

PERSONNEL POLICIES MANUAL
OF THE
CITY OF NEWTON,
NORTH CAROLINA



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SECTION I - IN GENERAL

I.1 Purpose of policy

This policy establishes a system of personnel administration for the City that provides a program to recruit, select, employ, develop and maintain an effective and responsible work force. This policy also covers conditions of employment, employee benefits, work rules, grievance procedures, position classification and pay administration.

I.2 Applicability of policy

This policy shall cover all regular and probationary employees, except as specifically exempted. The city manager, city attorney, members of the city council and members of advisory boards and commissions will be exempted, except in sections where specifically include. Temporary employees will be included only where specifically included.

I.3 Merit principles

The City embraces the following merit principles in administering its personnel program:

All appointments and promotions shall be made solely on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same job class and salary grade. No applicant for City employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee or applicant because of race, color, creed, religious belief, gender, national origin, age or non-qualifying handicap.

I.4 Duties and responsibilities of city manager

As the chief executive officer, the city manager is the head of the administrative branch of the City government, and is directly responsible to the city council for the administration and technical direction of the personnel program. The city manager, or his/her designee, shall appoint, suspend and remove all City officers and employees except those elected by the people or whose appointment is otherwise provided for by law. The city manager shall make appointments, dismissals and suspensions in accordance with the City Charter and other policies and procedures spelled out in this policy. The city manager shall also develop such administrative regulations as deemed necessary regarding the interpretation, application and implementation of these policies.

I.5 Personnel records

Such personnel records as are necessary for the proper administration of the personnel system will be maintained by the human resources officer. The City shall maintain in personnel records only information that is relevant to accomplishing human resources administration purposes.

The following information on each City employee is public information:

- (a) Name.
- (b) Age.
- (c) Date of original employment or appointment to City 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.
- (h) Office to which employee is currently assigned.
- (i) Any other data as stated in GS 160A-168 as may be adopted.

I.6 Access to personnel records

As required by section 160A- 168 of the General Statutes of North Carolina, any person may have access to the information listed above, for the purposes of inspection, examination and copying, during the regular business hours, subject only to such rules and regulations for the safekeeping of records as the city manager may require:

- (a) An individual examining a personnel record may copy the information. Any available photocopying facilities may be provided, and the cost shall be borne by the individual initiating the request.
- (b) Any person denied access to any record shall have a right to compel compliance with this policy by application to a court for appropriate relief.

I.7 Confidential information

All information contained in an employee's personnel file, other than the information required by law to be public information, will be maintained as confidential in accordance with the requirements of section 160A-168 of the General Statutes of North Carolina and shall be open to public inspection only in the following instances:

- (a) The employee or the employee's duly authorized agent may examine all portions of his/her 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 City 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 all material in the employee's personnel file.
- (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 city manager 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 an investigation of the employee's tax liability. However, the 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 that permits the person with custody of the file to provide, 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 city manager may inform any person of the employment or non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer or termination of a City employee and the reasons for that personnel action in accordance with the guidelines set forth in the General Statutes of North Carolina.

I.8 Records of former employees

The provisions of this policy concerning access to records shall apply to former employees as well as to present employees.

I.9 Remedies of employees objecting to materials in file

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

I.10 Permitting access to confidential information

Section 160A-168 of the General Statutes of North Carolina provides that any public official or employee who knowingly, willfully and with malice permits any person to have access to any confidential information contained in an employee personnel file, except as permitted by state law, is guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.

I.11 Examining, removing or copying confidential information

Section 160A-168 of the General Statutes of North Carolina provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and, upon conviction, shall be fined in the discretion of the court, but not in excess of \$500.

I.12 Destruction, etc., of records generally

No public official may destroy, sell, loan or otherwise dispose of any public record, except in accordance with section 121-5 of the General Statutes of North Carolina, without the consent of the state department of cultural resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates or destroys it, will be guilty of a misdemeanor and, upon conviction, will be fined not less than \$10.00 nor more than \$500.00, as provided in section 132-3 of the General Statutes of North Carolina.

SECTION II - RECRUITMENT AND APPOINTMENT

II.1 Equal employment opportunity policy

It is the policy of the City to foster, maintain and promote equal employment opportunity. The City shall select employees on the basis of the applicants' qualifications and without regard to age, sex, race, color, creed, religion or national origin. Applicants with physical handicaps shall be given equal consideration with other applicants for positions in which their physical handicaps do not represent an unreasonable barrier to satisfactory performance of duties.

All personnel responsible for recruitment and employment shall implement this policy through procedures that will assure equal employment opportunity based on reasonable performance-related job requirements. Notices with regard to equal employment matters shall be posted in conspicuous places on City government premises in places where notices are customarily posted.

II.2 General procedures

The city manager, through human resources director, shall announce employment opportunities, specifying job requirements and the pay of the positions to be filled.

II.3 Qualification Standards

- (a) All applicants considered for employment or promotion shall meet the qualification standards established by the class specification for the position to which the appointment is being made.
- (b) All appointments shall be made on the basis of merit.
- (c) Consideration may be given to "trainee" appointments when there is an absence of qualified applicants from which to select. In this instance the deficiencies may be eliminated through orientation and on-the-job training and the employee is designated a trainee by the city manager.

II.4 Selection

Department heads shall develop, use and document, on a consistent, routine basis, a selection process that best suites the City's needs in filling positions within each department. All selection methods developed and utilized by the department head shall be valid measures of job performance.

II.5 Appointments

- (a) Before any applicant begins work, the department head shall meet with the human resources director to discuss the appointment. The Personnel Action Form, the original application for employment, test score sheets (when applicable), and any additional supporting documents shall be reviewed by the human resources director.
- (b) If the duties of the positions include operation of City-owned or City-insured vehicles, the human resources director, before authorizing issuance of an offer of employment, conduct a review of the driving record of the person to be hired, which record will become a part of the personnel file.

II.6 Recruiting area and residence requirements

Candidates for employment shall be recruited from a geographic area as wide as necessary to assure obtaining well-qualified applicants. In cases where residents and nonresidents are equally qualified, the local resident shall receive first consideration.

Residence requirements for the police and fire departments shall be determined by the city manager.

II.7 Probationary Period-Generally

All new employees and employees promoted or assigned to new positions, not engaged in police work, serve a probationary period of 6 months. A new police officer shall serve a 12-month probationary period.

A probationary period may be extended in duration for up to 6 additional months. If continued employment is considered not to be in the best interest of the City, employment may be discontinued during the probationary period, or any extension thereof, without cause or judgment against the worker.

II.8 Benefits during probation

An employee serving an initial probationary period shall be entitled to all benefits provided in accordance with this policy, except as follows:

- (1) An employee may accumulate vacation leave and sick leave as outlined in this policy, but shall not normally be eligible to take paid vacation or sick leave during the probationary period. The city manager may allow paid vacation and paid sick leave to probationary employees when the city manager determines that such is required to relieve a hardship situation.
- (2) An individual whose employment is discontinued for any reason during the probationary period shall not be eligible for terminal pay for accumulated vacation.

II.9 Completion

Upon successful completion of the probationary period and any extensions of the probationary period, the employee becomes eligible for paid vacation and sick leave. Also, upon successful

completion of the probationary period, the employee shall normally be given an increase upon the recommendation of the department head and in accordance with established practice.

II.10 Employment status

Employment status with the City shall be as follows:

- (1) *Regular.* Full-time employment in classified positions that are authorized and budgeted, preceded by a period of probationary employment, and requiring a minimum of 32 hours per pay period.
- (2) *Temporary.* Full-time employment of limited duration or for a specific assignment or project.
- (3) *Part-time.* Employment of either limited or unlimited duration requiring less than 32 hours per pay period.

II.11 Special provisions concerning part-time and temporary employment

A part-time or a temporary employee shall not be eligible for paid vacation, sick leave, paid holidays, insurance or other benefits that accrue to the regular, full-time employee; except, that if a part-time employee is budgeted to work at least 1,000 hours per year, is eligible to participate in the retirement system. Part-time and temporary employees may be hired and paid, subject to the availability of funds, at a rate that is competitive with the local labor market, upon approval of the city manager.

II.12 Employment of relatives

New employment of a relative of any member of the governing body of the City or the city manager is prohibited. No person shall be hired or assigned to work under the administrative influence or supervision of a relative, nor shall any employee's relative to be hired without prior approval of the city manager. This policy refers specifically to a spouse and to a brother, sister, parent or child of the employee or of the spouse.

SECTION III - PERSONNEL ACTIONS

III.1 Promotion

- (a) A "Promotion" is defined as a move from one position class to another position class that is assigned to a higher salary grade.
- (b) It shall be the policy of the City to seek qualified applicants for vacant positions, giving first consideration to promoting from within and across department lines. In the absence of qualified candidates for promotion, vacancies shall be filled by recruiting from the City government.
- (c) Employees shall be considered for promotion on the basis of job-related experience, skill, knowledge and ability, and a review of the quality of past performance and general suitability for the higher-level position.

- (d) When the promotional qualifications of 2 or more employees are judged to be equal, the employee with the longest service with the City shall be promoted.
- (e) A department head's recommendation to promote an employee must be reviewed and approved by the city manager.

III.2 Transfer

A "transfer" is defined as a lateral move from one department, division or work unit to another, without change in position, class or salary grade.

It is the policy of the City to transfer employees temporarily or permanently from one department to another when doing so will serve the City's best interest.

A transfer to an authorized vacancy may also be arranged upon mutual agreement of all interested administrative officials and the employee.

III.3 Demotion

A "demotion" is defined as a move from one position class to another position class in an authorized vacancy which is assigned to a lower salary grade.

The City may find it appropriate to demote an employee as a result of unusual circumstances.

III.4 Separation from employment

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

III.5 Resignation

Resignation is defined as an employee voluntarily ending the employment relationship with the City of Newton by submitting advance notice of the final day of employment to the supervisor.

All employees except for superintendents, assistant department heads, and departments heads are required to work at least a two-week notice. Superintendents, assistant department heads, and department heads are required to work at least a 30-day notice.

Failure to submit or completely work the notice submitted will result in nonpayment of accrued vacation leave upon departure and ineligibility for re-employment with the City.

III.6 Layoff

(a) "Layoff" is defined as a separation from employment because of an organizational change, lack of work, lack of funds or other reasons that reflect no discredit upon the employee.

(b) In the event that a reduction in force becomes necessary, consideration will be given to numerous factors in determining those employees to be retained. Among the various factors which will be considered are the following:

- (1) Operational needs of the City. First consideration will be given to those employees in the affected unit who possess special knowledge, skills or abilities needed by the City and who have proven records of satisfactory service.
 - (2) Employee work performance. The quality of each employee's past work performance will be taken into consideration. Attendance, initiative, productivity, cooperation, etc., will be considered in determining the quality of each employee's past work performance.
 - (3) Seniority. Length of service will be given consideration after the operational needs of the City and quality of past work performance have been evaluated. Only when all other factors are equal (as determined at the sole discretion of the City) will seniority be a factor in deciding which employees will be subject to the reduction in force.
- (c) A reduction in force will only affect those employees in the division or service area involved in making the reduction necessary.
- (d) In the discretion of the City, a number of alternatives may be considered prior to effecting a reduction in force as follows:
- (1) Lateral transfers. Employees of the affected unit may be placed in other jobs, departments or divisions, where vacancies exist and where the employees in question have proven to possess the necessary qualifications and work habits.
 - (2) Promotions. Promotional opportunities inside and outside the affected unit may be announced, so that qualified employees in the affected unit might apply.
 - (3) Voluntary demotions. Affected employees may be considered for voluntary demotion to lower level positions in the event that vacancies exist either inside or outside the affected unit.

(d) The factors to be considered for selecting employees for lateral transfers, promotions and voluntary demotions will be the same as those used in determining those to be retained or separated due to a reduction in force.

(e) Those employees laid off due to a reduction in force will be given notice of such action as soon as possible. No regular employee will be separated while there are temporary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary employee. Employees serving a probationary period following a promotion shall be considered regular employees for the purpose of reduction in force.

III.7 Disability

An employee may be separated for disability when the employee cannot perform the required duties because of a physical or mental impairment so long as the separation is not in conflict with the Americans with Disabilities Act. Action may be initiated by the employee or the City, but in all cases,

it shall be supported by medical evidence as certified by a competent physician. The City 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 City service for which the employee may be suited.

III.8 Retirement

The City does not endorse a mandatory retirement age. Notification of intention to retire is the same as that for resignation.

III.9 Dismissal

An employee involuntarily dismissed from service for reasons of misconduct or inability to perform the job as outlined in this policy shall be disqualified from receiving payout of accrued vacation leave.

III.10 Death

All compensation due 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.

III.11 Disciplinary actions

Violation of regulations relating to (1) performance of duties or (2) personal conduct detrimental to City service may result in disciplinary action. An employee, regardless of occupation, position, profession or work performed, may be warned, reprimanded, placed on probation, demoted, transferred, suspended or dismissed for just cause. The degree and kind of action to be taken will be based upon the sound and considered judgment of the appropriate authority in accordance with the provisions of this policy. The procedure for disciplinary action shall be in the human resources office.

Definitions of disciplinary actions listed above are as follows:

(a) Probation. A regular employee may be placed on probation for a period not exceeding six months as a warning for a disciplinary situation of reasonable cause. In such cases, the employee retains the right to use the grievance procedure.

(b) Demotion or transfer. A regular employee may be demoted or transferred as a disciplinary action for reasonable cause.

(c) Suspension. Under certain conditions, an employee may be suspended for cause. The causes for suspension fall into two categories, (1) those related to the performance of duties and (2) causes related to personal conduct detrimental to City service. Suspension for cause can be further broken down into the following categories:

- (1) Suspension with pay.
- (2) Suspension without pay.
- (3) Suspension with recommendation of dismissal.

- (4) Suspension without recommendation of dismissal.

The above classifications will be at the discretion of the city manager and will be based upon the severity of the cause.

(d) Dismissal. Employees dismissed for unsatisfactory performance of duties should receive least 2 warnings, as follows:

- (1) An oral warning, with a follow-up form to the employee which sets forth the points covered in the discussion; and
- (2) A written warning, which will serve notice upon the employee that a continuation of the unacceptable practices may result in disciplinary action or dismissal.

The two warnings may relate to the same cause or to separate and different causes. No warning will be given before dismissal for some serious offenses.

III.12 Employee appeal

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

III.13 Reinstatement and transfer of sick leave

The City Manager is authorized to reinstate a former employee, who was laid off or who otherwise left the City in good standing, according to the agreed upon terms.

A former employee who is re-employed by the City within one year from the date of separation from the City shall be credited with the balance of sick leave accrued by the employee at the time of separation except when the employee retired under the state Local Governmental Employees' Retirement system (LGERS). If the retired employee returns to regular, full-time employment with the City, sick leave will begin with a zero balance.

A former employee who is re-employed by the City within one year from the date of separation shall earn vacation at the rate at the time of separation.

Any former employee of an agency that is a member LGERS or the Teachers' and State Employees' Retirement System (TSERS) or any other systems under the Department of State Treasurer, who is not retired and is hired by the City of Newton within 12 months of separation from the former agency shall be eligible to transfer all sick leave hours accrued at the former agency at the time of separation. A written request for sick leave transfer must be received by the City of Newton's Human Resources Department within 30 days of employment by the City of Newton.

SECTION IV - CONDITIONS OF EMPLOYMENT AND PROHIBITED ACTS

IV.1 General responsibilities of employees

An employee for the City shall be expected to:

- (a) Report to work on time and remain on the job until the end of the tour of duty.
- (b) Perform duties to the best of his or her ability and contribute a full day's work for a full day's pay.
- (c) Work well with other employees and accept additional assignments during peak workloads and emergency situations.
- (d) Request prior approval before taking leave of absence and before leaving the work site.
- (e) Refrain from spreading rumors or engaging in other activities which have a disruptive influence on morale or work progress.
- (f) Abide by the terms and conditions of the personnel policy of the City as they exist at the time of employment and any official change thereafter.
- (g) All clothing and uniforms shall be clean and properly worn so as to meet a reasonable person standard for the position held and meet departmental guidelines. Any clothing or body art which is deemed unacceptable must be covered from view while working. Employees shall practice good personal hygiene.

IV.2 General responsibilities of department heads

Department heads shall meet their responsibilities as directed by the city manager, being guided by the Charter, these personnel policies and other ordinances, programs and policies. Department directors shall require other supervisors to meet their responsibilities by:

- (a) Dealing with all employees in a fair and equitable manner and upholding the principles of equal employment opportunity.
- (b) Developing and motivating employees to reach their fullest potential through continued education and training.
- (c) Making objective evaluations of individual work performance and discussing each evaluation with each employee so as to bring about needed improvements.
- (d) Keeping employees informed of their role in accomplishing the work of their unit and of conditions or changes affecting their work.
- (e) Making every effort to resolve employee problems and grievances and advising employees of their rights and privileges.
- (f) Dealing with the employees according to the rules and procedure outlined in this policy.

IV.3 Attendance

Employees shall avoid unnecessary absences and tardiness. Attendance and punctuality are responsibilities of the employee, and will influence future eligibility for a merit pay increase or for promotion.

Employees are required to call the supervisor in advance to advise the supervisor when illness prevents the employee from reporting to work or when the employee expects to be late for work because of unusual and unavoidable circumstances.

If an employee is away from the job for two consecutive workdays without notice, it shall be assumed that the employee has resigned.

IV.4 Inclement weather

All City employees are to presume that all City offices and departments will be open at the regularly scheduled time, regardless of conditions or circumstances. Employees who, for reasons of inclement weather, are unable to report to work on time may be excused, provided the period of tardiness is not in excess of 2 hours beyond the normal scheduled work time.

An office or department may be closed, or scheduled openings significantly delayed, because of severe weather or other emergency, with the approval of the city manager. Additionally, announcements concerning office closings or a delay in opening will be made by radio and television broadcast when possible. Any employee in doubt concerning a possible delayed or cancelled opening of his or her department or office should call his or her supervisor no earlier than 1 hour prior to the regularly scheduled opening of the office of department to which the employee is assigned.

An employee who does not report for work on days with severe weather when the operations have not been closed, or who reports late when there is no scheduled delay, will be required to use accumulated vacation or compensatory time.

IV.5 Additional activities

Employees may engage in activities outside their normal scheduled work time as long as the activities do not represent a conflict of interest or reflect discredit on the City. An employee is cautioned, however, not to engage in additional activities that are so exhaustive that one's physical and mental ability are consistently impaired to the extent that his or her City service is adversely affected.

IV.6 Political activity

The City encourages an employee to exercise civic responsibility in supporting good government at all levels by voting for the political candidates and issues of his or her choice.

An employee may join or affiliate with political organizations, may attend political meetings, and may advocate and support political principles and policies in accordance with the constitution and laws of the state and the Constitution and laws of the United States of America; however, an employee shall not:

- (a) Engage in political activity while on duty.
- (b) Be required to contribute funds or support for political or partisan purposes as a condition of employment, pay raise, promotion or tenure of office.
- (c) Solicit or act as custodian of funds for political or partisan purposes while on duty.

- (d) Use City owned supplies, equipment or facilities to display political signs, posters or stickers, or for any other political purpose.

Any violation of this section shall be deemed improper conduct and may result in disciplinary action.

IV.7 Solicitations

No agent shall solicit pledges or contributions or promote sales for any cause during working hours, without the express approval of the city manager.

IV.8 Gifts, favors, etc.

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

IV.9 Payment of debts

City employees are encouraged to meet their financial obligations promptly and satisfactorily. Delinquent obligations owed to the City by an employee may be offset against amounts owed by the City to the employee subject to wage and hour laws.

IV.10 Prohibited conduct generally

An employee is expected to perform his or her duties and to conduct him or herself both on and off the job so as to reflect credit on the City and on fellow employees. Unacceptable conduct is divided into two (2) categories, performance of duties and personal conduct.

(a) *Performance of duties.* The following are examples of unsatisfactory performance of duties, but are in no way intended to be all inclusive;

- (1) Inefficiency or incompetence in the performance of duties.
- (2) Negligence in the performance of duties.
- (3) Physical or mental incapability for performing duties.
- (4) Careless, negligent or improper use of City property or equipment.
- (5) Failure to maintain satisfactory and harmonious working relationships with the public and other City employees.
- (6) Absence without approved leave.
- (7) Improper use of sick leave privileges.
- (8) Failure to report for duty at the assigned time and place.

- (9) Violation of written departmental regulations.
- (10) Failure to obtain or maintain a current license or certification required by law as a condition for performing the job.
- (11) Habitual tardiness.
- (12) Deliberate damage to or destruction of City or private property or the property of other employees while on duty.
- (13) Taking or refusing to surrender any City owned property when directed by a supervisor.
- (14) Sleeping on the job.
- (15) Violation of established safety rules.
- (16) Failure to report personal injury or damage to City owned property or equipment.
- (17) Leaving the job or work area without permission before the end of the regular work period.
- (18) Refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination).
- (19) Violating the privacy of records or property or offices under the responsibility of a fellow employee or supervisor without express permission.

(b) *Personal conduct.* The following are examples of unsatisfactory personal conduct, but are in no way intended to be all inclusive:

- (1) Conviction of a felony, or conviction of commission of a crime involving moral turpitude, or of a crime which adversely reflects upon ability to perform assigned duties.
- (2) Misuse of City funds.
- (3) Falsifying job information to secure position or misrepresentation and/or falsification of records or attendance reports.
- (4) Participation in any action that would in any way seriously disrupt or disturb the normal operation of the department, or causing disharmony or strife within the department.
- (5) Failing to leave the home or property of any City official or employee after being requested to do so.
- (6) Deliberate damage or destruction of City or private property or the property of other employees while on duty.

- (7) Acts that would endanger the lives or property of others while on duty.
- (8) Possession of unauthorized firearms or dangerous weapons on the job.
- (9) Brutality in the performance of duties.
- (10) Refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination).
- (11) Reporting to work under the influence of alcohol, or illegal use of drugs, or with the odor of alcohol, or possession of or partaking of such things on the job.
- (12) Improper pursuing of grievances.
- (13) Being guilty of giving or accepting any consideration or thing of value in exchange for "favors" or "influence."
- (14) Betrayal of information from official records that are allowed by law or policy to be confidential or to be released by specified persons.
- (15) Engaging in other employment which represents a conflict of interest or reflects discredit on the City.
- (16) Taking part in political management or in political campaigns of City officials or as otherwise prohibited.
- (17) Violation of written departmental regulations.
- (18) Abusive and/or threatening language to the supervisor.
- (19) Acts during or outside of duty hours which are incompatible with responsible public service.
- (20) Engaging in "horseplay" or fighting with fellow employees.

A City employee who is guilty of any of the above infractions may be reprimanded, demoted, suspended or dismissed, depending upon the severity of the infraction.

IV.11 Harassment

The City forbids harassment of employees because of age, race, sex, color, religion, handicap, national origin and marital status. "Harassment" is defined as behavior that offends an employee. This type of behavior is unacceptable, and, even in mild forms, such harassment constitutes unsatisfactory job performance and is subject to disciplinary action. More serious instances of harassment will carry more severe penalties, up to and including dismissal.

If an employee is being harassed by his/her supervisor, another employee or a non-employee, the employee shall tell the person that his or her behavior is offensive and should stop. If the matter is not settled, the subject of the harassment is encouraged to follow the grievance procedure.

IV.12 Workplace Violence.

The City has a zero-tolerance policy relating to the communication of threats, verbal harassment, physical assaults, or other forms of inappropriate behavior or unreasonably aggressive behavior and will not be condoned. Such behavior is a conduct issue. Employees found in violation will be subject to appropriate discipline as outlined in this personnel policy.

IV.13 Use of City equipment, vehicles, etc.

City equipment, vehicles, materials, tools and supplies shall not be available for personal use or be removed from City property, except in the conduct of official City business.

Vehicles and equipment; including personal computers and other office equipment, owned by the City shall be cared for by an employee in a responsible way and are to be used exclusively for official City business. Upon the special approval of the city manager, an employee may be allowed to take a vehicle or equipment home when the best interest of the City can be served.

The city manager shall develop regulations governing the use of City owned vehicles and equipment and the circumstances under which City owned vehicles and equipment can be taken home by an employee.

IV.14 Safety

Personal safety is the responsibility of all concerned. The city manager shall appoint a safety coordinator charged with ensuring the City's compliance with all safety rules and regulations. All reasonable actions should be taken to protect employees from on-the-job injuries and safety rules and regulations will be strictly enforced. Department heads, supervisors and employees are responsible for ensuring safe working conditions.

IV.15 Hours of work

The city manager shall develop a work schedule or work schedules for all employees. The work schedule(s) shall comply with all pertinent federal and state laws and provide for the most efficient and effective delivery of City services.

IV.16 Information release and personnel action forms

Any information concerning present or former City employees, other than that of public record, will be released conditional upon a written release from the employee, to be placed with the employee's personnel file, that permits the human resources officer to provide, in person, by telephone or by mail, information specified in the release to prospective employers, educational institutions or other persons specified in the release. A release form may be obtained from the human resources office.

SECTION V - GRIEVANCE AND ADVERSE ACTION APPEAL PROCEDURE

V.1 Grievance and adverse action defined

A grievance is a claim or complaint based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair

application or lack of established policy pertaining to employment conditions. A grievance might involve alleged safety or health hazards, unsatisfactory physical facilities, surroundings, materials or equipment, unfair or discriminatory supervisory or disciplinary practices, unjust treatment by fellow workers, unreasonable work quotas or any other grievance relating to conditions of employment.

An adverse action is a demotion, dismissal, reduction in pay, layoff or undesirable transfer or suspension.

V.2 Purposes

The grievance and adverse action policy is designed to assure an employee or group of employees of fair, impartial and prompt consideration of a problem or dissatisfaction without fear or reprisal. The procedure also encourages employees at all levels to express themselves regarding conditions of work. The grievance and adverse action policy is intended to promote better understanding of policies, practices and procedures; to instill confidence in employees that fair and impartial treatment will be received; and to develop in supervisors a continuing sense of responsibility for maintaining effective working relationships with subordinate employees.

All employees, including supervisors and department heads, are expected to discuss their problems and misunderstandings with their superiors.

V.3 Procedure for employees not alleging discrimination

For any regular City employee having a problem or grievance arising out of or due to his/her employment and who does not allege discrimination because of his age, sex, race, color, national origin, religion, creed, physical disability or political affiliation, the following procedure is available:

(a) *Step 1. Informal discussion with immediate supervisor or department head.* An employee (or group) who feels he has a grievance shall first discuss the problem with the immediate supervisor. The employee (or group) must tell the supervisor about the grievance as soon as possible, but not later than 5 workdays following the incident or action that caused or revealed the problem. If the employee (or group) feels the grievance is not resolved, the employee (or group) may proceed to the next step of the procedure.

(b) *Step 2. Appeal to department head.* An employee (or group) may request a hearing with the department head to appeal an unresolved grievance. Such a request must be received by the department head in writing from the employee no later than 10 working days following the event that caused or revealed the grievance.

After reviewing the request, the department head shall notify the employee (or group) and immediate supervisor of a date and time for a hearing, which will be held no later than 20 workdays after the matter is brought to the supervisor's attention. The employee may choose 1 fellow employee to attend the hearing to help present the case and the immediate supervisor shall attend to explain his/her position.

The department head will open the meeting with an informal discussion of the problem and will explore possible solutions with those in attendance. Every effort will be made during this discussion to resolve the grievance to the satisfaction of all concerned. If the grievance is resolved, a written record will be placed in the appropriate personnel files; however, if the grievance cannot be resolved through

this discussion, the parties will together prepare a written report of all sides of the issue, which shall be promptly to the city manager for further consideration through the next step.

(c) *Step 3. Appeal to city manager.* The city manager shall review the written report and may request additional information and documentation. Based upon the information contained in the report and/or other documentation, the city manager shall determine whether or not a formal hearing shall be held.

If the city manager determines that an appeals hearing is in order, the city manager shall notify all concerned of a time and date to conduct an appeals hearing, to take place as soon as possible, but not later than 15 workdays after the problem is presented. This appeal hearing may be held by the city manager, or the report and documents may be referred to a special grievance committee for hearing, investigation and recommendation. Such a grievance committee shall include 3 classified City employees. One shall be appointed by the city manager, and one fellow employee shall be appointed by the complaining employee (or group). The third member of the special grievance committee, who will act as chairman, shall be appointed by the first 2 appointees. If requested by the city manager, the committee shall hold a hearing with all parties concerned not later than 25 workdays after the problem reaches the city manager. At this hearing, the grievance committee shall review the grievance report and other documentation, make further investigations, if necessary, and refer the committee recommendation to the city manager.

The city manager shall furnish written notice of his/her ruling to the employee, the immediate supervisor and the department head. This notice shall be made not later than 30 workdays from the day the case or ruling reaches the city manager.

The decision rendered by the city manager shall be final. Any deviation from the above procedure shall be considered a violation of the City's personnel policy and may subject the violating parties to disciplinary actions.

V.4 Procedure for employees, etc., alleging discrimination

Any applicant for City employment, City employee or former City employee who has reason to believe that employment, promotion, training or transfer was denied to 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 or physical disability shall have the right to appeal directly to the city manager. Such an appeal shall be handled in the manner as prescribed in step 3 of the appeals procedure for nondiscriminatory grievances. An employee or applicant must appeal an alleged act of discrimination within 30 days of the alleged discriminatory action.

V.5 Back pay and benefits awards

Back pay and benefits may be awarded by the city manager, or recommended by the grievance committee, to reinstated employees in suspension, demotion, dismissal and discrimination.

SECTION VI – TYPES OF LEAVE

VI.1 Holidays

The City observes official paid holidays each year, as follows:

- (1) New Year's Day
- (2) Martin Luther King's Birthday
- (3) Presidents' Day
- (4) Good Friday
- (5) Memorial Day
- (6) Independence Day
- (7) Labor Day
- (8) Veterans Day
- (9) Thanksgiving Day and Thanksgiving Friday
- (10) Christmas Day, according to the following schedule:

When Christmas falls on:

We observe these days:

Sunday	December 23, 26 and 27 (Fri., Mon., Tues.)
Monday	December 25, 26 and 27 (Mon., Tues., Wed.)
Tuesday	December 24, 25 and 26 (Mon., Tues., Wed.)
Wednesday	December 24, 25 and 26 (Tues., Wed., Thurs.)
Thursday	December 24, 25 and 26 (Wed., Thurs., Fri.)
Friday	December 24, 25 and 28 (Thurs., Fri., Mon.)
Saturday	December 23, 24 and 27 (Thurs., Fri., Mon.)

Holiday pay will be calculated at 8 hours of regular pay. If the regular work schedule requires one to work on a holiday or if a holiday falls on one's scheduled day off, the employee shall receive an additional 8 hours off. The 8 hours of additional time shall be banked in the employee's compensatory time leave bank and shall be treated in the same manner. The City Manager may authorize pay in lieu of time off if staffing issues prevent employees from taking time off. (Amended 9.1.08)

VI.2 Vacation leave

A regular full-time classified employee shall earn paid vacation according to his or her length of service, as follows:

<i>Yrs of Aggregate Service</i>	<i>Hours Earned Each Month</i>	<i>Hours Earned Annually</i>
Less than 5	6.67	80
5 to 10	8	96
10 to 15	10	120

15 to 20	12	144
Over 20	14	168

If an employee has a different work schedule, the employee's annual leave hours shall equate to the same percentage earned by a 40-hour employee ($40 \times 52 = 2080$) and ($2080/2080 = 1$). Examples: $2196/2080 = 1.06$ multiplier, and $2920/2080 = 1.40$ multiplier.

Annual Hours	- 5 yrs	Monthly Accrual Hours	5 - 10 yrs	Monthly Accrual Hours	10 - 15 yrs	Monthly Accrual Hours	15 - 20 yrs	Monthly Accrual Hours	21 + yrs	Monthly Accrual Hours
2080		6.67		8.00		10.00		12.00		14.00
2196		7.07		8.48		10.60		12.72		14.84
2920		9.34		11.20		14.00		16.80		19.60

Maximum accumulation shall be 240 hours. Any hours accumulated over the maximum may be converted to sick leave. This converted sick leave shall be used in the same manner as accrued sick leave and may be used for authorized sick leave purposes; and, like regular sick leave, any unused converted sick leave may be counted toward creditable service at retirement.

Employees who are hired on or before the 15th day of the month earn vacation time for that month. Employees hired after the 15th day of the month begin earning vacation on the first day of the following month. A new employee will work and accrue vacation for a 6-month period before becoming eligible to take a paid vacation.

An employee cannot work for the City while on paid vacation, nor is an employee authorized to use vacation that is accrued by another employee.

No employee shall be paid for vacation without taking the time away from the job. Employees who leave the City before completing 6 months in full-time classified employment are not eligible to be paid for accrued vacation or for accrued sick leave. For other circumstances of separation an employee shall be paid for accrued vacation as of the date of departure from City employment.

Vacation time may be taken as earned by a regular employee when mutually convenient for the City and the employee. Vacation requests and scheduling are subject to approval by the department head.

No employee may take more than 2 weeks of vacation leave at any one time without prior approval by the department head and the city manager. The city manager shall give such approval only after a determination by the department head that the absence of such an employee for an extended period of time would not affect the overall operation of the department, leave the department short-handed or create unnecessary financial burdens on the City.

The department head is responsible for assuring that his or her department is properly staffed at all times, and, therefore, should not normally allow more than one employee per shift to take vacation leave simultaneously. Employees should give at least 2 weeks' notice of their desire to use vacation leave.

VI.3 Sick leave

Sick leave with pay is accumulated to the credit of each probationary and regular employee at the rate of 8 hours for each calendar month of service.

Sick leave with pay may be used for absences necessitated by injury or illness to the employee or to a member of the employee's immediate family which requires the care of the employee, maternity, required dental care, or exposure to a contagious disease when continuing to work might jeopardize the health of others. Sick leave may be used for death in the employee's immediate family but may not exceed three (3) days for any one (1) occurrence, except by special permission from the department head. "Immediate family" shall be deemed to include spouse, mother, father, guardian, children, sister, brother, grandparents and grandchildren, plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named.

Employees who are hired on or before the 15th of the month earn sick leave for that month. Employees hired after the 15th of the month begin earning sick leave on the first of the following month.

Employees continue to accumulate sick leave while on vacation and sick leave. An employee must be on pay status for more than 15 days in the month in order to earn sick leave for that month except if the employee is considered to be under the Family Medical Leave Act.

When personal illness extends beyond accrued sick leave, a charge will be made against vacation time and then leave without pay.

In order to be paid for sick leave employees shall:

- (a) Promptly report to the supervisor the need to use the sick leave.
- (b) Keep the supervisor informed of prognosis on an agreed upon schedule.
- (c) Permit and agree to any medical examination and/or certification which the City may consider necessary.
- (d) In accordance with the provisions of the Family and Medical Leave Act, agree to any medical examination and/or certification which are required after an absence of more than 3 days.

If the employee fails to notify the department head of the need for sick leave and fails to tell the department head when a return to work might be expected, the employee will be placed on leave without pay until the absence is explained. An employee will not work at the same time that he or she is on paid sick leave. In certain instances, when all paid leave is exhausted, fellow employees may donate up to 96 hours per calendar year to an employee.

If sick leave is not used, it shall accrue to the employee's account without limit while he or she is in the employ of the City.

The claiming of paid sick leave under false pretenses a serious violation of City policy and is grounds for disciplinary action. No employee shall be paid for unused sick leave upon separation from employment with the City.

Where applicable sick leave shall be used in accordance with the Family Medical Leave Act. Employees should consult with the human resources officer regarding the use of the provisions of the Act.

VI.4 Workers' compensation

City employees are protected by the North Carolina Workers' Compensation Act in the event of a job-related injury or illness. Payments are made for medical expenses and salary for time lost from the job in accordance with provisions of the act.

Any employee absent on account of accident disability which is compensable under the workers' compensation statutes may receive workers' compensation benefits and elect to use accumulated vacation and sick leave as a supplemental payment for the difference between his regular salary and the payments received under the Workers' Compensation Act. Employees may have deducted from their accumulated vacation or sick leave that fraction of a day which is the same as the fraction that the supplemental payment for one day is of a regular day's pay. Upon reinstatement, the 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.

To protect his or her interest under the law, the employee has responsibility for promptly reporting all injuries resulting from on-the-job accidents in accordance with the North Carolina Workers' Compensation Act. In accordance with North Carolina General Statute's 160A-164.1, full-time firefighters, police officers and other employees identified as first responders shall be allowed to use sick leave for any adverse medical reaction resulting from the employee receiving an employment vaccination against small pox pursuant to Section 304 of the Homeland Security Act. Firefighters or sworn police officers that have an adverse medical reaction to an employment vaccination against small pox, or become infected with small pox, will be treated as any other employee with a compensable occupational disease under the North Carolina Worker's Compensation Act.

VI.5 Family and Medical Leave Act.

Employees who have worked for the City for at least twelve (12) months and at least 1,250 hours during the twelve (12) months prior to the leave may take up to twelve (12 weeks) of unpaid leave (FMLA leave) in accordance with the City's FMLA policy.

VI.6 Civil leave

A City employee called for jury duty or as a witness for the federal or state governments or a subdivision thereof, by subpoena, shall be entitled to leave with pay for such duty. The employee will be allowed to keep fees paid for such duty.

Law enforcement officers may not receive or keep any witness fees for appearing in a criminal court in connection with their official duties.

VI.7 Military leave

An employee who is a member of an armed forces reserve organization or the National Guard shall be entitled to not more than 15 days of leave with pay for such duty during the required absence. While on military leave, benefits will accrue as though present for duty. The leave is not charged as annual leave; however, any salary payment which the employee receives from the military shall be deducted from the sum paid by the City.

VI.8 Rest periods

A department head and/or supervisor may establish an appropriate rest period policy that will best serve the City's interest. It must be recognized that there may be circumstances which make designated rest periods or coffee breaks impossible, and, therefore, the department head will address the question accordingly. If it is feasible, a department head may provide two separate 15-minute rest periods per day within the building or at the job site. Rest periods are not considered accumulative or mandatory.

VI.9 School leave

N.C.G.S. 95-28.3 state those employees who are parents or guardians of a school-age child may take 4 hours of unpaid leave each calendar year in order to attend or otherwise be involved in the child's school activities. City employees may schedule parent-teacher conferences or other school support activities during work time and may use accrued benefits to avoid loss of income. In order to meet these obligations, the City will share in the need for employees to use accrued annual or compensatory hours by donating up to a maximum of 4 hours during a calendar year. The donated hours do not accumulate and unused hours will not carry over from year to year. There is no entitlement for this benefit during employment or in the event the employee leaves the City. Employees are eligible for this program at the end of their probationary period. This policy also applies to children who are in a certified preschool or an accredited private school setting.

Employees must have prior approval from the department head or supervisor before attending a school conference or other school activities during scheduled work hours. Department heads are also authorized to require validation of attendance at conferences, if deemed necessary, before approving the use of any benefit time.

VI.10 Leave without pay

To enable an employee to maintain interest in retirement and to continue life and health insurance coverage, the city manager may authorize leave without pay for appropriate special reasons; however, leave without pay is available only if it is firmly established that the employee intends to return to the position from which he has taken leave. Leave without pay may include employees on:

- (a) Military leave in excess of 15 days;
- (b) Leave for sickness, after all paid leave has been exhausted;
- (c) Suspensions;
- (d) Educational leave; and
- (e) Other approved temporary absences.

Employees may remain on leave without pay for a maximum of 3 months. Authorized leave without pay may be continued upon the approval of the city manager. In the absence of an extension of leave without pay, the employee's services will be terminated.

If on leave without pay for more than 15 days in a month, an employee will not accrue sick leave or vacation leave for the month.

VI.11 Funeral Leave

In the event of the death of an employee's immediate family member, a full-time employee shall be granted up to 24 hours of employer paid funeral leave per occurrence. Funeral leave shall commence on the day of death and extend through the day following the funeral, memorial service, celebration of life, etc.

Immediate family shall include parents, grandparents, children, grandchildren, siblings, spouses, or any step, half, in-law, or adoptive relationships.

Employees must request funeral leave and receive department head approval prior to taking funeral leave. Employees must provide documentation such as an obituary, death certificate, funeral program, or some other acceptable form of documentation to verify the eligibility and need for funeral leave. Failure to provide the required documentation will result in any hours used being charged to the employee's compensatory time, vacation, sick, or leave without pay.

If more than 24 hours are needed, employees may request to use additional paid time off in the following order: (1) compensatory time, (2) vacation, (3) sick, (4) leave without pay. Department head approval is required to take additional time off, and employees are expected to make arrangements with supervisors prior to being absent from work. Department head approval is also required if an employee requests that leave be extended beyond the day following the funeral, memorial service, celebration of life, etc.

Funeral leave does not accumulate or carry over from one fiscal year to the next, nor is it paid out upon separation of employment from the City.

SECTION VII - EMPLOYEE BENEFITS

VII.1 Medical, dental and vision insurance

Medical, dental and vision insurance is provided by the City for each full-time, regular employee beginning the first day of the month following 30 consecutive days of employment. Employees may elect to include medical coverage for their family members. Employees should consult with the human resources director regarding the details of these insurance programs.

Employees of the City who retire may elect to continue medical insurance coverage, provided the following eligibility requirements are met by the retiring employee:

- (a) The retiring employee must meet the retirement qualifications outlined by the North Carolina Local Government Employees Retirement System.
- (b) The retiring employee must be at least fifty-five (55) year of age.

- (c) The employee's last 20 full-time consecutive creditable years of service must have been with the City.
- (d) Coverage will terminate upon the retiring employee attaining the age of 65.
- (e) The retiring employee is responsible for paying the monthly premium, in advance, to the City; however, if an employee has 30 or more creditable years of service with the City, the City shall pay the premiums for any employee hired before July 1, 2006. Effective July 1, 2006, new hires will not be eligible for medical insurance coverage at the time of retirement age 55 or older.
- (f) The retiring employee may elect to include family coverage only if the employee was covering the family at the time of retirement. Surviving dependents of retirees age 55 and older will be eligible for coverage until age 65 at their own expense.

VII.2 Life insurance

Employee life insurance is also provided with the health care insurance program. Coverage also begins on the first day of the month following 30 consecutive days of employment.

VII.3 Retirement plan benefits

The City is enrolled and participates in the North Carolina Local Government Employees Retirement System. The retirement program and all retirement benefits shall be governed by Article 3, Policy 128 of the General Statutes of North Carolina, and all death benefits provided by the NCLGERS apply. Employees should confer with the human resources director regarding the retirement plan.

A 401k match is offered to all full-time employees employed at least 12 months who are not sworn law enforcement officers. Employees must enroll in a traditional or Roth 401k plan in order to take advantage of the benefit. The City will contribute up to the approved limit if the employee contributes to a traditional or Roth 401k. Contributions to a 457 account do not qualify for the 401k match.

VII.4 Social Security benefits

The City, to the extent of its lawful authority and power, shall extend Social Security benefits for its eligible employees in accordance with the provisions of the Social Security Act.

VII.5 Uniforms

The City provides uniforms for certain employees. The city manager shall designate the employees (or groups) for which uniforms will be furnished. The city manager will develop appropriate rules and regulations governing the proper use and care of uniforms supplied by the City.

VII.6 Longevity pay

Longevity pay will be given to all regular full-time or part-time employees, subject to the hereinafter stated limitations. Employees who receive longevity pay must still be employed by the City at the time of disbursement.

Longevity pay shall be at the following rates:

- | | | |
|-----|-----------------------------|----------------------|
| (a) | Regular part-time employees | \$25.00 |
| (b) | Minimum full-time employees | \$25.00 |
| (c) | 1 to 5 years | 1% of annual salary |
| (d) | 5 to 10 years | 1½% of annual salary |
| (e) | 10 to 15 years | 2% of annual salary |
| (f) | 15 to 20 years | 2½% of annual salary |
| (g) | Over 20 years. | 3% of annual salary |

Computation time will be from the last pay date in November in the preceding year to the last pay date in November of the current year.

VII.7 Employee development

Employees are encouraged to further develop their job-related skills through continuing education and training. Limited funds may be available to help finance special courses of study or other training programs, upon approval of the city manager.

SECTION VIII - CLASSIFICATION AND PAY

VIII.1 Position classification plan

A description of each full-time regular position employed by the City is included in the position classification plan. Each employee is invited to review this plan to help achieve better understanding of the requirements and responsibilities of his or her job.

VIII.2 Pay plan

The pay plan is a companion to the position classification plan. Each position is assigned a pay range with a minimum and maximum rate of pay. The pay plan is intended to provide equitable compensation for all positions.

VIII.3 Pay scales and levels

Progression up the pay plan is based on the following system:

- (a) *Beginning pay rates.* The normal beginning pay rate for a new employee will be the minimum rate in the established range for the positions in the class; however, the city manager may in special cases authorize initial appointments above or below the minimum.
- (b) *Probationary raise.* Upon the successful completion of the probationary period, the employee shall normally be given an increase.
- (c) *Merit pay raise.* The amount in each pay grade represent potential merit increases which may be recommended by a department head and approved by the city manager, subject to the quality of performance by the worker and the availability of funds. A

formal evaluation on a prescribed form shall be completed for every employee upon completion of the employee's probationary period, and at least once a year thereafter.

- (d) *Merit bonus* plan. Merit bonuses may be awarded every year after the employee reaches the top step of the salary grade for his or her position classification. Eligible merit bonus increases shall be made in a lump sum payment.

VIII.4 Overtime and Compensatory Time

In accordance with the Fair Labor Standards Act, non-exempt employees required to work in excess of 40 hours in a work week, sworn law enforcement officers, and certified fire personnel may be compensated with paid overtime or compensatory time (paid time off).

- (a) Overtime for non-exempt employees will be paid at a rate of 1.5 times an employee's regular rate. Compensatory time will be granted at a rate of 1.5 times any time exceeding 40 hours in a work week or in excess of cycle hours in a 28-day cycle for sworn law enforcement officers (171 hours) or certified fire personnel (212 hours).
- (b) Work requiring overtime or compensatory time should be of an unusual, unscheduled, or an emergency nature and authorized by the department head or designee. Employees shall not work in excess of their scheduled hours unless authorized to do so by the department head or designee.
- (c) Compensatory time may be granted in lieu of paid overtime. A non-exempt employee may accumulate up to fifty (50) hours of compensatory time. Sworn law enforcement officers or certified fire personnel may accumulate up to eighty (80) hours of compensatory time. Any time accumulated over these limits must be paid. Compensatory time must be taken before accrued vacation and sick leave.
- (d) Employees in positions exempt from the overtime provisions of the Fair Labor Standards Act may accumulate up to eighty (80) hours of compensatory time at an hour-for-hour rate. No hours over 80 will be accrued. Accrued compensatory hours for employees in exempt positions will not be paid out upon separation.
- (e) Department Heads, the City Attorney, the Assistant City Manager, and the City Manager may accumulate up to eighty (80) hours of compensatory time at an hour-for-hour rate. No hours over 80 will be accrued. Accrued compensatory hours for department heads will not be paid out upon separation.

VIII.5 Call-back pay

Any full-time, non-exempt City employee eligible to receive overtime compensation or compensatory time under this policy is guaranteed a minimum payment of three (3) hours of pay at the employee's overtime rate for returning to the worksite outside of the employee's normal working hours without any prior notice in emergency situations as deemed by the City Manager, department heads, or designees thereof. Any time worked in excess of three (3) hours will be paid hour-for-hour at the employee's overtime rate. The equivalent compensatory time may be earned in lieu of overtime compensation.

Call-back pay is not applicable in the following situations: when part-time or reserve personnel are contacted and accept hours to replace full-time employees; when adjustments are made to regularly scheduled hours so that employee availability more closely matches City personnel needs such as during severe weather or City events; when employees are required to return to work for workplace investigations, disciplinary actions, or procedures; or when completion of daily work is required by a department head or his/her designee and such work is of a time-sensitive nature.