

**TOWN OF RURAL HALL
AGENDA
FEBRUARY 8, 2021
7:00 PM**

1. Meeting called to order by Mayor Timothy M. Flinchum
2. Pledge of allegiance to the flag led by Town Clerk Dora Moore
3. Moment of Silence
4. Adoption of Agenda
5. **APPROVAL OF MINUTES**
 - A. January 11, 2021 regular meeting and February 1, 2021 briefing
6. **PUBLIC COMMENT PERIOD**
7. **NEW BUSINESS**
 - A. Personnel Policy Update – Manager Megan Garner (*Attachment #1*)
 - B. Social Media Policy – Manager Megan Garner (*Attachment #2*)
8. **ADJOURN**



**RESOLUTION ADOPTING
TOWN OF RURAL HALL PERSONNEL POLICY**

WHEREAS, the Rural Hall Town Council recognizes the importance of its employees meeting the service needs of Town residents; and

WHEREAS, the Town Council maintains a Personnel Policy in order to provide for uniform personnel management practices within the town government; and

WHEREAS, the Personnel Policy is reviewed periodically to determine that the policies are stated as intended and reflect current desired practices; and

NOW, THEREFORE, BE IT RESOLVED BY THE RURAL HALL TOWN COUNCIL that the following Personnel Policy be adopted and replace, where applicable, existing policies, resolutions, and/or ordinances; and

BE IT FURTHER RESOLVED that the Rural Hall Town Council notes the following items of importance to the Personnel Policy:

1. Article III. Section 15. Volunteer firefighters will transition to part-time employees and receive overtime.
2. Article III. Section 15. Full-time firefighter personnel will transition from overtime to compensatory time effective with February 21, 2021 pay cycle.
3. Article IV. Section 2. Performance appraisals are tailored to employment classification.
4. Article VI. Section 6. Full-time employees cannot serve in a Town political office.
5. Article VI. Section 7. Current employees with Town-issued cell phones are grandfathered for personal use.
6. Article VI. Section 7. Safety shoes ASTM 2413 compliant required for Public Works with an annual reimbursement of up to \$150.
7. Article VI. Section 10. Social Media Policy for employee use of social media.
8. Article VI. Sections 11 and 12. Employment of Relatives and Non-Fraternization.
9. Article VII. Section 1. Holiday leave for firefighters will no longer be advanced, is not compensable at retirement, and unused balances will be forfeited June 30. Complete transition will be January 1, 2022 and holiday leave will begin to expire June 30, 2022. Firefighters will retain the six holidays advanced to them. Firefighters will receive six holidays July 1-December 31 as they occur. Firefighters will receive one day for Thanksgiving (instead of two) and receive two days for Christmas (instead of three).
10. Article VII. Section 2. Vacation and sick leave accrued monthly at second payroll.
11. Article VII. Sections 2 and 5. To achieve equity across employment categories, firefighter vacation and sick leave accrual rates reduced slightly.

12. Article VII. Section 2. Vacation payout at employment separation capped at thirty (30) days effective April 1, 2021.
13. Article VII. Section 13. Town employees who also serve as part-time firefighters.
14. Article VIII. Section 6. Retirement Health Insurance Benefits capped at \$1,000/month for new retirees.

This resolution shall take effect February 9, 2021 unless otherwise noted.

Adopted this the 8th day of February 2021.

ATTEST:

Timothy M. Flinchum, Mayor

Dora K. Moore, Town Clerk

DRAFT

TOWN OF RURAL HALL

PERSONNEL POLICY



FEBRUARY 2020

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TOWN OF RURAL HALL

PERSONNEL POLICY

ARTICLE I. POLICY

Section 1. Introduction

The Town of Rural Hall is committed to providing the citizens of Rural Hall with the highest possible level of service. An unqualified commitment to the highest level of values and ethical activities is required of all employees of the Town. As an organization that serves the public, it is important that all employees and representatives of the Town uphold these principles.

Section 2. Employment-At-Will

The Town of Rural Hall does not offer tenured or guaranteed employment. Either the Town or the employee may terminate the employment relationship at any time, with or without cause, with or without notice. This at-will employment relationship exists regardless of any other written statements or policies contained in this manual or any verbal statement to the contrary. This policy of employment-at-will may not be modified by any employee and shall not be modified in any publication or document. Employees of the Town are subject to the employment-at-will doctrine.

Section 3. Equal Employment Opportunity Statement

It is the policy of the Town of Rural Hall 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 reward them, with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to race, color, religion, gender, age, national origin, non-disqualifying disability, or genetic information.

Article II: ORGANIZATION OF THE PERSONNEL SYSTEM

Section 1. Purpose

The purpose of this manual is to establish a personnel system, which will be used to recruit, select, develop, and maintain an effective and responsible work force for the Town of Rural Hall (the Town). This Policy is established under the authority of Chapter 160A-164 of the General Statutes of the State of North Carolina, which authorizes the Town Council to provide personnel rules.

Section 2. Covered Employees

These policies cover all regular full-time, temporary, part-time, and probationary employees except as specifically exempted. Members of the Town Council and any other task force, advisory board, or commission are exempt from these policies unless specifically included.

Section 3. Definitions

The terms defined within this section are referenced throughout the policy manual or as a matter of practice are common in communicating personnel matters. Other terms specific to one section of policy may be defined elsewhere.

Adverse Action – An involuntary demotion, an involuntary reduction in pay, an involuntary transfer, a suspension without pay, a layoff, or a dismissal from employment with the Town.

Anniversary Date – The annual day and month marking a full-time regular employee's original date of hire and/or appointment.

Appointing Authority – Any board or position that holds the authority to hire, discipline, and terminate individuals from employment. The Town Manager is the designated appointing authority for the Town of Rural Hall.

Classification/Class – These terms are considered interchangeable and refer to a set of work activities and functions so similar and related as to be able to group together, categorize, and label with a common title so that all incumbent employees within the class may be treated generally the same regarding salary and compensation.

Cost of Living Adjustment – An upward adjustment to the pay plan approved by the Town Council and affecting the pay of all employees.

Demotion – An employment action due to employee performance issues, budget necessity, or employee choice that changes or reassigns an employee to a classification having a lower salary range and which may also result in a reduction of the employee's actual salary.

Designee – An employee who has been designated to make decisions or conduct business on behalf of another employee.

Exempt employee – An employee who is not subject to the provisions of the Fair Labor Standards Act (FLSA).

Full-time employee/position – A position approved by the Town Council in which the duties and responsibilities are required on a continuous basis for an indefinite duration in which the employee is regularly scheduled to work a minimum of thirty-five (35) hours per week. Full-time regular employees are

eligible to receive all Town-offered benefits. For the purposes of health insurance, any employee who works 30 or more hours per week on a regular basis is considered full-time.

Grievance – A claim or complaint based upon a disciplinary or other adverse personnel action, which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy.

Hiring Rate – The rate of pay of an employee when hired into Town service, normally the minimum of the salary range.

Hours Worked – Defined as the time during which an employee is required, suffered, or permitted to be on duty on the Town's premises or at a prescribed workplace. Ordinarily, an employee's working hours will include all hours from the beginning of the workday to the end, except periods when the employee is relieved of all duties for eating meals.

Immediate family – This shall include the employee's spouse, children, mother, father, sibling, grandparent, grandchildren, plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named.

Insubordination – Disrespect or willfully refusing to carry out the instructions or assignment of a supervisor or other authorized person.

Just Cause – Misconduct of an employee or some other event relevant to the employee as defined under unsatisfactory job performance or unacceptable work performance of Article X that justify an adverse action.

Management Team – The Town's key department heads and key supervisors and any other employee designated by the Town Manager as a management team member.

Maximum Salary Rate – The maximum salary authorized by the pay plan for a specific position assigned to a salary range.

Merit Increase – An increase in salary within the same grade, based on meritorious performance of duties. Merit increases may be awarded as a percentage of base pay, flat amount increase to base pay, or a one-time payment.

Nonexempt employee – Nonexempt employees are subject to all Fair Labor Standards Act (FLSA) overtime and minimum wage regulations. Town nonexempt employees must maintain an accurate record of all hours worked, are paid on an hourly basis, and unless otherwise approved by the Town Manager, earn compensatory time for all overtime hours worked.

Part-time Position/Employee – A position approved by the Town Council in which the duties and responsibilities are required on a continuous basis for an indefinite duration requiring part-time hours averaging less than 19.23 hours per week. A part-time employee averaging greater than 19.23 hours per week (1,000+ hours per year) is eligible to and **must** participate in the North Carolina Local Governmental Employees' Retirement System (NCLGERS). No other benefits are offered.

Pay Plan – A schedule of pay ranges or grades arranged by sequential rates including minimum, mid-point, and maximum pay rates for each job class based on assigned pay grade.

Performance Evaluation System – A review of an employee's performance designed to facilitate fair and equitable review of the individual's work performance, identify strengths, performance goals, training needs, and opportunities for improved work performance.

Position – A group of duties and responsibilities requiring the full-time or part-time employment of one person.

Probationary Employee/Position – An employee hired into a full-time or part-time position who has not yet completed the initial probationary period of employment.

Probationary Period – A working trial period of six months for all new employees. During this time, an employee is required to demonstrate, by actual performance, his/her ability to perform the work required and his/her general suitability as an employee of the Town. Should a supervisor recommend that the employee's probationary period be extended, the decision to do so is at the sole discretion of the Town Manager for up to an additional three months.

Promotion – The reassignment of an employee to an existing position or classification in Town service having a higher salary range than the position or classification previously held.

Reclassification – The reassignment of an existing position from one job class to another job class based on changes in duties.

Regular Status Employee – A person appointed to serve in a position for an indefinite duration and who has completed the initial probationary period.

Salary Grade/Salary Range – These terms are interchangeable and refer to the varying and progressive rates of pay between minimum and maximum values.

Salary Plan Revision – Increasing or decreasing the salary range for one or more specific classes of positions within the classification plan.

Temporary Employee – An employee in a position in which the duties and responsibilities are required for less than twelve (12) months and who will work an average of less than 30 hours per week over the 52-week period. Generally, temporary employees are not entitled to employee benefits, grievance policy coverage, or any type of leave, unless specifically indicated.

Trainee – An employee who does not meet the specific qualifications of the position and who is hired when suitable qualified applicants are not available. A trainee designation is made to allow the employee to gain the qualifications needed to meet the position requirements through on-the-job experience. A trainee typically earns below the minimum of the position salary range while in trainee status.

Transfer – The reassignment of an employee from one position or department to another. Transfers can result in a change in classification and/or salary and/or employment status depending on the new position/classification assumed by the employee.

Volunteers – Individuals excluded from the definition of "employee" and thus from coverage of the Fair Labor Standards Act (FLSA) and the Town's grievance policy coverage, who volunteer services to the Town and who volunteer services without compensation but may be paid expenses.

Section 4. Merit Principle

The purpose of this policy and the rules and regulations set forth is to establish a fair and uniform system of modern personnel administration for all employees of the Town.

The Town shall embrace the following merit system principles in administering its personnel program:

- A. Applicants and employees shall be assured of fair treatment in all aspects of personnel administration without regard for political affiliation, religious creed, sex, national origin, color, race, age, or non-job-related disability. Individuals shall likewise be treated with proper regard for their privacy and constitutional rights as citizens.
- B. Employees shall be recruited, selected, trained, and advanced based on their ability, knowledge, skill, and performance.
- C. Employees shall be retained based on the adequacy of their performance. They may be guided in ways to correct inadequate performance and separated when inadequate performance cannot be corrected.
- D. Employees shall be protected against coercion for partisan political purposes.
- E. Employees shall receive equitable and adequate pay and benefits and eligible employees shall receive performance-based pay increases based upon their performance subject to the availability of funds.

Section 5. Roles and Responsibilities

A. Town Manager

The Town Manager, as appointed by the Town Council, serves as the Chief Executive Officer of the Town. As such, the Town Manager is responsible for supervising the activities of all Town employees.

The Town Manager shall be responsible to the Town Council for the administration and direction of the human resources program. The Town Manager shall make appointments, dismissals, and suspensions in accordance with the policies and procedures spelled out in later sections of this policy manual. Appointment, dismissal, and suspension policies shall apply to all employees. The Town Manager shall be responsible for interpreting policies when necessary and recommending to the Town Council policy changes, new policies, and revisions in the pay plan. The Town Manager shall also be responsible for determining conditions of employment, establishing salaries, and adjusting employees' salaries according to the provisions of this policy and the pay plan.

The Town Manager and his/her designee shall be responsible for the administration of all personnel rules and regulations. It is the responsibility of the Town Manager or his/her designee to apply, interpret, and carry out the policy and procedures adopted as directed by the Town Council and as defined herein.

The Town Manager or his/her designee is responsible for maintaining all official personnel files, which include, but are not limited to the following: employment applications, conditions of employment, reference checks, performance evaluation forms, attendance records, disciplinary actions taken, commendations received, and documentation of all other personnel actions as deemed pertinent by the Town Manager.

B. Town Council

The Town Council shall establish personnel policies and rules, including the pay plan, and shall make and confirm appointments when required by law, as follows:

1. Establish and update personnel policies;
2. Approve the organizational structure and the job classification and pay systems;
3. Determine the paid leave and all other employee benefits;
4. Appoint a Town Manager to administer and establish all other necessary personnel procedures and regulations; and
5. Appoint a Town Attorney to represent and advise the Town regarding legal matters.

C. Human Resources Designee – Town Clerk

The Town Manager may delegate some human resources functions to the Town Clerk as his/her designee. Such functions may include the preparation and maintenance of personnel records, onboarding and orientation of new employees, policy interpretation for employees, and the performance of such other duties in connection with the human resources program as the Town Council and/or Town Manager shall require.

Article III: THE PAY PLAN

Section 1. Adoption

A salary schedule as approved by the Town Council is the pay plan for the Town of Rural Hall.

Section 2. Maintenance of Pay Plan

The Town Manager shall be responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide equitable compensation for all positions when considered in relation to each other, to general rates of pay for similar employment in both the private sector and public jurisdictions in the area, to changes in cost of living, to financial conditions of the Town, and to other factors.

The Town Manager will periodically make or cause to be made comparative studies of all factors affecting the level of salary ranges and will recommend to the Town Council such changes in salary ranges as appear to be warranted.

Section 3. Administration of Pay Plan

The pay plan is administered in a fair and systematic manner in accordance with work performed. The Town's goal is for the pay structure to be externally competitive, to maintain proper internal relationships among all positions based on relative duties and responsibilities, and to recognize performance as the basis for pay increases within the established pay range.

The Town Manager and his/her designee shall administer and maintain the position classification plan in a manner so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated.

The Management Team shall be responsible for bringing to the attention of the Town Manager both the need for new positions and any material changes in the duties, responsibilities, or working conditions affecting the classification of a position.

New positions are established upon recommendation of the Town Manager with the approval of the Town Council. The Town Manager may allocate the new position to the appropriate class within the existing classification plan or establish a new class to which the new position may be allocated. When a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the Town Manager shall recommend that the Town Council either reclassify the position to another class in the position classification plan or amend the position classification plan to establish a new class to which the position may be allocated.

A comprehensive review of the Town's Position Classification Plan will be undertaken no less frequently than every three (3) years upon approval by the Town Council.

Section 4. Hiring Rate/Starting Salaries

Hiring rates are determined using multiple factors, including, but not limited to, education and experience required for the position, market conditions, internal equity where applicable, and Town budget parameters. Employees are generally hired at the hiring rate (range minimum) of the salary range assigned to the position. Appointments above the minimum may be made by the Town Manager when deemed necessary to the best interests of the Town, based on such factors as superior qualifications of the applicant, a shortage of qualified applicants available at the hiring rate, or the refusal of qualified applicants to accept employment

at the hiring rate. The Town Council must approve any starting salary more than the midpoint of the pay range.

Section 5. Trainee Status

Subject to the approval of the Town Manager, persons may be employed as trainees in positions for which the Town prefers to train employees or is unable to recruit experienced and qualified applicants. Such employees may be compensated at one grade (5%) below the minimum for the class for which they are training. In such cases, employees in trainee status shall be promoted to the minimum salary of the classification within one year subject to satisfactory performance and successful completion of training requirements.

Section 6. Pay Rates

- A. Employees covered by the salary plan are paid at a rate within the salary range established for their respective job classes except for employees in a trainee status.
- B. When an employee attains the maximum of a salary range for his or her present position, no further salary increase will be received unless (1) the position is reclassified, (2) the employee is promoted to another position with a higher salary range, or (3) the salary range for the present position is increased.

Section 7. Pay for Part-time Work

The pay plan established by this policy is for full-time service. Hourly rates for part-time work will be established as needed based on job duties.

Section 8. Cost of Living Adjustment

The Cost of Living Adjustment (COLA) will be evaluated on an annual basis and is contingent upon approval of the annual budget by the Town Council. The COLA shall be based on the U.S. Department of Labor Bureau of Statistics' Consumer Price Index - Urban Wage Earners and Clerical Workers (CPI - W), Not Seasonally Adjusted, U.S. city average, all items, for the prior year from January 1 to December 31.

Once approved, the COLA percentage will be applied to the salary schedule and will increase the minimum and maximum salary rate of all job classifications uniformly. Any COLA will be effective the first full pay period of the new fiscal year.

Probationary employees will receive the COLA upon successful completion of the initial probationary period of employment. COLA shall not be retroactive and will become effective with the first day of the new pay period following probation.

Section 9. Pay Rates in Position Reclassifications

If the Town Council approves a change in classification for a class of positions, the salaries of employees whose positions are allocated to that class shall be affected as follows:

- A. When a class of positions is assigned to a higher pay range, salaries of employees in that class shall be increased to the minimum step of the new pay range. If the employee's current salary is already above the minimum salary rate, his or her salary may be adjusted upward or left unchanged at the discretion of the Town Manager, provided that the adjusted salary does not exceed the maximum of the assigned salary range.

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

Section 10. Payroll Procedure

All employees are paid on a bi-weekly basis, with every other Friday of the month as the designated payday. If payday falls on a holiday, employees will be paid on the last working day prior thereto. The designated FLSA workweek begins at 7:00 a.m. Sunday and ends 168 hours later at 7:00 a.m. the following Sunday, unless a longer workweek is designated for those classified as firefighting personnel.

Section 11. Payroll Deductions

Federal and state income taxes, Social Security tax, insurance premiums, court-ordered garnishments such as for taxes, student loans, child support, alimony, or payment of ambulance services in certain North Carolina counties (upon receipt of appropriate notices to withhold or by other order of a court of competent jurisdiction), and retirement contributions shall be deducted as required by federal and state law. Additional deductions may be made upon the request of the employee and on determination of the Town Manager as to the capability of the payroll system.

Section 12. Merit Increases

Merit increases are subject to annual approval and funding by the Town Council. In order for the employee to be considered for a merit increase, a dated and signed written performance evaluation by the supervisor, which includes a recommendation for a merit increase supported by a list of achievements supporting job performance above and beyond the employee's normal scope of work, is required by the Town Manager. Examples of performing above and beyond the normal scope of work include, but are not limited to, working outside the normal work schedule when requested by the supervisor, achieving educational certifications and credits that are deemed necessary for the proper functioning of the Town, training other employees, etc. Merit increases may be awarded as a percentage of base pay, flat amount increase to base pay, or a one-time payment. Any merit increases will be effective the first full pay period of the new fiscal year.

Section 13. Longevity Pay

On or about December 1st of each year, contingent upon annual approval of the budget by the Town Council, annual longevity pay will be provided to all full-time employees in accordance with the conditions specified below:

- A. Annual longevity payments shall be based upon the employee's base salary in the fiscal year in which longevity payment is made.
- B. Employees must have ranked at least "meets expectations" on their most recent performance evaluation to qualify for the longevity payment. Forfeiture of a longevity payment does not reduce overall years of service for calculation purposes.
- C. Upon ending employment with the Town in good standing, the annual longevity payment shall be prorated from the employee's anniversary date to the last day of employment. Calculation will be based on the total number of calendar days employed divided by 365. The longevity payment shall be made as close to the separation date as possible.
- D. Employees terminated for disciplinary, criminal, or similar reasons shall not be eligible to receive annual longevity payment.

- E. Employees employed by the Town of Rural Hall prior to July 1, 2001 shall receive annual longevity payments per Schedule A. Employees employed by the Town of Rural Hall after July 1, 2001 shall receive annual longevity payments per Schedule B.

Schedule A.

3 to less than 15 years of service	5%
15 to less than 20 years of service	6%
20 to retirement	8%

Schedule B.

5 to less than 10 years of service	2%
10 to less than 15 years of service	3%
15 to less than 20 years of service	4%
20 to retirement	5%

Longevity shall not exceed \$2,500.00 in Schedule B.

Section 14. Pay Rates in Promotion, Demotion, Transfer, or Reclassification

When an employee is promoted, demoted, transferred, or reclassified, the rate of pay for the new position is determined as follows:

Promotion - When a promotion occurs, if the employee's salary is below the minimum, it shall be increased to the minimum rate of the salary range assigned to the class to which he or she is promoted. If an employee's current salary is already above the new minimum salary rate, his or her salary may be adjusted upward or left unchanged at the discretion of the Town Manager, provided that the adjusted salary does not exceed the maximum of the assigned salary range.

Demotion - If an employee is demoted because of a reclassification, and the employee's current salary falls above the maximum of the range for the lower class, the employee's salary will remain the same until general schedule adjustments or range revisions bring it back within the lower range. If an employee is demoted for cause or by the employee's request, the employee's salary will be reduced to an amount within the lower salary range.

Transfer - When a transfer occurs from a position in one class to a position in another class assigned to the same pay range, the employee may continue to receive the same salary.

Reclassification - When a reclassification occurs and an employee's position is reclassified to a class having a higher salary range, the employee's salary shall be increased to the minimum of the new pay range. If the employee's current salary is already above the minimum salary rate, his or her salary may be adjusted upward or left unchanged at the discretion of the Town Manager, provided that the adjusted salary does not exceed the maximum of the assigned salary range.

Section 15. Overtime and Compensatory Time

The Town of Rural Hall complies with all requirements of the Fair Labor Standards Act (FLSA), 29 CFR, Part 553, "Application of the FLSA to Employees of State and Local Governments". The purpose of this procedure

is to ensure employees are aware of the regulations and the Town's compliance with the minimum wage and overtime provisions of the FLSA as applicable to nonexempt employees.

- A. The Town will properly record all applicable overtime accrued for each covered (nonexempt) employee.
- B. Employees are expected to work during all assigned periods exclusive of breaks or mealtimes. Except in cases of emergency, employees are not to perform work during breaks or at any time they are not scheduled to work unless they receive prior approval from their immediate supervisor. An emergency exists if a condition arises that could reasonably result in damage to property or persons or that requires the immediate attention of the employee. Employees who work excess hours because of an emergency shall advise their immediate supervisor of the overtime worked as soon as practical following completion of the work.
- C. Supervisors have the right and obligation to manage compensatory time. Therefore, supervisors are required to monitor time and have the right to require the employee to take time off to manage compensatory time hours. During the same pay week and/or period, a time-off plan where the employee is furloughed may also be used. Employees shall exhaust compensatory time before taking sick leave, vacation leave, holiday, or leave without pay.

Non-exempt employees may be awarded compensatory time in lieu of overtime payments for each hour of overtime. Employees shall be paid as follows:

1. **Firefighting Personnel (full-time)** – Pursuant to section 207(k) of the FLSA and 29 CFR Part 553, firefighting personnel shall be awarded compensatory time at time and one-half when the hours worked in a 28-day work period exceed 212 hours, and at straight time for hours worked in a work period when total hours worked are not in excess of 212 hours in the 28-day period. Any time traded between personnel in this class shall not cause the employer to incur any additional overtime expenses resulting from the trade. Compensatory hours may be accrued up to a maximum of 120 hours. All compensatory time earned beyond 120 hours shall be paid at the regular rate earned by the employee at the time the employee receives such payment.
2. **Firefighting Personnel (part-time)** – Pursuant to section 207(k) of the FLSA and 29 CFR Part 553, firefighting personnel shall be awarded overtime at time and one-half when the hours worked in a 28-day work period exceed 212 hours, and at straight time for hours worked in a work period when total hours worked are not in excess of 212 hours in the 28-day period. Any time traded between personnel in this class shall not cause the employer to incur any additional overtime expenses resulting from the trade.
3. **Town Hall Personnel and License Plate Agency** – Employees shall be awarded compensatory time at time and one-half when the hours worked in a work week exceed 40 hours and at straight time for hours worked over the regular schedule when total hours worked are not in excess of 40 hours in a work week. Compensatory hours may be accrued up to a maximum of 40 hours unless otherwise approved by the Town Manager. If not approved to exceed 40 hours, all compensatory time earned beyond 40 hours shall

be paid at the regular rate earned by the employee at the time the employee receives such payment.

4. **Public Works Personnel** – Employees shall be awarded overtime at time and one-half when the hours worked in a work week exceed 40 hours and at straight time for hours worked over the regular schedule when total hours worked are not in excess of 40 hours in a work week.
- D. When taking time off, employees must use any compensatory leave accrual prior to using accrued sick, vacation, or holiday hours. Employees wishing to use accrued compensatory time must make a written request to their immediate supervisor. Use of such time will be allowed within a reasonable period following the request provided the use does not unduly disrupt the operations of the Town. Supervisors are responsible for ensuring that overtime hours are duly authorized, recorded, and properly documented for compensatory time off in accordance with established record-keeping forms and instructions. Supervisors will be responsible for administering their compensatory policies by scheduling employees to take accrued compensatory time in a timely manner so that compensatory hours will not accrue to excessive levels and ensuring that employees use other leave time such as sick, vacation, or holiday.
 - E. Nonexempt employees are encouraged to take compensatory time off as soon as possible after it is earned so as not to accumulate large balances of compensatory time off. Compensatory leave balances beyond the permitted hours may be allowed when such balances are recommended by the supervisor and approved by the Town Manager. Compensatory balances will be reviewed throughout the year. Corrective action may be taken with supervisors who do not monitor and follow the approval process for excess compensatory accrual as stated herein.
 - F. In rare situations, at the sole discretion of the Town Manager, nonexempt employees may be paid for overtime work versus receiving compensatory time contingent upon the availability of funding or additional funding approved by the Town Council. Such situations include emergencies, inclement weather, equipment failure, special Town events, staffing shortages, or similar conditions to deliver Town services.
 - G. During the last full pay period of the fiscal year, all compensatory leave balances will be paid to reduce the compensatory bank to zero.
 - H. Upon separation of employment, nonexempt employees will be paid for all time accrued in the compensatory leave bank.
 - I. Salaried *exempt* employees do not receive compensatory time for hours worked above forty (40). The Town of Rural Hall expects supervisors to occasionally work more than 40 hours in one workweek as part of their jobs and elevated pay level. Should work beyond 40 hours become a continuous situation for a considerable number of weeks due to Town needs, the Town Manager, at his/her sole discretion, may grant occasional additional time off to exempt employees.

Section 16. On-Call and Call Back Pay

- A. **On-Call and Call Back Time** - "On-Call" time is *unpaid time* when the employee is required to remain in a stand-by status or available by phone or pager away from the work site and the employee is able to use the time for his or her own purposes. Compensable "on-call" time is when an employee is required to remain on-call at or near his place of work or where the calls are so frequent, i.e., every 30 minutes, that he cannot use the time effectively for his/her own personal purposes.

- B. Call Back/Return to Duty** - When a nonexempt employee is called back to duty unexpectedly and/or unplanned, all time from the point that the employee leaves home until the employee returns is considered work time. When called back to duty, the employee will be paid a minimum of 2 hours pay or actual hours worked, whichever is more. Only the portion of that two hours which is physically worked is creditable toward overtime pay at time and one-half.

Section 17. Effective Date of Salary Adjustments

Salary adjustments 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 approved by the Town Manager.

Section 18. Transition to a New Salary Plan

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

- A.** No employee shall receive a salary reduction resulting from the transition to a new salary plan. All employees paid at a rate lower than the minimum rate established for their respective job class shall have their pay raised to the new minimum of the class.
- B.** All employees being paid at a rate below the maximum rate established for their respective job class shall be paid at a rate listed in the salary schedule; all employees not at a listed rate shall have their salaries raised to a listed rate.
- C.** Employees being paid at a rate above the maximum rate established for their respective job class shall be maintained at the salary level until such time as the employee's salary range increases above the employee's current salary (provided that the employee maintains satisfactory job performance.)

Section 19. Payroll Discrepancies and/or Improper or Unlawful Deductions

Every effort is made to ensure that compensation and pay checks are properly computed and calculated. An employee who believes he or she has detected a payroll error or discrepancy must report the issue or concern in writing to the Finance Director within two (2) business days from receipt of the paycheck or receipt of the notice of the payment of wages via direct deposit that displays the alleged error or discrepancy.

The Finance Director will investigate the matter, make corrections as appropriate, and make prompt reimbursement as required. It is the policy of the Town, in agreement with its employees, that the absence of such a report and acceptance of wages will confirm proper payment for all hours worked.

The salaries of employees exempt under the Fair Labor Standards Act, 29 CFR part 541, and pursuant to Federal Regulations 29 Part 541.710, (employment under the rules of public accountability) may be reduced or be subject to deductions only under certain conditions.

Article IV. PERFORMANCE APPRAISAL POLICY

Section 1. Purpose

The purpose of the Town's performance appraisal policy is to establish an equitable system of evaluating the job performance of Town employees, based on job-related criteria, with the goals of improved performance and greater accountability for results. These goals may be met through achievement of the following objectives:

- A. To define work expectations and to emphasize work planning.
- B. To promote open communications on a routine basis between employees and supervisors.
- C. To provide recognition and show appreciation for job performance.
- D. To provide employees with timely feedback on needed improvements, including plans for developmental activity (training), etc., which address the area targeted for improvement.
- E. To provide documentation supporting personnel decisions (promotions, performance-based pay increases, granting of regular status, transfers, reduction-in-force, etc.)
- F. To provide a formal opportunity for the employee and supervisor to discuss career development where appropriate.

Section 2. System

The Town has developed a performance appraisal system which categorizes position classifications by occupational group – a means of arranging similar classes for evaluation purposes based on the same performance criteria. The position classes for the Town are listed below according to the occupational group to which they have been assigned.

- A. Professional
- B. Administrative Support
- C. Equipment Operator
- D. Technical Trades
- E. Fire Captain
- F. Firefighter

Section 3. Occupational Group Forms

All full-time, regular, employees of the Town, excepting the Town Manager, will use occupational group forms which identify observable, job-related performance standards as a part of their performance appraisal system. The performance standards will be stated in terms of quality, quantity, and timeliness wherever possible.

Section 4. Work Plan Forms

The major on-going duties and responsibilities of employees are addressed through the occupational group forms; however, employees in some positions are additionally evaluated on the accomplishment of specific goals which are established at the beginning of the appraisal cycle. These goals may relate to such areas as new projects or personal development objectives. To evaluate the accomplishment of these goals, a work plan form will be included in the appraisal packet for employees subject to this requirement. It is important to note that when evaluating an employee's success in meeting goals and completing work plans set for the

previous year, any unforeseen actions, budgetary constraints, or new priorities, which have inhibited progress, will be taken into consideration by the reviewer.

Section 5. Supervisor Supplement Factors

Employees with supervisory responsibilities will have these skills evaluated through use of performance factors focusing on supervisor skills. These forms will be included in the performance appraisal packet where applicable. The department head will determine which positions will have these factors after reviewing the actual duties currently assigned to each position.

Section 6. Lead Worker Factor

Employees who regularly make work assignments to co-workers, or who have significant responsibility for training co-workers, will be evaluated on a performance factor to recognize this aspect of their duties. This factor will be included in the performance appraisal packet for occupational groups having lead worker positions. The department head will determine which positions will have these factors after reviewing the actual duties currently assigned to each position.

Section 7. Responsibilities

- A. Town Manager** - The Town Manager will communicate organizational goals and objectives to department heads and will support the performance appraisal system in its policy and administrative processes. Periodically, the Town Manager will review the information regarding the success of the overall program and will work with department heads to make any needed improvements. One factor considered in the performance appraisal of employees who supervise others will be the quality of the administration of the performance appraisal program in their departments.
- B. Town Clerk** - The Town Clerk will maintain the day-to-day administration of the performance appraisal system to include notifying department heads of appraisals due to be completed and monitoring to ensure consistency with Town policy and fairness to employees.
- C. Department Heads** - The department heads will work with their employees to explain the performance appraisal program, communicate departmental goals and objectives, support training efforts in the program, will support the performance appraisal system in its policy and administrative processes, and ensure that the policy, procedures, and system are implemented in their respective departments. They will communicate expectations to their employees, monitor employee performance and provide on-going performance feedback, maintain a current follow-up system, and ensure that appraisals are done in a timely manner. They will meet with employees and set standards for each performance factor identified on the performance appraisal form. They will monitor the performance appraisal forms and recommend changes necessary to maintain an accurate and fair system. They will provide guidance to employees through up-to-date written policies and procedures where referenced on the performance appraisal form.
- D. Employees** - Each employee is responsible for working with his or her supervisor on a mutual understanding of work expectations and providing input and feedback into the performance appraisal conference.

Section 8. Rating System

The categories listed below will be applied to the individual factors of the performance appraisal, as well as to the overall appraisal results.

- A. **Exceeds Expectations:** Performance generally exceeds job requirements. Most aspects of the performance are at the highest level, while other aspects are at the level expected for the position. Supervision is not required for routine assignments; however, some supervision is required for special tasks/projects.
- B. **Meets Expectations:** Performance consistently meets standards and objectives of the position, well within the range of quality and/or quantity performance requirements. Only general supervision is required. Most employees perform at this level.
- C. **Needs Improvement:** Performance is inconsistent and one or more major requirements are not met. Work tasks are not performed or must be repeated due to low quality. Remedial action and close supervision are required. An improvement plan must be put into effect.

Section 9. Performance-Based Pay Adjustments

Performance-based pay amounts will be awarded based on the overall performance rating the employee receives on the annual performance appraisal. Pay increases based on job performance, like all other pay increases, are recommended by the department head, and are subject to the approval of the Town Manager. The suggested amounts that may be awarded, and the rating necessary to qualify, are established each year by the Town Council, during the budget adoption process, subject to availability of funding.

- A. **Exceeds Expectations:** The employee will be awarded a performance-based pay increase of 2%. Employees receiving a “needs improvement” rating in any performance factor will be ineligible for this level of pay increase.
- B. **Meets Expectations:** The employee will be awarded a performance-based pay increase of 1%.
- C. **Needs Improvement:** No performance-based pay increase will be awarded. The employee will begin a 90-day improvement plan, with intensive guidance from the supervisor. At the end of 90 days, the employee’s performance may be rated at “meets expectations” or the employee may be demoted to an existing position, if appropriate, or terminated.

Section 10. Performance Appraisal Procedures

A. Appraisal Dates

Performance appraisals of all regular Town employees, excepting the Town Manager, will be conducted annually during June. The appraisal will be conducted by the employee’s department head or designated by such to the immediate supervisor and will address the performance of the employee during the most recent twelve months. Supervisors are encouraged to conduct additional performance appraisal conferences as needed during the year to help define expectations and to get employee feedback, especially during periods of transition within the department.

B. Improvement Plan

If an employee receives a “needs improvement” rating on the overall appraisal, the supervisor must submit the improvement plan in writing to the Town Clerk for filing in the employee’s personnel file. The supervisor and the employee will share the responsibility for providing and accepting the necessary training and feedback to improve performance. Employees working with an improvement plan should be reviewed informally at four-week intervals to judge the success of the improvement effort. At the end of the twelve weeks, the employee will be demoted or terminated if he or she fails to achieve a “meets expectations” appraisal overall.

C. Probationary Appraisals

Probationary appraisals for new employees will be conducted halfway through the probationary period and again at the end of the probationary period. Supervisors are encouraged to conduct informal appraisals more often as needed. Probationary employees must receive no “needs improvements” ratings to move from probationary to regular status.

D. System Maintenance

The occupational group appraisal forms may be reviewed annually for needed updates to maintain current and accurate performance criteria. The department heads will be responsible for initiating this process of formal review and adjustment. The Town Clerk and Town Manager will provide technical support in assuring that revisions include criteria which are objective, observable, and job-related. All modifications will be subject to review at each level of the chain of command and must be approved by the Town Manager.

The department heads will be responsible for assuring that the appraisals are completed on time unless extenuating circumstances cause delay. When delay is inevitable, the department head will notify the Town Clerk.

The Town Clerk will be responsible for monitoring the performance appraisal program in terms of consistency in approach across departmental lines, adherence to performance appraisal policy, and equitable administration within departments. Additionally, he or she will periodically audit the system to ensure that appraisals meet Town requirements for completeness, accuracy, and timeliness, and that they are supported by appropriate documentation.

E. Documentation

All performance appraisals will be signed by the employee, supervisor, and department head and forwarded to the Town Clerk with any accompanying memoranda or other documentation for review. After reviewing for completeness and accuracy, the Town Clerk will forward to the Town Manager. After Town Manager review, the form will be forwarded to the employee personnel file. A copy of the form should be given to the employee by the supervisor.

Section 11. Appeals

With exception of employees in a new hire probationary period, any employee who believes that his or her performance appraisal is unfair or inaccurate may appeal by using the Town’s established grievance procedure.

Article V. RECRUITMENT AND SELECTION

Section 1. Equal Employment Opportunity Statement

All personnel responsible for recruitment and employment will continue to regularly review the implementation of this personnel policy and relevant practices to assure equal employment opportunity based on reasonable performance-related job requirements. As set forth in the Equal Employment Opportunity Statement in the Introduction section of this manual, no employee or applicant for employment shall suffer discrimination because of, but not limited to, race, color, religion, gender, age, national origin, non-disqualifying disability, or genetic information.

Notices regarding equal employment matters are posted in conspicuous places on Town premises in places where notices are customarily posted.

Section 2. Recruitment

The Town Manager or his/her designee is responsible for a recruitment program to meet current and projected staffing needs, using procedures that will ensure equal employment opportunities based on job-related requirements. Recruitment efforts by the Town will be coordinated in a timely manner. The Town Manager and/or his/her designee may participate in the hiring process, including interviews and all other aspects of hiring, of any Town employee.

Section 3. Vacancy Announcements

When job vacancies occur within the Town, the Town Manager or his/her designee shall be responsible for adequately publicizing such vacancies according to the guidelines listed below. For the Town Manager or his/her designee to facilitate the recruitment process, the following must occur:

- A.** Upon learning of a future vacancy, the supervisor should *immediately* notify the Town Manager with all pertinent information concerning the vacancy.
- B.** The Town Manager or his/her designee, with input from the supervisor, will determine whether the vacancy should be filled, and if so, should be advertised internally or externally and proceed accordingly. If external advertisement is deemed necessary, timelines for the closing of the announcement will then be established. The type of posting will be decided using the following guidelines:
 - 1. Internal Posting** - For those vacancies for which the Town Manager has determined that the knowledge, skills, and abilities of current staff suggest there will be fully qualified and suitable applicant(s) from the existing staff, the vacancy shall initially be posted internally with a closing date no earlier than five (5) working days from the date of the posting. Should no internal candidate apply and/or be selected from existing staff, the position will be advertised externally.
 - 2. Simultaneous Posting** - For those vacancies for which current knowledge and recent recruiting and posting experience suggest there may be no qualified and suitable applicants from the existing staff, the vacancy shall be simultaneously posted internally and externally, including a closing date no earlier than five (5) days from the date the vacancy is posted.
 - 3. Guidelines for Posting Vacancies** - The following guidelines are applicable to the posting of job vacancies.

- a. An official Town application form shall be made available to and required of all applicants for both internal and external job vacancies.
- b. All position vacancy announcements are posted in a prominent location (i.e., Town's social media, Town website, newsletter, etc.) for a minimum of five (5) working days.
- c. Other recruiting publicity shall be carried out through the media, as appropriate.
- d. Position vacancy announcements shall contain, at a minimum, (1) the title and the department of the position; (2) the closing date of the announcement; (3) a summary of the duties of the position; (4) a summary of the basic qualifications; (5) the procedures for making application; and (6) a statement of Equal Employment Opportunity.
- e. All recruitment sources shall be advised of the Town's equal employment opportunity policy. The Town shall include among its recruitment sources organizations and news media which are utilized by and are available to minority group applicants. Recruitment shall be from a geographic area as wide as is necessary to ensure that well-qualified applicants are obtained.
- f. All applications must be channeled through Town Hall for the applicant to be given consideration for employment. Applications will only be accepted for advertised openings. All persons expressing interest in employment with the Town shall be given the opportunity to file an application for employment if a current vacancy exists.
- g. Once received, the Town Manager and/or his/her designee will screen all applications prior to distributing to the department. A final list of pre-screened candidates will then be referred to the department head/supervisor so that interviews may be scheduled and conducted.
- h. The department head or supervisor will interview candidates from the list of pre-screened candidates. If after interviewing from the pre-screened list, none of the candidates match the skills and qualifications desired by the department head or supervisor, the department head or supervisor may request that the search process for a candidate be continued.
- i. The Town Manager is the ultimate hiring authority for the Town. However, because each department head/supervisor will be responsible for recommending to the Town Manager the best qualified applicant, the supervisor will take a lead role in interviewing and selecting a final candidate for positions in his/her department. The recruitment process is a collaborative process to be coordinated between the Town Manager and each department head/supervisor. However, before any commitment is made to an applicant or employee, the department head/supervisor will forward the applicant's completed application and any additional supporting documents to the Town Manager with a hiring recommendation and a recommendation of the salary to be paid. After considering the duties and responsibilities, as well as the qualifications and experience of the applicant, the Town Manager will either approve the appointment to a position in the classification plan and set the starting salary of the new employee or will ask the department head/supervisor to present another candidate for his/her review.

Section 4. Conditional Offer of Employment

When an applicant is identified as the best suited choice for an open position, the Town Manager and/or his/her designee will contact the selected candidate and extend a written conditional offer of employment. This written conditional offer of employment will advise the selected candidate that the granting of employment with the Town is contingent upon the successful completion of a pre-employment drug screen and a background check, which includes a criminal history record check, and if the position sought requires a valid North Carolina driver's license or the ability to operate a motor vehicle, a review of the candidate's driving history. In addition, this offer of employment may also be conditioned on the completion, to the satisfaction of the Town, of any other examinations, tests, or reviews that are mandated by the applicable federal, state, and local laws, ordinances, and administrative regulations for the occupation/job sought by the candidate.

Section 5. Pre-Employment Background Testing

When an inquiry of criminal history record information indicates that an individual has one or more pending criminal charges and/or has been convicted of or accepted responsibility for one or more felonious or misdemeanor criminal offenses, such information will not serve as an automatic disqualifier that mandates the withdrawal of a conditional offer of employment. Any pending criminal charge(s) and/or past criminal conduct will be subjected to an individualized review of the entirety of the available information before a decision is made as to whether to withdraw a conditional offer of employment. At a minimum, this review will take into account the type of crime(s) of which the individual has been charged or was convicted/accepted responsibility, the frequency of violations and/or any pattern of offenses, the time that has elapsed since the date(s) of any conviction(s)/disposition(s), the applicant's age at the time of any conviction(s)/disposition(s), and the impact, if any, of the past criminal conduct or pending charges of criminal conduct on the ability of candidate to perform the essential job functions of the position for which he or she has applied in a manner consistent with the maintenance of the public trust and confidence that is essential to the Town's effective delivery of municipal services.

Section 6. Pre-Employment Drug Testing

The Town enforces a substance abuse policy for employees, as well as candidates for employment. This policy is to maintain a work environment that is drug-free, healthy, safe, and secure. The policy is found in this manual under Article VI. Conditions of Employment. Employment will be denied when the test results are positive for illegal drugs or for the presence of prescription drugs unless the candidate has a current prescription, a valid medical reason for using such drugs, and is using such drugs in the prescribed manner. No candidate will be permitted to begin work until the results of the test have been obtained. After notification of a contingent offer of employment, the candidate has 24 hours to report to the nearest drug-testing site. Failure to report within 24 hours will be considered a withdrawal from consideration of the Town's offer of employment.

Candidates for employment who refuse to comply with or are unable to fully satisfy the conditions attached to a conditional offer of employment, including without limitation fully cooperating with and successfully completing, as defined above, the mandated drug and background screening, are automatically disqualified from final appointment to the position for which they have applied.

Section 7. Qualification Standards

- A. All applicants considered for employment or promotion shall meet the qualification standards established by the class specifications for the position to which the appointment is being made.
- B. All appointments shall be made based on merit.
- C. Consideration may be given to "trainee" appointments when there is an absence of qualified applicants from which to select. In this instance, the deficiencies may be eliminated through orientation and on-the-job training, and the employee is designated a trainee by the Town Manager.

Section 8. Applicant Tracking

- A. Administration shall be responsible for maintenance of permanent records of all position vacancy announcements, including posting and closing dates, all referral sources used in the recruitment process, and the pool of applicants considered for each vacancy.
- B. The applicant pool data for each position shall include an alphabetized listing of all applicants for each position vacancy announcement. In addition, EEO-4 information shall be maintained by the Town Clerk's office.

Section 9. Selection Methods

The Town Manager shall develop, use, and document, on a consistent, routine basis, a selection process (e.g., consistent interview questions, validated testing, role plays, presentations – both oral and written, and other methods as needed) that best suits the Town's needs in filling positions within each department. All selection methods developed and utilized by the department shall be valid measures of job performance and should be approved by the department head and the Town Manager and/or his/her designee.

Section 10. Compliance with Immigration Reform and Control Act

All new appointees to Town employment shall present proof of identification and employment eligibility before being placed on payroll. New appointees are required to present acceptable documentation in accordance with the Immigration Reform and Control Act of 1986. The Town Manager and/or his/her designee shall be responsible for obtaining adequate identification for satisfying the requirements of the Act. Documentation will be maintained on file in accordance with the Act. The Town uses the E-Verify System for verification of employment eligibility.

- A. I-9 forms must be completed for all newly hired employees.
- B. Only documents that are unexpired when shown can be used for I-9 purposes. Once shown, a U.S. passport, an alien registration receipt card/permanent resident card, or a List B document does not need to be re-verified, even if it expires after the employee was hired. Other types of documents need to be re-verified after expiration.
- C. The Town has up to three business days following a hire to get the I-9 form completed. The new employee completes the first section of the I-9 work authorization form at the time of hire, which means at the very beginning of employment before any work is done. The employer must

complete section 2 within the first three days of employment or at the beginning of employment if the job is supposed to last three days or less.

- D. Follow all instructions on the form exactly as omissions or even minor clerical errors can result in potential sanctions.
- E. If a new hire shows the documentation listed on the form, the I-9 requirements are satisfied.
- F. While providing a Social Security number on Form I-9 is voluntary, the Town uses the USCIS E-Verify program, which makes provision of the Social Security number mandatory. Providing an e-mail address or telephone number is voluntary.
- G. Copies of the documents shown by the employee will be kept in a separate I-9 file in case of a CIS (formerly known as INS) audit.
- H. I-9 records must be kept for three years following the date of hire or for one year after the employee leaves, whichever is later.
- I. All new hire processes will conform to this policy. The Town Manager will ensure that this policy is consistently enforced.

Section 11. Selective Service Compliance

All new appointments to the Town who are U.S. male citizens born after December 31, 1959, 18 to 25 years of age, must certify they have registered for Selective Service. This applies to all positions, whether full-time, part-time, or seasonal. Applicants not in compliance are ineligible for employment. After notification of ineligibility, the applicant has 30 days to provide the Town with information that he is now in compliance with the federal law. The applicant may secure an advisory opinion by sending a description of circumstances to the Selective Service System, Office of General Counsel, Washington, D.C., 20435. If it is determined that the failure was due to not knowing and was not willful, he may be considered for employment by the Town. This procedural requirement only applies to applicants hired by the Town after October 1, 1989 (G.S. 143B-421.1).

Section 12. Promotion

Candidates for promotion shall be chosen based on meeting the qualifications of the job. When a current employee is chosen for promotion, the promoting department head or supervisor shall forward the request to the Town Manager with recommendations for classification and salary along with reasons for selecting the employee over other internal applicants. After considering the department head or supervisor's recommendation, the Town Manager shall confirm or reject the appointment. If the Town Manager confirms the appointment, he or she shall approve the starting salary for the employee. Any employee who has successfully completed a probationary period may be promoted to any other Town position and serve another probationary period, at the sole discretion of the Town Manager. Employees within their initial probationary period of employment with the Town are not eligible for a promotion.

Section 13. Demotion

An employee whose work is unsatisfactory may be demoted provided the employee shows promise of becoming a satisfactory employee in another position. Such a demotion shall be made in accordance with the procedures in the Pay Plan Article of this manual. The employee shall be provided with written notice citing the recommended effective date of the demotion, the reasons for the demotion, and the appeal rights available to the employee as stated in Article IX. Disciplinary Action of this manual.

An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a voluntary demotion subject to availability of a vacant position at a lower pay grade. A voluntary demotion is not a disciplinary action and is made without using the procedures related to corrective action.

Section 14. Transfer

If a vacancy occurs and an employee eligible for transfer from another department wishes to be considered for the appointment, a written request and application must be forwarded to the Town Manager during the recruitment period for the position. The request for transfer shall be subject to approval of the Town Manager. Any employee who has successfully completed a probationary period may be transferred to any other Town position and serve another probationary period.

Section 15. Probationary Period of Employment

An employee appointed to a regular position shall serve a probationary period of six (6) months. Any employee serving a probationary period following initial appointment may be dismissed at any time during the probationary period without progressive discipline. The probationary period may be extended up to an additional six (6) months at the sole discretion of the Town Manager. Following successful completion of the probationary period, the employee may be dismissed as a regular employee with appeal rights available to all regular employees.

While both vacation and sick leave are accrued during the probationary period, no vacation leave may be taken by a new probationary employee, unless there is an emergency situation, in which case, the supervisor must recommend an exception in writing to the Town Manager for approval. Only the Town Manager has the authority to authorize the use of accrued vacation for emergency situations during the probationary period.

If a COLA increase is given to employees during a new employee's initial probationary period of employment, the employee will be eligible for the COLA upon successful completion of the probationary period.

Should a new probationary employee terminate employment prior to the completion of the probationary period, accrued leave will be forfeited.

Section 16. New Employee Orientation

The formal welcoming process, or "employee orientation," is provided to each new hire by the department head or his/her designee and includes an overview of employee benefits, state and federal tax withholding, and other information related to the employment process.

Article VI. CONDITIONS OF EMPLOYMENT

Section 1. Code of Ethics

Town employees are expected to discharge their duties conscientiously and to conduct themselves in a manner, both on and off the job, which will reflect favorably upon Town government. Each employee shall refrain from any use of his/her official position, which is motivated by the desires for private gain for himself/herself or other persons. He/she must conduct himself/herself in such a manner that there is no suggestion of extracting of private advantage from his/her Town employment. Each employee shall exercise care in his/her personal financial activities to avoid any legal liabilities which would reflect unfavorably upon Town government. An employee shall not use his/her Town position in any way to coerce or give the appearance of coercing another.

Section 2. Standard Workweek

The standard workweek for all employees of the various departments of the Town varies as stated below:

- Town Hall, 8:30am-4:30pm, Monday-Friday
- License Plate Agency, 9:00am-5:00pm, Monday-Friday
- Public Works, 7:30am-4:00pm, Monday-Friday
- Fire Department, 24-hour coverage

Supervisors shall work the hours necessary to ensure the satisfactory performance of their departments, but not less than thirty-five (35) hours per week. When the activities of a particular department require some other schedule to meet work needs, the Town Manager may authorize a deviation from the normal schedule.

Section 3. Work Schedule and Hours Worked

Work Time (Hours Worked)

Work time or "hours worked" is all time an employee "is suffered or permitted to work." It is of no consequence where such work takes place (e.g., in the customary workplace or anywhere else.) Work time includes all time spent in physical or mental exertion, controlled, or required by the Town, and pursued primarily for the Town and its business. When computing hours worked under the FLSA, each work week must stand alone. The FLSA does not permit the averaging of hours over 2 or more weeks, with the exception of firefighting personnel. Hours worked is the time for which an employee is entitled to overtime compensation under the FLSA. Vacation, sick, compensatory, and holiday leave are not considered hours worked for FLSA purposes.

Work time includes most related preliminary activities of the employee's principal duties. Examples include sharpening or cleaning tools, setting up equipment, fueling or servicing vehicles, waiting for instructions, moving about the Town to perform assigned duties, attending departmental meetings, changing clothes on Town premises where special uniforms or clothing are required by the Town and employees are not allowed to wear them to work, emergency medical treatment for on-the-job accidents, and other similar work-related activities.

All supervisors 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. The Town Manager may

allow flexible work schedules for regular employees in nonexempt positions desiring to work hours other than the established normal workweek.

Supervisors shall arrange the work schedule of their employees to accomplish necessary work within the prescribed hours in the workday, except in those cases where additional hours of work are necessary. Supervisors shall not allow and employees shall not volunteer to work overtime without receiving compensation.

A. Meal Periods

The Town customarily allows a 30 to 60-minute meal period for employees. This also applies to employees with more than a four-hour workday schedule. Meal periods are not hours worked and are not paid except when the employee is not completely relieved of duties. A bona-fide meal period of 30 minutes or more is not work time. If an employee is required or permitted to work during the meal period, then this must be counted as work time.

B. Nursing Mothers

In accordance with the Patient Protection and Affordable Care Act, the Town permits employees who are mothers of a nursing child to utilize break periods to express breast milk for her nursing child for up to one year after the child's birth each time the need occurs. When such a break is required, the time away from the workstation must be reasonable, i.e., 15 minutes, unless otherwise medically necessary. Supervisors are expected to provide a location, other than a restroom, that is shielded from view and free from intrusion from coworkers and the public for the use of nursing mother.

C. Travel Time

Determination of whether travel time is counted as hours worked for nonexempt employees depends upon all the following circumstances:

1. Travel commuting from home to work and work to home is not work time.
2. Time spent by an employee in travel as part of his normal workday activities, such as travel from job site to job site is work time. Compensable travel time is the same as other compensable work time. Compensable travel outside the normal work hours is not automatically overtime hours per Fair Labor Standards Act (FLSA). Overtime pay or compensatory time off is determined by the total work hours including any compensable travel time.
3. Travel performed away from the Rural Hall area requiring an overnight stay may not be all compensable time. Overnight travel time outside the normal work schedule may or may not count as hours worked and such situations should be referred to the Town Clerk before determining final travel arrangements.

D. Attendance at Training Sessions and Other Meetings

1. Required attendance at training or other meetings, whether during, before, or after the employee's regular work schedule, is work time.

2. Attendance at Town recommended training or other meetings that are directly related to the employee's job, whether during or after regular hours, is work time.
3. When training is held outside Town limits and overnight stay is required, additional travel time from the lodging to place of instruction will not be paid.
4. Attendance outside the employee's regular work hours in a course or training that is offered to the public from a public or private educational institution is not hours worked even if it relates directly to the employee's job.
5. Attendance is voluntary only when an employee is not led to believe that his working conditions or continued employment would be affected by failing to attend.

Section 4. Gifts and Favors

In compliance with N.C.G.S. 133-32, it shall be unlawful for any officer or employee of the Town to willfully receive or accept any such gift or favor who is charged with the duty of:

- A. Preparing plans, specifications, or estimates for public contracts;
- B. Awarding or administering public contracts; or
- C. Inspecting or supervising construction.

This section is not intended to prevent the gift and receipt of honorariums for participating in meetings, advertising items or souvenirs of nominal value, or meals furnished at banquets. This section is not intended to prevent any contractor, subcontractor, or supplier from making donations to professional organizations to defray meeting expenses where Town employees are members of such professional organizations, nor is it intended to prevent Town employees who are members of professional organizations from participation in all scheduled meeting functions available to all members of the professional organization attending the meeting. This section is also not intended to prohibit customary gifts or favors between employees or officers and citizens, their friends and relatives, or the friends and relatives of their spouses, minor children, or members of their household where it is clear that it is that relationship rather than the business of the individual concerned which is the motivating factor for the gift or favor. However, all such gifts knowingly made or received are required to be reported by the donor to the Town Manager and/or his designee if the gifts are made by a contractor, subcontractor, or supplier doing business directly or indirectly with the Town.

Section 5: Secondary (Outside) Employment

Town employees may participate in occupational interests outside of their employment with the Town; however, the work of the Town will take precedence over any outside employment. Full-time employees who wish to participate in secondary employment must make their supervisor and the Town Manager aware of their desire to participate in work outside of their employment with the Town so that any conflicts of interests can be identified prior to the start of the outside employment. The Town Manager will determine whether the outside work would create a conflict of interest or otherwise be incompatible with service to the Town. The assumption of outside employment without prior approval by the Town Manager may be deemed improper conduct and subject the employee to disciplinary action, up to and including dismissal.

Outside employment shall not be permitted in the following situations:

- A. It creates a direct or indirect conflict of interest with the primary employment; or creates the appearance of a conflict of interest.
- B. It impairs the employee's ability to perform all expected duties, to make decisions, and to objectively carry out the responsibilities of the employee's position.
- C. It promotes an image unbecoming to the Town.

After reviewing the request, the Town Manager will notify the employee of the decision and a notation will be placed in the employee file with the date, employment request, and final decision. If approved, the employee is responsible for submitting any changes to the original work arrangement with the approved employer as they occur.

Under no circumstances are employees allowed to participate in outside employment during their regularly scheduled working hours except when the employee is on approved compensatory or vacation leave. Furthermore, employees are strictly forbidden from utilizing any Town-operated property or equipment in the conduct of their outside employment.

Approval of outside employment may be withdrawn at any time if it is determined that the outside employment has an adverse impact on the employee's employment with the Town.

Section 6. Political Activity Restricted

- A. Every employee of the Town has a civic responsibility to support good government by every available means and in every appropriate manner. Any employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, and may advocate and support the principles or policies of civic or political organizations in accordance with the constitution and the laws of the State of North Carolina and the constitution and the laws of the United States of America. However, while on duty, no employee of the Town shall:
 - 1. Engage in any political or partisan activity including but not limited to wearing clothing, hats, pins, etc. with political messages or support for or against candidates or political parties or movements;
 - 2. Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
 - 3. Be required as a duty or a condition of employment, promotion, or tenure of office to contribute funds for political or partisan purposes;
 - 4. Coerce or compel contributions for political or partisan purposes by another employee or elected official of the Town; or
 - 5. Use funds, supplies, or equipment of the Town for political or partisan purposes.
- B. No full-time employee of the Town shall serve in a political office within the Town.
- C. Any violation of this section may subject the employee to disciplinary action up to and including dismissal.

Section 7. Use of Town Equipment

Town equipment, materials, tools, and supplies shall not be available for personal use nor be removed from Town property except in the conduct of official Town business.

A. Town Provided Cell Phones

- 1. General Use** - Where job or business needs demand immediate access to an employee, a department may authorize issue of a Town provided cell phone, and/or two-way radio for work-related communications. To protect the employee from incurring a tax liability for the personal use of equipment, such equipment should be used for business reasons.

All employees understand that while some de minimis personal use is inevitable, a Town provided phone is intended for business calls only. Call summary reports (i.e. number of minutes used) may be reviewed for reasonableness on a periodic basis. The call detail records generated from assigned cell phones are considered records of the Town, and may, on occasion, be subject to internal and outside audits by the Town and/or official agencies. Employees should note that all information and messages stored within Town-owned cell phones is the property of the Town and employees should have no expectation of privacy.

Employees in possession of Town equipment (e.g., cellular phones, radios, etc.) are expected to protect the equipment from loss, damage, or theft. Upon resignation, termination of employment, or at any time upon request, the employee will be asked to produce the equipment for return or inspection. Employees unable to present the equipment in good working condition within a reasonable time (i.e., 24 hours) will bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and not in good standing as defined in this manual and may be subject to withholding of the value of the item from final pay.

- 2. Use While Operating a Vehicle** - Employees whose job responsibilities include driving or equipment operation should refrain from using a phone/communication device (whether personal or Town provided) while driving a Town vehicle or while driving any other vehicle (rented, leased, borrowed, or their own vehicle) while conducting Town business.

Drivers shall comply with all federal, state, and local laws and regulations regarding the use of mobile technology devices including cell phones. Incoming or outgoing cellular phone calls are not allowed while driving. Sending or reading text messages, emails, dialing cellular phones, viewing television, videos, or DVDs and inputting data into laptop computers, personal digital assistants, or navigation systems are prohibited while driving. The cellular phone voicemail feature should be on to store incoming calls while driving and all message retrievals and calls should be made after the vehicle is safely parked.

If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options if available, refrain from complicated or emotional discussions, and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area.

In situations where job responsibilities include regular driving and acceptance of business calls, hands-free equipment may be provided to facilitate the provisions of this policy. Under no circumstances are employees required to place themselves at risk to fulfill business needs.

Accidents incurred while the driver is using a cellular phone may be considered preventable and the driver may be subject to disciplinary action. Employees who are charged with traffic violations resulting from the use of their phone while driving will be responsible for all financial liabilities (fines associated with citations) that result from such actions. Failure to follow this policy may result in disciplinary action, including and up to termination.

- B. Town Provided Computers, Desk Phones, Email and Voicemail** - Town property also includes computers, desk phones, email, and voicemail, which should be used for conducting Town business. Incidental and occasional personal use of this equipment is permitted, but information and messages stored is the property of the Town and employees should have no expectation of privacy when using this equipment. The Town may monitor all electronic communications including email, as well as monitoring which sites are visited when using Town Internet service or Town-provided devices.

The Town recognizes that some employees may choose to express themselves by posting personal information on the Internet through personal websites, blogs, or chat rooms by uploading content, or by making comments at other websites or blogs. The Town respects the rights and interests of employees in engaging in these forms of personal expression on their own time, should they choose to do so. Town equipment should not be used for these purposes. (See Social Media Policy in this section for Town guidelines related to these postings.)

- C. Town Provided Vehicles** - Any employee required as part of the essential functions of his/her job to be able to operate a Town-owned vehicle must possess a valid driver's license. Use of a Town-owned vehicle by an employee is neither a right nor a privilege but a trust conferred to facilitate necessary performance of duties. Vehicles owned by the Town shall be cared for by an employee in the same responsible way that he/she would care for their own. Such vehicles are to be used exclusively for official Town business. With approval from the Town Manager, an employee may be directed to take the vehicle home when doing so shall serve the best interest of the Town. Use of Town vehicles for commuting to and from work shall usually be limited to an employee who is subject to emergency call back to work.

No individual who is not a Town employee will be allowed to use a Town vehicle without prior approval or contract agreement.

Town Vehicle Idling Policy - This policy applies to all Town of Rural Hall employees or contract employees that operate Town-owned gasoline or diesel-powered vehicles or equipment.

The purpose of this policy is to eliminate all unnecessary idling of Town-owned vehicles and equipment to reduce the harmful emissions that contribute to the formation of ground-level ozone, and reduce overall fuel consumption and equipment wear.

Town-operated vehicles shall not be permitted to idle for prolonged periods of time. Town vehicles must be turned off when engaged in the following activities:

- Loading or unloading (unless engine is required to load or unload)

- When unattended (no vehicle shall be left running while unattended)
- When parked (vehicles are not permitted to idle while parked to operate heating or air conditioning unless exempted below). In general, once a vehicle becomes stationary (longer than 2 minutes), the engine is to be turned-off unless one of the exemptions listed below apply.

Town-operated vehicles may idle for the following reasons:

1. When idling in traffic
2. To operate power take-off driven equipment
3. To operate electrical equipment on emergency and traffic control/safety vehicles
4. To build air pressure for vehicles with air brakes
5. To complete portions of the Pre-Ops Checklist that require engine operation
6. To cool down turbo-charged diesel engines (3-5 minutes)
7. During emergency situations
8. Extreme cold weather operations:
 - To defrost windshields
 - To warm-up turbo-charged diesel engines (3-5 minutes)
 - Crew, passenger comfort if below 30 degrees (5 minutes)

D. Town Provided Uniforms and Footwear - Uniforms and footwear are provided to Fire Department and Public Works employees due to the nature of their work. Employees are required to wear their uniforms and appropriate footwear whenever on duty.

Uniforms – Uniforms should be unaltered and worn in a manner consistent with their design and purpose. Supervisors shall be responsible for making sure employees wear the designated uniform in a clean and neat manner. Altering a uniform without prior approval is a violation of Town policy.

Footwear – Fire Department employees are required to wear appropriate footwear for the task being performed at the time. Safety shoes that are ASTM 2413 compliant are required to be worn by Public Works employees at all times while on duty, unless the specific task requires a more stringent type of safety shoe. Employees will not be able to report to work without the required shoes/boots.

Failure of an employee to consistently wear their designated uniform and appropriate footwear may result in disciplinary action, up to and including termination of employment. Furthermore, although the Town provides uniforms at no cost to the employee, employees can and will be held financially responsible for failing to return uniforms when so directed or at the end of their employment.

The Town offers the following reimbursement option to offset the cost of uniforms and footwear:

1. Each Public Works employee is eligible to receive up to \$150.00 per fiscal year for reimbursement of ASTM 2413 safety shoes.
2. Each employee must present a receipt of purchase to his/her department head, who will review and approve before sending to the Finance Director to be reimbursed.

E. Town Provided Safety Equipment

The Town shall supply safety equipment or clothing deemed necessary to safely perform the duties and responsibilities of the Town. Any Town-issued safety equipment or apparel that must be replaced because of employee neglect and/or abuse will be replaced at the employee's expense and the employee will be subject to possible disciplinary action.

PERSONAL PROTECTIVE EQUIPMENT PROGRAM

PURPOSE:

The purpose of this policy is to protect employees by ensuring that Personal Protective Equipment (PPE) is provided, used, and maintained in a sanitary and reliable condition whenever it is necessary due to hazards from processes or in the work environment. To the extent that it is possible and feasible, staff shall always attempt to first remove or eliminate hazards or exposures through engineering means to eliminate the need for PPE.

This policy covers eye and face protection, head protection, foot protection, and hand protection. Respiratory hazards and hearing hazards are covered by other programs, but they will also be included in the Personal Protection Equipment Hazard Assessment described below. This program covers the responsibilities of managers, supervisors and workers, assessment of hazards, selection and use of PPE, and training.

RESPONSIBILITIES:

Department heads will be responsible for assuring the completion of a comprehensive assessment of potential hazards and exposures that may require the use of PPE, determining the type of equipment to be provided, and purchasing the equipment. Input from managers, supervisors, and employees will be obtained and considered in selecting appropriate equipment.

Managers/supervisors will be responsible for training employees in the use and proper care of PPE, ensuring that all employees are assigned appropriate PPE, and ensuring that PPE is worn by employees when and where it is required. Managers/supervisors shall also be responsible for making sure employees wear the designated uniform in a clean and neat manner.

Employees are responsible for following all provisions of this program and related procedures. They are expected to wear provided PPE when and where it is required.

Although the Town will make every effort to provide employees with a safe working environment, it is the responsibility of every employee to bring to the attention of his/her supervisor any unsafe working condition or practice. It is also the employee's responsibility to practice safe working habits and to perform all Town functions in a safe manner.

The Town provides uniforms at no cost to select departments. Employees will be held financially responsible for failing to return uniforms when so directed or at the end of their employment. Provided uniforms, and safety footwear are required to be worn whenever on duty. Uniforms will be maintained unaltered and worn in a manner consistent with their design and purpose. Altering a uniform without prior approval is a violation of Town policy.

Firefighters participating in a required fitness program, will wear the appropriate athletic footwear (*not provided by the Town*) for that activity.

The refusal of an employee to abide by safety rules including the wearing of provided uniforms may result in immediate suspension and possible further disciplinary action, up to and including termination.

PERSONAL PROTECTIVE EQUIPMENT HAZARD ASSESSMENT:

Departments will perform an assessment of the workplace to determine if hazards are present, or likely to be present, which necessitate the use of PPE. This assessment will consist of a survey of the workplace to identify sources of hazards to workers. Consideration will be given to hazards such as impact, penetration, laceration, compression (dropping heavy objects on foot, roll-over, etc.), chemical exposures, harmful dust, heat, light (optical) radiation, electrical hazards, noise, etc.

Where such hazards are present, or likely to be present, the Town will:

1. Select, and have each affected employee use, the types of PPE that will protect the employee from the hazards identified in the PPE Hazard Assessment.
2. Communicate equipment selection decisions to each affected employee.
3. Select PPE that properly fits each affected employee.
4. All PPE will be provided at no cost to the employee.
5. Train employees in the use and care of PPE as described elsewhere in this program.

Department heads shall verify that the required PPE Hazard Assessment has been performed by completing a written certification which is dated and signed by the person doing the assessment. Whenever there is a change in process or in the workplace that might introduce or change an exposure or hazard, the impacted department will perform an updated assessment to determine if it needs to have additional PPE provided or if there is a need for a change in the PPE provided. These supplemental hazard assessments will also be documented, signed, and dated by the person performing the assessment. Department heads shall review the PPE Hazard Assessment on an annual basis.

SELECTION OF PERSONAL PROTECTIVE EQUIPMENT:

PPE will be selected on the basis of the hazards to which the workers are exposed or potentially exposed. All selections will be made by the department head with input from managers, supervisors, and workers.

- **Head protection:** The Town shall ensure that each affected employee wears a protective helmet when working in areas where there is a potential for injury to the head from falling objects, or the employees head coming into contact with another object.
- **Foot protection:** The Town shall ensure that each affected employee uses protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole, and where such employee's feet are exposed to electrical hazards.
 - The Town offers the following reimbursement option to offset the cost of safety footwear:
 - Impacted staff are eligible to receive up to \$150.00 per fiscal year for reimbursement.
 - Each employee must present a receipt of purchase to his/her department head, who will review and approve before sending to the Finance Director to be reimbursed.
 - Safety footwear shall be worn when on duty unless specifically indicated.
- **High visibility safety apparel** shall be worn, at a minimum, any time an employee is exposed to moving vehicular traffic or equipment. In addition, any outdoor work during inclement weather or being done before dawn and after dusk. When a department head believes that high visibility apparel should be worn in additional situations, he/she may direct his/her staff to do so.
- **Hand protection:** Department heads shall select and require employees to use appropriate hand protection when employees' hands are exposed to hazards such as those from skin absorption of harmful substances, severe cuts or lacerations, severe abrasions, punctures, etc.

Personal Protective Equipment Standards:

Caution will be used to select the appropriate equipment class, type, and style to meet the specific hazards present.

- **Eye & Face** - ANSI Z87+
- **Head Protection** - ANSI Z89.1-1986
- **Foot Protection** – ASTM- 2413
- **Hand Protection** - No national standard available - selection will be based on task performed, conditions present, duration of use, and the hazards and potential hazards identified.
- **High Visibility Apparel**- ANSI Class II

TRAINING:

Each employee who is required to use PPE will be trained in the following:

1. Why PPE is necessary
2. When PPE is necessary
3. What PPE is necessary and any alternative choices of equipment
4. How to properly don, doff, adjust, and wear PPE

5. The proper care, maintenance, storage, useful life, and disposal of PPE

The training will include an opportunity for employees to handle the PPE and demonstrate that they understand the training and have the ability to use the PPE properly. The training will be provided by the manager/supervisor of the affected employees. The training will be documented in writing to include the names of each employee trained, the date(s) of the training, and the subject matter covered.

If an employee who has been trained demonstrates a lack of knowledge or behavior which leads the manager/supervisor to believe the employee does not have a proper understanding of the PPE involved, that employee will be retrained. If there are changes in the workplace or processes that change the exposures or type of PPE to be used, all affected employees will be retrained.

CARE OF PERSONAL PROTECTIVE EQUIPMENT:

Whenever practical, PPE will be assigned to individual workers for their exclusive use. Employees will be responsible for the PPE equipment assigned to them or used by them.

PPE will be regularly cleaned, inspected, and stored according to instructions given during the training sessions or as directed by the manufacturer. Defective or damaged PPE shall not be used. Employees are to report any defective or damaged equipment to their supervisor for repair or replacement.

Section 8. Dress Code

The image of the Town is directly correlated to the employees of the Town and the way in which they conduct and present themselves. All employees, whether in Town provided uniforms or personal clothing, are expected to dress in an appropriate and professional manner, which is consistent with good business practice and the provisions of the safety policy.

Because the Town's work environment sees frequent visits from customers, clients, and the public, professional attire is essential. The appropriateness of employees' workplace attire makes visitors and citizens feel that they can trust employees' judgment and recommendations.

Employees are expected to demonstrate good judgment and professional taste. Courtesy to coworkers and one's professional image to the public should be the factors that are used to assess whether workplace attire is appropriate.

Employees who wear attire that is deemed inappropriate in the workplace setting will be dealt with on an individual basis rather than subjecting all employees to a more stringent dress code for appropriate workplace attire. Employees are prohibited from wearing anything that other employees or members of the public might find offensive or that may make them feel uncomfortable. This includes clothing with profane language statements or clothing that promotes causes that include, but are not limited to, politics, religion, sexuality, race, age, gender, and ethnicity.

The Town's goal is to provide a workplace environment that is comfortable and inclusive for all employees and members of the public. The Town expects appropriate workplace attire, although casual at times, will exhibit common sense and professionalism.

The Town Manager is responsible for determining what acceptable attire is for Town employees. The chart below provides guidance to assist employees in complying with this policy.

	WOMEN	MEN
CASUAL - YES	t-shirts, long or short sleeve blouses or shirts, jackets or sweaters; pants, shorts, skirts, dresses at least “finger tip” length and passing “sit-down” test; comfortable footwear <i>appropriate for day’s activities</i>	t-shirts, long or short sleeve shirts, jackets or sweaters; pants or shorts at least “finger tip” length and passing “sit-down” test; comfortable footwear <i>appropriate for day’s activities</i>
CASUAL - NO	Strapless, form-fitting, see-through, bare mid-section, revealing, very short, suggestive or profane writing/designs; view of undergarments; untied or platform footwear, bare feet; slippers or pajamas; hats, hoods, or sunglasses <i>indoors</i> ; jewelry or accessories larger than “quarter”	Pants or shorts below waist, bare mid-section, form-fitting, see-through, sleeveless, excessively baggy, suggestive or profane writing/designs; view of undergarments; untied footwear, bare feet; slippers or pajamas; hats, hoods, or sunglasses <i>indoors</i> ; jewelry or accessories larger than “quarter”

	WOMEN	MEN
BUSINESS – YES	<u>Conservative</u> dresses, suits, skirts at the knee or longer, dress pants; blouses, sweaters in solid colors or muted patterns; conservative solid or sheer hosiery; low to medium height dress shoes; light makeup and perfume; small, simple accessories; neat hair in conservative style	<u>Conservative</u> suits, dress pants, business jackets, dress shirts, ties in solid colors or muted patterns; dress shoes, belts and socks; small, simple accessories; neat hair in conservative style
BUSINESS - NO	Casual clothing or shoes, short or tight fitting, excessive perfume or makeup, wrinkled clothing, excessively high heels, logos/writing	Casual clothing or shoes, tight fitting, baggy, excessive cologne or after shave, wrinkled clothing, unpolished shoes, logos/writing

Section 9. Personal Calls, Texts, and Emails During Working Hours

The Town understands the need to be in touch with family and friends. However, neither personal cell phones nor desktop phones should be used to the point that it distracts an employee from serving citizens and customers. Personal calls, texts, and emails during work hours interfere with employee productivity and safety and may be distracting to others. Employees are encouraged to make personal calls, texts, and emails during breaks and lunch and to ensure that friends and family members are made aware of the Town's policy regarding personal phone use during working hours. Employees shall refrain from use of their personal cell phones during customer transactions, dealings with citizens, during all Town meetings, and minimize the use during working hours. Use of a personal cell phone includes talking, texting, and surfing the web. The

work of the Town takes priority and employees are expected to cease personal activity to tend to Town business. Employees are encouraged to speak with their supervisor(s) if a situation of an emergency nature requires an employee to be in constant contact with a family member. Such situations will qualify for limited access to ensure open communication between employee and family to ensure their wellbeing.

Section 10. Social Media Policy

Use of social media presents certain risks and carries with it responsibilities. To assist employees in making responsible decisions about their use of social media, the following guidelines have been established for appropriate use of social media. This policy applies to all employees.

A. Guidelines

Social media can mean many things and includes all means of communicating or posting information or content of any sort on the Internet, including to the employee's own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity website, web bulletin board, or chat room, whether or not associated or affiliated with the Town as well as any other form of electronic communication, including but not limited to Facebook, Twitter, Tumblr, Flickr, Instagram, etc.

Employees are entirely responsible for what they post online. Before creating online content, employees should consider some of the risks and rewards that are involved. Employees should keep in mind that any of their conduct that adversely affects their job performance, the performance of fellow employees, or otherwise adversely affects citizens, vendors, suppliers, or people who work on behalf of the Town's legitimate business interests, may result in disciplinary action up to and including termination.

- 1. Know and Follow the Rules** – Employees should carefully read the Town's harassment policies and procedures, code of ethics, etc., and ensure that their postings are consistent with these policies and procedures. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may lead to disciplinary action up to and including termination.
- 2. Appropriate and Respectful** - Employees should always be courteous to fellow employees, citizens, vendors, and suppliers. Work problems are more likely to be resolved by speaking directly with co-workers or supervisor(s) than by posting complaints on social media. Nevertheless, if an employee decides to post complaints or criticism, he or she should avoid using statements, photographs, video, or audio that are malicious, obscene, threatening, or intimidating, which disparage employees, clients, customers, citizens, vendors, or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation, or posts that could contribute to a hostile work environment based on race, gender, disability, religion, or any other status protected by law or Town policy.
- 3. Accuracy and Honesty** – Employees should make sure that they are always honest and accurate when posting information or news, and if they make a mistake, correct it quickly. They should never post any information or rumors that they know to be false about the Town, fellow employees, consultants, customers, citizens, vendors, or suppliers.

4. **Confidentiality of Town Information** – Employees must maintain the confidentiality of sensitive confidential information and must not post internal reports, policies, procedures, or other internal business-related confidential communications. Employees are not permitted to create a link from personal blogs, websites, or other social networking sites to the Town website.
5. **Social Media at Work** – Employees must not use social media while at work or on Town equipment, unless it is work-related and authorized. They may not use their Town email to register on blogs, social networks, or other forms of social media.
6. **Personal Opinions Only** – Employees may not represent themselves as spokespersons for the Town unless that is a designated part of their official job responsibilities. If the Town is a subject of the content being created by the employee in his/her personal capacity, the employee must be clear and open about the fact that he/she is employed by the Town and state that the posted views do not represent those of the Town, fellow employees, members, customers, suppliers, or people working on behalf of the Town. If an employee chooses to publish a blog or post online about the work done or subjects associated with the Town, he/she must clarify that he/she is not speaking as a representative of the Town. Failure to do so may result in disciplinary action up to and including termination.
7. **Town Emblems, Seals, Property, or Images** - Depictions of Town buildings, vehicles, uniforms, emblems, the Town seal, or any image solely identified with the Town shall not be used in personal employee internet postings, public or private, without prior written permission of the Town Manager.

Section 11. Employment of Relatives

Members of a full-time employee's immediate family shall not be employed at the same time in any Town department. If through change in family status, position assignment, job classification, or other personnel action, a working relationship is affected, the affected employee(s) shall be given the option of resignation, or in the event this option is not accepted, the affected employee(s) will be dismissed with notice. The only exception to this rule is if an immediate family member of a full-time Fire Department employee is employed as a part-time firefighter. At no time shall the Fire Department have two full-time employees who are immediate family.

Section 12. Non-Fraternization

The Town maintains a strict non-fraternization policy. Dating, romantic involvement, and/or sexual relations between any employees is expressly forbidden regardless of job classification. Failure to adhere to the terms of this policy will lead to disciplinary action up to and including termination of employment.

Section 13. Work-Related Injuries and Accident Reporting Policy

The Town places the highest priority on creating and maintaining a safe work environment. The establishment of a consistently safe workplace is essential to the Town's operations and to the Town's commitment to comply with all applicable laws pertaining to safety in the workplace. In furtherance of the commitment to create a safe work environment, employees are expected to assist the Town in maintaining safe working conditions. If employees are unable to perform their job duties safely or competently for any reason, they are required to inform their supervisors without unnecessary delay. Additionally, employees

who observe or experience unsafe working conditions have the right, and are required, to report the unsafe working condition(s) to their supervisors as quickly as possible. The provisions found in this section apply to all employees while at work or engaged in work-related activities.

As soon as an employee becomes aware that a work-related accident, injury, or illness has occurred, he/she is required to report the occurrence to the supervisor as quickly as is practicable. This is the duty of all employees with knowledge of the incident. All work-related accidents, injuries, and illnesses, even those that may not initially be deemed to be serious, must be reported as soon as is practicable to supervisors. Employees who experience a work-related accident, injury, or illness are to use their best efforts to complete the appropriate forms and to cooperate to the best of their ability with the Town's efforts to comply with the applicable recording, reporting, and investigation obligations. As soon as the injury is reported, the supervisor or department head and/or his/her designee must complete a detailed accident investigation form.

Employees will not be penalized in any way for reporting unsafe working conditions or for reporting work-related injuries or illnesses.

Section 14. Smoke/Vape Free Workplace

It is Town policy to ensure the health, safety, and welfare of its employees as a public interest to improve indoor air quality, reduce fire hazards, and minimize any health risks associated with involuntary exposure to environmental tobacco smoke. The Town Manager is authorized to establish policies related to the safety and welfare of municipal employees.

It shall be unlawful (Ordinance #819) for any person to smoke or vape in any building or facility or portion of a building or facility now or hereafter owned, leased, operated, occupied, managed, or controlled by the Town; within fifty (50) feet of any Town-owned building entrance; in any Town owned or leased vehicle; and at any Town park or recreational facility. Department heads are responsible for providing a designated smoking area for employees away from the building and a non-work area where employees or citizens are required to enter during regular business hours.

Employees found to be in violation of the smoke/vape free workplace policy will be subject to disciplinary action, including up to termination.

Section 15. Workplace Violence Prevention

The Town seeks to provide a work environment free from threats and/or acts of violence against individuals, groups, or employees, or threats against Town property including partner violence that may occur on our property. This policy requires that all individuals on Town premises or while representing the Town conduct themselves in a professional manner consistent with good business practices.

For purposes of this policy, workplace violence is defined as a single behavior or series of behaviors which constitute actual or potential assault, battery, harassment, intimidation, threats or similar actions, attempted destruction, or threats to Town or personal property; which occur in a Town workplace, while using Town resources, at a Town work location, or while an individual is engaged in Town business.

All individuals who apply for and obtain a protective or restraining order, which lists Town locations as being protected areas, must provide a copy of the petition and order to the Town Manager. The Town Manager may then implement the steps necessary to assist the employee to enforce the order while on Town property.

Specific examples of conduct that may be considered "threats and/or acts of violence" prohibited under this policy include, but are not limited to, the following:

- A. Hitting or shoving an individual.
- B. Threatening to harm an individual or his/her family, friends, associates, or their property.
- C. The intentional destruction or threat of destruction of property owned, operated, or controlled by the Town.
- D. Making harassing or threatening statements by telephone, letter, or other forms of written or electronic communication.
- E. Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the Town.
- F. Harassing surveillance, also known as "stalking", the willful, malicious, and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his/her safety.
- G. Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on Town property.
- H. All threats or acts of violence not occurring on Town property but involving someone who is acting in the capacity of a representative of the Town.
- I. All threats or acts of violence not occurring on Town property involving an employee of the Town if the threats or acts of violence affect the legitimate interests of the Town.
- J. Any threats or acts resulting in the conviction of an employee or agent of the Town, or of an individual performing services on the Town's behalf on a contract or temporary basis, under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests and goals of the Town of Rural Hall.

Section 16. Workplace Harassment

It is the goal of the Town to maintain a workplace that is free of harassment and discrimination. The Town prohibits and will not tolerate harassment or discrimination based on race, color, religion, gender, age, national origin, non-qualifying disability, or genetic information. Because the Town takes allegations of harassment and discrimination seriously, the Town will respond promptly to complaints. This policy applies to all persons involved in the Town's operation, including but not limited to Town employees, contract and temporary workers, and anyone else on Town property. Violations of this policy by any individual on Town property, or by any individual acting off Town property when his/her actions affect the public interest or the Town's business interests will be followed by legal action, as appropriate. When it is determined that an employee has violated any provision of this policy, the Town will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action up to and including termination.

A. Harassment Defined

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Workplace harassment is defined as harassment other than sexual. This conduct may be verbal or physical conduct that denigrates or shows hostility or aversion towards an individual because of race, color, religion, gender, national origin, age, or disability, which has the purpose or effect of creating an intimidating, hostile, or offensive work environment or otherwise adversely affects an individual's employment opportunities.

B. Reporting Harassment

Any employee who believes that he/she may have a legitimate complaint of workplace or sexual harassment should follow the procedure as outlined below:

1. All Town employees are responsible for helping to ensure that employees avoid unlawful harassment. If an employee feels that he/she is being harassed by another employee, it is important to understand that the first step is to tell the person or persons that the behavior is offensive and should stop. The Town encourages employees to do so since conduct that may offend some individuals is often not intended as harassment and may not be offensive to other individuals. Telling the individual(s) that the conduct is offensive and should stop, may resolve the problem.
2. If the offensive behavior does not stop, an employee has a right to discuss the matter with his/her immediate supervisor or department head. The supervisor or department head will make every effort to solve the problem or correct the misunderstanding at this initial level. If the supervisor or department head is the alleged harasser, an employee may appeal directly to the Town Manager.
3. If informal discussion with the immediate supervisor is unsuccessful in resolving the problem, the employee and/or supervisor or department head has the right to contact the Town Manager directly.
4. Any supervisor who witnesses or receives a harassment complaint will promptly report it to the Town Manager. Failure to appropriately report such harassment complaints or suspected acts of harassment will be considered a violation of this policy.

C. Investigations of Harassment

1. The Town Manager or his/her designee will investigate reports or complaints of workplace or sexual harassment and resolve the complaint as promptly as practicable after the complaint or report is made. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Investigations may include a private interview with the person filing the complaint, witnesses, and with the person alleged to have committed sexual harassment or harassment. The employee filing the complaint should be prepared to provide the following information:
 - a. The name of the person committing the harassment.
 - b. The specific nature of the harassment, its duration, and any employment action (demotion, dismissal, etc.) taken against the employee as a result of the harassment, or any threats made against the employee as a result of the harassment.
 - c. Any witnesses to the harassment.

- d. Whether the employee has previously reported such harassment and, if so, when and to whom.
2. It is the responsibility of the Town Manager, when investigating a complaint of sexual harassment, to maintain the confidentiality of those involved to the greatest extent possible.
3. When the investigation is complete, the Town Manager will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the offending conduct, of the results of that investigation. If it is determined that inappropriate conduct has occurred, the Town Manager will act promptly to eliminate the offending conduct, and where appropriate, impose disciplinary action.
4. The accused and department head/supervisor are then advised that the investigation has concluded and what disciplinary action and/or administrative action has been recommended, if any, because of any findings of cause. If disciplinary action is appropriate, Town disciplinary procedures will be followed.
5. If after investigating a complaint, it is determined the complaint was not made in good faith and/or that the employee has provided false information regarding the complaint, disciplinary action will be taken against the individual who filed the improper complaint or who gave the false information.
6. Retaliation against the reporting employee or any employees involved in an investigation is strictly prohibited. When retaliation claims are reported to the Town Manager, they will be investigated in the same manner as the original complaint. If such claims are proven to be true, they will result in disciplinary action up to and including termination for the retaliating employee(s).

Section 17. Americans With Disabilities Act

The Americans with Disabilities Act (ADA) requires employers to reasonably accommodate qualified individuals with disabilities. It is the policy of the Town to comply with all federal and state laws concerning the employment of persons with disabilities.

It is Town policy not to discriminate against qualified individuals with disabilities in application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

The Town will reasonably accommodate qualified individuals with a temporary or long-term disability so that they can perform the essential functions of a job. An individual who can be reasonably accommodated for a job, without undue hardship, will be given the same consideration for that position as any other applicant.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, which such threat cannot be eliminated by reasonable accommodation, will not be hired.

Current employees who pose a direct threat to the health and safety of the other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employee's immediate employment situation.

The Town Manager and his/her designee is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues.

A. Definitions

The following terms have the indicated meaning and will be adhered to in relation to the ADA policy.

1. **Disability** - A physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment, has a record of such impairment, or is regarded as having such impairment is a disabled individual.
2. **Direct Threat to Safety** - A significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.
3. **Qualified Individual** - An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.

B. Requesting an Accommodation

If an employee has a disability that requires an accommodation for him/her to perform the essential functions of his/her job, or otherwise enjoy the benefits and privileges of employment, he/she must initiate a request for accommodation by contacting his/her direct department head/supervisor to identify an adjustment or change at work that is needed because of said disability.

If a candidate for employment has a disability that requires an accommodation to apply for a job, he/she must initiate the request for accommodation by contacting the Town Clerk and identifying an adjustment or change in the application process or system that is needed because of said disability.

C. Participating in the Interactive Process

An employee seeking an accommodation under this policy will engage in an interactive dialog (the "interactive process") with his/her department head/supervisor and the Town Manager and/or his/her designee to identify an accommodation that will allow the employee to perform the essential functions of the job effectively or engage in other benefits of employment that are enjoyed by similarly situated employees without disabilities.

If the Town is able to accommodate the request as a result of the interactive process, without the need for supporting medical documentation or other information, the employee does not need to proceed with any further steps outlined in this process.

If the employee's department head/supervisor or the Town Manager and/or Town Clerk have questions regarding the implementation of an accommodation, questions related to whether the medical condition is a qualifying disability under the ADA or need(s) additional medical

information to determine what accommodations may be available or effective, the Town Clerk shall provide the employee with the Town's medical inquiry form.

The employee must cooperate with the Town Clerk in submitting the necessary medical documentation and/or providing a release of medical information that permits the Town Clerk to communicate with the employee's health care provider. The employee must return all forms and responsive information within 15 calendar days of the request. Processing the request for accommodation may not proceed until all required forms have been completed and returned to the Town Clerk.

The Town Clerk will review the completed forms received from the employee and/or the employee's health care provider. If the information provided is incomplete or requires further clarification, the Town Clerk may request additional information from the employee or his/her health care provider.

When all required information is received, the Town will provide any reasonable accommodation necessary for the employee to be able to work. Reasonable accommodation is defined as an adjustment or alteration that enables a qualified person with a disability to apply for a job, perform job duties, or enjoy benefits and privileges of employment. There are three categories of reasonable accommodations:

1. Modifications or adjustments to a job application process to permit an individual with a disability to be considered for a job (such as providing application forms in alternative formats like large print or Braille.)
2. Modifications or adjustments to enable a qualified individual with a disability to perform the essential functions of the job (such as providing sign language interpreters.)
3. Modifications or adjustments that enable employees with disabilities to enjoy equal benefits and privileges of employment (such as removing physical barriers in organization.)

Section 18. Drug and Alcohol Policy

The Town has a responsibility to all employees to provide a safe workplace and a responsibility to the public to ensure that its safety and trust in the Town is upheld. Therefore, the Town has adopted a policy that prohibits the following behaviors by employees:

- The use or possession of alcohol or any controlled substance, including the abuse of medications, while on work time or work premises, or in Town vehicles.
- The sale, distribution, or provision of alcohol or any controlled substance while on work time or work premises, or in Town vehicles.
- Reporting to work or working while intoxicated or otherwise impaired.

Any violations of this policy will subject the employee to disciplinary action up to and including dismissal.

A. Purpose

The purpose of the drug and alcohol policy is to:

1. Identify all requirements and actions necessary to eliminate drug abuse and alcohol misuse in the Town.
2. Ensure full compliance with federal requirements for establishing a drug-free workplace.

3. Identify when, and under what conditions, Town employees are subject to drug and alcohol testing.

B. Drug and Alcohol Testing

All full-time, part-time, volunteer, temporary, and seasonal employees of the Town are subject to the following types of testing:

1. Pre-employment
2. Reasonable suspicion
3. Post-accident

If any position is considered safety-sensitive, those employees of the Town are subject to the following additional types of testing:

1. Random
2. Reasonable suspicion
3. Post-accident

Safety sensitive positions are generally considered positions that require the operation of vehicles, machinery, equipment, or the handling of hazardous materials; the mishandling of which may place fellow employees or the public at risk of serious injury, or the nature of which would create a security risk in the workplace.

In addition to the above tests, employees who possess a Commercial Driver's License (CDL) are covered under the U.S. Department of Transportation drug testing regulations and are subject to the following types of drug testing:

1. Random
2. Reasonable suspicion
3. Post-accident

C. Conditions for Testing

1. Pre-Employment Testing

After a conditional offer of regular employment has been made to the final candidate, the Town Manager or his/her designee will direct the successful applicant to the drug testing collection site and will provide notification of the test result. Applicants will be required to submit to a drug test within 24 hours of being directed to the drug testing collection site. Applicants are not eligible to begin work until the Town Manager receives written notice of the negative test results. Results will be handled in a confidential manner. A Medical Review Officer (MRO) shall report results of testing as provided by law to the designated employer representative. The Town will withdraw the conditional offer of employment made to any applicant whose drug screen test reveals the presence of illegal drugs and/or prescription medication or alcohol without a valid prescription.

2. Random Testing

The Town contracts with a third-party administrator to recommend a designated percentage of employees to be randomly tested and to generate the random test list. Unannounced random testing will be completed for the designated percentage of employees. The Town Manager or his/her designee coordinates the scheduling of the random tests.

3. Reasonable Suspicion Testing

The Town may require that an employee undergo drug and/or alcohol testing when, in the opinion of the Town Manager, the department head, and/or the supervisor of the affected employee, there is reasonable suspicion to believe that the employee may be under the influence of alcohol or controlled substances. The determination to test for reasonable suspicion must be based on any of the following:

- a. Firsthand, written observations seen or heard by supervisors or department heads;
- b. Specific, clearly stated observations concerning the appearance, behavior, speech, or body odor of the employee;
- c. Observed possession or use of an unknown substance or drug;
- d. Slowed or staggering walk; poor physical condition;
- e. Smell of substance on breath, body, or clothes;
- f. Needle marks on lower arms, legs, or bottom of feet;
- g. Observations made just before, during, or just after the performance of job duties.

A reasonable suspicion alcohol/drug test should be done within two (2) hours of the observed behaviors. If a test cannot be conducted within eight (8) hours, it should not be conducted. If a reasonable suspicion test cannot be conducted within the specified time frame, the reasons for the failure to test should be documented in writing by the supervisor and given to the Town Manager.

An employee who is asked to submit to reasonable suspicion testing will be driven to the testing site, if necessary, and will be placed on a non-disciplinary, paid suspension pending the test results. An employee who refuses to submit to reasonable suspicion testing will be considered as having a positive test result and will lead to disciplinary action up to and including dismissal.

4. Post-Accident Testing

Post-accident testing is conducted following any accident or incident involving an employee or volunteer if any one of the following conditions is met:

- a. A fatality occurs as the result of the accident.
- b. If the driver was cited for a moving traffic violation.
- c. If any individual involved in the accident requires medical treatment away from the scene.
- d. If a vehicle involved in the accident was disabled to the extent that it must be towed.
- e. If involved in a non-motor vehicle-related accident or incident which the supervisor, department head, or Town Manager believes could have been reasonably avoided.

Post-accident alcohol/drug testing should be conducted within two (2) hours of the accident. If the test cannot be performed within eight (8) hours, it should not be conducted. If the test(s) cannot be performed in the specified time frame, the reasons for the failure to test will be documented in writing by the supervisor and given to the Town Manager.

An employee who refuses to be tested or avoids meeting the specified time limits will be considered as having positive test result and will lead to disciplinary action up to and including dismissal.

D. Positive Test Results

1. Alcohol Tests

A breath alcohol test level of 0.04 on a breathalyzer administered by a certified Breath Alcohol Technician is considered a positive alcohol test. A positive test result will result in disciplinary action up to and including dismissal.

A breath alcohol level of 0.02 or greater requires a confirmation test. Confirmation tests are completed no sooner than 15 minutes after the initial screening test, but no later than 30 minutes of that test. If the screening and confirmation tests are not the same, the confirmation test is deemed to be final. If the blood alcohol test reading is between 0.02 and 0.039, the employee must be removed from the workplace for a 24-hour period and subject to leave without pay.

2. Drug Tests

Drug tests are performed for the following types of drugs (also considered a five-panel test), at a minimum:

- a. Marijuana
- b. Cocaine
- c. Opiates
- d. Phencyclidine (PCP)
- e. Amphetamines

All drug tests require an employee to provide a urine specimen for urinalysis at an approved medical facility or at a designated collection site provided by the Town by a certified third-party technician. The collection, analysis, and reporting processes are strictly controlled to ensure accuracy of test results and maximum confidentiality.

Every urine specimen undergoes an initial screen followed by a confirmation test for all positive screen results. Any confirmed positive test result is reviewed and interpreted by a Medical Review Officer (MRO). The MRO will contact the employee to ensure no factors exist that may have influenced the outcome of the testing process prior to transmission of the results to the Town. The MRO is responsible for confirming test results. A confirmed positive test result will subject the employee to disciplinary action up to and including dismissal.

E. Refusal to Test

An employee's refusal to consent to testing as authorized under this policy will be considered as having positive test result and will lead to disciplinary action up to and including dismissal.

F. Voluntary Referrals for Assistance

An employee who has a drug or alcohol problem is encouraged to seek assistance from the Town's Employee Assistance Program (EAP). EAP visits are provided as a Town benefit and are confidential. Any regular employee who seeks voluntary assistance and requires leave time to participate in a treatment program will have the situation evaluated as a reasonable accommodation and can be granted sick leave (if available) or leave without pay.

G. Mandatory Referrals for Assistance

An employee who has indicated a drug or alcohol abuse problem prior to being tested may be required as a condition of continued employment to undergo a drug and alcohol assessment and participate in a treatment program as recommended by the assessing agency.

The Town respects the right of any employee to refuse assistance for a drug or alcohol problem. However, the Town maintains the right and responsibility for addressing performance/liability issues arising from substance abuse. This may result in discipline up to and including termination.

H. Alcohol and Drug-Related Offense Charges

A safety-sensitive or U.S. Department of Transportation driver charged with a drug or alcohol-related offense must report the charge to the supervisor within five (5) calendar days of the date of charge. Any drug or alcohol-related charge which could directly or indirectly affect the employee's credibility or ability to effectively carry out the duties and responsibilities of his/her position will be reviewed by the Town Manager and may result in disciplinary action up to and including dismissal.

I. Training

Supervisors will be trained to recognize behaviors that may indicate drug and alcohol abuse and how to take appropriate referral action. In addition, employees will be provided with information regarding the effects of alcohol and controlled substances on the body including the impact on work performance and resources available for assistance.

Employees covered under the federal drug testing regulations will be required to participate in training as required under the federal guidelines. All department heads and supervisors will be trained to detect the symptoms of drug and alcohol impairment. This training can be conducted online, and each supervisor or department head will be required to have a certificate of completion on file with the Town.

Article VII. LEAVE POLICIES

Section 1. Holiday Leave

A. Holidays Observed

The following days are observed as holidays with pay for full-time employees.

1. New Year's Day
2. Martin Luther King, Jr. Birthday
3. Good Friday
4. Memorial Day
5. Independence Day
6. Labor Day
7. Veterans Day
8. Thanksgiving (2 days)
9. Christmas (3 days)

B. Employees Who are Required to Work on Holidays

If an employee is engaged in shift work and the regular work schedule requires work on a holiday, the employee shall receive a subsequent day off as compensation for the holiday worked; likewise, if a holiday falls on one's scheduled day off, the employee shall receive an additional day off. Requests to use holiday time must be submitted a minimum of 30 days in advance. Holiday leave may be taken by an employee when approved by the supervisor and when the leave can be taken without hindering the effectiveness of service delivery and normal operation of the department.

At termination of employment, whether due to involuntary separation or voluntary separation, in instances where, for the efficient operation of the Town and the convenience of the employee, the employee has taken holiday time off in advance for holidays that have been accrued but not yet observed as of the separation date, the employee's final paycheck will be reduced in an amount necessary to repay the Town for the extra holiday time that was taken prior to date the holiday was observed.

The compensatory day will be accrued in the payroll in which the holiday occurred. Holiday balances remaining on June 30 will be forfeited. Holiday time is not compensable at termination.

C. Emergency Work on a Holiday

In the event of an emergency wherein a nonexempt employee is called into work on a holiday that he/she would have otherwise not been scheduled to work, the employee will be paid at the regular rate of one hour's pay for one hour of work for hours worked on the holiday, in addition to the normal holiday pay. This provision is subject to overtime rules for all hours over forty (40) that are physically worked in a week.

D. Non-Emergency Work on a Holiday

Exempt employees who are not required to work on holidays, but who choose to do so receive no extra compensation for their efforts. Nonexempt employees working when not required or approved will be addressed through the disciplinary action process.

E. Religious Observances

Employees who wish to use leave for religious observances must request leave from their respective supervisor. The supervisor will attempt to arrange the work schedule so that an employee may be granted annual leave for the religious observance. Annual leave for religious observance may be denied only when granting the leave would create an undue hardship for the Town.

Regular holidays that occur during a vacation, sick, or other paid leave period of any employee of the Town shall not be charged as vacation, sick, or other paid leave.

Section 2. Vacation Leave

It is not mandated, but it is the stated policy for the Town that employees are encouraged to use vacation leave to provide rest, relaxation, and recreation, which is necessary for the well-being the Town seeks for its employees. Employees using vacation time must first use any accrued compensatory hours prior to using vacation leave hours.

A. Leave Year

For the purposes of accruing vacation leave, the period of twelve (12) calendar months between January 1 and December 31 is established as the leave year.

B. Accrual

Vacation with pay is granted to full-time regular employees. Part-time and temporary employees do not earn vacation leave. Vacation is accrued monthly at the second payroll. For purposes of calculating leave under this section, periods of 15 calendar days or less during a month shall not be counted, but a period of 16 days or more shall count as a whole month for purposes of calculating leave. The employee must be employed for the appropriate accrual to take place, i.e., there will be no accrual on the final paycheck.

Each employee occupying a full-time, regular, budgeted position shall earn vacation monthly in accordance with the following schedule of total service:

Service	Days/Year	35 Hour	40 Hour	Fire Shift 212 Hours/28 Days
Less than 2 Years	5	2.92	3.34	4.43
2 Years to less than 5 Years	10	5.84	6.67	8.84
5 Years to less than 15 Years	15	8.75	10	13.25
15 Years to less than 20 Years	21	12.25	14	18.55
20 Years to less than 25 Years	24	14	16	21.20
25 Years and over	25	14.59	16.67	22.09

Employees continue to accumulate vacation leave while on civil, military, sick, vacation, and workers' compensation leave.

C. Use and Reporting

1. Vacation leave may be taken by an employee when approved by the supervisor and when the leave can be taken without hindering the effectiveness of service delivery and normal operation of the department. Last-minute requests will be considered; however, approval is granted based on workload and adequate staffing levels. A two-week notice for vacation leave is requested and encouraged, unless there is a more stringent requirement by the department head that is necessary for scheduling purposes. The need for emergency vacation leave will be considered on a case-by-case basis.
2. Employees serving a probationary period following initial appointment shall not be permitted to take vacation leave during the probationary period unless the denial of such leave will create an undue hardship. Any vacation leave granted during this period shall have the prior approval of the Town Manager.
3. Vacation leave may be taken in fifteen (15) minute increments.
4. Vacation leave will not be advanced.
5. When taking time off, employees shall use any compensatory hours prior to using vacation leave.
6. Once an employee is on an approved vacation leave, the leave designation will not be changed to sick leave upon the employee's return should the employee become sick while on vacation.

D. Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until the last full pay period of each calendar year. After the payroll cycle for the last full pay period of the calendar year has been completed, any employee with more than 30 days of accumulated vacation leave shall have the excess accumulation converted to sick leave so that only 30 days are carried forward to January of the next calendar year.

For purposes of this policy, 30 days is calculated as follow:

For 35-hour week employees, the 30-day maximum (at 7 hours per day) is 210 hours.

For 40-hour week employees, the 30-day maximum (at 8 hours per day) is 240 hours.

For 24-hour shift employees, the 30-day maximum (at 12 hours per day) is 360 hours.

E. Vacation Payout

Vacation pay will be paid only upon use of vacation leave on what would have been a regularly scheduled workday. There will be no vacation pay for accumulated or unused vacation leave accruals except upon separation of employment with the Town.

1. Terminal Pay – Voluntary Separation

Upon submission of a resignation notice, an employee who has successfully completed the probationary period shall normally be eligible to be paid for vacation accumulated to the date of separation, not to exceed a maximum of 30 days. However, an employee forfeits the right to be paid for unused vacation leave if a two-week notice is not properly given to the

supervisor. The notice requirement may be waived by the Town Manager when deemed to be in the best interest of the Town.

2. Terminal Pay – Involuntary Separation

When an employee is involuntarily separated for reason of fault, he/she forfeits the right to be paid for unused vacation leave. Involuntary separation does not include separation due to reduction-in-force.

3. Terminal Pay – During Probationary Period

Employees leaving employment prior to completion of the probationary period will forfeit all accrued vacation leave whether the separation is voluntary or involuntary.

4. Death Payment

The estate of an employee who dies while employed by the Town shall be entitled to payment for all accumulated vacation leave credited to the employee's account, not to exceed a maximum of 30 days.

Section 3. Birthday Leave

Full-time employees are eligible for one day of paid birthday leave once the probationary period has been successfully completed.

Employees must submit their birthday leave request, in writing, to the supervisor a minimum of one month prior to the day off. The employee must take birthday leave on his/her birthday or at a mutually agreed-upon date within 10 working days of the employee's actual birthday (either before or after). Birthday leave is not compensable upon termination and cannot be transferred, saved, or carried over past this 10-day window.

Section 4. School Leave

In accordance with North Carolina General Statute 95-28.3, an employee who is a parent, guardian, or person standing in loco parentis of a school-aged child may be granted four (4) hours of leave per employee per fiscal year for participation in school activities of his/her child(ren). Schools shall include public and private, day care, and preschool. This leave will be paid for full-time regular employees and is unpaid for all other employees. School involvement leave does not accrue and is not compensable at separation.

Section 5. Sick Leave and Parental Leave

Sick leave with pay is not a right which an employee may demand but a privilege granted by the Town. Employees who need to take sick time away from work must first use any accrued compensatory leave hours prior to using sick leave hours.

A. Accrual

Full-time employees, regular and probationary, shall accrue sick leave in accordance with the schedule below. For purposes of calculating leave under this section, periods of 15 calendar days or less during a month shall not be counted, but a period of 16 days or more shall count as a whole month for purposes of calculating leave.

35 Hour Employees	7 hours per month
40 Hour Employees	8 hours per month
212 Hour/28 Day Employees	10.6 hours per month

Unused sick leave shall accrue without limit.

Employees continue to accumulate sick leave while on civil, military, sick, vacation, and workers' compensation leave.

B. Use and Reporting

Sick leave with pay is a benefit that may be used for absences necessitated by injury or illness to an employee or to a member of the employee's immediate family, maternity, required dental care, or exposure to contagious disease. The immediate family is defined as mother, father, legal guardian, stepmother, stepfather, son, daughter, stepson, stepdaughter, or spouse. Leave from work with pay may also be charged as sick leave if the absence is due to quarantine, medical-related appointments, or treatment. Sick leave is not to be abused and will be granted with pay only when the employee:

1. Reports to their supervisor no later than the start of their workday/shift with the reason for their absence. Failure to provide proper notice for an absence may result in disciplinary action.
2. Tells his/her supervisor the nature and expected duration of the illness.
3. Keeps supervisor informed daily, if necessary, of the status of the illness.

If the employee fails to notify the supervisor of the illness and fails to tell the supervisor when a return to work might be expected, the employee may be placed on leave without pay until the absence is explained. The Town Manager or his/her designee has the authority to require proof of illness in whatever form that will meet his/her approval.

With the exception noted below, employees serving a probationary period following initial appointment shall not be permitted to take sick leave during the probationary period unless the denial of such leave will create an undue hardship. Any sick leave granted during this period shall have the approval of the Town Manager.

Sick leave may be taken in fifteen (15) minute increments.

Sick leave will not be advanced.

An employee will not work while on paid sick leave, nor will one employee give any of his/her accrued sick leave to another.

If an employee is away from his/her job for three (3) consecutive days without notice, it shall be assumed that the employee has resigned.

C. Maternity and Parental Leave

A pregnant employee is entitled to leave as specified under the Family and Medical Leave Act, as amended. Any combination of accumulated sick leave, compensatory time, vacation leave, holiday leave, short-term disability insurance benefits (if provided by the Town), and leave without pay may be used to cover absence required for childbirth. The Town will reinstate the employee without loss of seniority or benefits when he/she returns to work within three (3) months after the pregnancy is complete.

Sick leave may be used by the father of the newborn infant during the period of the mother's disability, or any portion thereof. Up to two weeks of sick leave may be used by the father of the infant for bonding. Request for use of sick leave for these purposes shall be made in advance to the Town Manager through the department head.

D. Physician's Certification

For all absences due to illness extending three (3) or more days, a physician's certificate providing proof the employee was unable to work due to the employee's illness or injury, or illness in the employee's family, may be required. A physician's certification regarding an employee's ability to return to work after an illness or injury may also be required. The Town Manager has the authority to request the certification. The Town Manager also may require a doctor's statement for any sick leave taken.

Failure of an employee to provide requested proof shall constitute a reason for nonpayment of the days taken or for reassignment of the days to vacation leave. Such action may also be construed as grounds for disciplinary action.

E. Retirement Credit

Employees who are members of the North Carolina Local Governmental Employee's Retirement System (NCLGERS) may apply unused sick leave toward retirement credit in accordance with System guidelines.

F. Payment Upon Separation

Employees will not be paid for any portion of unused sick leave when they leave the employment of the Town, for any reason.

G. Transfer from Other Agencies/Entities

An individual who is employed by the Town in a full-time position and who comes to the Town from employment with another agency which participates in the Teachers' and State Employees' Retirement System of North Carolina or the NCLGERS may have his/her accrued sick leave transferred to the Town of Rural Hall under the following guidelines:

1. The employee bears the sole responsibility for requesting and obtaining certification of the prior sick leave balance from the former employer.
2. The employee's responsibility for obtaining certification of his/her accrued sick leave is not discharged until the employee receives from the Finance Director written acknowledgement of acceptance of the former employer's certification of the amount of accrued sick leave.
3. The employee will be credited with his/her certified prior sick leave balance after successful completion of the probationary period with the Town. Except as provided below in item 4, employees rehired by the Town will be credited with their prior sick leave balance using the same guidelines as specified above.

4. Employees rehired will not be given credit for sick leave earned with the Town if the employee separated during the initial probationary period of employment.

Section 6. Family and Medical Leave

A. Qualifying Events

Under the provisions of the Family and Medical Leave Act of 1993 (FMLA), for any one of the four (4) reasons listed below, the Town Manager may grant up to twelve (12) weeks of unpaid leave per every twelve (12) month period to an employee who has worked for the Town at least twelve (12) months and has rendered at least 1,250 hours of service:

1. an employee's serious health condition,
2. the birth or adoption of a child to an employee,
3. an employee's need to care for a child, spouse or parent who has a serious health condition, or
4. the placement of a child with the employee for foster care.

B. Availability of Leave

For purpose of determining the amount of leave available to an eligible employee under this section, the Town shall use the "roll back" method by reviewing the employee's attendance record for the prior twelve (12) months. Under no circumstances shall the amount of FMLA leave granted to an eligible employee during the preceding twelve (12) month period prior to his/her request exceed twelve (12) work weeks.

C. Limitations

A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves hospitalization or continuing treatment by a medical doctor. Leave by an employee for a serious health condition may be taken intermittently or on a reduced-time schedule, if medically necessary. The Town Manager may place the employee in an alternate job that would better accommodate the recurring periods of leave than would the employee's regular job without reduction in pay and benefits. Before leave is granted under this provision, the employee must have exhausted all accrued vacation and sick leave.

D. Childbirth or Placement of a Child

The entitlement to leave for a birth or child placement expires one year after the date of childbirth or placement. Childbirth or placement leave is to be taken in one block of time up to twelve (12) weeks unless the employee and Town Manager agree otherwise.

E. Notification of Leave

1. **Notification by Employee** - Thirty (30) days' notice should be given to the Town Manager prior to the beginning of foreseeable or planned events such as the birth or adoption of a child or the planned medical treatment of the employee or immediate family member. The employee is required to make a reasonable effort to schedule the foreseeable or planned event so as not to unduly disrupt the Town's operations. If the employee fails to give thirty (30) days' notice for a foreseeable or planned leave with no reasonable excuse for the delay,

the Town may deny the leave for at least thirty (30) days after the date the employee provides notice to the Town of the need for the leave.

- 2. Notification by the Town** - Upon absences from work more than three (3) consecutive work days for an illness or injury, the employee's immediate supervisor shall contact the employee to determine if the employee is receiving inpatient care, continuing treatment by a health care provider, or is under the supervision of a health care provider. The supervisor shall then notify the Town Manager of the employee's condition whereby the Town Manager will make determination as to whether such leave qualified as leave under this section. If it is determined that the employee qualifies for leave, the Town Manager shall notify the employee in writing that he/she is being placed on leave under this section.

F. Verification of Leave Requests

The Town Manager may require an employee requesting benefits under FMLA to provide a copy of certification from a medical doctor as to the seriousness of the health condition of the employee or the employee's spouse, child, or parent.

The medical certification must contain the following elements:

1. Date when the serious health condition began;
2. The probable duration of the condition;
3. The appropriate medical facts known by the health-care provider regarding the condition;
4. The need of the employee to provide care to the family member (if leave is for the care of a family member);
5. Statement that the employee is unable to perform the functions of his/her position; and,
6. The schedule of treatments (if the need for leave is for intermittent leave or leave on a reduced time schedule).

If the Town Manager doubts the validity of the leave request, the Town Manager may require the employee to obtain a second opinion from a second health-care provider of the Town's choice. If the Town Manager requires a second opinion, the Town will bear the cost of obtaining the second opinion. If the second opinion conflicts with the original medical opinion, then the Town, at its cost, may require a third opinion, which shall be final and binding on the Town and employee.

G. Employment and Benefits Protection

An employee who is granted family and medical leave is guaranteed the right to return to either the position left when the leave began, or to an equivalent position with the same benefits, pay, and other terms and conditions of employment. The employee, while on leave, shall be covered under the Town's group insurance plan. If the employee fails to return to work, the Town may recover premiums paid during the time of leave, unless the employee suffers a continuation of the serious health condition.

H. Applicability of Sick and Vacation Leave

An employee, who is granted leave under this section, shall use any sick and vacation leave accrued during his/her absence from work. After use of sick and vacation leave the employee may be granted leave without pay.

Section 7. Worker's Compensation Leave

An employee absent from duty because of job-related injury or illness covered by the North Carolina Workers' Compensation Act may receive workers' compensation benefits. Upon reinstatement, an employee's salary will be computed using the last salary earned plus any increment or other salary increase to which the employee would have been entitled during the disability covered by the Act.

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

An employee receiving workers' compensation benefits shall continue to accrue vacation and sick leave, but not holiday leave.

Employees receiving workers' compensation benefits shall cease contributing to the NCGLERS. Upon returning to work, employees may purchase credit for the period during which they received workers' compensation benefits.

If an employee is injured on the job, the injury must be reported to the supervisor on the same day of occurrence.

Documentation of the injury must be made on Form Number 19 and submitted to the North Carolina Industrial Commission. The Town Manager or his/her designee shall provide all necessary assistance in completing appropriate accident reports.

Section 8. Limited Duty Policy

A. Purpose

It is the purpose of this policy to establish guidelines for limited duty, sometimes referred to as light duty or restricted duty.

B. Policy

It is the policy of the Town to make limited and temporary arrangements for restricted duty assignments, where operationally feasible, for employees who are temporarily mentally or physically unable to perform the essential functions of their regular job. Consideration is given to the balance of the employee's needs and the needs of the Town to have all positions fully functioning. The Town shall administer these procedures in a fair and equitable manner that is consistent with applicable state, local, and Federal law.

Only medically authorized and specifically defined duties will be considered by the Town for light duty. The authorization must detail specific physical duties the employee can and cannot perform along with anticipated duration of the condition. Light duty may involve an employee performing duties other than his/her normal job function due to restrictions from the attending physician.

If an employee and his/her physician feel that he/she is unable to perform the essential functions of the job because of an illness/injury, he/she may take any remaining FMLA leave. In the event the Town cannot provide light duty work or lost time from work is required by the physician, the employee will be placed on personal leave (sick or vacation), workers' compensation leave, or leave without pay as applicable. All periods of light duty and/or paid or unpaid leave time will run concurrently with FMLA for eligible employees.

C. Procedures - General Provisions

1. Temporary limited duty assignments are limited in number and variety. Therefore:
 - a. All temporary limited duty assignments shall be made with the best interest of the Town's operations in mind.
 - b. Personnel injured or otherwise disabled during the performance of their duties shall be given preference in initial assignment to limited duty.
 - c. Assignments may be changed at any time after consultation with employee and physician, if it is deemed to be in the best interest of the department's operations.
2. This policy in no way affects the rights of employees under provisions of the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act, or other Federal or State law.
3. No specific position within the Town shall be established for use as a limited duty assignment, nor shall any existing position be designated or utilized exclusively for personnel on temporary limited duty.

D. Limited Duty Assignments – Temporary

Limited duty assignments are strictly temporary and should not exceed three months in duration. Employees on temporary limited duty who are not capable of returning to their original duty assignment after three months and employees who do not qualify for temporary limited duty and are unable to perform job requirements, may apply for:

1. Disability retirement
2. Service retirement
3. Leave without pay, as applicable
4. Temporary or permanent transfer to a position for which the employee is physically qualified
5. Temporary or permanent demotion (voluntary/disability) to a position for which the employee is qualified
6. Regular promotion to a position for which the member is physically qualified and has applied, qualified, and been selected according to Town procedures
7. Voluntary resignation

E. Limited Duty Assignments – Requirements

Temporary limited duty assignments shall be made based upon the applicant meeting the minimum requirements for the assignment; applicant's knowledge, skills, and abilities; availability of limited duty assignments; and the physical limitations as prescribed by the attending physician.

F. Requesting a Temporary Limited Duty Assignment

Employees may request temporary limited duty assignments by submitting a "Temporary Limited Duty Assignment" form to the Town Manager through their Department Head.

1. The employee shall provide a statement from the attending physician certifying that:
 - a. the employee is fit to return to temporary limited duty status;
 - b. indicating specific restrictions; and

c. the approximate date the employee can return to full duty.

A copy of the employee's job description may be made available to the physician to assist in this process.

2. The Department Head shall:

- a. indicate whether a temporary limited duty assignment is available;
- b. prepare a temporary limited duty description listing the duties to be performed; and,
- c. indicate whether the employee will be required to utilize a vehicle in the performance of those duties.

3. Employees who are assigned a vehicle and who are granted temporary limited duties shall return the vehicle to their department for duration of the limited duty assignment unless the use of the vehicle is necessary for the performance of the limited duty assignment and is approved by the Town Manager.

4. The Town may recommend temporary limited duty assignment for an injured/ill employee upon consultation with the employee and physician, provided that the assignment meets the restrictions outlined by the treating physician. The Town may also require a medical or psychological fitness for duty examination by a physician prior to accepting an employee back to work.

- a. Notice shall be provided to the employee of the proposed temporary limited duty assignment.
- b. The employee may challenge the proposed temporary limited duty assignment using established grievance procedures.
- c. Pending results of the grievance procedure, an employee may be assigned to temporary limited duty if, in the opinion of the department head and Town Manager, failure to reassign may jeopardize the safety of the employee, employees, or the public.
- d. As a condition of continued temporary limited duty assignments, employees shall submit monthly medical certifications to update their condition or at such frequency as deemed necessary by the Town Manager.

G. Return to Duty - Before returning to full duty, employees shall obtain a medical clearance from their attending physician stating the date on which the employee can return to their usual and customary duties in their regular work.

Section 9. Civil Leave

An employee called for jury duty or subpoenaed as a witness by any court, officer, or agency having authority to summon jurors or subpoena witnesses shall be entitled to leave with pay for such duty during the required absence. The employee may keep all fees received for jury duty or as a witness in addition to his/her regular compensation in consideration for preventing his/her absence from disrupting in so far as possible, work of the office in which he/she is employed.

Section 10. Military Leave

The Town complies with Uniformed Services Employment and Reemployment Rights Act (USERRA). Employees who are reservists have all applicable job rights specified therein.

- A. An employee who is a member of the National Guard or Armed Forces Reserve will be allowed ten (10) working days of military training leave annually, with partial compensation. The Town will pay his/her regular salary minus the military compensation. If such military duty is required beyond this period of ten (10) working days, the employee shall be eligible to take accumulated annual leave or be placed on leave without pay status.
- B. While on military leave with partial pay or without pay, the employee's leave earnings and other benefits shall continue to accrue as if the employee remained with the Town during this period.
- C. Employees who are reservists have all applicable job rights specified in the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Section 11. Adverse Weather/Emergency Closing Leave

Town employees are to presume that all Town offices and departments will be open at the regularly scheduled time regardless of conditions or circumstances. Employees who are required to work (e.g., Fire, Public Works) must report to duty as assigned regardless of weather or circumstances. On rare occasions, an office or department may be closed or opening significantly delayed, with the approval of the Town Manager.

Employees in doubt concerning a schedule change should call the immediate supervisor no earlier than one (1) hour prior to the regularly established schedule.

An employee who does not work on days with severe weather when the operations have not been closed or reports late when there is no scheduled delay will be required to use appropriate accumulated leave for days or hours taken.

Section 12. Bereavement Leave

When a death occurs in an employee's immediate family defined as father, mother, (biological parent, adoptive parent, or an individual who stood in loco parentis to an employee), husband, wife, son, daughter, brother, sister, grandfather, grandmother, grandchild, or in-law, step or adopted relation to those listed, the employee shall be eligible to use up to three (3) days (shifts) off with pay using sick leave.

When a death occurs, the employee is to contact his or her supervisor as soon as possible, but no later than the next business day following the death, to arrange the necessary time off. Bereavement leave will not be considered as actual time worked for purposes of calculating overtime pay or the accrual of compensatory time. The supervisor will immediately notify the Town Manager and/or Town Clerk of the absence.

The Town may request supporting documentation (obituary or death certificate) to support the request for bereavement leave.

Section 13. Part-Time Firefighter Leave

If an employee of the Town is a member of the Rural Hall Fire and Rescue Department, he/she is authorized to respond to emergency fire and rescue calls for the Fire Department during working hours (i.e., while at work in a different capacity). The employee will not be charged with vacation leave for responding to the emergency call. Hours spent in response to emergency fire and rescue calls during work hours shall be

recorded as hours worked in the regular position of employment. Hours spent in fire and rescue training during work hours in the regular (primary) job are not to be recorded as hours worked in the regular position rather as Fire Department hours.

Section 14. Smallpox Vaccination (Adverse Reaction)

Pursuant to North Carolina General Statute 160A-164.1, employees serving as firefighters who as part of their position with the Town are voluntarily vaccinated for smallpox under Section 304 of the Federal Homeland Security Act of 2002, or who are exposed to another employee who has been vaccinated pursuant to Section 304, to the extent that they experience an adverse medical reaction to the vaccination or become infected with vaccinia or smallpox, shall be eligible for Workers' Compensation benefits and/or sick leave in keeping with State law and this policy. All benefits under this policy shall be secondary to benefits provided by Federal or State law.

Section 15. Leave Without Pay

To maintain interest in employment and to continue life and health insurance coverage, the Town provides authorized leave without pay for appropriate special reasons. However, leave without pay is available only if it is firmly established that the employee intends to return to the position from which he/she has taken leave. Leave without pay may be approved for the following purposes:

- (a) Military leave over two (2) weeks after all vacation leave has been exhausted;
- (b) Leave for maternity, after all paid leave has been exhausted;
- (c) Leave for sickness, after all paid leave has been exhausted; and
- (d) Other approved temporary absences, but not to include additional time off for vacation or recreational time.

An employee must exhaust all applicable leave accruals, including compensatory, holiday, vacation, and sick prior to going into a leave without pay status.

Employees will not accrue sick leave or vacation leave while on leave without pay.

During the general leave, the employee will continue to be responsible for any insurance premium costs for which the employee would normally be responsible.

Other employment while on an authorized unpaid leave of absence for employee medical issues is prohibited. If outside employment is discovered, the unpaid leave status may be revoked.

The Town will endeavor to place employees returning from an unpaid leave of absence who have complied with all terms and conditions of the leave into their former position or one comparable in status and pay. However, reinstatement to the exact same position is not guaranteed to employees on unpaid leave as department needs during the absence may necessitate position changes.

The maximum term of leave without pay shall not exceed six months and all requests must be approved by the Town Manager. Failure to report for duty at the expiration of an unpaid leave shall be considered a resignation.

If applicable, an employee will be required to provide certification from his/her health care provider that he/she is able to return to work and perform all essential job functions upon return from an unpaid leave of absence.

Violation of this section shall be grounds for disciplinary action up to and including dismissal.

Article VIII: EMPLOYEE BENEFITS

Section 1. Health, Dental and Life Insurance

The Town will pay a portion of the premium for each full-time employee's health, dental, and life insurance. The portion to be paid by the Town is subject to change and will be established annually by the Town Council. The Town will deduct the employee's portion of the premium as well as premium for covered dependents from the paycheck. Employees who are on approved leave without pay are responsible for their portion of employee premiums and dependent insurance premiums and must make payment to the Town by the 10th of the month preceding the month of coverage. (i.e., Payment for June coverage is due by May 10th.)

Section 2. Employee Assistance Program (EAP)

A. Purpose

1. The Town will assist employees in seeking resources to address personal or behavioral problems that have or could adversely affect their job performance. Such problems may include marital and family stress, financial and legal concerns, emotional problems, and such illnesses as drug dependency and alcoholism.
2. The Town is not interested in intruding into employees' personal lives. However, when personal problems affect job performance and productivity, then the Town has a concerted interest.
3. Management will offer employees an opportunity to use the EAP when job performance is affected by personal problems to help them resolve their problems in an effective and confidential manner.
4. All EAP records will be the property of the EAP provider and will not be released without an employee's consent to maintain the highest standards of confidentiality.
5. Employees participating in the Town EAP will enjoy the same job security and promotional opportunities as other employees. However, as with other employees, an acceptable level of job performance is to be maintained.
6. Employees are encouraged to participate voluntarily in the EAP before personal problems affect their job performance. The EAP is also available to an employee's spouse or dependents.
7. The Town Manager is designated to be the central point of contact for the Town's EAP.

B. Procedure Guidelines

The Town's EAP Policy establishes a confidential system of employee assistance which benefits all regular full-time employees, their families, and the Town. This system shall be called the EAP.

All employees are encouraged to participate in the EAP. All department heads and supervisors are expected to use the program to increase their effectiveness in dealing with work performance problems and absenteeism.

Eligibility

All full-time employees are eligible. Because problems at home may affect an employee's personal well-being or job performance, the EAP is also available to an employee's spouse and dependents.

Referral Procedure

Employees may obtain professional assistance through the EAP in any of the following ways:

Self-referral. Employees may contact the EAP directly, or may request assistance from the Town Manager, department head, or supervisor. Any regular full-time employee or member of their family is entitled to use the services of the EAP. All communication between the employee and the EAP will be held in strictest confidence unless the employee requests other Town officials be notified.

Management Referral. The basis for referral to the EAP by a department head, supervisor, or Town Manager must be based upon either a decline in the employee's work performance or an incident that indicates the possible presence of a personal problem. When an employee's performance (productivity, attendance, conduct) has been unsatisfactory, keep in mind the EAP is supplemental to good management practice and personnel administration, not a substitute for them.

C. Supervisor/Management Responsibilities

1. Be alert through regular observation of work habits and behavior.
2. Document in writing all unsatisfactory work performance.
3. Conduct performance interviews to discuss negative work patterns and personal conduct.
4. Coordinate an offer of EAP assistance along with the application of any disciplinary procedure if warranted. Provide the employee information about the EAP. Explain to the employee that the EAP is there to assist them. Document all efforts to encourage employee participation.
5. Contact the EAP or Town Manager whenever a management referral is considered. The EAP will serve as a resource for you, both in evaluating evidence of declining performance, as well as helping you plan your interview with the employee.

D. Other Procedures

1. An employee may schedule appointments with the EAP during work hours with the approval of the employee's immediate supervisor, department head, and Town Manager.
2. Employees may be granted sick leave for EAP consultations and treatments for rehabilitation on the same basis as for other health problems.

E. Follow-up. The corrective action process ends when the problem has been corrected. This requires continuous involvement and follow-up by the supervisor. If the problem remains unresolved, the supervisor must take required action. On the other hand, if progress is being made, the supervisor should reinforce the employee's successful efforts and improved performance. Regardless of the situation, all efforts to assist an employee should be documented.

F. Disclaimers. The EAP does not reduce either the department heads' or supervisors' authority or prerogatives. The EAP does not prevent employee disciplinary actions, including discharge. Employees who utilize the EAP are assured that neither their employment nor their career advancement will be affected merely by use of the EAP.

Section 3. Retirement Benefits

Full-time employees shall be covered by the North Carolina Local Governmental Employees' Retirement System; and both the Town and the employee shall make contributions in shared amounts, as required by state law.

Section 4. Retirement System Death Benefit

Coverage by the Local Governmental Employees' Retirement System includes death benefits for beneficiaries of employees who die while in the active service of the Town. Benefits available to beneficiaries shall be provided by the Local Governmental Employees' Retirement System.

Section 5. Social Security

The Town and its employees participate in and contribute to the Social Security program as required by federal law.

Section 6. Retired Employees Health Insurance Benefits - Hired before October 8, 2018

This section applies only to employees with a hire date before October 8, 2018. If the retiree meets the qualifications established in this section, the Town will provide health insurance and dental coverage from the effective date of retirement until:

1. the date the retiree is eligible for Medicare coverage due to age or disability; or
2. becoming gainfully employed by another employer covered by other group insurance.

For purposes of this policy, group insurance, or insurance, shall mean major medical health and dental insurance.

Qualifications for Retirement Health Insurance Benefits

- **Retirement with Full Insurance Benefits**

For a retired employee of the Town to qualify for "Retirement with Full Insurance Benefits", the employee must have 30 years of creditable service in the North Carolina Local Governmental Employees' Retirement System (NCLGERS) and meet the following criteria:

- a. Qualify for full service retirement through NCLGERS; and
- b. Worked for the Town for at least ten (10) consecutive years up to the date of retirement.

- **Retirement with Partial Health Insurance Benefits**

For a retired employee of the Town to qualify for "Retirement with Partial Insurance Benefits", the retiree must have 20 years of creditable service in the NCLGERS and meet the following criteria:

- a. Qualify for "reduced" benefits through the NCLGERS; and
- b. Worked for the Town for at least five (5) consecutive years up to the date of retirement.

Health Insurance Benefits for Retirees

- **Retirement with Full Health Insurance Benefits**

Retirees who qualify for full health insurance benefits shall receive up to \$1,000 or the actual cost of insurance if less than \$1,000 per month. If rates are increased due to tobacco use, retirees are responsible for the full amount of the rate difference. Retirees must show proof of insurance to the Town. Dental insurance will be fully paid by the Town. The insurance shall commence on the first day of retirement and shall continue until:

1. the date the retiree is eligible for Medicare coverage due to age or disability; or
2. becoming gainfully employed by another employer covered by other group insurance.

Retiree Dependent Health Insurance Coverage - Terms

If a retiree wishes to cover his/her dependents, he/she may do so, at his/her expense. The retiree may elect to cover his/her dependents through the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), which is a federally mandated benefit available to all retirees, at the retiree’s expense. Retirees who elect to cover either themselves or dependents through COBRA must make their insurance payments directly to COBRA provider.

- **Retirement with Partial Insurance Benefits**

Retirees who qualify for partial insurance benefits shall be entitled to compensation per Schedule A below. Employer contribution shall not exceed the applicable cap listed below. If the monthly premium is less than the employer cap, the employee will be responsible for his/her applicable portion as listed in Schedule A. Furthermore, if rates are increased due to tobacco use, retirees are responsible for the full amount of the rate difference. Retirees must make their insurance payments for their insurance coverage a month in advance and must be received by the Finance Director by the tenth (10th) day of the month preceding the month for which the insurance coverage is desired. Failure to pay by the appointed date may result in loss of coverage, which will forfeit the retiree’s future coverage under this section.

Retiree Dependent Health Insurance Coverage - Payment

If a retiree wishes to cover his/her dependents, he/she may do so, at his/her expense. The retiree may elect to cover his/her dependents through the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), which is a federally mandated benefit available to all retirees, at the retiree’s expense. Retirees who elect to cover either themselves or dependents through COBRA must make their insurance payments directly to COBRA provider.

SCHEDULE A

Percent of premium to be paid by retiree with less than 30 years of creditable service.

CREDITABLE SERVICE										
YEARS	29	28	27	26	25	24	23	22	21	20
Employee Portion	5%	10%	15%	20%	25%	30%	35%	40%	45%	50%
Employer Cap	\$950	\$900	\$850	\$800	\$750	\$700	\$650	\$600	\$550	\$500

Section 7. Retired Employees Health Insurance Benefits - Hired on or after October 8, 2018

Effective with all new hires beginning October 8, 2018, no insurance benefits of any kind will be offered to retirees, regardless of length of service.

Section 8. Employee Service Award

Employees will be recognized for their continuous years of service with the Town every 5 years. During each corresponding calendar year, employees to be recognized will be permitted to select a gift, subject to approval of the Town Manager. The gift will be presented to the employee at the Town’s annual employee appreciation recognition/award event. Employees who achieve their 5-year increment level and leave the Town prior to the recognition event shall receive their award as near the date of separation as possible. Service awards will be ordered in accordance with the following table.

Years of Service	Value Range
5	\$50 - \$75
10	\$100 - \$125
15	\$150 - \$175
20	\$200 - \$225
25	\$250 - \$275
30	\$300 - \$350
35	\$500 - \$600

Section 9. Supplemental Retirement Income Plans of North Carolina

Through the North Carolina State Treasurer’s Office, the Town offers the NC 401(k) and NC 457 Plans administered through Prudential. Town employees can voluntarily contribute a portion of their pre-tax salary, up to the annual limit amount established by the plans.

The Town currently provides a matching contribution of up to 3% to the 401(k) plan for all participating members. The Town’s match will equal the contribution of the employee not to exceed 3%. This matching contribution is contingent upon annual approval of the budget and may be rescinded or modified by the Town Council due to financial constraints.

All regular full-time, part-time, and other employees can voluntarily contribute a portion of their pre-tax salary, up to the annual limit amount established by the plan administrator, to the 457 Plan without any match provided by the Town.

Section 10. COBRA Benefits

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Town’s health plan when a “qualifying event” would normally result in the loss of eligibility.

Some common qualifying events are resignation; termination of employment; death of an employee; a reduction in an employee’s hours; leave of absence; divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage after a qualifying event plus an administration fee for continuation of coverage. The Town's third-party administrator will be responsible for providing each eligible employee with a written notice describing rights granted under COBRA when a qualifying event occurs. The notice contains important information about the rights and obligations of the employee and/or beneficiary or beneficiaries. Failure to timely comply with the notice may result in a loss of insurance coverage. It is imperative that each employee keep the Town informed of the status of his/her family life and age of dependents.

Article IX: DISCIPLINARY ACTION

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

Section 1. Unsatisfactory Job Performance

Unsatisfactory job performance includes any aspects of the employee's job which are not performed as required to meet the standards set by the department head or the Town Manager. An employee whose work is unsatisfactory should be notified by the department head in what ways the employee's work is deficient and what must be done if the work is to be satisfactory. See Performance Appraisal Policy Article IV. Examples of unsatisfactory job performance include, but are not limited to the following:

- A. Demonstrated inefficiency, negligence, or incompetence in the performance of duties
- B. Careless, negligent, or improper use of Town property or equipment
- C. Physical or mental incapacity to perform duties
- D. Discourteous treatment of the public or other employees
- E. Absence without approved leave
- F. Repeated improper use of leave privileges
- G. Habitual pattern of failure to report for duty at the assigned time and place
- H. Failure to complete work within time frames established in work plan or work standards
- I. Failure to meet work standards over time
- J. Failure to maintain satisfactory and harmonious working relationships with the public and other Town employees

Section 2. Failure in Personal Conduct

An employee may be suspended, demoted, or dismissed without prior warning or disciplinary action for causes relating to personal conduct detrimental to Town service in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. When a department head suspends an employee without notice, the employee shall be required to leave Town property at once and remain away until further notice. The department head shall notify the Town Manager immediately; this notification must be filed formally on a personnel action notice within three (3) days. A written summary giving the circumstances and the facts leading to the immediate suspension shall be prepared and attached to the personnel action notice and filed in the employee's personnel file.

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 the government may be or have been violated. Examples of detrimental personal conduct include, but are not limited to the following:

- A. Fraud
- B. Commission of a crime or the entry of a plea of nolo contendere thereto
- C. Falsification of records for personal profit, to grant special privileges, or to obtain employment
- D. Willful misuse or gross negligence in the handling of Town funds
- E. Willful or wanton damage or destruction to property

- F. Willful or wanton acts that endanger the lives and property of others
- G. Possession of unauthorized weapons of any kind, including concealed handguns (with or without a permit)
- H. Brutality in the performance of duties
- I. Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary.
- J. Engaging in incompatible employment or servicing a conflicting interest
- K. Request or acceptance of gifts in exchange for favors or influence
- L. Engaging in political activity prohibited by this policy
- M. Engaging in malicious gossip that is detrimental to the operations of the Town
- N. Failure to maintain satisfactory and harmonious working relationships with the public and other Town employees
- O. Improper pursuing of grievances (e.g., soliciting resolution of a grievance outside the normal channels [chain of command] afforded for this purpose including discussions with representatives of departments other than the employee's own and/or discussions with member(s) of Town Council or the general public; filing grievances in such volume as to abuse the system for attention to petty matters which should be addressed and resolved informally with the supervisor)

Section 3. Non-Disciplinary Suspension

Investigatory suspension with or without pay may be used to provide time to investigate, establish facts, and reach a decision concerning an employee's status. During the investigation, hearing, or trial of an employee on any criminal charge, or during an investigation related to alleged personal conduct, or during the course of any civil action involving an employee, when a suspension would, in the opinion of the department head, be in the best interest of the Town, the department head may suspend the employee for the duration of the proceedings as a non-disciplinary action. In such cases, the Town Manager may:

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

If the employee is reinstated following the suspension, such employee shall not lose any benefits to which otherwise employee would have been entitled had the suspension not occurred. If the employee is to terminate 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 leave and sick leave shall be maintained during the period of suspension.

Investigatory suspension of an employee shall not be used for the purpose of delaying an administrative decision on an employee's work status pending the resolution of a civil or criminal court matter involving the employee.

Section 4. Failure to Meet or Maintain Required Conditions of Employment

An employee may be suspended, demoted, transferred, placed on disciplinary probation, or dismissed for cause relating to employment qualification and standards which are not met or maintained. Representative

of such conditions of employment are requirements concerning certifications or licenses, education and training levels, physical condition, or any other condition stipulated in Town policy.

Section 5. Disciplinary Probation

The disciplinary probation status shall serve as a period of formal notice to an employee that a problem exists which may jeopardize continued employment with the Town. Such status, which may be for a period not to exceed one year, shall set forth the following:

- A. A clear and concise statement of the problems or deficiencies in the employee's performance
- B. The corrective action(s) to be taken immediately
- C. A schedule for periodic evaluations of progress
- D. That failure by the employee to follow through with prompt corrective action(s) shall be cause for further disciplinary action up to and including dismissal.

An employee who is placed on disciplinary probation shall retain all rights and benefits of a regular employee in accordance with the Personnel Policy.

Section 6. Right of Appeal

A non-probationary employee wishing to appeal disciplinary action taken against him/her may do so through the grievance procedure prescribed in Article X of this policy.

Article X: Grievance Procedure

Section 1. Policy Statement

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

The purposes of this policy are:

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

Section 2. Grievance - Definition

A grievance shall be defined as a claim or complaint based upon a disciplinary or other adverse personnel action, which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy. A grievance might involve alleged safety or health hazards, unfair or discriminatory supervisory practices, misapplication of department work rules, unsatisfactory physical facilities or equipment or any other complaints related to conditions of work or disciplinary action. Employees in a new hire probationary period are specifically exempted from coverage under this procedure. Complaint processes involving issues covered by other parts of this policy are excluded from this procedure. Nothing herein shall be interpreted to change the status of any employee from that of an employee at will. Subjects that are not eligible for grievance include:

- The negotiation of wages, salaries, or fringe benefits.
- Any work activity accepted by the employee as a condition of employment.
- Operating and/or organizational changes adopted by the Town for the efficient and economical operation of Town services, including but not limited to, hours of work, licenses and certifications, and other specified conditions of employment.
- Subjects covered by existing or established personnel policies and procedures.

Section 3. Procedure

When an employee has a claim or complaint concerning employment with the Town, the successive steps described below are to be taken toward resolution of the matter. The number of days indicated at each step of the grievance procedure should be considered as the maximum number of working days allowed for presentation of and response to the grievance at that level. However, when mutually agreed upon, time limits given below may be extended by those concerned. Employees who use this procedure shall be free from discrimination, coercion, restraint, or reprisal.

- **Step One:** The employee with a grievance shall present the matter in writing to the department head within ten (10) working days of its occurrence or within ten (10) working days of the time the employee learns of its occurrence. If the exact date cannot be established for the occurrence of a grievance circumstance, the ten (10) working day limit will be waived, but the employee should file the grievance within a reasonable time. The grievance shall specify the relief that the employee expects to gain through use of this procedure. The department head should be and is

encouraged to consult with any employee or officer deemed necessary to reach a correct, impartial, and equitable determination and shall give the employee an answer as soon as possible, but within five (5) working days.

- **Step Two:** If the matter is not resolved in Step 1, or if the employee fails to receive an answer within the designated period provided in Step 1, the employee may file the grievance in writing with the Town Manager within ten (10) working days. The grievance shall specify the relief expected from use of this procedure. The Town Manager, or his/her designee, shall hold a hearing thereon, consult with whatever sources deemed appropriate, and allow the employee to examine all the evidence and to present his/her case. The Town Manager shall review the case data and render a decision in writing within fifteen (15) working days after receipt, with one copy sent to the employee by certified mail and one copy placed in the employee's personnel file. There shall be no appeal from this decision.

Section 4. Discrimination Appeal Procedure

Any applicant for Town employment, Town employee, or former Town employee who has reason to believe that employment, promotion, training, or transfer was denied him or her, or that demotion, layoff, or termination of employment was forced upon him or her because of age, sex, race, color, national origin, religion, creed, political affiliation, or disability, except where specific requirements constitute a bona fide occupational qualification necessary to proper and efficient administration, shall have the right to appeal directly to the Town Manager using the grievance procedure outlined in Section 3 of this article if so desired. An employee or applicant must appeal an alleged act of discrimination within thirty (30) days of the alleged discriminatory action.

Section 5. Maintenance of Records

All documentation, records, and reports created in connection with grievances and/or appeals under this Article will be retained for a minimum of three (3) years and shall be held by the Town Manager.

Section 6. Other Remedies Preserved

The existence of the grievance procedure does not preclude any individual from pursuing any other remedies available under law.

Article XI. PERSONNEL RECORDS

Section 1. Personnel Records Maintenance

Such personnel records as are necessary for the proper administration of the personnel system will be maintained by the Town Manager and/or his/her designee. The Town shall maintain in personnel records only information that is necessary and relevant to accomplishing legitimate personnel administration needs. All medical information shall be kept confidential and separate from the personnel files.

Section 2. Information Open to the Public

The following information on each Town employee is public information:

- A. Name
- B. Age
- C. Date of original employment or appointment to town service
- D. Current position title
- E. Current salary
- F. Date and amount of most recent change in salary
- G. Date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification
- H. Office to which employee is currently assigned.

Section 3. Confidential Information

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

- A. The employee or his/her duly authorized agent may examine all portions of the employee's personnel file, except (1) letters of reference solicited before employment and (2) information concerning a medical disability, mental, or physical, that a prudent physician would not divulge to a patient.
- B. A licensed physician designated in writing by the employee may examine the employee's medical record.
- C. A Town employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- D. By order of a court of competent jurisdiction, any person may examine such portion of the employee's personnel file as may be ordered by the court.
- E. An official of any agency of the state or federal government or any political subdivision of the state may inspect any portion of a personnel file when such information is deemed by the person having custody of the file to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability. However, such official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
- F. An employee may sign a written release to be placed with his/her personnel file that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.

- G. The Town Manager, with concurrence of the Town Council, may inform any person of the employment or non-employment, promotion, demotion, suspension, or other disciplinary reasons for that personnel action. Before releasing the information, the Town Manager shall determine in writing that the release is essential to maintaining the public trust and confidence in the administration of services. This written documentation shall be retained in the office of the Town Clerk and is a record available for public inspection and shall become a part of the employee's personnel file.
- H. Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
- I. A record shall be made of each disclosure and placed in the employee's file (except disclosures to the employee and his/her supervisor).

Section 4. Records of Former Employees

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

Section 5. Records of Applicants

Applications and other information gathered with respect to an applicant will be kept confidential in accordance with N.C.G.S. 160A-168. The Town will not release this information without written permission from the applicant or as otherwise provided by law.

Section 6. Remedies of Employees Objecting to Material in File

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

Section 7. Penalty for Permitting Access to Confidential File by Unauthorized Person

N.C.G.S. 160A-168 provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as permitted by the statute, may be judged guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed five hundred dollars (\$500.00).

Section 8. Penalty for Examining/Copying Confidential Material Without Authorization

N.C.G.S. 160A-168 provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove, or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined in the discretion of the court but not to exceed five hundred dollars (\$500.00).

Section 9. Destruction of Records Regulated

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with N.C.G.S. 121-5(b), without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates, or destroys it, will be guilty of a misdemeanor and upon conviction will be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) as provided in N.C.G.S. 132-3.

ARTICLE XII. INDEMNIFICATION

Section 1. Purpose

This policy establishes a system of uniform standards under which claims of civil judgments sought or entered against Town officers and Town employees shall be paid.

Section 2. Protection Against Claims and Civil Judgments

Protection will be afforded to Town officers and employees who have claims filed against them or suits brought against them resulting from actions taken within the scope of their employment or duties.

The Town feels obligated to defend such officers and employees and to satisfy any claims or judgments against such officers or employees if the facts and circumstances giving rise to the claim or suit show that the officer or employee was engaged in the good faith performance of his/her duties on behalf of the Town when the incident giving rise to the claim occurred. The Town Council of the Town of Rural Hall deems that it shall be the policy of the Town to pay defense costs, expenses, judgments, interest on judgments, deductibles on insurance policies, and other related costs on behalf of its officers and employees against civil claims and judgments, and to satisfy same either through the purchase of insurance or otherwise, provided adoption of this policy shall not be deemed an assumption of liability for payment of claims or judgments in excess of any fund established by Council for payment of claims or judgments in addition to any insurance coverage or any combination of such a fund and insurance coverage. Further, the Town will not defend a claim or lawsuit or pay a claim or judgment when the officer or employee willfully:

- A. Acts or fails to act because of actual fraud, corruption, or actual malice;
- B. Acts or fails to act as a result of or at a time when his self-indulgence substantially impaired his/her judgment (as, for example, an officer or employee who causes damage or injury while intoxicated or is under the influence of drugs while on the job);
- C. Acts or fails to act, except in emergencies or the existence of extenuating circumstances, directly contrary to instructions from his/her superior, or directly contrary to advice of the Town Attorney;
- D. Acts or fails to act in such manner as to constitute a criminal act (as, for example, misappropriation of property or funds).

The Town Manager or his/her designee shall determine whether a claim or suit filed against an officer or employee meets the requirements specified herein for providing a defense for such officer or employee. If the Town Manager or his/her designee determines that a claim or suit does not meet the requirements specified herein, the affected officer or employee may appeal said determination to the Town Council. The Town Council shall afford the officer or employee a hearing on the matter and shall decide whether the claim or suit meets the requirements of this policy. The terms "officer" and "employee" as used herein shall mean present or past Mayors and members of the Council, officers, employees, or volunteers and present or past appointed members of Town Council, agencies, committees, and commissions who might hereafter have claims or judgments entered against them.

ARTICLE XIII. IMPLEMENTATION OF POLICY

Section 1. Conflicting Policies Repealed

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

Section 2. Severability and Effect

If any part of this Policy is determined to be void or unenforceable under state or federal law, the remainder of the Policy will remain in full force and effect to the extent possible.

Section 3. Reservations

No part of this Policy, nor any of its procedures, is intended to affect the Town of Rural Hall's right to manage its workplace or to discipline its employees. Nor is it a guarantee of employment, continued employment, or of any terms or conditions of employment except as specifically provided herein. This Policy does not create an express or implied contract between the Town of Rural Hall and any employee. Because it is impossible to anticipate every situation which may arise under this Policy, the Town Manager should be contacted to resolve any situation not addressed herein. This contact should be made before action is initiated, if at all practicable. The Town Manager is responsible for the overall implementation of this Policy.

The Town of Rural Hall reserves the rights to interpret, change, modify, amend, or rescind this Policy in whole or in part. Exceptions to this Policy may be granted in unusual or extenuating circumstances, but only with the concurrence of the Town Manager.

All employees, supervisory and line employees alike, are hereby charged with the responsibility of continually reviewing the employee policies and procedures found in this manual and ensuring that conduct and practices in the workplace conform to the guidelines found herein to ensure that a deviation does not develop between the workplace practices and the Town's written policies. Should such a deviation be discovered, it shall immediately be brought to the Town Manager's attention.

These are the official written personnel policies of the Town. Any or all departmental policies that are not contained herein and that impact the human resources system administered by the Town of Rural Hall shall be subordinate to the policies found in this manual. In the event of a conflict, the policies found in the Town of Rural Hall Personnel Policies Manual shall control. Any departmental supplemental policies must be approved by the Town Manager prior to implementation.

These policies and procedures cannot alter, modify, or otherwise change any controlling legal documents, rules, or General Statutes in any way.

Section 4. Violations of Policy Provisions

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

Section 5. Effective Date

Adopted on this 8th day of February 2021.

This policy shall become effective as of February 9, 2021, by action of the Town Council, Rural Hall, North Carolina.



TOWN OF RURAL HALL SOCIAL MEDIA POLICY

1.0 POLICY/PURPOSE

The Town of Rural Hall employs the use of social media websites to reach citizens and the community. The Town may operate Facebook, Instagram, Twitter, and other social media accounts as deemed necessary by the Town Manager.

Town employees are expected to abide by the Social Media Policy within the Personnel Policy.

2.0 GENERAL PROVISIONS

For the Town's primary social networking sites, content will be posted by authorized personnel in accordance with its practices for disseminating public information. Content posted to social media sites may include news releases, approved photos and videos, events, announcements, promotional tools, and similar material.

3.0 SCOPE OF USAGE BY TOWN

The Town's primary website and social media pages will remain as the primary and predominant internet presence for the Town. However, with approval of the Town Manager, departments and other Town-sponsored event committees may engage in social media usage to achieve certain business and communication goals including disseminating time-sensitive information; marketing and promoting Town services, events, and products; and encouraging public input for Town projects, programs, and initiatives.

Social media platforms are a social networking service that allows users to connect with others to share information, media, and comments. As a matter of policy:

- Town use of social media is intended as a means to provide announcements and updates of current events, matters of public importance, or notices to users.
- Accounts are maintained and monitored by Town representatives.
- Social media services are hosted by third parties and are governed by their own website policies, which include the platform's Privacy Policy and Terms of Service.

All social media sites must adhere to standing Town policies and protocols such as:

- The content of Town social media sites shall only pertain to Town-related, Town-sponsored, or Town-endorsed programs, services, and events, or those of organizations with whom the Town has strategic partnership, which may be shared on Town social media sites if in the public interest. Content includes, but is not limited to, information, photographs, videos, and hyperlinks.
- All sites must maintain administrative standards in the use of the Town name, seal, and any official logos.
- All sites are subject to State of North Carolina public records statutes.
- All sites must adhere to laws and policies regarding copyrights, use of photographs, personal privacy, the First Amendment, the Americans with Disabilities Act (ADA), and Health Insurance Portability and Accountability Act (HIPAA).
- All sites must adhere to website policies concerning linking to third party sites, privacy, and guidelines for accessibility for the disabled.
- The social media sites shall not contain any political information or be used for political activity or the endorsement of political candidates.
- Blogs or posting from the public, other than comments on individual posts, are prohibited.
- The sites shall comply with policies and procedures for information security.

All social media sites shall include the following statement predominantly displayed or linked on the site:

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

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

The Town reserves the right to delete submissions that contain (1) vulgar or profane content; (2) personal attacks of any kind; (3) offensive comments that target, disparage, or otherwise promote, foster, or perpetuate attacks or discrimination against any group; (4) posts which are not in the public interest; and (5) information that may tend to compromise the safety or security of the public.

Further, the Town reserves the right to delete comments that are (1) spam or include links to other sites; (2) not topically related to the site or blog article being commented upon; (3) advocate illegal activity; (4) promote particular services, products, or political organizations; (5) infringe on copyrights or trademarks; or (6) use personally identifiable medical information.

Note: A comment posted by a member of the public on this page is the opinion of the commentator or poster only, and publication of a comment does not imply

endorsement of or agreement by, the Town, nor do such comments necessarily reflect the opinions or policies of the Town or its officers or employees. If you have any questions concerning the content or operations of this page, please contact the Town Clerk's office.

Adopted this the 8th day of February 2021.

DRAFT