LAURINBURG

North Carolina • Deeply Rooted

City of Laurinburg

Personnel Policy

Resolution No. R-2022-21

March 19, 2013

Includes Amendments thru July 19, 2022

RESOLUTION NO. R-2022-21

RESOLUTION AMENDING ARTICLE VII. HOLIDAYS AND LEAVE OF ABSENCES, SECT. 2. HOLIDAYS OF THE CITY OF LAURINBURG'S PERSONNEL POLICY (RESOLUTION NO. R-2013-02)

WHEREAS, the Laurinburg City Council wishes to amend the holiday schedule for employees of the City of Laurinburg.

NOW BE IT THEREFORE RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAURINBURG THAT:

Section 1: Resolution No. R-2013-02 entitled "A Resolution Adopting a Personnel Policy for the City of Laurinburg "is hereby amended by amending paragraph 1 of Article VII. Holidays and Leave of Absences; Section 2. Holidays by adding Veterans Day as a holiday.

Section 2: This resolution shall be in full force and effect on and after July 19, 2022.

ADOPTED this 19th day of July, 2022.

James T. Willis, Mayor

Jennifer A. Tippett, City Clerk

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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 an equitable and uniform system of personnel administration for all employees of the City under the supervision of the City Manager. Nothing in this policy creates an employment contract or term between the City and its employees. This policy is established under authority of Policy 160A, Article 7, of the General Statutes of North Carolina.

Section 2. Responsibilities of the City Council

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

Section 3. Responsibilities of the City Manager

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

The City Manager shall:

a) recommend rules and revisions to the personnel system to the City Council for consideration;

b) make changes as necessary to maintain an up-to-date and accurate position classification plan;

c) recommend necessary revisions to the pay plan;

d) determine which employees shall be subject to the overtime provisions of FLSA;

e) develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the City;

f) perform such other duties as may be assigned by the City Council not inconsistent with this Policy.

Section 4. Responsibilities of the Human Resources Director

The responsibilities of the Human Resources Director are to make recommendations to the City Manager on the following:

a) recommend rules and revisions to the personnel system to the City Manager for consideration;

b) recommend changes as necessary to maintain an up-to-date and accurate position classification plan;

c) recommend necessary revisions to the pay plan;

d) recommend which employees shall be subject to the overtime provisions of FLSA;

e) maintain a roster of all persons in the municipal service;

f) establish and maintain 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) develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the City;

h) develop and coordinate training and educational programs for City employees;

i) investigate periodically the operation and effect of the personnel provisions of this policy;

j) perform such other duties as may be assigned by the City Manager not inconsistent with this Policy; and

k) ensure that policies contained within are exercised in a uniform manner; applied consistently in similar situations; holds all supervisors and managers accountable for uniform adherence to all organizational policies

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

The personnel policy and all rules and regulations adopted pursuant thereto shall be binding on all City employees. The City Manager, City Attorney, members of the City Council 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 progressive disciplinary action, as well as prosecution under any civil or criminal laws which have been

violated.

Section 6. Departmental Rules and Regulations

Due to the particular personnel and operational requirements of the various departments of the City, each department is authorized to establish supplemental written rules and regulations applicable only to the personnel of that department. All such rules and regulations shall be subject to the approval of the City Manager and the Human Resources Director, and shall not in any way conflict with the provisions of this Policy, but shall be considered as a supplement to this Policy. A copy of the policy should be housed with the Human Resources Director. All additional policies above and beyond this policy manual and other policy adopted by the City Council should be signed and acknowledged by employees- a copy of which should be placed in the employee's personnel file.

Section 7. Delegation of Disciplinary Actions

The City Manager or Department Head may delegate authority to perform disciplinary suspension, demotion, or dismissal to a division head or other supervisor when such action is consistent with organizational efficiency and effectiveness.

Section 8. Definitions

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

Full-time Permanent employee. An employee who is in a position for which an average workweek equals at least 40 hours, and continuous employment of at least 12 months, are required by the City, in a position expected to last more than thirty-six months (subject to funding).

Full-time Career Conditional employee. An employee who is in a position for which an average workweek equals at least 40 hours, and continuous employment of at least 12 months, in a position not expected to last more than thirty-six months.

Part-time employee. An employee who is in a position for which an average work week of at least 20 hours and less than 40 hours and continuous employment of at least 12 months are required by the City.

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

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

Temporary employee. An employee appointed to a position for which either the average work

week required by the City over the course of a year is less than 20 hours, or continuous employment required by the City is less than 12 months.

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.

ARTICLE II. POSITION CLASSIFICATION PLAN

Section 1. Purpose.

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

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 Human Resources Director 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 Director shall periodically review portions of the classification plan and recommend appropriate changes to the City Manager.

Section 5. Authorization of the Position Classification Plan

The position classification plan shall be approved by the City Council, on file with the City Clerk, and a copy furnished to the Human Resources Director. Copies will be available to all City employees for review upon request. New positions shall be established upon recommendation of the City Manager and approval of the City Council after which the City Manager, assisted by the Human Resources Director, 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.

Section 6. Request for Reclassification

Any employee who considers the position in which classified to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall immediately transmit the request through the department head to the Human Resources Director. The request should include detailed reasoning for the request (i.e. addition of higher-level duties, inaccurate capture of true job). Upon receipt of such request, the Human Resources Director shall study the request, determine the merit of the reclassification, and recommend any necessary revisions to the classification and pay plan to the City Manager. Prior to final approval by the City Manager, the City Manager shall present to the City Council any reclassification.

ARTICLE III. THE PAY PLAN

Section 1. Definition

The pay plan includes the basic salary schedule and the "List of Classes Arranged by Grades" adopted by the Council. The salary schedule consists of steps for minimum or beginning, maximum, and intervening rates of pay for all classes of positions.

Section 2. Administration and Maintenance

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

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the City, and other factors. To this end, from time to time the Human Resources Director shall commission comparative studies of all factors affecting the level of salary ranges and will recommend to the City Manager such changes in salary ranges as appear to be pertinent. Such assignments will be made by increasing or decreasing the assigned salary grade for the class and adjusting the rate of pay for employees in the class when the action is approved by the City Council.

Section 3. Starting Salaries

All persons employed in positions approved in the position classification plan shall be employed at the minimum salary for the classification in which they are employed; however, exceptionally well qualified applicants may be employed above the minimum to step three of the pay plan with approval from the department head. An exceptionally qualified candidate can receive a starting pay above step three upon approval from of the City Manager.

Section 4. Trainee Designation and Provisions

Applicants being considered for employment or City employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the department head. "Trainee" salaries shall be one or (no more than) two grades below the minimum salary established for the position for which the person is being trained. A new employee designated as "trainee" shall concurrently serve a probationary period. However, probationary periods shall be no less than six months and trainee periods may extend from three 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 City, the trainee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the minimum rate established for the position for which the employee was trained.

Section 5. Probationary Pay Increases

Upon completion of probation, an employee can receive up to a one step increase with department head, Human Resources and City Manager approval. This increase is optional and not required and should be given only when performance is extraordinary.

Section 6. Merit Pay

Employees may be considered for advancement within the established salary range based on the quality of their overall performance. Procedures for determining performance levels and performance pay increases shall be established in procedures approved by the City Manager.

Section 7. Merit Pay Bonus

Employees who are at the top step of the salary range for their position classification are eligible to be considered for a Merit bonus at their regular performance evaluation time. Merit bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation and shall be the same percentage of annual salary as employees within the salary range with the same performance level. Merit bonuses do not become part of base pay and may be awarded in lump sums at one time or spread over 12 months.

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

Promotions. When an employee is promoted, the employee's salary shall normally be advanced to the minimum level of the new position, or to a salary which provides an increase of at least approximately 5% over the employee's salary before the promotion, provided, however, that the new salary may not exceed the maximum rate of the new salary range. However, well qualified internal applicants may receive a higher percentage if the market wage warrants. An increase of more than 5% or two steps does require approval of the City Manager and consultation with the Human Resources Director. The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility.

Demotions. When an employee is demoted to a position for which qualified, the salary shall be set at the rate in the lower pay range which provides the smallest decrease in pay if action is not for cause. If the current salary is within the new range, the employee's salary may be retained at the previous rate. If the demotion is for cause, the salary shall be decreased at least approximately 5%, or to 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 of at least approximately 2.5% or an increase to the minimum of the new pay range, whichever is higher. However, well qualified internal applicants may receive

a higher percentage if the market wage warrants. An increase of more than 5% or two steps does require approval of the City Manager and consultation with the Human Resources Director.

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

Section 9. Salary Effect of Salary Range Revisions

When a class of positions is assigned to a higher salary range, employees in that class shall receive a pay increase of at least approximately 2.5%, or to the minimum step of the new range, whichever is higher. If the employee has passed probation, the employee's salary shall be advanced at least 5%, or the closes step of 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 step established for the new class, the salary of that employee shall be maintained at that level until such time as the employee's salary range is increased above the employee's current salary.

Section 10. Transition to a New Salary Plan

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

1) No employee shall receive a salary reduction as a result of the transition to a new salary plan.

2) All employees being paid at a rate lower than the minimum rate established for their respective classes shall have their salaries raised to the new minimum for their classes.

3) All employees being paid at a rate below the maximum rate established for their respective classes shall be paid at a rate listed in the salary schedule; all employees not at a listed rate shall have their salaries raised to a listed rate.

4) All employees being paid at a rate above the maximum rate established for their respective classes shall be maintained at that salary level until such time as the 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 City Manager.

Section 12. Overtime Pay Provisions

Employees of the City can be requested and may be required to work overtime hours as necessitated by the needs of the City and determined by the Department Head. To the extent that local government jurisdictions are so required, the City will comply with the Fair Labor Standards Act (FLSA). The Human Resources Director shall determine which jobs are "non-exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period; 171 hours for police and 212 for fire personnel in a 28-day cycle). Hours worked beyond the FLSA established limit will be compensated in either time or pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, hours actually worked shall be considered; in addition vacation and sick leave will be included in the computation of hours worked. Compensatory leave requires approval by the City Manager when creating a balance that exceeds 100 hours.

Whenever practicable, 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 is paid, or compensatory time will be earned in accordance with the FLSA.

Employees in positions determined to be "exempt" from the FLSA (as Executive, Administrative, or Professional staff) will not receive pay for hours worked in excess of their normal work periods but may receive bonus time-off at an equal month (hour for hour) for each hour of overtime worked. An employee must work a minimum of one half-hour, on each occurrence before earning approved compensatory time. The City Manager must authorize the bonus time-off to its occurrence and the employee shall record and properly document on established record keeping timesheet. These employees may be granted compensatory leave by the City Manager for required attendance at council work session, regular council meetings, retreats, special meetings, travel time to/from conferences, meetings and trainings that begins and ends before or after an employee's normal starting and ending time for that day. Exempt employees shall also receive bonus time-off for required work on non-workdays. Exempt employees may not accrue more than 240 hours of bonus time-off without the approval of the City Manager. Bonus time-off ends upon separation from the City of Laurinburg and is non-payable at the end of employment. [1]

Section 13. Call-back and Stand-by Pay

The City 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 City 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

[1] Amended by Res. No. R-2015-01
Adopted 03/17/2015

or routine, the employee shall be subject to disciplinary actions up to and including dismissal.

Callback.

Non-exempt employees will be guaranteed a minimum payment of two hour of wages for being called back to work outside of normal working hours when not on stand-by. "Call-back" provisions do not apply to previously scheduled overtime work (scheduled one or more days in advance). Employees who are called

- **Stand-by.** Non-exempt employees required to be on "stand-by" duty will be paid for eight hours of work for each week (approximately 128 hours, excluding work time) of stand-by time they serve. Stand-by compensation for less than one full week shall be determined by the ratio of .0625 hours of pay per one hour of stand-by time. Hours actually worked while on stand-by are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week. All time responding to a call, including time spent on the telephone and in portal-to-portal travel shall be recorded as regular (or overtime, if appropriate) hours rather than as non-work on-call hours.

Stand-by time is defined as that time when an employee must remain near an established telephone or otherwise substantially restrict personal activities in order to be ready to respond when called.

Section 14. Payroll Deduction

Deductions shall be made from each employee's salary, as required by law. Additional deductions may be made upon the request of the employee on determination by the City Manager as to capability of payroll equipment and appropriateness of the deduction.

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Equal Employment Opportunity Policy

It is the policy of the City to foster, maintain and promote equal employment opportunity. The City shall select employees on the basis of the applicant's qualifications for the job and award them, with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to age, sex, race, color, religion, national origin, disability, political affiliation, or marital status. Applicants with physical disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of essential duties with or without reasonable accommodation.

Section 2. Implementation of Equal Employment Opportunity Policy

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

Section 3. Recruitment, Selection and Appointment

Recruitment Process: The requesting manager should prepare a requisition requesting permission to fill a position. The hiring manager should obtain signature from Human Resources Director and City Manager. Once the requisition is signed, the hiring manager should work with the Human Resources director to ensure that the job description is updated before posting. All jobs are required to be posted either internally, externally, or both. Vacancies must be posted for a minimum of five days. Hiring managers can review applications prior to the job closing; however, no hiring decisions can be made until the job posting closes. Exception to the posting rule can be made if the City Manager and the Human Resources Director decide to open a position for a training program or internship only.

Human Resources will provide the hiring manager with a list of best qualified applicants. The hiring manager will review the applications and will set up interviews. Once a hiring decision has been made the Human Resources director will make a contingent offer of employment and will arrange all pre-employment testing. The applicant may not begin working until all pre-hire paperwork and pre-hire testing has been completed and results have been received. The only exception is if the new hire already works for the City in another fashion (i.e. part-time, intern, auxiliary). In this case, the new hire may continue to work while awaiting new-hire paperwork and testing, however, the offer of full-time or part-time employment will be contingent upon successful completion of new-hire paperwork and new-hire testing. It will be the sole discretion of the Human Resources Director to determine if the applicant is suitable for employment based on post-offer testing and the decision of the Human Resources Director is final.

Recruitment Sources. When position vacancies occur, the Human Resources Director shall publicize these opportunities for employment, including applicable salary information and employment qualifications. It is permissible for some positions to be posted internally only at the discretion of the department manager and the Human Resources Director. Some positions may also be filled using interns or management trainees (succession) at the discretion of the department manager, Human Resources Director and City Manager. Information on job openings and hiring practices will be published in local and/or other news media and on the City's website as necessary to inform the community and create a quality and diverse pool of applicants. In addition, notice of vacancies shall be posted at designated conspicuous sites within departments. Individuals shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to

ensure that well-qualified applicants are obtained for City service. The North Carolina Employment Security Commission shall normally be used as a recruitment source. In rare situations because of emergency conditions, high turnover, etc., the City may hire or promote without advertising jobs, upon approval of the City Manager.

Job Advertisements. Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes. Only Human Resources should post Job Advertisements.

Application for Employment. All persons expressing interest in employment with the City shall be given the opportunity to file an application for employment for positions which are vacant. Applicants are encouraged to apply using the online system. Computers will be made available to applicants at City Hall. Moreover, public computers are available at public libraries.

Application Reserve File. Applications shall be kept in an inactive reserve file for a period of two (2) years, in accordance with Equal Employment Opportunity Commission guidelines. Applicants will need to re-apply for each position in which they wish to be considered for employment.

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

The process for hiring at the supervisor level or above is as follows:

1. Accept Applications
2. Human Resources reviews required KSAs (Knowledge, skills, and abilities)
3. A Best-Qualified list is presented by Human Resources to the hiring manager
4. Hiring manager selects candidates to be interviewed from the Best-Qualified list
5. A panel interview is held
6. Appropriate pre-offer testing is conducted (typically consisting of management-fit testing)
7. Contingent offer is made
8. Remaining testing is conducted
    a. Background check
    b. Credit Check (if applicable)
    c. Reference checks
    d. Drug Screen
    e. Physical
9. Final offer of employment is made

The process for hiring below the supervisor level is as follows

1. Accept Applications
2. Human Resources Review required KSAs (Knowledge, skills, and abilities)
3. A Best-Qualified list is presented by Human Resources to the hiring manager
4. Hiring manager selects candidates to be interviewed from the Best-Qualified list
5. An interview is held
6. Contingent offer is made
7. Remaining testing is conducted
    a. Background check
    b. Credit Check (if applicable)
    c. Reference checks
    d. Drug Screen
    e. Physical
8. Final offer of employment is made

Appointment. Before any commitment is made to an applicant either internal or external, the Department Head shall make recommendations to the Human Resources Director including the position to be filled, the salary to be paid, and the reasons for selecting the candidate over other candidates. The Human Resources Director and Department Head shall recommend approval of appointments and the starting salary for all applicants to the City Manager. Only contingent offers of employment should be made prior to a candidate completing all required new-hire paperwork, background checks, and testing.

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 that sworn police, fire personnel, and department heads shall serve a twelve-month probationary period (department heads can serve six month probation at the discretion of the City Manager). During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Before the end of the probationary period, the supervisor shall conduct a performance evaluation conference with the employee and discuss accomplishments, strengths, and needed improvements. A summary of this discussion shall be documented in the employee's personnel file. The supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. Probationary periods may be extended for a maximum of six (6) additional months. Part-time and volunteer employees do not have a probationary period and remain at-will employees or volunteers throughout the duration of their tenure with the City. A part-time or volunteer employee can be released from City employment at any time without following the steps in the discipline process. Disciplinary action, including demotion and dismissal, may be taken at any time during the Probationary period of a new hire without stating a reason and without following the steps

outlined in this Policy. 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 employees retain all other rights and benefits such as the right to use of the grievance procedures.

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 City's policy to create career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is best suited from all applicants, that applicant shall be appointed to that position. The City will balance three goals in the employment process: 1) the benefits to employees and the organization of promotion from within; 2) providing equal employment opportunity and a diversified workforce to the community; and 3) obtaining the best possible employee who will provide the most productivity in that position. Therefore, except in rare situations where previous municipal experience is essential (such as promotions to Police Sergeant), or exceptional qualifications of an internal candidate so indicate, the City will consider external and internal candidates rather than automatically promoting 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. 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 demotion shall follow the disciplinary procedures outlined in this policy. A demotion for cause will result in a pay decrease. A demotion for non-performance or disciplinary reasons will not result in a pay decrease.

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. The Department Head wishing to transfer an employee to a different department or classification shall make a recommendation to the City Manager with the consent of the receiving department head. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this policy. An employee who has successfully completed a probationary period may be transferred into the same classification without serving another probationary period.

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Work Schedule

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

A standard workweek shall be 40 hours/week for non-exempt employees. The standard Fire Department schedule shall be 195 hours of a 28 day period (overtime at 212 hours within the period); and the Police Department standard schedule shall be 168 hours for a 28 day schedule (overtime at 171 hours within the period).

Normal hours of operation (with an exception of services requiring extended operations) are Monday through Friday from 8:00 a.m. 5:00 p.m. Department heads may allow employees to flex their work hours as long as the core operations remain open from 8:00 a.m. -5:00 p.m., Monday through Friday. For example, a manager may allow an employee to work from 7:30 a.m.. - 4:30 p.m. as long as coverage for the department is available from 8:00 a.m.-5:00 p.m. Monday through Friday.

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 State of North Carolina and in accordance with the Constitution and laws of the United States. However, no employee shall:

a) Engage in any political or partisan activity while on duty;

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 City for political or partisan purposes;

e) Use any supplies or equipment of the City for political or partisan purposes;

f) Be a candidate for nomination or election to office under the City Charter;

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

Section 3. Outside Employment

The work of the City shall have precedence over other occupational interests of employees. All outside employment for salaries, wages, or commission and all self-employment must be reported in advance to the employee's supervisor, who in turn will report it to the Department Head. The Department Head will review such employment for possible conflict of interest and decide whether to approve the work. Conflicting or unreported outside employment is grounds for disciplinary action up to and including dismissal should the outside employment be found to conflict with City values.

Section 4. Employment of Relatives

The City prohibits the hiring and employment of immediate family in permanent positions within the same work unit. "Immediate Family" is defined in Article VII, Section 13. The City also prohibits the employment of any person into a permanent position who is an immediate family member of individuals holding the following positions: Mayor, Mayor Pro Temp, City Council Member, City Manager, Human Resources Director, Finance Officer, City Clerk, or City Attorney. Otherwise, the City will consider employing family members or related persons in the service of the City, provided that such employment does not:

1) result in a relative supervising relatives;

2) result in a relative auditing the work of a relative;

3) create a conflict of interest with either relative and the City; or

4) create the potential or perception of favoritism.

Section 5. Sexual Harassment

The City opposes sexual harassment by supervisors and co-workers in any form. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) 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.

Any employee who believes that he or she may have a complaint of sexual harassment may follow the Grievance Procedure described in this Policy or may file the complaint directly with the City Manager, Human Resources Director, or any department head who will advise the Human Resources Manager of the complaint. The Human Resources Director will insure that an

investigation is conducted into any allegation of sexual harassment and advise the employee and appropriate management officials of the outcome of the investigation.

Section 6. Harassment

It is the policy of the City of Laurinburg to prohibit harassment of one employee by another employee on the basis of age (as defined by the Age Discrimination of Employment Act), gender, religion, race, physical or mental disability, or national origin. This policy applies to all employees of the City of Laurinburg

Definition of Harassment: Although it is not easy to define precisely all of the forms of harassment, they include ethnic slurs, epithets, threats, derogatory comments, unwelcome types of jokes, stereotyping individuals on any of the above-listed grounds, teasing, unwelcome sexual advances, unwelcome requests for sexual favors, and other similar verbal or physical conduct that denigrates or shows hostility towards an individual because of that individual's race, color, religion, gender, national origin, age, or disability. Sexual harassment includes but is not limited to: Offensive or unwelcome physical contact or touching;, unwelcome sexual advances or propositions; unwelcome flirtations; obscene or sexually suggestive gestures, comments or jokes; and the display of sexually explicit pictures, cartoons, or other items in the workplace.

Complaint Procedure: Any employee who believes he/she has been subjected to harassment is encouraged to report the incident to his/her supervisor, a member of management, the Human Resources Director, or to the City Manager. Any employee who receives a complaint or witnesses an act of harassment has a responsibility to convey that complaint or incident to his/her supervisor, a manager, the Human Resources Director or to the City Manager within one business day - regardless of the alleged victim's desire that the matter be reported. No person will be required to report harassment to the alleged harasser.

Supervisor's/ Management Responsibility: All supervisory/management personnel shall be proactive in recognizing, discouraging, and reporting harassment.

The City of Laurinburg shall promptly and thoroughly investigate the circumstances surrounding a report of harassment. The City of Laurinburg shall attempt to keep such investigations confidential and will disclose reported information only as necessary to investigate and resolve the matter.

Retaliation: No employee who in good faith makes a complaint or report of harassment or who in good faith participates in an investigation of a complaint or report of harassment, shall be retaliated against by the town or by any employee.

Discipline: Any employee who is found (1) to have harassed another employee, (2) to have failed to report an observed or reported act of harassment, or (3) to have engaged in retaliation against an employee who has made a complaint of harassment or against an employee who has participated

in an investigation of a complaint of harassment, shall be subject to disciplinary action, up to and including dismissal.

All employees will receive harassment training every two (2) years.

Section 7. Acceptance of Gifts and Favors

No official or employee of the City shall accept any gift, favor, or thing of value that may tend to influence such employee in the discharge of the employee's duties, or grant in the discharge of duty an improper favor, service, or thing of value. Unsolicited food gifts valued under $50 (fifty dollars) must be shared with co-workers.

Section 8. Performance Evaluation

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

Section 9. Safety

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

ARTICLE VI. EMPLOYEE BENEFITS

Section 1. Eligibility

All full-time and part-time employees of the City are eligible for employee benefits as provided for in this policy. These benefits are subject to change at the City's discretion. Temporary employees and interns are eligible only for workers' compensation.

Section 2. Group Health and Hospitalization Insurance

The City provides group health and hospitalization insurance programs for full and part-time employees.

Employees who are scheduled to work 20 hours or more per week on a continuous year- round basis may, if they desire, purchase available group health through the city for themselves or for themselves and qualified dependents. A pro-rated amount of the cost of coverage paid for a full-time employee shall be paid by the City with the remainder of the cost being paid by the employee. This pro-rated amount shall be based on regularly scheduled hours.

Employees who are eligible for a Service Retirement through the Local Government Employee's Retirement System (LGERS) and who have reached the age of 55, shall be given the opportunity to continue to be covered by the City's Group Health and Hospitalization plan. A Service Retirement as defined by the LGERS, for regular employees is age 60 and completed 25 years of creditable service or completed 30 years of creditable service, at any age. A Service Retirement for law enforcement officers is age 55 and five years of creditable service as an officer, or 30 years of creditable service, at any age. To be eligible for this coverage retiring employees must have 15 years of continuous service with the City of Laurinburg immediately prior to retiring and must have reached the age of 55. Employees who qualify for a Service Retirement and retire prior to reaching the age of 55 shall be able to qualify for this benefit once they reach the age of 55. The City will pay 100% (of cost of insurance at the time of retirement. Any cost above that paid for the employee at retirement will be the responsibility of the retiree) for the retired employee's plan premium. The retiree may continue to cover their qualified dependents as they did when employed by the City. The retiree will no longer be eligible for the Group Health and Hospitalization Insurance with the City, if they become employed by another employer offering health insurance benefits, upon reaching the age of 65, or becoming Medicare eligible.

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

Section 3. Group Life Insurance

The City may elect to provide group life insurance for each employee subject to the stipulations of the insurance contract. Life insurance will be provided by the City in the amount of the employee's

salary rounded to the nearest $1,000, subject to appropriation. Employees may elect to purchase additional coverage and/or to insure other family members under this plan at their expense subject to the stipulations of the insurance contract.

Section 4. Other Optional Group Insurance Plans

The City may make other group insurance plans available to employees upon authorization of the City Manager or City Council.

Section 5. Retirement

Each employee who is expected to work for the City more than 1,000 hours annually shall join the North Carolina Local Governmental Employees' Retirement System on the first day of employment.

Section 6. Supplemental Retirement Benefits

The City may provide supplemental retirement benefits for its full and part-time employees. Each law enforcement officer shall receive 401-K benefits as prescribed by North Carolina State Law and beginning on the first day of employment. Each general Employee may receive supplemental benefits as approved by the City Council.

Section 7. Social Security

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

Section 8. Workers' Compensation

All employees of the City (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, and such claims must be filed by the employee with the North Carolina Industrial Commission within two years from date of injury. The Human Resources Director will assist the employee in filing the claim.

Section 8.A Smallpox Vaccination Policy

This policy applies only to City of Laurinburg employees who receive, within the course and scope of their employment by the City, a vaccination against smallpox in accordance with Section 304 of the Homeland Security Act. For an employee who is absent from work as the result of an adverse medical reaction from the smallpox vaccination, sick leave and salary continuation will be treated the same as any other workers' compensation claim referenced in Article VI, Section 8 and Article VII, Section 12 of the Personnel Regulations of the City of Laurinburg.

Section 9. Unemployment Compensation

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

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 within the City service. Tuition, registration, fees, laboratory fees, and student fees are eligible expenses. Employees may be reimbursed eligible expenses up to a total of one thousand dollars ($1,000.00) per fiscal year with a $500.00 maximum per semester. Proof of satisfactory completion of the courses with at least a grade of "C" or better along with a receipt showing payment, including source of payment, for the courses will be required for reimbursement. Prior to reimbursement, the Finance Officer shall perform a pre-audit of the expenses pursuant to the Local Government Budget and Fiscal Control Act. If an employee receives a scholarship, Pell Grant or GI Bill and does not incur any expense they will not be reimbursed any tuition assistance. 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 Head and City Manager, subject to availability of funds. Employee must work for a period of one (1) year after receipt of tuition assistance or the employee refunds the City the amount of the reimbursement. [2,3]

[2] Amended by Res. No. R-2016-10
Adopted 07/19/2016

[3] Amended by Res. No. R-2017-06
Adopted 01/17/2017

Section 11. Longevity Pay Plan

City of Laurinburg full-time employees shall be rewarded for their continuous length of service to the City with an annual Longevity Pay, based on their years of service, as follows:

Years of Service	Amount to be Paid Annually
Less than 5 years	-0-
5 - 9	$200
10 - 14	$325
15 - 19	$450
20 - 24	$575
25+	$700

This benefit shall be paid based on the employee's continuous length of service as a full-time employee and their active employment at the time for disbursement of the Longevity Pay, which shall be December 1 of each year. In the event an employee leaves his/her employment with the City and later returns, regardless of the length of service he/she has previously had with the City, his/her length of service as far as longevity pay is concerned shall be calculated using the effective date of his/her most recent employment. [4]

Section 12. Special Separation Allowances for Law Enforcement Officers.

The Special Separation Allowance for Local Law Enforcement Officers will be consistent with N.C. General Statute §143-166.42 as it exists at the time of the request for the separation allowance. [5]

The City Manager of the City shall determine the eligibility of employees for the benefits provided herein. In the event of uncertainty as to the eligibility or continued eligibility of any employee or former employee, the matter shall be referred to the City Council for final determination.

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Policy

The policy of the City is to provide vacation, sick leave, and holiday leave to all full-time and part-time employees, and to provide proportionately equivalent amounts to employees having average workweeks of different lengths.

[4] Amended by Res. No. R-2015-01 Adopted 03/17/2015

[5] Amended by Res. No. R-2015-01 Adopted 03/17/2015

Section 2. Holidays

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

New Year's Day
Martin Luther King's Birthday
Good Friday
Memorial Day
Independence Day
Labor Day
Thanksgiving Thursday & Friday
Christmas (two days)
1 Floating holiday of the employee choice (8 hours for full-time and 4 hours for part-time)
In those years in which Christmas Day falls on a Tuesday, Wednesday, or Thursday, the City shall provide for three holidays at the Christmas season, said days to be observed shall follow the same schedule as the City observes.

When any recognized holiday falls on Saturday or Sunday, the following Monday will be the designated holiday unless such a designation causes a conflict with the holiday schedule observed by the North Carolina State Government. If the Christmas holiday falls on both Saturday and Sunday then the Friday before and the Monday after shall be the observed holidays.

In order to receive a paid holiday, an employee must have worked the day before and the day after the holiday(s), or have been given approved leave. Employees who use sick time the day before or after a holiday will not receive holiday pay unless the employee is out on an approved extended leave like FMLA or Worker's Comp. Employees on an un-paid leave of absence the day before or the day after a holiday will not receive compensation for the holiday.

Section 3. Holidays: Effect on Other Types of Leave

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

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

Shift employees required to perform work on regularly scheduled holidays may be granted compensatory time off or paid at their hourly rate for hours actually worked in addition to any holiday pay to which they are entitled. Compensatory time shall be granted whenever feasible. If a holiday falls on a regularly scheduled off-duty day for shift personnel, the employee shall receive the hours for paid holiday leave at another time. The term shift employee refers to those employees in the police and fire department that work a 28 day schedule.

Section 4.A Holidays: Compensation during a Holiday Week.

Employees that normally work 40 hours in a 7 day period who are required to work on a holiday or who work during an unscheduled time during a pay period in which a holiday falls will receive either time and one half pay or compensatory time for actually working the holiday and/or for all unscheduled hours worked plus 8 hours at the straight time rate for holiday pay. This policy does not include those employees in the police and fire department that work a 28 day schedule.

Employees whose regular work schedule may result in them not receiving pay for 40 hours in any work week having a holiday will be permitted to utilize vacation time to make up the difference. Employees whose regular work schedule may result in them receiving pay for more than 40 hours without actually working those hours will be paid for the hours in excess of 40 at their regular hourly rate and not at the overtime rate.

Section 5. Vacation Leave

Vacation leave may be used for rest and relaxation, school appointments, medical appointments, and other personal needs.

Section 6. Vacation Leave: Use by Probationary Employees

Employees serving a probationary period following initial employment may accumulate vacation leave but shall not be permitted to take vacation leave during the first six months of the probationary period. Employees shall be allowed to take accumulated vacation leave after six months of service.

Employees shall be allowed to take accumulated vacation leave in accordance with the Inclement Weather Policy with approval of the City Manager.

Section 7. Vacation Leave: Accrual Rate

Each full and part-time employee of the City shall earn vacation at the following schedule, prorated by the average number of hours in the workweek:

Years of Service	Days Accrued Per Year
0 - 3	12
4 - 8	15
9+	18

Employees hired after July 1, 1996 shall earn vacation according to the following schedule:

Years of Service	Days Accrued Per year
0 - 9	12
10 -14	15
15+	18

Vacation accrual for Fire Department employees, based on a work schedule of 195 hours within a 28 day period shall be as follows (13.00 pay cycles annually):

Years of Service	Annual Accrual Rate
0 – 9	**4.50 hours per pay period (12 days)**
10 – 14	**5.63 hours per pay period (15 days)**
15+	**6.76 hours per pay period (18 days)**

One pay period is equal to two weeks.

Section 8. Vacation Leave: Maximum Accumulation

Vacation leave may be accumulated and carried over until December 31st the end of each calendar year. At such point, if an employee has a vacation accrual in excess of thirty days (30), or two hundred forty (240) hours, all excess hours will be placed in the employee's sick leave balance at the end of the year. If an employee separates from the City for any reason-voluntary or involuntary, the maximum amount of vacation leave that will be paid by the City is thirty days (30) or two hundred forty (240) hours. The remaining hours will be placed in the employee's sick leave balance.6

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

Section 9. Vacation Leave: Manner of Taking

Employees shall be granted the use of earned vacation leave upon request in advance at those times designated by the Department Head which will least obstruct normal operations of the City.

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6 -Amended by Res. No. R-2017-27
Adopted 12/12/2017

Department heads are responsible for insuring that approved vacation leave does not hinder the effectiveness of service delivery.

Section 10. Vacation Leave: Payment upon Separation

An employee who has successfully completed six months of the probationary period will normally be paid for accumulated vacation leave upon separation, provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation. 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 City Manager when deemed to be in the best interest of the City.

Section 11. Vacation Leave: Payment upon Death

The estate of an employee who dies while employed by the City 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: School Leave

Employees will be granted eight (8) hours of leave per year to attend school functions. Leave will be documented as school leave. At no time can an employee be granted more than eight (8) hours of school leave per calendar year. Employees should request school leave at least two working days before the date of the leave.

Section 13. Sick Leave

Sick leave may be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others, or in accordance with the Inclement Weather Policy.

Sick leave may be used when an employee must care for a member of his or her immediate family who is ill.

Sick leave may also be used for death in the employee's immediate family, but may not exceed five days for any one occurrence. Sick leave may also be used for extended family, but may not exceed three days for any one occurrence. Additional leave time required for such occurrence may be charged to vacation or other approved leave such as compensatory time when approved by the department head and/or City Manager.

Sick leave may also 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 employee may not exceed the regular gross salary amount

using this provision.

"Immediate family" shall be defined as spouse, child, parent or stepparent, brother, sister, grandparent, grandchild, son-in-law, daughter-in-law, mother-in-law or father-in-law of the employee, or guardian.

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

Section 13. A. Voluntary Shared Leave Policy

After consideration of any recommendation from the appropriate Department Head, the City Manager may, in his/her sole and absolute discretion, approve a donation of sick leave by a coworker to a fellow full-time permanent employee who is enduring an extreme hardship situation. For purposes of this policy, an extreme hardship situation is one in which an employee, by reason of injury or illness to either the employee or his or her spouse, parent, child, or other dependent, is likely to be required to be absent from work for a prolonged period of at least 20 consecutive workdays. Upon arrival of any such request, the City Manager shall notify the Human Resource Department of the request and his/her approval thereof, and the approved sick leave hours shall be transferred from the donating employee to the receiving employee; provided, however, the approved sick leave hours shall be transferred only to the extent that they are actually needed and used by the receiving employee for leave during the extreme hardship situation. An employee having up to 280 accrued unused hours of sick leave shall be able to donate a minimum of 8 but no more than 40 hours of sick leave to any one fellow employee within any twelve (12) month period. An employee having more than 280 accrued unused hours of sick leave shall be able to donate a minimum of 8 but no more than the number of hours of unused sick leave that he/she has in excess of 240 hours to any one fellow employee within any twelve (12) month period. The maximum number of hours that can be donated to and received by an employee within any twelve (12) month period shall be 1040 hours. [7]

Section 14. 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 and part-time employees working other than the basic work schedule shall be pro-rated as described in this Article. Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Government Employees' Retirement System.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the City, except as stated for employees retiring or terminated due to reduction in force.

Sick leave accrual for Fire Department employees, based on a work schedule of 195 hours within

[7] Amended by Res. No. R-2014-05
Adopted 03/18/2014

a 28 day period shall be as follows (13.00 pay cycles annually): 117.12 sick hours/26 pay periods = 4.50 hrs. per pay period. One pay period is equal to two weeks.

Section 14. A. Sick Leave Transfer from Other Agencies/Entities

Any person that was employed by a North Carolina State, County, or Municipal Jurisdiction immediately prior to his/her employment with the City of Laurinburg will have his/her accumulated sick leave transferred intact. This transfer will be in accordance with the Local Government Retirement System, G.S.128-26(e). [8]

Section 15. Sick Leave: Medical Certification

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

1) Employees shall not be on duty when they might endanger their health or the health of other employees; and

2) There will be no abuse of sick 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, annual, and sick leave earned by full-time and part-time employees with fewer or more hours than the basic work week shall be determined by the following formula:

1) The number of hours worked by such employees shall be divided by the number of hours in the basic workweek (usually 40 hours).

2) The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic workweek.

3) The number of hours in step 2 divided by 12 shall be the number of hours of leave earned monthly by the employees concerned.

8-Amended by Res. No. R-2015-01
Adopted 03/17/2015

Section 17. Family and Medical Leave

The City will grant up to 12 weeks of family and medical leave or 26 weeks as caregiver for a FMLA covered service member during any 12-month period to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA) and as amended in 2008 as well as any updates to the law post-dating policy development. The leave may be paid (coordinated with the City's Vacation and Sick Leave policies), unpaid, or a combination of paid and unpaid. 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 City's Leave without Pay policy.

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

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

1) the birth of a child and in order to care for that child;

2) the placement of a child for adoption or foster care;

3) to care for a spouse, child, or parent with a serious health condition;

4) because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation;

5) for a spouse, son, daughter, parent, or next of kin to care for a service member, or

6) the serious health condition of the employee.

The City must also grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury of illness up to a total of **26 workweeks** of unpaid or paid leave during a "single 12-month period" to care for the service member. For specific information regarding military family leave, see "Fact Sheet #28A: The Family and Medical Leave Act Military Family Leave Entitlements, http://www.dol.gov/whd/regs/compliance/whdfs28a.pdf

Spouses who are both employed by the City are limited in the amount of family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of 12 workweeks (or 26 workweeks if leave is care for a covered service member with a serious injury or illness is also used). Leave for birth and care, or placement for adoption or foster care, must conclude within 12

months of the birth or placement.

The request for the use of leave must be made in advance and in writing by the employee and approved by the department head *or* City Manager. In an emergency situation, the request for the use of FMLA leave must be made as soon as reasonably practical. On its initiative, the City may designate leave as FMLA.

For the purposes of this policy a "**serious health condition**" is an illness, injury, impairment, or physical or mental condition that involves either:

Inpatient care (*i.e.*, an overnight stay) in a hospital, hospice or residential medical care facility, including any period of incapacity (*i.e.*, inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; **or**

Continuing treatment by a health care provider, which includes:

(1) A period in incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period on incapacity relating to the same condition that **also** includes:

(a) treatment two or more times by or under the supervision of a health care provider (*i.e.*, in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); **or**

(b) one treatment by a health care provider (*i.e.*, an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (*e.g.*, prescription medication, physical therapy); **or**

(2) Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; **or**
(3) Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider is not necessary for each absence; **or**

(4) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; **or**

(5) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

Intermittent Leave

Pursuant to this policy, the employee may not take leave intermittently or on a reduced work schedule for childbirth and care or for adoption unless the employee and the City agree otherwise. Under some circumstances, the employee may take FMLA leave intermittently or on a reduced schedule to care for the employee's child, spouse, or parent who has a serious health condition, or because the employee has a serious health condition. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the City's operation. The City may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave. When an employee is on a reduced work schedule, the time not worked is counted against the total 12 workweeks.

Designation of Leave as FMLA Leave

It is the responsibility of the City to:

1) determine that leave requested is for a FMLA qualifying reason, and

2) designate leave, whether paid or unpaid, as FMLA leave even when an employee would rather not use any of the FMLA entitlement.

The City must give notice of the designation to the employee within five (5) business day absent extenuating circumstances. The notice may be oral or in writing, but must be confirmed in writing no later than the following payday.

If the City determines that the leave will not be designated as FMLA-qualifying (e.g., if the leave is not for a reason covered by FMLA or the FMLA entitlement has been exhausted), the City must notify the employee of that determination.

For military caregiver leave that also qualifies as leave taken to care for a family member with a serious health condition, the City must designate such leave as military caregiver leave first. The leave cannot be counted against both an employee's entitlement of 26 workweeks of military caregiver leave and 12 workweeks of leave for other qualifying reasons.

The key in designating FMLA leave is the qualifying reason(s), not the employee's election or reluctance to use FMLA leave or to use all, some or none of the accrued leave. The City's designation must be based on information obtained from the employee or an employee's representative (e.g., spouse, parent, physician, etc.)

The City may retroactively designate leave as FMLA leave with appropriate notice to the employee provided that the City's failure to timely designate leave does not cause harm or injury to the employee. In all cases where leave would qualify for FMLA protections, the City and employee can mutually agree that the leave be retroactively designated as FMLA leave.

When an employee is on paid leave but has not given notice of the need for FMLA leave, the City shall, after a period of no more than 10 workdays, request that the employee provide sufficient information to establish whether the leave is for a FMLA-qualifying reason. This does not preclude the City from requesting the information sooner, or at any time an extension of leave is requested.

Prior to an employee returning to work after an FMLA leave, the employee's supervisor, department head, or the Director of Human Resources may require a physician's certification that the employee can safely resume employment and has regained the ability to effectively perform the essential functions of the job. An employee who takes leave under this policy will return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority.

Employment and benefits protection will be as follows:

1) The employee shall be reinstated to the same position held when the leave began or one of like pay grade, pay, benefits, and other conditions of employment. The City may require the employee to report at reasonable intervals to the employer on the employee's status and intention to return to work. The City also may require that the employee receive certification that the employee is able to return to work.

2) The employee shall be reinstated without loss of benefits accrued when the leave began. All benefits accrue during any period of paid leave; however, no benefits will be accrued during any period of leave without pay.

3) The City shall maintain coverage for the employee under the City's group health plan for the duration of leave at the level and under the conditions coverage would have been provided if the employee had continued employment. The City may recover premiums if the employee fails to return after the period of leave to which the employee is entitled has expired for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. Leave without pay beyond the twelve (12) week period or for employees not covered under the Family and Medical Leave Policy will be administered under Leave Without Pay policy (Section 8). Under these provisions, employees must pay for health benefits coverage.

Section 18. Medical and Family Leave - Certification

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

the patient requires assistance and the employee's presence would be beneficial or desirable.

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

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

Where the City has reason to doubt the validity of the certification the City may require **(at the City's expense)** the employee to obtain the opinion of a second health care provider designated or approved by the City. Where the second opinion differs from the opinion in the original certification provided, the City may require the employee to obtain the opinion of a third health care provider designated or approved jointly by the City and the employee **(the third opinion will also be at the City's expense).** The third opinion is final and is binding on the City and the employee.

The City may request recertification no more often than every 30 days unless: (1) an extension is requested, (2) circumstances described by the previous certification have changed significantly, or (3) the City receives information that casts doubt upon the employee's stated reason for the absence.

If the minimum duration specified on a certification is more than 30 days, the City may not request recertification until that minimum duration has passed unless one of the above conditions is met.

The employee must provide the requested recertification to the City within the time frame requested (which must allow at least 15 calendar days after the agency's request), unless it is not practicable under the particular circumstances.

Any recertification requested by the City shall be at the employee's expense unless the City provides otherwise. No second or third opinion on recertification may be required.

Certification Requirements for Military Caregiver Leave – Refer to the Factsheet #28A: the Family and Medical Leave Act Military Family Leave Entitlements, http://www.dol.gov/whd/regs/compliance/whdfs28a.pdf.

Section 19. Leave Without Pay

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

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

Section 20. Family Medical Leave and Leave Without Pay: Retention and Continuation of Benefits

When an employee is on leave under FMLA (maximum of 12 weeks in a year), the City 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 City will require the reimbursement of the amount paid for the employee's health insurance premium during the FMLA leave period.

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

An employee shall retain all unused vacation and sick leave while on Leave Without Pay. An employee ceases to earn leave credits on the date leave without pay begins. The employee may continue to be eligible for benefits under the City's group insurance plans at his or her own expense, subject to any regulation adopted by the City Council and the regulations of the insurance carrier.

Section 21. Workers' Compensation Leave

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave, vacation, or compensatory time during the first waiting period. The employee may also elect to supplement workers' compensation payments after they begin with sick leave, vacation, or compensatory time, provided that the combination of leave supplement and workers' compensation payments does not exceed normal compensation. An employee on workers' compensation leave may be permitted to continue to be eligible for benefits under the City's group insurance plans. When workers' compensation leave

extends long enough for the waiting period to be reimbursed, the employee shall return the reimbursement check to the City and have leave hours re-instated for all time covered by paid leave. In such cases, the City will pay the employee for any unpaid time that is owed the employee.

Section 22. Military Leave

Regular employees who are members of an Armed Forces Reserve organization or National Guard shall be granted two calendar weeks per year for military leave without pay. On rare occasions due to annual training being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year. For this purpose only, an employee shall be granted an additional ten days of military leave during the same calendar year. If the compensation received while on military leave is less than the salary that would have been earned during this same period as a City employee, the employee shall receive partial compensation equal to the difference. The effect will be to maintain the employee's salary at the normal level during this period. If such duty is required beyond these ten workdays, 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 taking military leave, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the City during this period. Employees who are eligible for military leave have all job rights specified by the Vietnam Veterans Readjustment Act.

Section 23. Reinstatement Following Military Service.

An employee called to extended active duty with the United States military forces, who does not volunteer for service beyond the period for which called, shall be reinstated with full benefits provided the employee:

1) Applies for reinstatement within ninety days after the release from military service; and

2) Is able to perform the duties of the former position or similar position; or

3) Is unable to perform the duties of the former position or a similar position due to disability sustained as a result of the military service, but is able to perform the duties of another position in the service of the City. In this case the employee shall be employed in such other position as will provide the nearest approximation of the seniority, status, and pay which the employee otherwise would have been provided, if available.

Section 24. Civil Leave

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

Section 25. Educational Leave with Pay

A leave of absence at full or partial pay during regular working hours may be granted to an employee to take one course which will better equip the employee to perform assigned duties upon the recommendation of the Department Head, and with the approval of the City Manager. Educational leave at full or partial pay for a period not to exceed twelve calendar months may be granted to an employee to take one or more courses that will better equip the employee to perform assigned duties upon the recommendation of the Department Head and the City Manager and with the approval of the City Council. An employee granted such extended educational leave with pay shall agree to return to the service of the City upon completion of training and remain in the employ of the City for a period of twice the educational leave received, or the employee shall reimburse the City for all compensation received while on educational leave.

An employee on educational leave with full pay shall continue to earn leave credits and other benefits to which City employees are entitled. An employee on educational leave with partial pay shall earn proportional leave credits.

Section 26. Bereavement Leave

Bereavement leave with pay may be used for a death in the employee's immediate family as defined in Section 13 of this Article and may not exceed three (3) consecutive days, up to maximum of three (3) days per calendar year. When necessary, an employee may request sick leave, compensatory time or vacation leave for any additional time required for travel, mourning, or personal business related to a death in the immediate family; not to exceed five (5) days for one occurrence; when approved by the department head and/or City Manager. Bereavement leave does not accumulate from year to year. Department Heads or City Manager may require documentation of your immediate family member's death. In order to receive bereavement leave, the employee **must** attend the funeral of the immediate family member.

Time to attend funerals for extended family members may be charged to other leave; but may not exceed three (3) days for any one occurrence. [9]

[9]Amended by Res. No. R-2015-01
Adopted 03/17/2015

ARTICLE VIII SEPARATION AND REINSTATEMENT

Section 1. Types of Separations

All separations of employees from positions in the service of the City shall be designated as one of the following types and shall be accomplished in the manner indicated: 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 weeks. Failure to provide minimum notice shall result in forfeit of payment for accumulated vacation unless the notice is waived upon recommendation of the Department Head and approval by the City Manager.

Three consecutive days of absence without contacting the immediate supervisor or Department Head may be considered to be a voluntary resignation if in notice is not previously given by the employee. 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 temporary or probationary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary or probationary employee.

Section 4. Disability

An employee who cannot perform the required duties because of a physical or mental impairment may be separated for disability. Action may be initiated by the employee or the City. In cases initiated by the employee, such action must be accompanied by medical evidence acceptable to the City Manager. The City may require an examination, at the City's expense, performed by a physician of the City's choice.

Section 5. Voluntary Retirement

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

Section 6. Death

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

Section 7. Dismissal

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

Section 8. Reinstatement

An employee who is separated because of reduction in force may be reinstated within one year of the date of separation, upon recommendation of the Department Head, and upon approval of the City Manager. An employee who is reinstated in this manner shall be re-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 City 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.

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 as determined by the City of Laurinburg. All cases of disciplinary suspension, demotion, or dismissal must be approved by the Department Head or City Manager prior to giving final notice to the employee.

Section 2. Unsatisfactory Job Performance Defined

Unsatisfactory job performance includes any aspects of the employee's job which are not performed as required to meet the standards set by the Department Head. Examples of unsatisfactory job performance include, but are not limited to, the following:

1) Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
2) Careless, negligent or improper use of City property or equipment;

3) Physical or mental incapacity to perform duties after reasonable accommodation;

4) Discourteous treatment of the public or other employees;

5) Absence without approved leave;

6) Repeated improper use of leave privileges;

7) Habitual pattern of failure to report for duty at the assigned time and place;

8) Failure to complete work within time frames established in work plan or work standards;

9) Failure to meet work standards over a period of time.

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 should meet with the employee as soon as possible in one (1) or more counseling sessions to discuss specific performance problems. A brief summary of these counseling sessions should 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 written warnings from the supervisor, one of which may be the final written warning, before disciplinary action is taken. In each case, the supervisor should record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set. If the employee's performance continues to be unsatisfactory, then the supervisor should use the following steps:

1) A final written warning from the supervisor serving notice upon the employee that corrected performance must take place immediately in order to avoid suspension, demotion, or dismissal.

2) If performance does not improve, a written recommendation should be sent to the department head or City Manager for disciplinary action such as suspension, demotion, or

dismissal. Disciplinary suspensions should not generally exceed one workweek (usually 40 hours).

Section 4. Disciplinary Action for Detrimental Personal Conduct

With the approval of the department head or City Manager, an employee may be placed on disciplinary suspension, demoted, or dismissed without prior warning for causes relating to personal conduct detrimental to City service in order to 1) avoid undue disruption of work; 2) to protect the safety of persons or property; or 3) for other serious reasons. Disciplinary suspension should not normally exceed one workweek (usually 40 hours).

Section 5. Detrimental Personal Conduct Defined

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

1) Fraud or theft;

2) Conviction of a felony or the entry of a plea of nolo contendere thereto;

3) Falsification of records for personal profit, to grant special privileges, or to obtain employment;

4) Willful misuse or gross negligence in the handling of City funds;

5) Willful or wanton damage or destruction to property;

6) Willful or wanton acts that endanger the lives and property of others;

7) Possession of unauthorized firearms or other lethal weapons on the job;

8) Brutality in the performance of duties;

9) Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary;

10) Engaging in incompatible employment or serving a conflicting interest;

11) Request or acceptance of gifts in exchange for favors or influence;

12) Engaging in political activity prohibited by this policy;

13) Harassment of an employee or the public with threatening or obscene language and/or gestures;

14) Harassment of and employee(s) and/or the public on the basis of sex or any other protected class status; or

15 Stated refusal to perform assigned duties or flagrant violation of work rules and regulations.

Section 6. Pre-dismissal Conference.

Before dismissal action is taken, whether for failure in personal conduct or failure in performance of duties, the City Manager or a department head will conduct a pre-dismissal conference. At this conference, the employee may present any response to the proposed dismissal to the City Manager or Department Head. The City Manager or department Head will consider the employee's response, if any, to the proposed dismissal, and will, within three (3) working days following the pre-dismissal conference, notify the employee in writing of the final decision. If the employee is dismissed, the notice shall contain a statement of the reasons for the action and the employee's appeal rights under the City's grievance procedure.

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 Head, be in the best interest of the City, the Department Head may suspend the employee for part or all of the proceedings as a non-disciplinary action. In such cases, the Department Head may:

1) Temporarily relieve the employee of all duties and responsibilities and place the employee on paid or unpaid leave for the duration of the suspension, or

2) Assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities.

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

Such suspensions, shall not last more than one year. If the reason for the suspension has not been resolved, the employee will be terminated.

Section 8. Substance Abuse Policy

The City may establish policies and procedures related to employee substance abuse in order to insure the safety and well-being of citizens and employees, and to comply with any state, federal, or other laws and regulations.

ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Section 1. Policy

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

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

Section 2. Grievance Defined

A grievance is a claim or complaint by an 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:

1) Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;

2) Encouraging employees to express themselves about the conditions of work which affect them as employees;

3) Promoting better understanding of policies, practices, and procedures which affect employees;

4) Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures; and

5) Increasing the sense of responsibility exercised by supervisors in dealing with their employees.

Section 4. Procedure

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

Informal Resolution. Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the Human Resources Office 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 (the person who took the action which created the grievance issue, could be immediate supervisor, division head, department head, etc.) in writing. The grievance must be presented within seven (7) calendar days of the event or within seven (7) calendar days of learning of the event or condition. The supervisor shall respond to the grievance within seven (7) calendar days after receipt of the grievance. The supervisor should, and is encouraged to, consult with any employee of the City in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible.

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

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 next level supervisor (Division Head, Department Head, City Manager, etc.) within seven calendar days after receipt of the response from Step 1.

The next level supervisor shall respond to the appeal, stating the determination of decision within seven (7) 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 City Manager within seven (7) calendar days after receipt

of the response from Step 2. The City Manager shall respond to the appeal, stating the determination of decision within seven (7) calendar days after receipt of the appeal. The City Manager's decision shall be the final decision. The City Manager would notify the City Council of any impending legal action.

Section 5. Role of the Human Resources Director

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

1) To advise parties (including employee, supervisors, and City Manager) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistency of application;

2) To be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents.

3) To give notices to parties concerning timetables of the process, etc.;

4) To assist employees and supervisors in drafting statements; and
5) To facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process.

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

Section 6. Grievance and Adverse Action Appeal Procedure for Discrimination

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

ARTICLE XI. PERSONNEL RECORDS AND REPORTS

Section 1. Public Information

In compliance with GS 160A-168, the following information with respect to each City employee is a matter of public record: name; age; date of original employment or appointment to the service; current position title; current salary; date and amount of the most recent increase or decrease in salary; date of the most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and the office to which the employee is currently assigned. Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the City may adopt.

Section 2. Access to Personnel Records

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

1) The employee or his/her duly authorized agent may examine all portions of his/her personnel file except letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to the patient.

2) A licensed physician designated in writing by the employee may examine the employee's medical record.

3) A City employee having supervisory authority over the employee may examine all material in the employee's personnel file.

4) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.

5) An official of an agency of the State or Federal Government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the City Manager to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of the personnel records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.

6) An employee may sign a written release to be placed in his/her personnel file that permits the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.

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

Section 3. Personnel Actions

The Human Resources Director, with the approval of the City Manager, will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system. The official personnel files are those which are maintained by the Human Resources Office. These files shall contain documents such as employment applications and related materials, records of personnel actions, documentation of employee warnings, disciplinary actions, performance evaluations, retirement and insurance records, letters of recommendation, and other personnel-related documents.

Section 4. Records of Former Employees

The provisions for access to records apply to former employees as they apply to present employees. Employment records for terminated employees will be maintained for a period of time required by all Federal, State and Local law. Portions of Employment records of terminated employees will be destroyed after retention period expires.

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. The employee may seek removal of such material in accordance with established grievance procedures.

Section 6. Penalties for Permitting Access to Confidential Records

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

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

Section 160A-168 of the General Statutes of North Carolina provides that any person, not

specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined consistent with the General Statutes.

Section 8. Destruction of Records Regulated

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

ARTICLE XII: SOCIAL MEDIA POLICY

Section 1. Introduction

Social media are powerful communications tools that have a significant impact on organizational and professional reputations. Because they blur the lines between personal voice and institutional voice, The City of Laurinburg has crafted the following policy to help clarify how best to enhance and protect personal and professional reputations when participating in social media. Social media are defined as media designed to be disseminated through social interaction, created using highly accessible and scalable publishing techniques. Examples include but are not limited to LinkedIn, Twitter, Facebook, YouTube, and MySpace, Google+.

Both in professional and organizational roles, employees need to follow the same behavioral standards online as they would in real life. The same laws, professional expectations, and guidelines for interacting with customers, other employees, vendors, citizens, elected officials, media, etc. apply online as in the real world. Employees are liable for anything they post to social media sites. Violations of the social media policy can lead to discipline up to, and including termination.

Section 2. Policies for Social Media Sites, Including Personal Sites

• **Protect confidential and proprietary information:** Do not post confidential or proprietary information about the City of Laurinburg, customers, citizens, elected officials, employees, et. Employees must still follow the applicable federal requirements such HIPA, as well as other local, state and federal laws. Adhere to all applicable City privacy and confidentiality policies. Employees who share confidential information do so at the risk of disciplinary action or termination.

• **Respect copyright and fair use:** When posting, be mindful of the copyright and intellectual property rights of others and of the City.

• **Do not use City of Laurinburg logos for endorsements:** Do not use the City of Laurinburg logo or any other City images or iconography on personal social media sites. Do not use the City of Laurinburg's name to promote a product, cause, or political party or candidate.

Section 3. Best Practices

• **Think twice before posting:** Privacy does not exist in the world of social media. Consider what could happen if a post becomes widely known and how that may reflect both on the poster and the City. Search engines can turn up posts years after they are created, and comments can be forwarded or copied. If you wouldn't say it at a conference or to a member of the media, consider whether you should post it online. If you are unsure about posting something or responding to a comment, ask your supervisor for input or contact Human Resources.

• **Strive for accuracy:** Get the facts straight before posting them on social media. Review content for grammatical and spelling errors. This is especially important if posting on behalf of the City in any capacity.

• **Be respectful:** Understand that content contributed to a social media site could encourage comments or discussion of opposing ideas. Responses should be considered carefully in light of how they would reflect on the poster and/or the City.

• **Remember your audience:** Be aware that a presence in the social media world is or easily can be made available to the public at large. This includes prospective media, customer, citizens, etc. Consider this before publishing to ensure the post will not alienate, harm, or provoke any of these groups.

• **On personal sites,** identify your views as your own. If you identify yourself as a City employee online, it should be clear that the views expressed are not necessarily those of the City.

ARTICLE VIII: INTERNET POLICY

Section 1. Purpose

Almost every aspect of City business revolves around the use of electronic media and computer systems. Our systems are more than an efficient repository and processors of information but also an effective means of global communication. Due to the potential for legal liability for the town and possible compromise of confidential information an established electronic media and computer systems policy is necessary.

Section 2. General Policies

It shall be the policy of the City of Laurinburg to provide electronic media and computer systems to meet the technology and information needs for the City. These systems are primarily to be used for the compilation, storage and exchange of electronic media and records. Each employee of the City of Laurinburg must exercise a high degree of responsibility and judgment when utilizing these systems. It shall be the responsibility of each employee to efficiently utilize these systems in a manner consistent with the law and ethical cannons of municipal employees.

Section 3. Electronic Media Standards

Electronic media and computer systems have been provided for employee use consistent with the following:

City Related Business

- The appropriate administration of City related business
- The appropriate administration of justice
- The transfer of electronic data for the administration of City related business
- Interagency or inter-municipal cooperation

Personal Use of Computer Systems

- Personal use of electronic media and computer systems should be limited and should not interfere with employees' ability to do their jobs.

- In no case shall an employee perform data transfers, downloads, or other system operations that shall compromise or change the configuration, operation, efficiency, effectiveness, programming, or other operational system of any computer system owned or controlled by the City.

Section 4. E-mail Policies

Electronic mail or E-Mail is a unique medium. Unlike traditional written communication, e-mail has a far greater potential for compromise of system security or misuse. For each employee that has been provided with an e-mail account. The following procedures and rules have been established to insure that this medium is properly used.

- In no case shall e-mail be transferred that is of a derogatory, defamatory, illegal, profane, obscene, or otherwise disreputable or of such subject matter as to negatively reflect the reputation of the City of Laurinburg.

- Users may not initiate or forward chain e-mail.

- The content of all communications should be accurate. Computer systems, accounts and electronic records are the property of the City of Laurinburg and are thereby subject to review in accordance with law.

- Email should be store in accordance with records management policies.

Section 5. Computer System Compliance and Monitoring

It is the policy of the City of Laurinburg to insure the integrity of all computer systems operated by its employees. Department Heads are responsible to monitor for compliance the established electronic media and computer systems policy to insure system integrity and employee performance.

- Employees should have no expectation of privacy in reference to electronic media. There is no implied or stated right to privacy on town owned or operated computer systems.

- Users expressly waive any right of privacy in anything that they create, store, send, transfer, or receive.

- The City has the right to monitor any and all aspects of its computer systems including but not limited to, monitoring sites visited by users on the Internet, monitoring chat groups and newsgroups, reviewing material downloaded or uploaded from the Internet, or reviewing e-mail sent and received by users.

Section 6. Copyright or Software Infringement

At no time are City employees authorized to participate in any copyright or software infringement. Employees will be held strictly liable for any violation of this section by civil or criminal prosecution.

Section 7. Employee Issued Computer Systems

All of the previously mentioned sections of this policy are applicable to employee issued systems. This may include portable laptop computers and other electronic media. The employee is responsible for the normal care, maintenance, and upkeep of all personally assigned computer systems.