

**TOWN OF ROBBINS
PERSONNEL POLICY**

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

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ARTICLE I. GENERAL PROVISIONS

Section 1. Purpose of the Policy

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

Section 2. At Will Employment

The Town of Robbins is an “at will” employer. Nothing in this policy creates an employment contract or term between the Town and its employees. Only the Board of Commissioners has the authority to grant any employee any contractual rights of employment.

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 race, color, religion, sex, national origin, veteran status, marital status, political affiliation, non-disqualifying disability, age, or genetic information.

Section 4. Responsibilities in the Administration of the Personnel Program

Responsibilities of the Town Board

The Town Board 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 North Carolina General Statutes.

Responsibilities of the Town Manager

The Town Manager shall be accountable to the Town Board for the administration and technical direction of the personnel program. The Town Manager shall appoint, suspend, and remove all Town employees except those whose appointment is otherwise provided for by law. The Town Manager shall make appointments, dismissals, and suspensions in accordance with the Town Charter and other policies and procedures spelled out in other Articles in this Policy.

The Town Manager shall supervise or participate in:

- a) recommending rules and revisions to the personnel system to the Town Board for consideration;
- b) making changes as necessary to maintain an up-to-date and accurate position classification plan;
- c) preparing and recommending necessary revisions to the pay plan;

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- d) determining which employees shall be subject to the overtime provisions of Fair Labor Standards Act (FLSA);
- e) establishing and maintaining a roster of all persons and authorized positions in the municipal service, setting forth each position and employee, class title of position, salary, any changes in class title and status, and such data as may be desirable or useful;
- f) developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
- g) developing and implementing such administrative procedures as are necessary to implement these policies provided the administrative procedures are not in conflict with these policies;
- h) performing such other duties as may be required by law or assigned by the Town Board not inconsistent with this Policy; and
- i) appointing an employee to the role of Human Resources Officer.

Responsibilities of the Human Resources Officer

The Town Manager shall appoint a Human Resources Officer or perform this role him/herself. The responsibilities of the Human Resources Officer are to make recommendations to the Town Manager on the following:

- a) rules and revisions to the personnel system for the Town Manager's consideration;
- b) changes as necessary to maintain an up-to-date and accurate position classification plan;
- c) necessary revisions to the pay plan;
- d) which employees shall be subject to the overtime provisions of FLSA;
- e) maintenance of a roster of all persons in the municipal service;
- f) establishment and maintenance of 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, position number and other such data as may be desirable or useful;
- g) development and administration of such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
- h) development and/or coordination of training and educational programs for Town employees;
- i) development and recommendation of such administrative procedures as are necessary to implement these policies provided the administrative procedures are not in conflict with these policies;

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- j) periodic evaluations of the operation and effect of the personnel provisions of this Policy; and
- k) such other duties as may be assigned by the Town Manager not inconsistent with this Policy.

Responsibilities of Supervisors and Managers:

Supervisors shall meet their responsibilities as directed by the Board and/or the Town Manager, being guided by this Policy and Town ordinances. The Town will require all supervisors to meet their responsibilities by:

- a) dealing with all employees in a fair and equitable manner and upholding the principles of equal employment opportunities;
- b) developing and motivating employees to reach their fullest potential through continued education and training;
- c) making objective evaluations of individual work performance and discussing these evaluations with each employee to bring about needed improvements;
- d) keeping employees informed of their role in accomplishing the work of their unit and of conditions or changes affecting their work;
- e) making every effort to resolve employee problems and grievances and advising employees of their rights and privileges;
- f) cooperating and coordinating with other staff members in workflow and distribution of information;
- g) making proper documentation and maintaining current files.

Section 5. Application of Policies, Plan, Rules, and Regulations

The personnel policy and all rules and regulations adopted pursuant thereto shall be binding on all Town employees. The Town Attorney, members of the Town Board and advisory boards and commissions will be exempted except in sections 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.

Section 6. Departmental Rules and Regulations

Because of the personnel and operational requirements of the various departments of the Town, 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 review by the Human Resources Officer and the approval of the Town Manager and shall not in any way conflict with the provisions of this Policy but shall be considered as a supplement to this Policy.

Section 7. Status of Volunteer Firefighters

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Volunteer firefighters are not employees of the Town and shall not be eligible for compensation and other benefits generally accorded to full- and part-time employees. Further, this Personnel Policy shall not apply to volunteer fighters, except where they are specifically referenced.

Section 8. Definitions

For the purposes of this Policy, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Full-time employee. An employee who is in a position for which an average work week equals at least 40 hours, and continuous employment of at least 12 months, as required by the Town. This also includes Fire Rescue fighters or Police Officers who work 12 hour rotating shifts. Layoff and authorized leave-without-pay do not interrupt continuous employment for purposes of this section

Part-time employee. An employee who is in a position for which an average work week of at least 20 hours and less than 40 hours and continuous employment of at least 12 months are required by the Town. Part-time employees do not receive benefits.

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

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

Limited Service employee. An employee not in a permanent position, for which either the average work week required by the Town over the course of a year is less than 20 hours, or continuous employment required by the Town is less than 12 months. Limited-Service employees are exempt from the Fair Labors Standards Overtime requirements.

Permanent position. A position authorized for the budget year for a full twelve months and budgeted for twenty or more hours per week. All Town positions are subject to budget review and approval each year by the Town Board and all employees' work and conduct must meet Town standards. Therefore, reference to "permanent" positions or employment should not be construed as a contract or right to perpetual funding or employment.

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ARTICLE II. POSITION CLASSIFICATION PLAN

Section 1. Purpose

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

Section 2. Honorary Membership of a Department

The Fire-Rescue Department, the Police Department and such other Town departments as are approved by the Town Manager, may offer honorary membership to persons deemed by the department leadership to have made significant contributions to the department or the Town. The Town Manager shall approve all honorary memberships. Honorary officers are not auxiliary officers and do not have the same duties or requirements of auxiliary officers.

Section 3. Composition of the Position Classification Plan

The 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.

Section 4. Use of the Position Classification Plan

The 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.

Section 5. Administration of the Position Classification Plan

The Human Resources Officer shall allocate each position covered by the classification plan to its appropriate class and shall be responsible for the administration of the position classification plan.

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The Human Resources Officer shall periodically review portions of the classification plan and recommend appropriate changes to the Town Manager.

Section 6. Authorization of New Positions and the Position Classification Plan

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

Section 7. Request for Reclassification

Any employee who considers the position in which classified to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall immediately transmit the request through the department head to the Human Resources Officer. The request shall state the reason why the position should be changed. Upon receipt of such request, the Human Resources Officer shall study the request, determine the merit of the reclassification, and recommend to the Town Manager and Town Board a revision to the classification and pay plan where necessary.

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ARTICLE III. THE PAY PLAN

Section 1. Definition

The pay plan includes the basic salary schedule and the Position Classification Plan adopted by the Town Board. The salary schedule consists of hiring, minimum (normally probation completion), midpoint and maximum rates of pay for all classes of positions.

Section 2. Administration and Maintenance

The Town Manager, assisted by the Human Resources Officer, 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, except for employees in a trainee status or employees whose existing salaries are above the established maximum rate following transition to a new pay plan.

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the Town, and other factors. To this end, each budget year the Human Resources Officer shall make comparative studies of all factors affecting the level of salary ranges including the consumer price index, anticipated changes in surrounding employer plans, and other relevant factors, and will recommend to the Town Manager such changes in salary ranges as appear to be pertinent. Such changes shall be made in the salary ranges such that the hiring rate, minimum, midpoint, and maximum rates change according to the market subject to approval by the Town Board.

Periodically, the Town Manager shall recommend that individual salary ranges be studied and adjusted as necessary to maintain market competitiveness. Such adjustments will be made by increasing or decreasing the assigned salary grade for the class and adjusting the rate of pay for employees in the class when the action is approved by the Town Board.

Section 3. Starting Salaries

All persons employed in positions approved in the position classification plan shall be employed at the hiring salary rate for the classification in which they are employed; however, exceptionally well qualified applicants may be employed above the hiring rate of the established salary range upon recommendation of the department head and Human Resources Officer and approval of the Town Manager.

Section 4. Performance Pay

Upward movement within the established salary range for an employee is not automatic, but rather based upon specific performance-related criteria. Procedures for determining performance levels and performance pay increases or other performance-related movement within the range shall be established in procedures approved by the Town Manager.

Section 5. Performance Pay Bonus

Employees who are at the maximum amount of the salary range for their position classification are

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eligible to be considered for a performance pay bonus at their regular performance evaluation time. Performance pay bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation and in the same amounts as employees who are within the salary range. Performance pay bonuses shall be awarded in lump sum payments and do not become part of base pay.

Section 6. Salary Effect of Promotions, Demotions, Transfers, and Reclassifications

Promotions. The purpose of the promotional pay increase is to recognize and compensate the employee for taking on increased responsibility. When an employee is promoted, the employee's salary shall normally be advanced to the hiring rate of the new position, or to a salary which provides an increase of at least 5% over the employee's salary before the promotion, whichever is greater. In the event of highly skilled and qualified employees, shortage of qualified applicants, or other reasons related to the merit principle of employment, the Town Manager may set the salary at an appropriate rate in the range of the position to which the employee is promoted that best reflects the employee's qualifications for the job and relative worth to the Town, taking into account the range of the position and relative qualifications of other employees in the same classification. In no event, however, shall the new salary exceed the maximum rate of the new salary range. In setting the promotion salary, the Town shall consider internal comparisons with other employees in the same or similar jobs.

Demotions. Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. When an employee is demoted to a position for which qualified, the salary shall be set at the rate in the lower pay range which provides a salary commensurate with the employees' qualifications to perform the job and consistent with the placement of other employees within the same classification in that salary range. If the current salary is within the new range, the employee's salary may be retained at the previous rate if appropriate. If the demotion is the result of discipline, the salary shall be decreased at least 5%. The salaries of demoted employees may be no greater than the maximum of the new range.

The Town Manager has the authority to demote any employee if the manager deems the employee's performance is unsatisfactory. The Town Manager may also demote an employee as a suitable penalty for misconduct. Any employee transferred or demoted for cause may appeal the disciplinary action in accordance with the grievance procedure outlined in this personnel policy manual.

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 be changed by the reassignment. All transfers are at the discretion of the Town Manager.

Reclassifications. An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase of 5% or an increase to the hiring rate of the new pay range, whichever is higher. If the employee has completed probation, the employee's salary shall be advanced to at least the probation completion amount in the new range.

If the position is reclassified to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary.

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Section 7. Salary Effect of Salary Range Revisions

When an individual class of positions is assigned to a higher salary range, employees in that class shall normally receive a pay increase of 5%, or to the minimum rate of the new range, whichever is higher. When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum rate established for the class, the salary of that employee shall be maintained at that level until such time as the employee's salary range is increased above the employee's current salary.

Section 8. Transition to a New Salary Plan

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

- 1) No employee shall receive a salary reduction as a result of the transition to a new salary plan.
- 2) All employees being paid at a rate lower than the minimum rate established for their respective classes shall have their salaries raised at least to the new minimum rate for their classes.
- 3) All employees being paid at a rate below the maximum rate established for their respective classes shall be paid at a rate within the salary schedule
- 4) All employees being paid at a rate above the maximum rate established for their respective classes shall have their salaries maintained at that salary level with no increases until such time as the employees' salary range is increased above the employees' current salary.

Section 9. Effective Date of Salary Changes

Salary changes approved after the first working day of a pay period shall become effective at the beginning of the next pay period, or at such specific date as may be provided by procedures approved by the Town Manager.

Section 10. Fair Labor Standards Act and Overtime Pay Provisions

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

To the extent that local government jurisdiction is required, the Town will comply with the Fair Labor Standards Act (FLSA). The Human Resources Officer shall determine and recommend to the Town Manager which jobs are "non-exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

Non-Exempt Employees

Employees are expected to work during all assigned periods exclusive of breaks or mealtimes. Employees are not to perform work at any time that they are not scheduled to work, unless they receive approval from their department head or supervisor, except in cases of emergency.

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Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period; 171 hours for sworn police in a 28-day cycle; 212 hours for full-time fire fighters in a 28-day cycle). Hours worked beyond the FLSA established limit will be compensated in either time or paid at the appropriate overtime rate (typically 1.5 times hourly rate).

All overtime for non-exempt employees shall be documented on a time sheet for each pay period and shall be reviewed by their department head and/or the Town Manager.

In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, or holidays be included in the computation of hours worked for FLSA purposes.

Whenever practical, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime or providing compensatory leave time. When time off within the work period cannot be granted, overtime worked may be compensated in accordance with the FLSA.

Compensatory leave balances may not exceed 240 hours (480 hours for emergency personnel). Any overtime worked after such maximum balances must be compensated in pay. The Manager will be notified whenever a compensatory balance exceeds 100 hours.

Compensatory leave must be exhausted before taking sick leave or vacation leave.

In emergency conditions, when long and continuous work is required over multiple days, the Town Manager may approve special overtime compensation.

Exempt Employees

Employees in positions determined to be "exempt" from the FLSA (as Executive, Administrative or Professional staff) are paid on a salary basis and will not typically receive pay for hours worked in excess of their normal work periods. In the event that overtime work is authorized and performed by exempt employees, compensatory time for such overtime may be granted on an hour-for-hour basis to be taken by the employee at a time which will, in the opinion of the employee's supervisor, interfere least with the operation of the department.

In declared disaster or emergency situations requiring long and continuous hours of work, exempt employees may be compensated at a rate of up to time and one half and/or be granted time off with pay for rest and recuperation to ensure safe working conditions for the duration of the emergency period, when authorized by the Town Manager or Town Board.

Section 11. Call-back Pay

The Town provides a continuous twenty-four hour a day, seven day a week service to its customers. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. One of the conditions of employment with the Town is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary actions up to and including dismissal.

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Call-back. Non-exempt employees will be guaranteed a minimum payment of one hour of wages for being called back to work outside of normal working hours. The employee shall report to the designated work site within 45 minutes of receiving a call. Hours actually worked while on call-back are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week. "Call-back" provisions do not apply to previously scheduled overtime work (scheduled in advance). This section does not apply to Fire Department employees returning to work for emergency situations.

Section 12. Payroll Deductions

Deductions shall be made from each employee's salary as required by law. Additional deductions may be made for insurance or for other reasons as authorized by the Town Manager considering the capability of the payroll system, associated increase in workload, and appropriateness of the deduction.

Section 13. Hourly Rate of Pay

Employees working in a part-time or temporary capacity with the same duties as full-time employees will normally work at a rate in the same salary range as the full-time employees.

The hourly rate for employees working other than 40 hours per week, such as police officers working an average 42 hours per week, will be determined by dividing the average number of hours scheduled per year into the annual salary for the position.

Section 14. Pay Days

All employees are paid biweekly on every other Friday. Each paycheck will include earnings for all work performed through the end of the previous payroll period. Payroll work periods are from Thursday to Wednesday.

The Town of Robbins takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Finance Officer so that corrections can be made as quickly as possible.

Section 15. Longevity Pay

Longevity pay is provided as a lump sum payment to full-time employees in recognition of their service to the Town.

<u>Years of Service</u>	<u>Longevity Amount</u>
1-5	\$ 200
6-10	\$ 400
11-15	\$ 600

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16-20

\$ 800

20+

\$ 1000

Longevity pay will normally be issued in the first regular pay period in December. Appropriate federal state, retirement, etc. deductions will be made. The years of service shall be constant with the years of service calculated under the local government retirement system.

Section 16. Pay for Interim Assignments in a Higher-Level Classification

An employee who is formally designated, for a period of at least one month, by the Town Manager to perform the duties of a job that is assigned to a higher salary grade than that of the employee's regular classification shall normally receive an increase for the duration of the interim assignment. The employee shall receive a salary adjustment to the hiring rate level of the job in which the employee is acting or an increase of 5%, whichever is greater. Criteria involved in determining the amount of the compensation will include:

- a) the difference between the existing job and that being filled on a temporary basis, and
- b) the degree to which the employee is expected to fulfil all the duties of the temporary assignment.

The salary increase shall be temporary and upon completion of the assignment, the employee shall go back to the salary he or she would have had if not assigned in the interim role, taking into account any increase the employee would have received if not placed in the interim role.

Section 17. Certification Increases

The Town Manager will create a schedule of salary increases to reward employees for attaining and maintaining certifications that increase the employees' value to the Town.

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ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Equal Employment Opportunity Policy

It is the policy of the Town to foster, maintain and promote equal employment opportunity. The Town shall select employees on the basis of the applicant's qualifications for the job and award them with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to age, sex, race, color, religion, national origin, disability, political affiliation, marital status, veteran status, gender orientation or genetic information. Applicants with physical 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 essential duties with or without reasonable accommodation.

It is a violation of Town policy to retaliate in any way against an employee who assists, participates in, or supports this policy or anyone making a bona-fide complaint under this policy or who participates or assists in any EEOC, OSHA or other internal or external processes protected by law.

Section 2. Implementation of Equal Employment Opportunity Policy

The Human Resources Officer and all personnel responsible for recruitment and employment will continue to review regularly the implementation of this Personnel Policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of age, sex, race, color, religion, gender orientation, disability, national origin, political affiliation, veteran status, marital status or genetic information. Notices with regard to equal employment matters shall be posted in conspicuous places on Town premises in places where notices are customarily posted.

Section 3. Recruitment, Selection and Appointment

Recruitment Sources. When position vacancies occur, the Human Resources Office shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Information on job openings and hiring practices will be provided to recruitment sources, including the Division of Employment Security and organizations and news media available to minority applicants. In addition, notice of vacancies shall be posted at designated conspicuous Town sites. 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 Town service. In rare situations because of emergency conditions, high turnover, etc., the Town may hire or promote without advertising jobs upon approval of the Town Manager.

Job Advertisements. Jobs may be advertised in local area newspapers, professional publications, Town websites, social and/or other relevant publications, as needed, in order to establish a diverse and qualified applicant pool. Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.

Application for Employment. All persons expressing an interest in employment with the Town shall be given the opportunity to file an application for employment for positions which are being recruited. The Town accepts applications and resumes only for vacant advertised positions. Applications will

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be received by the Human Resources Officer who will pre-screen applications for minimum qualifications.

Application Reserve File. Applications shall be kept in an inactive reserve file for a period of two years in accordance with Equal Employment Opportunity Commission guidelines.

Selection. Department heads, with the assistance of the Human Resources Officer, shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position, including criminal history where job-related. All selection devices administered by the Town shall be valid measures of job performance.

References and Background Investigations. Before any commitment is made to an applicant the Town will conduct reference checks regarding the employee's qualifications and work performance. In addition, physical examinations, driver's records, confirmation of education or certifications, drug screening, criminal background investigations and any other investigation appropriate to the position sought may be performed. Applicants may be asked to sign an appropriate release. Conviction of a crime is not automatically disqualifying. The Town will consider the severity of the crime, degree to which the crime is related to the job for which the applicant is being considered, and length of time since the conviction to determine the degree to which there is a business necessity for choosing not to hire the applicant.

Appointment. Before any commitment is made to an applicant either internal or external, the department head shall make recommendations to the Human Resources Officer including the position to be filled, the salary to be paid, and the reasons for selecting the candidate over other candidates. The Human Resources Officer and department head shall recommend approval of appointments and the starting salary for all applicants to the Town Manager. The Town Manager shall approve appointments and the starting salary for all applicants.

Section 4. Employment Documentation Requirements

SUMMARY: In order for individuals to be employed by the Town, they must present certain documents that establish their identity, verify their eligibility to work in the United States, and make provisions for appropriate federal and North Carolina tax withholding.

REQUIRED FORMS: Individuals must complete the following forms in order to be employed:

- A. FORM W-4 Employee's Withholding Allowance Certificate, U.S. Dept. of the Treasury, I.R.S.
- B. FORM NC-4 Employee's Withholding Allowance Certificate, N.C. Dept. of Revenue.

In order to complete these two forms individuals must have a U.S. Social Security Number (SSN) or evidence that they have made application for an SSN. The Social Security Administration issues original and replacement Social Security cards. The Town may not hire individuals, put them on the payroll, or permit them to perform work until each individual has properly completed a W-4 and NC-4 forms and submitted them to the Human Resources Officer.

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- C. FORM I-9 Employment Eligibility Verification Form (U.S.), U.S. Citizenship & Immigration Services (USCIS). Individuals must establish both identity and work eligibility via the federal Form I-9 by presenting one or two acceptable documents. A list of acceptable documents is printed on the back of Form I-9, and no other forms other than those listed may be requested. The Town may not hire individuals and may not allow individuals to perform work until the individual has provided such documentation. (For complete information see the "Handbook for Employers: Instructions for Completing Form I-9" published by the USCIS, which is available from the Human Resources Officer).

Copies of the completed I-9 form or other information regarding residency and immigration status shall be kept on file for three years following the hiring date or one year following the end of employment, whichever is later.

Section 5. Probationary Period

An employee appointed or promoted to a permanent position shall serve a probationary period. Employees shall serve a six-month probationary period, except that employees in sworn police positions shall serve a twelve-month probationary period.

During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Employees serving a twelve-month probation shall have a probationary review at the end of six months as well as before the end of twelve months.

An important purpose of the probationary period is to provide an opportunity for the appointee to adjust to the new job. Likewise, it serves as a trial period during which the employee demonstrates his or her ability to perform the work, to demonstrate good work habits and to work well with the public and coworkers. Before the end of the probationary period, the supervisor shall conduct a performance evaluation conference with the employee and discuss accomplishments, strengths, and needed improvements. A summary of this discussion shall be documented in the employee's personnel file. The supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. With the approval of the Town Manager probationary periods may be extended for a maximum of six additional months. Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in this policy for disciplinary action. A probationary employee dismissed during the probationary period is not eligible for an appeal of the termination decision or terminal pay for accrued annual leave

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

Section 6. Promotion

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range. It is the Town's policy to create career opportunities for its employees

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whenever possible. Therefore, when a current employee applying for a vacant position is best suited of all applicants, that applicant shall be appointed to that position. The Town will balance three goals in the employment process:

- 1) the benefits to employees and the organization of promotion from within;
- 2) providing equal employment opportunity and a diversified workforce to the community; and
- 3) obtaining the best possible employee who will provide the most productivity in that position.

Therefore, except in rare situations where previous Town experience is essential or exceptional qualifications of an internal candidate so indicate, the Town will conduct an open recruitment and consider external and internal candidates rather than automatically promote from within. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Internal candidates shall apply for promotions using the same application process as external candidates.

Section 7. Demotion

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. Demotion may be voluntary or involuntary. An employee whose work or conduct in the current position is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. Such disciplinary demotion shall follow the disciplinary procedures outlined in this Policy.

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

Section 8. Transfer

Transfer is the movement of an employee from one position to a position in a class in the same salary range. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual application process. A department head wishing to transfer an employee to a different department or classification shall make a recommendation through the Human Resources Officer to the Town Manager with the consent of the receiving department head. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this Policy. Notwithstanding the employee's right to file a grievance, the Town reserves the right to transfer employees either temporarily or permanently when doing so will serve the Town's best interest.

An employee who has successfully completed a probationary period may be transferred into the same classification without serving another probationary period.

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ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Work Schedule

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

Section 2. 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 United States and the State of North Carolina. However, in accordance with G.S. 160A-169, 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 a nomination or an election for office;
- c) Be required as a duty of employment or as condition for employment, promotion or tenure of office to contribute funds for political or partisan purposes;
- d) Coerce or compel contributions from another employee of the Town for political or partisan purposes;
- e) Use any supplies or equipment of the Town for political or partisan purposes; or
- f) Be a candidate for nomination or election to office under the Town Charter;

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

Section 3. Outside Employment

The work of the Town shall have precedence over other occupational interests of employees. All outside employment for salaries, wages, or commissions and all self-employments must be reported in writing in advance to the employee's supervisor, who in turn will report it to the department head. The department head will review such employment for possible conflict of interest and then submit a record of the employment to the Town Manager for review and approval. If outside employment is deemed to be in conflict with the interest of the Town, outside employment will not be allowed. Conflicting and/or unreported outside employment are grounds for disciplinary action up to and including dismissal. Documentation of the approval of outside employment will be placed in the employee's personnel file.

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

- a) employment with organizations or in capacities that are regulated by the employee or employee's department; or

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- b) employment with organizations or in capacities that negatively impact the employee's perceived integrity, neutrality, or reputation related to performance of the employee's Town duties.

An employee who sustains an injury or illness in connection with outside employment and is receiving worker's compensation from that employer shall not be entitled to receive Town worker's compensation benefits or accrued Town sick leave.

Section 4. Dual Employment

An hourly full or part-time employee of the Town may simultaneously hold another position with the Town if the second position is:

- A. occasional or sporadic;
- B. is in a different capacity and/or clearly different occupational category from that of the full or part-time position; and
- C. the employee volunteers for the second position.

In order for an employee's occasional or sporadic work on a part-time basis to qualify for exemption from overtime payments under the FLSA, the employee's decision to work in a different capacity must be made freely and without coercion, implicit or explicit, by the Town. A supervisor may suggest that an employee undertake another kind of work for the Town when the need for assistance arises, but the employee must be free to refuse to perform such work without sanction and without being required to explain or justify the decision. (The term *occasional or sporadic* means infrequent, irregular, or occurring in scattered instances.)

The work of the full or part-time position shall take precedence over the temporary position.

Unless the second Town job meets the conditions of this Section 4 the Town shall pay overtime when an employee is eligible for overtime. When an employee works a second Town job and the employee is entitled to overtime, the employee and Town shall agree, in advance, which salary will be used to calculate overtime in the event that the employee works more than 40 hours per week in both jobs combined.

Section 5. Employment of Relatives

The Town prohibits the hiring and employment of immediate family in full or part-time positions within the same work unit if such employment would result in one family member supervising another or if one member will occupy a position of influence over another member's employment or any condition of employment. Examples of potential influence include but are not limited to hiring, promotions, salary administration and disciplinary action.

For the purposes of this Article, immediate family shall be defined as spouse, child, parent, sibling, grandparent, grandchild, aunt, and uncle to include in-law, step and half relationships. The definition for this Article also includes individuals living in the same household who share a relationship comparable to immediate family members.

The Town will consider employing family members or related persons in the service of the Town,

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provided that such employment does not:

- 1) result in a relative supervising relatives;
- 2) result in a relative auditing the work of a relative;
- 3) create a conflict of interest with either relative and the Town; or
- 4) create the potential or perception of favoritism.

This provision shall not apply retroactively to anyone employed when the provision was adopted by the Town.

Section 6. Telephone and Address of Employees

All Town personnel must have their cell and/or landline telephone numbers and their current physical and e-mail addresses on file with the Human Resources Director

Section 7. Workplace Violence

The Town of Robbins has a zero-tolerance policy relating to the communication of threats and harassment whether it be verbal or physical, physical assaults, or any other forms of inappropriate, intimidating, or unreasonably aggressive behavior. This type of behavior is unacceptable and, in terms of implementing the disciplinary actions prescribed by Article IX of this manual. In addition to any disciplinary action(s) taken pursuant to the Town's personnel policies and procedures, employees violating this policy may be subject to criminal prosecution.

Section 8. Harassment Prohibited

- A. **Statement of City Policy.** The Town will not tolerate unwelcome harassing conduct by employees and non-employees. The Town has established a complaint or grievance process. Employees should report harassment to their supervisor(s), department head or Human Resources Officer at the earliest possible stage to prevent its escalation. The Town is committed to conducting an investigation and to taking immediate and appropriate action when it receives notice of employee harassment. In addition, the Town periodically provides anti-harassment training to all employees because prevention is the best tool to eliminate harassment in the workplace.
- B. **Harassment Defined.** Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), gender orientation, disability or genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws or

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opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets, or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- 1) The harasser can be the victim's supervisor, a supervisor in another area, an agent of the Town, a co-worker, or a non-employee of Town.
- 2) The victim does not have to be the person harassed but can be anyone affected by offensive conduct.
- 3) Unlawful harassment may occur without economic injury to, or discharge of, the victim.
- 4) In cases of age discrimination, both the victim and the harasser may be over 40.

C. **Sexual Harassment Defined.** Harassment can include “sexual harassment” or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. It is unlawful to harass a person (an applicant or employee) because of that person’s gender orientation or sex. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person’s gender orientation or sex. For example, it is illegal to harass a woman by making offensive comments about women in general. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.

Although the law doesn’t prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer

D. **Grievance / Complaint Procedure.** See Article X, for the grievance / complaint procedure.

Section 9. Expectation of Ethical Conduct

The proper operation of Town government requires that public officials and employees be

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independent, impartial, and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. No official or employee of the Town shall solicit or accept any gift, favor, or thing of value (over \$50) that may tend to influence such employee in the discharge of the employee's duties or grant in the discharge of duty an improper favor, service, or thing of value.

Section 10. Performance Evaluation

Supervisors and/or department heads shall conduct performance evaluation conferences with each employee at least once a year and before the end of any probation. These performance evaluations shall be documented in writing and placed in the employee's personnel file. During the performance evaluation, the employee shall be rated on various parameters such as quality of work, quantity of work, technical competence, attendance/promptness, safety compliance, completion of work as instructed, etc. Procedures for the performance evaluation program shall be published by the Human Resources Officer with the approval of the Town Manager.

Section 11. Safety

Safety is the responsibility of both the Town and employees. It is the policy of the Town to establish a safe work environment for employees. The Town 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 safe work procedures, including the use of all required personal protective equipment and providing necessary safety training programs.

Section 12. Use of Town Property and Equipment

Town equipment, materials, tools, and supplies shall not be available for personal use and are not to be removed from Town property except in the conduct of official Town business, unless approved by the Town Manager or Department Head. Use of a Town owned vehicle by an employee is neither a right nor a privilege, but a trust conferred to facilitate the necessary performance of duties. All Town property issued to the employee shall be returned to the employee's supervisor upon termination of employment prior to the issuance of the final paycheck.

Employees who operate Town vehicles must report to their Department Head if they are charged with any moving violation while at work or otherwise. An employee who violates these requirements will be subject to disciplinary action, loss of vehicle use privileges, and possible termination of employment. "Take home" vehicles must be approved by the Town Manager. Employees are not allowed to alter Town owned vehicles without prior approval.

Section 13. Post-Accident Testing

Employees shall be tested for the presence of controlled substances and alcohol when any of the following occur:

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

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caused by impairment from alcohol or drug use.

Following an accident, the employee will be tested as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing. An employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident test. Any employee who leaves the scene of the accident without justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test and their employment will be terminated.

Employees tested under this provision will include any employee whose performance could have contributed to the accident. Department Head or supervisor will accompany employee to be tested to the appointment for drug/alcohol testing. If a Department Head or supervisor is not available a police officer may accompany the employee.

Section 13. Substance Abuse Policy

The Town is committed to a drug-free workplace to maintain a safe and healthy working environment for employees and a productive, effective workforce for the Town's citizens. The Town prohibits employees reporting to work with their ability to perform impaired by alcohol, illegal drugs, intentionally and inappropriately used prescriptions, over-the-counter drugs, or other chemicals and substances. After a candidate for employment has been offered the position applied for, he/ she shall consent to drug screening. The offer of employment shall be contingent on the results of the screening. If the candidate tests positive for un-prescribed drugs, he/she shall be automatically disqualified from employment with the Town of Robbins. Candidates who refuse to have the drug screening or a requested physical exam are automatically disqualified from employment with the Town of Robbins. A separate Substance Abuse Policy may be adopted by the Town and provided to all employees.

Section 14. Intra-Organizational Communication

Town employees shall not directly contact elected officials concerning any work-related functions, except via the established supervisory chain, as depicted in the Town's Organizational Chart, or by special permission of the Town Manager.

Any Town employee contacted directly by an elected official concerning Town functions other than a routine service call or contact made via the established chain, shall immediately report the nature of the contact through his or her supervisor to the Town Manager.

Town employees shall not refer any citizen to an elected official to resolve a complaint or request. If the citizen's request cannot be effectively resolved, the employee shall take the matter to his or her supervisor.

This policy does not preclude informational contacts between employees and the Town Board during the performance of normal duties.

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ARTICLE VI. EMPLOYEE BENEFITS

Section 1. Eligibility

All full-time employees of the Town are eligible for employee benefits as provided for in this Article which are subject to change at the Town's discretion and annual budget appropriations. Temporary employees are eligible only for legally mandated benefits such as workers' compensation and FICA.

Section 2. Employee Group Health, Life, Dental and Vision Insurance

The Town provides group health, life, dental and visual insurance programs for full time employees and their families as specified under the terms of the group insurance contract. Coverage will begin on the 1st day of the month following 30 days of employment with the Town of Robbins.

The Town pays the entire cost of health, life, dental and visual insurance for full-time employees. The Town will comply with the Affordable Care Act by providing health insurance for all employees expected to work 30 or more hours per week for three or more months. Elected officials will pay the full cost of insurance should they wish to participate. Full and part-time employees, and elected officials may, if they so desire, purchase available group health, dental and/or vision coverage through the Town for qualified dependents within the stipulations of the insurance contract. Employees and elected officials will pay the amount stipulated by the Town for their qualified dependents.

Information concerning cost and benefits shall be available to all employees from the Human Resources Office.

Section 3. Other Optional Insurance Plans

The Town may make other insurance plans available to employees upon authorization of the Town Manager or Town Board. For information about optional group benefit programs, employees may contact the Human Resources office.

Section 4. Retirement

Each employee who is expected to work for the Town more than 1,000 hours annually shall join the North Carolina Local Governmental Employees' Retirement System as a condition of employment, beginning immediately upon employment. Employees contribute six percent of their salary each payroll with an actuarial match by the Town as determined by the North Carolina Local Governmental Employee's Retirement System.

Section 5. Supplemental Retirement Benefits

The Town provides supplemental retirement benefit options for its full-time and part-time employees. If the employee wishes to participate the employee must contact the Human Resources Officer for enrolment forms. The Town may contribute a match percentage of salary to the State 401-k plan for each full-time employee beginning ninety days (90) from hire date. The Town will contribute an amount equal to five percent (5%) of local officers' monthly compensation to the Supplemental Retirement Income Plan as according to Article 12 (e). Open enrollment period is June 1st to June 30th.

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All full-time employees may make voluntary contributions to the 401-K plan and 457 plan up to the limits established by law and the supplemental retirement provider.

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Section 6. Social Security

The Town, to the extent of its lawful authority and power, has extended Social Security benefits to its eligible employees.

Section 7. Workers' Compensation

All employees of the Town (full-time, part-time, temporary, and limited service) are covered by the North Carolina Worker's Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisors at the time of the injury in order that appropriate action may be taken at once.

Responsibility for claiming compensation under the Worker's Compensation Act is on the injured employee, and such claims must be filed by the employee with the North Carolina Industrial Commission within two years from date of injury. The department head and the Human Resources Officer will assist the employee in filing the claim.

An employee injured on the job while employed by the Town of Robbins, when the injury is compensable under Worker's Compensation, shall have the following options:

- A. Take accumulated sick or vacation leave during the seven-day waiting period and then go on Worker's Compensation leave and begin drawing Worker's Compensation.
- B. After the seven-day waiting period, take earned and accumulated sick or vacation leave at the rate of one third day of leave for day absent and receive a leave benefit which will together, with compensation received under Worker's Compensation, equal approximately his/her salary.
- C. If the employee has no accumulated sick or vacation leave or wishes to reserve the sick or vacation leave, the employee may receive only worker's compensation benefit for which he/she may be adjudged eligible.
- D. If other suitable employment is available, the Town Manager may reassign such employee to another position in lieu of sick leave or receiving Worker's Compensation except under those circumstances where the attending physician certifies that such employee is not capable of performing the work of such other position.

Employees will not be advanced vacation leave to supplement Worker's Compensation.

Pursuant to a declaration invoking Section 304 of the Homeland Security Act, this provision will also apply to reactions to smallpox vaccinations administered to Town employees under the Homeland Security Act. Such reactions shall be treated the same as any other worker's compensation claim.

Section 8. Unemployment Compensation

Local governments are covered by unemployment insurance. Town employees who are terminated due to a reduction in force or released from Town service may apply for benefits through the local Division of Employment Security office.

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Section 9. Law Enforcement Separation Allowance

Every sworn law enforcement officer, as defined by N.C. Gen. Statute §128-21(11b) or N.C. Gen. Statute §143-166.50, shall be eligible for a separation allowance, as provided by N.C. Gen. Statute §143-166.42, in the amount specified in N.C. Gen. Statute § 143-166.41(a).

Currently the law enforcement separation allowance is *“equal to eighty-five hundredths percent (0.85%) of the annual equivalent of the base rate of compensation most recently applicable to the officer for each year of creditable service”*. The Town will pay this benefit on a bi-weekly basis with each payroll.

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

- a) The officer shall have completed 30 or more years of creditable service, or have attained 55 years of age and completed five or more years of creditable service (as defined in General Statute §143-166.42); and
- b) The officer shall not have attained 62 years of age;
- c) The officer shall have completed at least five years of continuous service as a law enforcement officer immediately preceding a service retirement, as defined by N.C. Gen. Statute §§143-166.41(a)(3) and 143-166.41(b).
- d) The law enforcement officer, after separation from Town employment, notifies the Town of any new employment involving local law enforcement duties. Such notification shall include the nature and extent of the employment, and any change of employment status.

Payment of separation allowance benefits to a retired officer shall cease at the first of:

- a) The death of the officer;
- b) The last day of the month in which the officer attains 62 years of age; or
- c) The first day of re-employment in any position in any local government in North Carolina requiring retirement system participation.

The Town may 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. Participation in the retirement system is required by anyone scheduled to work 1,000 hours per year or more. If a recipient's receipt of the special separation allowance is terminated because of the individual's re-employment with any department or agency payment of the special separation allowance cannot be resumed at a later date. Should the separation allowance for law enforcement officers, now required by law, be rescinded, this separation allowance shall be rescinded at the same time.

Section 10. Credit Union Membership

Employees of the Town of Robbins are eligible for membership in the Local Government Federal

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Credit Union.

Section 11. Tuition Assistance Program

All paid Town employees who wish to further their education are encouraged to do so by the Town. Courses taken which are required or determined to be necessary to meet the qualifications of the position held, will be paid for by the Town. Courses which may not be required but felt to be beneficial to the Town and its employees, may or may not be approved, but will be reviewed on an individual basis by the Town Manager. The Town Manager will also review each situation to determine if such courses will be paid for by the Town, by the employee, or shared by both. Employees may be reimbursed for eligible expenses up to a total of one thousand dollars (\$1,000) per fiscal year. Exceptions may be made on a case by case basis upon approval by the Town Manager. Satisfactory completion of the courses will be required for reimbursement. The Town Manager will make a determination as to whether absence for work as a result of these courses can be justified at the particular time. The Town will support training courses, seminars and conferences to maintain current job knowledge to the extent that funds are available.

Due to the time and investment of the Town, it is required that after completion of a school or training, employees continue their employment with the Town for the period of six (6) months. A contract and signed statement will be signed by the employee promising to continue employment with the Town for six months after the training. Failure to continue employment with the Town for the prescribed period will result in the employee repaying the Town of Robbins for all expenses incurred for the school or training event, including tuition, registration, lodging, and meals. This may be deducted from the last paycheck of the employee. Employees reduced in force are exempt from this repayment.

Section 12. Uniforms: Police and Public Service Departments

The Town of Robbins will provide uniforms for employees in the following departments:

1. Police
2. Public Service Department Employees

The types and amounts of uniforms provided to employees shall be as determined by the Town Manager. All uniforms provided to employees are provided for use by the employee, but may not be property of the employee. Some uniforms are provided through a rental uniform service and will remain property of the rental uniform service.

All uniforms issued to an employee shall be returned to the Town on the last day of the employee's employment with the Town. In the event that all uniforms are not returned to the Town, the employee will be billed for the total value of the uniforms that was not turned in.

Section 13. Cemetery Plot

Employees who pass away while employed with the Town are provided a cemetery plot in Pine Rest Cemetery at no cost if desired by the family. The plot may only be used for the burial of the employee.

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ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Policy

The policy of the Town is to provide vacation leave, sick leave, and holiday leave to all full-time employees and to provide proportionately equivalent amounts to permanent employees having average work weeks of different lengths. Employees shall accrue leave proportionately with each payroll.

The Fire Chief, with the approval of the Town Manager, may establish a leave of absence policy for volunteer members of the Fire and Rescue Department. Any members of the Department who are employees of the Town shall be subject to the leave policy established by this Personnel Policy.

Section 2. Holidays

The Town will follow the holiday schedule as published by the State of North Carolina for state employees.

In order to receive a paid holiday, an employee must have worked the day before and the day after the holiday(s) or have been given approved paid leave.

Employees wishing to schedule time off for religious observances, other than those observed by the Town, may request vacation leave from their respective department head. The department head will attempt to arrange the work schedule so that an employee may be granted vacation leave for the religious observance. Vacation leave for religious observances may be denied only when granting leave would create an undue hardship for the Town.

The Town Manager is authorized to grant the following holiday, with pay, to all full-time employees:

New Year's Day

Martin Luther King, Jr.'s Birthday

Good Friday

Thanksgiving Day and day after Thanksgiving

Memorial Day

Labor Day

Independence Day

Veteran's Day

Christmas- 2 or 3 workdays (see following Christmas Schedule)

When Christmas falls on:	Town of Robbins Observes:
Sunday	Monday & Tuesday
Monday	Monday & Tuesday
Tuesday	Monday, Tuesday, & Wednesday
Wednesday	Tuesday, Wednesday, & Thursday
Thursday	Wednesday, Thursday, & Friday
Friday	Thursday & Friday
Saturday	Thursday & Friday

Updated 6/1/2022

When a holiday other than Christmas Day falls on a Saturday, Friday shall be observed; if it falls on a Sunday, Monday shall be observed as the holiday.

Section 3. Holidays: Effect on Other Types of Leave

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

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

Employees required to perform work on regularly scheduled holidays may be granted compensatory time off or paid at their regular rate for hours actually worked in addition to any holiday pay to which they are entitled. Employees are only entitled to the amount of holiday hours for which they are scheduled to work. If a holiday falls on a regularly scheduled off-duty day for shift personnel, the employee will receive a maximum of 8 hours of paid holiday leave. Whether holiday time is provided in time or pay for shift employees is determined by the Town.

Section 5. Vacation Leave

Vacation is a privilege granted to employees by the Town. Vacation leave is intended to be used for rest and relaxation, school appointments, and other personal needs. Vacation should be requested in advance in methods determined by the department and approved by the supervisor.

Vacation leave may also be used by employees who wish to observe religious holidays other than those granted by the Town. Employees who wish to use leave for religious observances must request leave from their respective department heads. The department head will attempt to arrange the work schedule so that an employee may be granted vacation leave for the religious observance. Vacation leave for religious observance may be denied only when granting the leave would create an undue hardship for the Town.

Section 6. Vacation Leave: Use by Probationary Employees

Employees serving a probationary period following initial employment may accumulate vacation leave but shall not be permitted to take vacation leave during the first six months of employment unless approved by the Town Manager. A probationary employee who is dismissed during the probationary period will not be eligible for terminal pay for any accumulated vacation leave.

Section 7. Vacation Leave: Accrual Rate

Each full-time general employee of the Town will accrue vacation on the following schedule. Fire engineers who work 24-hour shifts and sworn law enforcement officers who work an average workweek of 42 hours (168 hours in a 28-day cycle) will earn a prorated amount based on the average number of hours in the work week. (See Section 16 of this Article for more information.)

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Employees shall be assigned to the appropriate accrual rate as determined by the length of service under the local government retirement system

Years of Service	Days Accrued Per Year
0 - 3	10
4 but less than 10	12
10 but less than 15	15
15 but less than 20	18
20 plus	20

Section 8. Vacation Leave: Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until the pay period containing December 31st of each calendar year. During the pay period containing December 31st, any employee with a balance exceeding 30 days (240 hours) shall have the excess accumulation transferred to sick leave so that only a balance of 30 days is carried forward to January 1.

Regardless of accumulated balance if an employee separates from service, the payment for accumulated vacation leave shall not exceed 30 days (240 hours). Employees are not eligible to receive pay for vacation time not taken above 240 hours.

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

Section 9. Vacation Leave: Manner of Taking

Employees shall be granted the use of accrued vacation leave upon request in advance at those times designated by the department head which will least obstruct normal operations of the Town. Department heads are responsible for insuring that approved vacation leave does not hinder the effectiveness of service delivery. Employees are only allowed to be paid for hours they have accumulated. Compensatory time must be used prior to vacation time. If no vacation time is available, but leave is allowed, the employee would take leave without pay. Specifically, a vacation request form must be filled out one (1) week prior to a vacation request of more than three (3) days and two (2) days prior to a vacation request of less than three days. Employee preference should be considered and schedules worked out bearing in mind individual Town needs. Vacation leave requests may be denied when limited staffing is available or where the work flow is larger than normal, as determined by the Town Manager.

Section 10. Vacation Leave: Payment upon Separation

An employee who has successfully completed six months of the probationary period will normally be paid for accumulated vacation leave upon separation not to exceed 30 days provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation, thirty days for

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department heads.

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

Employees who are involuntarily separated shall receive payment for accumulated vacation leave not to exceed 30 days. At the discretion of the Town Manager, employees dismissed for serious violations of personal or criminal conduct may be determined ineligible to receive vacation pay. The Town Manager's determination of ineligibility may be appealed to the Town Board.

Section 11. Vacation Leave: Payment upon Death

The estate of an employee who dies while employed by the Town shall be entitled to payment of all the accumulated vacation leave credited to the employee's account not to exceed the maximums established in Section 8 of this Article.

Section 12. Sick Leave

Sick Leave with pay is a privilege granted to employees by the Town, not a right, and may be used only for the purposes described in this Policy. Abuse of sick leave privileges will subject the employee to disciplinary action.

Sick Leave may be used for the following reasons: sickness, non-job related bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others.

Sick leave also may be used when an employee must care for a member of his or her immediate family who is ill. For the purposes of this benefit, immediate family is defined as spouse, child, parents of employee or spouse, grandparent, grandchild, brother or sister, or someone living in the home or in-law or step relations of same. Sick leave may not be used to care for a healthy child.

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave or according to departmental procedures, but no later than two hours after the beginning of a scheduled work day or shift.

Section 13. Sick Leave: Accrual Rate and Accumulation

Sick leave shall accrue at a rate of 8 hours per month of service or twelve days per year. Sick leave for full-time employees working other than the basic forty-hour work schedule (sworn law enforcement officers who work an average workweek of 42 hours-168 hours in a 28-day cycle) shall be prorated as described in this Article. Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Governmental Employees Retirement System. A day shall be calculated based on the formula found in Section 16 of this Article.

Any compensatory time earned by an employee shall be taken first prior to using the sick leave

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account. Sick leaves shall be taken in hour units.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the Town, except as stated above for retirement or upon reinstatement within one year of separation.

Section 14. Transfer of Sick Leave from Previous Employer

The Town will accept sick leave balances when documented by a previous employer when the employee worked for a previous employer covered by the North Carolina State or Local Government Retirement Systems and the employee did not withdraw accumulated retirement contributions from that employer when leaving employment.

1. The employee bears the sole responsibility for requesting and obtaining certification of the prior sick leave balance from the former employer. This certification must include the employee's retirement identification number and the number of hours of accumulated sick leave. This certification must be signed by the employee's former human resources representative.
2. The sick leave was earned while a member of the NC Local Governmental Employee's Retirement System.
3. The employee's retirement identification number has not changed.

The employee shall sign a statement acknowledging that the transferred sick leave is for retirement purposes only.

The sick leave amount must be certified by the previous employer and it is the employee's responsibility to provide documentation from his or her previous employer within three (3) months of employment. Transferred sick leave will be credited to the employee upon receipt of documentation from previous employer.

Section 15. Sick Leave: Medical Certification

The employee's supervisor or department head may require a physician's certificate certifying the employee's or employee's family member's illness and the employee's capacity to resume duties, for each occasion on which an employee uses sick leave or whenever the supervisor observes a "pattern of absenteeism." The employee may be required to submit to such medical examination or inquiry as the department head deems desirable. The department head shall be responsible for the application of this provision to the end that:

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

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

Section 16. Leave Pro-rated

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Annual, and sick leave earned by full-time employees with more or fewer hours than the basic work week (40 hours) shall be determined by the following formula:

- 1) The average number of hours scheduled for work per week by such employees shall be divided by the number of hours in the basic work week (usually 40 hours)
- 2) The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic work week (40 hours).
- 3) The number of hours in step 2 divided by 12 shall be the number of hours of leave earned monthly by the employees concerned or divided by 26 shall be the number of hours of leave earned biweekly, and divided by 52 would be the amount of leave earned weekly.

Section 17. Bereavement Leave

An employee may have up to three days at full pay granted in case of death in the immediate family. For the purposes of this benefit, immediate family is defined as spouse, child, parents of employee or spouse, grandparent, grandchild, brother or sister, or someone living in the home or in-law or step relations of same. Additional time or time to attend funerals of other family members may be charged to vacation leave, compensatory time or leave without pay.

Section 18. Family and Medical Leave

The Town will grant up to 12 weeks of family and medical leave per twelve months to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). Employees are eligible when the Town has 50 or more employees or when determined by the Town, whichever comes first. The leave may be paid (coordinated with the Town's Vacation and Sick Leave policies), unpaid, or a combination of paid and unpaid. Earned compensatory time may also be used during FMLA leave. Unpaid leave will be granted only when the employee has exhausted all appropriate types of paid leave. Additional time away from the job beyond the 12-week period may be approved in accordance with the Town's Leave Without Pay policy.

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

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

- 1) the birth of a child and in order to care for that child;
- 2) the placement of a child for adoption or foster care;
- 3) to care for a spouse, child, or parent with a serious health condition;
- 4) the serious health condition of the employee; or
- 5) military exigency.

A serious health condition is defined as a condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a

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licensed health care provider. This policy covers illness of a serious and long-term nature resulting in recurring intermittent or lengthy absences. Generally, a chronic or long-term health condition which results in a period of incapacity for more than three days would be considered a serious health condition.

If a husband and wife both work for the Town and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (not parent in-law) with a serious health condition, the husband and wife together may only take a total of 12 weeks leave under FMLA.

An employee taking leave for the birth of a child may use paid sick leave for the period of actual disability, based on medical certification. The employee shall then use all paid vacation, accrued compensatory time and leave without pay for the remainder of the 12-week period.

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

- 1) deployment of service member with seven or fewer days’ notice;
- 2) military ceremonies and events such as family-assistance or informational programs related to the family member’s active duty or call to active duty;
- 3) urgent, immediate childcare or arranging for alternative childcare for the children of service members;
- 4) attending school or daycare meetings relating to the child of service member;
- 5) making financial or legal arrangements related to a family member’s active duty status or call to active duty;
- 6) taking up to five days leave to spend with a covered military member who is on short-term temporary rest and recuperation leave during deployment;
- 7) attending counseling provided by someone other than a health provider for oneself, the covered military member, or the child of the military member, the need for which arises from the active duty service or call to active duty status or the covered military member; or
- 8) post-deployment activities for a period of ninety days after the termination of the service member’s active duty status.

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

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

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

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Section 19. Family Medical Leave – Certification

In order to qualify for leave under this law, the Town requires medical certification. This statement from the employee's or the family member's physician should include the date when the condition began, its expected duration, diagnosis, and brief statement of treatment. For the employee's own health condition, it should state that the employee is unable to perform the essential functions of his/her position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and the employee's presence would be beneficial or desirable.

This certification should be furnished at least 30 days prior to the needed leave unless the employee's or family member's condition is a sudden one. The certification should be furnished as soon as possible (no longer than 15 days from the date of the employee's request). The certification and request must be made to the department head and filed with the Human Resources Officer.

The employee is expected to return to work at the end of the time frame stated in the medical certification, unless he/she has requested additional time in writing under the Town's Leave Without Pay policy.

Section 20. Family Medical Leave: Retention and Continuation of Benefits

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

Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit by the first of each month.

After using all paid leave for which the employee qualifies, the employee on FMLA may use Leave Without Pay for the remainder of the FMLA 12/26 week entitlement. An employee ceases to earn holiday or leave credits on the date leave without pay begins.

Section 21. Leave Without Pay

A full-time employee may be granted a leave of absence without pay for a period of up to twelve months by the Town Manager. The leave may be used for reasons of personal disability, sickness or disability of immediate family members, continuation of education, special work that will permit the Town to benefit by the experience gained or the work performed, or for other reasons deemed justified by the Town Manager.

The employee shall apply in writing to the Town Manager for leave. The employee is obligated to return to duty within or at the end of the time determined appropriate by the Town Manager. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority, and pay.

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If the employee decides not to return to work, the department head shall be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested and granted, shall be considered a resignation.

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

Section 22. Worker's Compensation Leave

An employee absent from duty because of sickness or disability covered by the North Carolina Worker's Compensation Act may elect to use accrued sick leave, vacation, or compensatory time only during the first seven day waiting period. The employee may also elect to supplement workers' compensation payments after they begin with sick leave, vacation, or compensatory time, provided that the combination of leave supplement and workers' compensation payments does not exceed normal compensation. The employee will not be required to reimburse the Town for this paid leave in the event the absence extends beyond twenty-one days and the first seven days is paid by worker's compensation. Full time employees may use accrued sick leave, vacation, or compensatory time for the initial waiting period. Part-time and temporary employees will be placed on leave without pay effective on the date of injury. Once the waiting period is over, workers' compensation covers two-thirds of regular pay.

Any worker's compensation disability that qualifies under the requirements of FMLA shall run concurrently with FMLA. An employee on worker's compensation leave without pay will be permitted to continue to be eligible for benefits under the Town's group insurance plans during the period of worker's compensation leave that is concurrent with approved FMLA leave.

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

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

Section 23. Military and other USERRA Leave

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

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

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2. Army National Guard and Air National Guard
3. FEMA's Disaster Assistance Teams
4. Commissioned Corps of the Public Health Service
5. Military Service Academies
6. Reserve Officer's Training Corps (ROTC)

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

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

Military Training

In addition to complying with the requirements of USERRA, the Town provides addition benefits for military training. Full and part-time employees who are members of an Armed Forces Reserve organization or National Guard shall be granted fifteen calendar days per year for military leave. If the compensation received while on military leave is less than the salary that would have been earned during this same period as a Town employee, the employee shall receive partial compensation equal to the difference. The effect will be to maintain the employee's salary at the normal level during this period.

If such duty is required beyond the fifteen calendar days, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status, and the provisions of that leave shall apply. While on military leave, seniority-based benefits such as leave accrual rates shall continue to accrue as if the employee was actively at work. Employees on extended military leave will remain eligible for health benefits on a voluntary basis, at the employee's expense for a period of 24 months.

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

Section 24. Reinstatement Following Military and other USERRA Service

An employee who volunteers or is called to active duty with the United States military forces, and who returns to work in less than five years will be returned to the same or like position he or she occupied prior to the active duty enlistment with full seniority, status, leave accrual rates and pay as if there had been no break in employment. A military discharge form "DD214" with an honorable discharge must be submitted with the notification of intent to return to work.

Updated 6/1/2022

Time limits for employees to reapply for return to work after release from military service are:

- 1) Less than 31 days absence - employee must report to employer by the next business day.
- 2) 31 days-180 days absence - notification to the supervisor must be submitted within 14 days.
- 3) More than 180 days absence - notification to the supervisor must be submitted within 90 days.

All reporting deadlines are extended for two years if the employee is injured during USERRA service.

Section 25. Civil Leave

A full-time Town employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated 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 Town any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty.

Section 26. Voluntary Shared Leave

The Town Manager has the authority to create administrative procedures whereby employees may donate vacation to other employees who have major illnesses or need leave to care for family members with major illnesses.

Section 27. Unauthorized Leave

If an employee is absent from work, without approval, or if he/she has exhausted all accrued time and is not on any approved leave, this may be deemed unauthorized leave and disciplinary action may be taken.

Section 28. Adverse Weather/Hazardous Conditions

The Town has responsibility for several emergency services including law enforcement, fire services, and public works/public services. Adequate staff are required to operate these critical services seven days per week and 24 hours per day in all weather. Department heads should designate which staff 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:

1. Maintain adequate staffing at all times of emergency services;

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2. Provide for as much safety as possible for all employees in traveling to and from work in hazardous conditions; and
3. Not pay regular salaries to some people for *not working* when others are required to be at work.

Town offices and departments shall remain open for the full scheduled working day unless authorization for closing or other deviation is received from the Town Manager's office. The Manager will consider the hazard of driving conditions and other relevant factors in determining whether to close Town offices. All departments and offices will be given sufficient advance notice of any authorized closing of noncritical Town functions. Upon an authorized closing, non-critical staff are charged accrued leave for the hours not worked. Employees who leave work before 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 use earned compensatory leave for days or hours not worked. If no compensatory leave is available, the employee may use vacation leave.

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ARTICLE VIII. SEPARATION AND REINSTATEMENT

Section 1. Types of Separations

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

Section 2. Resignation

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is two calendar weeks. Failure to provide minimum notice shall result in forfeit of payment for accumulated vacation unless the notification requirement is waived upon recommendation of the department head and approval by the Town Manager. Thirty-day notice is expected of department heads and the Town Manager.

Three consecutive days of absence without contacting the immediate supervisor or department head may be considered to be a voluntary resignation. Sick leave will only be approved during the final two weeks of a notice with a physician's certification or comparable documentation.

Section 3. Reduction in Force

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance, organizational needs, and seniority in determining those employees to be retained. Employees who are separated because of a reduction in force shall be given at least a two-week 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.

Section 4. Disability

The Town 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 because of a physical or mental impairment may be separated for disability. Action may be initiated by the employee or the Town. In cases initiated by the employee, such action must be accompanied by medical evidence acceptable to the Town Manager. The Town may require an examination, at the Town's expense, performed by a physician of the Town's choice.

Employees who meet the requirements of the North Carolina Local Governmental Employees Retirement System may qualify for a disability retirement. Information about this option is available from the Human Resources Officer or the Retirement System.

Section 5. Voluntary Retirement

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

Section 6. Death

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

Section 7. Dismissal

An employee may be dismissed in accordance with the provisions and procedures of Article IX.

Section 8. Reinstatement

An employee who is separated because of a reduction in force or who resigns while in good standing may be reinstated within one year of the date of separation, upon recommendation of the department head, and upon approval of the Town Manager. An employee who is reinstated in this manner shall be re-credited with his or her previously accrued sick leave, seniority and vacation accrual rate.

Section 9. Rehiring

An employee who resigns while in good standing may be rehired with the approval of the Town Manager, and may be regarded as a new employee, subject to all of the provisions of rules and regulations of this Policy. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position.

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ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT

Section 1. Disciplinary Action for Unsatisfactory Job Performance

The Town of Robbins administers a progressive disciplinary procedure by which discipline is administered in proportion to the degree of severity and frequency of unacceptable employee behavior.

Progressive disciplinary actions are to be administered consistently and equitably without regard to age, race, sex, gender orientation or national origin. Progressive discipline is intended to allow the employee the opportunity to correct deficiencies in work behavior by clarifying and prescribing to the employee the appropriate behavior

A regular employee may be placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory. The Human Resources Officer will be available to assist all parties with the procedures in taking or responding to disciplinary actions. All cases of disciplinary suspension, demotion, or dismissal must be approved by the Town Manager prior to giving final notice to the employee.

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 Town Manager.

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

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

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- 10) Failure to follow the chain of command to address work-related issues;
- 11) Failure to maintain certifications required by the job;
- 12) Failure to wear and use appropriate safety equipment or otherwise to abide by safety rules and policies;
- 13) Failure to comply with any Town of Robbins' policy.

Section 3. Communication and Warning Procedures Preceding Disciplinary Action for 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.

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 in the final written warning, from the supervisor before disciplinary action resulting in dismissal is taken by the Town 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, then the supervisor should use the following steps:

- 1) 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.
- 2) If performance does not improve after a reasonable period, a written recommendation should be sent to the department head and Town Manager for disciplinary action such as suspension, demotion, or dismissal.

Disciplinary suspensions without pay are for the purpose of communicating the seriousness of the performance deficiency, not for the purpose of punishment, and should not generally exceed three days (24 hours) for non-exempt employees. Suspensions for exempt employees shall be for one full work week in accordance with FLSA requirements to maintain exempt status. Under FLSA suspensions of less than a week are authorized for major safety violations or infractions of workplace conduct rules (detrimental personal conduct).

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

If after suspension or demotion, the employee's performance does not reach an acceptable level, the employee may be dismissed. Dismissals are appropriate when the employee has shown he/she is unwilling or unable to perform work in a manner that meets the work and conduct standards of the

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Town.

Section 4. Disciplinary Action for Detrimental Personal Conduct

Normally, the Department Head or Town Manager would place the employee on non-disciplinary suspension prior to making a disciplinary determination to allow time to gather facts regarding the detrimental personal conduct and make a determination regarding the severity of the conduct.

With the approval of the Town Manager, an employee may be placed on disciplinary suspension, demoted, or dismissed without prior warning for causes relating to personal conduct detrimental to Town service in order to:

- 1) avoid undue disruption of work;
- 2) to protect the safety of persons or property; or
- 3) for other serious reasons.

Section 5. Detrimental Personal Conduct Defined

Detrimental personal conduct includes behavior of such a serious detrimental nature that the functioning of the Town may be or has been impaired; the safety of persons or property may be or 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:

- 1) Fraud or theft;
- 2) Conviction of a felony or the entry of a plea of nolo contendere thereto;
- 3) Falsification of records for personal profit, to grant special privileges, or to obtain employment;
- 4) Willful misuse or negligence in the handling of Town funds or personal use of equipment or supplies;
- 5) Willful or wanton damage or destruction to property;
- 6) Willful or wanton acts that endanger the lives and property of others;
- 7) Possession of unauthorized firearms or other lethal weapons on the job;
- 8) Brutality in the performance of duties;
- 9) Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Employees under the influence of alcohol or any controlled substance are prohibited from participating in any Town function, emergency or nonemergency, unless the controlled

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substance has been prescribed by a medical professional and the medical professional has provided the Town written documentation that the employee may safely perform the duties of his or her job while taking the prescribed controlled substance.

- 10) Any violation of the Town's drug and alcohol policy;
- 11) Engaging in incompatible employment or serving a conflicting interest;
- 12) Request or acceptance of gifts in exchange for favors or influence;
- 13) Engaging in political activity prohibited by this Policy;
- 14) Harassment of an employee and/or the public on the basis of gender orientation or sex or any other protected class status;
- 15) Harassment of an employee or the public with threatening or obscene language and/or gestures or any incidence of workplace violence;
- 16) Stated refusal to perform assigned duties, flagrant violation of work rules and regulations, or serious malfeasance of work;
- 17) Conduct unbecoming of a Town employee, including but not limited to behavior that reflects poorly on Town staff, officials, procedures or policies, or the Town generally;
- 18) Insubordination (refusal to accept a reasonable and proper assignment from supervisor);
- 19) Sleeping during work time;
- 20) Gambling during work time;
- 21) Careless and reckless driving is prohibited. This applies to both Town-owned vehicles and personal vehicles being operated in the course of performing Town business;
- 22) Employees are not to wear uniforms, badges or other insignias identifying themselves as employees of the Town in places or areas where doing so could cause embarrassment or disgrace to the Town;
- 23) Publishing any personal information about oneself, another employee of the Town, the organization, a citizen, or a customer in any public medium, including but not limited to social media, that
 1. creates a harassing, demeaning, or hostile working environment for any Town official, employee, or contractor;
 2. disrupts the Town's smooth and orderly flow of work; or
 3. disrupts the Town's delivery of services to citizens;

Nothing herein shall prevent an employee from taking advantage of the grievance process set forth herein, from reporting alleged inappropriate conduct or other wrongdoing to his or her supervisor or the Town Manager, as appropriate, or from exercising First Amendment

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rights to discuss a matter of general public concern;

24) Arguments and personal grievances-between employees will not be tolerated while on Town property or during any Town function;

25) All Town employees are expected to minimize the use of offensive language while on duty;

Section 6. Disciplinary Actions for Volunteer Firefighters

Records of all disciplinary actions for a volunteer firefighter will be maintained for eighteen (18) months. If during the eighteen-month period a volunteer firefighter has no additional disciplinary actions, the record of disciplinary action shall be purged from the volunteer's personnel file, and there shall be no record of the disciplinary action on file.

If a volunteer firefighter is employed by the Town of Robbins (in any capacity) and the employee is subject to disciplinary action or dismissal from the Town, the volunteer firefighter will be ineligible to serve as a volunteer firefighter with the Town of Robbins. The Manager may evaluate reinstatement on a case by case basis.

Section 7. Disciplinary Conference

Before dismissal action is taken, whether for failure in personal conduct or failure in performance of duties, the department head or Town Manager (in the case of disciplinary action of a department head) will conduct a Disciplinary Conference. At this Conference, the employee may present any response to the proposed dismissal to department head. The department head will consider the employee's response, if any, to the proposed dismissal, and will, within three working days following the pre-dismissal Conference, notify the employee in writing of the final decision after obtaining approval of the decision from the Town Manager. If the employee is dismissed, the notice shall contain a statement of the reasons for the action and the employee's appeal rights.

Section 8. Non-Disciplinary Suspension

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

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

If the employee is reinstated following the suspension such employee shall not lose any

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compensation or benefits to which otherwise the employee would have been entitled had the suspension not occurred. If the employee is terminated following suspension, the employee shall not be eligible for any pay from the date of suspension; provided, however, all other benefits with the exception of accrued vacation and sick leave shall be maintained during the period of suspension.

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ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Section 1. Policy

It is the policy of the Town to provide a just procedure for the presentation, consideration, and disposition of employee grievances. The purpose of this article is to outline the procedure and to assure all employees that a response to their complaints and grievances will be prompt and fair. The Human Resources Officer will be available to assist all parties with the procedures during the grievance process.

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

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 caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.

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

Section 3. Purposes of the Grievance Procedure

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

- 1) Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
- 2) Encouraging employees to express themselves about the conditions of work which affect them as employees;
- 3) Promoting better understanding of policies, practices, and procedures which affect employees;
- 4) Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures;
- 5) Increasing the sense of responsibility exercised by supervisors in dealing with their employees;
- 6) Encouraging conflicts to be resolved between employees and supervisors who must maintain

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an effective future working relationship, and therefore, encouraging conflicts to be resolved at the lowest level possible of the chain of command; and

- 7) Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the Town or its leaders, thus freeing up employee motivation, productivity, and creativity.

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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 the maximum, unless otherwise provided, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent. The last step initiated by an employee shall be considered to be the step at which the grievance is resolved. A decision to rescind a disciplinary suspension or demotion must be approved by the department head or Town Manager and rescinding a dismissal must be approved by the Town Manager before the decision becomes effective.

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

In some instances, if both parties agree, and with the approval of the Town Manager, the parties may request mediation assistance from a neutral party to assist in identifying mutually agreeable solutions or understandings. Mediation may be used at any step in the process if agreed to by the parties and with the approval of the Town Manager.

Step 1. 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 calendar days of the event or within fifteen calendar days of learning of the event or condition. The supervisor shall respond to the grievance within ten calendar days after receipt of the grievance. The supervisor should, and is encouraged to, consult with any employee of the Town 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 to acknowledge receipt thereof. The responder at each step shall send copies of the grievance and response to the Human Resources Officer.

Step 2. 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 calendar days after receipt of the response from Step 1. The department head shall respond to the appeal, stating the determination of decision within ten calendar days after receipt of the appeal.

Step 3. If the grievance is not resolved to the satisfaction of the employee at the end of Step 2, the employee may appeal, in writing, to the Town Manager within ten calendar days after receipt of the response from Step 3. The Town Manager shall respond to the appeal, stating the determination of decision within ten calendar days after receipt of the appeal. The Town Manager's decision shall be the final decision. The Town Manager will notify the Town Board of any impending legal action.

Department Heads. In the case of department heads or other employees where the Town Manager

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has been significantly involved in determining disciplinary action, including dismissal, the Town may wish to obtain a neutral outside party to either:

- 1) provide mediation between the grieving department head and the Town Manager (see definition of mediation in “informal resolution” above); or
- 2) consider an appeal and make recommendations back to the Town Manager concerning the appeal. Such parties might consist of human resource professionals, attorneys trained in mediation, mediators, or other parties appropriate to the situation. The Town Manager may consider requests to hire an outside mediator at the Town’s expense.

The Town Manager’s decision shall be the final decision. The Town Manager will notify the Town Board of any impending legal action.

Section 5. Role of the Human Resources Officer

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

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

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

Section 6. Grievance and Adverse Action Appeal Procedure for Discrimination

When an employee, former employee, or applicant, believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, veteran status, religion, creed, political affiliation, non-job related disability, gender orientation or genetic information), he or she has the right to appeal such action using the grievance procedure outlined in this Article (Section 4 above). While such persons are encouraged to use the grievance procedure, they shall also have the right to go directly to the Human Resources Officer, any department head or to appeal directly to the Town Manager.

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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 as soon as possible, ideally within thirty calendar days of the alleged discriminatory action.

The Human Resources Office will insure that an investigation is conducted into any allegation of harassment and advise the employee and appropriate management officials of the outcome of the investigation. Employees witnessing harassment shall also report such conduct to an appropriate Town official.

Section 7. Back Pay Awards

Back pay and benefits may be awarded to reinstated employees in suspension and discrimination cases.

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ARTICLE XI. RECORDS AND REPORTS

Section 1. Public Information

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

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

Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Town may adopt. An individual examining a personnel record may copy the information. The cost of photocopying may be assessed to the individual who requests the copies.

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

A record will be maintained of all disclosures of personnel records, except for authorized personnel processing personnel actions or supervisors in the line of authority of the employee. Upon request the records of disclosure will be made available to the employee to whom it pertains.

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Section 2. Access to Confidential Records

The Town is committed to maintain the confidentiality of all Town personnel records in the manner and to the extent required by law. To this end, volunteer firefighter personnel files shall be deemed "employee personnel files" for the purposes of compliance with N.C.G.S. Section 160A-168, "Privacy of Employee Personnel Records."

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

- 1) The employee or his/her duly authorized agent may examine all portions of his/her personnel file except letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to the patient.
- 2) A licensed physician designated in writing by the employee may examine the employee's medical record.
- 3) A Town employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- 4) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- 5) An official of an agency of the State or Federal Government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the Town Manager to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the 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.
- 6) An employee may sign a written release to be placed in his/her personnel file that permits the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- 7) The Town Manager, with the concurrence of the Town Board, may inform any person of the employment, non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a Town employee, and the reasons for that action. Before releasing that information, the Town Manager shall determine in writing that the release is essential to maintaining the level and quality of Town services. The written determination shall be retained in the Town Manager's office, is a record for public inspection, and shall become a part of the employee's personnel file.

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Section 3. Personnel Actions

The Human Resources Officer, with the approval of the Town 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 Town 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, letters of recommendation, and other personnel-related documents.

Section 4. Records of Former Employees

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

Section 5. Remedies of Employees Objecting to Material in File

An employee who objects to material in his/her file may place a statement in the file relating to the material considered to be inaccurate or misleading. In accordance with established grievance procedures, the employee may seek to have a record of upheld grievances relating to personnel records placed in the file and/or may seek removal of material in the file contingent upon approval of the North Carolina Department of Cultural Resources.

Section 6. Penalties for Permitting Access to Confidential Records

Section 160A-168 of the General Statutes provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount consistent with the General Statutes.

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 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.

Section 8. Destruction of Records Regulated

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with NC General Statute § 121.5, without the consent of the North Carolina Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever, alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined in an amount provided in NC General Statute § 132.3.

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ARTICLE XII. IMPLEMENTATION OF POLICIES

Section 1. Conflicting Policies Repealed

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

Section 2. Severance

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

Section 3. Amendments

This policy may be amended by action of the Town Board and by resolution appropriately approved. Any revisions or amendments adopted in conformance with this procedure shall become effective as of the date of such adoption.

Notice of any amendment to the policy or any portion thereof, shall be provided to employees. Adopted amendments should be posted on bulletin boards in employee work locations and/or in employee newsletters.

Adopted by the Board of Commissioners on _7/14/2022.

Amended: _____