

BEAUFORT NORTH CAROLINA



PERSONNEL POLICIES

Adopted by Board of Commissioners

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WELCOME TO ALL EMPLOYEES OF THE TOWN OF BEAUFORT

The Town of Beaufort Mayor and Commissioners are making these Personnel Policies available to provide important information about your employment with Beaufort. Whether you are a new employee or have been a Town employee for many years, we believe you will find the information contained in the Personnel Policies useful in understanding your responsibilities as a Beaufort employee and a helpful guide to explaining the benefits available to you.

The Personnel Policies provide the Town with a framework to promote consistent human resource management practices and procedures throughout all Town departments. We believe these policies promote a work environment that helps employees perform their duties to the best of their abilities. In this way, the Personnel Policies positively contribute to the Town's efforts to provide the most efficient and responsible service to its citizens. The policies are designed to protect the rights and well-being of all employees and ensure a productive, safe and well-managed work force with high standards of service to the residents of the community. They also provide ethical guidelines for Town employees that are responsive to the public needs and preclude even the appearance of impropriety in the performance of their duties. The corrective actions identified here should be viewed as problem solving tools to help the employees identify and correct inappropriate conduct.

Employees are responsible for becoming familiar and complying with the content of these policies. If you have questions about any of the policies and how they apply to you, you are encouraged to contact your supervisor or Human Resources for more information.

The Personnel Policies do not constitute a guarantee or contract of employment and the Town reserves the right to change, revoke, interpret, or add to any of these policies at any time at its sole discretion without prior notice. The Town is an "at-will" employer and retains the right to terminate employment at any time and for any reason not prohibited by law.

The policies and procedures in the Personnel Policies cannot cover every possible situation that may arise. There may be amendments to the Personnel Policies over time. As policies are amended, employees will be supplied with a copy of the new or updated policy. The Personnel Policies can also be found on the Town's website.

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ARTICLE I. GENERAL PROVISIONS

Section 1. Purpose of the Policy

It is the purpose of this policy and the rules and regulations set forth to establish a fair and uniform system of personnel administration for all employees of the Town under the supervision of the Town Manager. This policy is established under authority of Chapter 160A, Article 7, of the General Statutes of North Carolina. The Town Board reserves the right to modify the provisions of the Personnel Policy at any time.

Section 2. At Will Employment

The Town of Beaufort is an “at will” employer. The Town reserves the right to deviate from this policy at any time, with or without notice. Nothing in this policy creates an employment contract or term between the Town and its employees. No employee, officer or representative of the Town has the authority to enter into any agreement or representation, verbally or in writing, which alters, amends or contradicts this provision in these policies. Any exception to this policy of at-will employment must be expressly authorized in writing and approved by the Town Board.

Section 3. Merit Principle

All appointments and promotions shall be made solely on the basis of merit. Decisions regarding appointments and promotions are within the Town’s discretion. 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, religion, color, sex, national origin, sexual orientation, age, veteran status, marital status, political affiliation, non-disqualifying disability, genetic information, or on the basis of actual or perceived gender as expressed through dress, appearance or behavior.

Section 4. Responsibilities of the Town Board

The Town Board shall be responsible for establishing and approving personnel policies, the position classification and pay plans, and may change the policies and benefits as necessary. They also shall make and confirm appointments when so specified by the North Carolina General Statutes including the appointment of the Town Manager and Town Attorney.

Section 5. Responsibilities of the Town Manager

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

The Town Manager shall supervise or perform:

- a) recommending rules and revisions to the personnel system to the Town Board for consideration;
- b) making changes as necessary to maintain an up-to-date and accurate position classification plan;
- c) preparing and recommending necessary revisions to the pay plan;
- d) determining which employees shall be subject to the overtime provisions of Fair Labor Standards Act (FLSA);
- e) establishing and maintaining a roster of all persons and authorized positions in the municipal service, setting forth each position and employee, class title of position, salary, any changes in class title and status, and such data as may be desirable or useful;
- f) developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent and diverse applicants to meet the needs of the Town;
- g) developing and implementing such administrative procedures as are necessary to implement these policies provided the administrative procedures are not in conflict with these policies;
- h) establishing a culture of mutual respect and courtesy for elected officials, managers and supervisors, employees and the general public;
- i) performing such other duties as may be required by law or assigned by the Town Board not inconsistent with this Policy; and
- j) appointing an employee to the role of Human Resources Manager.

Section 6 Responsibilities of the Human Resources Manager

The Town Manager shall appoint a Human Resources Manager or perform this role him/herself and delegate any or all of the responsibilities listed below. The responsibilities of the Human Resources Manager, in collaboration with staff designated by the Town Manager, are to make recommendations to the Town Manager on the following:

- a) policies and revisions to the personnel system for the Town Manager's consideration;
- b) changes as necessary to maintain an up-to-date and accurate position classification plan;
- c) necessary revisions to the pay plan;
- d) identification of employees subject to the overtime provisions of FLSA;
- e) maintenance of a roster of all persons in the municipal service;
- f) establishment and maintenance of a list of authorized positions in the municipal service at the beginning of each budget year which identifies each authorized position, class title of position, salary range, any changes in class title and status, position number and other such data as may be desirable or useful;
- g) development and administration of such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
- h) development and/or coordination of training and educational programs for Town employees;
- i) development and recommendation of such administrative procedures as are necessary to implement these policies provided the administrative procedures are not in conflict with these policies;
- j) periodic evaluations of the operation and effectiveness of the personnel provisions of these policies;
- k) actions that are needed to address barriers to effective employee communication, productivity, engagement, and morale; and
- l) such other duties as may be assigned by the Town Manager not inconsistent with these policies.

Section 7 Responsibilities of Department Directors and Supervisors

Department directors and supervisors shall meet their responsibilities as directed by the Town Manager, being guided by this Policy and Town ordinances. The Town will require all department directors and supervisors to meet their responsibilities by:

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

Section 8 Responsibilities of Employees

Teamwork is an important part of an effective organization. Just as managers and supervisors are responsible for keeping employees informed on relevant issues, employees are responsible for keeping their supervisors informed on relevant work issues. Employees are responsible for:

- a) following the chain of command in addressing work-related issues;
- b) reporting any relevant information through their supervisors to the Town Manager so the Town Manager is always making decisions based on complete information;
- c) coming to work dressed and groomed appropriately to serve the public and wearing appropriate Town identification badges;
- d) referring any citizen issues that cannot be resolved satisfactorily through the chain of command (employees should not refer citizens to elected officials for operational issues); and

- e) keeping supervisors informed on any issues that serve as barriers to effective work performance or teamwork within the work unit.

Section 9. Application of Policies, Plan, Rules, and Regulations

The Personnel Policies and all rules and regulations adopted pursuant thereto shall be binding on all Town employees. Members of the Town Board and advisory boards and commissions will be exempted except in sections where specifically included. An employee violating any of the provisions of this Policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws which have been violated.

Section 10. 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 review by the Human Resources Manager and the approval of the Town Manager and shall not in any way conflict with the provisions of this Policy but shall be considered as a supplement to this Policy.

Section 11. 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 not subject to the minimum wage and overtime provisions of the Fair Labor Standards Act meeting the definition of either the Administrative, Professional or Executive exemption.

Full-time employee. An employee who is in a position for which a regularly scheduled work week equals 37 or more hours, in a position requiring continuous employment of at least 12 months.

Limited-Service employee. An employee not in a permanent position for which either the regularly scheduled work week required by the Town over the course of a year is less than 20 hours, or continuous employment required by the Town is less than 12 months. This includes temporarily funded internships, fellowships, and related time limited positions.

Non-exempt employee. An employee in a position that is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.

Part-time employee. An employee who is in a position for which a regularly scheduled work week is at least 20 hours and less than 37 hours.

Permanent position. A position authorized as a regular position by the Town Board. Regular

permanent positions are assigned a specific job title, salary grade, salary range, duties and minimum qualifications. Appointments to permanent positions are made through a competitive selection process. All Town positions are subject to budget review and approval each year by the Town Board.

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

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

Trainee. An employee status when an applicant is hired (or employee promoted) who does not meet all of the requirements for the position. During the duration of a trainee appointment, the employee is on probationary status.

Section 12. Requests for Accommodation

The Town prohibits discrimination with respect to hiring, promotion, discharge, compensation, benefits, and all other aspects of employment against employees or applicants with disabilities who are qualified for job positions with or without a reasonable accommodation, as defined by the Americans with Disabilities Act ("ADA").

The Town further prohibits discrimination against employees or applicants based on their sincerely held religious beliefs.

The Town will make a reasonable accommodation for a qualified individual or applicant with a disability as long as doing so does not result in undue hardship for the Town. The Town will also provide a reasonable accommodation for an individual requesting same based on their sincerely held religious beliefs.

Such accommodations may include purchasing or modifying equipment, altering facilities, or modification of the normal work schedule. No accommodation will be made if providing same would create a direct threat to the safety or health of the employee or applicant or other employees, vendors, or any individual coming into contact with the workplace.

Any request for an accommodation based on a disability or a religious belief should be directed to the employee's supervisor or directly to the Human Resources Manager. Applicants should direct any such request to the person conducting the interview.

An employee should immediately contact the Human Resources Manager with any alleged violations of this policy. All complaints will be addressed and investigated, after which time the Town will take any remedial action necessary to address and resolve any violations identified.

ARTICLE II. POSITION CLASSIFICATION PLAN

Section 1. Purpose

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

Section 2. 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 3. Use of the Position Classification Plan

The classification plan is to be used:

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

Section 4. Administration of the Position Classification Plan

The Town Manager or his/her designee 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 Human Resources Manager shall periodically review portions of the classification plan and recommend appropriate changes to the Town Manager who shall recommend needed changes to the Town Board.

Section 5. Authorization of New Positions and the Position Classification Plan

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

Section 6. Request for Reclassification

Any employee who considers the position in which he or she is classified to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall transmit the request through the department director to the Human Resources Manager. Upon receipt of such request, the Human Resources Manager shall study the request, determine the merit of the reclassification, and recommend to the Town Manager a revision to the classification and pay plan where necessary and such revision shall be presented to the Town Board for consideration and approval.

Section 7. Maintenance of the Classification and Pay Plan

Because job duties change over time and the market pay rate changes at different rates for different jobs, comprehensive classification and pay plan reviews are needed periodically. When the organization is stable and budget allows, reviews are needed approximately every five years. When there is significant growth and/or change in the organization, comprehensive reviews are needed more frequently.

ARTICLE III. THE PAY PLAN

Section 1. Definition

The pay plan includes the basic salary schedule and the "Allocation of Classes to Grades" adopted by the Town Board. The salary schedule consists of hiring, minimum (normally upon probation completion), midpoint and maximum rates of pay for all classes of positions.

Section 2. Administration and Maintenance

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

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in job 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 Human Resources may 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 recommend to the Town Manager such changes in salary ranges as appear to be pertinent. Such changes shall be made in the salary ranges such that the hiring rate, minimum, midpoint, and maximum rates change according to the market subject to approval by the Town Board.

Section 3. Starting Salaries

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

Section 4. Trainee Designation and Provisions

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

"Trainee" salaries shall be no more than two salary grades below the hiring rate established for the position for which the person is being trained. A new employee designated as "trainee" shall be regarded as being in a probationary period. However, probationary periods shall be no less than six months and trainee periods may extend up to eighteen months. A trainee shall remain a probationary employee until the trainee period is satisfactorily completed.

If the training is not successfully completed to the satisfaction of the department head and Town Manager, the trainee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the hiring rate established for the position for which the employee was trained.

Section 5. Probationary Pay Increases

Employees hired or promoted into the hiring rate of the pay range will receive a salary increase of approximately 5% upon successful completion of the probationary period or upon six months of satisfactory service if the employee is not on probation.

Employees serving a twelve-month probationary period are eligible for consideration based on performance for this pay increase after six months of successful employment. Employees with a

twelve-month probationary period who receive an increase at the six-month review will not be eligible for an increase at the end of the twelve-month probationary period.

Section 6. Performance Pay

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

Section 7. Performance Pay Bonus

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

Section 8. Salary Effect of Promotions, Demotions, Transfers, and Reclassifications

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

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

Transfers. The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary range shall not be changed by the reassignment.

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

If the position is reclassified to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level with no increases to base pay unless the range is increased above the employee's salary.

Section 9. Salary Effect of Salary Range Revisions

When an individual class of positions is assigned to a higher salary range, employees in that class shall normally receive a pay increase consistent with the implementation strategy or to the minimum rate of the new range, whichever is higher. If the employee has successfully completed probation, the employee's salary shall be advanced at least to the probation completion amount in the new range.

When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum rate established for the class, the salary of that employee shall be maintained at that level with no increase in base pay until such time as the employee's salary range is increased above the employee's current salary.

Section 10. 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 minimum rate established for their respective classes shall have their salaries raised at least to the new minimum rate 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 within the salary schedule; and
- d) all employees being paid at a rate above the maximum rate established for their respective classes shall have their salaries maintained at that salary level with no increases until the employees' salary range is increased above the employees' current salary.

Section 11. 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 12. Payroll Deductions

Deductions shall be made from each employee's salary as required by law. Additional deductions may be made for insurance or for other reasons as authorized by the Town Manager considering the capability of the payroll system, associated increase in workload, and appropriateness of the deduction. All deductions from the salaries of salaried, exempt employees will comply with the provisions of the Fair Labor Standards Act ("FLSA").

Section 13. Fair Labor Standards Act and Overtime Pay Provisions

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

To the extent that local government jurisdictions are so required, the Town will comply with the FLSA. The Town Manager or his/her designee shall determine which jobs are "non-exempt" and are therefore subject to the FLSA in areas such as hours of work and work periods, entitlement to and calculation of overtime compensation, and other provisions.

Non-Exempt Employees

Employees are expected to work during all assigned periods exclusive of breaks or mealtimes. Employees are not to perform work at any time that they are not scheduled to work, unless they receive approval from their department director or supervisor, except in cases of emergency. Failure to obtain advance approval for overtime work in non-emergency situations may result in disciplinary action.

Department directors are responsible for ensuring that overtime hours are authorized, recorded, and properly documented for compensatory time off or overtime pay in accordance with the established record keeping forms and instructions.

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period; 84 hours for sworn police in a 14 day work period and 212 for fire staff in a 28 day work period. Hours worked beyond the FLSA established limit will be compensated in either compensatory time or pay at the appropriate overtime rate.

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

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

If compensatory time is accrued, it may be taken in 15-minute increments, not to exceed scheduled hours per day. *Compensatory time must be taken before any vacation or sick leave.* Compensatory time is available for use once it has been earned.

Compensatory leave balances may not legally exceed 240 hours except for public safety employees who may not accrue more than 480 hours. Any overtime worked after such maximum balances are reached must be compensated with overtime pay. It is the policy of the Town that balances will not exceed 40 hours. The Manager may decide to pay overtime at any time a compensatory time balance exceeds a desirable level, subject to budget availability.

Exempt Employees

Employees in positions determined to be “exempt” from the FLSA (as Executive, Administrative or Professional staff) are paid on a salary basis and will not receive pay for hours worked in excess of their normal work periods. These employees may be granted “bonus leave” on an hour for hour basis, as approved by their supervisor where the convenience of the department allows and in accordance with procedures established by the Town Manager. Bonus leave may not exceed a balance of 40 hours. Such leave is not guaranteed to be taken and ends without compensation upon separation from the organization.

Section 14. On-Call Pay and Call-back Pay

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

On-Call Pay: On-call pay compensates certain non-exempt employees who are required to be on-call and may be called during that time to return to work outside of normal scheduled working hours in the event of an emergency. On-call status occurs during a designated period with a duration of (7) seven consecutive days. Hours of on-call status are not considered hours of work due the employee’s ability to use the time for his or her own purposes and are not recordable on a time sheet. All non-exempt on-call employees will receive additional compensation of \$140.00 for each entire week served on-call. On-call status of less than a period of seven (7) consecutive days (i.e., hurricanes) will be compensated at the rate of \$20.00 per day. There is no additional compensation for being on-call on a holiday. Hours actually worked while on-call are calculated beginning when the employee reports to the work site and are added to the total of hours worked for the week. On-call pay is included when calculating the employee’s regular and overtime rates of pay.

Call-Back Pay. Non-exempt employees will be guaranteed a minimum payment of two hours of wages for being called back to work outside of normal working hours. Non-exempt employees will be paid at the established hourly rate of pay for hours worked outside their normal schedule if they are actually required to return to work and will receive overtime compensation for eligible overtime

hours. A minimum of two hours pay is guaranteed for non-exempt employees who are called back: they will be paid this two hour minimum or for the actual hours worked, whichever is greater. "Call-back" provisions do not apply to previously scheduled work (scheduled one or more days in advance). If more than one callback occurs within a given shift, total callback pay cannot exceed two hours (although pay for actual hours worked may exceed two hours). Hours actually worked when called back are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week. Call-back pay is included when calculating the employee's regular and overtime rates of pay.

Section 15. Hourly Rate of Pay

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

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

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

An employee who is formally designated, for a period of at least 30 days or more, to perform the duties of a job that is assigned to a higher salary grade than that of the employee's regular classification shall normally receive an increase for the duration of the interim assignment. The employee shall receive a salary adjustment to the minimum rate of the job in which the employee is acting or an increase of 5%, whichever is greater. Criteria involved in determining the amount of the compensation will include:

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

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

Section 17. Career Development, Certification and Educational Increases

The Town Manager may establish a schedule of salary increases to reward employees for career development plans, attaining and maintaining certifications and/or obtaining degrees that increase the employee's value to the Town. These salary adjustments should be made within the approved salary range. The schedule should reflect certifications and/or degrees that exceed the requirements on the position classification specification.

After an employee has obtained a certificate or degree relevant to his or her position (as determined by the Town Manager), a 5% increase for employees with salaries below the midpoint of the salary range will be given and an increase of 2.5% will be given for employees with salaries above the midpoint of the salary range will be given.

Employees in the Police Department Career Development Program will be given a 5% increase for obtaining Police Officer II or Master Police Officer status/certification.

Employees in the Fire Department Career Development Program will be given a 5% increase for obtaining Senior Fire Fighter classification.

Section 18. Longevity Pay

Full-time employees of the Town may be compensated for years of service with the Town of Beaufort by payment of a longevity supplement as listed below. If approved by the Town Board, this compensation is paid at the end of November at a time designated by the Town Manager. Employees must be on an active pay status at the time the Board approves payment for longevity. Continuous service is continuous employment including any approved leave. All regular payroll deductions shall be made from the longevity payment. Employees hired after June 30, 2013, are not eligible for Longevity Pay.

Longevity amounts shall be as follows:

<u>Years of Service</u>	<u>Amount</u>
0 – 1 years	\$125
2 – 4 years	\$250
5 – 9 years	\$350
10 – 14 years	\$500
15 – 19 years	\$600
20 + years	\$750

Section 19. Reimbursement of Expenses

Employees who are authorized by their supervisor to travel on behalf of Town business will be required to submit an approved travel request form and disbursement voucher sign by their supervisor to the Finance Officer. Employees are to use their Purchase Card for hotels and meals. All expenses must be reasonable to qualify for reimbursement and must be authorized in advance by the supervisor. All expense requests must be supported by receipts.

It is at the discretion of the department head if a town vehicle or rental vehicle is available. Mileage at the IRS will be reimbursed when a personal vehicle is used for business travel.

Employees are to follow the guidelines established for meal allowances based on travel location. If meals are provided by the conference or training organization, no allowance is given for that meal.

Compensation for business travel for hourly, non-exempt employees will be made in accordance with the standards set forth by the FLSA.

Section 20. Salary Deduction Complaint Procedure

The Town will not make any deductions from exempt employees' salaries, except as otherwise expressly permitted by the FLSA and other applicable state and federal law. Any exempt employee who believes that he or she has been subject to an improper deduction from his or her salary must report the suspected improper deduction to the Human Resources Manager. The Human Resources Manager will review and investigate the complaint in conjunction with the Finance Officer to make a determination as to whether the deduction was permissible. Upon a determination that an improper deduction was made, the Town will fully reimburse the employee for any improper deduction and will take all measures necessary to ensure that no further improper deductions are made.

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Equal Employment Opportunity Statement

It is the policy of the Town to foster, maintain and promote equal employment opportunity. The Town shall select employees on the basis of the applicant's qualifications for the job and award them with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to race, religion, color, sex, national origin, sexual orientation, age, veteran status, marital status, political affiliation, disability, genetic information, or on the basis of actual or perceived gender as expressed through dress, appearance or behavior. This intent is achieved through consistency in announcing all positions, evaluating all applicants using the same criteria, providing reasonable accommodations as needed, and by applying consistent testing methods when applicable.

It is a violation of Town policy to retaliate in any way against an employee who assists, participates in, or supports this policy or anyone who makes a bona-fide complaint under this policy or who initiates, participates in, or assists with any EEOC investigation, OSHA investigation, worker's compensation claim, ADA request for accommodation, or other internal or external processes protected by law.

Section 2. Implementation of Equal Employment Opportunity Policy

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

customarily posted.

Section 3. Recruitment, Selection and Appointment

Recruitment Sources. When position vacancies occur, the Human Resources Manager shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Information on job openings and hiring practices will be provided to recruitment sources, including organizations and news media available to minority applicants. In addition, notice of vacancies shall be posted at designated conspicuous Town sites. Individuals shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that well-qualified applicants are obtained for Town service. In rare situations because of emergency conditions, high turnover, etc., the Town may hire or promote without advertising jobs upon approval of the Town Manager.

Job Advertisements. Jobs will be advertised in local area newspapers, professional publications, and other relevant publications, as needed, in order to establish a diverse and qualified applicant pool. Vacancy notices should be posted in all Town employment locations. Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.

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 being recruited. The Town accepts applications and resumes only for vacant advertised positions.

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

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

References and Background Investigations. Before any commitment is made to an applicant, the Town will conduct reference checks regarding the employee's qualifications and work performance. In addition, physical examinations, drug screening and criminal background investigations may be performed.

A criminal background check will be conducted as a requirement for all persons recommended for employment with the Town. Individuals who refuse to consent to a criminal record check forfeit eligibility for employment with the Town.

All applicants recommended for employment will be required to disclose information regarding prior convictions and pending charges. Failure to fully disclose such information automatically renders candidates ineligible for employment. Employees will also be required to consent to continued

monitoring off their criminal background records while employed with the Town. Employees who refuse to consent forfeit eligibility for employment with the Town. Employees will also be required to report any criminal charges filed against them during employment to the Human Resources Manager within three (3) business days of the charges. An independent investigation may be conducted, the result of which may be used to support disciplinary action, if appropriate.

The Town will consider all pending charges and criminal convictions on a case-by-case basis, considering the nature of the offense, when the offense occurred, the number of offenses, the nature of the job which the individual wants or holds, work history, rehabilitation efforts, and any other individualized information which may be useful in making an employment decision.

Upon independent investigation, the Town may make an employment decision based on the conduct which was the subject of the arrest, regardless of the outcome of the charge.

An applicant or employee will be given notice that he has been potentially excluded from employment due to a criminal conviction and will be given the opportunity to provide additional relevant information as to why he or she should not be excluded from employment. Any information provided will be considered by the Town in making employment decisions, by evaluating the individual's fitness for the job, in conjunction with the essential functions of the position and the job conditions of the position in question.

Appointment. Before any commitment is made to an applicant either internally or externally, the department director shall make recommendations to the Human Resources Manager including the position to be filled and the salary to be paid. The Human Resources Manager and department director shall recommend approval of appointments and the starting salary for all applicants to the Town Manager. The Town Manager or his/her designee shall approve appointments and the starting salary for all applicants. The Manager may determine terms of employment to include crediting service time for employees within the retirement system for the purposes of leave accrual and longevity.

Section 4. Probationary Period

An employee appointed or promoted to a permanent position shall serve a probationary period. Employees shall serve a six-month probationary period, except the employees in the police and fire department and department directors shall serve a twelve-month probationary period. Employees hired as "trainees" shall remain on probation until the requirements of their traineeship are satisfied. During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Employees serving a twelve-month probation shall have a probationary review at the end of six months as well as at the end of twelve months.

An important purpose of the probationary period is to serve as a trial period during which the employee demonstrates his or her ability to perform the work, demonstrates good work habits, and demonstrates the ability to work effectively with the public and coworkers. Before the end of the probationary period, the supervisor shall conduct a performance evaluation conference with the employee and discuss

accomplishments, strengths, and needed improvements. A summary of this discussion shall be documented in the employee's personnel file. The supervisor shall recommend in writing whether the probationary period should be completed or extended, or the employee transferred, demoted, or dismissed. With approval of the Town Manager probationary periods may be extended for a maximum of six additional months.

Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire without following the steps for progressive discipline outlined in this policy for disciplinary action. A new hire probationary employee who separates from Town employment, either voluntarily or involuntarily, during the probationary period is not eligible for pay upon separation of accrued vacation leave.

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

Section 5. Promotion

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range. It is the Town's policy to create career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is best suited of all applicants, that applicant shall be appointed to that position. The Town will balance three goals in the employment process:

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

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

Section 6. Demotion

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

disciplinary procedures outlined in this Policy.

An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a demotion. A voluntary demotion is not a disciplinary action and is made without using the disciplinary procedures established by this Personnel Policy.

Section 7. Transfer

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

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

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Work Schedule

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

Section 2. Political Activity

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

- a) engage in any political or partisan activity while on duty;
- b) use official authority or influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
- c) be required as a duty of employment or as condition for employment, promotion, or tenure of office to contribute funds for political or partisan purposes;

- d) coerce or compel contributions from another employee of the Town for political or partisan purposes;
- e) use any supplies or equipment of the Town for political or partisan purposes;
- f) display any political advertisement in or on Town property; or
- g) be a candidate for nomination or election to office under the Town Charter.

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

Section 3. Outside Employment

The work of the Town shall have precedence over other occupational interests of employees. All outside employment for salaries, wages, or commissions and all self-employments must be reported in writing in advance to the employee's supervisor, who in turn will report it to the department director. The department director will review such employment for possible conflict of interest and then submit a record of the employment to the Town Manager for review and approval. Approval of outside employment shall be reviewed annually and may be revoked at any time should it be found to cause a conflict with the employee's position with the Town. Conflicting and/or unreported outside employment are grounds for disciplinary action up to and including dismissal. Documentation of the approval of outside employment will be placed in the employee's personnel file.

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

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

Section 4. Dual Employment

Unless approved by the Town Manager, the Town prohibits any employee from holding more than one position with the Town if the combined positions will result in the employee working more than 40 hours per week in any week of the year. The Town will comply with all FLSA regulations in all dual employment cases.

Section 5. Employment of Relatives

The Town prohibits the hiring, promotion, and employment of immediate family in full or part-time positions within the Town if such employment would result in one family member supervising another or if one family member will occupy a position of influence over another family member's employment

or any condition of employment. Examples of potential influence include but are not limited to hiring, promotions, salary administration, internal audit, and disciplinary action.

For the purposes of this Article, immediate family shall be defined as spouse, child, parent, sibling, grandparent, and grandchild (to include in-law, step, and half relationships). The definition for this Article also includes individuals living in the same household who share a relationship comparable to immediate family members or an intimate relationship. Existing relationships at the time of policy adoption are grandfathered under this Section.

The Town also prohibits the employment of any person into a permanent position who is an immediate family member of individuals holding the following positions: Mayor, Town Board Member, Town Manager, Finance Director, Human Resources Manager, Town Clerk, or Town Attorney.

Other circumstances may also prohibit the hiring of family members. Otherwise, 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 relatives;
- b) result in a relative auditing the work of a relative;
- c) create a conflict of interest with either 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 was adopted by the Town.

Section 6. Harassment /Sexual Harassment Prohibited

The Town prohibits harassment in any form that is based on race, religion, color, sex, national origin, sexual orientation, age, veteran status, marital status, political affiliation, disability, genetic information, or on the basis of actual or perceived gender as expressed through dress, appearance or behavior. Harassment is defined as conduct that culminates in tangible employment action or is sufficiently severe or pervasive as to create a hostile work environment.

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

- a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

- c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment includes repeated offensive sexual remarks, continual or repeated comments about an individual's body and offensive sexual language.

Any employee who believes that he or she has been harassed or who knows of or suspects the occurrence of prohibited harassment is responsible for immediately informing the Human Resources Manager or the Town Manager in writing of the facts regarding the alleged harassment so that management may promptly conduct a thorough investigation of the complaints/allegations. Department Heads and supervisors who receive a report of alleged harassment are required to convey the report to the Human Resources Manager immediately. Failure of any employee to report allegations as required herein may result in disciplinary action up to and including termination of employment. Investigations of such allegations will be conducted in accordance with the procedures described in Section 7 herein. If an investigation indicates that prohibited harassment occurred, the Town will take immediate corrective action, including administering the appropriate disciplinary action, up to and including immediate dismissal of employment of the responsible party. Employees who in good faith make a complaint of sexual harassment are protected against retaliation from alleged harassers or other employees. Employees who believe they have been retaliated against for making such complaints should immediately inform the Human Resources Manager or Town Manager

Section 7. Investigation Procedures

The Town will conduct an investigation into the harassment complaint to determine the merits of the allegations. The Town Manager shall instruct the Human Resources Manager to conduct an investigation to determine the validity of any complaint. The Town Manager may designate another objective investigator or any third party to investigate if deemed appropriate by the Town Manager. The investigation shall be completed in a reasonable time to resolve the issue and minimize the effects of such investigation on the parties involved.

1. The investigation will typically include an interview with the employee bringing the complaint and the individual accused of harassment. If the Town determines that the complaint has merit, the individual accused will be subject to appropriate disciplinary action based upon the severity of the complaint and any prior history of past charges against the individual. Disciplinary action may include a written warning, suspension, demotion, and/or termination of employment. Any disciplinary action shall be consistent with applicable collective negotiations agreements and applicable due process safeguards.
2. All employees have a responsibility to cooperate fully with the investigation of harassment. Although the extent of each investigation will vary, discretion and cooperation are crucial at all levels.
3. In the event that the Town determines the complaint to be intentionally dishonest, appropriate disciplinary action may be taken against the employee who filed the complaint.

Section 7A. Investigation Procedures: Board of Commissioners

Any complaints of retaliation or discrimination involving decisions made by or conduct of the Town Manager shall be reported in writing to the Mayor within 30 days of the subject conduct, and shall be handled by the Town Board in accordance with the provisions outlined in this section. Such complaints include, but are not limited to, complaints made under the Equal Employment Opportunity Statement Policy, or -Harassment/ Sexual Harassment Prohibited Policy herein. This policy shall not apply to grievances regarding work conditions, job performance, or disciplinary matters, for which employees must exclusively use the Grievance Procedure and Adverse Action Appeal Policy herein, and from which there is no right of appeal.

Complaints of retaliation or discrimination involving decisions made by or conduct of the Town Manager will be subject to the following reporting and investigation procedures:

1. The Mayor will present the complaint to the Town Board at the next scheduled meeting of the Town Board. If the Mayor determines the complaint to be of a time-sensitive nature, he or she may opt to call a special meeting of the Town Board to address the complaint.
2. Complaints shall be presented by the Mayor to the Town Board in closed session. The Town Board will review the complaint initially to determine whether it is eligible for review under this policy. For any complaints determined to be exclusively based on work conditions, job performance, or disciplinary matters, the Town Board shall instruct the Mayor to advise the complaining party in writing that the matter is not appropriate for Town Board review and of his or her right to utilize the Grievance Procedure and Adverse Action Appeal Policy (in cases in which the employee has previously exercised his or her rights under the Grievance Procedure and Adverse Action Appeal Policy, the Mayor shall reiterate that the decision of the Town Manager on such a grievance is final).
3. For complaints eligible for review, the Town Board will consider the complaint and may opt to make a decision regarding resolution of the complaint considering only the written documentation provided. However, if the Town Board determines that further investigation is needed, the Town Board may appoint an individual delegate or a committee to investigate (hereafter referred to as "Investigating Party"). The Investigating Party shall review the complaint and all written documentation provided by the complaining party and may gather additional documentation as needed. The Investigating Party may opt to interview the complaining party, the Town Manager, or any other individual identified as a witness: interviews shall be conducted at the discretion of the Investigating Party. In any event, the complaining party shall have no right to be heard by the Town Board in closed session or in any other manner except those also available to the general public (i.e., public comment).
4. The Investigating Party shall conclude the investigation within 10 calendar days, or as promptly thereafter as possible, and report its findings and proposed recommendations for resolution to the Town Board in closed session at the next scheduled meeting following the conclusion of the investigation. The Town Board shall make findings regarding the investigation and either accept the resolution proposed by the Investigating Party or agree

upon a different resolution.

5. For complaints reported by an individual other than the person who has allegedly been subjected to harassment or discrimination ("Subject Individual"), the Mayor will communicate with the Subject Individual and advise them of their rights to utilize this procedure. If the Subject Individual does not wish to do so, the Mayor will still report the complaint to the Town Board for a determination as to whether further investigation is necessary, and report any determination made by the Town Board to the reporting party. If the Subject Individual wishes to make a complaint, it shall be investigated in accordance with the provisions of this policy, and upon conclusion of the investigation, The Mayor shall also give notice to the reporting party that the matter was investigated and addressed by the Town Board.
6. If extensions to any of the timelines outlined herein are necessary for any reason, the Mayor will advise the complaining party (or reporting party) in writing within 30 calendar days that the investigation is ongoing and will identify an anticipated date on which a response will be provided.
7. Otherwise, the Mayor will communicate the Town Board's decision to the complaining party (or reporting party) in writing within 30 calendar days of receipt of the complaint. The decision of the Town Board is final, and the complaining or reporting party has no right of appeal from same.
8. Upon conclusion of the investigation, the Mayor will forward the investigation file to the Town's Human Resources Manager for safekeeping. The Mayor will communicate to the Town's Human Resources Manager any instructions given by the BOC, including but not limited to, policy, procedure, or scheduling changes, and will report disciplinary action taken, if any.

Section 8. Conflicts of Interest/Solicitation and Acceptance of Gifts and Favors

It is in the interest of the Town and its staff and elected officials to strengthen trust and confidence in one other, to expedite resolution of problems, and to mitigate the negative effects of any conflict of interest. Accordingly, employees are required to avoid any actual, apparent or perceived conflict of interest with any person or organization performing or seeking to perform services under contract with the Town, or with persons who are otherwise in a position to directly benefit from the actions of the Town employee. The Town serves the community as a whole, not any individual or special interest group. The appearance of a conflict of interest can cause embarrassment to the Town and jeopardize the credibility of the employees and representatives of the Town. Employees are called upon to maintain a sense of fairness, civility, ethics, and personal integrity at all times.

No employee of the Town will solicit or accept gifts, favors, gratuities, discounts or price breaks, entertainment, meals, or anything greater than de-minimus value from any person, organization or group with which he or she has official, enforcement or regulatory relationships that may tend to influence such employee in the discharge of the employee's duties. No employee of the Town shall

grant in the discharge of duty an improper favor, service, or thing of value. Employees engaged in the making or administering of contracts are prohibited from receiving a direct benefit from any such contract. Employees shall not use confidential information acquired in the course of their employment to obtain a financial benefit for themselves or others.

With the prior written consent of their supervisor, employees may receive honoraria for lectures or other such activities performed on days on which approved leave is taken. Any honoraria received by an employee while acting in his or her official capacity as a Town employee shall be remitted to the Town. Employees may also accept customary gifts from friends or relatives when the personal relationship, not the business relationship, is the motivating factor for the gift.

Employees are required to report any conflict of interest, potential conflict of interest, or apparent or perceived conflict of interest to their supervisor immediately. Employees are required to maintain independence and objectivity with other Town employees, Town citizens, Town officials, and any individuals involved in carrying out Town business.

Section 9. Performance Evaluation

Supervisors and/or department directors shall normally conduct performance evaluation conferences with each employee upon completion of their probationary period and at least once a year thereafter on their anniversary date. These performance evaluations are intended to be comprehensive discussions of the accomplishments and successes as well as how employees can be more successful in their jobs. The performance evaluations shall be documented in writing and placed in the employee's personnel file in a timely manner.

The Town's performance management system requires regular employees to receive a total score equivalent to a rating of at least "meeting expectations" on the performance evaluation in order to receive a performance increase. In the event an employee is rated "below expectations" overall, he/she will not be eligible for a performance increase adjustment awarded for the same fiscal year. In this event, the supervisor will develop a written Corrective Action Plan outlining performance deficiencies and measures to be taken to correct these deficiencies. A deadline for correcting these deficiencies will also be set on or before the next performance review date. If the employee's performance does not improve to a satisfactory standard by the deadline date, salary increases will continue to be withheld and the supervisor will initiate such disciplinary action as deemed necessary.

Section 10. Safety

Safety is the responsibility of both the Town and employees. It is the policy of the Town to establish a safe work environment for employees. The Town shall establish a safety program including policies and procedures regarding safety practices and precautions and training in safety methods. Department directors and supervisors are responsible for ensuring safe work procedures, including the use of all required personal protective equipment and providing necessary safety training programs.

Section 11. Use of Town Property and Equipment

Town equipment, vehicles, materials, tools and supplies shall not be available for personal use and are not to be removed from Town property except in the conduct of official Town business, unless approved by the Town Manager. All Town property, including all electronic communications systems, issued to the employee shall be returned to the employee's supervisor upon termination of employment prior to the issuance of the final paycheck. An employee should have no expectation of privacy regarding the use of Town property.

Section 12. Drug and Alcohol Policy

Purpose

In compliance with the Drug-Free Workplace Act of 1988, the Town of Beaufort has a longstanding commitment to provide a safe, quality-oriented and productive work environment. Alcohol and drug misuse pose a threat to the health and safety of Town employees and to the security of the Town's equipment and facilities. For these reasons, the Town is committed to the elimination of drug and alcohol use and misuse in the workplace.

Scope

This policy applies to all employees and all applicants for employment of Town of Beaufort.

Definitions

"Town premises" includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by the Town or any site on which the Town is conducting business.

"Illegal drug" is defined as a "controlled substance" under N.C. Gen. Stat Sec. 95-231.

"Refuse to cooperate" means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.

"Under the influence of alcohol" means an alcohol concentration equal to or greater than .04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

"Under the influence of drugs" means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly over the counter drugs) when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment.

Employee Assistance

The Town will assist and support employees who voluntarily seek help for drug or alcohol addiction before becoming subject to discipline for refusing to test or testing positive for drug or alcohol use under this policy. Such employees may be allowed to use accrued paid time off, placed on leaves of

absence, referred to treatment providers and will be otherwise accommodated as required by law. Employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive or require driving, or if they have violated this policy previously. Once the testing process has been initiated and a drug or alcohol test has been requested under this policy, unless otherwise required by the Family and Medical Leave Act or the Americans with Disabilities Act, the employee will have forfeited the opportunity to be granted a leave of absence for treatment, and will face possible discipline, up to and including discharge.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees who use prescription medications while working must consult with their healthcare providers about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions or limitations identified by their healthcare provider to their supervisor.

Work Rules

1. Whenever employees are working, are operating any Town vehicle, are present on Town premises during work hours or are conducting Town-related work offsite, they are prohibited from:
 - a. Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia).
 - b. Being under the influence of alcohol or an illegal drug as defined in this policy.
 - c. Possessing or consuming alcohol.
2. The presence of any detectable amount of any illegal drug, illegal controlled substance or identified levels of alcohol in an employee's body system while performing Town business or while in a Town facility during work hours, is prohibited.
3. The Town will also not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to perform their job duties safely and effectively. Employees taking a prescribed medication must carry it in a container labeled by a licensed pharmacist or be prepared to produce the container if asked.
4. Any illegal drugs or drug paraphernalia confiscated from a Town employee will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

Required Testing

Pre-employment

Applicants who receive a conditional offer of employment must pass a drug test before beginning work. Refusal to submit to testing will result in disqualification of further employment consideration.

Random Drug Testing

Employees who are required to hold a Commercial Driver's License "(CDL)" for the purpose of performing their duties or as a condition of employment are subject to random drug testing as are all safety sensitive positions including fire, EMS and police with the exception of administrative personnel. Employees who regularly drive town vehicles are also subject to random drug testing

Reasonable suspicion

Employees are subject to testing based on, but not limited to, observations of apparent workplace use, possession or impairment by at least one witness and one member of management. The Town Manager or the Human Resources Manager should be consulted before sending an employee for testing. Management must use the reasonable suspicion observation checklist to document specific observations and behaviors that create a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol. Examples include, but are not limited to:

- Odors (smell of alcohol, body odor or urine).
- Movements (unsteady, fidgety, dizzy).
- Eyes (dilated, constricted or watery eyes, or involuntary eye movements).
- Face (flushed, sweating, confused or blank look).
- Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts).
- Emotions (argumentative, agitated, irritable, drowsy).
- Actions (yawning, twitching).
- Inactions (sleeping, unconscious, no reaction to questions).

When reasonable suspicion testing is warranted, both the Human Resources Manager and the employee's supervisor will meet with the employee to explain the observations and the requirement to undergo a drug and/or alcohol test within two hours. Refusal by an employee to undergo testing will be treated as a positive drug test result and will result in immediate termination of employment.

Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of management must transport the employee or arrange for a cab and arrange for the employee to be transported home.

Post-accident

Employees are subject to testing when they cause or contribute to accidents that cause damage to a Town vehicle, machinery, equipment or property or that result in an injury to themselves or another employee requiring offsite medical attention. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle (including a Town forklift or pickup truck) is issued a moving traffic violation due to the accident or found to be responsible for causing the accident due to violation of a major safety rule. In any of these instances, the investigation and subsequent testing must take place within two hours following the accident, if not sooner. Refusal by an employee will be treated as a positive test result and will result in immediate termination of employment.

Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of management must transport the employee or arrange for a cab and arrange for the employee to be transported home.

Collection and Testing Procedures

All testing will be conducted in compliance with the North Carolina Controlled Substance Examination Regulation. Applicants and employees subject to alcohol or drug testing will be transported to a Town-designated facility and directed to provide specimens. Applicants and employees may provide specimens in private unless they appear to be submitting altered, adulterated or substitute specimens. At the time of the provision of the sample, the examiner shall provide examinees with written notice of their rights and responsibilities under the Controlled Substance Examination Regulation Act. Collected specimens will be sent to an approved laboratory as defined by N.C. Gen. Stat Sec. 95-231 and tested for controlled substances. The laboratory will screen all specimens and confirm all positive screens. The examiner shall establish procedures regarding chain of custody from the time specimens are

collected through testing and storage, to ensure proper record-keeping, handling, labeling, and identification of samples.

The laboratory will transmit all positive drug test results to a medical review officer (MRO) retained by Town, who will offer individuals with positive results a reasonable opportunity to rebut or explain the result. Within 30 days from the time that the results are mailed or otherwise delivered to the examiner, the examiner shall give notice to the examinee, in writing: (1) of any positive result of a controlled substance examination; and (2) of the examinee's rights and responsibilities regarding retesting. If the screening test for a prospective employee produces a positive result, an approved laboratory shall confirm that result by a second examination of the sample utilizing gas chromatography with mass spectrometry or an equivalent scientifically accepted method, unless the applicant signs a written waiver at the time or after they receive the preliminary test result. All screening tests for current employees that produce a positive result shall be confirmed by a second examination of the sample utilizing gas chromatography with mass spectrometry or an equivalent scientifically accepted method. A portion of every sample that produces a positive sample must be kept by the laboratory for 90 days from the date results are delivered to the employee or applicant. The applicant or employee tested shall have the right to retest a confirmed positive test at the same or another approved laboratory at his or her expense.

Consequences

Applicants who refuse to cooperate in a drug test or who test positive will not be hired and will not be allowed to reapply/retest in the future. Employees who refuse a drug or alcohol test or test positive will be terminated.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture, distribute or dispense an illegal drug or use, sell, or distribute alcohol in violation of this policy will be terminated. If the employee refuses to be tested when the Town believes he or she is impaired and requests such testing, under no circumstances will the employee be allowed to drive himself or herself home.

Employees will be paid for time spent in alcohol or drug testing and then suspended pending the results of the drug or alcohol test. After the results of the test are received, a date and time will be scheduled for a meeting to discuss the results of the test; which will include a member of management and the Human Resources Manager. Should the results prove to be negative, the employee will receive back pay for the times/days of suspension.

Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO will be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

Inspections

The Town reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. Employees have no legitimate expectation of privacy in any container, locker, furniture, equipment, or vehicle owned by the Town. In addition, all employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and personal property that might conceal drugs, alcohol or other contraband. Employees who possess such contraband or refuse

to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

Crimes Involving Drugs

Town prohibits all employees from manufacturing, distributing, dispensing, possessing or using illegal drugs in or on Town premises or while conducting Town business. Town employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs and alcohol. Law enforcement personnel may be notified, as appropriate, when criminal activity is suspected.

The Town does not desire to intrude into the private lives of its employees but recognizes that employees' off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, the Town reserves the right to take appropriate disciplinary action for drug use, sale or distribution while off Town premises. All employees who are charged with, convicted of, plead guilty to or are sentenced for a crime involving an illegal drug are required to report the charge, conviction, plea or sentence to the Human Resources Manager within five days. Failure to comply will result in automatic discharge. Cooperation in complying may result in suspension without pay to allow management to review the nature of the charges, review the employee's past record with Town, and conduct an independent examination of the charge.

Enforcement

The Human Resources Manager is responsible for policy interpretation, administration and enforcement.

Section 13. Driver's License

Any employee whose work requires that he or she drive a Town vehicle must hold a valid North Carolina Driver's License.

All new employees who will be assigned work entailing operating a Town vehicle will be required to submit a driving record from the Department of Motor Vehicles as a condition of employment. A report indicating a suspended or revoked license status may be cause to deny employment.

All employees who are in positions required on the class specification to maintain an active driver's license are required to do so as a condition of continued employment. Each year, upon completion of the employee's performance review, the Human Resources Manager will verify the status of the employee's driver's license. If the driver's license is not in good standing, the employee may be suspended, transferred, demoted or dismissed.

Any employee performing work which requires the operation of a Town vehicle must notify his/her immediate supervisor in those cases where his/her license is expired, suspended, or revoked. If an employee fails to report such an instance, he/ she is subject to disciplinary action, including demotion or termination. An employee who fails to immediately report such revocation or suspension to his/her supervisor and continues to operate a Town vehicle shall be subject to possible termination.

Section 14. Technology/Social Media Policy/Media

“Social media” includes all means of communicating or posting information or content of any sort on the Internet, including to an employee’s own or someone else’s web log or blog, journal or diary, personal web site, social networking or affinity web site, or web bulletin board or a chat room, whether or not associated or affiliated with the Town, as well as any other form of electronic communication.

The same principles and guidelines found in Town policies and three basic beliefs apply to employee activities online. Employees are solely responsible for what they post online. Any conduct that adversely affects the employee’s job performance, the performance of fellow employees or otherwise adversely affects citizens, suppliers, or people who otherwise work on behalf of the Town or the Town’s legitimate operational interests may result in disciplinary action up to and including termination.

Employees must ensure that postings are consistent with Town policies, including Harassment/Sexual Harassment Prohibited. Inappropriate postings that include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject employees to disciplinary action up to and including termination.

Employees must avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage the Town or its employees, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone’s reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or Town policy.

Employees must maintain the confidentiality of Town’s private or confidential information, and refrain from posting internal reports, policies, procedures, or other internal business-related confidential communications.

Employees must express only personal opinions and never represent themselves as being spokespersons for the Town. If the Town is a subject of the content, the employee must be clear and open about the fact that he or she is an employee and that the views expressed are the employee’s and do not represent those of the Town or fellow employees. The employee must make it clear that he or she is not speaking on behalf of the Town. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of the Town of Beaufort.”

Employees should not speak to the media on the Town’s behalf without contacting the Public Information Officer, to whom all media inquiries should be directed.

Employees must refrain from using social media while on work time or on Town equipment, unless it is work-related as authorized by his or her supervisor. Employees are prohibited from using Town email addresses to register on social networks, blogs or other online tools utilized for personal use.

Section 15. Weapons Prohibited

No person employed by the Town, either paid or volunteer, is permitted to possess any firearm or other dangerous weapon while performing duties, including while on Town property or any Town-owned vehicle or in any personal vehicle used by the employee to perform duties. (Town of Beaufort law enforcement officers are exempt from this section while performing their law enforcement tasks.) Violation of this policy will result in disciplinary action, up to and including dismissal for the first offense.

Section 16. Discrimination or Retaliation Prohibited!

The Town prohibits discrimination or retaliatory action against an employee because the employee, in good faith, files or threatens to file a claim or complaint, initiate an investigation, testify or provide information to any person with respect to the Workers' Compensation Act, the North Carolina Wage and Hour Act, the Fair Labor Standards Act, the Family and Medical Leave Act, the Americans with Disabilities Act, the Occupational Safety and Health Act, the Mine Safety and Health Act, or any other laws or Town policies. In addition, this policy covers N.C. General Statute §95-28.1 which prohibits discrimination against any person in possession of sickle cell trait or hemoglobin C trait, the National Guard Reemployment Rights Act, or N.C. General Statutes Chapter 90, Article 5F relating to Control of Potential Drug Paraphernalia Products.

The Town also prohibits taking negative action against any employee for reporting a possible deviation from this Policy or for cooperating in an investigation regarding a report of same. Any employee who retaliates against another employee for reporting a possible deviation from this Policy or for cooperating in a related investigation will be subject to disciplinary action, up to and including termination

Claims of retaliation should be addressed to the Human Resources Manager, Town Manager, or Town Attorney.

Section 17. Use of Tobacco Products

The use of any and all tobacco products in Town buildings (both owned and leased), vehicles or equipment is prohibited. Tobacco use is permitted outside of buildings in areas defined by the Town for such use.

Section 18. Direct Deposit

Employees will be paid by electronic transfer of funds to their designated bank account(s). Employees will receive written or electronic documentation of their wages, deductions and leave balances each pay period.

Section 19. Credentials and Certifications

Some duties assigned to positions in local government service may be performed only by persons who are duly licensed, registered or certified as required by the relevant law, rule or regulation.

Employees in such classifications are responsible for maintaining current, valid credentials as required by law, rule or regulation. Failure to obtain or maintain the required credentials is a basis for immediate dismissal without prior warning. An employee who is dismissed shall be given a written statement of the reason for the action and his/her appeal rights.

Section 20. Lactation Support for Nursing Mothers

The Town is committed to family-friendly policies and benefits and accommodates breastfeeding mothers who wish to express breast milk during the workday when separated from the newborn. The Town provides reasonable break times to express breast milk for the child for up to one year after the child's birth.

Breast milk must be labeled with the name of the employee and date of expressing the breast milk when placed in a workplace refrigerator. Non-conforming products stored in the refrigerator may be removed. The employee storing milk in the refrigerator assumes all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and/or tampering.

The Town will also provide a place for the employee to express breast milk, other than a bathroom, which is shielded from view and free from intrusion. Nursing mothers should work with the Human Resources Manager to identify a room in the employee's work area where employees may express milk. Employees who work off-site or in other locations will also be accommodated with a private area as necessary.

For more information regarding this issue, see the FLSA guidelines regarding lactation provisions.

Section 21. Workplace Violence Prohibited

The Town recognizes that the employees are its most important asset, and a safe, secure, and violence-free workplace is fundamental to their health and well-being during working hours. The Town fosters a work environment of respect and healthy conflict resolution. Employees should expect to be treated with courtesy, dignity, and respect by the management, co-workers, and citizens. It is the obligation of every employee to contribute to the safety of the work environment by refraining from threats, violence or activities that may provoke violence; being sensitive to cultural differences in all aspects of personal interactions; by conducting Town business with consideration and respect for co-workers and customers; and reporting actual or potential threats, both internal and external, immediately. Any potentially dangerous situations must be immediately reported to a supervisor or the Human Resource Manager. Reports may be made anonymously, and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately, and information will be disclosed to others only on a need-to-know basis. All parties involved in a situation will be counseled, and the results of investigations will be discussed with them. The Town of Beaufort will actively intervene at any indication of a possibly hostile or violent situation. The Town has a zero-tolerance policy for violence during working hours, during business involving the Town, or while on Town-owned property by any employee, citizen, customer, visitor, or independent contractor.

Additional procedures may be approved by the Town Manager as needed.

Section 22. Computer, Email, and Internet Usage

All technology provided by the Town, including computer systems, communication networks, company-related work records and other information stored electronically, is the property of the Town and not the employee. In general, use of the company's technology systems and electronic communications should be job-related and not for personal convenience. The Town reserves the right to examine, monitor and regulate e-mail and other electronic communications, directories, files and all other content, including Internet use, transmitted by or stored in its technology systems, whether onsite or offsite.

Internal and external e-mail, voice mail, text messages and other electronic communications are considered business records and may be subject to discovery in the event of litigation. Employees must be aware of this possibility when communicating electronically within and outside the Town.

Appropriate Use

Town employees are expected to use technology responsibly and productively as necessary for their jobs. Internet access and e-mail use is for job-related activities; however, minimal personal use is acceptable.

Employees may not use the Town's Internet, e-mail or other electronic communications to transmit, retrieve or store any communications or other content of a defamatory, discriminatory, harassing or pornographic nature. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference may be transmitted.

Harassment of any kind is prohibited. Disparaging, abusive, profane or offensive language and any illegal activities—including piracy, cracking, extortion, blackmail, copyright infringement and unauthorized access to any computers on the Internet or e-mail—are forbidden.

Copyrighted materials belonging to entities other than the Town may not be transmitted by employees on the town's network without permission of the copyright holder.

Employees may not use the Town's computer systems in a way that disrupts its use by others. This includes sending or receiving excessive numbers of large files and spamming (sending unsolicited e-mail to thousands of users).

Employees are prohibited from downloading software or other program files or online services from the Internet without prior approval. All files or software should be passed through virus-protection programs prior to use. Failure to detect viruses could result in corruption or damage to files or

unauthorized entry into company systems and networks.

Every employee of the Town is responsible for the content of all text, audio, video or image files that he or she places or sends over the company's Internet and e-mail systems. No e-mail or other electronic communications may be sent that hide the identity of the sender or represent the sender as someone else. The Town's corporate identity is attached to all outgoing e-mail communications, which should reflect corporate values and appropriate workplace language and conduct.

Section 23. Attendance

The Town depends on employees to provide needed services every day. Regular attendance is mandatory and is part of the work standards for all jobs. Poor attendance can negatively affect performance evaluations or may lead to disciplinary action. Excessive absenteeism or a chronic attendance problem can lead to disciplinary action, up to and including dismissal.

Employees are expected to personally notify their supervisor before the start of the work shift of any unexpected absence or tardiness. It is an employee's responsibility to become knowledgeable of his or her department's procedures for call-in.

An absence is defined as a failure to report for work at the time designated for the start of the scheduled shift, or within one hour thereafter and/or an inability to complete the assigned shift or scheduled call.

Tardiness occurs when an employee arrives to work late between one minute to one hour after the scheduled shift begins. Failure of the employee to report to work within one hour after the scheduled shift will be considered an unscheduled absence.

An unscheduled absence is one which is not prearranged and or preapproved in advance in accordance with departmental policy. Employees are expected to have anticipated absences preapproved and pre-scheduled at least 16 hours in advance. If approved by a supervisor or department head, any such leave request is considered pre-authorized time off and not considered an unscheduled absence. An unscheduled absence does not convert to a scheduled absence when an employee submits a physician's note.

An absence shall not be considered unscheduled if it is due to one of the following reasons:

- Bereavement leave
- A pre-authorized leave of absence, including jury duty, personal leave, or leave taken under the Family and Medical Leave Act ("FMLA")
- The use of intermittent leave under the FMLA
- Pre-approved time off for scheduled medical or dental appointments
- Absences due to on-the-job injuries, provided the injury is accepted as compensable by the Town and the absence is authorized by the employer's treating physician
- Emergency surgery or hospitalization

Absences and incidents of tardiness are calculated based on a rolling 12-month year.

A supervisor should coach the employee on unscheduled absences upon 4 occurrences. A verbal warning will be given after six occurrences, a written warning after 8 occurrences and termination after 10 occurrences.

Any three consecutive days of unreported absences will be considered a voluntary resignation without notice. Three incidences of unreported absences within a rolling 12-month period will be grounds for termination.

A supervisor should coach the employee on tardiness upon 4 occurrences. A verbal warning will be given after 8 occurrences, a written warning after 10 occurrences, and termination after 12 occurrences.

Section 24. Travel and Expense Reimbursement

Town vehicles are to be used only for Town business, unless other options are approved by the Town. Town vehicles may not be used for personal business. Travel on official Town business outside the corporate limits and Extra Territorial Jurisdiction of the Town must be authorized by the department head, with approval by the Town Manager. A request for such travel must describe the purpose and destination of the proposed trip, dates of travel and estimated expenses for the period of time for which the employee will be away from the Town. Town employees traveling outside the Town on authorized Town business will be reimbursed for meals, mileage, and other expenses at rates established by the Town Board. Reimbursements may only be paid if accompanied by an approved travel request form that has been approved by the Town Manager and pre-audited by the Finance Director. Itemized receipts must be attached to the reimbursement request form.

Section 25. Temporary Telecommuting Policy

In the event of an emergency such as a weather disaster or pandemic, the Town of Beaufort may allow or require employees to temporarily work from home to ensure business continuity.

Procedures:

In the event of an emergency, the Town of Beaufort may require certain employees to work remotely. These employees will be advised of such requirements by the department manager.

Preparations should be made by employees and managers well in advance to allow remote work in emergency circumstances. This includes appropriate equipment needs, such as hardware, software, phone and data lines.

For voluntary telework arrangements, either the employee or department manager can initiate a temporary telecommuting agreement during emergency circumstances. The employee and manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement, including equipment needs, workspace design considerations and scheduling issues.

A telecommuting agreement will be prepared by human resources and signed by the employee and his or her manager.

The employee will establish an appropriate work environment within his or her home for work purposes. The Town of Beaufort will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

The Town of Beaufort will determine the equipment needs for each employee on a case-by-case basis. Equipment supplied by the organization is to be used for business purposes only.

Consistent with the organization's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of government and client information accessible from their home office.

Employees should not assume any specified period of time for emergency telework arrangements, and Town of Beaufort may require employees to return to regular, in-office work at any time.

ARTICLE VI. EMPLOYEE BENEFITS

Section 1. 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 and annual budget appropriations. Limited-Service employees are eligible only for legally mandated benefits such as workers' compensation and FICA.

Section 2. Employee Group Health, Dental and Vision

The Town provides group health insurance programs for eligible full-and part-time employees and their families as specified under the terms of the group insurance contract. The Town will comply with the Affordable Care Act by providing health and dental insurance for all employees expected to work 30 or more hours per week or actually work 30 or more hours per week according to the measuring periods outlined in the Act. Employees budgeted at 20 or more hours per week but fewer than 30 hours per week are eligible for health insurance but must pay a pro-rated amount of the premium which is based on the average number of hours per week they are regularly scheduled to work. Eligible employees may purchase vision coverage through the Town.

Eligible full and part-time employees may purchase available group health, dental and/or vision coverage through the Town for qualified dependents when or if the Town offers it and within the stipulations of the insurance contract. Employees will pay the full amount stipulated by the Town for their qualified dependents. Information concerning cost and benefits shall be available to all employees from the Human Resources Manager.

Section 3. Other Optional Insurance Plans

The Town may provide and/or make other insurance plans available to employees upon authorization of the Town Manager and/or Town Board. Such benefits will be reviewed to ensure they do not create an incentive for absence prior to being offered. For information about optional group benefit programs, employees may contact the Human Resources Office.

Section 4. Retirement

Each employee who is expected to work for the Town more than 1,000 hours annually shall join the North Carolina Local Governmental Employees' Retirement System upon hire date as a condition of employment and contribute the amount determined by the system.

Section 5. Supplemental Retirement Benefits

The Town will provide supplemental retirement benefits for its full-time employees. As prescribed by North Carolina law, the Town will contribute a percentage of salary to the State Supplemental Retirement Income Plan for each sworn law enforcement officer.

All full-time employees may make voluntary contributions to the 401(k) Plan up to the limits established by law and the 401(k) provider. The Town may contribute a percentage of salary to the State 401(k) Plan for each non-sworn employee, subject to availability of funds and approval by the Town Board.

Section 6. Workers' Compensation

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

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee to notify the Human Resources Manager. Claims must be filed with the North Carolina Industrial Commission within two years from date of injury. If sick leave is not used, the employee shall be considered to be on Leave Without Pay while on workers' compensation leave (see Article VII, Sections 21 and 22). The department director and the Human Resources Manager will assist the employee in filing the claim.

Sick leave may be used to supplement Workers' Compensation Disability Leave both during the waiting period before Workers' Compensation benefits begin, and afterward to supplement the remaining one third of salary, except that the employee may not exceed his or her regular gross salary amount using this provision.

Pursuant to a declaration invoking Section 304 of the Homeland Security Act, this provision will also apply to reactions to smallpox vaccinations administered to Town employees under the Homeland

Security Act. Such reactions shall be treated the same as any other workers' compensation claim.

Section 7. Unemployment Compensation

Local governments are covered by unemployment insurance. Town employees may apply for benefits upon separation from their employment with the Town through the local Division of Employment Security office where a determination of eligibility and benefits will be made.

Section 8. Law Enforcement Separation Allowance

Every sworn law enforcement officer shall be eligible for a separation allowance, as provided by the North Carolina General Statutes. Currently the law enforcement separation allowance is "equal to eighty-five hundredths percent (0.85%) of the annual equivalent of the base rate of compensation most recently applicable to the officer for each year of creditable service". The Town will pay this benefit through the normal payroll process.

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

- a) the officer shall have completed 30 or more years of creditable service, or have attained 55 years of age at the time of retirement from the Town and completed five or more years of creditable service as a sworn law enforcement officer; and
- b) the officer shall not have attained 62 years of age;
- c) the officer shall have completed at least five years of continuous service as a law enforcement officer immediately preceding a service retirement; and
- d) the law enforcement officer, after separation from Town employment, notifies the Town of any new employment involving local law enforcement duties. Such notification shall include the nature and extent of the employment, and any change of employment status.

Eligibility and conditions are further defined in the North Carolina General Statutes.

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

- a) the death of the officer;
- b) the last day of the month in which the officer attains 62 years of age; or
- c) the first day of re-employment in any position in any local government in North Carolina requiring participation in the Local Government Employees' Retirement System.

The Town may employ retired officers in a public safety position in a capacity not requiring participation in the Local Governmental Employees' Retirement System and doing so shall not cause payment to

those officers of these benefits to cease. (Participation in the in the Local Government Employees' Retirement System is required by anyone scheduled to work 1000 hours per year or more.)

Should the separation allowance for law enforcement officers no longer be required by law, this separation allowance shall cease at the same time.

Section 9. Credit Union Membership

Employees of the Town of Beaufort are eligible for membership in the North Carolina Local Employees' Federal Credit Union.

Section 10. Tuition Assistance Program

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 with the Town. Requests for tuition assistance shall be submitted to the Human Resources Office prior to course registration and are subject to the review and approval of department director and Town Manager, who will consider the applicant's qualifications and availability of funds. Tuition, registration, fees, laboratory fees, and student fees are eligible expenses. Each year, as part of the budget, a maximum amount of possible tuition assistance per employee will be established to reflect inflationary costs over time. Satisfactory completion of the courses will be required for reimbursement.

Section 11. Insurance

Life insurance coverage and accidental dismemberment insurance coverage are provided at no cost to full time employees. The Town pays 100% of the premium cost. Each of these policies provides a benefit in the amount of \$20,000. All employees are eligible for coverage on the first day of the month following their first 30 days of employment.

Additional insurance coverage through each of these plans is available to the employee for his or her dependents at the employee's cost.

Insurance coverage will terminate on the date the policy terminates, the date the employee loses eligibility, or on the date the employee terminates employment. This benefit is subject to change at the beginning of each new plan year or otherwise at the discretion of the Town.

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Policy

The policy of the Town is to provide vacation leave, sick leave, and holiday leave to all full-time employees and to provide proportionately equivalent amounts to employees having average work weeks of different lengths. In all cases, an employee with a compensatory leave balance shall use

compensatory leave prior to use of sick or vacation leave.

Section 2. Holidays

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

Employees wishing to schedule time off for religious observances, other than those observed by the Town, may request vacation leave from their respective department director. The department director will attempt to arrange the work schedule so that an employee may be granted vacation leave for the religious observance. Vacation leave for religious observances may be denied only when granting leave would create an undue hardship for the Town. Employees on a leave without pay status will not be compensated for holidays.

Section 3. Holidays: Effect on Other Types of Leave

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

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

Nonexempt employees required to perform work on regularly scheduled holidays shall be paid at the time and one-half rate for hours actually worked and receive pay at the regular rate for the holiday hours they did not take off. Exempt employees will receive time off at another time for work on a holiday. Holiday time will be pro-rated based on the average work week according to the formula in Section 16 of this article.

Section 5. Vacation Leave

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

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

Section 6. Vacation Leave: Accrual Rate

Each full-time employee of the Town will accrue vacation on the following schedule. Sworn law enforcement officers and fire staff on shifts will earn a prorated amount based on the average number of hours in the work week. (See Section 16 of this Article for more information.)

<u>Years of Service</u>	<u>Days Accrued per Year</u>
0 > 5	12
5 > 10	15
10 > 15	18
15 > 20	21
20+	24

A “day” is defined by the formula ratio determined in Section 16 of this article for employees working other than 40 hours per week. For example, a “day” for a law enforcement officer working an average 42-hour workweek is 8.4 hours. Vacation benefits will accrue on a pro-rated basis each pay period. Employees on a leave without pay status will not accrue vacation leave.

Section 7. 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 the probationary period. All employees shall be allowed to take accumulated vacation leave with the approval of their immediate supervisor.

Section 8. Vacation Leave: Maximum Accumulation

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

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

Section 9. Vacation Leave: Manner of Taking

Employees shall be granted the use of accrued vacation leave upon request in advance at those times designated by the department director which will least obstruct normal operations of the Town.

Department directors are responsible for ensuring that approved vacation leave does not hinder the effectiveness of service delivery. Vacation may be taken in quarter hour increments. Failure to request or take vacation leave without prior approval may result in disciplinary action. *Notwithstanding the procedures described in this Article, employees must use accrued compensatory time before using accrued vacation leave.*

Section 10. Vacation Leave: Payment upon Separation

An employee who has successfully completed the established probationary period for his/her position will normally be paid for accumulated vacation leave upon separation not to exceed 30 days provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation, or in the amount of thirty days for department directors.

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

Section 11. Vacation Leave: Payment upon Death

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

Section 12. Sick Leave

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

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

Sick leave also may be used when an employee must care for a member of his or her immediate family who is ill. For the purposes of this benefit, immediate family is defined as spouse, child, parent, sibling, grandparent, and grandchild, to include in-law, step and half relationships. The definition for this Article also includes individuals living in the same household who share a relationship comparable to immediate family members. Sick leave may not be used to care for a healthy infant or child.

Sick leave may also be used to supplement Workers' Compensation Leave both during the waiting period before Workers' Compensation benefits begin, and afterward to supplement the remaining one third of salary, except that the employee may not exceed the regular gross salary amount using this provision.

Notification of the desire to take sick leave should be submitted to the employee's supervisor according to departmental procedures.

Section 13. Sick Leave: Accrual Rate and Accumulation

Sick leave shall accrue at a rate of one day per month of service or twelve days per year. Sick leave for full-time employees working other than the basic forty-hour work schedule (for example police and fire shift staff) shall be prorated as described in Section 16 of this Article. Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Governmental Employees' Retirement System. Employees on a leave without pay status will not accrue sick leave.

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

Section 14. Transfer of Sick Leave from Previous Employer

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

The sick leave will be treated as though it were earned with the Town of Beaufort and may be used as any other accrued sick leave by the employee. The sick leave amount must be certified by the previous employer, and it is the employee's responsibility to provide documentation from his or her previous employer. The employee shall request credit for his/her eligible sick leave balance within 90 days of hire with the Town or run the risk of forfeiting the balance transfer. Transferred sick leave will be credited to the employee upon successful completion of the six months of employment.

Section 15. Sick Leave: Medical Certification

The employee's supervisor or department director may require a physician's certificate certifying the employee's or employee's family member's illness and the employee's capacity to resume duties, for each occasion on which an employee uses sick leave or whenever the supervisor observes a pattern of absenteeism. The employee may be required to submit to such medical examination or inquiry as the department director deems desirable. The department director 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 16. Leave Pro-rated

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

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

For example, a police officer working 12-hour shifts is scheduled to work 2184 hours per year, or 42 hours per week. Forty-two divided by 40 equals 1.05. The 1.05 becomes the ratio by which all leave for a 40 hours per week person is multiplied. So, if an employee working 40 hours per week earns 8 hours per month sick leave, an employee working 42 hours per week earns 8.4 hours (8×1.05) per month.

Section 17. Bereavement Leave

An employee may have up to five days per year, at full pay, granted in case of death in the immediate family. For the purposes of this benefit, immediate family is defined as spouse, child, parent, sibling, grandparent, and grandchild, to include in-law, step and half relationships. The definition for this Article also includes individuals living in the same household who share a relationship comparable to immediate family members. Additional time or time to attend funerals of other family members may be charged to vacation leave, compensatory time or leave without pay. Bereavement leave does not accrue from year to year.

Section 18. Family and Medical Leave

The Town will grant up to 12 weeks of family and medical leave per twelve months to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). The Town will utilize the rolling year approach to documenting the twelve-month eligibility. As of the effective date of this Policy, the Town no longer utilizes the calendar year approach used in prior years. Leave utilized will first be paid and runs concurrently with the Town's compensatory vacation and sick leave policies) until exhausted, a combination of paid and unpaid (if paid leave is exhausted), or unpaid (if no paid leave is available). Earned compensatory time must be used first until exhausted, followed by any holiday, sick or vacation time. Unpaid leave will be granted only when the employee has exhausted all appropriate types of paid leave. Additional time away from the job beyond the 12-week period may

be approved in accordance with the Town's leave without pay policy.

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

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

- a) the birth of a child and in order to care for that child;
- b) the placement of a child for adoption or foster care;
- c) to care for a spouse, child, or parent with a serious health condition;
- d) the serious health condition of the employee; or
- e) military exigency.

A serious health condition is defined as a condition

- requiring an overnight stay in a hospital or other medical care facility.
- conditions that incapacitate the employee or his or her family member (for example, unable to work or attend school) for more than three consecutive days and require ongoing medical treatment (either two or more appointment with a health care provider, or a single appointment and follow-up care such as prescription medication).
- chronic conditions that cause occasional periods when the employee or his or her family member are incapacitated and require treatment by a health care provider at least twice a year; and
- pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest).

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

An employee taking leave for the birth of a child may use paid sick leave for the period of actual disability, based on medical certification. The employee shall then use all paid accrued compensatory time, sick, vacation, and after this paid leave is exhausted, Leave Without Pay for the remainder of the 12-week period. Compensatory leave must be exhausted before vacation time may be used.

“Military Exigency” is a qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a military service member (Reserve or National Guard) under a call or order to

federal active duty in support of a contingency operation. Qualifying events are:

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

Military Caregiver Leave: An employee whose spouse, child, parent or next of kin is a current service member who is undergoing treatment, therapy, recuperation or outpatient treatment or has temporary disability retirement for injury or illness sustained or aggravated in the line of duty, is eligible for 26 weeks of FMLA leave in a single 12-month period. During a single 12-month period, the employee is eligible for a total of 26 weeks of FMLA Leave, although no more than 12 weeks of leave can be used for other FMLA qualifying reasons.

The request for the use of leave must be made in writing by the employee and approved by the Human Resources Manager.

An employee who takes leave under this policy will normally return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority. The Town may also deny restoration to a "key employee" if necessary to prevent substantial and grievous economic injury to its operations. A key employee is a salaried FMLA-eligible employee who is among the highest paid 10% of all employees, both eligible and not eligible, within 75 miles of the worksite.

Section 19. Family Medical Leave – Certification

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

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

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

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

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

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

After using all paid leave for which the employee qualifies, the employee on FMLA may use Leave Without Pay for the remainder of the FMLA 12/26-week entitlement. An employee ceases to earn holiday, vacation and sick leave credits on the date Leave Without Pay begins. In lieu of going on Leave Without Pay, employees with certification from their medical provider may be eligible for a reduced work schedule, should the provider determine such a schedule to be medically necessary.

Section 21. Leave Without Pay

A full-time or part-time employee may be granted a leave of absence without pay for a period of up to twelve months by the Town Manager. Leave Without Pay may be granted by the Town Manager upon the recommendation of the department director and Human Resources Manager. The leave may be used for reasons of personal disability, sickness or disability of immediate family members, continuation of education, specific work that will permit the Town to benefit by the experience gained or the work performed or for other reasons deemed justified by the Town Manager. An employee

must exhaust all sick, vacation, and compensatory/bonus time before being placed on Leave Without Pay status for reasons of personal disability or sickness of the employee or family member.

The employee is obligated to return to duty within or at the end of the time determined appropriate by the Town Manager.

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

In cases not involving sickness or disability, an employee shall retain all unused vacation and sick leave while on Leave Without Pay. An employee ceases to earn holiday time, vacation, and sick leave credits on the date Leave Without Pay begins. The employee may continue to be eligible for benefits under the Town's group insurance plans at his or her own expense, subject to any regulation adopted by the Town and the regulations of the insurance carrier. If the Leave Without Pay is for a circumstance that coincides with FMLA or USERRA then the provisions of those policies will apply.

Section 22. Workers' Compensation Leave

All Town employees are covered by the North Carolina Workers' Compensation Act, hereinafter referred to in this section as the "Act"; are eligible for medical attention for all compensable, on-the-job injuries, accidents, and illnesses; and may be compensated for absence from work due to injury or illness covered by the Act. Responsibility for claiming compensation under the Act is on the injured employee.

Employees are required to report in writing all injuries arising out of and in the course of their employment with the Town to their Department Head or supervisor at the time of the injury in order that appropriate action may be taken at once. The supervisor will complete an injury report and provide the employee with appropriate forms and instructions for obtaining any required medical attention. Employees will be directed to a healthcare provider. Subject to the provisions of the Act and all applicable laws, rules, and regulations pertinent to workers' compensation claims, the following guidelines will be applicable to all claims submitted by Town employees:

Workers' compensation claims are filed with the Town's Workers' Compensation insurance carrier by the Human Resources Office on behalf of an affected employee. Notification of a workplace injury must be reported immediately to an employee's immediate supervisor. Failure to report a work-related injury or illness could result in denial of the workers' compensation claim or disciplinary action.

The Act imposes a waiting period for the first seven (7) calendar days of absence from work due to the injury or illness where no compensation for lost time is provided. During the 7-day waiting period, employees may either use approved accrued leave or take leave without pay. Part-time employees receiving no leave benefits will go directly to a leave without pay status and will receive all benefits for which they are eligible under the Act. However, no leave will be charged on the day of injury if the designated healthcare provider instructs the employee not to return to work, thus the employee will be paid for their normal workday. If the employee decides not to return to work without instructions from

the healthcare provider, accrued leave will be charged for the time not worked.

Beginning on calendar day eight (8) following the injury or illness, employees who have not returned to work will be placed in a Workers' Compensation Leave Without Pay status and will begin receiving all benefits for which they are eligible under the Act. The Act provides a weekly benefit which is a percentage of the employee's average weekly wages up to a maximum established annually by the NC Industrial Commission. Compensation will be made directly to the employee through the Workers' Compensation carrier.

When an employee qualifies for Workers' Compensation Leave, FMLA will run concurrently with the leave. Holiday pay will cease while in a Leave Without Pay status.

Accrual of leave benefits will be suspended during the Leave Without Pay status. However, employees in a Leave Without Pay status will retain all accrued leave while receiving Workers' Compensation benefits.

Health insurance and other applicable insurance benefits will continue while on Workers' Compensation leave. The Town will continue to pay the employer's share of Town-paid health benefits. Employees must continue to pay the employee's share of health premiums and voluntary insurance premiums while on Workers' Compensation Leave. Employee must coordinate payment of said premiums with the Human Resources Office. Employees may use accrued sick leave to supplement Worker's Compensation Leave in accordance with Section 12 herein.

During a period of workers' compensation leave, contributions to the NC Local Governmental Employees Retirement System (NCLGERS) and the NC 401k Plan will be placed on a "hold" status and notice of suspension of contributions will be communicated to both organizations. Credit, however, may be purchased for this time per established guidelines of each plan.

The Town's personnel policies will continue to apply to an employee on Workers' Compensation leave in the same manner as they would apply to an employee who continues to work or is absent while on some other form of leave. An employee is prohibited from moonlighting or performing other outside work during Workers' Compensation Leave. Periodic healthcare statements of the employee's physical condition and progress may be requested at any time. Employees are responsible for providing to the Human Resources Office written notice of any change in restrictions by the healthcare provider.

Upon return to work, the employee's salary will be computed on the basis of the last salary plus any salary increases that may apply to which the employee would have been entitled during the absence covered by Workers' Compensation benefits.

Section 23. Workers' Compensation Leave – Return to Work

Before an employee may return to work from Workers' Compensation Leave at full or light duty, the employee must provide a physician's note or a Fitness-For-Duty certification to his/her Department Head and Human Resources indicating that he/she is released and capable of resuming duties, and

what, if any restrictions are in place.

If the employee retains some temporary disability after Workers' Compensation leave which prevents successful performance in his/her original position, efforts will be made to place the employee in a modified duty assignment. A modified duty assignment is a temporary position to which an employee is assigned when he/she is unable to return to his/her regular position following a compensable, on-the-job injury or illness. The modified duty assignment temporarily addresses the restrictions placed on the employee by the treating physician. For work to be considered suitable modified employment, the following conditions must be met:

The employee must meet the required qualifications for the modified duty assignment

- The work must be a meaningful and productive part of the department's operations.
- The work must conform to the medical restrictions set by the medical care provider, and.
- The modified duty assignment and/or modified work schedule cannot exceed ninety (90) without approval of the Town Manager.

If the employee's regular department is unable to meet the employee's need for modified duty, the Town may contact other departments for suitable modified work. If the employee is placed in a modified duty position in another department, the employee's regular department will be responsible for payment of the employee's salary and benefits. A salary equivalent to the salary of other employees holding the same position may be paid during the modified duty assignment. The Town cannot guarantee placement and is under no obligation to offer or create any specific position for purposes of offering placement. An employee may choose to accept or refuse the modified duty job offer. However, an employee who refuses a modified duty job offer may be subject to disciplinary action, provided employee is no longer covered under the provisions of the FMLA. Rejection of the job offer may also result in cancellation of income benefits under Workers' Compensation Insurance.

When an employee with a Workers' Compensation claim who has returned to work, as part of the treatment plan, needs to be absent from work for follow-up doctors' visits or medical treatment, the absences during their normal work hours will be compensated. However, the hours will not be included in the calculation of overtime.

If an employee is still in a no-work status after exhaustion of FMLA, he/she may request an extended leave of absence per Section 21 of this Policy. A request for an extended leave of absence will be processed in the same manner of all such requests and does not guarantee continued employment. The Town reserves the right to consider a separation of employment for any employee who is out on Workers' Compensation Leave for an extended period of time thus causing hardship for the department.

If the employee is unable to return to work at his/her regular position, the Human Resources Office will assist the employee in obtaining all available options.

Section 24. Military and other USERRA Leave

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

- a) Armed Forces Active and Reserve (Army, Navy, Marine Corps, Air Force, Coast Guard)
- b) Army National Guard and Air National Guard
- c) FEMA's Disaster Assistance Teams
- d) Commissioned Corps of the Public Health Service
- e) Military Service Academies
- f) Reserve Officer's Training Corps (ROTC)

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

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

Military Training

The Town provides additional benefits for military training. Full and part-time employees who are members of an Armed Forces Reserve organization or National Guard shall be granted fifteen (15) calendar days per year for military training leave with pay. Regular employees choosing to use military leave may claim up to ten (10) days of differential pay per calendar year provided the days are recorded as military training leave and the military basic pay is less than the employee's 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.

If such duty is required beyond the fifteen calendar days, the employee shall be eligible to take accumulated vacation leave or be placed in a Leave Without Pay status, and the provisions of that leave shall apply.

While on military leave, seniority-based benefits such as leave accrual rates shall continue to accrue as if the employee was actively at work. Employees on extended military leave will remain

eligible for health benefits on a voluntary basis, at the employee's expense for a period of 24 months.

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

Section 24. Reinstatement Following Military and other USERRA Service

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

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

- a) less than 31 days absence – employee must report to employer by the next business day following 8 hours after completion of leave.
- b) 31 days-180 days absence – notification and request for reinstatement to the supervisor must be submitted within 14 days.
- c) more than 180 days absence – notification and request for reinstatement to the supervisor must be submitted within 90 days.

All reporting deadlines are extended for two years if the employee is convalescing from a disability incurred or aggravated during USERRA service or until their recovery, if that period is shorter.

Compliance with these time limits is mandatory to preserve reinstatement rights under USERRA. Employees must also comply with all other requirements of and be otherwise qualified under USERRA in order to be entitled to reinstatement.

Section 25. Civil Leave

A Town employee called for jury duty or subpoenaed for the federal, state, or local governments, or a subdivision thereof, will receive leave with pay for such duty during the required absence without charge to accumulated leave. Payment will be based on actual time spent on jury duty. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation. Employees must provide documentation to their department head or supervisor confirming they have been summoned to appear as a juror or witness. While on civil leave, benefits and leave will accrue as though on regular duty. Hours away from work on civil leave will not be considered work hours for purposes of overtime calculation. Employees required to be in court for their own case or other private litigation, as either a witness, defendant, or plaintiff, must use compensatory time and/or vacation leave.

Section 26. School/Volunteer Leave

A Town employee who is a parent, guardian, or person standing in loco parentis (in place of the parent) or member of a civic, religious or community service group is granted up to 4 hours of paid leave annually to involve him or herself in school activities of his or her child(ren) or volunteer and community service activities. 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 requires the employee to request the leave in writing prior to the time of the desired leave; and
- c) the Town may require written verification from the school or organization that the employee was involved with during the leave time.

Section 27. Voluntary Shared Leave

The Voluntary Shared Leave Program, hereinafter referred to in this section as the "Program", is designed to provide eligible employees the opportunity to assist and receive assistance by donation of leave from other eligible employees during periods of prolonged absences from work due to personal or family prolonged serious medical condition. "Family", for purpose of this Section, is defined as spouse, children (including stepchildren), parent (including stepparents), sibling, grandparent, and grandchild of the employee.

For the purpose of this section, a prolonged serious medical condition is an incapacitating and/or life-threatening non-job-related illness/injury requiring extended treatment and/or recovery period for which the employee anticipates being absent from work including, but not limited to, cancer, major surgery, serious accident or heart attack, that:

- a) Poses a threat to life or requires in-patient care, hospice care, or home health care; and,
- b) Keeps the employee from performing any portion of his regular work duties.

Leave Bank Prohibited

Establishment of a leave "bank" for use by unnamed employees is expressly prohibited. Leave must be donated on a one-to-one personal basis.

Intimidation or Coercion Prohibited

An employee may not intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving, or using leave under this program. Such action shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct.

Qualifying to Receive Leave

In order to receive voluntary shared leave, an employee must have complied with existing leave rules and have a prolonged medical condition (or have an immediate family with a medical condition that requires the employee's absence for a prolonged period of time); apply for or be nominated to become a recipient; produce medical evidence to support the need for leave beyond the available accumulated leave; and be approved by the Town Manager to participate in the Program.

An employee on maternity leave may be eligible to receive voluntary shared leave to cover the period of disability related to the pregnancy and/or birth as documented by a physician.

Non-qualifying Reasons

The policy will not ordinarily apply to short-term or sporadic conditions or illnesses. This would include such things as sporadic, short-term recurrences of chronic allergies or conditions; short-term absences due to contagious diseases; or short-term absences due to the need for recurring medical or therapeutic treatments. These examples are illustrative, not all inclusive. Each case must be examined and decided based on its conformity to policy intent and must be handled consistently and equitably.

Voluntary shared leave cannot be used for parental care of a newborn child absent a documented prolonged health condition.

Application Procedure

A prospective recipient shall apply or be nominated by a fellow employee to participate in the program. Application shall follow the procedure established by the Town and shall include a doctor's statement confirming the need for leave.

Confidentiality

Medical information must remain confidential. When disclosing information on an approved recipient, only a statement that the recipient (or the recipient's family member) has a prolonged medical condition needs to be made. If the employee wishes to make the exact nature of his or her medical status public, the employee must sign a release to allow the status to be known.

When does voluntary shared leave begin?

An employee may begin using voluntary shared leave after all available sick, vacation, and compensatory/bonus leave has been exhausted. While using voluntary shared leave, the employee continues to earn leave; when accounting for leave, the employee's vacation and sick and other earned leave should be used first prior to using shared leave that has been donated.

How much leave can a recipient receive?

The amount of leave a recipient may receive is 1,040 hours (prorated for part-time employees), either continuously or, if for the same condition, on a recurring annual basis.

However, the Town Manager has the discretion to approve up to 2080 hours if such leave would have otherwise been granted as leave without pay.

Qualifying to Donate Leave

In order to donate voluntary shared leave, an employee must, at the time of donation:

- be an active employee (not separated);
- be in a position that earns leave; and
- must maintain a minimum balance of 40 hours of vacation and 40 hours of sick leave.

Leave Records and Accounting

The Town shall establish a system of leave accountability which provides a clear and accurate record for financial and management audit purposes.

Leave donated shall be:

- donated in four (4) hour increments.
- kept confidential.
- credited to the recipient's sick leave account and charged according to the Sick Leave Policy.
- available for use on a current basis or may be retroactive for up to 60 calendar days to substitute for advanced vacation or sick leave already granted to the recipient or leave without pay. Donated leave should be applied to advanced leave before applying it to leave without pay.
- Any leave over forty (40) hours not used by recipients will be returned to the donors upon the employee's return to work.

Section 28. Adverse Weather/Hazardous Conditions

As a local government, the essential services of the Town of Beaufort must be provided even during periods of adverse weather or other emergency conditions. For purposes of this Policy, "adverse weather/hazardous conditions" will include cold weather (snow, ice, etc.) and warmer weather (hurricane, tropical storm, tornado, etc.) events. "Other emergency" conditions include, but are not limited to, unexpected events such as fire, equipment failure, disruption of power or other critical utility support systems, contamination by hazardous agents and terrorist acts. The Town is committed to maintaining full-service levels to the extent possible while addressing the safety of Town employees.

This policy covers all Town employees in all Town departments.

Definitions

Adverse Weather. Weather conditions that make travel to and from work especially difficult. Typically, this is as a result of unusually severe weather situation.

Benefit-Eligible. Full time and part-time employees who are eligible for coverage and participation in the Town's benefit programs in addition to legally mandated coverage.

Other (not Benefit-Eligible) Employee. An employee assigned to a position designated roster, seasonal temporary, or who is eligible for salary and mandated benefits only.

Exempt Status. Employees who are exempt from the minimum wage, overtime, and record-keeping requirements of the FLSA.

Non-Exempt Status. Employees who have not been specifically exempted from the minimum wage, overtime, and record-keeping provisions of the Fair Labor Standards Act (FLSA) under the definitions of an Executive, Administrative, Professional, Computer or Outside Sales employee.

Essential Personnel. An employee whose job responsibilities require that he be at work regardless of weather conditions to directly provide immediate essential service to the public or provide direct leadership or support to those who do.

Announcements & Notifications

The Town Manager or designee will declare that the Adverse Weather/Hazardous Conditions Plan is in effect by announcing that Town offices will open at some time other than 8:00 am and/or close at some time other than 5:00 pm.

All Essential Personnel are expected to be at work at regularly scheduled times, not at the time of a delayed opening. The scheduled time may be different than the employee's normal work schedule.

Employees not designated as Essential Personnel may, during a declared weather emergency, report to work by the opening time designated by the Town Manager or leave at an early closing time designated by the Town Manager and still be considered as having worked their entire normal duty day.

Those who do not report to work at all will be charged vacation leave or leave without pay or may use compensatory time for all hours missed during a normal workday.

Employees reporting after the starting time designated by the Town Manager will be charged leave for the hours missed after the designated starting time.

Exempt employees may not be charged leave without pay in increments of less than a whole day.

Other (not benefit-eligible) employees will be paid only for the actual hours they work.

Departmental Provisions

Each department, especially one offering direct public services, may develop more detailed policies regarding attendance during Adverse Weather/Hazardous Conditions. In addition to basic attendance requirements this may include, but is not limited to, the department's approach to the use of Town vehicles for employee transportation, alternate work site reporting, permitted telecommuting/home assignments and staggered reporting times for Essential Personnel.

Each department is responsible for determining which employees are Essential Personnel and for communicating the designation to each employee.

If a Department Director, with the Town Manager's approval, chooses to close a facility or program early or directs employees to not report to work, the employees will not be charged leave for the hours not worked on the designated Town Adverse Weather/Hazardous Conditions schedule.

Departments may, if feasible, allow employees to make up time missed due to the weather provided that, for non-exempt employees, the time is made up in the same work week.

Procedures

Departments will communicate any departmental Adverse Weather/Hazardous Conditions policies to employees prior to implementation of the Adverse Weather/Hazardous Conditions policy, preferably in writing.

Departments will inform employees if they are considered Essential Personnel prior to the traditional Adverse Weather/Hazardous Conditions season. Changes to this status should be communicated when the change is made.

ARTICLE VIII. SEPARATION AND REINSTATEMENT

Section 1. Types of Separations

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

Section 2. Resignation

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

Three consecutive days of absence without contacting the immediate supervisor or department

director may be considered to be a voluntary resignation without notice. Sick leave will only be approved during the final two weeks of a notice with a physician's certification or comparable documentation.

Section 3. Reduction in Force

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

Section 4. Disability

The Town will comply with the Americans with Disabilities Act and will make all responsible efforts to provide reasonable accommodation to employees who may be or become disabled. An employee who cannot perform the essential duties of a position with or without a reasonable accommodation because of a physical or mental impairment may be separated for disability. Action to request or offer an accommodation may be initiated by the employee or the Town. In cases initiated by the employee, such action must be accompanied by medical evidence acceptable to the Human Resources Manager. The Town may require an examination, at the Town's expense, performed by a physician of the Town's choice. Employees can make a request for a reasonable accommodation by providing medical documentation to the Human Resources Manager in accordance with the Requests for Accommodation policy herein, Article I, Section 12. Employees who meet the requirements of the North Carolina Local Governmental Employees Retirement System may qualify for a disability retirement. Information about this option is available from the Human Resources Manager or the North Carolina Local Governmental Employees Retirement System.

Section 5. Voluntary Retirement

An employee who meets the conditions set forth under the provisions of the North Carolina Local Government Employees' Retirement System may elect to retire and receive all benefits earned

Section 6. Death

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

Section 7. Dismissal

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

Section 8. Reinstatement

An employee who is separated because of a reduction in force or who resigns while in good standing, having given the required notice, may be reinstated within one year of the date of separation, upon recommendation of the department director, and upon approval of the Town Manager. An employee who is reinstated in this manner shall be credited with his or her previously accrued sick leave.

Section 9. Rehiring

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

Section 10. Exit Process and Pay and Deductions Upon Separation of Employment

Upon separation from employment, the Human Resources Manager or designee will conduct an exit interview, normally during the last week of employment. The exit interview will document the return of property, reason for leaving, counseling on continuation of fringe benefits, and other information to benefit the Town and exiting employees.

The Town will deduct and withhold from the final paycheck of the employee any amount owed to the Town for group insurance premiums, unreturned equipment/property, uniforms, or any other indebtedness to the Town. To the fullest extent of the law, the final paycheck will not be issued until all indebtedness to the Town has been determined and resolved.

The final paycheck generally includes regular pay and earned overtime pay, payment for accumulated vacation leave (not to exceed 30 days) and payment of accrued compensatory time to which the employee is entitled, subject to deduction for indebtedness to the Town as outlined above.

ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT

Section 1. Disciplinary Action for Unsatisfactory Job Performance

A regular employee may be placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory. However, an employee may be suspended, demoted, or dismissed with no prior warning in the event the employee's failure in performance is egregious, which is defined as, but not limited, to causing serious injury to others, significant property damage, undue disruption of work, a threat to the safety of persons or property, or for other serious reasons. The Human Resources Manager will be available to assist all parties with

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

Section 2. Unsatisfactory Job Performance Defined

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

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

- a) demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- b) careless, negligent or improper use of Town property or equipment;
- c) physical or mental incapacity to perform duties after reasonable accommodation;
- d) discourteous treatment of the public or other employees;
- e) absence without approved leave;
- f) improper use of leave privileges;
- g) failure to report for duty at the assigned time and place;
- h) failure to complete work within time frames established in work plan or work standards;
- i) failure to meet work standards over a period of time;
- j) failure to follow the chain of command to address work-related issues; or
- k) failure to maintain certifications required by the job.

Section 3. Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance

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

An employee whose job performance is unsatisfactory over a period of time should normally receive at least two documented warnings, one of which may be a final written warning, from the supervisor before disciplinary action resulting in dismissal is taken by the Town Manager. In each

case, the supervisor should record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set. If the employee's performance continues to be unsatisfactory, then the supervisor should use the following steps:

- a) give the employee a written warning outlining the deficits in the employee's performance or conduct, and outlining the corrective action recommended.
- b) give the employee a final written warning serving notice upon the employee that corrected performance must take place immediately in order to avoid suspension, demotion, or dismissal.
- c) if performance does not improve, send a written recommendation to the department director and Town Manager for disciplinary action such as suspension, demotion, or dismissal.

Disciplinary suspensions are for the purpose of communicating the seriousness of the performance deficiency, not for the purpose of punishment, and should not generally exceed three days (24 hours) for non-exempt employees. Suspensions for exempt employees shall be for one full work week in accordance with FLSA requirements to maintain exempt status, unless otherwise authorized by the FLSA (major safety violations or infractions of workplace conduct rules (detrimental personal conduct)).

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

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

Section 4. Disciplinary Action for Detrimental Personal Conduct

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

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

- a) avoid undue disruption of work;

b) to protect the safety of persons or property; or

c) for other serious reasons.

In exigent circumstances, a department director or designated supervisor may, with or without prior approval, suspend employees for the remainder of the workday. In such cases, the department director shall immediately notify the Town Manager.

Section 5. Detrimental Personal Conduct Defined

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

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

a) demonstrated dishonesty, fraud or theft;

b) conviction of a felony or the entry of a plea of nolo contendere thereto;

c) falsification of records for personal profit, to grant special privileges, or to obtain employment;

d) willful misuse or gross negligence in the handling of Town funds or personal use of equipment or supplies;

e) willful or wanton damage or destruction to property;

f) willful or wanton acts that endanger the lives and property of others;

g) possession of unauthorized firearms or other lethal weapons on the job;

h) brutality in the performance of duties;

i) reporting to work under the influence of alcohol or drugs or partaking in such while on

duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary;

- j) engaging in incompatible employment or serving a conflicting interest;
- k) request or acceptance of gifts in exchange for favors or influence or otherwise violating the Town's Conflicts of Interest/Solicitation and Acceptance of Gifts and Favors Policy;
- l) engaging in political activity prohibited by this Policy;
- m) harassment of or discrimination or retaliation against an employee and/or the public on the basis of sex or any other protected class status;
- n) harassment of an employee or the public with threatening or obscene language and/or gestures or any incidence of workplace violence; or
- o) stated refusal to perform assigned duties, flagrant violation of work rules and regulations, or serious malfeasance of work.

Section 6. Pre-Dismissal Conference

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

Section 7. 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 director or Town Manager, be in the best interest of the Town, the department director with approval of the Town Manager may suspend the employee for part or all of the proceedings as a non-disciplinary action. In such cases, the Town Manager may:

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

Section 8. Name Clearing Hearing

Following the Town's decision to dismiss or demote an employee for detrimental personal conduct, including but not limited to serious character defects such as dishonesty or immorality, the employee shall be afforded an opportunity for a name clearing hearing if he or she contends the reasons for the disciplinary action are stigmatizing and false. Employees who are demoted or dismissed solely for failure to perform job duties, incompetence/poor performance or absenteeism are not eligible to request a name clearing hearing. This policy applies to all employees, including regular, probationary, and part-time employees.

The employee must request the hearing within ten (10) business days of the disciplinary action. If requested by the employee, a time and date for the hearing will be established such that the hearing takes place prior to the release of any negative or stigmatizing information about the employee that could inhibit future employment. The employee may invite anyone (including the media) to the hearing. The Town Manager or his or her designee shall serve as the hearing officer.

At this name clearing hearing, the employee may present any response to information that the employee believes to be false and/or stigmatizing to the employee's reputation with respect to the reasons for the dismissal or demotion. There is no requirement for the Town or the hearing officer to respond in any way to the verbal or written comments of the employee at or subsequent to the hearing.

Any written comments submitted by the demoted or dismissed employee will be placed in the employee's personnel file, and a copy will be provided to anyone who requests the termination letter on that employee. In lieu of attending the hearing, the employee may submit written comments which will be placed in his or her personnel file. If the employee speaks at the hearing but does not provide written comments, the hearing officer shall take notes and place a copy of the notes in the employee's personnel file. A copy of the written comments and/or notes described will be provided to anyone who requests the termination letter on that employee.

The name clearing hearing is not a substitute or second opportunity for a pre-dismissal conference at which the employee may contest the proposed disciplinary action. Information presented at the name clearing hearing will not be used by the Town to reconsider the disciplinary action.

ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Section 1. Policy

Grievances processes are the way organizations enable employees to express issues that block productive engagement and resolve them in a collaborative approach to keep them from escalating. It is the policy of the Town to provide a just procedure for the presentation, consideration, and disposition of employee grievances. The purpose of this article is to outline the procedure and to assure all employees that a response to their complaints and grievances will be prompt and fair. The Human Resources Manager will be available to assist all parties with the procedures during the grievance process.

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

Section 2. Grievance Defined

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

Section 3. Purposes of the Grievance Procedure

The purposes of the grievance procedure 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 employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures;
- e) increasing the sense of responsibility exercised by supervisors in dealing with their employees;
- f) 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

- g) 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 4. Grievance Procedure

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

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

Step 1. If no resolution to the grievance is reached informally, the employee who wishes to pursue a grievance shall present the grievance to the appropriate supervisor in writing. The grievance must be presented within fifteen calendar days of the event or within fifteen calendar days of learning of the event or condition. The supervisor shall generally respond to the grievance within fifteen calendar days after receipt of the grievance. The supervisor should, and is encouraged to, consult with any employee of the Town in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible.

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

Step 2. If the grievance is not resolved to the satisfaction of the employee by the supervisor, the employee may appeal, in writing, to the appropriate department director within ten calendar days after receipt of the response from Step 1. The department director shall respond to the appeal, stating the determination of decision within ten calendar days after receipt of the appeal.

Step 3. If the grievance is not resolved to the satisfaction of the employee at the end of Step 2, the employee may appeal, in writing, to the Town Manager within ten calendar days after receipt of the response from Step 2. The Town Manager may, at his/her discretion, schedule a formal or

informal grievance hearing to consider the issue(s) presented. The Town Manager shall respond to the appeal, stating the determination of decision in a timely manner, generally within ten calendar days after receipt of the appeal. The Town Manager's decision shall be the final decision. The Town Manager will notify the Town Board of any impending legal action.

Department Directors. In the case of department directors or other employees with whom the Town Manager has been significantly involved in determining disciplinary action, including dismissal, the Town may opt, but is not required, to obtain a neutral outside party to consider an appeal and make recommendations back to the Town Manager concerning the appeal.

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

Section 5. Role of the Human Resources Manager

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

- a) to advise parties (including employee, supervisors, and Town Manager) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistency of application;
- b) to be a clearinghouse for information, applicable forms and decisions in the matter including maintaining files of all grievance documents;
- c) to answer questions concerning timetables of the process, drafting statements, and
- d) to facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process.

The Human Resources Manager shall approve extensions requested by additional time for either side if deemed necessary.

If the Human Resource Manager has direct involvement with the situation surrounding the grievance in a manner that diminishes perceived neutrality, the Town Manager or another person appointed by the Town Manager may assume the role described in this Section.

Section 6. Grievance and Adverse Action Appeal Procedure for Discrimination

When an employee, former employee, or applicant, believes that any employment action discriminates illegally (i.e. is based on an individual's race, religion, color, sex, national origin, sexual orientation, age, veteran status, marital status, political affiliation, non-disqualifying disability, genetic information, or on the basis of actual or perceived gender as expressed through

dress, appearance or behavior), he or she has the right to appeal such action using the grievance procedure outlined in this Article. While such persons are encouraged to use the grievance procedure, alternatively, they shall also have the right to go directly to the Human Resources Manager, Town Manager or Town Attorney to report these types of complaints. In either event, the employee is required to report perceived discrimination.

Employment actions subject to appeal because of discrimination include promotion, training, classification, pay, disciplinary action, transfer, layoff, failure to hire, or termination of employment. An employee or applicant should appeal an alleged act of discrimination within thirty calendar days of the alleged discriminatory action.

ARTICLE XI. RECORDS AND REPORTS

Section 1. Public Information

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

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

- l) the office to which the employee is currently assigned.

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

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

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

Section 2. Access to Confidential Records

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

- 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, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to the patient;
- b) a licensed physician designated in writing by the employee may examine the employee's medical record;
- c) a 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 inspection is deemed by the Town Manager to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of the personnel records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation;
- f) an employee may sign a written release to be placed in his/her personnel file that permits

the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release;

- g) the Town Manager, with the concurrence of the Town Board, may inform any person of the employment, non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a Town employee, and the reasons for that action. Before releasing that information, the Town Manager shall determine in writing that the release is essential to maintaining public confidence in the administration of Town services or to maintain the level and quality of Town services. The written determination shall be retained in the Town Manager's office, is a record for public inspection, and shall become a part of the employee's personnel file.

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

Section 3. Personnel Actions

The Human Resources Manager, with the approval of the Town Manager, will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system. There shall be one set of official personnel files, centrally located as designated by the Town Manager, normally in the Human Resources Office. Any document not located there is not an official part of that employee's personnel record. These files shall contain documents such as employment applications and related materials, records of personnel actions, documentation of employee warnings, disciplinary actions, performance evaluations, retirement, letters of recommendation, and other personnel-related documents.

Section 4. Records of Former Employees

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

Section 5. Remedies of Employees Objecting to Material in File

An employee who objects to material in his/her file may place a statement in the file relating to the material considered to be inaccurate or misleading. In accordance with established grievance procedures, the employee may seek to have a record of upheld grievances relating to personnel records placed in the file. Employees may also seek removal of material in the file. Decisions regarding removal will be made by the Human Resources Manager, with the approval of the Town Manager. Materials removed should be shown to be misleading or lacking in facts.

Section 6. Penalties for Permitting Access to Confidential Records

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 as set forth in the General Statutes.

Section 7. Examining and/or Copying Confidential Material without Authorization

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 as set forth in the General Statutes.

Section 8. Destruction of Records Regulated

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

ARTICLE XII. IMPLEMENTATION OF POLICIES

Section 1. Conflicting Policies Repealed

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

Section 2. Separability

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

Section 3. Amendments

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

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