

BOARD OF COMMISSIONERS WORKSHOP

November 19, 2019

6:30pm

Old Business:

1. Review Amendment to Chapter 6 of the Angier Zoning Ordinance
 - a. Roundtable Discussion with Developers
 - b. Place formula in the Ordinance
2. Unified Development Ordinance-Park & Recreation Fee
 - a. Set Formula

New Business:

1. Water Meters
2. Personnel Policy Revisions

Closed Session pursuant to NCGS 143-318.11 (a) (3) – to review Closed Session minutes



Board of Commissioners Agenda Report

55 N Broad Street W.
PO Box 278
Angier, NC 27501
www.angier.org

MEETING DATE: November 19, 2019
PREPARED BY: Sean Johnson
ISSUE Ordinance Amendments – Open Space Requirements, Parks & Recreation
CONSIDERED: Development Fee
DEPARTMENT: Planning & Inspections

SUMMARY OF ISSUE:

On October 1, 2019, the Board of Commissioners adopted an amendment to several sections in Chapter 6 of the UDO. The goal of the amendments were to revise the open space dedication requirements for new developments.

At the October 15, 2019 Board Workshop, Staff was directed to advertise for a public forum at the November 19th Workshop and to invite a list of developers, which was provided by the Board of Commissioners, to illicit their input regarding the recently adopted Ordinance amendments.

In addition to the open space dedication requirements of Chapter 6 of the Ordinance, Staff and the Board have previously discussed adding language to implement the Parks & Recreation Development Fee. This fee was proposed as Section 6.7 of the Ordinance, but was removed at the recommendation of the Town Attorney before the adoption of the rest of Chapter 6 on October 1st. Since then, Mr. Hartzog has given Staff the go ahead to remove any formula used to calculate the Parks & Rec Fee as well as the payment-in-lieu of open space amount. Both the adopted Amendment and the newly proposed changes are attached.

FINANCIAL IMPACT: N/A

RECOMMENDATION:

Staff recommends approving the amendments to Chapter 6 of the UDO as presented.

REQUESTED MOTION:

Consensus to place the amendments to Chapter 6 of the UDO on the December 3rd agenda.

REVIEWED BY TOWN MANAGER:

Attachments:

PDF DRAFT Open Space Amendments

Current Language of Chapter 6 of the Angier Zoning Ordinance

Includes Amendments Adopted October 1, 2019

Section 6.1. - Purpose.

The purpose of this chapter is for the preservation of open space, the purchase and development of recreational land and parks, and the protection of existing environmental resources including open space, streams, wetlands, watersheds, floodplains, soils, forest stands, specimen trees and other significant vegetation and wildlife. These elements are of economic value to the town and make it a desirable place to live and visit.

Section 6.3. - Open space requirements.

6.3.1 Applicability. The requirements of this section apply to new major subdivisions and multifamily developments with greater than five residential dwelling units. Single family developments in which all lots are five acres or more are exempt from this provision.

6.3.3 Minimum open space dedication.

Open space shall be dedicated at a ratio of 15 percent of the total area for developments less than 20 acres in size and 20 percent of the total development area for developments equal to or greater than 20 acres. At least 50% of the acreage dedicated to meet these requirements must include active recreational facilities such as playgrounds, athletic fields or walking trails as determined by the Administrator during preliminary plat or site plan review.

6.3.4 Types of open space.

All required open space shall be classified in accordance with this section. Dedicated open space shall fit into one or more of the following categories and be classified as private or public open space. Illustrations used herein are intended for general purposes only and shall not be used as a literal interpretation of requirements. The existing features plan should be used as a guide for the town and the developer to determine the most appropriate open space type and location. Also town and county plans, particularly park and open space plans, shall be considered when evaluating the most appropriate open space type.

A. Playground. Playgrounds are for active recreational use and provide sunny and shaded play equipment and play areas for children as well as open shelter with benches. Playgrounds may be part of other types of open space, such as parks, or may stand alone.

B. Square. Squares are areas for passive recreational use. Squares shall be bounded by streets on a minimum of 50 percent of their perimeter. Squares are encouraged to be entirely bounded by streets and/or lanes. Squares shall be planted parallel to all streets and shall contain canopy trees along street frontages.

C. Park. Parks may be designed for passive and/or active recreational use. Parks shall be bounded by streets on a minimum of 10 percent of their perimeter. Large parks should create a central open space which services an entire neighborhood or group of neighborhoods; or incorporates physical features which are an asset to the community (i.e. lake or river frontage, high ground, significant stands of trees). Undergrowth should be limited and landscaping shall be installed in a manner that promotes attractiveness and safety. Parks may be combined with greenways and greenbelts and may include golf courses, athletic fields and community gardens.

D. Green. The green is an open space which is more natural. Like the square, it is small and surrounded by buildings. Unlike the square, it is informally planted and may have irregular topography. Greens are usually landscaped with trees at the edges and open lawns at the center. Greens should contain no structures other than benches, pavilions, and memorials; brick, concrete or asphalt walking paths are required.

E. Greenway. Greenways are large, irregular open spaces designed to incorporate natural settings such as creeks and significant stands of trees within and between neighborhoods. Greenways are typically more natural and may contain irregular topography. Greenways shall be used for certain active recreational uses including, at a minimum, trails for walking, jogging, and biking. Greenways shall connect points of interest in the community such as schools, parks, and other civic uses.

F. Agricultural preserve. Open spaces designated as agricultural preserves shall be used for active farming in the form of crop cultivation, the keeping of livestock, or equestrian facilities. Agricultural preserves are encouraged to protect areas of agricultural and rural heritage and promote compatible active agricultural operations. No more than 50% of the acreage dedicated to meet the minimum open space requirements shall be an agricultural preserve.

G. Nature preserve. Open spaces designated as nature preserves shall be left largely undisturbed except for the optional clearing of underbrush for the provision of a walking trail (mulch or other natural material only). Nature preserve areas are encouraged to protect large stands of trees, wildlife, and natural water features. Nature preserves are the preferred form of open space for steep slopes in excess of 25 percent grade. No more than 50% of the acreage dedicated to meet the minimum open space requirements shall be a nature preserve.

Section 6.5. - Payment-in-lieu-of dedication.

A. If open space within a development is physically impractical due to unusual conditions then the town may accept a fee paid in lieu of dedication.

B. Fees collected in lieu of dedications and any proceeds from such transactions or sales shall be accounted for by the town, and the funds shall be used by the town for the purposes of acquiring and developing recreation, greenway and open space areas as shown on the land development plan or in the parks and recreation and greenway/bikeway master plans and for no other purposes. The depository for such funds may be the same as permitted other funds of the town, pending their expenditure in accordance with the terms of this Code; such funds may be

invested as other funds of the town. The town may, at its discretion, add additional monies to the fund for the purposes of purchasing open space and recreational land to be used for recreational purposes.

C. Refunds shall not be granted to the developer should the project not be constructed after recording of final plat or if a reduction in density occurs.

D. Such payment in lieu of dedication shall be the product of the current assessed market value of 1/35 of an acre of the land to be subdivided (as established from time to time by the Angier Board of Commissioners in subsection E. below) multiplied by the number of total acres within the boundaries of the development.

E. Payment in lieu of open space dedication shall be made in the amount of \$600.00 per lot.

Proposed Amendment to Chapter 6 of the Angier Zoning Ordinance

Section 6.1. - Purpose.

The purpose of this chapter is for the preservation of open space, the purchase and development of recreational land and parks, and the protection of existing environmental resources including open space, streams, wetlands, watersheds, floodplains, soils, forest stands, specimen trees and other significant vegetation and wildlife. These elements are of economic value to the town and make it a desirable place to live and visit.

Section 6.3. - Open space requirements.

6.3.1 Applicability. The requirements of this section apply to new major subdivisions and multifamily developments with greater than five residential dwelling units. Single family developments in which all lots are five acres or more are exempt from this provision.

6.3.3 Minimum open space dedication.

Open space shall be dedicated at a ratio of 15 percent of the total area for developments less than 20 acres in size and 20 percent of the total development area for developments equal to or greater than 20 acres. **This required dedication of open space shall be limited to a maximum of 10 acres.** At least 50% of the acreage dedicated to meet these requirements, **or 5 acres, whichever is less,** must include active recreational facilities such as playgrounds, athletic fields or walking trails as determined by the Administrator during preliminary plat or site plan review. **All reasonable efforts should be made by the developer to ensure wetlands and floodplains area reserved in open space specified as a Nature Preserve.**

6.3.4 Types of open space.

All required open space shall be classified in accordance with this section. Dedicated open space shall fit into one or more of the following categories and be classified as private or public open space. Illustrations used herein are intended for general purposes only and shall not be used as a literal interpretation of requirements. The existing features plan should be used as a guide for the town and the developer to determine the most appropriate open space type and location. Also town and county plans, particularly park and open space plans, shall be considered when evaluating the most appropriate open space type.

A. Playground. Playgrounds are for active recreational use and provide sunny and shaded play equipment and play areas for children as well as open shelter with benches. Playgrounds may be part of other types of open space, such as parks, or may stand alone.

B. Square. Squares are areas for passive recreational use. Squares shall be bounded by streets on a minimum of 50 percent of their perimeter. Squares are encouraged to be entirely bounded by streets and/or lanes. Squares shall be planted parallel to all streets and shall contain canopy trees along street frontages.

C. Park. Parks may be designed for passive and/or active recreational use. Parks shall be bounded by streets on a minimum of 10 percent of their perimeter. Large parks should create a central open space which services an entire neighborhood or group of neighborhoods; or incorporates physical features which are an asset to the community (i.e. lake or river frontage, high ground, significant stands of trees). Undergrowth should be limited and landscaping shall be installed in a manner that promotes attractiveness and safety. Parks may be combined with greenways and greenbelts and may include golf courses, athletic fields and community gardens.

D. Green. The green is an open space which is more natural. Like the square, it is small and surrounded by buildings. Unlike the square, it is informally planted and may have irregular topography. Greens are usually landscaped with trees at the edges and open lawns at the center. Greens should contain no structures other than benches, pavilions, and memorials; brick, concrete or asphalt walking paths are required.

E. Greenway. Greenways are large, irregular open spaces designed to incorporate natural settings such as creeks and significant stands of trees within and between neighborhoods. Greenways are typically more natural and may contain irregular topography. Greenways shall be used for certain active recreational uses including, at a minimum, trails for walking, jogging, and biking. Greenways shall connect points of interest in the community such as schools, parks, and other civic uses.

F. Agricultural preserve. Open spaces designated as agricultural preserves shall be used for active farming in the form of crop cultivation, the keeping of livestock, or equestrian facilities. Agricultural preserves are encouraged to protect areas of agricultural and rural heritage and promote compatible active agricultural operations. ~~No more than 50% of the acreage dedicated to meet the minimum open space requirements shall be an agricultural preserve.~~

G. Nature preserve. Open spaces designated as nature preserves shall be left largely undisturbed except for the optional clearing of underbrush for the provision of a walking trail (mulch or other natural material only). Nature preserve areas are encouraged to protect large stands of trees, wildlife, and natural water features. Nature preserves are the preferred form of open space for steep slopes in excess of 25 percent grade. ~~No more than 50% of the acreage dedicated to meet the minimum open space requirements shall be a nature preserve.~~

Section 6.5. - Payment-in-lieu-of dedication.

A. If open space within a development is physically impractical due to unusual conditions then the town may accept a fee paid in lieu of dedication.

B. Fees collected in lieu of dedications and any proceeds from such transactions or sales shall be accounted for by the town, and the funds shall be used by the town for the purposes of acquiring and developing recreation, greenway and open space areas as shown on the land development plan or in the parks and recreation and greenway/bikeway master plans and for no other purposes. The depository for such funds may be the same as permitted other funds of the town, pending their expenditure in accordance with the terms of this Code; such funds may be

invested as other funds of the town. The town may, at its discretion, add additional monies to the fund for the purposes of purchasing open space and recreational land to be used for recreational purposes.

C. Refunds shall not be granted to the developer should the project not be constructed after recording of final plat or if a reduction in density occurs.

D. Such payment in lieu of dedication shall be ~~the product of the current assessed market value of 1/35 of an acre of the land to be subdivided (as~~ established from time to time by the Angier Board of Commissioners in subsection E. below.) ~~multiplied by the number of total acres within the boundaries of the development.~~

E. Payment in lieu of open space dedication shall be made in the amount of \$600.00 per lot.

Section 6.7. – Parks and Recreation Development Fee

In addition to the open space dedication requirements of this chapter, the Town of Angier seeks to provide adequate recreational facilities to residents within proposed developments and in surrounding areas.

Pursuant to the authority granted to the Town of Angier by North Carolina General Statute §160A- 372, this section shall require that the developer of a proposed major subdivision or multifamily development provide funds to the Town for the acquisition or development of recreation facilities, park facilities, or open space sites that serve the immediate area of the proposed subdivision.

The Parks and Recreation Development Fee shall be as established from time to time by the Angier Board of Commissioners and listed in the current Rate and Fee Schedule.

DRAFT VACANT METER POLICY

This Policy applies to the owner of any property that has a water meter. If the property is vacant and the water service has been turned off, the property owner shall continue to be billed the water and sewer service base rate on a monthly basis. The base rate shall be as established within the Town's approved Rate and Fee Schedule. The property owner shall also have the option of requesting termination of water service and removal of the water meter. If this option is requested, the property owner will not be charged the monthly base rate for water and sewer service. However, at such time that water service is requested to be restored to the property, all applicable fees must be paid prior to restoration of water service. These fees include regulatory fees, system development fees, meter fees and activation fees. The fee amounts shall be as provided in the Rate and Fee Schedule at the time of the request for service restoration. For Example if the property owner at 123 Board street does not want to pay the monthly water and sewer flat rate fees, The owner will not be charged these fees ,the water meter will be removed, however when the property owner request to start services again they shall pay the current water/sewer tap fees listed below. The property owner has the option to pay \$35.80 flat rate for water/sewer per month (\$429.60 per year) or \$4,591.00 at time of service reconnection.

DRAFT VACANT METER POLICY FOR RENTAL PROPERTY

When a rental unit, Apartment or House becomes vacant, the Water service will automatically be transferred into the landlord's name for billing

Revenue Bonds Series 2010-----\$1,240,000

Revenue Bonds Series 2012-----\$1,921,020

2019-2020 Fee Schedule

Water Base Rate per Month: \$19.80

Sewer Base Rate per Month: \$16.00

Total Monthly Charges for Vacant Meters: \$35.80

Water Regulatory Fees: \$732.00

Sewer Regulatory Fees: \$799.00

Water System Development Fees: \$665.00

Sewer System Development Fees: \$1,994.00

Water Meter Fees: \$366.00

Activation Fee: \$35.00

Total Fees to Reactivate Service if Terminated: \$4,591.00



Town of Angier Manual of Personnel Policies

Adopted & Effective Month, Day, Year

Employee Name

Table of Contents

ARTICLE I. GENERAL PROVISIONS

Section 1: Purpose of the Policy	1
Section 2: At Will Employment	1
Section 3: Merit Principle.....	1
Section 4: Role of the Board of Commissioners	2
Section 5: Role of the Town Manager	2
Section 6: Application of Policies, Plan, Rules, and Regulations	2
Section 7: Departmental Rules and Regulations	3
Section 8: Definitions	3

ARTICLE II. POSITION CLASSIFICATION PLAN

Section 9: Purpose	4
Section 10: Composition of the Position Classification Plan.....	4
Section 11: Use of the Position Classification Plan.....	4
Section 12: Administration of the Position Classification Plan	4
Section 13: Authorization of New Positions and the Position Classification Plan	4
Section 14: Request for Reclassification.....	5

ARTICLE III. THE PAY PLAN

Section 15: Definition.....	5
Section 16: Administration and Maintenance.....	5
Section 17: Starting Salaries	5
Section 18: Probationary Pay Increases.....	5
Section 19: Merit Pay.....	6
Section 20: Merit Pay Bonus.....	6
Section 21: Salary Effect of Promotions, Demotions, Transfers, and Reclassifications	6
Section 22: Salary Range Revisions	7
Section 23: Transition to a New Salary Plan	7
Section 24: In-Range Salary Adjustments	7
Section 25: Effective Date of Salary Changes.....	8
Section 26: Overtime/Compensatory Time Provisions (Non-Exempt Employees).....	8
Section 27: Compensatory Time Provisions (Exempt Employees)	9
Section 28: On Call/Call-back and Stand-by Pay	10
Section 29: Payroll Deduction	10
Section 30: Hourly Rate of Pay.....	10
Section 31: Longevity Pay.....	10
Section 32: Pay Upon Termination	11

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 33: Equal Employment Opportunity Policy	11
Section 34: Implementation of Equal Employment Opportunity Policy	11
Section 35: Recruitment, Selection and Appointment	11
Section 36: Promotion	12
Section 37: Demotion	12
Section 38: Transfer	12

ARTICLE V: CONDITIONS OF EMPLOYMENT

Section 39: General Rules of Conduct.....	12
Section 40: Work Schedule.....	13
Section 41: Political Activity.....	13
Section 42: Outside Employment.....	13
Section 43: Dual Employment.....	14
Section 44: Employment of Relatives.....	14
Section 45: Solicitation and Acceptance of Gifts and Favors.....	14
Section 46: Performance Evaluation.....	14
Section 47: Safety.....	14
Section 48: Cell Phone/Internet and Email Policy.....	15
Section 49: Social Media Policy.....	16
Section 50: Confidentiality.....	19
Section 51: Administrative Matters.....	19
Section 52: Attendance.....	21
Section 53: Dress Code.....	21
Section 54: Use of Town Equipment & Supplies.....	22

ARTICLE VI: EMPLOYEE BENEFITS

Section 55: Benefits Eligibility.....	23
Section 56: Group Health and Hospitalization Insurance.....	23
Section 57: Group Life Insurance.....	23
Section 58: Other Optional Group Insurance Plans.....	23
Section 59: Retirement and Death Benefits.....	23
Section 60: Health Insurance for Retired Employees.....	23
Section 61: Supplemental Retirement Benefits.....	24
Section 62: Social Security.....	24
Section 63: Workers' Compensation.....	25
Section 64: Tuition Reimbursement Program.....	25
Section 65: Effective Date of Benefit Changes.....	25
Section 66: Law Enforcement Officers' Separation Allowance.....	26

ARTICLE VII: HOLIDAYS AND LEAVES OF ABSENCE

Section 67: Policy.....	26
Section 68: Paid Holidays.....	26
Section 69: Holidays: Effect on Other Types of Leave.....	27
Section 70: Holidays: Compensations When Work is Required or Regularly Scheduled Off for Shift Personnel.....	27
Section 71: Vacation Leave.....	27
Section 72: Vacation Leave: Use by Probationary Employees.....	27
Section 73: Vacation Leave: Accrual Rate.....	27
Section 74: Vacation Leave: Maximum Accumulation.....	27
Section 75: Vacation Leave: Manner of Taking.....	28
Section 76: Vacation Leave: Payment upon Separation.....	28
Section 77: Vacation Leave: Donation of Time.....	28
Section 78: Vacation Leave: Payment upon Death.....	28
Section 79: Sick Leave.....	28
Section 80: Sick Leave: Accrual Rate and Accumulation.....	29
Section 81: Sick Leave: Medical Certification.....	29
Section 82: Sick Leave: Transfer of Sick Leave from Previous Employer.....	30
Section 83: Sick Leave: Donation of Time.....	30
Section 84: Bereavement Leave.....	30

Section 85: Family and Medical Leave	30
Section 86: Additional Extended Leave Without Pay	32
Section 87: Military Leave	32
Section 88: Reinstatement Following Military Service	33
Section 89: Civil Leave	33
Section 90: Parental School Leave.....	34

ARTICLE VIII: SEPARATION AND REINSTATEMENT

Section 91: Types of Separations	34
Section 92: Resignation	34
Section 93: Reduction in Force	34
Section 94: Disability	34
Section 95: Voluntary Retirement.....	35
Section 96: Death	35
Section 97: Dismissal	35
Section 98: Reinstatement.....	35

ARTICLE IX: DISCIPLINARY ACTIONS & DISMISSAL

Section 99: Disciplinary Action.....	35
Section 100: Unsatisfactory Job Performance	35
Section 101: Communication and Warning Procedures for Unsatisfactory Job Performance.....	36
Section 102: Misconduct	36
Section 103: Misconduct Defined.....	36
Section 104: Pre-disciplinary Conference	37
Section 105: Non-Disciplinary Suspension	37
Section 106: Employee Appeal	37

ARTICLE X: GRIEVANCE PROCEDURE

Section 107: Policy.....	37
Section 108: Grievance Defined	38
Section 109: Purposes of the Grievance Procedure.....	38
Section 110: Procedure.....	38

ARTICLE XI: RECORDS AND REPORT

Section 111: Access to Personnel Records	39
Section 112: Access to Confidential Records.....	40
Section 113: Records of Former Employees	41
Section 114: Remedies of Employees Objecting to Material in File	41
Section 115: Penalties for Permitting Access to Confidential Records	41
Section 116: Examining and/or Copying Confidential Material without Authorization	41
Section 117: Destruction of Records Regulated	41

ARTICLE XII: UNLAWFUL WORKPLACE HARASSMENT

Section 118: Statement of Purpose	41
Section 119: Definitions	41
Section 120: Statement of Policy	42

ARTICLE XIII: DRUG & ALCOHOL POLICY

Section 121: Purpose	42
Section 122: General Policy on Driving or Working Under the Influence	42
Section 123: Drug and Alcohol Testing	43

ARTICLE XIV: TRAVEL POLICY

Section 124: Purpose	46
Section 125: Employee & Board Member Responsibility.....	47
Section 126: General Guidelines.....	47
Section 127: Specific Guidelines Relating to Transportation, Meals & Lodging.....	48
Section 128: Reimbursement Procedure.....	49

ARTICLE XV: WHISTLEBLOWING POLICY

Section 129: Policy	49
Section 130: Town's Position.....	50
Section 131: Intention of the Procedure.....	50
Section 132: Obligation of Employees to Report Violations.....	50
Section 133: Examples of Wrongdoing	50
Section 134: Safeguards	51
Section 135: Reporting Procedures	51
Section 136: Disciplinary Actions.....	52

ARTICLE XVI: IMPLEMENTATION OF POLICIES

Section 129: Conflicting Policies Repealed	52
Section 130: Severability.....	53
Section 131: Effective Date.....	53
Section 132: Amendments.....	53

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

ARTICLE I: General Provisions

Section 1. Purpose of the Policy

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

The policies included in this *Manual of Personnel Policies* shall apply to all appointed employees of the Town unless otherwise noted. That shall include all regular, probationary, full-time and part-time employees.

No department of the Town may establish rules, operating procedures, etc., that are inconsistent or in conflict with these policies.

All employees will be provided with a copy of this *Manual of Personnel Policies* upon employment and at other such times as deemed appropriate by the Town Manager. Employees will be required to sign a statement indicating receipt of a copy of this manual. Other Policy statements either adopted in this manual or policies adopted subsequent to adoption of this manual may require an employee's signature.

Throughout the manual the personal pronoun "his" or "he" is used to refer to Town employees. Such reference is intended to refer to both males and females and does not imply gender preference or discrimination.

Section 2. At Will Employment

Employees of the Town are "at will", which means they may be terminated for any lawful reason at the discretion of the Town. Nothing in this policy creates an employment contract (for a definite or indefinite term) between the Town and its employees. No person has the authority to grant any employee any contractual rights of employment or any other right or benefit not enumerated in this policy. The Town reserves the right to change the policies reflected in this Manual, without prior notice to Town employees, except in such cases where notice may be required by law.

Section 3. Merit Principle

All appointments and promotions shall be made solely on the basis of merit and qualification. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same salary range. ~~No applicant for employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee because of such individual's race, color, religion, sex, national origin, political affiliation, non-disqualifying disability, or age.~~

- a. Applicants and employees shall be assured of fair treatment in all aspects of personnel administration, regardless of race, color, creed, religion, sex, national origin, political affiliation, handicap/non-disqualifying disability, veteran status or age.
- b. Individuals shall be treated with proper regard for their privacy and constitutional rights as citizens.
- c. Employees shall be recruited, selected, trained and advanced on the basis of their ability to perform essential functions, knowledge, skill, and performance.
- d. Employees shall be retained on the basis of adequacy of their performance. They shall be guided in ways to correct inadequate performance and separated from employment when inadequate performance cannot be corrected.
- e. Employees shall receive suitable and adequate pay and benefits and all positions requiring performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same classification and the same salary range.
- f. Eligible employees shall receive merit pay increases based on the quality of their performance, subject to the availability of funds.

- g. Employees shall be protected against coercion for political purposes.
- h. Every reasonable effort to accommodate applicants and employees with disabilities will be made as long as the accommodation is not an undue financial hardship to the Town.

Section 4. Role of the Board of Commissioners

The Town Board of Commissioners shall be responsible for establishing and approving personnel policies, the position classification, and the pay plan. At any such time as it is deemed necessary by the Board, or upon recommendation of the Town Manager, the Board may amend, delete or add policies. The Board shall make and confirm appointments when so specified by the general statutes.

Section 5. Role of the Town Manager

The Town Manager shall be responsible to the Town Board of Commissioners for the administration and technical direction of the personnel program. The Town Manager shall appoint, suspend, and remove all Town employees except those whose appointment is otherwise provided for by law. The Town Manager shall make appointments, dismissals and suspensions in accordance with the Town charter and this policy.

All matters dealing with personnel shall be directed to the Town Manager.

In some instances, policy statements may make reference to the Town Manager or “designee”. The Town Manager had the authority under these policies to delegate authority to another employee to take actions specified in the policy.

The Town Manager shall supervise or participate in:

- a. recommending rules and revisions to the personnel system to the Town Board of Commissioners for consideration;
- b. making changes as necessary to maintain an up to date and accurate position classification plan;
- c. preparing and recommending necessary revisions to the pay plan;
- d. determining which employees shall be subject to overtime provisions of FLSA with the consent of Town Board of Commissioners;
- e. establishing and maintaining a roster of all employees in the municipal service, setting forth each position and employee, class title of position, salary, any changes in class title and status, and such data as may be desirable or useful;
- f. developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
- g. developing and coordinating training and educational programs for Town employees;
- h. investigating periodically the operation and effect of the personnel provisions of this policy; and
- i. performing such other duties as may be assigned by the Town Board of Commissioners not inconsistent with this Policy.

Section 6. Application of Policies, Plan, Rules, and Regulations

The personnel policy and all rules and regulations adopted pursuant thereto shall be binding on all Town employees. The Town Manager, Town Attorney, members of the Town Board of Commissioners and advisory boards and commissions will be exempt except in sections where specifically included. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws.

The terms and conditions herein stated in this *Manual of Personnel Policies* shall become effective immediately upon approval by the Board of Commissioners. All other policies previously in effect shall be repealed with the approval of

these policies.

Section 7. Departmental Rules and Regulations

Because of the particular personnel and operational requirements of the various departments of the Town, each department is authorized to establish supplemental written rules and regulations applicable only to the personnel of that department. All such rules and regulations shall be subject to the approval of the Town Manager, and shall not in any way conflict with the provisions of this Policy, but shall be considered as a supplement to this Policy.

Section 8. Definitions

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

Exempt Employee – An employee who meets the qualifications for exemption from the overtime provisions of the Fair Labor Standards Act (FLSA).

Non-Exempt Employee – An employee who is subject to the provisions of the Fair Labor Standards Act and therefore the overtime provisions of the Act.

Probationary employee -An employee hired for an allocated position following an initial appointment who has not yet successfully completed the designated probationary period and who is working on a “trial” period. Probationary employees are subject to two (2) consecutive six (6) month probationary periods, totaling up to twelve (12) months of probationary employment. A probationary employee’s progress will be officially reviewed at the end of the first six-month period and a decision on reclassification and continued employment will be made at that time. A probationary employee may be dismissed, demoted or suspended without the right to appeal. An employee who successfully completes the entire probationary period will be eligible to become a regular employee of the Town. Probationary employees are “at-will” employees and nothing in this section promises employment for a definite period or term. Probationary law enforcement employees with the Town are subject to a single twelve (12) month probationary period.

Temporary employee –A person hired by a department to perform additional extra help. Many work on a seasonal or short-term basis. Temporary employees are paid on an hourly basis only for hours actually worked. They are not eligible for benefits except those mandated by State and Federal government. The temporary employee or the Town can at any time or for any reason terminate the employment relationship. In some situations, temporary positions may last indefinitely due to a need for intermittent work to support a department’s operations.

Regular employee – A person who is appointed to an allocated position and has successfully completed the probationary period. All regular employees are “at-will” employees. Regular employees may be appointed to full-time or part-time allocated positions as follows:

- a. Full-time employee – is appointed to a full-time allocated position, for which an average work week equals 40 hours, or 171 hours in a 28-day pay cycle for law enforcement. Regular full-time employees are eligible for all Town employee benefits.
- b. Part-time employee – is appointed to a part-time allocated position and normally works at least 20 hours and less than 40 hours per work week.

Allocated position – An allocated position is authorized as a regular position by the Town Board. Regular allocated positions are assigned a specific job title, salary grade, salary range, duties, and minimum qualifications. Appointments to allocated positions are made through a competitive selection process. All Town positions are subject to budget review and approval each year by the Town Board.

Continuous service – Years of regular service with the Town of Angier without a termination and rehire of

employment. This does not include family and medical leaves of absence. Continuous service in regards to the health insurance for retirees only includes full-time, regular employees.

Pay Status – When an employee is working or on paid leave (vacation leave or sick leave).

Immediate Family –

- a. Purpose of Employment – immediate family includes spouse, mother, father, brother, sister, daughter, son, uncle, aunt, nephew, niece, mother-in-law, father-in-law, daughter-in-law, son-in-law, grandmother, grandfather, grandson, granddaughter, stepmother, stepfather, sister-in-law, brother-in-law, and other live-in relationships.
- b. Purpose of Sick Leave – immediate family includes, spouse, parents, children and other live-in relationships.

ARTICLE II: Position Classification Plan

Section 9. Purpose

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

Section 10. Composition of the Position Classification Plan

The classification plan shall consist of:

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

Section 11. Use of the Position Classification Plan

The classification plan is to be used:

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

Section 12. Administration of the Position Classification Plan

The Town Manager, with assistance as necessary, shall allocate each position covered by the classification plan to its appropriate class, and shall be responsible for the administration of the position classification plan. The Town Manager shall periodically review portions of the classification plan and allocate or re-allocate positions to the proper classes. The Town Manager shall report all reclassifications to the Town Board of Commissioners at the first meeting following the effective date of reclassification or existing positions or allocation of new positions.

Section 13. Authorization of New Positions and the Position Classification Plan

New positions shall be established upon recommendation of the Town Manager and approval of the Town Board of Commissioners. New positions shall be recommended to the Town Board of Commissioners with a recommended class

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

Section 14. Request for Reclassification

Any department head who considers a position within their department to be misclassified, shall submit request in writing for reclassification to the Town Manager. Upon receipt of such request, the Town Manager shall study the request, determine the merit of the classification and make a decision to revise the classification and pay plan where necessary.

ARTICLE III: The Pay Plan

Section 15. Definition

The pay plan includes the basic salary schedule and the "Assignment of Classes to Grades and Ranges" adopted by the Town Board of Commissioners. The salary schedule consists of ranges for rates of pay for all classes of positions, and a designation of the standard hours in the work week for each position.

Section 16. Administration and Maintenance

The Town Manager, with assistance as necessary, shall be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan shall be paid at a rate listed within the salary range established for the respective position classification, except for employees in trainee status or employees whose existing salaries are above the established maximum rate following transition to a new pay plan.

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

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

Section 17. Starting Salaries

A new regular employee is normally hired at the minimum of the salary range for the classification involved. Appointments above the minimum may be made with the approval of the Town Manager when deemed in the best interest of the Town, and will be based on such factors as exceptional qualifications of the applicant much higher than the required education and experience for the class, shortage of qualified applicants, equal pay justification or operational need.

Section 18. Probationary Pay Increases

Employees hired, promoted, or reclassified below the minimum rate of the pay range may receive a salary increase within the range of approximately 5%, or to the minimum rate, whichever is less, upon successful completion of

the initial six (6) month probationary period for a regular employee and twelve (12) month probationary period for police . Employees hired or promoted at or above the hiring rate of the pay table may be also be considered for a probationary increase of up to 5%, based on performance.

Section 19. Merit Pay

Upward movement within the established salary range for an employee is not automatic, but rather based upon specific performance-related reasons. Employees may be considered for advancement within the established salary range based on the quality of their overall performance. Procedures for determining performance levels and performance pay increases shall be established in procedures approved by the Town Manager.

Section 20. Merit Pay - Bonus for Top of Salary Range Employees

Employees who are at the maximum amount of the salary range for their position classification are eligible to be considered for a Merit Bonus at their regular performance evaluation time. Merit bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation. Merit bonuses may be awarded based upon the performance of the employee as described in the performance evaluations. Merit bonuses shall be awarded in lump sum payments and do not become part of the base pay.

Section 21. Salary Effect of Promotions, Demotions, Transfers, and Reclassifications

Promotions – A promotion is a move to a position with a higher salary grade. The purpose of the promotion pay increase is to recognize and compensate the employee for taking increased responsibility. When an employee is promoted, the employee's salary shall normally be advanced to the minimum rate of the new salary grade, or to a salary which provides an increase of 5% over the employee's salary before the promotion, whichever is greater. In the event of highly skilled and qualified applicants, or other reasons related to the merit principle of employment, the Town Manager may set the salary at an appropriate rate in the range of the position to which the employee is promoted that best reflects the employees qualifications for the job and relative worth to the Town, taking into account the range of the position and the relative qualifications of other employees in the same classification. In no event, however, shall the new salary exceed the maximum rate of the new salary range. In setting the promotion salary, the Town Manager shall consider internal comparisons with other employees in the same or similar jobs. Promoted employees will be required to complete a six-month probationary period for regular employees and twelve-month probationary period for police. Annual evaluation date may be adjusted to coordinate with Town wide evaluation dates.

Demotions - A demotion is a move to a position in a lower salary grade. Demotions can be either voluntary, where you choose to take a position in a lower salary grade, or involuntary/disciplinary, resulting from inefficiency in performance or as a disciplinary action. When an employee is voluntarily demoted to a position for which qualified, the salary will likely be cut to reflect a decrease in job responsibilities. The new salary shall be set at the rate in the lower pay range which provides a salary commensurate with the employees' qualifications and is consistent with the placement of other employees within the same classification. Employees who accept a voluntary demotion and retain their salary, and are then promoted within 24 months, will retain that same salary. If the demotion is the result of discipline, the salary shall be decreased at least 5%. Salaries of demoted employees may be no greater than the maximum of the new range. Demoted employees will be required to complete a six-month probationary period for regular employees and twelve-month probationary period for police. Annual evaluation date may be adjusted to coordinate with Town wide evaluation dates.

Lateral Transfers – A lateral transfer is a move from one position to another position at the same salary grade. The salary of an employee who takes a lateral transfer shall remain the same and not be changed by the reassignment. Lateral Transfer employees will be required to complete a six-month probationary period for regular employees and twelve-month probationary period for police. Annual evaluation date may be adjusted to coordinate with Town wide evaluation dates.

Reclassifications – A reclassification is a change in a position’s salary grade and title due to a significant increase or decrease in job responsibilities and duties. An employee whose salary is below the minimum of the new salary grade will receive a salary increase at least up to the new minimum salary. If the current salary is above the new salary range minimum, there may be a pay increase based on increased job responsibilities.

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

Section 22. Salary Range Revisions

A salary range revision is a change in the salary range or grade assigned to a specific class of positions. The change, if made by the Town, warranted and feasible, may be based upon increased salaries in the relevant labor market, recruitment and retention data, or increased complexity in job content. Salary equity within the work unit must be maintained and other management needs must be given consideration when salary changes based on range revisions are made. When a class of positions is assigned to a higher salary grade, the employees’ salaries may also change according to the following guidelines:

- a. Employees’ salaries shall be increased, if it is below the new minimum, to at least the minimum rate of the new salary range.
- b. Salaries that fall between the new minimum and the midpoint of the new salary range do not have to be increased. If funds are available and where appropriate, individual salary increases may be considered but the total cannot exceed the dollar amount provided by the difference in the minimum salaries of the old range and the new range. If the employee’s current salary is at the midpoint or above of the new salary range, the salary will remain the same.
- c. When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum established for the new class, the salary of that employee shall be maintained at that level until such time as the employee’s salary range is increased above the employee’s current salary.

Section 23. Transition to a New Salary Plan

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

- a. No employee shall receive a salary reduction as a result of the transition to a new salary plan.
- b. All employees being paid at a rate lower than the hiring rate established for their respective classes shall have their salaries raised to the new minimum for their classes.
- c. All employees being paid at a rate below the maximum rate established for their respective classes shall be paid at a rate listed in the salary schedule if a step plan is in use; all employees not at a listed rate shall have their salaries raised to a listed rate.
- d. All employees being paid at a rate above the maximum rate established for their respective classes shall be maintained at that salary level until such time as the employee’s salary range is increased above the employee’s current salary.

Section 24. In- Range Salary Adjustment

It is the policy of the Town of Angier, subject to the availability of funds to grant in-range salary adjustments to recognize job change of employees in regular, position, to establish equitable salary relationships, and/or to respond to labor market conditions. Only regular full-time or part-time employees are eligible for increases under this policy. In-range adjustments may be considered in the following circumstances:

- a. Job Change – This type of adjustment is to compensate for changes in job duties and responsibilities as documented in position classification specifications which are at a higher level, but not enough to justify a reclassification to a higher salary grade, or a salary range revision.

- b. Recruitment/Retention Problems – This type of salary adjustment may be made to reduce or avoid turnover due to market or other conditions that affect retention.
- c. Salary Equity – This type of salary adjustment is used to establish or re-establish equitable salary relationships among employees in a relevant work unit performing the same type and level of work considering education, skill, related work experience, length of service and performance level.

It is the responsibility of the Town Manager to assess salary administration priorities and in-range salary adjustment request. As part of this process, the salary of each employee in the department should be examined for equity purposes. A completed request for an in-range salary adjustment must be in writing from the Department Head and include the following information: employee name, classification title, current salary, summary of conditions that support the request, and justification for percent increase requested.

Section 25. Effective Date of Salary Changes

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

Section 26. Overtime/Compensatory Time Provisions Non-Exempt Employees Pay Provisions

“Exempt” employee positions shall work those hours necessary to assure the satisfactory performance of their departments but not less than 40 hours per week on average.

Exempt positions include (but are not limited to): Town Manager, Finance Director, Police Chief, Library Director, Parks & Rec Director, Planning Director, Downtown Main Street Manager and Public Works Director.

Employees of the Town are either exempt or non-exempt under the Fair Labor Standards Act (“FLSA”). Please also note that for certain employees, the calculation of overtime pay may differ from the general requirements of the FLSA. The Town Manager can tell you whether your particular position is exempt or non-exempt, and will also be able to determine whether the calculation of your overtime pay is different from the standards referenced herein.

All overtime worked in every department must have the prior approval of the Town Manager or person(s) designated by the Town Manager, except in cases where emergency situations occur. All overtime shall be paid or compensated for in accordance with the FLSA as follows:

- a. Overtime for employees other than law enforcement and detention employees is defined as time worked over 40 hours in a given seven-day work week beginning at ~~8:00 am on Monday~~ 12:00 am on Monday and ending at 11:59 pm on Sunday.
- b. Overtime for non-exempt law enforcement and detention employees shall be based on those hours worked in excess of 171 hours in a 28 day pay cycle.
- c. Hours worked in excess of those listed in the preceding paragraphs are considered overtime hours for pay purposes. Pay for vacation time, sick time, holidays, etc. is not pay for time worked and is therefore not considered as hours worked for purposes of overtime computations.
- d. Non-Exempt employees may be compensated for overtime in one of two ways:
 - 1) Receive pay for overtime hours at the rate of one- and one-half times the employee’s hourly rate of pay; or
 - 2) Receive compensatory time off for overtime hours worked at a rate of one- and one-half hours for each hour of overtime worked, subject to the following provisions:
 - i. As a condition of employment with the Town, all employees eligible to be compensated for

overtime pay agree to accept compensatory time paid in accordance with this policy in lieu of, or in combination with regular overtime pay.

- 3) ~~The maximum compensatory time which may be accrued by any Town employee in a given month shall be 80 hours. Upon accrual of 80 hours, the employee will receive pay for additional overtime hours at the rate of one and one-half times the employee's hourly rate of pay.~~ Town Employees will be allowed to accrue compensatory time throughout the year but at the end of every December only 40 hours will be allowed to roll forward into the new year. Any hours over the 40 will roll into the employees' sick time balance. Any changes to the roll over for individual employees can be addressed and approved by the Town Manager.
- 4) Employees are encouraged to use accrued compensatory time within a reasonable period of time after making the request if the use of the compensatory time does not unduly disrupt the operations of the Town. Whenever practicable, employees and their Department Heads should schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of incurring overtime.
- 5) Employees ~~may be~~ **are** required to use any accrued compensatory time before they use accrued paid sick leave or vacation leave.
- 6) Employees may be sent home from work and paid compensatory time in lieu of working during slow work periods within their department.
- 7) The Town reserve the right to require compensatory time be used concurrently with other leaves of absence, including FMLA and worker's compensation leave.
- 8) Non-exempt employees having accrued compensatory time upon termination of employment shall either use their compensatory time or be paid for such time ~~which shall be calculated at the average regular rate of pay for the final three years of employment, or the final~~ **at the employees current regular rate of pay received by the employee, whichever is higher.**
- 9) All overtime/compensatory time when earned and used must be turned into the Finance Office with a time sheet and it must be approved by the Town Manager or his/her designated representative.

Employees in positions determined to be "exempt" from the FLSA (as Executive, Administrative, or Professional staff) will not receive pay for hours worked in excess of their normal work periods. These employees may be granted compensatory leave by their supervisor on an hour for hour basis where the convenience of the department allows and in accordance with procedures established by the Town Manager. Such compensatory time is not guaranteed to be taken and ends without compensation upon separation from the organization. Exempt employees will lose any leave they have at the end of the fiscal year.

Section 27. Compensatory Time Provision – Exempt Employees

Exempt employees shall not receive payment or compensatory time off for hours worked, travel time, attendance at meetings, etc. in excess of the normal work week. However, because of emergency or other situations, exempt employees may earn compensatory time, which the Town wishes to recognize and provide some compensation for. Exempt employees may earn compensatory time on an hour-for-hour basis up to a maximum of 80 hours. Compensatory time must be used before the use of any vacation time and may be required to be used concurrently with other leaves of absence as outline in section 26.

Should an exempt employee wish to use compensatory time off, a request should be made to the Town Manager. The granting of compensatory time for exempt employees is entirely discretionary.

Under no circumstances shall an exempt employee be paid for unused compensatory time at the time of separation unless specifically authorized by the Town Manager in his/her sole discretion.

Exempt employees shall work those hours necessary to assure the satisfactory performance of their departments, but not less than 40 hours per week on average.

Section 28. On Call, Call-back and Stand-by Pay

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

On Call – Non-exempt employees that are on call will be paid for the hours that they work while they are on call after normal business hours during the week and weekends making routine rounds around town.

Call-back - Non-exempt employees will be guaranteed a minimum payment of two hour's wages for being called back to work outside of normal working hours. "Call-back" provisions do not apply to previously scheduled overtime work.

Stand-by – Non-exempt employees ~~required to be on "stand-by" duty will be paid for five hours of work for each week (approximately 128 hours, excluding work time) of stand-by time they serve. Stand-by compensation for less than one full week shall be determined by the ratio of .04 hours of pay per one hour of stand-by time.~~ **Are paid for** hours actually worked while on stand-by **and** are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week. Stand-by time is defined as that time when an employee must carry a pager or other communication device and must respond immediately to calls for service.

Section 29. Payroll Deduction

Deductions shall be made from each employee's salary, as required by law and the Town is authorized to make established deductions from an employee's gross pay to cover federal and state income taxes, contributions for retirement systems, court ordered payments or garnishments, employee group insurance premiums and other legally required payments. Additional deductions may be made upon the request of the employee, within the discretion of the Town Manager.

Section 30. Hourly Rate of Pay

Employees working in a part-time capacity with in the same duties as full-time employees will work at a rate as established by the Town Manager.

Section 31. Longevity Pay

Full-time regular employees of the Town may be compensated for years of continuous service by payment of a longevity supplement based on continuous years of service as of (date: December1) as established by the Town Board of Commissioners, provided such pay has been approved in the annual budget.

Continuous service is continuous employment including any approved leave. Employees who leave the employment of the Town and subsequently return to employment are only allowed to count the years of service from the time the employee is reemployed.

The current amounts and availability of longevity pay under this policy will be available in Finance Department and/or Town Clerk's office.

Longevity amounts shall be as follows:

~~Employees who retire within the year will receive longevity pay pro-rated based on the number of months worked during the year.~~ The longevity pay accumulation scale is determined by the Board of Commissioners from time to time. The current scale is available in the Town's Finance Department.

- a. Longevity pay is \$50 per year of service
- b. Max amount of longevity is \$750

Section 32. Pay Upon Termination

Upon termination of employment, an employee is entitled to payment, in the regularly scheduled pay period, for regular pay, unused vacation leave **up to 240 hours**, and unused compensatory time if the employee is designated as non-exempt. No sick leave or other such leave as the Town may authorize, shall be paid upon termination. The Town shall deduct and withhold from the final paycheck any amount owed to the Town such as for group insurance premiums and leave that has been advanced or such other amounts as may be authorized by state or federal wage law.

ARTICLE IV: Recruitment and Employment

Section 33. Equal Employment Opportunity Policy

The Town is an Equal Opportunity Employer. It is the policy of the Town to employ the most qualified applicants available, based on their training, work experience, and performance record. It is the Town's policy to recruit, hire, train and promote individuals without regard to race, color, religion, sex, age, or national origin, political status or marital status. The Town does not discriminate against anyone for any reason. Applicants with disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of required duties with or without reasonable accommodation.

If you feel that you, or any other employee, have been treated unfairly, it is your responsibility to inform your Department Head, the Town Manager or a Human Resource Professional.

Section 34. Implementation of Equal Employment Opportunity Policy

All personnel responsible for recruitment and employment will continue to review the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related requirements and to avoid discrimination based on age, sex, race, color, religion, disability, national origin, political affiliation, or marital status. Notices with regard to equal employment matters shall be posted in conspicuous places on Town premises in places where notices are customarily posted.

Section 35. Recruitment, Selection and Appointment

Recruitment Sources - When position vacancies or employment opportunities occur, unless obligated to do so by law, the Town may hire or promote without publicly advertising jobs. For such positions as may be required by State law, the Town will publicize these opportunities for employment, including applicable salary information and employment qualifications. Information on job openings and hiring practices will be published in local and/or other news media as necessary to inform the community and create a quality and diverse pool of applicants. In addition,

notice of vacancies will customarily be posted at designated conspicuous sites within departments.

Job Advertisements - Position vacancies and employment opportunities may be advertised in local newspapers, professional publications, via Town's website and other relevant publications in order to establish a diverse and qualified applicant pool. Employment advertisement shall contain assurances of equal employment opportunity and be intended to promote a diverse range of applicants consistent with applicable State and Federal law.

Application for Employment - All persons expressing interest in employment with the Town shall be given the opportunity to file an application for employment for positions which are vacant during the established recruitment period.

Application Reserve File - Applications shall be kept in an inactive reserve file for a period of two years, in accordance with provisions of Chapters 121 and 132 of the General Statutes of North Carolina.

Hiring Decision – Before an offer of employment is made to an applicant, either internal or external, the Department Head shall make recommendations to the Town Manager with a recommendation of the position to be filled and the salary to be paid. The Town Manager is the hiring authority and shall make all final hiring decisions and set the starting salary for all new employees, in addition to setting any other conditions of employment.

Section 36. Promotion

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range. The Town will balance three goals in the employment process with respect to promotions: 1) the benefits to employees and the organization of promotion from within; 2) providing equal employment opportunity and a diversified workforce to the community; and 3) obtaining the best possible employee who will provide the most productivity in that position.

Section 37. Demotion

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

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

Section 38. Transfer

Transfer is the movement of an employee from one position to a position in a class in the same salary range. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual application process. The Department Head wishing to transfer an employee to a different department or classification shall make a recommendation to the Town Manager with the consent of the receiving Department Head. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this policy. An employee who has successfully completed a probationary period may be transferred into the same classification without serving another probationary period.

ARTICLE V: Conditions of Employment

Section 39. General Rules of Conduct

The proper conduct of all employees is necessary to ensure a safe, productive and pleasant working environment. As a Town employee, you are expected to conduct yourself in accordance with all general Town policies and procedures, and with all conduct regulations specific to each Town Department. All employees are expected to

be fair, courteous and cooperative when dealing with the public and with fellow employees.

Section 40. Work Schedule

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

As a general matter, the Town has a normal work week of 40 hours. Regular office hours are all Town employees with the exception of law enforcement, emergency medical service employees, transportation employees, and other designated employees, shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday.

An employee's lunch period should not exceed one (1) hour. Town employees are required to take their daily hour lunch break unless otherwise approved by the Town Manager or their Department Head. Because all of the Town's department are open from 8:00 a.m. to 5:00 p.m., each department should work to reasonably stagger lunch hours to staff their respective departments for all hours of the day.

Section 41. Political Activity

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

- a. Engage in any political or partisan activity while on duty, in the workplace, wearing a uniform or official insignia, in a government vehicle, or use email or social media to engage in political activity;
- b. Use official authority of influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
- c. Be required as a duty of employment or as condition for employment, promotion or tenure of office to contribute funds for political or partisan purposes;
- d. Coerce or compel contributions from another employee of the Town for political or partisan purposes;
- e. Use any supplies or equipment of the Town for political or partisan purposes; or
- f. Be a candidate for nomination or election to office under the Town Charter
- g. Invite subordinate employees to political events or otherwise suggest that they engage in political activity;
- h. Knowingly solicit or discourage the political activity of any person with business before the agency

Any violation of this section shall subject the employee to disciplinary action including dismissal. Nothing in this section is intended to prohibit elected or appointed Town officials from participating in regular and routine political activity associated with their elected or appointed office or position.

Section 42. Outside Employment

The work of the Town shall have precedence over other occupational interest of employees. Any outside employment must be of such a nature as would not reflect negatively upon the Town and must be approved by the employee's Department Head. If outside employment is approved by the Department Head, notice shall be given to the Town Manager or person(s) designated by the Town Manager. The Town Manager may review and overturn approval for outside employment, should the Town Manager determine that the outside employment would create a conflict of interest. Outside employment shall not entail the occupation of time or effort while the employee is on duty for the Town, and shall not create a conflict of interest with the work of the Town.

Outside employment which creates a conflict of interest with the Town may subject the employee to disciplinary action and/or dismissal.

No person holding a Town job that requires a specialization or knowledge can partake in a private business where this knowledge and influence associated with their Town position could play a factor in the success of this endeavor.

Section 43. Dual Employment

A full or part-time employee of the Town may simultaneously hold another position with the Town if the temporary position is in a different department and clearly different program area from that of the full or part-time position. The work of the temporary position must also be performed on an occasional or sporadic basis and identified in Fair Labor Standards Act regulations. However, the work of the full or part-time position shall take precedence over the temporary position, and such work will not count toward the calculation of overtime for pay or time off.

Section 44. Employment of Relatives

The Town prohibits the hiring and employment of immediate family in positions within the same department. The Town will consider employing family members or related persons in the service of the Town, provided that such employment does not:

- a. Result in a relative supervising a relative;
- b. Result in a relative auditing the work of a relative;
- c. Create a conflict of interest between a relative and the Town; or
- d. Create the potential or perception of favoritism

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

Section 45. Solicitation and Acceptance of Gifts and Favors

No elected or appointed official or employees of those officials or the Town shall accept any personal gift, favor, or thing of value that may tend to influence the employee in the discharge of his or her employment duties. No elected or appointed official or employees of those officials or of the Town shall grant in the discharge of duties any improper favor, service or thing of value. Where an employee works in departments receiving federal grant funds or assists in the selection process, the award, or the administration of contracts supported by federal grant funds, state and federal law may provide additional rules for avoiding conflicts of interest, and such employees are expected to abide by any minimum applicable standards, including but not limited to the provisions set forth in N.C. General Statute 14-234.

Section 46. Performance Evaluation

Supervisors and/or Department Heads shall conduct Performance Evaluation conferences with each employee at least once a year. These performance evaluations shall be documented in writing and placed in the employee's personnel file. Procedures for the performance evaluation program shall be published by the Town Manager.

Section 47. Safety

Safety is the shared responsibility of both the Town and its employees. It is the policy of the Town to provide a safe, healthy environment in which to work. Other than general safety procedures adopted by the Town, Department Heads and supervisors are responsible for ensuring safe work procedures for all employees and providing necessary safety training programs which relate to the specific departments. Employees shall follow the safety policies and

procedures and attend safety-training programs as required by the department. Employees who violate such policies and procedures may be subject to disciplinary action up to and including dismissal.

Person safety, and the safety of other employees, is the responsibility of all employees. All safety issues should be brought to the attention of the Town Manager.

Each Town employee is responsible for:

- a. Developing and maintaining safe work habits;
- b. Promptly reporting all accidents and injuries;
- c. Pointing out dangerous practices and working conditions;
- d. Taking proper care of equipment;
- e. Knowing the location and use of fire extinguishers, the location of fire exits and the method of reporting a fire or other emergency;
- f. Reporting suspicious persons or activities;
- g. Practicing safe driving habits; and
- h. Reporting unsafe conditions and submitting practical safety suggestions.

Section 48. Cell Phone/Internet and Email Policy

Cell Phones – Employees are expected to act responsibly and exercise good judgement when utilizing cell phones and other personal electronic devices. Cellular phones and mobile devices are operated through radio frequencies and are therefore subject to the Federal Communications Commission Rules and Regulations. Discussions of topics that are inappropriate or confidential either by law, Town policy, or for other reasons, should never be conducted via cellular telephone or mobile device. Excessive personal cell phone use or mobile device may lead to disciplinary action as this can interfere with an employee's daily work schedule.

Internet and Email - Computer users are responsible for the appropriate use of Town computers, and for taking reasonable precautions to secure the information and equipment entrusted to them. Employees are responsible for reporting inappropriate use of Town computers, breaches of computer security, and assisting in resolving such matters. Users are responsible for adhering to Town policies and practices as described herein, and in other Town policy manuals, to ensure Town computers are used in accordance with Town policing guidelines, and reasonable measures are taken to prevent loss, damage, or theft of computer information and equipment. This includes all offsite computer equipment and software. Employees should have no expectation of privacy while using the Internet.

Unauthorized Access - Unauthorized access of Town computers is prohibited. Unauthorized access of third-party computers, using Town computers, is prohibited. Attempting to access Town computers without specific authorization is prohibited. Any form of tampering, including snooping and hacking, to gain access to computers is a violation of Town policy and carries serious consequences. In addition, computer users must take other reasonable precaution to prevent unauthorized access of Town computers.

Computer Sabotage – Destruction, theft, alteration, or any other form of sabotage of Town computers, programs, files or data is prohibited and will be investigated and prosecuted to the fullest extent of the law.

Password Selection and Protection – Select difficult passwords. Change them regularly, and protect them from snoopers. A lot of damage can be done if someone gets your password. Users will be held accountable for password selection and protection. Do not share password with anyone, other than a designated Town official. Do not write it down where someone can find it. Do not send it over the internet, intranet, e-mail, dial-up modem, or any other communication line. It is not uncommon for employees to try to figure out a friend's, or associate's password, just

to see if they can. However, the same employee would never steal the key and go through your desk drawer, looking at everything and anything private and confidential. Yet, this is just what happens when passwords are cracked. Stay away from such activity. It is a serious violation of Town policy. If you have a question about password selection or safekeeping, please see your supervisor or the Information Technology Manager.

Password Access Program - Do not leave your computer logged on and unattended for an extended period of time. Do not log onto your system if someone can see you keying in your password (there is no need to create the temptation). Report any irregularities flagged by the password access program (last login time and date, number of attempts to log in, etc.). Turn off your computer when you leave at night. If you use a remote access program, and you need to leave your computer on, be sure that it is in a locked room.

Snooping - Snooping into Town computer systems is a violation of Town policy. If you have no business being there, don't go there. If you accidentally identify a new way to access information, report it to management. Watching other users enter information, and looking at computer disks that do not belong to you, is prohibited. Obtaining, or trying to obtain, other users' passwords, or using programs that compromise security in any way are violations of Town policy.

Hackers – Never give any information about computer systems out over the telephone, or in any other way. If someone requests such information, get their name and phone number and tell them you will get right back to them. Report the incident immediately to management. Without an employee's help, the Town has little chance of protecting the Town's computer systems.

Using hacker programs and trying to access computer systems using hacker techniques is prohibited. Trying to hack into third-party computer systems using Town computers is prohibited and will be reported to the local authorities. If you are caught hacking, it is a serious offense. If an employee identifies vulnerability in the Town's computer security system, report it to management.

Viruses, Worms, and Trojan Horses – It is critical that users make certain that data and software installed on Town computers is free of viruses. Data and software that have been exposed to any computer, other than Town computers, must be scanned before installation. This includes e-mail with attachments (a virus can quickly contaminate your computer simply by opening an e-mail attachment), downloads from the Internet and other sources of data that may be contaminated. Viruses can result in significant damage and lost productivity. If you are uncertain whether data or software needs to be scanned before installation, see the Information Technology Manager.

Public Records – Please remember that emails and other communications sent using Town computers or programs may be considered public records pursuant to Chapter 132 of the North Carolina General Statutes (Public Records Laws).

Section 49. Social Media Policy

Policy & Purpose – This policy applies to all Town of Angier Employees. Employees are expected to act responsibly and exercise good judgment when interacting with social media resources. When using social media resources for personal and private reasons, employees must ensure a distinct separation between personal and organizational views, and must not peak as a representative of the Town. The Town respects the rights of employees to use blogs and social media sites on their own time as a medium of self-expression and public conversation and does not discriminate against employees who use these media for personal interest and affiliations or for other lawful purposes. Employees are encouraged to exercise sound judgment and discretion in contributing to social media sites where information is available to numerous users. This is especially encouraged on personal sites to ensure a distinct separation between personal and organization views as inappropriate usage of social media may be

grounds for disciplinary action. Employees are expected to follow the guidelines and policies set for below to provide a clear line between themselves as an individual and as an employee.

Definitions – Social Media will include websites, or blogs or other forms of social media or technology to include, but are not limited to , video or wiki postings, social networking sites such as Facebook or Twitter, chat rooms, YouTube personal blogs or other similar forms of online journals, diaries, or personal newsletters not affiliated with the Town of Angier.

Organizational Rules – While the Town encourages its employees to enjoy and make productive use of their personal time, certain activities on the part of the employees may become a concern if they have the effect of impairing the work of any employee, harassing, demeaning, or creating a hostile work environment for any employee, disrupting the smooth and orderly flow of work within the organization, harming the goodwill and reputation of the Town among its citizens, or eroding public confidence in the Town as an organization.

In the area of blogging or social media employees may use such media in any way they choose as long as such use does not produce the adverse consequences noted above for the Town. For this reason, the Town advises its employees that the following guidelines apply to their use of Social Media on their own personal time and personal computer resources.

If an employee publishes any personal information about themselves, another employee or the Town, a citizen or a customer in any public medium that has the potential or effect of involving the employee, their coworkers, or the Town in any kind of dispute or conflict with any other employees:

- a. Interferes with the work of any employee;
- b. Creates a harassing, demeaning, or hostile working environment for any employee;
- c. Disrupts the smooth and orderly flow of work, or the delivery of services to the citizens;
- d. Harms the goodwill and reputation of the Town around citizens or the community at large;
- e. Erodes the public's confidence in the Town organization; and
- f. Tends to place in doubt the reliability, trustworthiness, or sound judgement of the person who is the originator or subject of the information.

The employee(s) responsible for such problems will be subject to coaching, counseling and/or disciplinary action, up to and potentially including termination of employment, depending on the severity and repeat nature of the offense.

Employees are further prohibited from the following in connection with social media:

- a. Using blogs or social networking sites to harass, threaten, discriminate or disparage against employees or anyone associated with or doing business with the Town;
- b. Posting the name or logo of the Town of Angier or any business with a connection to the Town on personal blogs or other sites;
- c. Posting privileged information, including Town issued documents;
- d. Posting photographs or names of co-workers, vendors, suppliers, citizens, or other person engaged in business with the Town without their consent; and
- e. Using a town-issues work email address in social networking activities.

Use of social media that involves any kind of criminal activity or harms the rights of others may result in criminal prosecution or civil liability to those harmed or both. Employees are reminded that personal postings may not only be read by friends and family but also by co-workers, supervisors, Town residents, and the media. An online identity can be discovered relatively easily even if posting anonymously or under a pseudonym, therefore employees should exercise caution when deciding what to include in a post or comment.

The Town may require the immediate removal of, and impose discipline for, material that is disruptive to the workplace or in any way impairs the mission of the Town. Misuse of Social Media, whether on or off-duty, is grounds for disciplinary action, up to and including termination. The policy shall not be construed to prohibit any activities that constitute legally protected activities or constitutionally protected speech.

Scope of Usage by the Town – The Town of Angier’s primary website (www.angier.org) and Facebook Page (Town of Angier, NC/Angier Police Department/Angier Public Library) will remain as the primary and predominant internet presence for the Town. However, with the approval of the Town Manager, departments and other Town sponsored event committees may engage in social media to achieve certain business and communication goals. Detailed requests for approval to establish additional social media sites should be addressed in writing to the Town Manager.

While social media sites are free, they require constant monitoring and updated in order to be effective. The department initiating the social media tool is responsible for tasks such as updating information, monitoring content, replying to site users, and fulfilling public information requests.

Further, all social media sites must adhere to standing Town policies and protocols such as:

- a. All sites must maintain administrative standards in the use of the Town logo
- b. All sites are subject to State of North Carolina Public records statutes
- c. All sites must adhere to laws and policies regarding copyrights, use of photographs, personal privacy, the First Amendment, the Americans with Disabilities Act and HIPPA
- d. All sites must adhere to website policies concerning linking to third party sites, privacy, and guidelines for accessibility for the disabled;
- e. The social media sites shall not contain any political information or be used for political activity;
- f. Blogs or posting from the public are prohibited; the additional social media sites should direct all public feedback to the sponsoring Town staff;
- g. The sites shall comply with policies and procedures for information security

All Town of Angier social media sites shall be used only as a vehicle for communicating the Town’s message and shall not be utilized in a manner that allows members of the public to post comments or through the social media vehicle.

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

- a. *The purpose of this sit is to present matters of public interest in the Town of Anger, including its many residents, businesses and visitors. The purpose of this site is for the dissemination of information; it is not intended to be a public forum.*
- b. *You may submit your questions and comments in response to our posts, however please not that this is a moderated side and the following policy is in effect:*
- c. *The Town reserves the right to delete submissions that contain (1) vulgar language (2)personal attacks of any kind (3) offensive comments that target or disparage any ethnic, racial, or religious group (4) posts which are not in the public interest; and*
- d. *Further, the Town reserves the right to delete comments that are (1) spam or included links to other sites (2) clearly off topic (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. We strongly recommend you not share any of your medical information on our Facebook pages.

- e. Note: the comments expressed on this site do not reflect the opinions and position of the Town of Angier government or its officers or employees. If you have any questions concerning the operations of this page, please contact the Town Manager's office.*

Section 50. Confidentiality of Non-Public Records

General – Subject to Chapter 132 of the North Carolina General Statutes (Public Records Laws), information stored electronically on Town computers or networks should be considered confidential unless permission is given to use it. Accessing or attempting to access confidential data is prohibited. Confidential information should only be used for its intended purpose. Using confidential information for anything other than its intended use without prior management approval is prohibited.

Handling Confidential Information - Confidential information stored on computers is typically more difficult to manage than traditional paper documents that are sealed in an envelope, and locked in a filing cabinet clearly labeled CONFIDENTIAL. As such, it is important that users take extra care with confidential or sensitive information stored on computers. Use good judgement and common sense when handling information you believe to be confidential or sensitive.

Locks – Physical security is a key to protecting your computer and computer information from loss or damage. Store external storage devices (drives, disc, etc.) and other sensitive information in a locked drawer. Turn off a computer when it is not in use for an extended period of time. Lock the door to the office if you have one. Never leave laptops or other portable hardware devices in locations where they can be compromised. Take a few minutes to practice good physical security. Your investment of time will provide an excellent return, and help prevent temptation by others.

Section 51. Administrative Matters

Back up – Users are responsible for regular back-up of essential computer files, and secure storage of back up disks. All backed-up files should be stored on a secure computer disk, tape or LAN server, other than the one which contains the original data.

The LAN is equipped with electronic and physical security. Activity on the network is monitored for tampering, and other security breaches. Maintenance and back-up are performed on the LAN daily.

Copyright Infringement – The Town does not own computer software, but rather licenses the right to use software. Accordingly, Town licensed software may only be reproduced by authorized Town officials in accordance with the terms of the software licensing agreements. Unauthorized copying, redistributing, and republishing of copyrighted or propriety material are stickily prohibited. Copyright laws apply on the Internet as well.

Copies of shareware or “free” program must be registered and approved by the Information Technology department. Shareware and “free” software should not be copied or forwarded to others due to licensing and use restrictions.

Harassment, Threats and Discrimination – It is Town policy, and the law, that employees are able to work free of unlawful harassment, threats and discrimination. Unlawful harassment is physical or verbal behavior directed toward and individual due to their race, age, marital status, gender, disability, religion, sexual orientation, or nationality for the purpose of interfering with an individual's work performance or creating intimidating or hostile work environment.

It is not uncommon for employees to receive files, data, pictures, games jokes, etc., that may be considered offensive by some. It is inappropriate to use Town computers to share your personal views about religion, politics, sexuality or any

other subject of a personal nature that could be considered offensive to others within or outside the Town.

Accidents, Mistakes, and Spills – Mistakes and accidents represent the biggest cost when it comes to computer information loss. Take a few seconds to read the computer screen before you delete, save, or transmit files. In addition, users need to take reasonable precautions with respect to computer operations, maintenance, handling, and transportation. When placing liquids, and other food items on your desk, please be careful.

Unauthorized Changes to Town Computers – Installing software and making changes to computer hardware, software, system configuration, and the like is prohibited, without prior Management authorization.

Purchases of Computer Software and Equipment – Purchases of computer software and equipment are prohibited without approval from Departmental Management and Information Technology Management. All computer software and hardware purchases, including extended warranties and service agreements, must be approved by the Information Technology department, meet pre-established quality requirements, and be compatible with other Town computer software, equipment and service contracts.

Personal Use of Computers - Incidental and occasional personal use of Town computers is permitted for reasonable activities. It is the employee's responsibility to clear all personal uses through their supervisor or Department Head.

Propriety Information – Town data, programs, and other propriety information represent Town assets and can only be used for authorized Town business. Use of Town assets for personal gain or benefit is prohibited. Sharing Town propriety information with Town employees, or third parties, is prohibited.

Separation of Equipment – All information on users' computers is considered Town property. Deleting, altering, or sharing confidential, proprietary, or any other information upon separation requires management authorization. The computer you have been entrusted with must be returned with your password, identification code, and any other appropriate information necessary for the Town to continue using the computer and information uninterrupted.

Internet Connections and Email – The same standards of decorum, respect, and professionalism that guide us in our face-to-face interactions apply to the use of E-mail. Appropriate E-mail etiquette is essential to maintain a productive and professional work environment. If you would not put in in a memorandum on Town letterhead, do not say it with E-mail

Incidental or occasional use of E-mail for personal reasons is permitted. However, only Town employees are allowed access to the Town E-mail system. Internet connections are authorized for specific business needs only. Connection to the Internet without management authorization is prohibited. Personal Internet use is restricted to non-work hours such as authorized breaks, lunch hours, or before and after work as approved by the employee's supervisor. Work day personal internet use outside these times may subject employees to disciplinary action for misuse of Town time and property. Furthermore, the following activities are prohibited without management authorization:

- a. Downloading information of any kind, including data, files, programs, pictures, screen savers, and attachments
- b. Transmitting important, confidential or proprietary information and
- c. Speaking on behalf of the Town

Unapproved Activities

- a. Portraying yourself as someone other than who you are, or the Town you represent
- b. Accessing inappropriate web sites, data, pictures, jokes, files, and games

- c. Inappropriate chatting, E-mail, monitoring or viewing
- d. Harassing, discriminating, or in any way making defamatory comments
- e. Transmitting junk mail, chain letters, or soliciting for commercial, religious, charitable or political causes, and
- f. Gambling or any other illegal activity, violates Town policy, or is contrary to the Town's interests.

Spam – Sending unsolicited messages or files to individuals, groups or organizations that you do not have a prior relationship with is prohibited without written authorization from your supervisor. Sending messages or files with the intent to cause harm or damage to the intended receiver is a violation of Town policy and will be prosecuted to the full extent of the law.

Remote Access – Remote access of computer systems is prohibited without prior approval.

LAN Access and Workstation Set Up – Users with access to local domain resources such as network printers, or file volumes are encouraged to use network resources. Network file resources are classified as single user and multi user. Single user file shares are for use by the user, and have that user's name. Shared or multi user file shares are for all, or a group of users in that domain. Establishment of shared resources or resource connections should be authorized by Information Technology staff, who will assign the appropriate permissions for those resources ensuring a secure network environment. The following setup activities should be limited to Information Technology employees:

- a. Access to network resources
- b. Mapping drives or printers
- c. Sharing of network resources
- d. Assigning workstation network configurations, and
- e. Connecting equipment to the network

Computer workstations and equipment will be unpacked and installed, and configured by IT staff.

Violations of this section shall subject employees to discipline and/or dismissal.

Section 52. Attendance

Punctual, regular and predictable attendance are essential responsibilities of each employee of the Town. Unexcused tardiness or excessive, unplanned absences can disrupt the efficient administration of the Town's operation and create burdens for fellow employees and supervisors.

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees also are expected to remain at work for their entire work schedule. Late arrival, early departure or other unplanned, unapproved absences from scheduled hours are disruptive and should be avoided. Failure to meet the Town's attendance expectations will result in discipline.

Section 53. Dress Code

The Policy applies to all full-time and part-time staff, temporary staff, contract workers, volunteers, patrons, and anyone who enters a Town of Angier building, structure, vehicle or other motorized equipment.

Much of the public image of the Town of Angier and its employees is based upon the impression citizens make

as a result of their contact with Town employees. Appearance, as well as conduct, is a part of that initial impression.

All employees are expected to dress at all times in an acceptable and professional manner which is consistent with good business practices and the provision of the safety policy. Employees who are issued Town uniforms by their respective departments are expected to wear uniforms at all times while on duty. Additionally, employees working on private property or out in the community are identified by wearing a Town uniform which allows citizens to identify employees when service is needed. Uniforms are not to be worn off-duty. All other employees are expected to dress appropriately, wearing clothes that are neat, clean and well-arranged in appearance.

All Department Heads are expected to wear business dress attire per the Town Manager to the Town Board of Commissioners meetings.

While not all inclusive, unacceptable or inappropriate work attire would be:

- a. Short Shorts or short skirts above the knee
- b. Low Rise Jeans or Hip hugger Jeans
- c. T-shirts bearing writing and/or logos (other than Town of Angier Logo)
- d. Short-wasted t-shirts
- e. Halter, tank, tube and spaghetti strap tops (unless covered by a sweater or jacket)
- f. Any low cut clothing that exposes or reveals personal body parts (midriff area and cleavage)
- g. No flip flops, heels that make a loud clicking/tapping sound, or crocs
- h. Leggings can be worn as long as you have a long enough shirt that covers both the front and back areas
- i. Jeans can be worn on casual Fridays along with tennis shoes. (If an employee is provided a town logo shirt then that is to be worn as your casual Friday attire)

Exception: Special occasion shirts (as approved by Department Heads) – at times throughout the year there will be special occasions that different dress attire, shirts and outfits can be worn. For example Holidays like Halloween, Thanksgiving, Christmas and etc.

Department heads will be responsible for assuring that dress code guidelines set forth in this policy are followed, as well as they may further define dress codes for administrative and office personnel, should the need arise. Employees that are deemed to be in violation of this policy will be subject to appropriated disciplinary measures, as well as being sent home without pay to change into appropriate professional attire.

Uniforms are issued to employees in certain departments with the understanding that upon receipt, they are the property of the Town's supplier. If uniforms are damaged as a result of neglect or abuse, individuals will be required to replace them at their own expense. The Town will replace uniforms damaged as a result of job requirements or performance of duties. Damaged uniforms should be reported immediately to employee's supervisor. Employees leaving Town employment must turn in all uniforms and/or any Town property acquired. Items not returned will be deducted from employee's final pay check.

Section 54. Use of Town supplies and equipment

- a. Town equipment, materials, tools and supplies shall not be available for personal use or be removed from Town property except in the conduct of official Town business. Such items are not meant for an employee's personal use,

and improper use of such items may subject an employee to discipline and/or dismissal.

- b. Vehicles owned by the Town shall be cared for by an employee in the same responsible way that he would care for his own. Such vehicles are to be used exclusively for official Town business, except that by special approval by 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 work. Town vehicles shall not be used for personal purposes including transporting family members to and from school, work, or other errands that involve non-employees except in the regular course of Town business.
- c. Equipment, materials, tools and supplies that are used for training or educational purposes must have prior approval of the Town Manager.
- d. Employees who are issued Town of Angier uniforms are required to wear the uniforms each work day. Uniforms should be clean and neat at the beginning of the work day.

ARTICLE VI: Employee Benefits

Section 55. Benefits Eligibility

All full-time and part-time employees of the Town are eligible for employee benefits as provided for in this Article, Which are subject to change at the Town's discretion. Temporary and part-time employees are eligible only for workers' compensation and FICA.

Section 56. Group Health and Hospitalization Insurance

The Town provides group health and hospitalization insurance for full-time employees and if available, employee may purchase coverage for qualified dependents at the employee's expense. Information concerning cost and benefits shall be available to all employees.

Section 57. Group Life Insurance

The Town may elect to provide group life insurance for full time employees subject to the stipulations of the insurance contract. Employees may elect to purchase additional coverage and/or to insure other family members under the plan at their expense, subject to the insurance contract.

Section 58. Other Optional Group Insurance Plans

The Town may make other group insurance plans available to employees upon authorization of the Town Manager or Town Board of Commissioners.

Section 59. Retirement

Each employee who is expected to work for the Town more than 1,000 hours annually shall join the North Carolina Local Government Employees Retirement System (NCLGERS) when eligible as a condition of employment. New hires who are current members of the NC local or State Government Employees' Retirement System shall be covered under the retirement system by the Town on their first day of employment.

For further information on the retirement program, your specific entitlement to benefits, and the interplay between your retirement and other types of benefits, please go the NCLGERS website or call the retirement system at 1-877-733-4149.

Section 60. Health Insurance for Retired Employees

A regular full-time employee of the Town who applies for and received full Local Government Employees'

retirement may continue individual coverage on the group health insurance, dental and vision plans at no charge to the employee until they become eligible for Medicare, as set forth on a pro-rated basis for years of service as listed below:

- a. 30 years of service or more in the NC Local Government Retirement System and has a minimum of 20 years of service with the Town of Angier, the Town will pay 100% of individual coverage for the employee until age 65 or Medicare eligible.
- b. 25 years of service or more in the NC Local Government Retirement System and has a minimum of 15 years of service with the Town of Angier, the Town will pay 75% of individual coverage for the employee until age 65 or Medicare eligible. The employee will be responsible for the remaining 25%.
- c. 20 years of service or more in the NC Local Government Retirement System and has a minimum of 10 years of service with the Town of Angier, the Town will pay 50% of individual coverage for the employee until age 65 or Medicare eligible. The employee will be responsible for the remaining 50%.

Any employee who is retiring must give written notice to the Town Manger ninety (90) days prior to their retirement date.

Employees who are not eligible for the benefits as outlined above will not be allowed to remain on the Town’s health, dental, or vision insurance plans beyond any rights granted by the Consolidated Omnibus Budget Reconciliation Act (COBRA).

Retirees will be carried on the same insurance plan as active employees. Coverage will be available only to the eligible retiree and should the retiree choose to carry dependent coverage, should the health insurance policy allow dependent coverage, the full premium must be paid to the Town Finance Department for the dependent’s premium until same becomes Medicare eligible.

If, after retirement, a retiree is re-employed by any employer in a capacity that they receive health insurance benefits, the Town will no longer be responsible for providing coverage. After insurance coverage is terminated, the Town is under no obligation to renew the coverage.

Employees who are required to pay a portion of their insurance benefits must have their portion to the Town’s Finance Department by the 10th of each month. Failure to do so will result in cancellation of coverage.

The provisions of this policy shall apply to all employees retiring after the adoption of this revised policy. The benefits provided under this section are not intended to be contractual in nature. The Town retains the right to modify these benefits, including amendments and termination, if it deems such medication to be necessary without prior notice.

Section 61. Supplemental Retirement Benefits

TheTownprovided 401(k) benefits through the State’s 401K program for eligible employees in an amount up to 5% of annual salary, subject to appropriation by the Board of Commissioners. Employees must participate in the retirement system in order to be eligible for the 401(k) benefit program. Each law enforcement officer shall receive 401K benefits as prescribed by North Carolina State Law and beginning on the first day of employment.

Section 62. Social Security

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

employees and eligible groups and classes of such employees.

Section 63. Workers' Compensation

The North Carolina Workers' Compensation Act (Chapter 97 of the North Carolina General Statutes) governs the rights and responsibilities of covered employees and employers as they relate to workers' compensation coverage. Medical compensation and disability benefits are available to covered employees who sustain work-related injuries that arise out of, and occur during the course and scope of their employment with the Town. Workers' Compensation coverage provides, among other things, medical treatment for a work-related injury that affects a cure, provides relief or lessens a period of disability. Workers' compensation benefits are administered by the Town's insurance carrier and/or third-party administrator.

It is the responsibility of the injured employee to claim compensation under the Workers' Compensation Act. All employees are required to report all injuries arising out of and in the course of employment to their supervisors immediately at the time of the injury in order that appropriate action may be taken at once. In addition to immediately reporting any job-related injury or accident to their supervisor/department head, employees must complete and sign an Employee Accident/Injury Report Form and submit to his/her supervisor or Department Head who will sign it as well and submit to the ~~Town Clerk~~ **Human Resources Officer**. The Department Head and the ~~Town Clerk~~ **Human Resources Officer** will assist the employee in filing the claim. Under NC Workers' Compensation law, the Town and its workers' compensation insurer has the right to direct medical care for employees who suffer work related injuries or illnesses. Employees may be directed to seek medical treatment for work related injuries from healthcare providers designated by the Town and/or its insurer.

A disability of over seven calendar days is required before payment of Workers' Compensation salary benefits under the Workers' Compensation Act. An employee may use accrued sick or vacation leave during the first seven calendar day waiting period. If the work related disability exceeds two weeks (14 days), the employee will be placed on Workers' Compensation Leave which runs concurrently with Family Medical Leave.

During recovery from a workers' compensation injury, an employee may be eligible to, or required to, perform modified or "light-duty" assignments for all or part of the work day so long as they are medically and physically capable of doing so. During workers' compensation leave, the employee remains subject to all other Town personnel policies and remains subject to discipline for all actions in violation of Town policies.

If a sworn police officer has an adverse medical reaction to an employment vaccination against smallpox, or with vaccinia, the police officer will be treated as any other employee with a compensable occupational disease under the North Carolina Workers' Compensation Act.

Section 64. Tuition Reimbursement Program

Regular Full-time employees who have completed initial probation may apply for tuition reimbursement for courses taken on their own time, which will improve their skills for their current job or prepare them for promotional opportunities within the Town. Courses that are not job-related will not be approved. Therefore, reimbursement will be given on a course by course basis and not based on a general curriculum or educational programs. Tuition, registration, fees, laboratory fees, and student fees are eligible expenses. Employees may be reimbursed eligible expenses up to five hundred dollars (\$500) per fiscal year subject to availability of funds. If tuition reimbursement requests exceed budgeted funds, disbursements will be made on a first-come, first serve basis. Satisfactory completion of the courses (Grade "C" or better) will be required for reimbursement. Requests for tuition reimbursement shall be submitted to the Department Head and require approval from the Town Manager prior to course registration.

Section 65. Effective Date of Benefit Changes

Employees are given the opportunity annually to make changes in their benefit coverage as stated by the benefit

plan. Qualifying events must be reported to the ~~Town Clerk~~ **Human Resources Officer** within 30 days of occurrence.

Section 66. Law Enforcement Officers' Separation Allowance

The Town shall provide a special separation allowance to qualified police officers who retire on a basic service retirement under the provisions of N.C.G.S 128-27(a) and who meet all the following eligibility requirements as defined in N.C.G.S 143-166.42:

- a. The officer must have completed 30 years or more of creditable service or have attained 55 years of age and completed five (5) or more years of creditable service; and
- b. The officer must not yet be age 62; and
- c. The officer must have completed at least 5 years of continuous service as a sworn law enforcement officer immediately preceding service retirement. Any break in the continuous service due to a disability retirement or disability salary continuation benefits shall not adversely affect an officer's qualification to receive the allowance, provided the officer returns to service within 45 days after the disability benefits cease and it otherwise qualified to receive the allowance; and
- d. At least 50% of the employee's creditable service is as a sworn law enforcement officer.

Payment of the separation allowance will cease at:

- a. The last day of the month in which the officer attains 62 years of age; or
- b. The death of the officer; or
- c. The first day of re-employment by a local government employer in any capacity.

ARTICLE VII: ~~TIME AWAY FROM WORK~~ Holidays and Leaves of Absence

Section 67. Policy

The policy of the Town is to provide vacation leave, sick leave, and holiday leave to all regular full-time and part-time employees, and to provide proportionately equivalent amounts to employees having average work weeks of different lengths. Employees shall accrue leave ~~proportionately with each payroll~~ **once a month after the last payroll of the month.**

Section 68. Paid Holidays

The following days, and other such days as the Board of Commissioners may designate, are holidays with full pay for employees and officers of the Town:

New Year's Day

Martin Luther King's Birthday

Presidents Day

Good Friday

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving (Thursday & Friday)

Christmas (~~2 or 3 days~~ **Christmas Eve, Christmas Day, Day After Christmas**)

The Town of Angier follows the State of North Carolina Holiday Schedule.

Holidays are equivalent to 8 hours straight-time pay for all regular full time employees and 8.4 hours for shift employees regardless of their typical workweek schedule, and are excluded from hours worked in calculating overtime. ~~Accrued holiday hours by shift employees must be taken within the current calendar year and with the approval of immediate supervisor.~~

In order to receive a paid holiday, an employee must have worked the day before and the day after the holiday(s), or have been given approved leave. An employee required to work on Christmas Day will be paid at 1.5 times the hourly rate in addition to normal time off received for the holiday.

Section 69. Holidays: Effect on Other Types of Leave

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

Section 70. Holidays: Compensations When Work is Required or Regularly Scheduled Off for Shift Personnel

Employees required to perform work on regularly scheduled holidays may be granted compensatory time off or be paid at their hourly rate for hours actually worked in addition to any holiday pay to which they are entitled. Compensatory time shall be granted whenever feasible, in accordance with this Manual. If a holiday falls on a regularly scheduled off-duty day for shift personnel, the employee shall receive the hours for paid holiday leave. An employee required to work on Christmas day will be paid at 1.5 times the hourly rate in addition to normal time off received for the holiday.

Section 71. Vacation Leave

Vacation leave is intended to be used for rest and relaxation, school appointments, and other personal needs. Vacation accrues from the first day of employment with the accrual rate determined by the length of service.

Section 72. Vacation Leave: Use by Probationary Employees

Employees serving a probationary period following initial employment may accumulate vacation leave but shall not be permitted to take vacation leave during the first six months of employment unless approved by the Department Head.

Section 73. Vacation Leave: Accrual Rate

Each full time ~~and part-time~~ employee of the Town shall earn accrual leave at the following schedule, prorated by the average number of hours in the workweek:

<u>Years of Service</u>	<u>Days Accrued Per Year</u>	<u>Hours Accrued Per Month</u>	
		Regular	Police
0-2	10	8	8
2-5	12	9	9
5-10	15	10	11
10-15	18	12	13
15-20	20	14	14
20 Plus	24	16	17

Section 74. Vacation Leave: Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until December 31 of each year. Effective the last payroll in the calendar year, any employee with more than 240 hours of accumulated vacation leave shall have the excess accumulation converted to sick leave so that only 240 hours are carried forward to January 1 of the next calendar year. Employees are not eligible to receive pay for vacation time not taken.

Employees are cautioned not to retain excess accumulated vacation leave until late in the year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time.

If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having vacation leave scheduled or in receiving any exception to the maximum accumulation.

Section 75. Vacation Leave: Manner of Taking

Employees shall be granted the use of earned vacation leave, subject to the approval of the Department Head. Department Heads are responsible to report to the Town Manager to ensure that approved vacation leave does not hinder the effectiveness of service delivery. ~~Vacation leave may be taken in half hour or 1 hour increments.~~ All vacation leave will be by prior approval only.

Section 76. Vacation Leave: Payment upon Separation

An employee who has successfully completed six (6) months of the probationary period will normally be paid for accumulated vacation leave (subject to customary withholdings) upon separation not to exceed 30 days (240 hours), provided:

- a. If the separation is due to voluntary resignation and two weeks' prior written notice is given to the Town Manager of the employee's intent to resign
- b. The employment separation is otherwise due to reduction-in-force, service retirement, disability retirement or other similar separation. Termination for misconduct or willful violations of Town Policy or for such other criminal or egregious conduct may result in a forfeiture of accrued vacation leave, in whole or in part, upon separation. A failure to give timely written notice may result in the forfeiture of accrued vacation leave as well. The notice requirement may be waived by the Town Manager in his/her sole discretion.

Section 77. Vacation Leave: Donation of Time

In the event that an employee doesn't have enough vacation time they may request to have vacation time donated to them from other Town employees. In order to do this a Vacation Donation form must be completed and given to the Human Resources Officer/Payroll Tech. An employee that wants to donate time must retain a minimum amount of 40 hours after the donation.

Section 78. Vacation Leave: Payment upon Death

In the case of a deceased employee, payment for vacation leave may be made to the deceased employee's estate. In the absence of an administrator or executor, payment will be made to the Clerk of Superior Court in the Town of the deceased's residence. The Town assumes no responsibility or liability for the administration of the funds after they are paid to the deceased's estate or to the appropriate Clerk of Superior Court.

Section 79. Sick Leave

Sick leave benefits are a privilege and not a right that an employee may demand. Sick leave may be granted to a probationary or regular employee absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others. Sick leave is not intended to provide time off for recreation, personal reasons, or to extend vacation.

Sick leave may be used when an employee must care for a member of his or her immediate family who is ill. "Immediate family" shall be defined as spouse, child, parent, step-parent, brother, sister, grandparent, grandchild, aunt, uncle, son-in-law or daughter-in-law of the employee or spouse of the employee, or guardian.

Sick leave runs concurrently with other types of leave including Family Medical Leave. Sick leave may be used to supplement Workers' Compensation during the waiting period before benefits begin.

~~Sick leave may also be used for death in the employee's immediate family, but may not exceed three (3) days for any single occurrence. Additional leave time required for such occurrence may be charged to vacation or other approved leave when approved by the Department Head and/or Town Manager.~~

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave. If an employee is unable to report to work, the employee must notify their supervisor as soon as practical after the beginning of the regular scheduled work day.

If the employee cannot call, the employee must have someone call the supervisor; calling the department is not sufficient. If it is necessary for an employee to leave the worksite because of the illness, the employee must notify their supervisor before leaving. The employee is responsible for keeping their supervisor/department head informed on a regular basis of the status of the illness and when they expect to return to work.

Department Heads may require that employees obtain a physician's statement describing the nature of illness and/or attesting to one's capacity to resume work duties. Failure to properly notify the supervisor or provide necessary medical documentation may result in disciplinary action up to and including termination.

Sick leave may be used when an employee must care for a member of his or her immediate family who is ill. "Immediate Family" for purpose of this policy, shall be defined a spouse, children (including stepchildren), parent (including step parents), sibling, grandparent, and grandchild of the employee. For more detail. Please review the Town's FMLA policy.

Section 80. Sick Leave: Accrual Rate and Accumulation

Sick leave shall accrue at a rate of one day per month of service, not including paid Holidays, or twelve (12) days per year. Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Government Employees' Retirement System.

There is no maximum accumulation of sick leave. Unused sick leave may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Government Employees' Retirement System.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the Town, except as stated herein for employees who retire consistent with the provisions of the North Carolina Local Government Employees' Retirement System.

Section 81. Sick Leave: Medical Certification

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

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

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

Section 82. Sick Leave: Transfer of Sick Leave from Previous Employer

Employees whose date of employment occurs after the effective date of this policy and who were previously employed by a governmental entity in North Carolina will receive unlimited credit with the Town for sick leave accumulated at that entity provided that verification of that accumulated sick leave is received from the previous employer and the employee was not reimbursed for these days and if the employee has not withdrawn service with the NC Retirement System.

Section 83. Sick Leave: Donation of Time

An employee experiencing extreme and extenuating situation who has expired his or her vacation and sick leave may apply in writing to the Human Resources Officer to accept donated sick leave from other Town of Angier employees. The written request shall include a brief description of the circumstances prompting the request.

The Human Resources Officer shall review the request and make a written recommendation to the Town Manager for approval or denial. Upon approval, the Human Resources Department is responsible for the accountability of the leave donations and use.

Donation Forms are date-stamped as they are received. The Human Resources Officer will advance the employee 80 hours at one period, as the hours are received. Employees will receive a copy of their donation forms if their donated hours are used.

The recipient shall continue to accrue sick and vacation leave while in the shared leave status. The minimum amount of hours that can be donated shall not be less than four (4). The maximum amount of hours that can be donated shall not exceed one-half of the donor's sick leave balance.

Per each request approved by the Town Manager, the total shared sick leave hours accepted shall not exceed 480.00. Requests for additional donated sick leave must be submitted in the same manner as the original request. Donated sick leave hours not used will be returned to the employees that donated such hours.

Section 84. Bereavement Leave

In the event of the death in the employee's immediate family an employee will be granted 3 paid days of Bereavement leave, but may not exceed those 3 days for any single occurrence. If additional leave time required for such occurrence the employee may then use sick leave or vacation leave when approved by the Department Head and/or Town Manager.

Section 85. Family and Medical Leave

In accordance with the Family and Medical Leave Act ("FMLA"), the Town shall grant each eligible employee leave entitlements consistent with the provisions outlined in the FMLA. The terms used in this Section which are defined in the Act shall have the meanings assigned to them in the Act.

Eligibility - To be eligible for FMLA leave, the employee must:

- a. Have been employed by the Town for at least 12 months; and
- b. Have worked at least 1250 hours during the 12-month period immediately preceding the commencement of the leave.

Under the FMLA, the Town provides up to twelve (12) weeks of unpaid, job protected leave during any twelve (12) month period to eligible employees for the following reasons:

- a. For incapacity due to pregnancy, prenatal medical care or child birth;
- b. For the birth of, and to care for, the employee's child after birth;
- c. For placement of a child with employee for adoption or for foster care;
- d. To care for the employee's spouse, son or daughter (under age 18 unless disabled), or parent, who has a serious health condition; or
- e. For a serious health condition that makes the employee unable to perform the functions of their job.

These provisions apply equally to a father as well as to a mother and limited to a combined total of twelve weeks if both mother and father are Town employees.

In certain circumstances, certain eligible employees may also be entitled to up to 26 weeks during the 12-month period of Military Family Leave to provide care for a spouse, son, daughter, parent or next of kin who is a military service member recovering from a serious illness or injury sustained in the line of active duty; or 12 weeks during the 12-month period for any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. Please see the Finance Office for questions or more information related to this specific type of leave.

Requesting Leave – If leave is planned, the employee should give thirty (30) days' notice of him or her intent to leave under FMLA. In cases of leave for planned medical treatment, the employee is required to make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of his or her department. If the need for leave is unplanned, an employee must notify the employer as soon as he need for the leave becomes known. The notice shall be sufficient to make the immediate supervisor aware that the employee needs FMLA qualifying leave, and the anticipated timing and duration of the leave.

Definition of Serious Health Condition – A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in the medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave – An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Health Care Provider's Certification for Medical Leave – When FMLA leave relates to an employee's serious health condition, the Town may require that the employee's request be supported by a certification issued by the employee's health care provider consistent with the guidelines in the FMLA. Under certain circumstances, the Town require re-certification consistent with the FMLA.

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

employee must continue to make such payments for continued coverage of that benefit during FMLA leave.

Returning to Work – The Town may request a periodic report from the employee or certifying physician regarding the employee's status with respect to returning to work. These may be made by telephone, written correspondence or sent by fax. Prior to returning to work, each employee shall provide a fitness-for duty certification from the health care provider.

Failure to return to work, and/or failure to reasonably communicate with the Town about the employee's ability to return to work following the expiration of all job-protected FMLA leave may result in the employee's unprotected absences being treated as a voluntary resignation of employment resulting in separation. It is therefore critically important to interactively communicate with the Town regarding the employee's anticipated return to work date and to discuss any additional reasonable accommodations that may be required for covered, eligible employees under the Americans with Disabilities Act.

If an employee fails to return to work after the employee's leave entitlement has been exhausted or expires, the Town has the legal right to request reimbursement for the monthly health insurance premiums paid on behalf of the employee, unless the reason the employee does not return is due to

- a. The continuation, recurrence or onset of a serious health condition which would entitle the employee leave under FMLA
- b. Other circumstances beyond the employee's control

When an employee fails to return to work because of the continuation, recurrence, or onset of a serious health condition, the employee shall provide medical certification of the employee's or family member's serious health condition.

Section 86. Additional Extended Leave Without Pay

Additional Extended leave Without Pay is an administrative decision and may be granted by the Town Manager upon the recommendation of the Department Head. An employee must exhaust all other paid and unpaid leave before being placed on leave without pay status. An employee may alternated the leave with work time, but no employee will be permitted to rotate in and out of leave without pay status and paid leave status. While on leave without pay, an employee shall not accrue leave benefits, and their job may not be protected as it is under the FMLA.

Under leave without pay status, employees are responsible for paying both the Town and employee contributions for premiums or benefit packages if they wish to maintain coverage, subject to any regulation by the Board of Commissioners and the regulations of the insurance carrier/benefit provider.

Section 87. Military Leave

Leave With Pay - Regular employees shall be granted 10 days annually of paid military leave with their option of using earned compensatory time or accrued vacation time provided the days are recorded as military leave and the military basic pay is less than the employees' regular Town pay. To claim differential pay, the employee must submit a copy of his/her military orders, pay vouchers, leave and earnings statement and/or other appropriate documentation evidencing performance and compensation pertinent to the military duty.

Unpaid Leave – Under state and federal laws, if you participated in the uniformed services, you are also entitled to certain leaves of absence without pay, job-protection and reinstatement, continuation of seniority benefits and other important rights. Covered employees under the Uniformed Services Employment and Reemployment Rights Act ("USERRA") shall be entitled to the rights therein and in the event of any conflict with these policies, the requirements of USERRA shall control.

USERRA protects uniformed service members who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also protects employees and applicants from discrimination and retaliation because of their current or past military service. USERRA requires the Town to reemploy or reinstate uniformed service members who are called to active duty in most circumstances. This policy is not intended to fully explain the rights and responsibilities of service members under USERRA. USERRA contains important, and strict, deadlines and requirements of which uniformed service members should be fully aware in order to protect their rights. The Town strongly encourages uniformed service members who have further questions about USERRA to contact either the Town Manager or information posted by the U.S. Department of Labor, Veterans Employment and Training Services (VETS), or their commanding officers.

Taking Military Leave – Employees should submit a request for military leave to the supervisor or Department Head as soon in advance of the military duty as possible. The request should be in writing and should be accompanied by a copy of the military orders. Employees must report back to work as soon after military duty as possible, consistent with federal and state laws. If the reason for the employee's delay is not related to military duties, the employee is subject to the personnel policies and practices normally applied to employees with unexcused absences.

Section 88. Reinstatement Following Military Service

Employees who are separated or discharged from military service under honorable conditions and who apply for reinstatement within the established time limits are reinstated to the same position or one of like status, seniority and pay with the Town. If, during military, an employee is disabled to the extent that the duties of the original position cannot be performed, the employee is reinstated to a position with duties compatible with the disability, if available. The employee's salary upon reinstatement is based on the salary rate just prior to leave, plus any general salary increase(s) implemented while on leave. The addition of a performance salary increase may be considered. Employees who are eligible for military leave have all job rights specified by the Uniformed Services Employment and Reemployment Rights Act (USERRA).

An employee's entitlement to the provisions of this section may terminate upon the occurrence of any of the following events:

- a. Such employee is separated from uniformed service with dishonorable or bad conduct discharge
- b. The request for reemployment is untimely
- c. The employee has exceeded to total amount of job-protected leave available to her/him under USERRA
- d. The Town's circumstances have so changed as to make such reemployment impossible or unreasonable; or
- e. The employee gives clear written notice that she/he has no intention of returning to work

The Town strongly encourages uniformed service members who have further questions about USERRA to consult either the Town Manager or information posted by the U.S. Department of Labor, Veterans Employment and Training Services (VETS), or their commanding officers.

Section 89. Civil Leave

A Town employee called for jury duty or subpoenaed for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that

employees must turn over to the Town any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty. Employees required to be present for their own case, defendant or plaintiff must use vacation leave or compensatory time.

Section 90. Parental School Leave

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

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

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

ARTICLE VIII: Separation and Reinstatement

Section 91. Types of Separations

All separations of employees from positions in the service of the Town shall be designated as one of the following types and shall be accomplished in the manner indicated: Resignation, Reduction in Force, Dismissal (termination), Disability, Voluntary Retirement, or Death.

Section 92. Resignation

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor or ~~Town Manager~~ **Human Resources Officer** as far in advance as possible. In all instances, the minimum notice requirement is two weeks. Failure to provide minimum notice shall result in forfeit of payment for accumulated vacation leave unless the notice is waived by the Town Manager.

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

Section 93. Reduction in Force

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance, organizational needs, and seniority in determining those employees to be retained. Employees who are separated because of a reduction in force shall be given at least two weeks' notice of the anticipated action. No regular employee shall be separated because of a reduction in force while there are temporary or probationary employees serving in the same class in the department, unless the permanent employee is not willing to transfer to the position held by the temporary or probationary employee.

Section 94. Disability

An employee who cannot perform the essential duties of a position because of a physical or mental impairment may be separated for disability. Action for disability separation may be initiated by the employee or the Town, but in all cases, consideration for disability separation shall be supported by medical evidence by a competent physician.

The Town may require a physical and/or mental examination, at the Town's expense, performed by a physician of the Town's choice. Before an employee is separated for disability, all reasonable efforts shall be made to identify reasonable accommodations in order to allow the employee to perform the essential functions of their job. Reasonable accommodations are intended to remove barriers to the employment created by a qualified disability. In this regard, the Town strives to fully comply with the Americans with Disabilities Act.

Section 95. Voluntary Retirement

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

Section 96. Death

Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of the employee. In the event there is no estate, the Town shall pay the benefits to the Clerk of the Superior Court for the last known Town of residence of the decedent.

Section 97. Dismissal

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

Section 98. Reinstatement

An employee who is separated because of reduction in force may be eligible for rehire within one year of the date of separation, upon recommendation of the Department Head, and upon approval of the Town Manager. An employee who is reinstated in this manner shall be re-credited with his or her previously accrued sick leave.

ARTICLE IX: Disciplinary Actions & Dismissal

Section 99. Disciplinary Action

Town employees not specially covered by the North Carolina State Human Resource Act as outlined in Chapter 126 of the North Carolina General Statutes, including specifically, N.C.G.S 126-5, are "at-will" employees subject to dismissal with or without notice, prior warning or any right to appeal. It is the goal of the Town, however, where appropriate to follow a progressive and interactive disciplinary model that includes a combination of progressive warnings, counseling and opportunities for rehabilitation.

All cases of disciplinary suspension, demotion, or dismissal must be approved by the Town Manager prior to giving final notice to employee.

Section 100. Unsatisfactory Job Performance

Employees may be suspended, demoted or dismissed for unsatisfactory job performance. An employee whose work is unsatisfactory will typically be notified and counseled by one or more of the following: the employee's supervisor, the Department Head, **Human Resources Officer** or the Town Manager. When possible, a corrective action or progress plan will be developed to help improve the employee's performance. The employee is expected to participate in and contribute to their own improvement.

Unsatisfactory job performance includes any aspects of the employee's job which are not performed as required to meet the standards set by the Department Head or Town Manager or those standards which should reasonably be expected given the employee's job title, experience level or work responsibilities.

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

- a. Demonstrated inefficiency or incapacity to execute job functions
- b. Improper use of Town property or equipment

- c. Discourteous treatment of the public or other employees;
- d. Absence without approved leave;
- e. Improper use of leave privileges;
- f. Failure to report for duty at the assigned time and place;
- g. Failure to complete work within time frames established in work plan or work standards;
- h. Failure to meet work standards over a period of time; or
- i. Failure to follow the chain of command to address work-related issues
- j. Disregard of Town Personnel Policies;
- k. Poor work habits, such as chronic tardiness; or
- l. Unsafe behavior at work

Section 101. Communication and Warnings for Unsatisfactory Job Performance

When an employee's job performance is unsatisfactory, or when otherwise warranted, the supervisor will meet with the employee as soon as possible to discuss specific performance problems. A brief summary of any such meeting will be prepared including dates, performance deficiencies discussed, and any corrective actions recommended and will ordinarily be noted in the employee's personnel file by the supervisor and the employee will receive the appropriate written warning. The Town Manager will be kept informed of any employee's disciplinary activity.

An employee who is dismissed for unsatisfactory job performance will ordinarily have received prior written and/or verbal warnings and have been given the opportunity to improve their performance prior to dismissal in a manner consistent with the Town's goal of progressive discipline. Written warnings shall remain active for a period ranging from 6 months to 18 months at the discretion of the Department Head or Town Manager. Depending on the nature, or severity of the unsatisfactory performance, an employee may receive up to three written warnings ~~during~~ before dismissal.

Temporary disciplinary suspensions should not generally exceed three days (24 hours) for non-exempt employees. Suspensions for exempt employees may be for one full work week in accordance with FLSA requirements to maintain exempt status.

Demotions may be appropriate when an employee has demonstrated inability to perform successfully in the current job, but shows promise and commitment to performing successfully in a lower level job. If no other options are available, dismissal is appropriate. If after suspension or demotion, the employee's performance does not reach an acceptable level, the employee may be dismissed.

Section 102. Misconduct

An employee may be placed on disciplinary suspension, demoted, or dismissed, without prior warning or disciplinary action having been given to the employee, for misconduct.

Section 103. Misconduct Defined

Misconduct includes behavior of such a serious detrimental nature that the functioning of the Town may be or has been impaired; the safety of persons or property may be or have been threatened or the laws of any government may be or have been violated.

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

- a. Fraud or theft;
- b. Criminal activity;
- c. Falsification of records **for personal profit, to grant special privileges, or to obtain employment;**
- d. Willful or wanton misuse or mishandling of Town funds, equipment or supplies;
- e. Willful or wanton damage or destruction to property;
- f. Acts or omissions that endanger the lives and property of others;

- g. Possession of unauthorized firearms or other lethal weapons on the job;
- h. Threatening, “bullying”, rude, profane, discourteous or intimidating behavior directed toward co-workers, management or the general public
- i. Reporting to work under the influence of alcohol or illicit/misused drugs or partaking of such while on duty. Engaging in incompatible employment or creating a conflicting interest;
- j. Requesting or accepting of gifts in exchange for favors or influence;
- k. Engaging in political activity prohibited by this policy;
- l. Unlawfully harassing or discriminating or retaliating against an employee on the basis of race, sex, age, religion or any other class or status protected by state or federal law;
- m. Stated refusal to perform assigned duties, flagrant violation of work rules and regulations, or serious malfeasance of work responsibilities

Section 104. Pre-disciplinary Conference

At the time of suspension, demotion or dismissal, the Town Manager, **Human Resources Officer**, or Department Head will provide the employee with a written notice of the proposed pre-disciplinary action, which should include the reason(s) for the action and a date and time for the pre-disciplinary action conference. At this conference, the employee may present any response to the proposed disciplinary action to the Department Head, Town Manager **and Human Resources Officer**. The Town Manager will consider the employee’s response, if any, to the proposed disciplinary action, and will notify the employee in writing of the final decision.

Section 105. Non-Disciplinary Suspension

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

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

Section 106. Employee Appeal

An employee wishing to appeal a reprimand, demotion, suspension, or dismissal may present the matter using the grievance procedure prescribed in Article X. However, non-disciplinary transfers, position reallocations and verbal or written warnings not resulting in further disciplinary action are not subject to appeal.

ARTICLE X: Grievance Procedure

Section 107. Policy

It is the policy of the Town to provide a just procedure for the presentation, consideration and disposition of employee grievances. The purpose of this Article is to outline the procedure and to assure all employees that a

response to their complaints and grievances will be prompt and fair.

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

Section 108. Grievance Defined

A grievance is a claim or complaint by an employee based upon an event or condition within control of the Town, which adversely affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established clear and consistent policy or practice pertaining to employment conditions. An employee filing a grievance should be actually or potentially adversely affected by the condition or event being grieved. Grievances include the appeal of a disciplinary action, warning, performance evaluation, merit pay decision, etc.

Section 109. Purpose of the Grievance Procedure

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

- a. Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
- b. Encouraging employees to express themselves about the conditions of work which affect them as employees;
- c. Promoting better understanding of policies, practices, and procedures which affect employees;
- d. Increasing the sense of responsibility exercised by supervisors in dealing with their employees;
- e. Encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship, and therefore encouraging conflicts to be resolved at the lowest level possible of the chain of command; and
- f. Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the Town or its leaders, thus freeing up employee motivation, productivity, and creativity.

Section 110. Procedure

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

Step 1 – Informal Resolution – Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the respective Department Head as a resource to help resolve the grievance.

Step 2 – Grievance Filed with Department Head - If no resolution to the grievance is reached informally, the employee who wishes to pursue a grievance shall present the grievance to the appropriate supervisor in writing. Grievances related to disciplinary suspensions, demotions, or dismissals shall skip the informal resolution process and be initially presented directly to the Department Head. The grievance must be presented within seven (7) calendar days of the event or within seven (7) calendar days of learning of the event or condition. The written

grievance should identify the action that is deemed unfair and the reason the grieving employee believes it to be unfair. The Department Head shall promptly respond to the grievance after receipt. The Department Head should, and is encouraged to, consult with any employee of the Town in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the Department Head is required to cooperate to the fullest extent possible.

The response from the Department Head shall be in writing and signed by the Department Head. In addition, the employee shall sign a copy to acknowledge receipt thereof. A copy of the grievance and the Department Head's response shall be provided to the Town Manager.

Harassment/Discrimination Grievances: A written grievance related to harassment should contain the following information:

- a. Complainant's name, address and telephone number;
- b. Name and address of the individual(s) allegedly harassing/discriminating;
- c. The nature of the alleged harassing/discriminatory action;
- d. The date(s) the alleged harassment/discriminatory action occurred;
- e. Any additional background useful in evaluating the complaint;
- f. Description of the complainant has been harmed by the alleged discriminatory action;
- g. Description of any efforts already made to resolve the complaint;
- h. Copies of any relevant correspondence or papers; and
- i. Complainant's signature and contact information

In the event that the supervisor or Department Head is the subject of the complaint, the grievance may be submitted to the **Human Resources Officer**, Town Manager directly or another department supervisor with whom the employee feels comfortable reporting.

The Department Head of the agency shall fully investigate the grievance and, when concluded, report to the **Human Resources officer**, Town Manager and the employee the results of the investigation and any corrective action resulting therefrom.

Step 3 – Grievance Filed with the **Human Resources Officer or Town Manager** - If any grievance is not resolved to the satisfaction of the employee by the Department Head, the employee may appeal, in writing, to the **Human Resources Officer or Town Manager** within seven (7) calendar days after receipt of the response from the Department Head. The **Human Resources Officer or Town Manager** will timely respond to the appeal. Ordinarily, the Human Resources Officer or Town Manager should issue his/her decision within ten (10) calendar days after receipt of the appeal.

Department Heads – In the case the Department heads or other employees where the Town Manager has been significantly involved in determining disciplinary action, including dismissal, the Town many wish to obtain a neutral outside party to act as a mediator to assist in resolving the conflict.

ARTICLE XI: Records and Report

Section 111. Access to Personnel Records

While most of the information contained in an employee's personnel file is confidential, the following information

is a matter of public record under the North Carolina law (General Statute 160A-168) :

- a. Name
- b. Age
- c. Date of original employment
- d. Terms of any written or oral employment contract
- e. Current position title
- f. Current salary (including benefits, incentives, bonuses and deferred and all other forms of compensation);
- g. Date and amount of each increase or decrease in salary
- h. Date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification
- i. Date and general description of the reasons for each promotion
- j. Date and type of each dismissal, suspension, or demotion for disciplinary reasons
- k. For dismissals due to disciplinary reasons, a copy of the written notice of final decision setting forth the specific acts or omissions that are the basis for the dismissal
- l. The office to which you are currently assigned

All forma personnel files shall be maintained in the Town's Finance Department. It is the duty of the Department Head to ensure that all information and/or documents are timely forwarded to the office of the Town Manager/Finance Office for inclusion in the employee's personnel file.

An employee may examine the information contained in his or her personnel file with the exception of references solicited prior to employment.

Section 112. Access to Confidential Records

All information contained in a Town employee's personnel file, other than the information listed in Section 110 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 his/her personnel file EXCEPT:
 - letters of reference solicited prior to employment
 - Information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his/her 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 all material in the employee's personnel file as may be ordered by the court
- e. An official of an agency of the State or Federal Government, or any political subdivision of the State, may inspect any portion of a personnel file when such information is deemed 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 employees tax liability as provided for in General Statute 160A-168. However, the name, address, and telephone number from a personnel file may be released for the purpose of assisting in a criminal investigation.

- f. As otherwise permitted by General Statute 160A-168

Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.

A record shall be made of each disclosure and place in the employee's file (except disclosures to the employee and the supervisor).

Section 113. Records of Former Employees

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

Section 114. Remedies of Employees Objecting to Material in File

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

Section 115. Penalties for Permitting Access to Confidential File by Unauthorized Person

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

Section 116. Examining and/or Copying Confidential Material without Authorization

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

Section 117. Destruction of Records Regulated

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with GS 121.5, 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 in an amount provided for in the General Statutes.

ARTICLE XII: Unlawful Workplace Harassment

Section 118. Statement of Purpose

This policy is adopted by Town for the following purposes: to prohibit workplace harassment and to encourage employees to report workplace harassment.

Section 119. Definitions

Workplace Harassment – is speech, communication or conduct by an employee or elected or appointed official of the Town directed toward an employee of the Town while on a Town work site that denigrates or shows hostility or aversion toward that employee because of his or her race, color, creed, national origin, religion, gender, age or disabling condition as defined by General Statute 168A-3 and that creates a hostile work environment or constitutes any form of sexual harassment.

Town Work Site – is any premises or vehicles owned or operated by the Town and any other place at which employees are conducting Town business or to which they are assigned temporarily for training, certification or similar purposes.

Hostile Work Environment – is one that both the specific employee complaining of workplace harassment perceives to be hostile or abusive and one that a reasonable person would find hostile or abusive under the totality of circumstances, including the frequency and severity of the alleged harassment and whether it interferes with the employee's work performance.

Sexual Harassment – is speech, communication or conduct by an employee or elected official of the Town directed toward another employee that is of a sexual nature including sexual advances, requests for sexual favors, sexual flirtation, comments about the employee's body, sexual language, and the display of sexually suggestive pictures or objects.

Retaliation – is any adverse treatment of an employee because that employee has reported workplace harassment.

Section 120. Statement of Policy

The town prohibits workplace harassment to the end that all employees are afforded the opportunity to work in an environment that is free of workplace harassment. Any employee who perceives himself or herself to be the victim of workplace harassment is encouraged to and shall promptly report the same to his or her supervisor or the Town Manager. The Town will investigate all allegations of workplace harassment and will exercise appropriate remedial or disciplinary action. The Town further prohibits retaliation against any employee reporting workplace harassment, will investigate all allegations of retaliation and will exercise appropriate remedial or disciplinary action. When reporting alleged harassment, an employee should follow the grievance procedures described herein.

ARTICLE XIII: Drugs and Alcohol Policy

Section 121. Purpose

The purpose of this Policy is to maintain a drug-free and alcohol-free workplace and to provide procedures for testing job applicants and employees for the use of illegal drugs, the improper use of prescription medications, and the misuse of alcohol. Nothing in this policy is designed to violate The Fourth Amendment to the United States Constitution made applicable to state and local governments through the Fourteenth Amendment.

Section 122. General Policy on Driving or Working Under the Influence

Persons employed by the Town shall not, under any circumstances report to work, work or operate Town owned, leased, or rented vehicles, or personal vehicles while on Town business, while under the influence of drugs, including prescription drugs, if it is the opinion of a competent medical authority that driving ability is impaired by such substances.

Town Employees shall not report to work, work or operate Town owned vehicles while under the influence of or with the smell of beer or other intoxicating beverages on their breath.

Employees suspected to be in violation of this section shall be immediately reported to the Town Manager who may suspend the suspected violator without pay, allowances or benefits until an investigation is conducted. If it is determined that the employee is not in violation of this Section, the employee shall be returned to duty with no loss of remuneration or benefits. If the employee is found to be in violation of this section, he/she may be discharged for unacceptable personal conduct according to the procedures outlined herein.

Section 123. Drug and Alcohol Testing

Purpose - The purpose of this policy is to maintain a drug-free and alcohol-free workplace and to provide procedures for conducting screenings of job applicants and employees for the use of illegal drugs.

Definitions :

Accident – an occurrence involving any Town employee while on-duty with a Town-owned or personally-owned motor vehicle operating on a public road that results in a fatality; bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle(s) to be towed away from the scene. An accident is also an occurrence involving any Town employee while on-duty operating heavy equipment and/or machinery that results in a fatality; bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident.

Alcohol Abuse – improper uses or use to excess of alcoholic beverages

Alcohol Test - a test for the presence of alcohol in the body as determined through the use of a breath alcohol test, evidential breathalyzer test, or blood screening.

Alcohol Dependency Rehabilitation Program – a program designed to assist participants in controlling a dependency to alcohol, with the program being one that is commonly accepted by the medical community.

Employee – any Full Time, Part Time, temporary, reserve officer and/or contract employee with the Town.

Illegal Drugs – any controlled substance, or narcotic, as listed in Schedules I through VI of Section 202 of the Controlled Substances Act (21 USC 812) or Chapter 90, Sections 87-94 of the North Carolina General Statutes, or a metabolite thereof.

Illegal Drug Use – the physical consumption of any amount of controlled substance as defined in Illegal Drugs, or a metabolite thereof.

Positive Sample - with the respect to the results of a test for illegal drugs, means a laboratory finding of the presence of an Illegal Drug(s) or a drug metabolite in the urine, hair or blood of an employee being tested; all positive tests will be confirmed using a different technology than was used for the first test. The second test does not include the test authorized for the employment finalist or current employee, under North Carolina General Statute 95-232(f) and 13 North Carolina Administrative Code 20.0400.

Reasonable Determination – whereby the Town Manager considers any personal observations and the written observations of the Department Head and concludes from such observations that an employee in question may have consumed an illegal drug(s) and/or may have consumed alcohol immediately before or during the work period.

Reasonable Suspicion – whereby a Department Head and/or The Town Manager reasonably suspect that an employee in question may be under the influence of an impairing substance. Reasonable suspicion will be based on

specific, objective, observable facts and/or behavior. Factors that may lead to a reasonable suspicion determination may include, but are not limited to: direct observation of drug use or possession; direct observation of the physical manifestations of being under the influence (i.e. impairment of motor functions or speech, odor of alcohol, etc.); a pattern of erratic conduct or behavior; information provided by a credible and reliable source that can be independently corroborated; newly discovered evidence that the employee tampered with a previous drug test; arrest or conviction of a drug related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or distribution.

Sample for Illegal Drugs – the providing of urine, hair or blood used in testing to determine the presence of illegal drugs.

Safety Sensitive Positions & Jobs – refers to those jobs and positions within the Town that involve duties which may impose a heightened risk of injury to the employee and others such that lapses of attention and judgement may have dangerous consequences. The Town will evaluate such positions and jobs on a case by case basis. Generally the Town considers duties and positions such as law enforcement, emergency response, disaster management, passenger carrier, sanitation, heavy/dangerous equipment use/service /operation, access to hazardous chemicals and materials and jobs that require substantial driving to be safety sensitive positions.

Substance Abuse Rehabilitation Program – a program designed to assist participants in controlling a dependency to any Illegal Drug(s), with the program being one that is commonly accepted by the medical community.

Test for Illegal Drugs – a test, including providing the necessary sample of urine, hair or blood by the employee being tested, for the presence of any of the controlled substances, as defined in Illegal Drugs.

Terminated – whereby the Town Manager ends an employee's work with the Town either by immediate dismissal or by accepting his or her letter of resignation.

Pre-Employment Screening - All finalist for an employment position with the Town shall take a test for illegal drugs within eight (8) hours of being directed to do so. Any finalist who delays or refuses to provide a sample for illegal drugs shall not be further considered for employment. The results of the test for illegal drugs shall be provided to the Town before any positions may be offered. A position shall not be offered to any finalist who provides a positive illegal drug sample. A finalist who provides a positive illegal drug sample shall be notified of his/her rights to retest the sample, pursuant to General Statute 95-232 (f) and 13 North Carolina Administrative Code 20.400.

Furthermore, any applicant who provides a positive illegal drug sample shall not be considered for any employment with the Town for a period of one (1) year from the date of the positive illegal drug sample. Moreover, any applicant who provides a positive illegal drug sample shall not be considered for employment until the applicant completes a substance abuse rehabilitation program, to be completed following the positive illegal drug sample.

Reasonable Suspicion Testing – The Town Manager shall direct a test for illegal drugs and/or alcohol test to be taken by an employee in question immediately upon objective reasonable suspicion, not to exceed four (4) hours, of making the reasonable determination that the employee may be impaired. The employee in question shall be transported, by the Town, to the testing location. The reasonable determination shall be based on the written observations of the Department Head and/or the Town Manager of the employee in question's behavior leading to the reasonable suspicion of illegal drug use and/or alcohol use. Written observations shall be signed and completed within two (2) hours of the actual observation. Under this section, any employee in question who delays or refuses to

provide either sample shall be immediately suspended without pay for a period not to exceed seven (7) days from the date of delay or refusal. During the suspension, the Town Manager shall make the determination whether the delay or refusal warrants additional disciplinary action up to termination. The employee in question shall provide a written and signed statement explaining his or her actions for delaying or refusing to provide either sample.

If an employee in question provides a positive alcohol sample under this section, the employee shall be immediately transported, by the Town, to his or her primary residence and shall be suspended without pay for a period not to exceed seven (7) days from the date of the positive sample. During this suspension the Town manager shall make the determination whether the positive alcohol sample warrants disciplinary action up to termination. The Town Manager shall take into account that alcohol abuse is considered to be a disability.

An employee in question who provides a positive drug sample shall be notified of his/her rights to retest the sample, pursuant to North Carolina General Statute 95-232 (f) and 13 North Carolina Administrative Code 20.0400. If an employee in question provides a positive illegal drug sample under this section, the employee in question shall be terminated.

Post-Accident Testing – All employees in safety sensitive positions are subject to post-accident testing. Post-accident testing may be conducted following any accident involving any employee if any one of the following conditions is met:

- a. The accident causes a fatality or bodily injury to any individual requiring medical treatment away from the scene or causes serious property damage
- b. The employee receives a citation under state or local law for a moving traffic violation arising from the accident
- c. One of the vehicles receives disabling damage to the extent that it must be towed

Post-accident alcohol testing should be done within 2 hours of the accident. If the test cannot be performed within 8 hours for DOT employees, it should not be done. Post-accident controlled substances testing should be performed within 32 hours of the accident. If the tests cannot be performed in the specified time frame, the reasons for the failure to test should be documented by the supervisor and given to the Human Resources Officer.

As soon as practical after an accident, the employee will be driven to the specimen collections location. Transportation will be provided. An employee who is required to submit to post-accident controlled substances or alcohol testing will be placed on administrative leave with pay pending test results.

An employee who refuses to be tested or avoids meeting the specified time limits may be subject to dismissal. If unable to meet specified timelines due to circumstances beyond the employee's control, such circumstances must be documented and validated to the Human Resources Officer and the Town Manager.

Random Testing - All employees in safety sensitive positions will be subject to random testing. Testing will be completed on a certain percentage of said employees. A simple random sample method is used by the Town's third-party testing facility contractor and names of all employees are entered into the pool for random selection. Employees whose names are randomly selected from the pool must be tested just before, during or just after performing job responsibilities.

Return-to-Duty and Follow-Up Testing – Return-to-duty and Follow-up testing is required for any employee who has violated this policy and is returning to work on the recommendation of the substance abuse professional. Return-to-duty testing must be conducted prior to the employee returning to work. Follow-up testing is required for any employee who has violated this policy and has successfully completed a return-to-duty test. Employees who fall into either one of these situations will be subject to a least 6 unannounced follow-up test within the first year back on the job. Any employee who tests positive on a return-to-duty and follow-up test is subject to dismissal.

Refusal to Test/Non-Cooperation – Any employee covered by this policy who delays or refuses to provide either sample, or otherwise fails to cooperate with any drug or alcohol testing procedure, shall be immediately subject to discipline, including suspension and termination. If suspension is warranted, the Town Manager shall make the determination whether the delay or refusal warrants additional disciplinary action up to termination. The employee shall provide a written and signed statement explaining his or her actions for delaying or refusing to provide either sample.

If the employee provides a positive alcohol or drugs sample under this section, the employee shall be transported, by the Town, to his or her primary residence and shall be suspended without pay for a period not to exceed seven (7) days from the date of the positive sample. During this suspension, the Town Manager shall make the determination whether the positive alcohol or drugs sample warrants disciplinary action up to termination.

An employee who provides a positive illegal drug sample they shall be notified of his/her rights to retest the sample, pursuant to General Statute 95-323 (f) and 13 North Carolina Administrative Code 20.0400. If an employee provides a positive illegal drug sample under this section, the employee shall be terminated.

Reemployment of a Terminated Employee – Any employee terminated under the terms of this policy shall not be considered for re-employment with the Town for a period of one (1) year from the date of termination. Furthermore, the former employee shall not be considered for re-employment until the former employee completes a substance abuse rehabilitation program and/or alcohol dependency rehabilitation program, to be completed following the positive illegal drug sample and/or positive alcohol test.

Confidentiality – Records concerning any employee's involvement with this policy shall be confidential and only released in conformance with General Statutes 160A-68 and 13 North Carolina Administrative Code 20.0500.

Enforcement - The Town Manager shall be responsible for the enforcement of this policy.

Severability - Any section of this policy determined to be inconsistent with Federal, State and/or common law shall not be enforced and shall not interfere with the enforcement of the remaining sections of the policy.

ARTICLE XIV: Travel Policy

Section 124. Purpose

It is the intent of this policy to provide Town departments and agencies a comprehensive reference for uniform interpretation of payment or reimbursement for travel expenses pertaining to official travel and subsistence. All employees and officials of the Town are subject to this policy.

Section 125. Employee and Board Member Responsibility

An employee or board member traveling on official business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Excess costs, circuitous routes, luxury accommodations, and services unnecessary or unjustified in the performance of official business are not acceptable under this standard. Employee and board members will be responsible for unauthorized costs and any additional expenses incurred for personal preference or convenience. Willful violations of this policy may result in dismissal from Town employment or other disciplinary action.

Section 126. Definitions and General Guidelines

Authorizing Party- An individual authorized by this policy to approve or disapprove requests for travel, cash advances, travel reimbursements, etc.

Employee's Duty Station- "Duty station" is defined as the job location at which the employee normally report to for his or her working hours. For an employee in travel status, the duty station should be the point where Traveling begins the majority of the time (home or office).

Non-Town Employees- Non-Town employees traveling on official business whose expenses are paid by the Town are subject to these regulations, including subsistence allowances, to the same extent as Town employees. Travel expenses for members of a non-employee's family are not eligible to be paid by the Town. No travel advances will be made to non-town employees.

Prospective Professional Employees- The Town Manager or Mayor must pre-approve reimbursement of transportation expenses of individuals visiting for employment interviews. These expenses are limited to transportation and subsistence for one day.

Registration Fees- Registration may be paid by the employee and then reimbursed or paid by the department. These fees are charged to "travel expenses." Advance registration paid through the Town is preferred.

Reimbursements- All reimbursement requests shall be filed for approval and payment within 30 days after the travel period ends for which the reimbursement is being requested. "Travel period" is defined as the calendar month during which the travel occurred.

Requesting Party- The person who will be reimbursed for travel costs incurred while conducting Town business or visiting for employee interviews.

Subsistence (Meals and Lodging)- Subsistence is an allowance related to lodging and meal costs.

Transportation- Transportation expenses include personal automobile, taxi, bus, train, airplane, motor pool charges, auto rentals, tolls, and parking fees. All travel expenses must be incurred by and for employees, board members or other eligible travelers while conducting official Town business or visiting for employee interviews in order to be eligible for reimbursement.

Travel- Travel is defined as going to and from the normal job location to a site located out of the limits of Angier from the normal job location to conduct Town business. Authorization of travel requests will be based upon need and cost/benefit of travel as determined by the authorizing party. All travel costs except airline tickets, lodging, and registrations will be paid directly by the requesting party, and will not be billed to the Town. In many

cases, it is customary for airline tickets lodging, and registrations to be paid directly by the unit either in advance or billed to the unit by invoice at a later date. The requesting party is encouraged to use travel agents and to reserve transportation and lodging in advance when possible. The requesting party also is encouraged to travel with other employees and officials of the Town and representatives of other government units when possible. The requesting party will be reimbursed for actual costs incurred only, subject to the limitations established in this policy.

Travel In-State,/ Out-of-State)- For all travel, other than travel by the Town Manager and elected Town officials, the department head (ultimately the finance officer) is responsible for determining that a sufficient unexpended appropriation remains in the department travel budget to reimburse all expected costs of travel. A travel authorization form will be submitted by the requesting party to the department head for authorization of travel at least five working days prior to the date upon which travel will commence. If the department head is the requesting party, the form should be submitted to the Town Manager. In case of an emergency situation a verbal authorization may be given to an employee by the department head, the Town Manager, when followed by a proper authorization form.

Travel Requests by the Town Manager, Other Appointed Officials, and Elected Officials-These will be Authorized by the Finance Officer or the Town Manager. The travel authorization form will be submitted to the Finance Officer or the Town Manager no later than five working days prior to the date of travel requested.

Short Distance Travel- Employee travel within the limits of Angier does not require written approval of the authorizing party. However the authorizing party should be notified of the travel plans, and should give verbal approval of the plans. Failure to notify the authorizing party of the travel plans will result in the requesting party receiving no reimbursement for travel costs.

Travel Advances-Travel advances will be issued at the discretion of the Town Manager or Finance Officer. Advances will be submitted with the travel request to the authorizing party no later than 5 working days prior to the date travel will commence except in emergency situations. The amount of the travel advance may not exceed the estimated travel cost. Excess travel advances will be repaid no later than five working days after the completion of the approved travel. The Finance Officer will not issue a travel advance unless it has been approved. Monthly travel allowances to an employee should be approved by the Town Manager. A requesting party receiving a travel allowance may not request additional reimbursement for any cost incurred while traveling within the limits of Angier. The travel allowance will be subject to State and federal income tax withholding, and social security employer's matching contributions. The Town Manager will receive a copy of each approved travel request. The Finance Officer is responsible for determining that an unencumbered appropriation sufficient to cover the estimated cost of the approved travel remains in the appropriate expenditure item. If a sufficient balance remains in the expenditure item, the estimated travel cost will be encumbered. If the remaining balance in the expenditure item is insufficient to cover the estimated cost of travel and other moneys are not yet available, the authorizing party will be notified by the Finance Officer. The authorizing party should receive a response from the Finance Officer before notifying an employee that he/she may travel.

Section 127. Specific Guidelines Relating to Transportation, Subsistence and Other Cost

Air Fair - Actual coach fare (substantiated by receipt) will be reimbursed. First class travel should be used only in extraordinary circumstances. Penalties and charges resulting from the cancellation of airline reservations (or other travel reservations) shall be the Town's obligation if the employee's travel has been approved in advance and the cancellation or change is made at the direction of and for the convenience of the Town. If the cancellation or change is made for the personal benefit of the employee, it shall be the employee's obligation to pay the penalties and charges. However, in the event of accidents, serious illness or death within the employee's immediate family, or other critical circumstances beyond the control of the

employee, the Town will be obligated to pay the penalties and charges.

Personal Vehicle – A requesting party may use his/her personal vehicle for travel and be reimbursed only if one of the following conditions is met:

- a. No Town vehicle is available or use of a Town vehicle is not practical
- b. The requesting party needs a specially equipped vehicle

Use of a personal vehicle must be approved in advance. The standard IRS rate per mile will be paid to an employee who uses his/her personal vehicle. Actual mileage is reimbursable mileage, measured from the duty station to the destination (and return).

Parking fees, tolls, taxi, uber, rental vehicle and storage fees are reimbursable. Receipts will be required for these fees to be reimbursed.

Meals - The following schedule shall be used for reporting allowable meal expenses incurred while traveling on official town business:

Breakfast	\$10.00 /per day
Lunch	\$20.00/per day
Dinner	\$30.00/per day

Receipts will not be required to receive the breakfast, lunch and dinner per day rate. This is just a flat given amount that is cut to the employee prior to the travel for business.

Lodging – All hotel lodging should be pre-approved and pre-paid before any business travel. When possible the employee or board member should request the government rate to get the room as cheap as possible.

Section 128. Reimbursement Procedures

A requesting party will complete a reimbursement form and attach the required receipts for expenses other than meals and submit it to the authorizing party no later than five working days after returning from travel.

A requesting party submitting a falsified reimbursement form will be subject to disciplinary action and criminal prosecution. An authorizing party or Finance Officer who approves a falsified reimbursement form that they know to be false will be subject to disciplinary action and criminal prosecution. Violations of the Town's travel policy may result in dismissal from Town employment.

ARTICLE XV: Whistleblowing Policy

Section 129. Policy

The Town of Angier is committed to high standards of openness, decency and integrity in its provision of services to its citizens. To maintain these standards, the Town is committed to establishing and maintaining a work place that will allow employees to report matters pertaining to “wrongdoing, i.e., violations of Town rules and regulations, Town Ordinances, State and Federal law, and waste and abuse in Town operations”.

Section 130. Town’s Position

The Town of Angier has established a high level of standards that is the basis upon which choices are made, determining the framework for the way the Town does business. These standards are used to evaluate the manner in which the Town conducts its business operations. These standards apply to every Town employee and to the

Town's elected officials. In addition, the Town complies with the relevant laws and regulations that apply to the Town and its employees. The Town is dedicated to the prevention, avoidance, detection and investigation of all forms of non-compliance, fraud, theft and corruption.

The Town realizes that employees are often the first to notice that there may be something wrong. However, the employees may not express their concerns due to feelings of disloyalty to colleagues, or fear of punishment or unfair treatment.

The Town acknowledges that most concerns are of relatively minor nature and can be resolved through the normal channels relatively easily. However, where the concerns are more serious, and especially where they involve serious misconduct such as criminal acts, or financial misconduct, or in situations where employees, the public, or the environment may be subject to danger, it can be difficult for the employee to know what to do and to whom to report such concerns.

The Town wishes to make it clear that individuals can raise such serious concerns without fear of punishment or unfair treatment. This is to encourage individuals to report concerns so that the management can take appropriate action to prevent or stop intolerable behavior that harms employees, the public, the environment or the Town of Angier.

This policy has been introduced and adopted to give guidance on how to raise concerns at an early stage.

Section 131. Intentions of the Procedure

- a. Provide avenues for employees to raise concerns and define a way to handle these concerns.
- b. Enable management to be informed at an early stage about acts of misconduct.
- c. Reassure employees that they will be protected from punishment or unfair treatment for disclosing concerns in good faith in accordance with this procedure.
- d. Help develop a culture of openness, accountability and integrity.

Section 132. Obligation of Employees to Report Violations

- a. It is the responsibility of all employees to report any violation of policies, procedures, rules or regulations of the Town of Angier, or any of the Departments of the Town.
- b. Employees are obligated to cooperate in every investigation of violations, including but not necessarily limited to, coming forward with evidence, fully and truthfully making a written report or verbally answering questions when required to do so by an investigator during the course of an investigation of violations.
- c. Failure to report incidents of wrongdoing may be grounds for disciplinary action.
- d. Failure to report a violation of a written directive or order given by proper authority is a violation on its own standing.
- e. Employees are forbidden to knowingly make a false or misleading report in a malicious manner against any employee or official of the Town.
- f. Employees are encouraged to engage in a discussion with colleagues who display behavior that is or could be violating any law or Town of Angier value or policy, if at all possible. If a discussion is not a realistic option, then the employee should report the behavior in accordance with this policy.

Section 133. Examples of Wrongdoing

- a. Irregularities: Personal conduct or action in violation of established laws, Town regulations, ordinances, and administrative policies.
- b. Waste: To allow to be used inefficiently, to spend money or use Town property extravagantly, unwisely, and carelessly.
- c. The following are some examples that suggest irregularities and waste:
- d. Misuse or misappropriation of Town funds or property such as but not limited to travel reimbursement reports, purchase orders, disbursement vouchers, checks, bank accounts, deposits and cash.

- e. Falsification of Town records such as but not limited to time cards, payroll time sheets, petty cash receipts, contracts, and agreements.
- f. Careless, negligent or improper use of Town equipment or property such as but not limited to driving while under the influence of alcohol or narcotic drugs or controlled substances; driving Town equipment without a valid driver's license; driving or using Town equipment or property in a reckless manner or without the proper safety equipment; and using Town equipment or property for personal use.

Section 134. Safeguards

- a. The Town of Angier does not tolerate punishment or unfair treatment when concerns are raised in good faith and will take action to protect staff.
- b. The Town recognizes that some individuals will wish to raise a concern in confidence under this policy. Confidentiality will be maintained to the largest extent possible. Therefore, the Town will protect the identity of an employee who discloses concerns according to this procedure.
- c. The Town does however acknowledge that in some circumstances it may be obvious who has raised the concern and filed the report, or the investigation process may lead to the point where a statement is required or the individual is called to provide evidence. In such circumstances, where finding the truth is hindered by maintaining complete confidentiality, the Town cannot guarantee complete confidentiality to the reporting employee.
- d. The Town wants to avoid anonymous reports, as it can make the investigation of the allegations much more difficult. However, if an employee feels there is no other way than making an anonymous allegation, then that allegation will be acted upon appropriately.
- e. The Town encourages people to raise concerns in good faith. However, if upon investigation some of these concerns cannot be confirmed or may not have substance, no action will be taken against employees raising concerns in good faith.
- f. Investigations, however, are a costly, time consuming and potentially damaging process. If reported
- g. allegations are judged to be malicious and without any factual foundation, the Town may take appropriate action against employees making such malicious allegations.

Section 135. Reporting Procedures

The purpose of this procedure is to ensure that employees will receive prompt, fair and considerate review of any reports of possible violations. Every employee shall have the right to present his/her report of violations of Town Administrative Code, and ordinances, Federal or State law and to be free from interference, coercion, restraint, discrimination or reprisal.

- a. When making the report, the employee should be prepared to provide the following information:
 - 1. Name, department of person(s) and position title (if known) involved in violation of Town Administrative Code or Ordinances;
 - 2. The date, time, location of where the alleged incident(s) took place;
 - 3. A description of the alleged incident(s) to the best of their knowledge and how long it has gone on;
 - 4. The names of any witnesses that can verify the violations;
 - 5. Whether the violations were previously reported, when and to whom.
- b. The concerns may also be voiced in a face-to face meeting. If that is not possible, they may be reported through the website, by telephone or fax, or by e-mail.
- c. Individuals will not be expected to provide truth of an allegation but they should be able to demonstrate that there are sufficient grounds to have a reasonable belief that something is wrong.
- d. Individuals are encouraged to express their concerns at the earliest possible stage so that timely action can be taken.

- e. The supervisor shall investigate the report and advise the employee regarding the matter.
- f. If the employee's immediate supervisor is the subject of the report, the employee shall direct the report to his/her next highest level of supervision.
- g. If the incident involves an employee of another department, the report shall be filed with the Town Manager.
- h. If the subject of the report is the Town Manager, the reports shall be filed with the Town Attorney.
- i. If the subject of the report is the Mayor, a Town Commissioner, a member of any Town Board or Commission, or the Town Attorney, the report shall be filed with the Town Manager.
- j. The Department Head will ensure that all alleged violations of this policy are investigated. The Department Head shall advise the Town Manager of all reports of wrongdoing.
- k. If the reporting employee does not receive an answer within 30 days, he/she can make a request to the Department Head as to the status of the report. The Town recognizes that the individual raising the concern needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, individuals making a complaint will be kept informed during the investigation about the outcome of any investigation.
- l. If after not resolving the manner at the Department level, the employee reporting the matter can submit the same written report to the Town Manager.
- m. All reports of violations received by the Town Manager's office will be investigated. The Town Manager will designate an appropriate individual(s) to investigate the incident(s).
- n. The Town Manager's office will give a written reply to the employee of the findings of the allegations, including a finding that no further investigation is needed and the matter is dismissed; such report shall not disclose any confidential employment or personnel matters. The Town Manager will provide the Town Board of Commissioners with a copy of the final report.

Section 136. Disciplinary Actions

Based upon the investigation of the alleged "wrongdoing", the Town Manager shall, within a reasonable time, decide whether the conduct of the person(s) against whom the report has been made is valid.

If the Town Manager finds that the report of alleged irregularities and/or waste is founded, he/she shall conduct a hearing or other measures to consider all evidence as set forth in the Personnel Policy. If after conducting a hearing with the employee(s) involved and determining that irregularities and/or waste has occurred, the Town Manager shall take appropriate disciplinary action against the employee(s) guilty of "wrongdoing" consistent with his/her authority.

The disciplinary action may include demotion, suspension, dismissal, warning or reprimand. A determination of the level of disciplinary action shall be made on a case-by-case basis.

ARTICLE XVI: Implementation of Policies

Section 137. Conflicting Policies Repealed

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

Section 138. Severability

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

Section 139. Effective Date

These policies shall become effective on a date approved by the Town.

Section 140. Amendments

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

