



COMMITTEE OF THE WHOLE  
FEBRUARY 25, 2013  
5:30 PM

Opening of Meeting

Nondenominational Invocation

Roll Call

Approval/Amendments to Agenda

1. Memo: SeaTow Pamlico Dockage (**page 2**)
2. Discussion: Location for proposed new jail for Beaufort County
3. Discussion: Personnel Policy (**page 4**)

**6:00pm – Public Hearing**

4. Public Hearing: Economic Development – Project Blue Goose (**page 85**)
5. Public Hearing: Close-Out of Talent Enhancement Capacity Building Grant (**page 86**)
6. Closed Session –Under § NCGS 143-318.11(a)(3) Attorney Client Privilege – including City of Washington vs. Anne & Harry Meredith, et al (08-CVS-105), and NCGS 143-318.11(a)(4) Economic Development
7. Adjourn – Until Monday, March 11, 2013 at 5:30pm in the Council Chambers at the Municipal Building.

## MEMORANDUM

DATE: February 27, 2013  
TO: Mayor and City Council  
FROM: Kristi H. Roberson, Parks and Recreation Manager  
SUBJ: SeaTow Pamlico Dockage

SeaTow Pamlico, dba Inland Enterprises, LLC has executed a Waterfront Docking agreement with the City of Washington .

During the past year SeaTow Pamlico has been an invaluable resource to the Waterfront Docks Division, giving advice and assistance to the staff and boaters alike . Dock Attendants have requested logs to be removed from the docks an an average of once per month via work order and other times while Larry Williams, Owner, was on site.

SeaTow continues to be an asset in the community as well. During recent Storms, his expertise has guided planning and recovery. His experience and contacts with other marinas has been a good resource when comparing policies, rules and regulations. His availability in the area has enabled him to be of assistance to our "resident" boaters as well as the community at large.

In addition to the usual benefit, SeaTow also implemented the Automated Radio Check system. This system aids the hailing and distress channel (16) by cutting down the amount of radio traffic on its frequency, which allows the USCG more open air time for vessels in need of emergency assistance. This system provides radio checks 24/7. This system has now been implemented nationwide and more boaters are becoming familiar with it's use. The use of this system puts Washington on the map for transient boaters, as the Washington site answers the radio checks.

The new docking agreement will be for the period of April 1, 2013– March 31, 2014.

Attached is a letter of intent from SeaTow Pamlico.

City of Washington  
Attn: Teresa Hamilton  
Parks & Recreation

Sea Tow Pamlico  
P.O. Box 654  
Washington NC 27889

December 12/31/12

City of Washington,

Sea Tow Pamlico would like to continue its partnership with the City on behalf of the docking agreement with the waterfront docks. Sea Tow has enjoyed a great boating year providing assistance calls for local boaters. We responded to 72 calls for mechanical failures, fuel drops, battery jumps, groundings and multiple prop disentanglements from lost crab pots. Sea Tow also provided search and rescue assistance calls for the local Coast Guard. During a severe thunder storm this past summer, Sea Tow Pamlico responded to a distress call for a man overboard, with his family still onboard and adrift. Due to the fact that our boat was located at the Washington water front, the USGG NC Sector asked for our response because of the close proximity of the call. We were able to recover the family bring them alongside our vessel as the local fire department found the overboard person. (OSC) Steven Sawyer of the USCG NC Sector was greatly appreciative of all efforts.

Sea Tow Pamlico is also excited about the Automated Radio Check system installed at the Waterfront Docks. This system has now been implemented nationwide and more boaters are becoming familiar with it use. During busy boating weekends radio checks locally have been as high as 32 radio checks per day, freeing up the hailing and distress channel 16. In 2013 we hope to begin discussions with Parks and Recreation to install a life jacket loaner station. These stations are funded by Sea Tow's 501 c3 nonprofit Boating Safety Foundation, which have various sized life jackets for loan to boaters who may not have enough on board. Also, this Kiosk will provide local boating information such as the no wake zone areas between hwy 17 and the trestle.

We look forward to the up and coming boating season and wish to continue partnering with the City of Washington as per the docking agreement.

Thank you,  
Captain Larry Williams  
Sea Tow Pamlico

## Personnel Policy PROPOSED February, 2013 - Substantive Changes

Article I. Section 2. Add statement regarding At-Will Employment

Article I. Section 6. Provide more detail regarding role & responsibility of HR Director. Some responsibilities moved from City Manager Roles & Responsibilities in previous section.

Article I. Section 10. Probationary Employee – revised to reflect 12 months probationary period.

Article III. Section 1. Clarification that all changes to the Pay Plan shall be approved by City Council.

Article III. Section 4. Probationary Raises

- New hires are only eligible for a probationary raise if hired to salary rate below minimum
- At the probationary review, the employee may also be eligible for a performance pay increase
- The combined probationary and performance pay increase shall not exceed 5%.

Article III. Section 5. Performance Pay – added provision that an employee cannot receive both merit and job maturity increase in the same fiscal year and if eligible for both, would receive the one that would provide the greatest increase.

Article III. Section 7. Educational Attainment Incentive Pay – added reference to currently adopted plan

Article III. Section 8. Effect of Promotions, Demotions etc. on Salary

- Changed wording for salary adjustments from “shall” to “should ordinarily” - per recommendation of employment law attorney

Article III. Section 9. Reclassifications and Salary Range Revisions

- Changed wording for salary adjustments from “shall” to “should ordinarily” - per recommendation of employment law attorney

Article III. Section 11. Pay for Part-time and Temporary Work – Added the following existing practice to policy - *Part-time employees who are members of the North Carolina Local Governmental Employees’ Retirement System (LGERS) shall paid at least at the minimum rate of the established salary range for the classification after twelve months of employment.*

Article III. Section 12. Overtime Pay Provisions

- ~~Discontinue counting holidays as work time for purposes of determining overtime pay.~~ (Keep consistent with current personnel policy)
- Eliminate 1.5 comp time for Exempt non department heads
- Emphasize that comp time for exempt employees is not guaranteed to be taken and ends without compensation upon separation from employment.
- Change from quarterly clearing to end of year clearing of comp time for exempt employees and allow City manager to authorize carry over through the end of January of the following year.

Article III. Section 15. Call Back Pay

- Add policy for non exempt employee responding to telephone or computer call – minimum 30 minutes
- Eliminate provision for mandatory meetings scheduled in advance to be paid at OT (1.5) pay
- Eliminate call back pay policy for exempt employees rather refer back to the Overtime Policy

Article III. Section 16. Holiday Premium Pay (*New section*)

- Previously included under Article VI. Holidays & Leave.
- Adds provision that holiday leave earned for working on a holiday must be taken within 3 months or paid.

- Clarifies the current practice of paying any non-compensated holidays upon termination of employment and paying part-time and temporary employees 1.5 when they are work on a holiday.

Article III. Section 17. Pay for Acting Assignment in a Higher Classification (temporary promotion) – New

Article III. Section 18. Longevity Pay

- Changed wording from shall to may if appropriated in City budget -per recommendation of employment law attorney
- Added provision that employees are not eligible for Longevity until they have completed 5 years of continuous full-time service and providing that employees hired prior to Jan. 1, 2013 (effective date of the new policy) are grandfathered under the prior plan.

Article IV. Section 3. Recruitment and Application

- Added the following: *In rare situations because of emergency conditions, avoidance of reduction –in –force, high turnover, etc., the City may hire or promote without advertising jobs, upon approval of the City Manager.*
- Added provision for option to post internally before advertising to the public consistent with current practice

Article IV. Section 5. Probationary Period

- Probationary period changed to 12 months for all new hires
- Eliminate probationary period for promoted employees

Article V. Section 2. Attendance - NEW – drafted by employment law attorney

Article V. Section 4. Alcohol & Drug Free Policy – Inserted policy statement and referenced previously adopted “free standing” policy/procedure

Article V. Section 7. Soliciting Funds – Deleted this section – per recommendation of employment law attorney

Article V. Section 7. Outside Employment

- Added requirement for annual update and approval
- ~~Prohibit outside employment activities during City FMLA and Workers Comp leave~~ – removed per advisement of employment law attorney; added language elsewhere to address abuse of leave privileges

Article V. Section 9. Relationship / Nepotism Policy- *Previously titled Limitation of Employment Relatives Policy*– drafted by employment law attorney with some modifications incorporating current City policy and changing shall to should not ordinarily.

Article V. Section 11. No Sexual Abuse / Minor Protection Policy – Inserted from previously adopted “free standing” Youth Protection policy/procedure

Article V. Section 12. Workplace Violence – Inserted from previously adopted “free standing” policy/procedure

Article V. Section 13. Prohibition of Weapons

Article V. Section 14. Residency Requirement – Reference to City Code

Article V. Section 15. Travel Time and Expenses

- Added more specific details / reference to travel policy

Article V. Section 17. Use of City-Owned Vehicles – Creates two categories of employees driving vehicles home:

- Non Emergency Personnel
- Emergency Personnel

- Add provision that at no time shall an employee living more than 20 road miles of the City limits from City Hall (102 E. 2<sup>nd</sup> Street) be allowed to drive a vehicle home. (consistent with Residency Code)

Article V. Section 18. City Provided Cellular Telephone / Electronic Mobile Devices- New

Article V. Section 19. Internet, E-Mail, Telephone, and Other Communication Systems - NEW

Article V. Section 20. Social Media Policy - NEW - drafted by employment law attorney

Article VI. Section 1 Holidays

- Changed Good Friday Holiday to Easter Holiday (observed on Good Friday) primarily for purposes of clarity of when holiday premium pay is due
- Updated Fire Dept. holidays to include 9 – administrative oversight when Veterans Day was added.
- Eliminated holiday pay for part-time employees

Article VI. Sections 2 & 3 Vacation Leave & Sick Leave

- Reorganized considerably
- Removed provision that an employee is not eligible to use vacation and/or sick leave during the first 6 months of initial employment.
- Defined time frame for accrual of leave – 15<sup>th</sup> of month
- Defined terms for transfer in and out of sick leave and transfer out of vacation leave consistent with current practice.
- Defined terms of reinstatement with re-employment. An employee who separates from employment with the City and is subsequently rehired within three years shall have his or her unused or non transferred sick leave reinstated.
- Provided provision that the City Manager may authorize substitution of comp leave for the Eliminated requirement to use 40 hours of vacation leave each calendar year.
- Added clarification that holiday and compensation time shall be used before vacation leave.

Article VI. Section 4. Shared Leave

- Added to personnel policy instead of “free standing”
- Deleted normal maternity as a non qualifying medical condition
- Added prolonged medical condition of the employees spouse, child, or parent (including in-law and step relationships) as qualifying condition

Article VI. Section 5. Family & Medical Leave – updated in accordance with current law

Article VI. Section 6. Leave Without Pay – New

Article VII. Employee Benefits –added the following:

*“The provisions of all benefits are subject to change and modification at the discretion of the City, with or without advanced notice. The provisions of any benefits are further subject to funding appropriation and budget constraints.”* per advisement from employment law attorney

Article VII. Section 5. Retiree Insurance Benefits added the following:

*“As with other benefits, the provision of and the terms of retiree insurance is subject to change at any time, with or without notice. The ability of the City to provide retiree coverage is further dependent upon budget appropriations from year to year and approval by the City Council.”* – per advisement from employment law attorney.

Article VII. Section 7. Law Enforcement Special Separation Allowance - updated based on revisions to GS 143-166

Article VII. Section 9. Changed Separation Gift to Retiree Separation gift

Article VII. Section 14. Lactation Policy – New in accordance with the Patient Protection and Affordable Care Act amended March 2010- drafted by employment law attorney

Article VII. Section 15. Car Allowance / Travel Bonus – Removed specific reference to City Manager since this is normally a part of the employment contract if applicable.

Article VIII. Section 1. Types of Separation (a) Resignation - policy for negotiated resignation - authorizes severance consideration

*“The City Manager may negotiate a resignation with an employee when it is determined to be in the best interest of the City. Such negotiated resignation may include a severance package consisting of a combination of salary, benefits and/or accumulated leave (vacation, compensatory, etc.).*

Article VIII. Section 2. Reduction in Force – policy revised and added to Personnel Policy instead of separate/free standing policy. Changed severance payment from shall to may and eliminated specific terms and conditions as these will need to be authorized by City Council at time of the RIF – per advisement from employment law attorney

Article IX. Unsatisfactory Job Performance & Detrimental Personal Conduct – restructured

- Disciplinary suspension for Job Performance generally not to exceed 3 days or 24 hours for shift personnel (except for exempt personnel)
- No pre-disciplinary conference for demotion or suspension; pre-dismissal conference only
- City Manager authorizes any suspension, demotion, dismissal
- Updated descriptions of detrimental personal conduct

Article IX. Section 8. Exempt Employee Suspension – Removed this section as not necessary according to FLSA - per advisement from employment law attorney

Article X. Grievance Procedure and Adverse Action Appeal – basically re-written

- Extended response time to 10 days
- ~~Added procedure for Department Heads and other employee situations in which the City Manager had significant involvement in determining disciplinary action~~ - removed per advisement of employment law attorney

Article XI. Section 1. Public Information – updated based on revisions to GS 160-168A.42

**Updated 10/18/12; 2/12/13**

**Legal Review by Robin Davis, Jackson Lewis**

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## **COMMENTS / SUGGESTED CHANGES from Robin Davis Notes**

### **1. Issues of concern regarding current language regarding Longevity Pay (Article III, Section 18), Leave Without Pay (Article VI, Section 7), Employee Benefits (Article VII), and Retiree Health Insurance (Article VII, Section 5).**

If policies are drafted such that the provision of these types of benefits are “absolute” or “not subject to change”, then current employees (and current retirees) may be able to claim that their right to these benefits is vested, or that they relied upon the promise to pay these benefits and thus that the benefits cannot be unilaterally changed. This can result in employees filing claims under various contractual and constitutional theories if benefits are changed. If rights to these benefits are deemed vested, they cannot be changed unless “reasonable and necessary to serve an important public purpose” – essentially that the change is the only fiscally viable alternative.

In order to avoid these arguments, it is highly recommended that the language in personnel policies and all documents relating to the provision of benefits clearly state that:

- The provision of the benefits is discretionary, and may be changed with or without prior notice.
- The provision of the benefits is subject to annual approval by the board as well as availability of funds

*Revised policy reflects these recommended changes.*

### **2. Suggested policy on outside employment. (Article V. Section 9.)**

The work of the City shall have precedence over other employment interests of employees. In order to protect the interests of the employee and the City, all outside employment, whether for salaries, wages, commission, self-employment or otherwise (~~including on a volunteer basis~~) must be reported to the employee’s department head (or in the case of a department head, to the City Manager). The department head, in consultation with the City Manager, will determine whether the outside work ~~or volunteer position~~ would create a conflict of interest or otherwise be incompatible with service to the City. Conflicting or unreported outside employment or volunteer service is grounds for disciplinary action, up to and including dismissal. Documentation of the approval will be placed in the employee’s personnel file and must be updated and approved annually.

*Revised Policy, but opted not to include Volunteer work as it would be difficult to draw the line here.*

Add to sick leave and FMLA leave policies to address abuse of FMLA.

The abuse of leave, including the taking of leave for the purpose of working another job may be grounds for disciplinary action, if the secondary activity is inconsistent with the representations to the City about the need for leave.

*The policy on outside employment was amended to eliminate the proposed policy restricting outside employment when an employee is on FMLA or Workers Compensation Leave. Instead the above statement has been added to the Sick Leave policy.*

3. **Conflict of Interest policy. (add to Article V, Section 5 – Gifts and Favors)**

**Section 5. Gifts, Favors, Conflict of Interest.**

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

Employees are also expected to use good judgment to avoid actual or apparent conflicts of interests as well as any perception of impropriety or undue influence at all times with regard to their activities. Under no circumstances should a City Employee use their position with the City to achieve personal economic or other gain to the detriment of the City or citizens of the City, whether during negotiations with the City, interactions with City personnel or otherwise.

*Revised policy reflects these recommended changes.*

4. **Modifications to Article VI, Section 4. Shared Leave**

(5) The medical condition is not due to:

- Cosmetic surgery (defined and excluded from coverage by the City's health insurance plan), or any surgery deemed medically unnecessary by the health insurance plan
- Where the illness or injury is covered by other forms of paid leave (including worker's compensation leave)
- Where the leave is due to workplace misconduct, including but not limited to failure of a drug test

*Revised policy reflects these recommended changes.*

5. **Severance policy. Article VIII. Section 2. Reduction in Force.**

- (d) A full time regular employee whose employment is being terminated due to a reduction in force may be eligible for severance pay, subject to approval of the City Council, availability of funds and such other terms and conditions as may be set forth.

*Revised policy reflects these recommended changes.*

6. **Questions regarding Article X, Section 4 (d) and (e).**

I have concerns about putting the provision "The City Manager shall notify the City Council of any impending legal action" (sections (d) and (e)). While this would be prudent action by the City Manager – it does not seem appropriate for the inclusion in a policy. Further,

there might be some circumstances where you might need to exercise discretion not to notify the entire City Council (i.e. if there is a conflict of interest, confidentiality concerns etc.) Suggest you leave this phrase out.

I have concerns about putting section (e) in the policy. The City (and the manager) certainly have the right and discretion to utilize an outside decision maker/advisor, and in certain circumstances should do so, but putting this in the policy opens the door to basically everyone arguing that someone other than the manager ought to look at their situation. Besides being extremely expensive in the long term (all these professionals would want to be paid), it arguably gives employees additional rights, and certainly gives them ideas as to rights that they would not otherwise have. Suggest this section be eliminated.

*Revised policy reflects these recommended changes.*

7. Other – Miscellaneous Notes

- Reference to applicable NC General Statutes was added in various sections
- Minimize use of Shall (See Article III. Pay Plan)
  - Promotions, Reclassifications, etc. changed from “shall” to “should ordinarily”
  - Longevity Pay – no authority to bind future Councils; opens up to argument of vested right regardless of budget.
- Eliminate reference to specific timelines where possible – as they are not legally required and provide arguments for people that we have violated our own policy if we do not specifically adhere. Example: removed review of the pay plan “preferably every three to five years (III. 1.)
- Expand description of protected categories based on recent EEOC rulings. (See Article I. General Provisions. Section 3. Merit Principle and Article IV. Recruitment and Selection. Sections 1 & 2 Equal Opportunity Policies, Article V. Section 10. No Harassment/No Discrimination)
- Eliminate “procedure” from Article IV. Recruitment and Selection Section. 4 Selection and Appointment

*Revised policy reflects these recommended changes.*

**POLICIES TO BE ADDED/CONSIDERED:**

1. **Breastfeeding/lactation policy.**

The Patient Protection and Affordable Care Act amended Section 7 of the FLSA, effective March 23, 2010 to require that Employers provide a reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child’s birth, and a place other than a bathroom for use by the employee.

*Added Policy.* See Article VII. Employee Benefits Section 14. Lactation Policy

2. **Social Media policy.** Suggested Policy provided.

*Added Policy.* See Article V. Conditions of Employment. Section 21. Social Media Policy

3. **Attendance.** Suggested Policy provided.

*Added Policy.* See Article V. Conditions of Employment. Section 2. Attendance

4. **Dress Code/Personal Appearance.**

*Chose not to address in Personnel Policy as there are too many variations of dress and expectations of personal appearance in scope of City work.*

5. **No Sexual Abuse/Minor Protection Policy.** Did you want to incorporate into the policies (this is the policy adopted as a stand alone after the lifeguard incident several years ago). I have pasted below the most recent version of the policy I have on my system.

*Added Policy.* See Article V. Conditions of Employment. Section 12. No Sexual Abuse / Minor Protection Policy (Previously adopted by City Council - Youth Protection Policy)

6. **FMLA Policy** (alternative format for consideration)

*Amended Policy to suggested format.* See Article VI. Holidays & Leave. Section 5. Family and Medical Leaves of Absence.

7. **Nepotism/Relationship Policy.** Suggested Policy provided

*Added Policy.* See Article V. Conditions of Employment. Section 8. Nepotism/Relationship Policy which replaced Limitation of Employment of Relatives policy.



***CITY OF WASHINGTON***

# **Personnel Policy**

***Draft (2/12/13)***

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## ARTICLE I. GENERAL PROVISIONS

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

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

### I. Section 2. At Will Employment

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

### I. Section 3. Merit Principle

All appointments and promotions shall be made solely on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same salary range. No applicant for employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee because of such individual's religion, gender, age, national origin, color, race, non-disqualifying disability, political affiliation, marital status, citizenship status, military service or veteran status, genetic information, gender preference, gender expression or other classification protected by applicable federal state and local laws or ordinances.

### I. Section 4. Responsibilities of the City Council

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

### I. Section 5. Responsibilities of the City Manager

The City Manager shall have all the powers and duties set forth in North Carolina General Statute §160A-148 as well as such other powers and duties as shall be set forth in this policy and delegated to the City Manager from time to time by the City Council. The City Manager shall be responsible to the City Council for the administration and technical direction of the personnel program. The City Manager shall appoint, suspend, and remove all City officers and employees ~~or may delegate this responsibility as authorized in Article I, Section 8.~~ except those officers and employees 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 Chapter 160A-148 of the North Carolina General Statutes and this policy.

The City Manager shall provide or supervise in:

- (a) Recommending rules and revisions to the personnel system to the City Council for consideration;
- (b) Recommending to City Council changes as necessary to maintain an up to date and accurate position classification plan;
- (c) Recommending to the City Council necessary revisions to the pay plan;
- (d) Determining which employees shall be subject to the overtime provisions of the Fair Labor Standards Act (FLSA);
- (e) Appointing an employee to the role of Human Resources Director.

**I. Section 6. Responsibilities of the Human Resources Director**

The City Manager shall appoint a Human Resources Director or may perform the role him or herself. If serving as Human Resources Director, the Manager may choose to delegate any of these responsibilities. The responsibilities of the Human Resources Director are to provide or make recommendations to the City Manager on the following:

- (a) Recommending rules and revisions to the personnel system to the City Manager for consideration;
- (b) Coordinating changes as necessary to maintain an up to date and accurate position classification plan;
- (c) Recommending necessary revisions to the pay plan;
- (d) Recommending which employees shall be subject to the overtime provisions of the Fair Labor Standards Act (FLSA);
- (e) Maintaining a roster of all persons in the municipal service;
- (f) Establishing and maintaining a list of authorized positions in the municipal service at the beginning of each budget year which identifies each authorized position, class title of position, salary range, any changes in class title and status, and other such data as may be desirable or useful;
- (g) Developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the City;
- (h) Developing and coordinating training and educational programs for City employees;
- (i) Periodically investigating the operation and effect of the personnel provisions of this Policy; and
- (j) Performing such other duties as may be assigned by the City Manager not inconsistent with this Policy or applicable law.

I. **Section 7. Application of Policies, Plan, Rules and Regulations**

This personnel policy and all rules and regulations adopted pursuant thereto shall apply to all City employees. ~~The City Manager, City Attorney, members of the City Council, members of advisory boards and commissions,~~ Part-time and temporary employees will be exempted in sections regarding employee benefits and leave, disciplinary and grievance procedures, classification plan, and pay plan, except where specifically included. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws which have been violated.

I. **Section 8. Responsibilities of Department Heads**

The head of each City department, with the approval of the City Manager, shall be authorized to appoint, suspend and remove City officers or employees assigned to the department.

I. **Section 9. Departmental Rules and Regulations**

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

I. **Section 10. Definitions**

- (a) **Classification.** Positions or groups of positions having similar duties and responsibilities requiring similar qualifications, which can be properly designated by one title indicative of the nature of work performed, and which carry the same salary range.
- (b) **Demotion.** The reassignment of an employee to a position having a lower salary range than the position from which the reassignment is made.
- (c) **Full-Time Employee.** An employee appointed to a regularly established position who is regularly scheduled to work forty (40) hours or more per work week.
- (d) **Grievance.** Any matter of concern or dissatisfaction arising from the working conditions of an employee subject to the control of the City.
- (e) **Hiring Rate.** The lowest salary authorized by the pay plan for a position within an assigned salary grade.
- (f) **Immediate Family.** A spouse, mother, father, guardian, children, sister, brother, grandparent, grandchild, plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named.

- (g) **Job Rate.** A pay rate that corresponds with the attainment of journeyman-level skills (fully experienced in knowledge and skills).
- (h) **Job Maturity.** A developmental state of one's profession denoting a period of continual growth and increasing returns and added value to the organization.
- (i) **Maximum Salary Rate.** The highest salary authorized by the pay plan for a position within an assigned salary grade.
- (j) **Minimum Salary Rate.** The lowest salary authorized by the pay plan for a regular employee within an assigned salary grade.
- (k) **Part-Time Employee.** An employee appointed to a regularly established position who is regularly scheduled to work less than forty (40) hours per work week and is paid on an hourly basis.
- (l) **Part-Time Position.** A position for which the duties and responsibilities can be performed in less than a regular work day and/or work week.
- (m) **Performance Evaluation System.** A system designed to provide a job-related, consistent, and objective format for employees and supervisors to discuss and document performance with the objective of improving individual performance.
- (n) **Position.** A group of current duties and responsibilities requiring the full or part-time employment of one person.
- (o) **Position Classification Plan.** A plan approved by the City Council that assigns classes to the appropriate salary grade and provides written specifications for each class of positions as well as descriptive class titles.
- (p) **Probationary Employee.** An individual hired to a regular full-time position who has served less than twelve (12) months in the position except in individual situations where a probationary period has been extended.
- (q) **Promotion.** The reassignment of an employee to an existing position in the City service having a higher salary range than the position from which the reassignment is made.
- (r) **Reclassification.** The reassignment of an existing position from one class to another based on changes in job content.
- (s) **Regular Employee.** A full-time employee who has successfully completed the required probationary and/or trainee period for the position to which assigned and has been approved for regular status by his or her department head (with the approval, where applicable, of the City Manager).
- (t) **Regular Full-Time Position.** A position that has been approved by the City Council, the duties and responsibilities of which are required to be performed on a continuous basis normally requiring full-time employment of an individual.
- (u) **Salary Grade.** A number assigned to represent all classifications within a salary range.

- (v) **Salary Range.** The lowest and highest salary levels for a given classification in the pay plan.
- (w) **Temporary Employee.** An individual appointed to serve in a position for a definite duration, normally not to exceed twelve (12) months.
- (x) **Temporary Position.** A position for which the duties and responsibilities are required to be met for a specific period of time, normally not to exceed twelve (12) months, and which may or may not require attendance by a person for a full work day and/or work week.
- (y) **Trainee.** An employee status when an applicant is hired, promoted, demoted, or transferred who does not meet all of the requirements of the position.

## ARTICLE II. POSITION CLASSIFICATION PLAN

### II. Section 1. Purpose

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

### II. Section 2. Composition of the Position Classification Plan

The position classification plan shall consist of:

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

### II. Section 3. Use of the Position Classification Plan

The position classification plan is to be used:

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

### II. Section 4. Administration of the Position Classification Plan

In accordance with NCGS §160A-162, the City Manager, assisted by the Human Resources Director, shall allocate each position covered by the position classification plan to its appropriate class, and shall be responsible for the administration of the position classification plan. The Human Resources Director will be responsible to periodically review portions of the position classification plan and recommend appropriate changes to the City Manager for submission to the City Council.

**II. Section 5. Authorization of New Positions**

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

**II. Section 6. Request for Reclassification**

Any employee who considers his/her position classification to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall transmit the request through the department head to the Human Resources Director for consideration by the City Manager.

## ARTICLE III. PAY PLAN

### III. Section 1. Administration and Maintenance of the Pay Plan

In accordance with NCGS §160A-162, the City Manager, assisted by the Human Resources Director, shall be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan shall be paid at a rate listed within the salary range established for the respective position classification, unless otherwise authorized within the Personnel Policy. 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 City, and other factors. To this end, from time to time the City Manager may request the Human Resources Director to make comparative studies of all factors affecting the level of salary ranges and make recommendations for adjustments in the allocation of positions to salary grades. Periodically, the City will conduct a comprehensive classification and pay study to update the plan, insuring internal equity and external competitiveness.

The pay plan, and all adjustments and changes to the pay plan, shall be approved by the City Council.

### III. Section 2. Starting Salaries

All persons hired in positions approved in the position classification plan ~~shall~~ **should** **ordinarily** be hired at an initial salary equal to the hiring rate for the classification in which they are hired; however, on the recommendation of the department head and with the approval of the City Manager, exceptionally qualified applicants may be hired at an initial salary above the hiring rate of the established salary range for the classification.

### III. Section 3. Trainee Salaries

Employees hired, promoted, demoted, or transferred to a trainee status **(See Article IV, Section 6.)** shall be paid a salary within the salary range of the salary grade one salary grade below the salary grade established for the position for which the person is being trained unless a trainee classification has been established in the position classification plan, in which case the employee shall be paid within the established salary range.

Upon successful completion of the trainee period, the employee's salary shall be adjusted to a rate of pay at least at the hiring rate established for the position for which the employee was trained.

### III. Section 4. Probationary Pay Increases

Employees hired below the minimum rate of the salary range for the position for which the employee is hired shall receive a salary increase to the minimum rate upon successful completion of the probationary period. A probationary employee may also be eligible for a performance pay increase in accordance with **Article III, Section 5.** below. At no time shall an employee receive probationary pay and performance pay increases that combined are greater than 5%.

### **III. Section 5. Performance Pay**

Employees may be considered for merit pay or job maturity pay increases. Performance pay increases are subject to annual appropriation and detailed procedures for determining performance levels will be provided by the City Manager. (See Article V. Section 7.)

- (a) An employee may receive a merit pay increase based upon his/her annual performance evaluation. A merit pay increase is awarded only to those employees whose performance exceeds what is expected of a fully qualified individual in that position. In no case shall an employee receive a merit pay increase that places an employee's salary above the maximum of the salary range for his/her position classification. (See Article III. Section 6.)
- (b) A job maturity pay increase may be awarded to an employee who meets the expectations of his/her job performance but has not yet reached the job rate for his/her salary range. In no case shall an employee receive a job maturity pay increase that places an employee's salary above the job rate of the salary range for his/her position classification.
- (c) An employee who is eligible for both a merit pay increase and a job maturity pay increase shall receive the increase that provides the greatest adjustment, but may not receive both a job maturity pay increase and a merit pay increase within the same fiscal year.

### **III. Section 6. Performance Pay Bonus**

- (a) Employees who reach the top of the salary range for their position classification are eligible to be considered for a performance bonus in lieu of a salary increase. Performance bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation. Performance bonuses shall be awarded in lump sum payments, but shall not increase the employee's annual salary.
- (b) Employees may also earn special performance based bonuses for the development and implementation of documented cost savings initiatives for the City. The objectives of these special bonuses are:
  - (1) To stimulate and reward employees for initiative and creative thinking that leads to a reduction in operating costs;
  - (2) To provide a means for recognizing individual ideas and contributions to the City government;
  - (3) To provide an opportunity to simplify work methods and operation and to improve services, safety and health; and
  - (4) To improve service and reduce government costs to the citizens of the City.

Special performance based bonuses shall be awarded in lump sum payments, but do not increase annual salaries. Such bonuses can only be awarded with the City Manager's approval and shall range from \$100 to a cap of \$300.

### III. Section 7. Educational Attainment Incentive Pay

Educational pay incentives may be awarded with the attainment of special certifications and / or degrees relevant to the employee's job or which are otherwise determined to benefit the City. These incentives may be either in the form of a one-time bonus or a salary adjustment in accordance with a duly adopted plan. (See Educational Attainment Incentive Pay Plan)

### III. Section 8. Effect of Promotions, Demotions, and Lateral Transfers on Salary

(a) **Promotions.** Except as otherwise specified herein, when a regular employee is promoted, the employee's salary shall should ordinarily be advanced to the minimum salary rate of the new position classification, or to a salary which provides an increase of at least five percent (5%) over the employee's salary before the promotion. Any salary increase above the new minimum salary rate and greater than five percent (5%) will require the approval of the City Manager. In no case shall the employee's new salary exceed the same relative place in the new salary range as his/her previous salary in his/her previous salary range nor shall it exceed the maximum salary rate of the new salary range. (See Article IV. Section 7.)

(b) **Demotions.** When an employee is demoted to a position for which he/she is qualified, the employee's salary shall should ordinarily be reduced by at least five percent (5%) and may be reduced to the same relative place in the new salary range as his/her previous salary in his/her previous salary range. Notwithstanding the foregoing, in the event of a demotion in order to avoid a potential lay off or other reason related to a reduction in force, an assignment to accommodate FMLA leave, a qualified person with a disability or other accommodation required by law, the City Manager, in his/her discretion, may retain or reduce the demoted employee's salary in order to retain a qualified employee. In no case shall a demoted employee's salary exceed the maximum salary rate of the new salary range unless otherwise required by law. (See Article IV. Section 8.)

In the event of a salary retention by the City Manager related to reduction-in-force and in any case where the demoted employee's salary is not reduced to the same relative place in the new salary range as his/her previous salary in his/her previous salary range, such decisions shall be taken into consideration in any future salary decision concerning that particular employee and may make said employee ineligible for certain salary increases, including but not limited to promotion, reclassification and/or range revision related increases, until the employee returns to the same salary grade as prior to the demotion.

(c) **Lateral Transfers.** The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary range shall not ordinarily be changed by the reassignment. (See Article IV. Section 9.)

### III. Section 9. Reclassifications and Salary Range Revisions

- (a) **Reclassifications.** When an employee's position is reclassified to a classification having a higher salary range, the employee's salary shall ~~should~~ **ordinarily** be advanced to the minimum salary rate of the new salary range, or to a salary which provides an increase of at least five percent (5%) over the employee's salary before the reclassification. Any salary increase above the new minimum salary rate and greater than five percent (5%) will require the approval of the City Manager. In no case shall the employee's new salary exceed the same relative place in the new salary range as his/her previous salary in his/her previous salary range nor shall it be increased to a rate that exceeds the maximum salary rate of the new salary range. If the position is reclassified to a lower salary range, the employee's salary may remain the same as before the reclassification. If the employee's salary is retained at a salary rate above the maximum salary rate of the new salary range, the salary of the employee shall remain the same as before the reclassification until the new salary range is adjusted so that the maximum salary rate of the new salary range is above the employee's salary.
- (b) **Salary Range Revisions.** When a classification of positions is assigned to a higher salary range, the salaries of employees in that classification shall ~~should~~ **ordinarily** be advanced to the minimum salary rate of the new salary range, or to a salary which provides an increase of at least five percent (5%) over the employee's salary before the salary range revision. Any salary increase above the new minimum salary rate and greater than five percent (5%) will require the approval of the City Manager. In no case shall the employee's new salary exceed the same relative place in the new salary range as his/her previous salary in his/her previous salary range nor shall it be increased to a rate that exceeds the maximum salary rate of the new salary range. When a classification of positions is assigned to a lower salary range, the salaries of employees in that classification shall remain the same as before the salary range revision. If a classification of positions is assigned to a lower salary range and if the employee's salary is above the maximum salary rate established for the new salary range, the salary of the employee shall remain the same as before the salary range revision until the new salary range is adjusted so that the maximum salary rate of the new salary range is above the employee's salary.

### III. Section 10. Transition to a New Pay Plan

The following principles shall govern the transition to a new pay plan:

- (a) No employee shall receive a salary reduction as a result of the transition.
- (b) With the exception of trainees being paid at a rate lower than the hiring rate established for their respective classification, all probationary employees shall have their salaries raised at least to the new hiring rate for their classification under the new pay plan, when applicable.
- (c) The salaries of all regular, non probationary employees shall be advanced at least to the minimum salary rate of the new salary range for their classification under the new pay plan, when applicable.

- (d) If the employee's salary is above the maximum salary rate established for their respective classification under the new pay plan, the salary of the employee shall remain the same as before adoption of the new pay plan until the new salary range is adjusted so that the maximum salary rate of the new salary range is above the employee's salary.
- (e) Due to salary compression problems and other equity issues often created by the implementation of a new pay plan, every effort shall be made to identify potential problems and address them in an equitable manner to minimize negative effects and morale problems for regular employees.

**III. Section 11. Pay for Part-Time and Temporary Work**

Compensation for any employee appointed to a part-time or temporary position shall be computed on an hourly basis. Part-time employees shall **should ordinarily** be paid at the hiring rate of the salary range for the classification in which they are hired, however, on the recommendation of the department head and with the approval of the City Manager, exceptionally qualified applicants may be hired at an hourly rate of pay above the hiring rate of the established salary range for the classification. Part-time employees who are members of the North Carolina Local Governmental Employees' Retirement System (LGERS) shall be paid at least at the minimum salary rate of the established salary range for the classification after twelve (12) months of continuous employment. (See **Article VII. Section 3.**)

**III. Section 12. Overtime Pay Provisions**

Employees of the City can be requested and may be required to work overtime hours as necessitated by the needs of the City and determined by the Department or Division Head. All overtime hours must be authorized by appropriate management or City official.

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

Non-exempt employees will be paid at a straight time rate for hours worked up to the FLSA established limit for their positions (usually 40 hours in a 7 day period; 171 hours for law enforcement and 212 for fire personnel in a 28 day cycle). Hours beyond the FLSA established limit will be compensated in the appropriate manner outlined in the next paragraph. In determining eligibility for overtime in a work period, only hours actually worked shall be considered. In no event will **holidays**, vacation, sick or compensatory leave hours be counted toward the total hours for the purpose of overtime compensation.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the applicable FLSA work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime for hours worked in excess of the FLSA work period will be paid at a time-and-one-half rate or taken as compensatory time at a time-and-one-half rate, in accordance with FLSA regulations. Straight time pay or compensatory time on an hour-for-hour basis will be

issued for work periods in which paid leave and hours worked combined exceed regular scheduled hours, however, actual hours worked do not exceed the FLSA established limit. Overtime earned shall reflect the actual amount rounded to the nearest fifteen (15)-minute interval.

Employees in positions determined to be “exempt” from FLSA (as executive, administrative, or professional staff) will not ordinarily receive pay for hours worked in excess of their normal work periods. These employees may be granted compensatory leave by their supervisor on an hour for hour basis where the convenience of the department allows and in accordance with procedures established by the City Manager. Compensatory time for exempt employees shall be eliminated at the end of each calendar year. In the event of extenuating circumstances, unused compensatory time may be carried through the end of January of the following year, at the discretion of the City Manager and provided a written request for extension is made by the employee. Compensatory time for exempt employees is not guaranteed to be taken and exempt employees shall have no right to payment of accrued and unused compensatory time upon separation from the organization. Employees must record compensatory time accrued and used on their time cards in order for it to be valid.

At the discretion of the City Manager, exempt employees may receive pay on an hour-for-hour basis for overtime worked in unusual or emergency situations.

### **III. Section 13. Policy on Exempt Employee Pay**

In accordance with the Fair Labor Standards Act regulations, exempt employees who are required to be paid on a salary basis may not have their pay reduced for variations in the quantity or quality of work performed. An exempt employee who feels their pay has been improperly reduced should report this immediately as specified below.

Exempt employees normally must receive their full salary for any week in which they perform any work, without regard to the number of days or hours worked. However, exempt employees need not be paid for any workweek in which they perform NO work at all for the City. In the case of a budget-required furlough, exempt employees will be paid on an hourly basis for all hours worked.

The few exceptions that will allow a deduction in pay of less than one week for an exempt employee are:

- (a) Absences for personal reasons or because of illness or injury when accrued leave is not used by an employee because:
  - (1) Permission for its use either was not sought or was sought and denied; or
  - (2) Applicable accrued leave has been exhausted.
- (b) Unpaid disciplinary suspensions of one or more full days in accordance with the City’s disciplinary policy.
- (c) Deductions for the first and last week of employment, when only part of the week is worked by the employee.

- (d) For weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act, in which circumstance either partial day or full day deductions may be made.

If any employee believes that an improper deduction has been made to his/her salary, the employee should immediately report this information to the Human Resources Director.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made. Retaliation against anyone reporting possible improper deductions under this policy and/or participating in any investigation of any such report is expressly prohibited.

### **III. Section 14. Stand-By Pay**

An FLSA non-exempt employee who is scheduled for stand-by (on call) shall be paid one hour at one and one half (1.5) times their regular hourly rate for each day of stand-by whether or not the employee is called out.

Non-exempt employees on stand-by on an official holiday (as observed by the City) shall receive four additional hours of stand-by pay for each officially observed holiday. When an official holiday falls on a weekend and results in the closing of City offices during a weekday, then holiday stand-by pay shall be awarded for the actual holiday itself, rather than on the weekday observing the holiday. **(See Article III. Section 16. (b) Holiday Premium Pay)**

### **III. Section 15. Call-Back Pay**

When an FLSA non-exempt employee is called back to work after leaving the work site and is requested to respond to an emergency work situation i.e. emergency work is needed to avoid significant service disruption, avoid placing employees or the public in unsafe situations, protect and/or provide emergency services to property or equipment, etc., the employee shall receive call-back pay equal to one and one half (1.5) times their regular hourly rate. When an employee returns to work for an emergency call, time actually worked and travel to the worksite shall be included in hours worked for determining call back pay. An employee who returns to work under this policy is guaranteed a minimum of two (2) hours of call back pay, or a minimum of one (1) hour of call-back pay if receiving stand by pay. An FLSA non-exempt employee responding via telephone/computer shall receive a minimum of thirty (30) minutes of call-back pay. An employee whose work continues following the end of regularly scheduled hours of work is not eligible for call back pay.

FLSA exempt employees shall be compensated for call back time via compensatory leave and/or emergency pay in accordance with the sections applicable to exempt employees, **(See Article III. Section 12. Overtime Pay Provisions)**

### III. **Section 16. Holiday Premium Pay**

- (a) An employee, including full-time, part-time, and temporary, required to work on any designated holiday shall be given, in addition to regular salary, premium pay equal to one half of the employee's straight hourly rate for actual hours worked on the holiday. In addition, full-time employees shall either receive holiday time off at a later date or may be compensated for the unused holiday at his/her regular rate of pay, as determined by the department or division head based on the needs of the department. Exempt employees, however, may be compensated by time off only for the unused holiday.
- (b) When the actual holiday falls on a weekend, but City services observe the holiday on a different day, employees who work on the actual holiday shall receive additional compensation for the actual holiday, not the observed day. This policy applies to the following official holidays: New Year's Day, **Easter Sunday**, Independence Day, Veterans Day, Christmas Eve and Christmas Day.
- (c) If holiday leave is elected in lieu of pay for time worked on a holiday, such leave must be taken within three months of the holiday for which it was earned or, the employee shall be paid. Should the employee separate employment before the holiday leave is taken, payment shall be issued in the employee's last pay check.

### III. **Section 17. Pay for Acting in a Higher Level Classification**

An employee who is formally designated for a period of at least one month to perform the duties of a position that is assigned to a higher salary grade than that of the employee's regular position classification shall receive an increase in pay for the duration of the "acting" assignment. The employee shall be compensated at a rate of pay equivalent to the hiring rate of the new position classification or which provides an increase of at least five percent (5%) over the employee's regular salary. Any salary adjustment greater than five percent (5%) will require the approval of the City Manager. In no case shall the employee's interim salary exceed the same relative place in the new salary range as his/her salary in his/her regularly assigned salary range nor shall it exceed the maximum salary rate of the new salary range. The salary increase shall be temporary and the employee's salary shall be reduced to the salary he or she would have had if not assigned to the "acting" role upon completion of the assignment.

### III. **Section 18. Longevity Pay**

Longevity pay **shall may** be awarded to each full-time employee, including the City Manager, who has completed five (5) years of continuous full-time employment with the City as of November 1 of each year. Compensation shall be twenty-five dollars (\$25.00) per each completed year of continuous full-time service as of November 1. Employees who are terminated voluntarily or involuntarily prior to November 1, but before longevity checks are issued are entitled to longevity pay and will receive the compensation in their last paycheck.

*Note: Employees hired with a full-time regular or probationary appointment prior to January 1, 2013 **shall may** receive Longevity Pay beginning with their first full year of employment as of November 1.*

## ARTICLE IV. RECRUITMENT AND SELECTION

### IV. Section 1. Equal Employment Opportunity Policy

It is the policy of the City to foster, maintain, and promote equal employment opportunities. The City shall select employees on the basis of the applicant's qualifications for the job and award them, with respect to compensation and opportunities for training and advancement, including promotion, without regard to religion, gender, age, national origin, color, race, disability, political affiliation, marital status, citizenship status, military service or veteran status, genetic information, gender preference, gender expression or other classification protected by applicable federal state and local laws or ordinances. Qualified individuals with disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of required duties with or without reasonable accommodation.

### IV. Section 2. Implementation of Equal Employment Opportunity Policy

All personnel responsible for recruitment and employment shall regularly review the implementation of this personnel policy and relevant practices to assure that equal employment opportunities based on reasonable job-related requirements are being actively observed to the end that no employee or applicant for employment shall suffer discrimination, harassment or retaliation because of religion, gender, age, national origin, color, race, disability, political affiliation, marital status, citizenship status, military service or veteran status, genetic information, gender preference, gender expression or other classification protected by applicable federal state and local laws or ordinances. Notices with regard to equal employment opportunities shall be posted in conspicuous places on City government premises where notices are customarily posted.

### IV. Section 3. Recruitment and Application

- (a) When position vacancies occur, the Human Resources Director shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Employment announcements shall contain assurances of equal opportunity and shall comply with federal and state statutes.
- (b) Vacant positions may be posted for internal consideration (promotion, demotion, or lateral transfer) first, before advertising to the general public. Full-time and part-time employees who were initially hired through a competitive recruitment process are eligible for consideration for internal vacancy posting opportunities. Internal applicants shall apply for position vacancies using the same application process as external candidates.
- (c) Notice of vacancies shall be posted at designated conspicuous sites within City departments. In addition, information on job openings and hiring practices shall be published in local and/or other news media as necessary to inform the community and create a quality and diverse pool of applicants. Individuals shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that well-qualified applicants are obtained for City service. The North Carolina Employment Security Commission shall normally be used as a recruitment source.

- (d) In rare situations that involve emergency conditions, avoidance of reduction –in – force, high turnover, etc., the City may hire or promote without advertising jobs, upon approval of the City Manager.
- (e) All persons expressing interest in employment with the City shall be given the opportunity to file an application for employment when a position is vacant and when the City is advertising to fill such positions.
- (f) Applications shall be kept in an inactive reserve file for two (2) years, in accordance with Equal Employment Opportunity Council guidelines and the Records Retention Schedule issued by the N.C. Division of Archives and History. Applicants must notify the Human Resources Department if they wish to have their application reactivated for a position vacancy other than the one(s) originally identified on the application.

**IV. Section 4. Selection and Appointment**

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

~~(b) Before a conditional offer is made to an applicant, either internal or external, the department head shall ensure that references and appropriate background information have been checked and documented and then inform the Human Resources Director as to the candidate selected. The Human Resources Director shall conduct a driver's license check, if applicable, and a criminal records check and forward the findings with a recommendation back to the department head.~~

~~(c) Upon determination of an appropriate salary rate in accordance with the provisions outlined in Article III. The Pay Plan, the department head shall make a conditional offer of employment contingent upon satisfactory results of a pre-employment drug screen, which is coordinated by the Human Resources Director. Psychological exams and physicals required for police and fire personnel are also conducted after a conditional offer is made.~~

**IV. Section 5. Probationary Period**

An employee hired to a regular full-time position shall serve a twelve (12) month probationary period. Probationary employees shall should ordinarily receive a performance evaluation prior to the end of the designated probationary period. During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Performance deficiencies should be documented in a timely manner and shared with the employee with a signature on file acknowledging receipt. In the probationary performance evaluation, the supervisor shall conduct and document a performance evaluation conference with the employee and discuss accomplishments, strengths, and needed improvements. The supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed and a decision in this regard shall be communicated to the employee prior to or at the expiration of the probationary period.

Probationary periods may be extended for a maximum of three (3) additional months unless additional time is approved by the City Manager based upon recommendation by the department head due to extenuating circumstances. In such cases, the employee must be notified of the purpose of the extension, the conditions and performance expectations, and the length of time of the extension.

In any event, an employee's probationary status shall automatically be extended until the employee is provided with a performance evaluation and a final decision concerning his/her employment status.

Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in [Article IX](#).

#### **IV. Section 6. Trainee Designation and Provisions**

Applicants being considered for employment or City employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred upon request of the department head and with the approval of the City Manager to a trainee status. In such cases, a plan for training, including a time schedule, must be prepared by the department head.

If the training is successfully completed, and the employee's performance is otherwise sufficient for continued employment, the employee shall be appointed to the regular classification and must then complete the required probationary period. If the training is not successfully completed as planned, the trainee shall be transferred, demoted, or dismissed.

Disciplinary action, including demotion and dismissal, may be taken at any time during the training period of a new hire without following the steps outlined in [Article IX](#).

#### **IV. Section 7. Promotion**

Promotion is the reassignment of an employee to an existing position in the City service having a higher salary range than the position from which the reassignment is made. It is the City's policy to create career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is the best suited of all applicants, that applicant shall be appointed to that position. Candidates for promotion shall be chosen on the basis of their experience, qualifications, and work records. [\(See Article III. Section 8.\)](#)

#### **IV. Section 8. Demotion**

Demotion is the reassignment of an employee to a position having a lower salary range than the position from which the reassignment is made. Demotion may be voluntary or involuntary. An employee whose work or conduct in his or her current position is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. Such disciplinary demotion shall be made in accordance with the procedures set forth in [Article III. Section 8. and Article IX](#) of this policy.

An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a voluntary demotion. A voluntary demotion is not a disciplinary action and is made without using the procedures set out in **Article IX. of this policy.**

**IV. Section 9. Lateral Transfer**

Lateral transfer is the movement of an employee from one position to a position in another classification in the same salary range. Employees may in some circumstances be involuntarily transferred to a different position or assignment equal in classification and pay based on the needs of the organization. **(See Article III, Section 8.)**

## ARTICLE V. CONDITIONS OF EMPLOYMENT

### V. Section 1. Work Schedule

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

### V. Section 2. Attendance

The successful operation of the City depends upon the cooperation and commitment of every employee. Therefore, attendance and punctuality are extremely important and are each employee's responsibility to the City as well as to fellow employees. A pattern of excessive or unexcused absences or tardiness may result in disciplinary action, up to and including termination.

It is recognized that there may be times when an employees' absence or tardiness cannot be avoided. In that event, the employee must notify his/her supervisor as early as possible but at least one (1) hour before the employees' scheduled shift or according to other specifically adopted departmental policy. The employee must speak with his/her supervisor or another management employee personally and may not simply leave a voicemail message unless specifically authorized by his/her supervisor. Unless other arrangements have been made with the employee's supervisor, the employee must call the supervisor each day of his/her absence and/or tardiness. Failure to give proper notice of any absence or tardiness may result in disciplinary action. Three (3) consecutive work days of absence without contacting the immediate supervisor or Department Head may be considered to be a voluntary termination from employment with the City. (See Article VIII. Section 1.(a))

### V. Section 3. Safety

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

### V. Section 4. Alcohol and Drug Free Workplace

Employee substance abuse and use increases the potential for accidents, absenteeism, substandard performance, and low employee morale. It also undermines public confidence in the City's workforce. In recognition of the serious duty entrusted to City employees and with knowledge that drugs and alcohol hinder a person's ability to perform duties safely and effectively, the City has adopted an Alcohol and Drug Free Workplace policy. All employees have the right to report any violation of this policy without fear of reprisal. (See Alcohol & Drug Free Workplace Policy)

V. **Section 5. Gifts, Favors, Conflicts of Interest**

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

Employees are also expected to use good judgment to avoid actual or apparent conflicts of interests as well as any perception of impropriety or undue influence at all times with regard to their activities. Under no circumstances should a City employee use their position with the City to achieve personal economic or other gain to the detriment of the City or citizens of the City, whether during negotiations with the City, interactions with City personnel or otherwise.

V. **Section 6. Political Activity**

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

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

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

V. **Section 7. Soliciting Funds**

~~(a) No individual or group of City employees shall solicit or sell any goods or services for any function without first securing the consent of the department head. If approved, such activity shall only be conducted during authorized breaks, meal periods, or after hours.~~

~~(b) The United Way is the only non-City related fund that is allowed to solicit City employees on its grounds. Any other fund or charitable organization must receive the permission of the City Manager.~~

~~(c) — Outside vendors for profit are not allowed to solicit without approval of the City Manager. If approved, a pre-determined time and location shall be designated.~~

V. **Section 7. Performance Evaluation**

Supervisors and/or department heads ~~shall~~ **should ordinarily** conduct performance evaluation conferences with each employee at least once a year. These performance evaluations shall be documented in writing to the employee's personnel file. The purpose of the evaluation is to improve individual and organizational performance. Consultation between the employee and supervisor regarding performance at times other than the annual performance evaluation is anticipated and encouraged under this policy and shall be considered to supplement rather than replace the annual performance evaluation. Procedures for conducting performance evaluations shall be published in administrative guidelines developed by the City Manager, with the assistance of the Human Resources Director.

An employee's absence from his/her regular work duties due to sick leave, leave without pay, workers' compensation, or any other authorized leave for more than thirty (30) consecutive calendar days shall result in a one month extension for the annual performance evaluation review for each thirty (30) consecutive days of absence from work, so as to allow adequate time for evaluation of performance.

V. **Section 8. Outside Employment**

The work of the City shall have precedence over other employment interests of employees. In order to protect the interests of the employee and the City, all outside employment, whether for salaries, wages, commission, self-employment or otherwise must be reported in advance to the employee's department head (or in the case of a department head, to the City Manager). The department head, in consultation with the City Manager, will determine whether the outside work would create a conflict of interest or otherwise be incompatible with service to the City. Conflicting or unreported outside employment is grounds for disciplinary action, up to and including dismissal. Documentation of the approval will be placed in the employee's personnel file and must be updated and approved annually.

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

~~(1) — Employment with organizations or in capacities that are regulated by the employee or the employee's department;~~

~~(2) — Employment with organizations or in capacities that negatively impact the employee's perceived integrity, neutrality, or reputation related to performance of the employee's City duties.~~

~~(3) — Employment that causes undue absence from regular business operations greater than normal.~~

~~(b) — Outside Employment During Family Medical Leave (FMLA). Approved outside employment is prohibited during a paid or unpaid family medical leave of absence (FMLA) from work. Approved outside employment may be reinstated during periods when intermittent family medical absences (FMLA) from work will occur subject to the approval of the Department Head and the Director of Human Resources.~~

~~(c) — Outside Employment During Workers' Compensation Leave. Outside employment will be prohibited for employees removed from work by a City approved physician due to an on the job injury. Outside employment may be prohibited for employees who return to work on a modified duty assignment. Outside employment during a modified duty assignment shall require the approval of the Department Head and the Director of Human Resources.~~

**V. Section 9. Relationship / Nepotism Policy**

In order to prevent actual or perceived discrimination and/or favoritism in the workplace, and to aid in the enforcement of the City's no-harassment/no-discrimination policy, the City does not ordinarily permit relatives or persons who are married, dating or otherwise engaged in a romantic relationship to work in a direct supervisory relationship with each other. . In addition the hiring or continued employment of immediate family, as defined in **Article I. Section 10.**, in the same division shall require the authorization of the Department Head and City Manager.

The City also does not ordinarily permit the hiring of any person who is an immediate family member of an individual holding any the following positions: Mayor, Mayor Pro-Tem, City Council Member, City Manager, Assistant City Manager or Human Resources Director. A City employee that is an immediate family member of an individual elected or appointed to one of these positions after the employee was hired may remain employed with the City provided the newly elected or appointed individual does not directly or indirectly supervise the employee, create a conflict of interest with either relative or the City or create the potential or perception of favoritism.

All employees are required to disclose any such relationships upon employment and/or the commencement of the relationship. Disclosures may be made to Human Resources or other person designated by the City who is not involved in the relationship, and will be maintained confidential upon request. Upon disclosure, both parties will be required to affirm: the consensual nature of the relationship; and their understanding of and agreement to comply with City's no-harassment/no-discrimination policy and other applicable policies. Where applicable, assignments will be modified to eliminate any supervisory relationship between such employees.

In general, the City requires that:

- (a) Any such relationships must be consensual and not otherwise violate applicable law.
- (b) Personal relationships should not interfere with the day to day operations or business of the City.

(c) No person should receive any more or less favorable treatment in the terms and conditions of their employment because of their personal relationships with other employee(s) in the City or lack thereof.

(d) There should be no retaliation or reprisal for good faith reporting of suspected violations of this policy or the City's no-harassment/no-discrimination policy.

Violation of this policy and/or the City's no-harassment/no-discrimination policy is grounds for immediate termination.

**V. Section 10. No-Harassment/No-Discrimination Policy**

The City will not tolerate any form of harassment or discrimination. Harassment or discrimination in any form violates the City's No-Harassment/No-Discrimination Policy, which prohibits harassment, discrimination or intimidation of others based on age, sex, color, race, creed, religion, national origin, ethnicity, disability, marital status, military/veteran status, gender preference, gender expression, status in any other group protected by federal or local law, or for any other reason, and will not be tolerated.

Harassment includes, but is not limited to, remarks, jokes, written materials, symbols, paraphernalia, clothing or other verbal or physical conduct which may intimidate, ridicule, demean or belittle a person because of his or her age, sex, color, race, creed, religion, national origin, ethnicity, disability, marital status, military/veteran status, or status in any other group protected by federal state or local law.

Sexual harassment includes unwelcome sexual advances; requests for sexual favors; other verbal or physical conduct of a sexual nature; as well as behavior, remarks, jokes or innuendos that intimidate, ridicule, demean or belittle a person on the basis of his or her gender (regardless of whether the remarks are sexually provocative or suggestive of sexual acts).

Such conduct violates this policy even if it is not "unlawful". Because it is difficult to define unlawful harassment, employees are expected to behave at all times in a professional and respectful manner. Harassment occurs when:

- (a) Submission to and/or tolerance of the unwelcome conduct is explicitly or implicitly made a term or condition of a person's employment;
- (b) Submission to, tolerance of, and/or rejection of the unwelcome conduct is a basis for employment decisions;
- (c) The unwelcome conduct substantially interferes with a person's work performance and creates an intimidating, hostile or offensive work environment.

Each City employee has the responsibility to bring any form of harassment or discrimination to the City's attention.

All employees are responsible for helping assure that the City avoids harassment and discrimination in the workplace. An employee who experiences any problem of this sort, becomes aware of any other employee experiencing a problem of this sort, or has knowledge of any form of harassment or discrimination, sexual or otherwise, must immediately report it to his or her supervisor. If the employee believes that it would be inappropriate to discuss the matter with his or her supervisor or is uncomfortable discussing the matter with his or her supervisor, then the employee may elect to bypass the supervisor and report the matter directly to the department head, the Human Resources Director or the City Manager.

The City will investigate thoroughly and promptly all claims of harassment or discrimination, without reprisal to the employee experiencing or reporting the conduct, so long as the report is made in good faith and the information provided is truthful to the best of the reporting employee's knowledge. The City will endeavor to keep complaints, investigations and resolutions confidential to the extent possible; however, the City cannot compromise its obligation to investigate complaints.

If an investigation confirms that unlawful harassment or discrimination has occurred, the City will take immediate corrective action, including discipline up to and including termination of employment of the harassing party, as is appropriate. However, if, after investigating any complaint of harassment or discrimination, the City determines that the complaint is not bona fide and was not made in good faith, or that any employee has provided false information regarding the complaint, disciplinary action may be taken against the employee who filed the improper complaint or who gave the false information.

Retaliation against employees who make complaints under this section is expressly prohibited.

Violation of this policy against unlawful harassment and discrimination or retaliation against employees for making complaints about unlawful harassment and discrimination, will subject the violating or retaliating employee to disciplinary action, up to and including dismissal.

**V. Section 11. No Sexual Abuse / Minor Protection Policy**

The purpose of this policy is to preserve the safety and well-being of youth participating in programs offered by the City, as well as to give guidance and protection to City employees and volunteers who work with youth.

The City of Washington will not tolerate any form of sexual abuse, physical abuse or other abuse of any kind of children in City Youth programs. This policy affirms the City's commitment to provide a safe place for children and condemns clearly any instance of sexual or other abuse of children by employees and/or volunteers.

All employees and volunteers are responsible for helping assure the avoidance of actual or perceived instances of sexual or other abuse in City youth programs and otherwise. In order to avoid the potential for actual or perceived instances of sexual or other abuse of children in City youth programs, an employee who works with or around youth:

- (a) Should not put him or herself in a one-on-one situation involving a child who is not their own;

- (b) Should not provide unwarranted gifts, trips, attention and affection to individual children who are not their own.

If any employee or volunteer becomes aware of any problem of this sort, he/she must immediately report it to their supervisor, the Human Resources Director and/or the City Manager. The City will investigate thoroughly and promptly all claims of sexual or other abuse, without reprisal to the person reporting the conduct, so long as the report is made in good faith and the information provided is truthful to the best of the person's knowledge. The City will endeavor to keep complaints, investigations and resolutions confidential to the extent possible; however the City cannot compromise our obligation to investigate complaints or our obligation to report instances of sexual or other abuse to the appropriate enforcement authorities.

It is the policy of the City of Washington that no City employee or volunteer shall be permitted to work with youth if they have demonstrated conduct incompatible with service to, or care of, children.

Therefore, In addition to the normal application and employment/volunteer forms required of all City employees and/or volunteers, any employee or volunteer whose job duties may include working with or around youth must complete an affirmation and authorization form and submit it to the Director of Human Resources. Renewals may be required on an annual basis or as deemed necessary at the discretion of the Department Head or Director of Human Resources. Failure to complete the affirmation and authorization form shall disqualify the employee or volunteer from performing duties involving work with youth, and, if such disqualification is, in the discretion of the City, incompatible with continued service to the City, may result in termination.

Conviction of and/or a background check which reveals a conviction of any crime involving or against a minor will ordinarily result in immediate termination or disqualification from any position involving youth. If a background check or complaint indicates conduct that may be determined to be a concern to the City, the Director of Human Resources will contact the employee/applicant to allow the employee/applicant an opportunity for clarification or disputing these results.

Any person whose services are rejected or terminated by the City as a result of this policy may appeal such decision to the Director of Human Resources and/or the City Manager.

**V. Section 12. Workplace Violence**

Abusive language, verbal threats, intimidation, coercion, aggressive or threatening behavior, fighting, physical assault and/or battery and other expressed or implied violent acts occurring in or arising out of the workplace are prohibited and will not be tolerated on City property, when conducting City business or when such conduct could adversely affect the City's or employee's reputation regardless of when or where the conduct occurs. Although it is not possible to set forth an all - inclusive list of all conduct that may constitute acts covered by this policy, the following examples may be illustrative: expressed or implied threats of harm; belligerence, bullying or other inappropriate and aggressive behavior; numerous conflicts with coworkers, supervisors or management personnel; brandishing a weapon or bringing a weapon to the workplace (See Article V.

**Section 13. below**; references to weapons; incidents of workplace violence or use of violence to resolve problems.

Employees who believe that they are the subject of such acts or who observe such acts are to report these acts immediately to the Human Resources Director or in his/her absence to the Risk Manager. These acts should be reported regardless of the relationship between the person engaging in the act and the person to whom the act is directed. Supervisors and management personnel who become aware of such acts must immediately report the matter to Human Resources.

All reports of such acts will be investigated. Employees found to have engaged in such conduct are subject to disciplinary action up to and including termination and may be reported to law enforcement authorities. Non-employees, such as agency temporary workers, vendors, contractors or visitors found to have engaged in such acts are subject to removal from City property and may be reported to law enforcement authorities.

Retaliation against employees who report such acts or who participate in investigations of such conduct as witnesses or in other capacities, likewise, is prohibited and will not be tolerated.

The City reserves the right to seek a civil "no-contact" order in accordance with the provisions of the North Carolina General Statutes on behalf of any employee who has been the victim or target of workplace violence or other unlawful conduct in the workplace in violation of this policy.

Employees who have obtained a judicial protective or domestic violence order and wish the City to assist in avoiding a violation in the workplace should inform the Supervisor, Human Resources Director and Police immediately.

**V. Section 13. Prohibition of Weapons**

Under no circumstances are the following items permitted on City property, including employee parking areas: all types of firearms, switchblade knives, and knives with a blade longer than four (4) inches, dangerous chemicals, explosives, including blasting caps, chains and other objects carried for the apparent use of injuring or intimidating another, with the exception that similar items necessary for the proper functioning of the police and fire departments are permitted upon City property. **Other exceptions are also provided under NCGS §14-269.**

**V. Section 14. Residency Requirement**

Certain positions require, by City Code, residency within the corporate limits of the City or other residency requirements. Residency requirements must be met within twelve (12) months of appointment and must be maintained for the duration of employment in such capacity with the City.

**V. Section 15. Travel Time and Expenses**

- (a) When an employee is attending a convention, conference, training course, etc., he or she is considered to be on City business unless all the following criteria apply:

- (1) Attendance occurs outside the employee's regular work hours; and
  - (2) Attendance is voluntary; and
  - (3) The employee performs no productive work while attending the training; and
  - (4) The program, lecture or meeting is not directly related to the employee's job.
- (b) All out-of-state travel must be approved by the City Manager.
  - (c) Time spent traveling to and from another City whether on a one-day assignment or overnight shall be counted as work time. However, if an employee is offered public transportation but requests permission to drive his/her car instead, travel time counted as work may be adjusted if the public transportation would have taken less time.
  - (d) Any work which an employee is required to perform while traveling shall be counted as hours worked.
  - (e) Employees should refer to the City's formally adopted travel policy regarding payment and reimbursement of expenses incurred.

**V. Section 16. Use of City-Owned Equipment or Supplies**

The personal use of any City-owned equipment or supplies by any employee is prohibited unless authorized by the City Manager. Should such authorization be granted, the use will be limited to the use specified in the authorization.

**V. Section 17. Use of City-Owned Vehicles**

- (a) Vehicles owned by the City may be assigned to or provided for use by an employee in connection with City business and shall be used only on City business. When the vehicle is not being used for City business, it shall be kept at a designated location on the City's premises.
- (b) Before assigning an employee to operate a vehicle, the department or division head shall ensure that the employee is a minimum of eighteen (18) years of age and has an appropriate and valid driver's license.
- (c) An employee to whom a vehicle is assigned shall be responsible for obtaining inspections and maintenance, including cleaning, of the vehicle and checking and maintaining required fluid levels.
- (d) If a vehicle is not assigned to a specific employee, the department head or his/her designee of the department to which the vehicle is assigned shall be responsible for obtaining inspections and maintenance, including cleaning, of the vehicle and checking and maintaining required fluid levels.
- (e) All vehicles will be operated in accordance with the City of Washington's Employee Safety Manual.

- (f) City-owned vehicles may be authorized to be driven home in accordance with the following provisions.
  - (1) Non-Emergency Personnel – There are occasions when City Employees, because of their job requirements, need to be provided City-owned vehicles in order to provide for the orderly and efficient operation of City functions. These positions will be recommended to and approved by the City Council during its annual budget approval.
  - (2) Emergency Personnel – In order to provide emergency services outside of the normal workday, Public Service and Police and Fire Service employees may be allowed to use a City-owned vehicle to commute to and from their residence during the time that the employee is scheduled for call-back times.
- (g) At no time shall an employee living more than twenty (20) road miles from City Hall (102 E. 2<sup>nd</sup> Street) be allowed to drive a City-owned vehicle home.

**V. Section 18. City Provided Cellular Telephone / Electronic Mobile Devices**

The City will provide cellular telephones and/or other electronic mobile devices to employees for business use when the use of such devices will increase the level of service provided to the City's customers, increase the level of safety for the City employee, and/or satisfy legal requirements.

The City Manager may alternatively authorize an employee personal cellular telephone and/or electronic mobile device allowance to promote the City's legitimate business purposes, such as efficiency and quality service to customers and clients.

A City cellular telephone and/or electronic mobile device shall be used for appropriate City business purposes. Unless specifically authorized by the City Manager, personal use of these devices is a misuse of City property. Incidental personal use, however, will not be a violation as long as it is infrequent and does not result in costs to the City. Should charges be incurred over the cost of the basic plan and the charges are a result of personal calls or data usage, the responsible employee shall be required to reimburse the City for those charges.

The City reserves the right to review, audit and inspect information residing in or transferred to the City issued cellular telephone or other electronic mobile device, at any time with or without notice. The City discourages a non-business disclosure of cellular telephone numbers as the telephones are the property of the City and not the employee.

Employees shall comply with all legal requirements when operating a City-owned and/or issued electronic devices and at any time an employee is conducting City business. Employees also shall comply with the provisions of the Employee Safety Manual and departmental policies, where applicable, regarding operation and use of cellular and/or other electronic mobile devices.

Abuse of cellular telephones and/or electronic mobile device privileges could result in the loss such privileges, as well as disciplinary action, up to and including dismissal.

**V. Section 19. Internet, E-Mail, Telephone, and Other Communications Systems**

Computer systems, telephones, communication radios and facsimile, photocopier and scanner machines are City property. These systems exist to promote the City's legitimate business purposes, such as efficiency, honesty, and quality service to customers and clients.

Employees have no right to privacy with regard to their use of such equipment and the City may monitor all communications and activities involving the use of City property. Communications on the City's systems will not be confidential and communications may be intercepted by the City. Employees should inform the City's Information Technology (IT) department of any private access codes or passwords.

The Internet / e – mail and telephone systems should be used primarily for business purposes and personal use should be kept to a minimum. The radio communications system and facsimile, photocopier and scanners should be used for business purposes. Any personal usage shall be kept to a minimum and recorded in order that the responsible party shall be billed for any relevant charges.

The City prohibits intentionally accessing and viewing of adult/sexually explicit websites, sending or forwarding adult/sexually explicit materials, sending or forwarding of messages under circumstances likely to insult or embarrass the recipient, containing unwelcome propositions, ethnic or racial slurs, or any other message that can be construed to be a violation of the City's no-harassment policy.

Employees shall not use the City's communications system to send or receive copyrighted material, trade secrets, proprietary information, including financial information, or other similar materials without previous authorization.

Employees may not install or remove software on the City's computer systems without prior approval.

The Information Technology Services Department shall monitor the City's communication systems use. Any misuse of Internet / e – mail, telephones, radio communications, facsimile, photocopier and scanner communication systems may result in, but is not limited to, one or more of the following actions: loss of system privileges, employee reimbursement of personal use expense to the City, disciplinary actions and/or termination of employment.

**V. Section 20. Social Media Policy**

The City recognizes that Social Networking (such as personal websites, blogs, Facebook, Myspace, Twitter, online group discussions, text messaging, message boards, chat rooms, etc.) are used by many employees. The City respects the right of employees to maintain a blog or post a comment on social networking sites. However, the City is also committed to ensuring that the use of social media serves the needs of the City and the citizens it serves by maintaining the City's interests and ensuring employees focus on their job duties.

To protect the City's interests and ensure employees focus on their job duties, employees must adhere to the following rules:

- (a) Employees may not post on a blog or social networking site during their working time. Working time includes the time during which any of the employees involved are actually scheduled to work, but does not include scheduled rest periods, meal breaks and other specified times when employees are not expected to be working.
- (b) If an employee mentions the City on any social networking site and also expresses either a political opinion or an opinion regarding the City's actions, the communication must include a disclaimer that the views expressed are those of the author and do not necessarily reflect the views of the City.
- (c) All rules regarding confidential information apply in full to blogs and social networking sites. Any information that cannot be disclosed through a conversation, a note or an e-mail also cannot be disclosed on a blog or social networking site.
- (d) Any conduct which is impermissible under the law if expressed in any other form or forum is impermissible if expressed through a social networking site. For example, posted material relating to the City and its employees that is discriminatory, defamatory, libelous or threatening is not permitted.
- (e) All other conduct rules apply equally to social networking sites. For example, the City's policies prohibiting discrimination, retaliation, and/or harassment as well as the City's Workplace Violence policies apply equally to employee comments on social networking sites, even if done on nonworking time. Any communications or conduct that would be a violation of policies if done through a conversation, a note or an e-mail also should not be engaged in on a blog or social networking site. Employees are encouraged to review those sections of the Personnel Policy for further guidance.

Any employee who violates this policy may be subject to disciplinary action, up to and including termination. Nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, other terms and conditions of employment or matters of public concern.

**V. Section 21. Workplace Inspections and Privacy Notice**

In order to safeguard the property of the City and our employees, maintain a safe working environment for our employees, and to help prevent the possession, sale and/or use of illegal drugs on City property, the City reserves the right to search any employee's office, desk, files, locker, sleeping areas, or any other area or article which is on City property. Inspections may be conducted at any time, when the City Manager or department head determines that a search is appropriate.

Please be aware that all offices, desks, files, lockers, sleeping areas, etc. are considered City property, and are provided for employee's use in their employment. The City will maintain a master key and/or a record of any combination/passcode for any locks installed in or on such areas. No employee should have an expectation of privacy with respect to any items or information located on or in City property, including but not limited to the areas listed above. As such, information and items which any employee considers private and/or personal should not be maintained on or in City property.

Refusal to cooperate or permit any inspection pursuant to this policy may result in disciplinary action, up to and including termination.

This policy regarding workplace searches shall be posted in conspicuous places on City government premises where notices are customarily posted.

V. **Section 22. Loss or Damage of Personal Property in Performance of Duty**

At the department head's discretion, the City shall repair, replace or reimburse an employee for loss or damage to personal property occurring as a direct result of performance of duty that the employee could not have prevented by exercising reasonable caution. Personal vehicles are excluded from this provision.

V. **Section 23. Surrender of Property**

An employee who is suspended or terminated shall be required to return all items of equipment and supplies, including uniforms, owned by the City. The employee's final paycheck will be reduced to compensate the City for the value of those items not returned. The final wages will not be reduced below minimum wage in accordance with North Carolina law.

V. **Section 24. Payroll Deductions**

Deductions shall be made from each employee's salary, as required by law. Any other payroll deduction must be approved by the City Manager.

V. **Section 25. Payroll Procedures**

All employees shall be paid on a bi-weekly basis. Pay periods begin on Monday and end on Sunday two weeks later. Paychecks are issued on Friday following the end of the pay period. If payday falls on a holiday, employees will be paid on the last working day before the holiday.

V. **Section 26. Direct Deposit**

All employees, including part-time and temporary employees, are required to participate in direct deposit for their bi-weekly paychecks. Direct deposit pay notification will be sent by email.

**ARTICLE VI. HOLIDAYS AND LEAVE**

**VI. Section 1. Holidays**

- (a) The City will observe the following days as holidays with pay for full-time and eligible part-time employees and the City Manager:

New Year's Day  
Martin Luther King, Jr. Day  
Easter (observed on Good Friday)  
Memorial Day  
Independence Day  
Labor Day  
Veterans Day  
Thanksgiving Day  
Day after Thanksgiving  
Christmas, two (2) workdays (see following Christmas holiday schedule).

- (b) When a holiday, other than Christmas which is specified below or Easter, falls on a Saturday or Sunday, Monday shall be observed as a holiday.

<u>When Christmas Falls On:</u>	<u>The City Observes:</u>
Sunday	Friday and Monday
Monday	Monday and Tuesday
Tuesday	Monday and Tuesday
Wednesday	Tuesday and Wednesday
Thursday	Wednesday and Thursday
Friday	Thursday and Friday
Saturday	Friday and Monday

- (c) Non-administrative fire personnel will receive nine (9) shift days per year for holiday leave in lieu of the following holidays: New Year's Day, Martin Luther King, Jr. Day, Easter Sunday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas.
- (d) All full-time employees will receive their designated holiday shift days whether they are on or off duty when the holiday occurs.
- (e) In order to be eligible for holiday pay, an employee must have been in pay status for a full regularly scheduled work day before and after the holiday.
- (f) Front-loading of holiday leave may be permitted for shift employees at the discretion of the department head due to the unique problems often created by shift work.
- (g) Regular holidays which occur during a vacation, sick or other paid leave period of an employee shall not be considered as vacation, sick or other leave.

- (h) A full-time employee whose regular day off falls on a designated holiday shall be entitled to compensation, in addition to his or her regular pay, in the form of time off or pay, on an hour-for-hour basis, as determined by the department or division head based on the needs of the department. If the employee has not been compensated for the holiday either in the form of time off or pay within three (3) months of the holiday or prior to separation from employment, the employee shall be paid for the holiday.
- (i) In the event that an employee is unable to take holiday leave on the designated holiday due to required work on the holiday or the holiday falling on a regular day off, the employee shall use the earned holiday leave within three (3) months of the holiday for which it was earned and prior to vacation leave. An employee who does not take the holiday leave within three (3) months or prior to separation from employment shall be paid for the unused holiday.
- (j) Employees who are required to work on a designated holiday should refer to **Article III. Section 16. Holiday Premium Pay.**
- (k) If an employee requests to be away from work for certain religious holiday observances which are not otherwise covered under this policy, the employee's department head shall make efforts to accommodate the request; however, nothing shall obligate the department head to make accommodation if, in accommodating the request, it would result in undue hardship on the department or its employees. Religious holidays may be accommodated by adjusting the work schedule of the employee to the extent that it does not significantly impact the rights of other employees or allowing the employee to exchange another City holiday for the religious holiday provided that both the unscheduled religious holiday and the City holiday occur in the same calendar year. The following factors shall be considered in accommodating religious holidays:
  - (1) The accommodation creates no greater risk to the health and safety of the employee, fellow employees, or the general public;
  - (2) By accommodating the unscheduled religious holiday, expenses to the City will not increase;
  - (3) Meaningful work can be provided under the circumstances in which the employee will be working; and
  - (3) Supervision can be provided if deemed necessary.

**VI. Section 2. Vacation Leave**

- (a) Vacation leave may be used for rest and relaxation, school appointments, medical appointments, and other personal needs.
- (b) Vacation Leave Accrual and Accumulation
  - (1) Full-time employees, except fire personnel who work twenty-four and one-quarter (24.25) hour shifts, shall earn vacation leave at the following rates:

<u>Years of Continuous Service</u>	<u>Hours Earned Per Month</u>
Under 5 years	8
5 years but less than 10	10
10 years but less than 15	12
15 years but less than 20	14
20 years and over	16

- (2) Fire personnel who work twenty-four and one-quarter (24.25) hour shifts shall earn vacation leave at the following rate:

<u>Years of Continuous Service</u>	<u>Hours Earned Per Month</u>
Under 5 years	14.15
5 years but less than 10	16.17
10 years but less than 15	20.20
15 years but less than 20	22.22
20 years and over	24.25

- (3) Vacation leave will be accrued on the fifteenth (15<sup>th</sup>) of the month. An employee must be in pay status (at work or on paid leave) to be eligible for the monthly accrual. A new full-time employee will receive the monthly accrual if his or her effective date of employment is on or prior to the 15<sup>th</sup> of the month. An employee separating from employment or on leave without pay will receive the monthly accrual if his or her effective day of separation (last day of work) or first day of leave without pay is on or after the 15<sup>th</sup> of the month.
- (4) Vacation leave may be accumulated without any applicable maximum until December 31 of each year.
- (5) Employees are allowed to carry over up to two hundred forty (240) vacation hours to the next calendar year with the exception of the fire shift personnel. Fire shift personnel are allowed to carry over three hundred thirty-nine and one-half (339.5) vacation hours. Any amount over the maximum at the end of the calendar year will be converted to the employee's sick leave account.

(c) **Vacation Leave Request and Use**

- (1) All employees desiring to take vacation leave must request leave at least two (2) weeks before anticipated vacation by submitting a City provided Employee Leave Request Form to their supervisor. Exceptions can be made with the department or division head's approval.
- (2) Approval of requested leave shall be given with consideration to the needs of the department. Although approval of the use of vacation leave is discretionary, requests by an employee to use vacation leave for cultural and/or ethnic-related events should be granted if the employee has accrued vacation leave and the granting of the leave will not result in undue hardship on the agency or its employees.
- (3) Unused holiday or overtime compensatory leave shall be taken before vacation leave.

- (4) At the discretion of the employee's department or division head, hours worked in excess of the employee's established work schedule may be used to offset vacation leave in the same work week or work period.
  - (5) All employees are limited to taking a maximum of two (2) consecutive work weeks of vacation and/or holiday leave with the exception of leave taken under the Family and Medical Leave Act. This limit may be waived by the City Manager for extenuating circumstances.
- (d) Vacation Leave Upon Separation from Employment

- (1) When an employee is separated from employment, he or she shall be paid for vacation leave accumulated to the date of separation, not to exceed three hundred thirty-nine and one-half (339.5) hours for fire shift personnel and two hundred forty (240) hours for all other employees.

If an employee is separating from employment with the City in order to accept employment with another North Carolina local government or state agency, accumulated vacation leave may be transferred to the other agency in lieu of payment if the employee requests this transfer of leave in writing and provides verification from the receiving employer that the leave will be accepted prior to preparation of the employee's final paycheck.

- (2) An employee cannot take vacation leave in lieu of his or her two (2) weeks' notice without the City Manager's approval.
- (3) The estate of an employee who dies while employed by the City shall be entitled to payment for all the accumulated vacation leave credited to the employee's account, not to exceed the maximum number of hours eligible for payment upon termination.

**VI. Section 3. Sick Leave**

(a) Sick Leave Accrual and Accumulation

- (1) Full-time employees, with the exception of fire personnel who work twenty-four and one-quarter (24.25) hour shifts, shall earn sick leave at the following rates:

<u>Years of Continuous Service</u>	<u>Hours Earned Per Month</u>
1-20 years	8
Over 20 years	10

- (2) Fire personnel who work twenty-four and one-quarter (24.25) hour shifts shall earn sick leave at the following rates:

<u>Years of Continuous Service</u>	<u>Hours Earned Per Month</u>
1-20 years	14.15
Over 20 years	18.18

- (3) Sick leave will be accrued on the fifteenth (15<sup>th</sup>) of the month. An employee must be in pay status (at work or on paid leave) to be eligible for the monthly accrual. A new full-time employee will receive the monthly accrual if his or her effective date of employment is on or prior to the 15<sup>th</sup> of the month. An employee separating from employment or on leave without pay will receive the monthly accrual if his or her effective day of separation (last day of work) or first day of leave without pay is on or after the 15<sup>th</sup> of the month.
  - (4) Sick leave will be cumulative for an indefinite period.
  - (5) A new employee may transfer sick leave accumulated during employment with another municipality, county, or state agency to the City if the employee leaves the former governmental employer to accept employment with the City. The City must receive certification from the previous employer of sick leave which is eligible for transfer.
  - (6) An employee who separates from employment with the City and is subsequently rehired within three years shall have his or her unused or non transferred sick leave reinstated.
- (b) Sick Leave Request and Use
- (1) Sick leave is not a right, but a privilege.
  - (2) Sick leave may be used when an employee is absent from work due to the following:
    - Sickness, bodily injury, or exposure to a contagious disease when continuing work might jeopardize the health of others;
    - An ill or injured spouse, child, or parent (including step and in-law relationships) requiring care by the employee;
    - Medical or dental examinations or treatment, including preventative screenings, for the employee or for a spouse, child, or parent (including step and in-law relationships) requiring care or assistance of the employee;
    - Birth of a baby during the employee or the spouse's period of disability;
    - During the waiting period before Workers' Compensation benefits begin; or
    - Death in the employee's immediate family, up to three (3) days or twenty four (24) hours for shift personnel. (Immediate family is defined in **Article I. Section 10.**) Under extenuating circumstances, the City Manager may approve additional time upon the recommendation of the department head.

- (3) Notification of the desire or need to take sick leave shall be submitted to the employee's supervisor prior to the leave. Failure to notify the appropriate supervisor prior to the beginning of the scheduled work day or shift according to departmental procedures may result in disciplinary action.
- (4) The employee's supervisor or department head may require a physician's certificate stating the employee's need to be out of work and the employee's capacity to resume duties for each occasion on which an employee uses sick leave or whenever the supervisor observes a "pattern of absenteeism".
- (5) If accumulated sick leave is not available, unused holiday leave, vacation leave or compensatory time may be used, subject to approval of the department or division head.
- (6) Upon the request of the department head, the City Manager may advance up to ten (10) days of sick leave to an employee with five (5) or more years of service who has exhausted his or her sick leave, vacation leave, and any other eligible paid leave as a result of a major illness or injury.
- (7) Employees on prolonged medical leave of absence due to serious medical conditions may be eligible for Shared Leave (see Article VI, Section 4.)
- (8) Employees shall not be on duty when they might endanger their health or the health of other employees.
- (9) There will be no abuse of sick leave privileges. Claiming sick leave under false pretense to obtain a day off with pay shall subject the employee to disciplinary action.
- (10) The abuse of sick leave, including the taking of leave for the purpose of working another job may be grounds for disciplinary action, if the secondary activity is inconsistent with the representations to the City about the need for the leave.

(c) Sick Leave Upon Separation from Employment

- (1) A non-retiring employee hired prior to July 1, 1994, who becomes separated from service with the City shall be paid for twenty-five percent (25%) of his or her accumulated sick leave at a rate based on his or her final salary unless the reason for separation is a dismissal or resignation by the employee to prevent dismissal during a pre-disciplinary investigation; or the employee fails to provide proper notice (two weeks for most employees) unless the notice is waived upon recommendation of the Department Head and approved by the City Manager. Sick leave which has been transferred from another governmental employer is not included in computing terminal pay under this policy. Employees hired after July 1, 1994 are not eligible for payment of accumulated sick leave upon separation.

- (2) If the separation is due to retirement, unused sick leave may be converted upon retirement for service credit consistent with the provisions of the N.C. Local Government Employees' Retirement System.
- (3) If an employee is separating from employment with the City in order to accept employment with another North Carolina local government or state agency, accumulated sick leave may be transferred to the other agency if the employee requests this transfer of leave in writing and provides verification from the receiving employer.

**VI. Section 4. Shared Leave**

- (a) The purpose of voluntary shared leave is to provide economic relief for employees who, by reason of prolonged absence caused by serious medical conditions, are likely to suffer financial hardship.
- (b) An employee may request or may be recommended by co-workers or supervisors to receive shared leave.
- (c) Shared leave allows for employees to donate vacation leave to another City employee's sick leave account.
- (d) Shared leave is confidential. Only individual employees may reveal their donation or receipt of shared leave.
- (e) Participation is completely voluntary. An employee may not intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving, or using leave under this program. Such action shall be grounds for disciplinary action, up to and including dismissal, on the basis of detrimental personal conduct.
- (f) The following qualifications shall apply for an employee receiving Shared Leave.
  - (1) The employee is full-time and has completed his or her initial twelve (12) months of full-time employment.
  - (2) The employee has a prolonged medical condition or the employee's spouse, child, or parent (including step and in-law relationships) has a prolonged medical condition requiring care or assistance of the employee.
  - (3) The prolonged medical condition requires the employee's absence from work for a minimum of the equivalent of one pay period (2 weeks).
  - (4) Medical evidence is provided to support the need for leave.
  - (5) The medical condition is not due to cosmetic surgery (defined and excluded from coverage by the City's health insurance plan), or any surgery deemed medically unnecessary by the health insurance plan.
  - (6) The reason for the leave is not due to workplace misconduct, including but not limited to failure of a drug or alcohol test.

- (7) All accrued sick, vacation, holiday, and compensatory leave must be exhausted before an employee is eligible for shared leave.
- (8) The illness or injury requiring leave is not covered by other forms of paid leave (including worker's compensation leave).
- (9) An employee cannot receive more than the equivalent of six pay periods (twelve weeks) of shared leave per twelve-month period, unless approved by the City Manager due to special extenuating circumstances.
- (g) The following qualifications shall apply for an employee donating leave under this policy.
  - (1) The employee is full-time and has completed his or her initial twelve (12) months of full-time employment.
  - (2) The donating employee maintains a combined total of 160 sick and vacation leave hours with a minimum of 80 hours of vacation leave for himself or herself when making a donation.
  - (3) The minimum amount an employee can donate to one specific co-worker in a twelve-month period is 8 hours and the maximum is 40 hours.

VI. **Section 5. Family and Medical Leaves of Absence**

As explained below, to the extent the City of Washington employs 50 or more employees during the relevant time period, employees may be entitled to a leave of absence under the Family and Medical Leave Act of 1993 as amended ("FMLA"). This policy provides employees with information concerning their FMLA rights and obligations. If there are any questions about FMLA leave or this policy, employees should contact Human Resources. FMLA leave is available to *Eligible Employees*.

*Eligible Employees* are regular full-time and part-time employees who: (1) have been employed with the City for at least 12 months; (2) have worked at least 1,250 hours during the 12 months immediately prior to the commencement of the leave; and (3) are employed at a worksite where 50 or more employees are located within 75 miles of the worksite.

(a) Basic FMLA Leave

- (1) *Eligible Employees* may take up to 12 weeks of unpaid leave during any 12-month period for any one or a combination of the following reasons:
  - To care for the employee's child after birth or placement for adoption or foster care;
  - To care for the employee's spouse, son or daughter or parent with a serious health condition;
  - For the employee's own *serious health condition* (including any period of incapacity due to pregnancy, prenatal medical care or childbirth)

which makes the employee unable to perform one or more of the essential functions of his/her job; and/or

- Due to any *qualifying exigency* arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member on active duty or has been notified of an impending call or order to active duty in support of a contingency operation.

(2) Rules and definitions pertaining to basic FMLA Leave.

- *Serious Health Condition*. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or *continuing treatment* by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.
- *Continuing Treatment*. Subject to certain conditions, the *continuing treatment* requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider (generally within 30 days of the first day of incapacity) or one visit and a regimen of continuing treatment under the supervision of the health care provider; incapacity due to pregnancy or for prenatal care; incapacity or treatment due to a chronic serious health condition; permanent or long-term conditions; or conditions which require multiple treatments. Other conditions may also meet the definition of *continuing treatment*.
- *Qualifying exigencies* may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post deployment reintegration briefings.
- The amount of *Basic FMLA Leave* an employee is entitled to will be calculated based on a rolling 12-month period. This means that any FMLA Leave the employee has used during the preceding twelve (12) months will be counted to determine the amount of available FMLA Leave remaining. Thus, each time an employee uses FMLA Leave, the amount of FMLA Leave which he/she has available is the balance of the twelve (12) weeks that he/she has not used during the immediately preceding twelve (12) months.
- FMLA Leave for the birth, placement for adoption or foster care of a child is available only during the first twelve (12) months after the birth or placement of the child for foster care or adoption.
- When both spouses work for the City and are both *Eligible Employees*, the total leave in any 12-month period for both spouses will be limited to 12 weeks if the leave is taken for the birth, care after birth, placement for adoption or foster care of a child, or to care for a

sick parent.

- In the case of FMLA Leave for the birth, placement for adoption or foster care of a healthy child, intermittent leave or working reduced hours is not ordinarily permitted.
- The City may retroactively designate leave as *Basic FMLA leave* if appropriate.

(b) Injured Servicemember Leave

(1) The FMLA includes a special leave entitlement that permits an *Eligible Employee* to take up to 26 weeks of leave during a single 12-month period to care for a *Covered Servicemember(s)* with a serious injury or illness, when the *Covered Servicemember* is the *Eligible Employee's* spouse, son, daughter, parent or for whom the *Eligible Employee* is the next of kin.

(2) Rules Applicable to Injured Servicemember Leave

- A *Covered Servicemember* is a current member of the Armed Forces, including a member of the National Guard or Reserves or a veteran who served at any time within the preceding five years, who: has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; is in outpatient status; or is on the temporary disability retired list.
- Leave to care for a *Covered Servicemember* must be taken within the single 12 month period following the date the *Eligible Employee* first commences leave to care for a *Covered Servicemember*. Any leave remaining after the single 12 month period expires is forfeited.
- Leave to care for a *Covered Servicemember*, when combined with another FMLA qualified leave may not exceed 26 weeks during the single 12 month period.
- When both spouses work for the City and are both *Eligible Employees*, the total leave in any single 12-month period for both spouses will be limited to a combined total of 26 weeks for leave taken for the birth, care after birth, placement for adoption or foster care of a child, to care for a sick parent, or to care for a covered servicemember with a serious injury or illness.
- When during the "single 12 month period", leave qualifies as both *Injured Servicemember Leave* and *Basic FMLA leave* to care for a family member with a serious health condition, the City will designate the leave as *Injured Servicemember Leave* and the leave will not be counted as both *Injured Servicemember Leave* and *Basic FMLA leave*.

- The City may retroactively designate leave as *Injured Servicemember Leave* if appropriate.

(c) Intermittent Leave and Reduced Work Schedules

(1) Intermittent leave and reduced work schedules may be permitted for the following reasons.

- When medically necessary due to the employee's serious medical condition;
- When medically necessary to care for a parent, son, or daughter with a serious health condition;
- When medically necessary to care for a Covered Servicemember with a serious injury or illness;
- To provide care of psychological comfort to a covered family member with a serious health condition or a Covered Servicemember with a serious injury or illness; or
- Due to a Qualifying Exigency.

(2) Rules Applicable to Intermittent Leave/Reduced Work Schedules

- In the case of FMLA Leave for the birth, placement for adoption or foster care of a healthy child or care of a parent, intermittent leave or working reduced hours is not ordinarily permitted.
- If an employee requests intermittent leave or leave on a reduced work schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the City's operations.
- If an employee requests intermittent leave or leave on a reduced hours basis, the City reserves the option in our sole discretion, to transfer the employee, at current pay and benefit level, to an alternative job for which the employee is qualified and which better accommodates the employee's need for intermittent leave or reduced hours than the employee's regular job.

(d) General Rules for FMLA Leave

(1) Employee Obligations

- All requests for FMLA Leave should be submitted to Human Resources, and all questions regarding potential FMLA leaves of absence, eligibility, availability, etc. should be directed to Human Resources.

- If the need for FMLA Leave is known or planned in advance (expected or foreseeable) an employee must submit his or her request for leave at least thirty (30) days before the leave is expected to begin.
- If the need for FMLA Leave is unexpected, or if an employee has less than thirty (30) days before his or her leave is scheduled to begin, the employee should notify his or her manager and Human Resources as soon as he or she becomes aware of the need for leave and submit his or request for leave as soon as possible.
- If an employee fails to give 30 days notice for foreseeable leave without a reasonable excuse for the delay, or fails to comply with the City's absence notification requirements, his or her FMLA leave request may be denied or delayed.
- Any employee who requires leave must provide the City with sufficient information to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. An Employee may do this by either requesting FMLA leave specifically or explaining the reasons he or she needs leave sufficiently so that the City can ascertain whether the leave is FMLA qualifying leave.
- Employees must advise the City if the reason he or she is requesting leave is for a reason for which FMLA leave was previously taken or certified.
- Employees requesting leave must also respond to questions and provide requested information to Human Resources to enable the City to determine if he or she qualifies for FMLA leave.
- It is the employee's responsibility to provide complete and sufficient medical certification to support his or her need for leave because of his or her own or a covered relative's serious health condition. Generally the following information is needed to support the leave request: the date on which the serious health condition began; the probable duration of the condition and/or treatment; appropriate facts regarding the condition and/or treatment; a statement that the employee is needed to care for a spouse, parent, or child or that the employee is unable to perform his or her job functions; and an estimate of the time required. Failure to provide the information requested or to authorize a health care provider or family member's health care provider to provide the required information to the City may result in denial of an employee's request for leave.
- The City reserves the right to require an employee to obtain a second opinion from a health care provider selected by the City if it is deemed appropriate. If there is disagreement between the health care providers with respect to an employee's need for leave, the City may require the opinion of a third, mutually agreed upon health care provider. In certain circumstances the City may also contact the employee's health care provider for clarification or authentication of

the certification form.

- It is the employee's responsibility to provide the City with complete and sufficient certification and supporting documentation supporting his/her need for *Injured Servicemember Leave*. This may include copies of relevant active duty orders or other documentation issued by the military, a certification from the employee setting forth the reasons the leave is needed and /or certifications completed by an authorized health care provider of the *Covered Servicemember*.
- If it is determined that the reason an employee is out on leave is FMLA qualified, the leave will be designated as FMLA leave at the City's discretion even if the employee has not specifically requested FMLA leave.
- If any employee has questions about whether any absence should have been considered FMLA qualified leave, he or she should initiate a discussion with Human Resources.
- While an employee is on FMLA Leave:
  - An employee may be required to report periodically on his or her status and intention to return to work.
  - The City may require periodic reports from the employee or the employee's family member's health care provider.
  - An Employee should notify his or her supervisor and the Human Resources Department as soon as the employee becomes aware of any change in the circumstances of his or her original FMLA Leave request change, (e.g. the employee is able to return to work earlier than expected, or will require FMLA Leave for a longer period than originally expected).
  - Additional health care provider certifications/recertifications may be required for extensions of FMLA Leave or situations where the employee will be returning to work prior to the expiration of his or her original certification.
  - An employee will be required to use all of his or her accrued sick, vacation, and compensatory leave time as allowed under the respective leave policies as a part of his or her FMLA leave, unless the employee is out on worker's compensation leave. Once sick, vacation, and compensatory leave have been exhausted, the balance of the employee's FMLA leave will be unpaid.
  - If an employee is out on FMLA Leave as a result of a Worker's Compensation injury, his or her FMLA Leave and Worker's Compensation leave will run concurrently (i.e. the Worker's Compensation leave will count against the employee's FMLA

Leave entitlement).

(2) The City's Obligations

- An Employee is entitled to receive written notice telling him or her: 1) whether he or she is eligible for FMLA leave; 2) the amount of leave to which he or she is entitled; 3) any additional information that will be required; 4) his or her rights and responsibilities; and 5) if the City has determined the employee is not eligible for FMLA leave, the reasons why.
- During FMLA leave, all of an employee's group health benefits will continue, provided the employee continues to make the regular employee contributions to these plans. Other benefits, such as retirement, 401(k), and life insurance, will be governed in accordance with the terms of each benefit plan.
- Vacation, sick, and holiday leave and other employment benefits which normally operate on an accrual basis will not accrue during FMLA Leave, if the leave is unpaid. The employee will not lose any employment benefits or seniority that accrued before his or her FMLA leave began, and he or she will begin earning these employment benefits and seniority again, in accordance with City policy, when he or she returns to work.
- When an employee returns from FMLA Leave, he or she is entitled to be reinstated to his or her former or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. Exceptions to this provision may apply: (a) if business circumstances have changed during his or her FMLA Leave (e.g. the employee's job is no longer available due to a Reduction In Force or job elimination); (b) the employee is a highly compensated employee; (c) the employee's leave has exceeded the amount of FMLA leave to which he or she was entitled; or (d) other circumstances permitted by law.

(e) Conditions on Return to Work/Failure to Return after Leave

- (1) In the case of FMLA Leave taken for an employee's own serious health condition, before he or she will be permitted to return to work from FMLA Leave, he or she will be required to present the City with a certification that he or she is capable of returning to work. (No certification will be required in the case of intermittent leave unless there are safety concerns).
- (2) If an employee is able to return to work earlier than the date contained on the employee's most recent medical certification, the employee must give the City at least two business days notice prior to the date he or she intends to report back to work if feasible, and will be required to present a medical certification that he or she is capable of returning to work on that date.

- (3) If an employee fails to return to work after the expiration of his or her FMLA Leave, the employee will be required to reimburse the City for the group health benefits premiums paid on his or her behalf during the FMLA Leave, unless the reason for his or her failure to return to work is the continuation or presence of a serious health condition or circumstances beyond the employee's control.

(f) Enforcement Information

Under the FMLA, it is unlawful for any employer to interfere with, restrain or deny the exercise of any right provided under the FMLA or to discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

An employee may file a complaint with the United States Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

In the event of any conflict between the provisions of the FMLA and this policy or any other leave policy of the City, the FMLA shall prevail.

**VI. Section 6. Leave Without Pay**

A full or part-time employee may be granted a leave of absence without pay for a period of up to six (6) months by the City Manager. The leave may be used for reasons of personal disability after both sick leave and vacation have been exhausted; sickness or disability of immediate family members; continuation of education; special work that will permit the City to benefit by the experience gained or the work performed; or for other reasons deemed justified by the City Manager.

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

**VI. Section 7. Adverse Weather / Hazardous Conditions**

The City has responsibility for a variety of emergency services. Adequate staff is required to operate these critical services seven (7) days per week and twenty four (24) hours per day in all weather. Department or division heads should designate which employees are in critical positions required to report to work regardless of weather or other hazardous conditions.

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

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

City offices and departments shall remain open for the full scheduled working day unless authorization for closing or other schedule deviation is received from the City Manager's office. The Manager will consider the hazard of driving conditions and other relevant factors in determining whether to close City offices. All departments and offices will be given sufficient advance notice of any authorized closing of noncritical City functions. Upon authorizing a closing, non-critical staff may use vacation, earned compensatory time, or time without pay for the un-worked hours. Employees who leave work before a regular or an official early closing time, as well as employees who report for work late or do not report for work because of hazardous conditions may also use earned vacation and/or compensatory leave for days or hours not worked. With the department or division head's approval, an employee may also flex his or her schedule to make up the time during the week that the absence occurs. Leave without pay and re-assignment to assist another department in cases of emergencies also are options.

**VI. Section 8. Parental School Leave**

A City employee who is a parent, guardian, or person standing in loco parentis (in place of a parent) may take up to four (4) hours of unpaid leave annually to involve him or herself in school activities of his or her child(ren). This leave is subject to the following three conditions:

- (a) The leave must be taken at a time mutually agreed upon by the employee and the City;
- (b) The City may require the employee to request the leave in writing at least forty-eight (48) hours prior to the time of the desired leave;
- (c) The City may require written verification from the child's school that the employee was involved at the school during the leave time.

Paid leave (vacation time) taken by an employee to attend to school activities of his or her child shall count toward the fulfillment of this provision by the City.

**VI. Section 9. Workers' Compensation Leave**

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave, vacation leave, or compensatory time during the initial waiting period. An employee on workers' compensation leave shall not have his or her employer provided benefits interrupted with the exception of sick, vacation, and holiday leave and other employment benefits which normally operate on an accrual basis. Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit. (See Article VI. Section 5. Family and Medical Leaves of Absence)

**VI. Section 10. Military Leave and Reinstatement**

The City will fully comply with the requirements of USERRA and other related federal regulations. In the event of any conflict between the City's policies and USERRA or other applicable law, USERRA will apply.

- (a) Regular employees who are members of the National Guard or an Armed Forces Reserve organization shall be allowed two calendar weeks per year for military leave without pay. On rare occasions due to annual training being scheduled on a federal fiscal year basis, an employee shall be granted an additional ten days of military leave during the calendar year. If the compensation received while on military leave is less than the salary that normally would have been earned during the same period as a City employee, the City will pay the employee partial compensation equal to the difference. The effect will be to maintain the employee's salary at the normal level during this period. The employee may elect to use vacation leave in lieu of military leave in order to receive compensation in full from both employers. If such military duty is required beyond the two weeks, the employee may take accumulated vacation leave or be placed in a leave without pay status, and the provisions of that leave shall apply. While taking military leave, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the City during this period; with the exception of retirement and 401(k) contributions if leave is without pay. Employees who are eligible for military leave have all job rights specified by the Vietnam Veterans Readjustment Act.
- (b) An employee called to extended active duty with the United States military forces, who does not volunteer for service beyond the period for which called, shall be reinstated with full benefits provided the employee:
  - (1) Applies for reinstatement within the applicable period after release from military service; and
  - (2) Is able to perform the duties of the former position or similar position; or
  - (3) Is unable to perform the duties of the former position or a similar position due to disability sustained as a result of the military service, but is able to perform the duties of another position in the service of the City. In this case the employee shall be employed in such other position as will provide the nearest approximation of the seniority, status, and pay which the employee otherwise would have been provided, if available.

**VI. Section 11. Civil Leave**

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

**VI. Section 12. Educational Leave**

In order to support continued education beyond high school, an employee who wishes to undertake a job-related course of study may be allowed to pursue this on his or her regular duty schedule as long as the needs of the department are met, and as long as classes are not provided outside of work hours. In accordance with the Fair Labor Standards Act, if this education or training is not required, then hours outside the duty hours would not be counted as hours worked. The employee must request prior approval in writing to his or her department head, and final approval must be made by the City Manager. Employees should refer to the City's Educational Incentive Pay Plan for more information on these benefits.

## ARTICLE VII. EMPLOYEE BENEFITS

*The provisions of all benefits are subject to change and modification at the discretion of the City, with or without advanced notice. The provisions of any benefits are further subject to funding appropriation and budget constraints.*

### **VII. Section 1. Insurance Benefits**

The City shall provide the following group insurance benefits for its full-time employees:

- (a) Medical insurance - after a thirty (30)-day waiting period.
- (b) Dental insurance - after a thirty (30)-day waiting period.
- (c) Life insurance - after a thirty (30)-day waiting period;
- (d) Vision insurance - after a thirty (30)-day waiting period.

Based on the availability of funds, all efforts shall be made by the City to provide premium payments in full on the employee's behalf.

Each employee shall have the option of purchasing a dependent or family plan of medical, dental, and vision insurance at his or her own expense. Information concerning cost and benefits shall be available to all employees through the Human Resources Department.

Other City-approved, supplemental insurance benefits may be available through payroll deduction at the employee's expense. Employees who purchase dependent or supplemental insurance coverage have the option of participating in IRS Code Section 125 benefits.

### **VII. Section 2. Social Security**

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

### **VII. Section 3. Retirement System Membership**

Each employee who is appointed to a regularly established position and who is expected to work for the City more than one thousand (1,000) hours annually shall join the North Carolina Local Government Employees' Retirement System (NCLGERS) on the first day of employment as a condition of employment as defined by the retirement system.

### **VII. Section 4. NCLGERS: Death Benefit**

Employees enrolled in the NCLGERS are covered by a death benefit as prescribed by the plan after one (1) year as a contributing member.

**VII. Section 5. Retiree Insurance Benefits**

The City will continue to provide medical insurance for any full-time employee including the City Manager who retires with thirty (30) years of creditable service as recognized by the NCLGERS at least ten (10) years of which must be in service with the City of Washington until such employee becomes eligible for Medicare.

Medical insurance will be continued for two (2) years for an employee who retires on disability through the NCLGERS and has completed at least five (5) years of service with the City of Washington but does not qualify or pursue Social Security benefits. Medical insurance will be continued for employees who demonstrate that they have applied for Social Security disability benefits within one (1) month after NCLGERS disability retirement approval and are approved for Social Security disability within six (6) months. In such situations, coverage will continue until the retiree is eligible for Medicare (which at the time this policy was adopted, was twenty-four (24) months after disability benefits begin).

Retiree medical insurance coverage continued under this policy shall be at the same share as provided for a regular employee.

Retirees may have the option of purchasing dental, life, and/or vision insurance or a dependent or family plan of medical, dental, and/or vision insurance at their own expense provided it is allowed by City's group policy carrier. In order for the dependent of a retiree to qualify as a dependent for retiree coverage he/she must have been covered under the plan for a minimum of twelve (12) months as a dependent of the employee prior to his/her retirement. Retiree coverage must be selected within thirty (30) days of the effective date of retirement. Retirees and any dependents covered will be dropped from the insurance if their premium payments are one month delinquent.

As with other benefits, the provision of and the terms of retiree insurance is subject to change at any time, with or without notice. The ability of the City to provide retiree coverage is further dependent upon budget appropriations from year to year and approval by the City Council.

**VII. Section 6. Supplemental Retirement Benefits: 401(k) and Deferred Compensation 457**

The City provides supplemental retirement plan options for its full-time and part-time employees, as well as elected and appointed officials. Each qualified law enforcement officer shall receive 401(k) benefits as prescribed by the North Carolina State Law and beginning on the first day of employment. Employees who are members of the NCLGERS, including the City Manager, have the option of participating in the 401(k) Plan. All City employees, including full-time, part-time, and elected or appointed officials, have the option of participating in the Deferred Compensation Plan (457). The City may make an employer contribution depending on the availability of funds.

**VII. Section 7. Law Enforcement Special Separation Allowance**

The City provides a monthly separation allowance to qualified retired law enforcement officers in accordance with North Carolina State Law (GS 143-166.42).

(a) Eligibility and continuation of these benefits are subject to the following

conditions:

- (1) The officer shall have completed thirty (30) or more year of creditable service, or have attained fifty five (55) years of age and completed five (5) or more years of creditable service; and
  - (2) Not have attained sixty two (62) years of age; and
  - (3) Have completed at least five (5) years of continuous service as a law enforcement officer immediately preceding a service retirement, as defined by N.C. Gen. Statutes 143-166.41(a) (3) and 143-166.41(b).
- (b) Termination of these benefits happens:
- (1) At death;
  - (2) On the last day of the month prior to which the officer attains sixty two (62) years of age; or
  - (3) Upon the first day of re-employment by a local government in North Carolina in any capacity.

The City may, however, employ retired officers in a public safety position in a capacity not requiring participation in the Local Governmental Employees' Retirement System and doing so shall not cause payment to cease to those officers under these benefits.

- (c) Any officer who is entitled to receive a special separation allowance from the City shall, within ten (10) days of any change in his/her employment status, report the same to the City Manager or Human Resources Director.
- (d) Once this benefit is terminated, the officer shall not be entitled to further special separation allowance unless he/she shall otherwise once again meet the requirements of section (a) thereof.

## **VII. Section 8. Workers' Compensation**

All employees of the City (full-time, part-time, temporary, and volunteer workers) are covered by the North Carolina Workers Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisor or department head at the time of injury in order that appropriate action may be taken at once. No employee will be retaliated against in any way for filing a workers' compensation claim in good faith or for participating in the workers' compensation process. Infection with smallpox, infection with vaccinia (the virus in smallpox), or any adverse medical reaction resulting from the employee receiving in employment vaccination against smallpox pursuant to the Homeland Security Action Section 304 will be treated the same as any other illness compensable under workers compensation.

**VII. Section 9. Retiree Separation Benefit**

In order to recognize a retiring employee who has served the City with an admirable work record throughout his or her years of service and who qualifies for a monthly retirement benefit through the NCLGERS at the time of separation, a cash amount of ten dollars (\$10.00) per year of service will be allotted towards the purchase of a separation gift of appreciation. It will be the responsibility of the department head to see that an appropriate gift is chosen and awarded; however, the department head may solicit help from anyone in a position to assist in the gift selection.

**VII. Section 10. Unemployment Compensation**

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

**VII. Section 11. Tuition Assistance Program**

Full-time employees who have completed their initial probationary period may apply for tuition reimbursement for courses taken on their own time which will improve their skills for their current job or prepare them for promotional opportunities with the City. Tuition and books are eligible expenses for up to one hundred percent (100%) reimbursement, depending on availability of funds. Satisfactory completion of the course with a grade C or better will be required for reimbursement. This policy applies when an employee takes a course related to their job, on their own, not when the employee is sent by the City to a particular school or seminar. Requests for tuition assistance shall be submitted to the employee's Department Head prior to course registration and are subject to review and approval of the City Manager and expressly subject to availability of funds.

**VII. Section 12. Wellness Program**

Activities and programming will be provided to all employees to encourage healthy lifestyle choices in an effort to increase employee morale, productivity, and an overall healthier workforce.

**VII. Section 13. Employee Assistance Program**

All employees, spouses, and dependent family members who reside in the employee's household are eligible for benefits from the City's Employee Assistance Program (EAP). The EAP is a benefit to help individuals resolve job-related, personal, and family problems through free confidential counseling sessions. The EAP is subject to annual review and funding.

**VII. Section 14. Lactation Policy**

The City supports breastfeeding mothers who return to the workforce. As part of our family-friendly policies and benefits, the City will work to accommodate mothers who wish to express milk during their workday when separated from their newborn children. We believe this policy is beneficial to mothers, their babies, and to the City.

Any fulltime employee who is breastfeeding will be provided, in addition to their regularly

scheduled breaks, up to an additional 20 minutes each day to express milk for her newborn child. This break time, if possible, should run concurrently with any rest and meal periods already provided to the employee. The additional break time shall be unpaid, but employees are permitted to use paid break time if available.

In addition, the City will make reasonable efforts to provide a room or other location in close proximity to the work area, other than a bathroom stall, where an employee can express breast milk in privacy and comfort. This location may be the employee's private office, if applicable.

The employee shall work with her immediate supervisor to reach a mutually agreeable time for these breaks. The City does not retaliate or discriminate against an employee who exercises the right provided under this section. The employee shall contact human resources to assist with resolution of concerns or issues that arise from this policy.

## VII. Section 15. Car Allowance / Travel Bonus

(a) ~~City Manager.~~ The City Council may provide a monthly flat amount of car allowance for the City Manager in lieu of providing a city-owned vehicle to conduct city business. The allocated car allowance will cover all mileage expenses for City business within a 150 mile radius (300 miles round trip) of the City. Travel beyond the 150 mile radius will be reimbursed in accordance with the City's travel policy. This allowance will be reported on the City Manager's W-2 form.

(b) ~~Department Heads.~~ With the exclusion of department heads for whom the City provides a City-owned vehicle, department heads may be provided a travel bonus subject to annual approval by the City Council. Department heads receiving the travel bonus will not be eligible for reimbursement of mileage expenses within a specified mile radius of the City in accordance with the provisions of the bonus. Travel beyond the specified mile radius will be reimbursed in accordance with the City's travel policy.

## ARTICLE VIII. SEPARATION AND RE-EMPLOYMENT

### VIII. Section 1. Types of Separation

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.

- (a) **Resignation:** An employee may resign by submitting the reasons for the resignation and the effective date in writing to the immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is two (2) weeks unless the notice is waived upon recommendation of the Department Head and approved by the City Manager.

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

The City Manager may negotiate a resignation with an employee when it is determined to be in the best interest of the City. Such negotiated resignation may include a severance package consisting of a combination of salary, benefits and/or accumulated leave (vacation, compensatory, etc.).

- (b) **Reduction in Force.** In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance, qualifications and skills, organizational needs, and seniority in determining those employees to be retained. Employees who are separated because of a reduction in force shall be given at least two weeks notice of the anticipated action. No regular employee shall be separated because of a reduction in force while there are temporary or probationary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary or probationary employee. (See Article VIII, Section 2.)
- (c) **Disability.** The City will comply with the Americans with Disabilities Act and will make all responsible efforts to provide reasonable accommodation to employees who may be or become disabled. An employee who cannot perform the essential duties of a position with or without reasonable accommodation may be separated for disability. Action may be initiated by the employee or the City. In cases initiated by the employee, such action must be accompanied by medical evidence acceptable to the City Manager. The City may require an examination at the City's expense, performed by a physician of the City's choice.
- (d) **Death.** Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of a deceased employee.
- (e) **Dismissal.** An employee may be dismissed in accordance with the provisions and procedures of Article IX.
- (f) **Retirement.** An employee, who meets the conditions set forth under the provisions of North Carolina Local Government Employees' Retirement System, may elect to retire and receive all benefits earned under the retirement plan.

**VIII. Section 2. Reduction in Force**

- (a) **Policy Statement.** The City recognizes that there are situations that occur which require positions to be redefined or reduced in number. These situations include shortage of funds or work, program shifts, reorganization or consolidation, or other changes as determined by management. It shall be management's (City Manager and department heads) discretion and responsibility to determine which positions shall be eliminated and/or which staff members will be laid off.
- (b) **Procedures.**
- (1) Determination of reductions. The determination of positions to be eliminated or employees subjected to lay off shall be based on consideration of the following factors, among others.
- Organizational needs.
  - Employees' qualifications and past performance. This includes evaluating not only an incumbent's qualifications and performance, but also considers the qualifications and performance of others within the organization. The individual(s) selected for lay off may or may not be the incumbent of the position to be eliminated.
  - Length of service.
- (2) Lay Off Avoidance. The City will take several steps to avoid layoffs and, with the employee's concurrence and cooperation, assist employees who are targeted to lose their current employment to locate other employment within the organization. These efforts are described below.
- The elimination of current or known future vacancies if the position(s) can be eliminated or held vacant long enough to achieve the required goals without unduly harming the delivery of non-targeted services.
  - Where possible, employees whose performance is in good standing and who have been targeted for separation, will be given the opportunity to interview for non-targeted position vacancies, if basic qualifications are met, without competition from other potential applicants (except other employees so identified). The hiring official is under no obligation to select the employee but may do so without advertising if the employee is an acceptable choice.
  - To create vacancies in identified positions, employees (including those not occupying such positions) may be required to accept transfers to other positions for which they are qualified. Such movement will be the prerogative of departmental or citywide

management. This movement enhances our ability to match the backgrounds of displaced employees into existing positions.

(c) **Career Transition Assistance.**

The City will assist displaced workers to the fullest extent possible in locating training and employment opportunities.

(d) **Severance Pay.**

A full-time regular employee whose employment is being terminated due to a reduction in force may be eligible for severance pay, subject to approval of the City Council, availability of funds and such other terms and conditions as may be set forth.

A full time regular employee whose employment is being terminated due to reduction in force shall be eligible for a one time, lump sum seniority based severance payment based on the following schedule provided all of the following qualification criteria are met.

(1) — The employee has completed at least one (1) year of full-time continuous service with the City in a regular position as of the separation date;

(2) — The employee is not eligible for any of the Local Governmental Employees' Retirement System (LGERS) options;

(3) — The employee has not refused alternate employment with the City;

(4) — The employee has not refused a reasonable employment offer with a contractor (in the event of a negotiated privatization); and

(5) — The employee executes a Release Agreement in a form approved by the City.

*Note: For purpose of determining severance eligibility, alternate employment and a reasonable offer of employment with a contractor (in the event of a negotiated privatization) shall be defined as one in which the employment offer does not result in reduction in pay and benefits of more than fifteen percent (15%).*

**Years of Continuous Service — Severance Amount (on Base Salary)**

1.00 to 4.99 years	2 weeks
5.00 to 9.99 years	4 weeks
10.00 to 14.99 years	6 weeks
15.00 to 19.99 years	8 weeks
20 years or more	10 weeks

Any period covered by severance pay shall not be credited as a period of retirement service or as work time for credit towards receiving continuing group

~~insurance benefits.~~

**VIII. Section 3. Re-Employment**

An employee who resigns while in good standing or who is separated due to reduction in force may be re-employed at a later date with the approval of the department head and the City Manager.

An employee who is re-employed shall begin his or her service as a new employee with no continuation of previously accrued benefits with the exception of sick leave which may be eligible for reinstatement **(See Article VI. Section 3.)**.

Another exception is made when an employee is separated due to reduction in force and subsequently re-employed with the City within one (1) year of the date of separation. In this case the employee shall begin earning vacation and sick leave at the same rate as he/she was earning on the date of separation.

**ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL  
PERSONAL CONDUCT**

**IX. Section 1. Disciplinary Action for Unsatisfactory Job Performance**

An employee may be placed on disciplinary suspension, demoted or dismissed for unsatisfactory job performance. All cases of disciplinary suspension, demotion, or dismissal must be authorized by the City Manager prior to giving final notice to the employee.

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

Unsatisfactory job performance includes any aspects of the employee's job which are not performed as required to meet the standards set by the Department Head or the City Manager.

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

- (a) Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- (b) Careless, negligent, or improper use of City property or equipment;
- (c) Physical or mental incapacity to perform duties after reasonable accommodation;
- (d) Discourteous treatment of the public or other employees;
- (e) Absence without approved leave;
- (f) Improper use of leave privileges;
- (g) Failure to report for duty at the assigned time and place;
- (h) Failure to complete work within time frames established in work plan or work standards;
- (i) Failure to meet work standards over a period of time; and/or
- (j) Failure to follow the chain of command to address work-related issues.

**IX. Section 3. Procedures for Addressing Unsatisfactory Job Performance**

When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor shall meet with the employee as soon as possible in one or more counseling sessions to discuss specific performance problems. A brief summary of these counseling sessions shall be noted in the employee's file by the supervisor.

Unless immediate dismissal is warranted, an employee whose job performance is unsatisfactory over a period of time should normally receive at least two documented warnings, one of which may be the final written warning, from the supervisor before disciplinary action resulting in dismissal is taken by the City Manager. In each case, the supervisor should record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended and the time limits set. If the employee's performance continues to be unsatisfactory and unless immediate dismissal is warranted, the supervisor should use the following steps:

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

Disciplinary suspensions are for the purpose of communicating the seriousness of the performance deficiency, not for the purpose of punishment, and should not generally exceed three (3) days or twenty four (24) hours for non exempt employees.

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

If after suspension or demotion, the employee's performance does not reach an acceptable level, the employee may be dismissed.

**IX. Section 4. Disciplinary Action for Detrimental Personal Conduct**

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

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

Detrimental personal conduct includes, but is not limited to, behavior of such a serious detrimental nature that the function of the City may be or has been impaired; the safety of persons or property may be or have been threatened; or the laws of any government may be or have been violated.

*Examples of detrimental personal conduct include, but are not limited to, the following:*

- (a) Fraud or theft;
- (b) Conviction of a felony or the entry of a plea thereto;
- (c) Falsification of records for personal profit, to grant special privileges, or to obtain employment;

- (d) Willful misuse or gross negligence in handling of City funds or personal use of equipment or supplies;
- (e) Willful or wanton damage or destruction to property;
- (f) Willful or wanton acts that would endanger the lives and property of others;
- (g) Possession of unauthorized firearms or other lethal weapons on the job or City premises;
- (h) Brutality in the performance of duties;
- (i) Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken with the limits set by a physician as long as medically necessary;
- (j) Engaging in incompatible employment or serving a conflicting interest;
- (k) Request or acceptance of gifts in exchange for favors or influence;
- (l) Engaging in political activity prohibited by this Policy;
- (m) Harassment of an employee(s) and/or the public on the basis of sex or any other protected class status;
- (n) Harassment of an employee(s) and/or the public with threatening or obscene language and/or gestures; and/or
- (o) Stated refusal to perform assigned duties, flagrant violation of work rules and regulations, or serious malfeasance of work.

**IX. Section 6. Pre-dismissal Conference**

Before a dismissal action is taken, whether for failure in personal conduct or failure in performance of duties, the City Manager, Human Resources Director or Department Head will conduct a pre-dismissal conference. Prior to the pre-dismissal conference the department head shall provide the employee with a written notice, which will include the nature of the proposed action, its recommended effective date, the reasons for the proposed action, and a date and time for a pre-dismissal conference. At this conference, the employee may present any response to the proposed dismissal to the City Manager or Department Head. The City Manager or Department Head will consider the employee's response, if any, to the proposed dismissal, and will ~~within three (3) working days following the pre-dismissal conference (three consecutive days for fire shift personnel)~~ notify the employee in writing of the final decision. If the employee is dismissed, the notice shall contain a statement of the reasons for the action and the employee's appeal rights.

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

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

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

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

## ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

### X. Section 1. Policy

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

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

### X. Section 2. Grievance Defined

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

### X. Section 3. Purposes of the Grievance Procedure

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

- (a) Provide employees with a procedure by which their complaints are considered promptly and fairly, and without reprisal;
- (b) Encourage employees to express themselves about the conditions of work which affect them as employees;
- (c) Promote better understanding of policies, practices, and procedures which affect employees;
- (d) Increase employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures;
- (e) Increase the sense of responsibility exercised by supervisors in dealing with their employees;
- (f) Encourage conflicts to be resolved between employees and supervisors who must maintain an effective future relationship, and therefore, encourage conflicts to be resolved at the lowest level possible in the chain of command; and
- (g) Create a work environment free of continuing conflicts, disagreements, and negative feelings about the City or its leaders, thus freeing up employee motivation, productivity, and creativity.

**X. Section 4. Grievance Procedure**

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

- (a) **Informal Resolution.** Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the respective Department Head as a resource to help resolve the grievance.
- (b) **Step One.** If no resolution to the grievance is reached informally, the employee who wishes to pursue a grievance shall present the grievance to the appropriate supervisor in writing. The grievance must be presented within fifteen (15) calendar days of the event or fifteen (15) calendar days of learning of the event or condition. The supervisor shall respond to the grievance within the (10) calendar days after receipt of the grievance. The supervisor should, and is encouraged to, consult with any employee of the City in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible.

The response from the supervisor for each step in the formal grievance process shall be in writing and signed by the supervisor. In addition, the employee shall sign a copy of the response to acknowledge receipt thereof. The responder at each step shall send copies of the grievance and response to the Human Resources Director.

- (c) **Step Two.** If the grievance is not resolved to the satisfaction of the employee by the supervisor, the employee may appeal, in writing, to the appropriate Department Head within ten (10) calendar days after receipt of the response from Step One. The Department Head shall respond to the appeal, stating the determination of a decision within ten (10) calendar days after receipt of the appeal.
- (d) **Step Three.** If the grievance is not resolved to the satisfaction of the employee at the end of Step Two, the employee may appeal, in writing, to the City Manager within ten (10) calendar days of receipt of the response from Step Two. The City Manager shall respond to the appeal, stating the determination of a decision within ten (10) calendar days after receipt of the appeal. The City Manager's decision shall be the final decision. **The City Manager shall notify the City Council of any impending legal action.**

~~(e) — **City Manager.** When a grievance is filed by a Department Head or other employee where the City Manager has been significantly involved in determining the underlying disciplinary action, including dismissal, the City may, but is not required to, obtain a neutral outside party to either:~~

~~(1) — Provide mediation between the grieving department head or employee and the City Manager; or~~

~~(2) — Consider an appeal and make recommendations back to the City Manager concerning the appeal. Such parties might consist of human resources professionals, attorneys trained in mediation, mediators, or other parties appropriate to the situation.~~

~~The City Manager's decision shall be the final decision. The City Manager shall notify the City Council of any impending legal action.~~

#### **X. Section 5. Role of the Human Resources Director**

Throughout the grievance procedure, the roles of the Human Resources Director shall be as follows:

- (a) To advise parties (including employee, supervisors, and City Manager) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistency of application;
- (b) To be the clearinghouse for information and decisions in the matter including maintaining files of all grievance documents;
- (c) To give notices to parties concerning timetables of the process, etc.;
- (d) To assist employees and supervisors in drafting statements;
- (e) To facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process; and
- (f) To assist in the location of mediation or other resources as needed.

#### **X. Section 6. Grievance and Adverse Action Appeal Procedure for Discrimination and/or Harassment**

When an employee, former employee, or applicant, believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, national origin, religion, political affiliation, or other protected category), he or she has the right to appeal such action using the grievance procedure in **Article X. Section 4.** above. While such persons are encouraged to use the grievance procedure, they shall also have the right to appeal directly to the Human Resources Director or City Manager. Employment actions subject to appeal because of discrimination include promotion, training, classification, pay, disciplinary action, transfer, layoff, failure to hire, or termination of employment. An employee or applicant should appeal an alleged act of discrimination within thirty (30) calendar days of the alleged discriminatory action, but may appeal for up to six (6) months following the action. **(See Article V. Section 10.)**

## ARTICLE XI. PERSONNEL RECORDS

### XI. Section 1. Public Information

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

- a) Name;
- b) Age;
- c) Date of original employment or appointment to the service;
- d) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the City has the written contract or a record of the oral contract in its possession;
- e) Current position;
- f) Title;
- g) Current salary;
- h) Date and amount of each increase or decrease in salary with the City;
- i) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the City;
- j) Date and general description of the reasons for each promotion with the City;
- k) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the City. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the City setting forth the specific acts or omissions that are the basis of the dismissal; and
- l) The office to which the employee is currently assigned.

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

For the purposes of this subsection, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the City.

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

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

- (a) The employee or his/her duly authorized agent may examine all portions of his/her 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 the 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 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 inspection is deemed by the City official having custody of the personnel records to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of the personnel records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
- (f) An employee may sign a written release, to be placed in his/her 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 City Manager, with concurrence of the City Council, 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. Before releasing the information, the City Manager or City Council shall determine in writing that the release is essential to maintaining public confidence in the administration of City services or to maintaining the level and quality of City services. This written determination shall be retained in the office of the City Manager or the City Clerk, and is a record available for public inspection, and shall become part of the employee's personnel file.

**XI. Section 3. Personnel Actions**

The Human Resources Officer, with the approval of the City Manager, will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system. There shall be one set of official personnel files, centrally located as designated by the City Manager, normally in the Human Resources office. These files shall contain documents such as employment applications and related materials, records of personnel actions, documentation of employee warnings, disciplinary actions, performance evaluations, retirement and insurance records, letters of recommendation, and other personnel-related documents.

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

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

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

An employee who objects to material in his/her file on grounds that it is inaccurate or misleading may place a statement in the file relating to the material considered to be inaccurate or misleading. The employee may seek removal of such material from his/her file in accordance with the established grievance procedure.

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

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 information contained in a personnel file, except as permitted by General Statute, is guilty of a misdemeanor and upon conviction shall be fined in an amount consistent with the General Statutes.

**XI. Section 7. Examining and/or Copying Confidential Material Without Authorization**

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

**XI. Section 8. 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 and G.S. 130A-99, without the consent of the N.C. Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or alters, defaces, mutilates or destroys it shall be guilty of a misdemeanor and upon conviction shall be fined consistent with the General Statutes.

### **NOTICE OF PUBLIC HEARING**

Washington City Council will hold a public hearing at 6:00 p.m. on Monday, February 25, 2013, in the Council Chambers of the Municipal Building located at 102 East Second Street, Washington, NC, on a proposal to participate in the cost of an economic development project pursuant to NCGS 158-71. et seq.

The project consists of participating in the cost of locating a manufacturing facility called Project Blue Goose (a metalworking company and a filter media company) in Washington, NC. The City Council intends to consider sharing up to \$97,183.00 of the cost of the project with revenues from the City's General Fund. The project will stimulate the local economy, promote business development and result in the creation of jobs in the City.

All interested persons are invited to attend and present their views.  
Cynthia Bennett, City Clerk



## MEMORANDUM

DATE: February 18, 2013  
TO: Mayor Jennings & Members of City Council  
FROM: John Rodman, Planning & Development  
RE: Talent Enhancement Capacity Building Grant

The purpose of the Talent Enhancement Capacity Building Grant was to provide local governments the ability to develop appropriate and competitive CDBG grants, administer those grants, aid in grant writing, develop economic analysis, and prepare feasibility studies.

The City has been working on the Talent Enhancement project in conjunction with East Carolina University. The City was awarded \$50,000 in grant funds with no local match required. All funds have been expended and approved activities complete. The City would like to complete close out procedures and a public hearing is consistent with the procedures and the original project timeline.

If you have questions please don't hesitate to let me know.

**CITY OF WASHINGTON  
NOTICE OF CLOSE-OUT PUBLIC HEARING  
TALENT ENHANCEMENT CAPACITY BUILDING GRANT  
FEBRUARY 25, 2013**

Notice is hereby given that the City of Washington City Council will hold a public hearing on Monday, February 25, 2013 at 6:00pm., in the councils' meeting room, City of Washington municipal building, 102 East Second Street, Washington, NC 27889. The purpose of this hearing is to review the budget and activities that have been accomplished through the City's Talent Enhancement Capacity Building Grant program. The program activities are complete, and the City is in the process of closing out the program. All interested citizens are encouraged to attend this public hearing, and all comments are welcome. Written comments concerning the close-out of this grant should be submitted to Ms. Cynthia Bennett, City Clerk, City of Washington, PO Box 1988, 102 E 2<sup>nd</sup> Street, Washington NC 27889, no later than 5:00pm., Friday February 22, 2013.

<b>6. (B.) Breakout of Costs</b>		<b>Name of Applicant: City of Washington</b>	
<b>Talent Enhancement Capacity Building Grant</b>			
<b>1. Talent Enhancement Capacity Building Grant Activities Cost (column 5n)</b>		\$50,000	
<b>2. Other Funds (column 6n)</b>		\$ 0	
<b>3. Total Talent Enhancement Capacity Building Grant (TECBG) Resources (should = column 7n)</b>		\$50,000	
<b>4. Activity</b>	<b>5. TECBG Costs</b>	<b>6. Other Costs</b>	<b>7. Total TECBG Costs</b>
<b>l. Planning (Talent Enhancement Capacity Building Grant Activities)</b>			
<b>1. Personnel</b>			
(a) Supplemental for existing staff	\$ 30,000	-	\$ 30,000
(b) New Position(s)	-	-	-
<b>2. Training</b>			
(a) Existing Staff	\$ 12,000	-	\$ 12,000
(b) New Position(s)	-	-	-
<b>3. Travel</b>			
(a) Supplemental for Existing staff	\$ 3,000	-	\$ 3,000
(b) New Position(s)	-	-	-
<b>4. Planning (with restriction)</b>			
m. Administration (10% maximum)	\$5,000	-	\$5,000
<b>n. TO TAL</b>	\$50,000	-	\$50,000

**PREVIOUS LEGISLATIVE ACTION:**

7.18.11: Hosted public hearing and approved application submission

**FISCAL IMPACT:**

Currently Budgeted  Requires Additional Appropriation  No Fiscal Impact

**SUPPORTING DOCUMENTS:**

Budget Ordinance

City Attorney Review: \_\_\_\_\_ Date By: \_\_\_\_\_ (if applicable)  
 Finance Dept Review: \_\_\_\_\_ Date By: \_\_\_\_\_ (if applicable)  
 City Manager Review: \_\_\_\_\_ Date \_\_\_\_\_ Concur \_\_\_\_\_ Recommend Denial \_\_\_\_\_ No Recommendation