North Carolina.

Section 2. Coverage

This policy shall cover all regular and probationary employees except as specifically exempted. The Town Manager, Town Attorney, members of the Town Council, members of advisory boards and commissions, and part-time employees will be exempted except in sections where specifically included.

Section 3. Definitions

- (a) Adverse Action. A demotion, dismissal, reduction in pay, layoff, or an undesirable transfer or suspension.

- (b) FLSA. The Federal Labor Standards Act.
- (c) Full-time Employee. An employee, either regular or temporary, who is regularly scheduled to work the number of hours per workweek designated by the Town Council as full-time.
- (d) Grievance. A claim or complaint based upon an event or condition which affects the circumstance under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.
- (e) Immediate Family. The immediate family is defined as spouse, father, mother, guardian, children, sister, brother, grandparents, grandchildren plus various combinations of half, step, immediate in-laws, adopted relationships that can be derived from those named and anyone living as a part of the employee's household.
- (f) Permanent Full Time - An employee who has successfully completed the prescribed probationary periods shall be considered permanent. However, all Town positions are subject to budget review and approval each year by the Town Council, and all employees' work and conduct must meet standards of performance and behavior. Therefore, reference to permanent positions should not be construed as a contract or right to perpetual funding or employment.
- (g) Permanent Part-time - An employee, either permanent or temporary, who is regularly scheduled less than the number of hours per workweek designated by the Town Council as full-time.
- (h) Temporary Full-Time - A person appointed to serve in a position for a defined time period no longer than one (1) year.
- (i) Temporary Part-time - A person appointed to serve in a position for a defined time period no longer than one (1) year and is regularly scheduled less than the number of hours per workweek designated by the Town Council as full-time.
- (j) Probationary Employee. A person appointed to a permanent position who has not yet completed the probationary period. See Article IV, Section 10.

Section 4. Merit Principal

The purpose of this policy and the rules and regulations set forth is to establish a fair and uniform system of modern personnel administration for all employees of the Town. The Town embraces the following merit system principles in administering its personnel program:

- (a) Applicants and employees shall be assured of fair treatment in all aspects of personnel administration without regard for political affiliation, religious creed,

sex, national origin, color, race, or disability. Disabled persons shall be given equal consideration in all personnel actions providing their disabilities are not unreasonable barriers to the satisfactory performance of essential duties. Individuals shall likewise be treated with proper regard for their privacy and constitutional rights as citizens.

- (b) Employees shall be recruited, selected, trained, and advanced on the basis of their ability, knowledge, skill, and performance.
- (c) Employees shall be retained on the basis of the adequacy of their performance. They shall be guided in ways to correct inadequate performance and separated when inadequate performance cannot be corrected.
- (d) Employees shall be protected against coercion for political purposes.
- (e) Employees shall receive equitable and adequate pay and benefits and eligible employees shall receive merit pay increases based upon their performance subject to the availability of funds.

Section 5. Responsibility of Town Council

The Town Council shall establish personnel policies and rules, including the classification and pay plan and shall make and confirm appointments when so specified by law.

Section 6. Responsibility of the Town Manager

The Town Manager shall be responsible for assisting in the preparation and maintenance of the position classification plan and the pay plan, and shall perform such other duties in connection with a modern personnel program as are required. All matters dealing with personnel shall be routed to the Town Manager, who shall maintain a complete system of personnel files and records. The Town Manager may perform any or all of these duties and responsibilities or assign them to a staff employee.

The Town Manager shall:

- (a) recommend rules and revisions to the personnel system to the Town Council for consideration;
- (b) recommend revisions to the position classification plan to the Town Council for consideration;
- (c) prepare and recommend revisions to the pay plan to the Town Council for consideration;
- (d) determine which employees shall be subject to the compensatory time provisions as provided for in Article IV, Section 9;

- (e) establish and maintain a roster of all persons in the municipal service, setting forth each officer and employee, class title of position, salary, any changes in class title and status, and such data as may be deemed desirable or useful;
- (f) develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
- (g) develop and coordinate training and educational programs for Town employees;
- (h) investigate periodically the operation and effect of the personnel provisions of this policy and at least annually report findings and recommendations to the Town Council; and
- (i) perform such other duties as may be assigned by the Town Council not inconsistent with this policy.

ARTICLE III. CLASSIFICATION PLAN

Section 1. Adoption

The position classification plan, as amended from time to time, is hereby adopted as the position classification plan for the Town.

Section 2. Number and Allocation of Positions

The Town Council is authorized to establish the total number of positions with the adoption of the annual budget.

The Town Manager shall allocate each position covered by the classification plan to its appropriate class in the plan.

Section 3. Administration of the Position Classification Plan

The Town Manager shall be responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by the employees in the classes to which their positions are allocated. Department heads shall be responsible for bringing to the attention of the Town Manger (1) the need for new positions, and (2) material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classifications of any existing position.

When the Town Manager finds that a substantial change has occurred in the nature of level of duties and responsibilities of an existing position, the existing class specification shall be revised or reallocated to the appropriate class within the existing classification plan, or the position classification plan shall be amended establishing a new class to which the position may be allocated.

Section 4. Amendment of Position Classification Plan

Classes of positions shall be added and deleted from the position classification plan by the Town Manager.

ARTICLE IV. THE PAY PLAN

Section 1. Adoption

The schedule of salary ranges and class titles assigned to salary ranges, as amended from time to time, is hereby adopted as the pay plan for the Town.

Section 2. Maintenance of the Pay Plan

The Town Manager shall be responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide equitable compensation for all positions, reflecting differences in duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the Town, and other factors. To this end, the Town Manager shall from time to time make comparative studies of all factors affecting the levels of salary ranges and shall recommend to the Town Council such changes in salary ranges as appear to be warranted.

Section 3. Use of Salary Ranges

Salary ranges are intended to furnish administrative flexibility in recognizing individual performance among employees holding positions in the same class by rewarding employees for meritorious service. The following general provisions will govern the granting of increases within the pay range:

- (a) The minimum rate established for the class is the normal hiring rate, except those cases where unusual circumstances appear to warrant appointment at a higher rate. Appointment above the minimum step may be made on the recommendation of the department head with the approval of the Town Manager when deemed necessary and in the best interest of the Town. Above-the-minimum appointments will be based on such factors as the qualifications of the applicant being higher than the desirable education and experience for the class, a shortage of qualified applicants available at the minimum step, and the refusal of qualified applicants to accept employment at the minimum step, or other similar factors.
- (b) Pay steps above the minimum rate are reserved to reward employees for meritorious service. Each year, the Town Manager may require department heads to consider the eligibility of employees to receive salary increases and to recommend such advancement or retention at the same rate. Department heads shall consider all factors affecting employee performance and shall submit their recommendations in writing, giving the reasons to advance or retain the employee

at the same rate. All such advancements and retentions must be approved by the Town Manager.

Section 4. Payment at a Listed Rate

All employees covered by the salary plan shall be paid at a listed rate within the salary range established for their respective job classes except for employees in a “trainee status”, or employees whose present salaries are above the established maximum rate following transition to a new pay plan.

Section 5. Salary of Trainee

An applicant hired or an employee promoted to a position in a higher class, who does not meet all the established requirements of the position, may be appointed at a rate in the pay plan below the minimum established for the position. In such cases, a plan for training, including a time schedule, will be prepared.

Trainee salaries may be no more than 10% below the minimum salary established for the position for which the person is being trained. An employee will remain a trainee until the department head determines that the trainee is qualified to assume the full responsibilities of the position. The department head shall review the progress of each employee in a trainee status monthly, or more frequently as necessary, to determine when the trainee is qualified to assume the full responsibilities of the position. Provided, however, that a trainee shall not be in such status for longer than two (2) years.

Section 6. Pay Rates in Promotion, Demotion, Transfer, Reclassification, and Completion of Probationary Period

When an employee is promoted, demoted, transferred, or reclassified, the rate of pay for the new position will be established in accordance with the following rules:

- (a) Promotion: An employee who is promoted shall receive a 5% pay increase in base salary or an increase to the minimum step of the new pay range, whichever is higher.
- (b) Temporary Promotion: An employee who is temporarily promoted to a new position shall receive a 10% pay increase in base salary while performing those duties.
- (c) Demotion: The salary of an employee who is demoted due to unsatisfactory job performance shall be readjusted to a level equivalent to employee’s previous job or new position.
- (d) Transfer: An employee transferring from a position in one class to a position in another class assigned the same pay range shall continue to receive the same salary.

- (e) Reclassification: An employee whose position is reclassified to a class having a higher salary range shall receive a 5% pay increase in base salary or an increase to the minimum step of the new pay range, whichever is higher. If this position is reclassified to a lower pay range and the employee is receiving a salary above the maximum step established for the new class, the salary of the employee shall be maintained at that level until such time as the employee's pay range is increased above the employee's current salary.

Section 7. Pay Rates in Salary Range Revisions

When the Town Council approves a change in salary ranges, or the Town Manager changes the range for a class of positions, the salaries of employees whose positions are allocated to that class shall be affected as follows:

- (a) When a class of positions is assigned to a higher pay range, employees in that class shall receive a 5% pay increase or an increase to the minimum amount of the new range, whichever is higher.
- (b) When a class of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged. If this assignment to a lower pay range results in an employee being paid at a rate above the maximum step established for the new class, the salary of the employee shall be maintained at that level until such time as the employee's pay range is increased above the employee's current salary.
- (c) When an adjustment is made to a pay range to reflect market changes, employees in classes within that pay range may or may not receive the adjustment, depending on the Town's financial condition.

Section 8. Pay for Part-Time Work

The pay plan established by this policy is for full-time service. An employee appointed for less than full-time service will be paid an amount determined by using the hourly rate of the position classification assigned.

Section 9. Overtime Compensation Provisions

On occasion, employees may be required to work beyond their regular scheduled work hours as necessitated by the needs of the Town and determined by the department head. To the extent that local government jurisdictions are so required, the Town will comply with the Fair Labor Standards Act (FLSA).

Following Federal Fair Labor Standard Act (FLSA) regulations of 1983 as amended in 1985, the Town Manager with the assistance of the Human Resources Director shall determine which jobs are "nonexempt". Positions classified as "exempt" in accordance with FLSA are not entitled to the FLSA overtime provisions.

Nonexempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their positions; hours beyond the FLSA established limit will be compensated in the appropriate manner outlined in this policy.

In accordance with the Fair Labor Standards Act (FLSA) and with the rules set forth below, nonexempt employees are entitled to compensation for overtime as outlined below.

- A. Department heads shall arrange the work schedules of their employees so as to accomplish the required work within the appropriate work periods. Employees shall be required to work overtime only in emergencies and the department head may order extensive overtime in excess of the employee's normal work period only with the approval of the Town Manager.
- B. All unscheduled overtime work must be approved in writing, in advance, by the employee's department head and should be included on the employee's time sheet in their total hours worked. Although nonexempt employees will be compensated for all overtime hours worked, unauthorized overtime violates Town policy and may result in disciplinary action up to and including termination.
- C. Department heads may, with prior approval of the Town Manager, pay nonexempt employees for overtime work when it is not feasible to permit their absence for the purpose of taking compensatory time off.
- D. Overtime shall be distributed as equitably as practicable among employees in the same job class and in compliance with the Town's EEO policy. All overtime practices shall comply with the FLSA. Whenever practical, departments shall schedule time off on an hour-for-hour basis within the applicable work period for nonexempt employees to prevent overtime work.
- E. When time off within the work period cannot be granted, all employees in nonexempt positions, excluding firefighters who are assigned to a 212 hour, 28 day work period, shall receive compensatory time at a rate of one and one half (1.5) hours for each overtime hour worked in accordance with FLSA regulations. Firefighters who work in excess of 212 hours in a 28 day work period will receive overtime pay at one and one half (1.5) times the employee's regular rate of pay in accordance with FLSA regulations.
- F. The following work periods shall be established for the purpose of computing overtime during a work period:
 1. Patrol Division personnel (to include sworn Police Officer positions only) shall be assigned to a 14 day work period with a fluctuating

work schedule and a maximum of 84 work hours before accruing compensatory time in accordance with section 7(k) of the FLSA.

2. Firefighter personnel shall be assigned to a 28 day work period with a fluctuating work schedule and a maximum of 212 hours before earning overtime pay in accordance with section 7(k) of the FLSA.
 3. All other nonexempt Town employees shall be assigned to a 7 day work period with a maximum of 40 work hours before accruing compensatory time.
- G. In determining eligibility for overtime in a work period, only hours actually worked shall be considered. Compensatory time, vacation leave, sick leave, holidays, or any other paid time during which a nonexempt employee did not actually work will not count as hours worked for the purpose of computing overtime during a work period.
- H. Employees must use accrued compensatory time before taking other accrued and unused paid leave.
- I. The maximum compensatory time that may be accrued by any employee in a nonexempt position shall be 80 hours. Once an employee has attained a balance of 80 hours of compensatory time, all additional overtime will be paid at the appropriate rate of one and one half times (1.5) the employee's regular rate of pay.
- J. A nonexempt employee who separates from employment with the Town shall receive pay for all accrued and unused compensatory time at the employee's final regular rate of pay upon separation.

In accordance with the rules set forth below, exempt and nonexempt employees will be paid overtime when work is related to an Emergency Declaration as outlined below.

- A. When the Town Manager has deemed it necessary to enact disaster response and the Mayor declares a State of Emergency, all required employees, exempt and nonexempt, must report to duty and work hours sufficient to protect the safety and well-being of Town of Leland residents and other individuals who happen to be in the Town of Leland.
- B. All employees, exempt and nonexempt, who are required to respond to the disaster shall be paid overtime at the rate of one and one-half times (1.5) the employee's regular hourly rate of pay for any hours worked over his or her regular work schedule.

- C. No employees, whether exempt or nonexempt, required to respond to the disaster shall be compensated with compensatory time off for overtime hours worked in a declared State of Emergency disaster response.

Section 10. Payroll Deductions

The Town Manager may authorize payroll deductions other than those specifically mandated or authorized by Federal or State Act.

Section 11. Timekeeping

Accurately reporting time is the responsibility of every non-exempt employee. The Town must keep an accurate record of time worked to calculate employee pay and benefits. The purpose of this policy is to outline the timekeeping policies of the Town of Leland.

(a) Time Worked

Time worked includes all time that an employee is required to be performing duties for the Town. Time worked is used to determine overtime required for non-exempt employees in accordance with the Compensatory Time policy (Article VI, Section 9). All time must be accounted for whether time worked, meal period, or paid leave to ensure a full day is recorded.

(b) Time Not Worked

Per the Fair Labor Standards Act (FLSA), the Town does not count the following provisions as time worked:

1. Paid leave. Approved paid absences, including compensatory time, sick leave, vacation leave, holiday, leave, bereavement leave, Family and Medical Act (FMLA) leave, military leave, and civil leave are not counted as time worked.
2. On-call status. Time spent on-call is not counted as time worked.
3. Meal periods. Uninterrupted bona fide meal periods (ordinarily 30 minutes or more) are not work time.

(c) Work After Hours

Non-exempt employees are prohibited from performing any work outside of normal working hours without prior authorization from his or her supervisor.

(d) Timekeeping

1. Non-exempt employees must accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. The

only non-exempt personnel that are not required to record his or her beginning and ending time of each meal period are Patrol Division personnel (to include Patrol Officer positions only regardless of rank).

2. Non-exempt employees must also record the beginning and ending time of any split shift or departure from work for personal reasons.
3. It is the employee's responsibility to review his or her time record to certify the accuracy of all time recorded. The employee's supervisor will review and approve the time record before submitting it for payroll processing.
4. In the event of an error in reporting time, employees must immediately report the problem to his or her supervisor.
5. Time records are to be approved by the employee's supervisor by 5:00pm on the Monday following the end of the pay period. Exceptions to the deadline may result when a holiday or Town closing occurs on the Monday following the end of the pay period. Exceptions to the deadline will be communicated by the Finance department as they occur.

(e) 7/8 Minute Rounding Rule

The Town of Leland follows the 7/8 minute rounding rule in accordance with the Fair Labor Standards Act (FLSA). The 7/8 minute rule refers to the method of rounding time to the nearest quarter hour.

1. Regardless of the method of recording time, employees may not clock in more than 7 minutes before his or her scheduled shift and employees may not clock out more than 7 minutes after the scheduled end of his or her shift (unless otherwise instructed to do so by his or her supervisor).
2. "Clock-ins": Any punches more than 7 minutes after an employee's scheduled start time will be rounded up to the quarter hour. For example, if an employee clocks in between 7:38-7:52, they will be credited for 7:45. If an employee clocks in between 7:53-8:07, they will be credited for 8:00. Anytime after 8:07 will be rounded up to 8:15am and the employee will be 15 minutes late.
3. "Clock-outs": The time system calculates the clock-out punch at the end of a shift according to the 7/8 minute rule. For example if an employee clocks out at 4:38-4:52, the time recorded will give credit for 4:45. Clocking out at 4:53-5:07 will give credit for 5:00.

4. The 7/8 minute rule only applies to time keeping. If an employee is scheduled to work at 8:00am and arrives at 8:02, his or her supervisor can count this as a tardy. Employees who do not report for work on time or who work after his or her shift or day has ended without permission may be disciplined up to and including termination.

(f) Enforcement

Altering, falsifying, tampering with time records or recording time for another employee on his or her time record may result in disciplinary action, up to and including termination of employment.

ARTICLE V. RECRUITMENT AND EMPLOYMENT

Section 1. Statement of Equal Employment Opportunity Policy

It is the policy of the Town to foster, maintain, and promote equal employment opportunity. The Town shall select employees on the basis of applicants' qualifications and without regard to age, sex, race, color, creed, religion, political affiliation or national origin, except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary for job performance. Applicants' disabilities shall be given equal consideration with other applicants for positions if such applicants can, with or without reasonable accommodation, perform the essential requirements of the position.

Section 2. Implementation of EEO Policy

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

Section 3. Recruitment

When positions are to be filled within the Town, department heads shall notify the Town Manager concerning the number and classification of positions which are to be filled. The Town Manager shall publicize these opportunities for employment including applicable salary ranges and employment qualifications. Information on job openings and hiring practices shall be provided to recruitment sources including organizations and news media serving the appropriate labor market. In addition, notice of vacancies shall be posted at designated, conspicuous sites within Town buildings. The Town Manager shall also make available to the department heads for consideration current applications on file with the Town. Individuals shall be recruited from a geographic area as wide as is necessary to insure that well qualified applicants are obtained for Town service.

Section 4. Requisition for vacant positions

As soon as a Department Head learns that a vacancy will occur, he/she should complete a Personnel Requisition Form, and forward it to the Human Resources Department.

After receiving the completed Personnel Requisition form, the Human Resources Department will contact the Department Head to discuss the position and will carry out a search for candidates with job related qualifications.

Section 5. Job Announcements

Employment announcements shall contain assurances of equal employment opportunity and shall comply with federal and state statutes regarding discrimination in employment matters.

Section 6. Applications for Employment

Applications for employment will only be accepted when a vacancy exists and recruitment is in progress. All persons expressing interest in employment with the Town shall be given the opportunity to file an application for employment when a position is vacant or when the Town is advertising to fill such positions. Applications will remain active for a period of six (6) months.

Section 7. Application Reserve File

Upon inquiring, each potential applicant shall be informed of current job openings. After the active period of six months, applications shall be kept in a reserve file for a period of two (2) years, in accordance with Equal Employment Opportunity Commission guidelines and the Records Retention Schedule issued by the NC Division of Archives and History.

Section 8. Qualification Standards

- (a) Employees shall meet the employment standards established by the position classification plan and such other reasonable minimum standards of character, aptitude, knowledge, skills, abilities and physical condition as may be established by the Town Manager with the advice and recommendations of the department heads.
- (b) Qualifications shall be reviewed periodically to assure that requirements are fair and conform to the actual job performance requirements.
- (c) The Town may employ an applicant in a trainee capacity who does not meet all minimum qualifications for a particular job, if the deficiencies can be eliminated through orientation and on-the-job training.

Section 9. Selection

Department heads shall make such investigations and conduct such examinations as deemed appropriate to assess fairly the aptitude, education and experience, knowledge and skills, character, physical fitness and other qualifications required for positions in the service of the Town. All selection devices administered by the Town shall be valid measures of job requirements.

Section 10. Pre-Employment

(a) Pre-Employment Testing

1. The only acceptable tests are skill tests (e.g. typing), which have been statistically demonstrated to be job-related.
2. Tests shall be administered under controlled conditions to ensure validity of test results.
3. It should be made clear to the applicant that the offer and acceptance of a job are contingent upon satisfactory completion of job-related pre-employment procedures.
4. Pre-employment physicals and drug screenings shall be required of the selected candidate at the discretion of the town.

(b) Pre –Employment Checking

1. Reference/background checking is the responsibility of the Department Head with support of Human Resources.
2. A telephone check may be conducted of the most recent employers. It may be necessary to check more than one former employer.
3. It should be made clear to the applicant that the offer and acceptance of a job are contingent upon satisfactory completion of job-related pre-employment procedures.

Section 11. Appointments

It is the Town's policy to create career opportunities for its employees when possible. Therefore, when a current employee applying for a vacant position possesses the best qualifications of all applicants, that applicant shall be appointed to that position. However, if other applicants possess comparable qualifications and if the Town would continue any perceived historical discriminatory employment practices by automatically promoting or transferring the current employee without considering other applicants, then the Town must carefully consider the qualifications of other applicants in filling the position.

Section 12. Probationary Period of Employment

An employee appointed or promoted to a permanent position shall serve a probationary period of six (6) months. The Town Manager shall have the authority to extend such probationary period for up to an additional period of eighteen (18) months on the condition that such extension occurs prior to the expiration of the initial six (6) month probationary period. Any law enforcement officer who has not completed the twelve (12) month probationary period required by the State of North Carolina shall be required by the Town to be a probationary employee until such probationary period required by the state is completed. An employee serving a probationary period following initial appointment may be dismissed with or without cause and without right of appeal at any time during the probationary period. A regular employee serving a probationary period following a promotion shall be demoted as provided in Section 14 of this article if unable to perform assigned duties of the new job satisfactorily.

Section 13. Performance Evaluation

A supervisor shall evaluate performance beginning with the employee's first day on the job. Through open communications with his or her supervisor, the employee should obtain a clear understanding of what is expected related to job performance and a periodic assessment of his or her job strengths and weaknesses.

A formal evaluation shall be completed for an employee prior to the completion of his or her probationary period and at least once each year thereafter. The Town's performance evaluation program provides a system for appraising the employee's work.

Section 14. Notification of Action

When an employee is suspended, demoted, or dismissed, the department head shall immediately provide the employee with written notice of the charges against him or her, the action taken, effective date of action, and the recourse(s), if any, available to the employee.

Section 15. Promotion

Department Heads shall endeavor to anticipate retirements and turnover and to have employees trained to assume positions of greater responsibility. In filling vacancies an effort shall be made to promote qualified employees from within the Town work force before seeking an outside replacement.

When a vacancy occurs, the supervisor and department head in whose department the vacancy occurs shall review all applications received, including those from current Town employees wishing to be promoted into the position. If a current Town employee is chosen for promotion, the department head shall forward the employee's name to the Town Manager with recommendations for classification and salary and reasons for selecting the employee over other applicants. After receiving such comments, the Town Manager shall make an appointment, if appropriate, and determine the starting salary.

Candidates for promotion shall be chosen on the basis of existing or anticipated job openings, on their qualifications, and on their work records. Employees being promoted must meet the qualification standards to include education, training, and experience for the classification to which the promotion is being made.

Section 16. Demotion

Any employee who fails to maintain high standards of personal conduct or whose work in his present position is unsatisfactory may be demoted provided the employee shows promise of becoming a satisfactory employee in another position. Such demotion shall be preceded by the warning procedures outlined for cases involving inability to perform duties or failure in performance of duties. An employee who wishes to accept a position with less complex duties and responsibility may be demoted for reasons other than unsatisfactory performance of duties or failures in personal conduct.

Section 17. Transfer

An employee who has successfully completed a probationary period may be transferred to the same or similar class in a different department. As vacancies occur in other departments to which an employee would be eligible for transfer, the employee shall notify his or her supervisor of interest in the transfer and submit notice of a desire for transfer to the various department head(s) for consideration. If a department head wishes to hire that employee, the employee must request a transfer to that specific department and have the transfer approved by the Town Manager.

Any employee who has successfully completed a probationary period may be transferred to the same or similar class in a different department without serving another probationary period.

Section 18. Reduction in Force

In the event that a reduction in force becomes necessary the quality of each employee's past performance and the needs of the Town as well as seniority shall be considered in determining those employees to be retained. Regular employees who are to be terminated due to reduction in force shall normally be given at least 10 working days' notice of the anticipated layoff.

Section 19. Employee Recognition

The Town of Leland acknowledges the importance of having an Employee Recognition program to express appreciation and show recognition for outstanding accomplishments made by employees to encourage employee commitment, high performance and morale. The Town also recognizes the value of institutional knowledge and experience held by long-term employees. Employee recognition events and awards recognize and publicly acknowledge the contribution of Town employees while emphasizing Town values and the achievement of organizational goals.

Service Awards

Full-time and part-time active employees become eligible for a service award in the year in which they complete 3, 5, 10, 15, 20, 25, 30, 35, 40 years of service. Recognition for years of service will be held throughout the year during Town employee recognition events.

Employee Recognition Events / Activities

Throughout the year a variety of events and activities will be held to show appreciation to Town employees for their hard work, dedication, and service to the Town. These events and activities will be developed and coordinated by members of the Employee Recognition Committee. The goal will be to hold at least one recognition event each quarter throughout the year. Recognition events, activities, and giveaways will be based on available budget funds approved by the Town Council.

BRAVO Day

A BRAVO day is a floating personal day that an employee may receive as an award when recognized for outstanding performance or service. An employee who is awarded a BRAVO day must take it as a full day and must still submit a leave request to their supervisor for approval through Paychex Time and Labor Attendance system. A BRAVO day cannot be carried over from year to year and will not be paid out upon separation of employment with the Town. If an employee has accrued and unused compensatory time, then the employee may still request to use his/her BRAVO day before using his/her compensatory time.

Employee Recognition Committee

The Employee Recognition Committee (ERC) is responsible for developing incentives that create a positive work environment, motivate high performances and create a culture of staff recognition in the Town. To achieve this, the committee will develop and coordinate employee recognition events, activities, awards, and giveaways throughout the year.

The committee will consist of one member from each department. Members can be volunteers or nominated by department heads. Terms of appointments will be for two (2) years and a rotation of committee members will occur in June of each year. Employees not eligible to serve on the committee include part-time workers, temporary employees, and those employed by the Town for less than six months.

ARTICLE VI. WORK CONDITIONS AND EXPECTATIONS

Section 1. Work Period

The work period is defined as seven consecutive days. Full-time, nonexempt employees are subject to the overtime provisions set forth in Article IV, Section 9 of these policies.

Exempt employees in administrative, professional or managerial positions shall work the number of hours necessary to assure the satisfactory performance of their duties.

When the activities of a particular department require some other schedule to meet work needs, the Town Manager may authorize a deviation from the normal schedule.

(a) Many of the services performed by the Town employees are essential and some must be provided day and night, every day of the year. Therefore, Town employees may be required to work changing shifts and the number of hours per day may differ.

(b) Work periods are generally as follows for full-time nonexempt employees:

General Government Personnel: 40 Hours per 7 Consecutive Days
(Monday through Friday, 8:00 AM – 5:00 PM)

Patrol Division Personnel: 84 Hours per 14 Consecutive Days
(Average of 42 Hours per Week)

Firefighters: 212 Hours per 28 Consecutive Days
(Average of 56 Hours per Week)

Section 2. On-Call and Call-Back Pay

The nature of several jobs performed by a Town employee requires that those employees be on-call, that is, available and ready to work, for emergencies. On-call duty is an integral part of the routine duties and responsibilities of some jobs.

This policy describes the compensation benefits for all non-exempt employees who are officially required to be on-call and for all non-exempt employees who are officially on-call who are called back to work.

A call-back is when an employee is called back to work for unforeseen or emergency work after leaving the building or work location at the end of his or her regular shift and before the beginning of the next regularly scheduled shift. This also includes time spent on the telephone for significant events only. The designation of a significant event will be determined by the department director or his/her designee.

If an employee is called back to work whether on-call or not on-call, the following provisions apply:

- (a) A non-exempt employee who is called back to work outside his or her normal work schedule will be paid for the time worked or a minimum of two (2) hours, whichever is greater.
- (b) Hours actually worked are calculated beginning when the employee reports to the work site and are added to the regular total hours worked for the week.

- (c) Employees will receive overtime compensation in accordance with the FLSA and the overtime provisions of the Compensatory Time policy.
- (d) Call-back pay is not considered as part of the annual base salary for classification and pay purposes, nor is it to be recorded in personnel records as part of the annual base salary.
- (e) Once an employee reports to work, it is required that work related communication and all direct supervision is to the employee's supervisor.

If an on-call employee is called back to work, the following provisions apply in addition to what is stated above:

- (a) The employee is required to arrive at the work site within approximately 30 minutes after being called.
- (b) Employees who are on-call and cannot be located to perform his or her duties in the event of being called back to work, fail to respond in any way, or are unable to respond to the work location will forfeit all on-call pay for that day and may be subject to disciplinary action, up to and including termination.

If an on-call employee is not called back, he or she will be paid according to the following:

- Monday through Friday: One (1) hour of regular pay for each day scheduled to work and scheduled to be on-call.
- Saturdays, Sundays, and Holidays: Two (2) hours of regular pay for days not scheduled to work, but scheduled to be on-call.
- On-call compensation will be calculated on a straight-time basis and on-call hours will not be considered as hours worked in regards to computing overtime compensation.

Employees who are on-call must adhere to all Town of Leland's policies, including the Alcohol and Controlled Substances policy. Any variance from such policies may result in disciplinary action, up to and including termination.

Section 3. Volunteer Service

The Town encourages and shall permit employees to participate as members of a volunteer emergency service to the extent that such volunteer activities do not interfere with the employee's responsibilities in the Town service. However, no employee will be required or will be allowed to volunteer his or her time to the Town to perform the same or similar work performed as a regular employee.

Section 4. Safety

It is the intent of the Town to provide for an ongoing program that assures a safe, healthy work environment for all employees and complies with all safety laws and regulations. To that end, each supervisor shall be responsible for:

- (a) Providing safe work procedures and environments;
- (b) Implementing safety policies and programs;
- (c) Informing and training employees in safe work habits;
- (d) Detecting and correcting unsafe practices and conditions;
- (e) Investigating accidents and preparing accident reports;
- (f) Encouraging employees to report unsafe conditions and to submit practical safety suggestions.

Likewise, each Town employee shall be responsible for:

- (g) Developing and maintaining safe work habits;
- (h) Promptly reporting all accidents and injuries;
- (i) Pointing out what are believed to be dangerous practices and working conditions;
- (j) Assisting with investigations of accidents;
- (k) Taking proper care of safety equipment;
- (l) Wearing proper clothing and avoiding loose sleeves, cuffs, rings, bracelets and long hair around moving machinery; and
- (m) Knowing the location and use of fire extinguishers, the location of fire exits and the best method for reporting a fire.

In addition to the above provisions, the Town maintains a safety manual which details safety related procedures and responsibilities. Employees are expected to comply with those provisions.

Section 5. Gifts and Favors

No employee of the Town shall accept any gift, whether in the form of service, loan, thing, or promise from any person who to the employee's knowledge is interested directly or indirectly in any manner what-so-ever in business dealings with the Town.

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

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

Section 6. Political Activity Restricted

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

- (a) Engage in any political or partisan activity while on duty;
- (b) Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
- (c) Be required as a duty of employment or as a condition for employment, promotion, or tenure of office to contribute funds for political or partisan purposes;
- (d) Coerce or compel contributions for political or partisan purposes by another employee of the Town;
- (e) Use any supplies or equipment of the Town for political or partisan purposes; or
- (f) Be a candidate for the Town Council or partisan election. However, if the employee is a candidate for non-partisan election, (except the Town Council), the employee must take a leave of absence without pay 30 days prior to the primary election. If successful in any primary election, the leave without pay must be extended until the day after the general election. If successful, the NC General Statutes concerning dual office holding shall apply.
- (g) Be appointed to any Town of Leland Advisory Boards

Any violation of this section shall subject such employee to disciplinary action up to and including dismissal.

Section 7. Intra-Organizational Communications

- (a) Town employees shall not directly contact elected officials concerning any work-related functions, except via the established supervisory chain, or by special permission of the Town Manager.

- (b) Any Town employee contacted directly by an elected official concerning Town functions, other than a routine service call or contact made via the established chain, shall immediately report the nature of the contact through his or her supervisor to the Town Manager.
- (c) Town employees shall not refer any citizen to an elected official in order to resolve a complaint or request. If the citizen's request cannot be effectively resolved, the employee shall take the matter to his or her supervisor.
- (d) Town employees shall not endeavor to affect Board action, except within the normal scope of their job as an employee of the Town of Leland. Employees shall not endeavor to sway a Board member's decision on issues affecting the Town or the operation thereof.

Section 8. Conflict of Interest

It is the goal of the Town of Leland to avoid conflicts of interest and also avoid any situation that might give rise to questions about the Town's integrity. It is critical that Town employees not engage in conduct that constitutes an actual conflict of interest or gives the appearance of a conflict of interest. Town employees must not use their positions for private gain for themselves or for persons with whom they have personal, business, or financial interests. In addition, employees must avoid any outside activity that could interfere with the timely and effective performance of their duties and responsibilities or that could discredit the Town. The final decision as to whether an activity constitutes a conflict of interest shall be made by the Town Manager. Common situations which may involve a conflict of interest include, but are not limited to the following:

- When the outside activities of the employee conflict with the employee's scheduled Town duties.
- When an employee has a business interest in an entity that transacts business with the Town.
- When an employee or their business interest competes with the Town for grants, contracts, or services with outside sponsoring agencies.
- When information not available to the general public is obtained through employment with the Town and is used to further the monetary interests or personal benefits of the employee, or to other persons with whom they have business or financial interests.
- When an employee, without proper prior authorization, utilizes or allows utilization of the Town's facilities, equipment, services, or supplies in any manner that affects a monetary gain or personal benefit to that employee, or to other persons with whom they have business or financial interests.
- When the employee is in the position to influence the selection of a contractor, or negotiation and execution of a contract by the Town with a business entity in which the employee has a business interest or to other persons with whom they have personal, business, or financial interests.

A. Outside Employment

Outside employment creates a conflict of interest when an employee engages in activities for personal gain that compromises the employee's ability to represent the Town's best interests. All employees must disclose outside employment, consulting, or other business interests in writing, upon hire or prior to the commencement of such outside employment, consulting, or other business interests to their department head and must be approved by the Town Manager. The work of the Town will take precedence over other outside employment, consulting, or other business interests. Examples of work that may be viewed as competing with Town employment include, but are not limited to the following:

- May adversely affect job performance at the Town, or an employee's ability to fulfill all job responsibilities at the Town. Adverse effects may include but are not limited to poor job performance, fatigue, or excessive absenteeism or tardiness.
- Interferes with an employee's ability to work his/her normal schedule at the Town, or prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job.
- Interferes with responsibilities to the Town as the primary employer.
- Involves performing services for customers that are normally performed by Town employees.
- Requires working for a competitor, a Town grant and/or contract created by the employee, or self-employment that is in competition with the Town.
- May require the use of Town information, property, facilities and/or systems, such as phones, tools, equipment, etc.
- Involves assisting others in transactions with the Town in which the employee has participated, or which has been under their official responsibility.

Employees must be sensitive to any situation where they have a business interest that may unfairly benefit from the employee's involvement with the Town, or any other situation that would appear to a reasonable person to be a conflict between public and personal interests.

The Town of Leland reserves the right to require any employee to cease an activity which it determines to be in conflict with the interests of the Town. Any questions regarding possible conflict of interest or outside work should be discussed with the employee's department head. The final decision as to whether outside work is a conflict of interest shall be made by the Town Manager.

Section 9. Limitation of Employment of Relatives

- (a) Members of an immediate family shall not be employed at the same time if such employment would result in an employee directly or indirectly supervising a member of the immediate family.

- (b) This policy shall not be retroactive, and no action will be taken concerning those members of the same family employed in conflict with (a) above prior to the adoption of this policy.
- (c) The immediate family is defined as spouse, father, mother, guardian, children, sister, brother, grandparents, grandchildren plus various combinations of half, step, immediate in-laws, adopted relationships that can be derived from those named and anyone living as a part of the employee's household.

Section 10. Conformance to Immigration Law Requirements

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

Section 11. Confidential Information

No employee shall disclose confidential information concerning the property, government, or affairs of the Town. Nor shall they, under any circumstance, use such information to advance the financial or other private interest of themselves or others.

Section 12. Alcohol and Controlled Substances

No employee shall use intoxicating beverages or non-prescribed controlled drugs of any kind while on duty. Nor shall an employee report for duty while under the influence of an intoxicant or non-prescribed controlled drug. Any employee using medication or a controlled drug by prescription which may affect job performance or safety, shall notify their supervisor.

(a) Alcohol and Controlled Substance Testing

1. Employees will be tested for the presence of drugs and alcohol following an on-the-job accident or illness requiring treatment by a licensed physician and/or involves one or more of the following: a fatality, an injury to an employee or other individual, accident involving a town owned vehicle, after a sequence of minor accidents or injuries that may not require medical treatment from a licensed physician; any injury or illness receiving authorized medical treatment from a licensed physician.
2. On-the-job is defined as: on town property, including parking lots; at job sites; driving or riding as a passenger in a company vehicle or private vehicle for which the town has authorized reimbursement; on company time even if off town premises (including lunch and rest breaks).
3. Following an accident, the employee(s) will be tested as soon as possible, but not to exceed eight hours, for alcohol testing and 32 hours for drug testing. Any employee involved in an accident must refrain from alcohol use for eight

hours (8) following the accident or until he/she undergoes a post accident alcohol test. It is the employees' responsibility to refrain from the legal use of alcoholic beverages until testing is completed. There will be No Exceptions.

4. Positive Drug Test and Alcohol Test: Any employee testing positive for drug and alcohol testing will be subject under this policy to termination. Any employee refusing to submit to alcohol and drug testing after an on-the-job injury will be considered positive and will be subject to termination.

Section 13. Use of Town Owned Equipment

The Town Council specifically forbids the personal use of any Town owned equipment or supplies by any employee or individual unless authorized by the Town Manager. Should authorization be granted, use will be limited to the use specified in the authorization. This policy is also prepared according to the Federal Tax Act of 1985 and North Carolina G.S. 14-247, which establish procedures regarding reporting of income and withholding of taxes.

(a) Definitions:

1. Assigned Vehicle. A Town-owned automobile or truck designated for the use of an individual employee in the normal performance of his/her duties but not authorized for take-home use.
2. Mileage Reimbursement. A per mile rate to compensate employees for the incidental, non-routine, or extraordinary use of a privately owned vehicle for official business, based on actual logged miles and current IRS rate.
3. Take-Home Vehicle. A Town-owned automobile or truck designated for the use of an individual employee in the normal performance of his/her duties including the commute from home to work.
4. Vehicle Expense Allowance. A monthly cash payment to compensate selected employees, as determined by the Town Manager, who are required to regularly use a personal privately-owned vehicle in the regular performance of their job duties and in conducting Town business.

(b) Vehicle Uses:

1. Only Town of Leland employees on bonafide Town business and authorized by the department director may drive or operate Town vehicles or equipment.
2. Town-owned vehicles are to be used for official business only with reasonable consideration for use for meals, while in the course of performing business on behalf of the Town. For individuals assigned vehicles for overnight use, stopping between work and home to perform brief minor personal business may be acceptable, but any such use should be the exception rather than

the rule, and only if the stop is directly in route from work to the employee's residence.

3. It is the policy of the Town of Leland that no employee shall ride outside the passenger compartment of a vehicle. All individuals in town owned vehicles must be seated inside the passenger compartment, wearing seatbelts. There will be no exceptions. Failure to comply may result in disciplinary action.
4. Town-owned vehicles are not assigned for nor shall they be used for the convenience of the employee with regard to transportation needs or other non-business activities except as determined by the Department Head with concurrence of the Town Manager.
5. Smoking, the use of tobacco products, alcoholic beverages or any illegal drugs are not permitted in town vehicles at any time. Law enforcement personnel or lab personnel as approved by proper police authority may transport alcoholic beverages or drugs that have been lawfully confiscated or scheduled for use during training exercises.

(c) Procedures:

1. Take-Home Vehicles_ - For an employee to be authorized for the take-home use of a Town-owned vehicle, the employee must possess a valid North Carolina's driver's license, have no criminal traffic violations, and meet one of the following tests:
 - Test 1: The employee is:
 - Subject to frequent after-hours emergency callback or other unscheduled work, and
 - Such unscheduled work involves the first response to a real or present threat to life or property requiring an immediate response
 - A specialized vehicle, tools, or equipment are required for the performance of emergency duties.
 - Test 2: The employee is:
 - Subject to frequent after-hours callback, and
 - Such callback arrangements are to locations other than the employee's normal duty station, and
 - A special vehicle, tools or equipment are required to perform after-hours assignments, and

- An unacceptable delay in the response would result from the employee's return to the normal duty station to retrieve the needed equipment.

This category is normally reserved for emergency maintenance response situations where a group of employees share formal on-call responsibilities on a rotational basis, such as public utility maintenance. In such cases, the use of the take-home vehicle is for the period of on-call assignment only.

- Test 3: The employee is:
 - Employed in a public safety position, and
 - Is required to use an individually assigned vehicle during their normal tour of duty.

Public safety personnel permitted to use an individually assigned vehicle during their normal tour of duty may use the vehicle for commuting purposes in accordance with the department's standard operating procedures as approved by the Town Manager. While not on duty during such commutes, officers may assist on incidences they may encounter as needed and in accordance with departmental procedures. Any time spent responding to such incidents or callback return to work is work time and shall be reported as soon as practical.

2. Assignments are not permanent. When priorities or circumstances have changed, vehicles should be reassigned. All take home vehicle assignments must be reviewed and evaluated by the Department Head and approved by the Town Manager annually beginning July 1st. The following conditions should be considered:
 - Requirements of the job.
 - Productivity.
 - Availability of Town vehicles.
 - Cost to the Town.
3. Department Heads shall determine reasonable schedules and vehicle assignments for rotational, on-call coverage. For other purposes, the Town Manager, at the written request of the Department Head, will authorize full-time take-home vehicles based on the criteria described above.
4. For the purposes of this policy, the daily commute to and from the employee's work location and normal meal periods within on-duty hours are considered official use.
5. No passengers may be transported in take-home vehicles except as required for official duties or as approved by the Department Head.

6. Employees permitted to take a vehicle home (commute) from their workstation may do so for job-related reasons and not as a compensatory measure.
7. Vehicles so assigned are not intended to be perceived as personal property or interpreted as a salary supplement or fringe benefit. The commuting costs of the use of a town vehicle may be a taxable fringe benefit cost to an employee. Any vehicle not specifically designated as exempt under the 1985 Tax Act, shall result in a taxable fringe benefit to the employee.
8. The Finance Director shall compute the commuting cost of any non-exempt vehicle taken home by an employee and report this taxable benefit on the employees form W-2 at the end of each calendar year. The Town of Leland will only deduct FICA taxes on the cost of this benefit. No Federal or State Income taxes will be deducted by the Town, the payment of these taxes will be the responsibility of the employee, when his or her personal income tax return is filed. The gross cost of this benefit is not subject to state retirement deductions.
9. Overnight assignment will not typically be granted to any employee that lives outside of a five-mile (5) radius from the nearest primary town limit boundary of the Town, unless specifically approved by the Town Manager.

(d) Driver Responsibilities/ Requirements:

Each driver of any Town owned vehicle must have a valid North Carolina drivers/operator's license. Should an employee who drives a Town owned vehicle be involved in an incident, on or off the job, where their license is suspended or revoked, the employee is obligated to inform their Department Head and the Department Head inform the Safety Officer within 24 hours of the incident or next business day if incident occurs on a weekend or holiday. Failure to inform the Town of a suspended or revoked license may result in immediate dismissal.

Employees authorized to drive or are assigned a Town owned vehicle are subject to an annual review of their motor vehicle driving status with the State of North Carolina. Employees may be requested to provide a driving history as needed. The Department Head and/or other appropriate committee may review driving privileges on a case-by-case basis.

Employees are responsible for any vehicle or equipment assigned to them and must report unsafe operations or working conditions via a daily vehicle inspection or repair request form available in each department.

Employees shall allow sufficient time to reach destinations without violating speed limits or traffic laws. Employees must know and abide by all driving laws

in all areas where they operate Town vehicles and shall drive defensively at all times.

It is mandatory that all occupants of a town vehicle use seat belts at all times, unless specifically exempted by NC General Statutes. The driver of the vehicle is responsible for enforcing belt usage by all occupants and shall report any failure to comply with employee's supervisor.

The Town of Leland will not pay traffic tickets or parking fines of employees driving Town owned vehicles, nor will the Town pay if the employee is authorized to use their personal vehicle on Town business. Employees found guilty of moving violations may be subject to corrective action.

An employee receiving a moving violation while driving a Town vehicle has an obligation to immediately inform their Department Head who reports to the Safety Officer.

(e) Insurance of Vehicles:

1. The Safety Officer is responsible for maintaining adequate liability and collision coverage for assigned and unassigned vehicles.
2. For insurance purposes, each employee authorized to operate a Town owned vehicle must provide the Department Head with their name as it appears on the operator's license and their driver's license number.
3. The Town's insurance is in force when an employee operates town owned vehicles or equipment.
4. Property belonging to the Town of Leland locked inside a vehicle is covered by the Town's insurance against theft; however, personal property stolen from a Town-owned vehicle is not covered, even if the personal property is used for town business.
5. If your town vehicle is stolen, follow these procedures:
 - Report the theft immediately to the local police and the Safety Officer.
 - Obtain a copy of the police report filed.
 - Provide the Department Head who then will provide the Safety Officer with the date and location of where the theft occurred and all relevant information, including the police report.
 - Provide the Department Head who then will provide the Safety Officer with a list by model and serial number of any equipment stolen.
 - Forward the completed incident report and/or Police Report to the Department Head and Safety Officer within three days.

(f) Maintenance of Vehicles:

1. Departments are responsible for monthly inspections of vehicles and scheduling routine maintenance and repairs.
2. An authorized dealer must perform all warranty repairs.
3. No alterations may be made to town-owned vehicles without prior written approval by the Department Head.
4. No bumper stickers, other than Town approved stickers, may be placed on the vehicles.
5. Each department is responsible for maintaining accurate and complete maintenance history of files for each assigned vehicle. It is the responsibility of the employee with assigned vehicles and the department for unassigned vehicles to provide the Finance Department with receipts for maintenance and/or repairs.

(g) Responsibility of Town Property

Town-owned property, including supplies, tools, materials, equipment, and vehicles is intended for official Town business only and not for personal use. Town property should not be removed from Town premises except in the conduct of official Town business.

1. All personnel are personally and financially responsible for all Town property, including leased property, issued to them in the course of their employment. This includes, but not limited to keys, radios, uniforms, phones, automobiles, etc. If an employee loses or willfully or negligently damages Town property, they will reimburse the Town for those damages. If the property is stolen, a copy of the police report must be turned in to the department head, to avoid being charged for the equipment.
2. Restitution will be recommended by the employee's Department Head. Employees have the right to rebut any allegations either orally or in writing at the time of the disciplinary action and they will be reviewed by the Safety Committee. All recommended restitutions must be approved by the Town Manager.
3. Restitution may not exceed the actual amount of repair or replacement cost loss to the Town. Employees who are found willful or negligent will be charged the Fair Market Value of the damaged property per occurrence with the exception of vehicles. An employee who displays willful or negligent behavior will be responsible to reimburse the deductible on the vehicle damage for each occurrence.

4. The maximum amount that may be deducted from an employee's paycheck for restitution may not exceed 10% of the employee's bi-weekly gross pay, until full restitution is paid. If the employee does not turn in all property at their exit conference, when leaving Town employment or has not completed full restitution for any damage equipment, the costs will be withheld from the last payroll check.
5. Any employee losing a key or failing to turn in a key during their exit conference will be charged the cost of re-keying any locks necessary to maintain the security of Town personnel, information, or property. This policy applies to individual and master keys. The loss of any key should be reported to the department head immediately.
6. The Town Manager must approve any exceptions to the use of Town-owned property.

Section 14. Travel and Expense Reimbursement

Employees, elected and appointed officials will, from time to time, be involved in out-of-town travel to attend schools, business meetings, conferences, etc. All requests for Meals, Lodging, and Transportation must be supported by required documentation and approved by his or her supervisor prior to being submitted for payment. Per Diem for employees, elected and appointed officials will be paid according to the Per Diem Schedule (refer to Financial Operations Travel and Expense Reimbursement Policy).

MEALS:

If the costs of any of meals are included in class/meeting registrations, then a per diem amount should not be requested. If attending schools, business meetings, conferences that do not require an overnight stay, then lunch not provided in the registration will be the only per diem meal. Any money that is not substantiated must be returned to the Finance Officer or Finance Clerk in accordance with the Financial Operations Travel and Expense Reimbursement Policy.

LODGING:

Employees, elected and appointed officials attending meetings, conferences, etc., where lodging is offered, shall be required to use such accommodations.

When making accommodations for lodging, lodging must be reasonably priced and provide safety and security for the employee.

TRANSPORTATION:

If a vehicle is not available for an employee, elected or appointed officials to go to a class, meeting, etc., they may use their personal vehicle and be reimbursed for mileage at a rate consistent with prevailing IRS limits for non-taxable reimbursements. Employees may only use their personal vehicles with permission from the Town Manager before

leaving to attend class, meeting, etc. If more than one person is going to attend the same class, meeting, etc., car-pooling is required, unless receiving prior approval from the Town Manager.

If a non-town employee will be attending a class, conference, etc. with the employee, then the employee must receive permission from the Town Manager to drive their personal vehicle prior to the travel and the employee will be reimbursed for mileage based at the rate consistent with prevailing IRS limits for non-taxable reimbursements.

Any violations of the provisions in this section shall be deemed improper conduct and may subject the employee to discharge or other disciplinary action.

CANCELLATION:

Any unapproved cancellation or non attendance from travel, meeting or school by employee, elected or appointed official for which the town will incur an expense, the employee, elected, or appointed official will reimburse the cost of the cancelled or unattended travel, meeting or school to the Town. Events such as accidents, serious illness or death of an immediate family member of the employee, elected, or appointed official are reasons for approved cancellation. The Town Manager will review these events and all other circumstances for approved cancellation.

Section 15. Discrimination/Sexual Harassment

No discrimination shall be exercised, threatened, or promised against or in favor of any applicant or employee because of his/her race, religion, color, creed, national origin, age, political beliefs, sex or disability.

Harassment in any form shall not be tolerated and may lead to dismissal of the offender(s). The Town expressly prohibits any form of sexual harassment and seeks to guarantee all employees the right to work in an environment free from such harassment.

Section 16. Employee Fraternization

The Town of Leland wishes to preserve a working environment that has clear boundaries between personal and professional relationships. This is believed to be the best practice for conducting business in a professional manner. This policy establishes clear boundaries with regard to personal relationships in the workplace. *Personal relationship* is defined as a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature.

- Employees are prohibited from engaging in any physical interactions that would be seen as inappropriate in the work area. What constitutes inappropriate conduct is in the discretion of the Town of Leland.
- An employee who is involved in a personal relationship with another employee may not occupy a position in the same department as, work directly for or supervise the employee with whom he or she is involved. It is the responsibility

and obligation of the employees involved to disclose the existence of the relationship to the Department Director and/or Human Resource Director.

- The Town of Leland reserves the right to take prompt action if an actual or potential conflict of interest arises concerning individuals who occupy positions at any level (higher or lower) in the same line of authority that may affect employment decisions. Supervisors are prohibited from dating subordinates and may be disciplined for such actions, up to and including termination.
- When a conflict or the potential for conflict arises because of a personal relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment.
- When a conflict or a potential for conflict arises because of the relationship affecting employment, the individuals concerned will be given the opportunity to decide who is to be transferred to another position or terminated if no position is available. If the decision is not made within 30 calendar days, management will decide who is to be transferred or, if necessary, terminated from employment.

Section 17. Media Contact

The Town of Leland seeks to have good working relationships with the news media. In the matter of interviews by the news media concerning Town of Leland functions, if time allows, all employees should notify the Town Manager or the appropriate Department Head as to the time, media, and possible subject matter. Comments should be made only on matters of which the employee has direct relation and knowledge ***ALL PERSONNEL*** are cautioned that they may be personally liable for comments they make about employees, former employees or Town policies, practices and projects.

Section 18. Dress and Grooming

In order to foster and maintain an atmosphere of professionalism, employees are expected to present a neat, clean, and professional appearance at all times whether inside or outside of the office. Individual departments, sites, or positions may have a separate dress code that employees are asked to adhere to. The following standards of dress and grooming are established to provide direction for employees in order to maintain a high degree of professionalism. Volunteers of the Town of Leland are also responsible for abiding by the standards established in this policy.

Business Casual

Business casual is appropriate dress for administrative and office staff and includes but is not limited to:

- Men: Dress slacks, dress khaki pants, button-down shirts (with a collar), polo shirts (with a collar), dress shoes or other appropriate footwear.

- Women: Dress slacks, skirts and dresses of professional length, button-down shirts (with or without collar), blouses (with or without collar), turtlenecks, sweaters, and dress shoes or other appropriate footwear.

Uniforms

It is the desire of the Town of Leland to provide uniforms that will present a positive image to the public and that will identify the employee as a Town of Leland employee. The Town also provides uniforms to those employees who are at significant risk of damaging their own clothing as a result of performing work for the Town. Employees who work in positions where uniforms are required are expected to wear their uniforms on each scheduled work day/shift, and when possible, when working in an on-call, callback, or emergency assignment. Uniforms are expected to be clean and neatly pressed.

Uniforms will be replaced on an as needed basis. All damaged uniforms must be turned in to the employee's supervisor or department head before a new garment will be issued to replace the damaged garment. In the event an employee misplaces any part of his/her uniform; the garment will be replaced at the employee's expense.

Clothing that is provided to employees for uniform purposes and has a Town logo on it must be returned upon separation of employment in accordance with Article VI, Section 13 (7).

Inappropriate Clothing and Grooming

Inappropriate clothing includes, but is not limited to the following: clothing that is ripped, torn, faded or has holes; skirts and dresses shorter than 2 inches above the knee; low-cut tops, t-shirts, tank tops, sleeveless shirts, backless tops, shorts, sweatshirts or sweat pants; flip-flop type footwear or open-toed sandals; tight pants, jeans, stretch pants or leggings.

No clothing should contain any writing or images which may be considered offensive (i.e. art and symbols) and should be neither tight fitting, see through, revealing, excessively short or baggy.

Jewelry - Should be conservative with no visible body piercings other than pierced ears (no more than 2 piercings in each ear) and no gauged ears.

Hair – Must be of natural tones. Non-natural colors such as pinks, blues, purple, etc. are not acceptable.

Safety

Please refer to the Town of Leland Health and Safety manual for information regarding appropriate protective clothing and equipment for individual site or job function dress codes. All employees are required to adhere to dress codes to ensure employees safety and well-being.

Special Occasions and Unusual Circumstances

“Special occasion” days may be declared by the Town Manager. On such “special occasion” days, the Town Manager or the department head will specify the appropriate dress guidelines to follow.

Unusual circumstances, such as weather conditions, special work assignments, medical reasons, worksite conditions and/or non-normal working hours and situations, may be sufficient reasons to grant exceptions to the dress code guidelines. Town Manager approval is required for any exceptions to this policy.

The Town of Leland is confident that employees will use their best judgment regarding attire and appearance. Management reserves the right to determine appropriateness. Any employee who is improperly dressed will be counseled regarding the inappropriateness of the attire and in severe cases may be asked to leave work to change clothes. Employees will not be compensated for such time away from work. Continued disregard of this policy may be cause for disciplinary action, which may result in termination.

ARTICLE VII. LEAVES OF ABSENCE

Section 1. Holidays

The following days and such other days as the Town Council may designate are holidays with pay for employees and officers of the Town working the basic workweek.

- | | |
|------------------|--|
| New Year’s Day | Martin Luther King Day |
| Good Friday | Memorial Day |
| Independence Day | Thanksgiving Day and the day after |
| Veteran’s Day | Christmas* Three (3) workdays (see schedule below) |
| Labor Day | |

When a holiday, other than Christmas Day, falls on Saturday or Sunday, Friday shall be observed as a holiday.

| | |
|------------------------------|---------------------------------|
| When Christmas Day falls on: | The Town observes: |
| Sunday | Friday, Monday and Tuesday |
| Monday | Friday, Monday and Tuesday |
| Tuesday | Monday, Tuesday and Wednesday |
| Wednesday | Tuesday, Wednesday and Thursday |
| Thursday | Wednesday, Thursday and Friday |
| Friday | Thursday, Friday and Monday |
| Saturday | Thursday, Friday and Monday |

For employees having a work week with greater or fewer hours than the basic work week, holiday pay shall be granted in the same proportion as their work week is to a forty (40) hour work week. (See Article VII Section 6 of these policies.)

Example 1: Employee assigned to a 40 hour workweek working 8 hours per day, shall receive 8 hours of holiday pay (2080 annual hours / 52 weeks / 5 days = 8 hours).

Example 2: Employee assigned to a 20 hour workweek working 4 hours per day, shall receive 4 hours of holiday pay (1040 annual hours / 52 weeks / 5 days = 4 hours.)

Example 3: Sworn Police Officer assigned to an 84 hour, 14 day work period working 12 hour shifts shall receive 8.4 hours of holiday pay (2184 annual hours / 52 weeks / 5 days = 8.4 hours).

Example 4: Firefighter assigned to a 212 hour, 28 day work period working 24 hour shifts shall receive 11.2 hours of holiday pay (2912 / 52 weeks / 5 days = 11.2 hours).

In order to be eligible for holiday pay, an employee must have been in active pay status for a full regularly scheduled workday before and after the holiday, unless excused by the Town Manager. Employees on a leave of absence whether paid or unpaid leave shall not be eligible for Holiday pay.

Section 2. Effect of Holidays on Other Types of Leave

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

Section 3(a). Holiday – When Work is Required

General government employees required to perform work on regularly scheduled holidays may be granted “holiday compensatory time off” or paid at their hourly rate for the hours actually worked in addition to any holiday pay to which they may be entitled. “Holiday compensatory time” shall be granted whenever feasible and taken within three (3) months from the time it is earned.

Part-time employees who are not regularly scheduled to work and are required to perform work on a regularly scheduled holiday, shall be paid two times his/her hourly rate for the hours actually worked.

Section 3(b). Holiday Pay – Patrol Division and Firefighters

Sworn Police Officers in the Patrol division assigned to an 84 hour, 14 day work period, working 12 hour shifts shall receive 8.4 hours of holiday pay whether the employee works the regularly scheduled holiday or not. Firefighters assigned to a 212 hour, 28 day work period shall receive 11.2 hours holiday pay whether the employee works the regularly scheduled holiday or not.

Section 4. Vacation Leave

The Town recognizes the importance of vacation time in providing rest, recreation and personal enrichment. All full-time employees are eligible for vacation leave benefits in accordance with this policy.

(a) Vacation Leave – Manner of Accumulation

Vacation leave is earned according to the schedules in this policy. Vacation leave accrues while an employee is in active pay status. Active pay status is defined as when an employee is eligible to receive pay for regular hours worked, holidays, vacation leave, sick leave, compensatory time and other paid leave. Vacation leave will not be earned during any unpaid leave of absence.

All full-time employees working a 40-hour workweek shall earn vacation leave at the following accrual rates based on years of completed service with the Town. Accrual rate will be calculated based on a maximum of 40 hours per week (i.e. if an employee works 42 hours, accrual rate will be based on a maximum of 40 hours).

| Years of Completed Service | Accrual Rate per Hour in Active Pay Status | Days (Hours) Earned per Calendar Year |
|-----------------------------------|---|--|
| 0 – 2 | .0385 | 10 (80.08) |
| 3 – 5 | .0500 | 13 (104.00) |
| 6 – 9 | .0576 | 15 (119.80) |
| 10 – 14 | .0692 | 18 (143.93) |
| 15 – 19 | .0807 | 21 (167.85) |
| 20+ | .0923 | 24 (191.98) |

All full-time Patrol Division employees working 12-hour rotating shifts (84 hours per pay period) shall earn vacation leave at the following rates based on completed service with the Town. Accrual rate will be calculated based on a maximum of 84 hours per pay period (i.e. if an employee works 86 hours, accrual rate will be based on a maximum of 84 hours).

| Years of Completed Service | Accrual Rate per Hour in Active Pay Status | Days (Hours) Earned per Calendar Year |
|-----------------------------------|---|--|
| 0 – 2 | .0385 | 7 (84.08) |
| 3 – 5 | .0500 | 9 (109.20) |
| 6 – 9 | .0576 | 10 (125.79) |
| 10 – 14 | .0692 | 13 (151.13) |
| 15 – 19 | .0807 | 15 (176.24) |
| 20+ | .0923 | 17 (201.58) |

All full-time firefighters working 24-hour rotating shifts (112 hours per pay period) shall earn vacation leave at the following rates based on completed service with the Town.

Accrual rate will be calculated based on a maximum of 112 hours per pay period (i.e. if an employee works 114 hours, accrual rate will be based on a maximum of 112 hours).

| Years of Completed Service | Accrual Rate per Hour in Active Pay Status | Hours Earned per Calendar Year |
|-----------------------------------|---|---------------------------------------|
| 0 – 2 | .0385 | 112.11 |
| 3 – 5 | .0500 | 145.60 |
| 6 – 9 | .0576 | 167.73 |
| 10 – 14 | .0692 | 201.51 |
| 15 – 19 | .0807 | 234.99 |
| 20+ | .0923 | 268.77 |

The Town Manager has the discretion to set vacation accrual rates for employees classified in exempt positions in accordance with FLSA guidelines up to a maximum accrual rate of .0923 per regular hours worked.

(b) Initial Appointment

Vacation accrual begins on the first day of full-time employment. Probationary employees serving a probationary period following initial appointment may accrue vacation leave but shall not be permitted to take vacation leave during the first ninety (90) days of employment without the prior approval of the Town Manager. Vacation leave requests within the first ninety (90) days of employment must be submitted to the Town Manager through his or her supervisor at least two weeks prior to the time off requested.

(c) Maximum Accumulation of Vacation Leave

Annual leave may be accumulated without any applicable maximum until the pay period containing December 31st of each calendar year. Any employee with more than 30 days of vacation leave during the pay period containing December 31st shall have the excess accumulation automatically converted to sick leave so that only an accumulation of no more than 30 days is carried forward to January 1st of the next calendar year. Employees are cautioned not to retain excess accumulation of annual leave until late in the calendar year. Due to the necessity to keep all Town functions in operation, large numbers of employees cannot be granted annual leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having annual leave scheduled or in receiving any exception to the maximum accumulation rule.

(d) Accrual of Vacation Leave During Unpaid Leaves of Absence

Employees on unpaid leave are not entitled to continue accruing vacation leave benefits. This includes employees who are receiving income replacement benefits such as short-term disability and long-term disability.

When an employee is out on leave that is protected by the Family and Medical Leave Act (FMLA), that employee will continue accruing vacation leave as long as the employee is using accrued compensatory time or paid leave benefits such as sick or vacation leave. If an employee on FMLA leave uses all paid leave in accordance with the Town's FMLA policy and remains unable to return to work, then the remainder of the FMLA leave will be unpaid. During the period of unpaid FMLA leave, the employee will not continue to accrue paid leave, consistent with the Town's policy for all types of unpaid leave.

(e) Requesting Vacation Leave

Vacation leave may be used only after it is earned. Employees must use accumulated compensatory time off before taking vacation leave. Employees must ensure that he or she has enough accrued leave available to cover the dates requested.

Employees must submit requests for vacation leave to his or her supervisor through Paychex Time and Labor Online system at least two weeks prior to the time requested. Vacation requests are approved by the employee's immediate supervisor. The supervisor should respond to the leave request from the employee within a reasonable timeframe indicating that the request has been approved or denied. Vacation time is coordinated within each department/division so that sufficient staff is available to provide adequate coverage at all times. Requests will be approved based on a number of factors, including department operating and staffing requirements.

(f) Vacation Leave Payout Upon Separation

Upon termination of employment, an employee will be paid for all accrued and unused vacation time, not to exceed a maximum of 30 days.

(g) Vacation Leave – Payment for Accumulated Vacation upon Death

In the event of an employee's death, the employee's accrued and unused vacation time, not to exceed a maximum of 30 days, will be paid to the employee's estate or designated beneficiary.

Section 5. Sick Leave

Sick leave with pay is not a right which an employee may demand but a privilege granted by the Town Council for the benefit of an employee when sick. Sick leave shall be granted to an employee absent from work due to personal illness or injury. Employees may also use sick leave for medical and dental appointments, to take an immediate family member to receive medical care, to care for a sick family member, or for birth of a child. Sick leave used for the birth of a child may not exceed three (3) days for any one occurrence.

Immediate family shall be deemed to include spouse, father, mother, guardian, children, sister, brother, grandparents, grandchildren plus various combinations of half, step, in-law and adopted relationships that can be derived from those named.

Notification of the desire to take sick leave shall be submitted to the employee's supervisor prior to the leave or not later than one (1) hour prior the beginning of a scheduled workday.

(a) Sick Leave – Manner of Accrual

Sick leave is earned according to the schedules in this policy. Sick leave accrues while an employee is in active pay status. Active pay status is defined when an employee is eligible to receive pay for regular hours worked, vacation leave, sick leave, compensatory time off and holidays. Sick leave will not be earned during any unpaid leave of absence.

All full-time employees working a 40-hour workweek shall earn sick leave at the following accrual rate. Accrual rate will be calculated based on a maximum of 40 hours per week (i.e. if an employee works 42 hours, accrual rate will be based on a maximum of 40 hours).

| Accrual Rate per Hour in Active Pay Status | Days (Hours) Earned per Calendar Year |
|---|--|
| .0461 | 12 (95.88) |

All full-time Patrol division Police Officers working 12-hour rotating shifts (84 hours per pay period) shall earn sick leave at the following accrual rate. Accrual rate will be calculated based on a maximum of 84 hours per pay period (i.e. if a Police Officer works 86 hours, accrual rate will be based on a maximum of 84 hours).

| Accrual Rate per Hour in Active Pay Status | Days (Hours) Earned per Calendar Year |
|---|--|
| .0461 | 8 (100.68) |

All full-time firefighters working 24-hour rotating shifts (112 hours per pay period) shall earn sick leave at the following accrual rate. Accrual rate will be calculated based on a maximum of 112 hours per pay period (i.e. if a firefighter works 114 hours, accrual rate will be based on a maximum of 112 hours).

| Accrual Rate per Hour in Active Pay Status | Hours Earned per Calendar Year |
|---|---------------------------------------|
| .0461 | 134.24 |

(b) Sick Leave – Maximum Accrual

Sick leave shall accumulate with no maximum accumulation, and may be used as credit for service under the NC Local Governmental Employees Retirement System.

(c) Sick Leave – Physician’s Certificate

The employee’s supervisor or department head may require a physician’s certificate concerning the date on which the employee was seen, the date on which the employee is able to return to work, and stating that the absence from work was medically necessary to ensure that there is no abuse of sick leave privileges.

(d) Transfer of Sick Leave from Previous Employer

The Town will accept the transfer of sick leave for employees from other employers who are participants of the Local or State Employees Retirement System. Employment must have been held prior to the Town of Leland. The sick leave will be treated as though it were earned with the Town of Leland. The sick leave amount must be certified by the previous employer.

(e) Accrual of Sick Leave During Unpaid Leaves of Absence

Employees on unpaid leave are not entitled to continue accruing sick leave benefits. This includes employees who are receiving income replacement benefits such as short-term disability and long-term disability. When an employee is out on leave that is protected by the Family and Medical Leave Act (FMLA), that employee will continue accruing sick leave as long as the employee is using accrued compensatory time or paid leave benefits such as sick or vacation leave. If an employee on FMLA leave uses all paid leave in accordance with the Town’s FMLA policy and remains unable to return to work, then the remainder of the FMLA leave will be unpaid. During the period of unpaid FMLA leave, the employee will not continue to accrue paid leave, consistent with the Town’s policy for all types of unpaid leave.

(f) Requesting Sick Leave

Sick leave may be used only after it is earned. Employees must use accumulated compensatory time off before taking sick leave. Employees must ensure that he or she has enough accrued leave available to cover the dates requested.

Employees must submit requests for sick leave to his or her supervisor through Paychex Time and Labor Online system prior to the leave and no later than one (1) hour prior to the beginning of a scheduled workday. Sick leave requests are approved by the employee’s immediate supervisor. The supervisor should respond to the leave request from the employee within a reasonable timeframe indicating that the request has been approved or denied.

Section 6. Calculation of Holiday Leave, Vacation Leave, and Sick Leave

Holiday leave, vacation leave, and sick leave earned by regular employees having a workweek with greater or fewer hours than a 40 hour workweek or 8 hour workshift, shall be determined proportional to the 40 hour employee.

Section 7. Leave Without Pay - Policy

A regular or probationary employee may be granted a leave of absence without pay for up to one (1) year by the Town Manager. The leave shall be used for reasons of personal disability after both sick leave and the desired amount of annual leave has been exhausted, continuation of education, special work that will permit the Town to benefit by the experience gained or the work performed, or for other reasons deemed justified by the Town Manager.

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

(a) Leave Without Pay – Effect on Benefits

An employee shall retain all unused vacation and sick leave while on leave without pay. An employee ceases to earn leave credit on the date leave without pay begins. The employee may continue to be eligible for benefits under the Town's group insurance plans, subject to any regulations adopted by the Town Council and the regulations of the respective insurance carriers.

Section 8. Workers' Compensation Leave

The Town of Leland provides an income maintenance supplement to employees who are approved for a compensable claim for Worker's Compensation.

- (a) Any employee absent from duty because of disability resulting from a work-related accident determined to be compensable under the North Carolina Worker's Compensation Act (Act) may receive Injury Leave to supplement wage payments required by the Act for up to twenty-one (21) calendar days, or until the employee is released by the Town's contracted occupational healthcare provider to return to work with or without restriction(s), or until Town's contracted occupational healthcare provider declares that the employee has reached maximum medical improvement (MMI).
- (b) Any employee absent from duty because of disability resulting from a work-related accident determined to be compensable under the North Carolina Worker's Compensation Act (Act) that requires a hospital stay of ten consecutive

calendar days or more as determined by the date of admission and the date of discharge shall be eligible to receive Injury Leave to supplement wage payments required by the Act for up to 365 calendar days, until the claim closes, until the employee is released by the Town's contracted occupational healthcare provider to return to work with or without restriction(s), or until Town's contracted occupational healthcare provider declares that the employee has reached maximum medical improvement (MMI). This provision of the policy shall apply only to active claims that meet this definition that are less than 365 days from the date of the injury.

- (c) Injury Leave is provided as a supplement to the payments received under the Workers' Compensation Act.
- (d) Injury Leave is not charged to the employee's personal vacation or sick leave accounts.
- (e) Following the exhaustion of eligibility for Injury Leave, an employee may elect to supplement Workers' Compensation payments with any accrued sick or vacation leave.
- (f) Injury Leave is paid at 100 percent of the employee's average weekly wage, as determined by the Worker's Compensation Act, for any regularly scheduled time missed from work due to the occupational injury or illness during the first seven (7) calendar days following a qualifying, approved occupational injury or illness.
- (g) To supplement Worker's Compensation payments, the Town provides up to 33 percent of regular pay as Injury Leave for any regularly scheduled time missed from work due to the occupational injury or illness from the eighth day through the twenty-first day or the 365th day following the date of the occupational injury or illness, subject to the eligibility provisions of section (a) and (b) of this section.

An employee absent from duty because of sickness or disability covered by the North Carolina Workmen's Compensation Act may elect to use accumulated vacation and sick leave in lieu of Workers' Compensation Leave. Once all leave has been exhausted, the employee will automatically continue in a Workers' Compensation leave status. Upon reinstatement, an employee's salary will be computed on the basis of the last salary earned plus any increment or other salary increase to which the employee would have been entitled during the disability covered by Workers' Compensation

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

Section 9. Bereavement Leave

The Town of Leland offers bereavement leave to full-time employees after the loss of an immediate family member. An employee may have up to three (3) days of paid leave per occurrence to handle family affairs or attend the funeral and burial. Additional time may

be taken with the approval of the employee's supervisor and should be charged to accrued and unused compensatory time, vacation or sick leave. Leave to attend funerals of other than the immediate family may be granted by the department head and charged to accrued and unused compensatory time, vacation or sick leave.

Immediate family shall be deemed to include spouse, father, mother, guardian, children, sister, brother, grandparents, grandchildren plus various combinations of half, step, in-law and adopted relationships that can be derived from those named.

(a) Requesting Bereavement Leave

Employees must submit requests for bereavement leave to his or her supervisor through Paychex Time and Labor Online system prior to the leave. Bereavement leave requests are approved by the employee's immediate supervisor. The supervisor should respond to the leave request from the employee within a reasonable timeframe indicating that the request has been approved or denied.

The Town of Leland reserves the right to request satisfactory documentation to support the need or eligibility to use bereavement or sick leave.

Section 10. Temporary Disability Leave

Accumulated sick leave is available to employees for the period of a temporary disability in the same manner as for any other illness.

Leave without pay may be used by the employee prior to, during or after the disability ends as long as a doctor's certification continues to support the disability.

The employee may elect to use accumulated vacation leave (1) before going on sick leave, (2) after accumulated sick leave has been exhausted, and/or (3) after the temporary disability has ended. If an employee is temporarily disabled and has exhausted all accumulated sick leave, that employee may be eligible to receive leave without pay for personal disability under the provisions of Section 7 of this Article. If an employee wished to regain all accrued sick leave and vacation leave, leave without pay may be taken for the entire period.

Reinstatement to the same position or one of like classification, seniority and pay shall be made upon the employee's return to work.

Section 11. Military Leave

Regular employees who are members of the National Guard or Armed Forces Reserve will be allowed two (2) calendar weeks military training leave annually. This is leave without pay.

The employee may elect to use annual leave to cover part or all of the military leave.

If such military duty is required beyond this two (2) calendar weeks period, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status. While taking military leave with partial pay or without pay, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the Town during this period. Regular employees who are guardspersons and reservists have all job rights specified in the Veterans Readjustment Assistance Act.

Section 12. Civil Leave

A Town employee called for jury duty or as a court witness for the federal or state governments or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated vacation, sick or petty leave. Any court fees paid to the employee are allowed to be retained by the employee.

Section 13. Smallpox Vaccination Policy

Sick leave and salary continuation benefits that apply to any other incident subject to workers' compensation shall apply to employees absent from work as a result of an adverse medical reaction resulting from the employee receiving a vaccination against smallpox incident to the Administration of Smallpox Counter Measures by Health Professionals, Section 304 of the Homeland Security Act, Pub. L. No. 107-296 (Nov. 25, 2002) (to be codified at 42 U.S.C. §233(p)).

Section 14. Inclement Weather

The closing of town offices/operations due to inclement weather shall be determined by the Town Manager and such closures shall be treated as administrative day off for pay purposes.

Section 15. Family and Medical Leave Policy

The Town of Leland provides unpaid leave for purposes described in the Family and Medical Leave Act ("the Act") to eligible employees. Leaves of absence for purpose described in the Act are governed by the following terms.

(a) Eligibility

To be eligible to take an unpaid leave under this policy an employee must, at the time of the leave, have been employed by the Town for at least twelve (12) months; and have provided at least one thousand two hundred fifty (1,250) hours of service during the twelve (12) months before the leave is requested.

(b) When leave can be taken

If the employee meets the above eligibility criteria, he/she may, during any twelve-month period, take up to twelve (12) work weeks of unpaid leave if it is for one (1) of the following reasons:

- To care for the employee's newborn, provided that leave is completed within twelve (12) months of the child's birth;
- To care for a child placed with the employee for adoption or foster care, provided that leave is completed within twelve (12) months of that placement;
- If the employee has a serious health condition that makes employee unable to perform the functions of his/her position or requires that he/she be absent from time to time for treatment; or
- To provide physical or psychological care to an immediate family member with a serious health condition.

(c) Process

Employees seeking to use FMLA leave are required to provide 30-day advance notice of the need to take FMLA when the need is foreseeable and such notice is practicable.

Employees are required to provide medical certification supporting the need for leave and must give periodic reports during FMLA leave regarding the status and intent to return to work.

When intermittent leave is needed to care for an immediate family member or the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the Town's operation.

ARTICLE VIII. SEPARATION, DISCIPLINARY ACTIONS AND REINSTATEMENT

Section 1. Types of Separation

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

- (a) Resignation: A minimum of two (2) weeks notice is expected of all resigning personnel. Such notice should be given to the department head (or in case of department heads, to the Town Manager).

Three days without reporting to work or contacting the appropriate official shall be considered a voluntary resignation without proper notice.

- (b) Reduction in Force: In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's past performance, organizational needs and seniority in determining those employees to be retained. Employees who are laid off because of reduction in force shall be given at least one (1) pay period notice of the anticipated lay-off. No regular employee shall be

separated while there are temporary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary employee.

- (c) Disability: An employee may be separated for disability when the employee cannot perform the required duties because of a physical or mental impairment and reasonable accommodations, as required by the Americans with Disabilities Act (ADA), cannot be made. Action may be initiated by the employee or the Town, but in all cases it shall be supported by medical evidence as certified by a competent physician. The Town may require an examination at its expense and performed by a physician of its choice. Before an employee is separated for disability, a reasonable effort shall be made to locate alternative positions within the Town's service for which the employee may be suited.
- (d) Death: All compensation due in accordance with Article VII, Section 4 of this policy will be paid to the estate of a deceased employee. The date of death shall be recorded as the separation date for computing compensation due.
- (e) Dismissal: If the appointing authority determines that a dismissal action is appropriate, such dismissal shall be effective at the end of the calendar day. A written summary giving the circumstances and facts leading to the dismissal shall be prepared. A copy of the summary shall be mailed to the employee by certified mail and one copy shall be filed in the employee's personnel file.

Section 2. Disciplinary Actions

An employee may be suspended, demoted or dismissed by the department head because of failure in performance of duties or failure in personal conduct. The department head shall provide the employee with a written notice including the recommended effective date, reasons for the action, and appeal rights available to the employee. A copy of the written notice shall be provided to the Town Manager.

(a) Failure in Performance of Duties

Failure in the performance of duties includes any aspects of the employee's job which are not performed as required to meet the standards set by the Town Manager.

Each of the following causes relating to failure in the performance of duties are representative, but not all inclusive, of those considered to be adequate grounds for suspension, demotion or dismissal:

1. Inefficiency, negligence or incompetence in the performance of duties;
2. Careless, negligent or improper use of Town property or equipment;
3. Physical or mental incapacity to perform duties;

4. Discourteous treatment of the public or other employees;
5. Absence without approved leave;
6. Habitual improper use of leave privileges; or
7. Habitual pattern of failure to report for duty at the assigned time and place.

Prior to making a decision to terminate employment, the employee will have the opportunity to discuss the dismissal and the reasons for the dismissal recommendation with the supervisor or Town Manger.

(b) Failure in Personal Conduct

An employee may be suspended, demoted or dismissed for causes relating to personal conduct detrimental to the Town service without warning in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons.

Each of the following causes relating to failure in personal conduct are representative, but not all inclusive, of those considered to be adequate grounds for suspension, demotion, or dismissal:

1. Fraud in securing appointment;
2. Conduct unbecoming a public officer or employee;
3. Conviction of a felony or of a misdemeanor which would adversely affect performance of duties, or the entry of a plea of “no contest” to either;
4. Misappropriation of Town funds or property;
5. Falsification of Town records for personal profit or to grant special privileges;
6. Reporting to work under the influence of alcohol or narcotic drugs or partaking of such things while on duty or while on public property, except that prescribed medication may be taken within the limits set by a physician so long as medically necessary;
7. Willful damage or destruction of property;
8. Willful acts that would endanger the lives and property of others;
9. Acceptance of gifts in exchange for “favors” or “influence”;
10. Incompatible outside employment or conflict of interest; or
11. Violation of political activity restrictions.

(c) Disciplinary Suspension

An employee who is suspended for disciplinary reasons shall be relieved temporarily of all duties and responsibilities and shall receive no compensation for the period of suspension.

(d) Immediate Disciplinary Suspension

An employee may be suspended without notice by the department head for causes related to personal conduct in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. When a department head suspends an employee he shall tell the employee to leave the Town property at once and remain away until further notice.

(e) Non-Disciplinary Suspension

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

Full recovery of pay and benefits for the period of non-disciplinary suspension may be authorized by the Town Manager, if the suspension is terminated with full reinstatement of employee.

Section 3. Employee Appeal

A regular employee wishing to appeal a demotion, suspension or dismissal may present the matter in accordance with the provisions of the grievance procedure prescribed in Article IX of these policies.

Section 4. Reinstatement

An employee who resigns while in good standing or who is dismissed because of reduction in force may be reinstated within one (1) year of the date of separation, with the approval of the Town Manager. An employee who enters extended active duty with the Armed Forces of the United States, the Public Health Service or with a Reserve Component of the Armed Forces will be granted reinstatement rights as allowed by the Veterans Readjustment Act.

An employee who is reinstated shall be credited with previous service and previously accrued sick leave and will receive all benefits provided in accordance with this policy and state law. The salary paid a reinstated employee shall be as close as reasonably possible, given the circumstance of each employee's case, to the salary step previously

attained by the employee in the salary range for the previous class of work, plus any across-the-board pay increases.

ARTICLE IX. GRIEVANCE PROCEDURE

Section 1. Policy and Purpose

It is the policy of the Town to provide a means whereby employees may freely discuss problems with supervisors and to provide a procedure for the presentation and mutual adjustment of points of disagreement that arise between employees and their supervisors. The purposes of this policy are:

- (a) to provide employees a procedure by which their complaints can be considered rapidly, fairly, and without reprisal;
- (b) to encourage employees to express themselves about the conditions of employment that affect them as employees;
- (c) to promote better understanding of policies, practices, and procedures that affect employees;
- (d) to develop in supervisors a greater sense of responsibility in their dealings with employees.

No employee who in good faith exercises their rights under this policy and utilizes the grievance procedures shall be subjected to retaliation or any form of harassment. An employee who retaliates against someone who has filed a grievance in good faith is subject to disciplinary action up to and including termination.

Section 2. Definition

A grievance is any dispute concerning the interpretation or application of this personnel policy, or any other policy, practice, or procedure affecting working conditions for the Town. A grievance might involve alleged safety or health hazards, unfair or discriminatory supervisory practices, misapplication of department work rules, unsatisfactory physical facilities or equipment, or other complaints related to conditions of work or disciplinary action. Complaint processes involving issues covered by other parts of this policy are excluded from this procedure. Nothing herein shall be interpreted to change the status of any employee from that of an employee at will.

Section 3. Procedure

When an employee has a claim or complaint concerning employment with the Town, the successive steps described below are to be taken toward resolution of the matter.

The number of days indicated at each step of the grievance procedure should be considered as the maximum number of calendar days allowed for presentation of and

response to the grievance at that level. However, when mutually agreed upon, time limits given below may be extended by those concerned.

Step One. The employee with a grievance shall present the matter, in writing, to the appropriate supervisor within ten (10) calendar days of its occurrence or within ten (10) calendar days of learning of the event or condition. The grievance shall specify the relief that he or she expects to gain through the use of this procedure. The supervisor is encouraged to consult with any employee or officer deemed necessary to reach a correct, impartial, and equitable determination and shall give the employee a written response within ten (10) calendar days from the receipt of the written grievance.

Step Two. If the grievance is not resolved to the satisfaction of the employee by the supervisor in Step 1, the employee may appeal, in writing, to the appropriate department head within ten (10) calendar days from the receipt of the supervisor's response. The department head shall respond in writing to the appeal within ten (10) calendar days from the receipt of the written appeal.

Step Three. If the matter is not resolved to the satisfaction of the employee in Step 2, the employee may appeal, in writing, to the Town Manager within ten (10) calendar days after the receipt of the department head's response.

The Town Manager, or his or her designee, shall hold a hearing thereon within fifteen (15) calendar days of receipt of the employee's written appeal. The Town Manager may consult with whatever sources are deemed appropriate, and shall allow the employee to examine all the evidence and to present his or her case.

The Town Manager shall review the case data and render a decision in writing within ten (10) calendar days after the hearing, with one copy sent to the employee's home address on file by certified mail and one copy placed in the employee's personnel file. The Town Manager's decision shall be the final decision.

No determination of any grievance will, in any way, conflict with any Town policies, resolutions, or ordinances, or with any state or federal statutes applicable thereto. All written documentation pertinent to the filing and resolution of the grievance shall be maintained in a separate grievance file, as part of the employee's personnel file, in the Human Resources Department.

Section 4. Discrimination Appeal Procedure

Any applicant for Town employment, Town employee, or former Town employee who has reason to believe that employment, promotion, training, or transfer was denied him or her, or that demotion, layoff, or termination of employment was forced upon him or her because of age, sex, race, color, national origin, religion, creed, political affiliation, or disability, except where specific requirements constitute a bona fide occupational

qualification necessary to proper and efficient administration, shall have the right to appeal directly to the Town Manager using the grievance procedure outlined in Section 3 of this article, if so desired. An employee or applicant must appeal an alleged act of discrimination within thirty (30) days of the alleged discriminatory action.

Section 5. Back Pay Awards

Back pay and benefits may be awarded to reinstated employees in suspension, demotion, improper dismissal, and discrimination cases.

ARTICLE X. INSURANCE/RETIREMENT BENEFITS

Section 1. Insurance Benefits

The Town offers group health, life, short-term disability and dental insurance to employees. The Town may make other group insurance plans available for its employees upon authorization of the Town Council.

Section 2. Unemployment Insurance

In accordance with Public Law 94-566 and Chapter 1124 of the Session Laws of 1977 of the North Carolina General Assembly, local governments are covered by unemployment insurance effective January 1, 1978. Town employees who are laid off or released from the Town service may apply for unemployment compensation through the local office of the Employment Security Commission that will determine the employee's eligibility for this benefit.

Section 3. Old Age and Survivor's Insurance

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

Section 4. Retirement Benefits

The Town provides retirement benefits for its employees through the North Carolina Local Governmental Employees' Retirement System. (NCLGERS)

All employees working 1000 hours or more annually are required to join the NCLGERS retirement plan.

Section 5. Law Enforcement 401K & Separation Allowance

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

- (a) The Town provides employer contributions to the NC 401(k) plan in the amount of 5% of gross salary for all eligible employees effective July 1, 2005.

Section 6. Workers' Compensation

All employees are covered with workers' compensation insurance as required by the General Statutes of North Carolina.

(a) Procedures

- It is the responsibility of the Human Resources Department to administer the Workers Compensation program. It is the employee's responsibility to notify his or her supervisor of an on-the-job injury as soon as it occurs.
- Employees requiring medical attention should inform the provider that the injury or sickness is job related. The provider should contact the town to verify that the injury and or sickness is job related. Medical services and other claims are subject to approval by the insurance carrier.
- Refer to Article VI Section 12(a) Alcohol and Substance Testing
- The Safety Committee will review the accident to determine if safety hazards exist and submit the necessary reporting.
- Workers' Compensation Leave is referenced in Article VII Section 8

Section 7. Fringe Benefits

It is the policy of the Town of Leland to comply with all applicable federal and state regulations regarding the payment and taxation of employee benefits. Employee Benefit, also called Fringe Benefit, is any form of pay (including property, equipment, uniforms, services, cash or cash equivalent) in addition to normal compensation provided for the performance of services. This policy applies to all Town employees (Full-Time, Part-Time, Temporary), elected and appointed officials, and independent contractors. The purpose of this policy is to communicate basic information to Town employees regarding taxation of employee benefits. This policy does not cover all fringe benefits. Questions concerning fringe benefits that are not mentioned in this policy or questions concerning information contained in this policy may be directed to the Finance department.

A. Accountable Plan

The Town has adopted the accountable plan method for reimbursement of travel and other expenses by Town employees. To be considered an accountable plan the following requirements must be met (26 CFR 1.62-2):

- There is a business connection to the expenditure
- There is adequate accounting by the recipient within a reasonable period of time
- Excess reimbursements or advances are returned within a reasonable period of time.

B. Per Diem

The Town uses a per diem allowance method for reimbursement of travel and other expenses incurred by employees while traveling on Town-related business (refer to Article VI, Section 14). Substantiation is required and any money remaining must be returned according to the Financial Operations Travel and Expense Reimbursement Policy or be includible in wages and subject to income and employment taxes.

C. Uniforms

Clothing or uniforms are excluded from the wages of an employee if they are:

- Specifically required as a condition of employment, and
- Are not worn or adaptable to general usage as ordinary clothing.

OSHA approved steel toed work boots provided by the employer are excluded from the wages of an employee.

A clothing allowance given to Investigative personnel for the purchase of clothing, shoes, and related wearable supplies are not excluded from taxable income because they are adaptable to general usage as ordinary clothing according to IRC §162; Reg. §1.62-2(c)(1). Substantiation is required and any money remaining not used to purchase authorized clothing must be returned according to the Financial Operations Investigator Clothing Allowance Policy.

D. Electronic Equipment

Cell phones, radios, laptops and other electronic equipment are provided to those employees on an as-needed basis and only when it has been determined that they are necessary to fulfilling job duties and responsibilities. This equipment is generally not reported as taxable wages. Electronic and communication equipment are to be used for business purposes only. The use of Town provided electronic devices for personal communications is strictly prohibited.

E. Awards and Prizes

Prizes or awards given to employees are taxable as wages to an employee. Regardless of the cost of an award or its Fair Market Value (FMV), the following awards are always taxable as wages to an employee:

- Cash or cash equivalent awards, such as a voucher for merchandise or gift certificate
- Recognition awards, cash or non-cash, for job performance, unless they are qualifying *de minimis* fringe benefits
- Non-cash prizes (unless *de minimis*) won by employees from random drawings at employer sponsored events
- Awards for performance, such as outstanding customer service, employee of the month, or highest productivity

- Achievement awards, cash or non-cash, that do not meet specific qualified plan award rules in accordance with IRC Reg. §1.274-2(c)(4); §1.274-2(c)(5)
- Awards for length of service or safety achievement that do not meet specific requirements in accordance with IRC Reg. §1.274-2(c)(4); §1.274-2(c)(5).

De minimis awards and prizes that are not cash or cash equivalent, are of nominal value and provided infrequently. Awards and prizes that are considered *de minimis* are excludable from an employee's wages. Prizes or awards that are given frequently to an employee do not qualify as an excludable *de minimis* award, even if each award is small in value (IRC §132(e)).

ARTICLE XI. PERSONNEL RECORDS AND REPORTS

Section 1. Personnel Records Maintained

Personnel records as are necessary for the proper administration of the personnel system will be maintained by the Town Manager or his designee. The Town shall maintain, in personnel records, only information that is relevant to accomplishing personnel administration purposes. The following information will be kept in an employee's personnel file:

- (a) The employment application and copies of documents that support the application.
- (b) Changes in personal status such as name, address, marital status, number of dependents, telephone number, persons to be notified in emergencies and beneficiaries of Town sponsored benefits.
- (c) Performance appraisals.
- (d) Documents related to legal actions against the employee that affect the town (such as garnishments or convictions)
- (e) Disciplinary records (if any) including supporting documents.
- (f) Town records relating to performance or service excellence (if any) including supporting documents.
- (g) Community merit or recognition records (if any) which would include letters, awards, invitations, etc.

Section 2. Public Personnel Records Defined

The following information on each Town employee is part of an employee's public personnel record:

- (a) Name;

- (b) Age;
- (c) Date of original employment or appointment to Town service;
- (d) Current position title;
- (e) Current salary;
- (f) Date and amount of most recent change in salary;
- (g) Date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and
- (h) Office to which employee is currently assigned.

Section 3. Access to Personnel Records

As required by G.S. 160A-168, any person may have access to the information listed in Section 2 of this article for the purpose of inspection, examination, and copying, during the regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Town Council may adopt. Access to such information shall be governed by the following provisions:

- (a) All disclosures of records shall be accounted for by keeping a written record (except for authorized persons processing personnel actions) of the following information: Name of employee; information disclosed; date information requested; name and address of the person to whom the disclosure is made; purpose for which information is requested. This information must be retained for a period of two years.
- (b) Upon request, records of disclosure shall be made available to the employee to whom it pertains.
- (c) An individual examining a personnel record may copy the information; any available photocopying facilities may be provided and the cost may be assessed by the individual.
- (d) Any person denied access to any record shall have a right to compel compliance with these provisions by application to a court for writ of mandamus or other appropriate relief.

Section 4. Confidential Information

All information contained in a Town employee's personnel file, other than the information listed in Section 2 of this article will be maintained as confidential in accordance with the requirements of G.S. 160A-168 and shall be open to public inspection only in the following instances:

- (a) The employee or his duly authorized agent may examine all portions of his personnel file, except, (1) letters of reference solicited prior to employment, and (2) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.
- (b) A licensed physician designated in writing by the employee may examine the employee's medical record.
- (c) A Town employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- (d) By order of a court of competent jurisdiction, any person may examine such portion of the employee's personnel file as may be ordered by the court.
- (e) 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 information is deemed by the official having custody of the personnel records to be necessary and essential to the pursuance 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, such official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
- (f) An employee may sign a written release, to be placed with his personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- (g) The Town Manager, with concurrence of the Town Council, may inform any person of the employment or non-employment, promotion, demotion, suspension, or other disciplinary reasons for that personnel action. Before releasing the information, the Town Manager shall determine in writing that the release is essential to maintaining the public trust and confidence in the administration of services or to maintain the level and quality of Town services. This written determination shall be retained in the office of the Town Clerk, and is a record available for public inspection and shall become part of the employee's personnel file.
- (h) Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
- (i) A record shall be made of each disclosure and placed in the employee's file (except of disclosures to the employee and the supervisor).

Section 5. Records of Former Employees

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

Section 6. Records of Applicants

Applicants and other information gathered with respect to an applicant will be kept confidential in accordance with G.S. 160A-168. The Town will not release this information without written permission from the applicant.

Section 7. Remedies of Employees Objecting to Material in File

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

Section 8. Penalty for Permitting Access To Confidential File By Unauthorized Person

G.S. 160A-168 provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee's personnel file, except as permitted by the statute, is guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed five hundred dollars.

Section 9. Penalty for Examining and/or Copying Confidential Material Without Authorization

G.S. 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, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined in the discretion of the court but not in excess of five hundred dollars.

Section 10. Destruction of Records Regulated

No public official may destroy, sell, loan or otherwise dispose of any public record, except in accordance with G.S. 121-5. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined no less than ten dollars nor more than five hundred dollars as provided in G.S. 132-3.

ARTICLE XII. IMPLEMENTATION OF POLICY

Section 1. Conflicting Policies Repealed

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

Section 2. Separability

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

Section 3. Violations of Policy Provisions

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

Section 4. Effective Date

These policies shall become effective as of the 20 day of September 2007.