



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

TABLE OF CONTENTS

WELCOME MESSAGE TO EMPLOYEES.....4

ORGANIZATION OF PERSONNEL SYSTEM.....5-7

EMPLOYEE STATUS DEFINITION.....7-8

RECRUITMENT AND SELECTION.....8-9

SELECTION/EQUAL OPPORTUNITIES.....9

ADA AND ADA44.....9

RECRUITMENT ANDSELECTION.....10

COMPENSATION.....11-18

ADMINISTRATION AND MAINTENANCE.....11

STARTING SALARIES.....11

TRAINEE/APPRENTICE DESIGNATION.....11-12

INTRODUCTORY PAY INCREASES.....12

EFFECTS ON SALARY RATES.....12-13

OVERTIME PAY PROVISIONS.....14-15

CALL BACK AND STANDBY PAY.....15-16

LONGEVITY PAY.....16-17

PERFORMANCE MANAGEMENT SYSTEM AND MERIT PAY.....15-16

MERIT PAY.....17-18

CONDITIONS OF EMPLOYMENT.....18

NEW EMPLOYEE INTRODUCTORY PERIOD.....18- 19

TRANSFER AND PROMOTION INTRODUCTORY PERIODS19

IMMIGRATION LAW19

LICENSURE/CERTIFICATION.....19

ORIENTATION AND ANNUAL TRAINING.....19

OUTSIDE EMPLOYMENT.....20

DUAL EMPLOYMENT.....20

EMPLOYMENT OF RELATIVES.....20

POLITICAL ACTIVITY.....20-21

TOBACCO & SMOKE-FREE WORKPLACE.....21

BUSINESS ATTIRE.....21-22

CLOTHING AND SHOE ALLOWANCE.....22-23

SUBSTANCE ABUSE AND DRUG/ALCOHOL TESTING POLICY.....23-26

DEPARTMENT OF TRANSPORTATION DRUG AND ALCOHOL POLICY.....26-37

MOTOR VEHICLE RECORDS POLICY.....37-42

SEXUAL HARASSMENT42-44

ANTI-HARRASSMENT.....44-46

WORKPLACE VIOLENCE.....46-47

PERSONAL RELATIONSHIPS IN THE WORKPLACE.....47-48

EMPLOYEE ETHICS & PERSONAL CONDUCT.....48-49

WORK SCHEDULES.....49

HOURS OF WORK.....49

LUNCH HOURS.....49-50

OVERTIME WORK.....50



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

ATTENDANCE AND PUNCTUALITY.....	50-51
EMPLOYEE BENEFITS.....	51- 52
COBRA.....	52
HIPAA.....	52
RETIREMENT.....	52-55
SUPPLEMENTAL RETIREMENT PLAN.....	55-56
TUITION ASSISTANCE.....	56
UNEMPLOYMENT INSURANCE.....	56
HOLIDAYS AND LEAVES OF ABSENCES.....	56
HOLIDAYS.....	56-57
VACATION LEAVE.....	57-59
SICK LEAVE.....	59-60
FAMILY MEDICAL LEAVE.....	61-66
SHORT TERM DISABILITY LEAVE.....	66
LONG-TERM DISABILITY LEAVE.....	67
MATERNITY LEAVE.....	67
WORKERS COMPENSATION LEAVE	67-68
LIGHT DUTY.....	68-70
JURY/CIVIL LEAVE.....	70
PARENTAL SCHOOL LEAVE.....	70-71
DISCRETIONARY LEAVE.....	71
VOLUNTARY SHARED LEAVE.....	71
MILITARY LEAVE.....	71-73
BEREAVEMENT LEAVE.....	73
UNSATISFACTORY JOB PERFORMANCE & DETRIMENTAL PERSONAL CONDUCT.....	74
COMMUNICATION AND PROGRESSIVE DISCIPLINARY PROCESS.....	74-76
DETRIMENTAL PERSONAL CONDUCT.....	76-77
TYPES OF DISCIPLINARY ACTION.....	77-79
GRIEVANCE PROCEDURE & ADVERSE ACTION APPEAL.....	79-81
SEPARATION AND REINSTATEMENT.....	81-83
REDUCTION IN FORCE.....	83
OPERATING POLICIES AND PROCEDURES.....	83
PAYROLL POLICY.....	83
TELEPHONE COVERAGE.....	84
WEATHER CONDITIONS POLICY.....	84
PAY AND USE OF LEAVE TIME.....	84-85
EMPLOYEE IDENTIFICATION.....	85
USE OF TOWN PROPERTY.....	85
USE OF TOWN VEHICLE.....	85-87
USE OF TOWN PURCHASING CARDS/CREDIT CARDS.....	87
TRAVEL AND EXPENSE ALLOWANCES.....	87-90
RECORDS AND REPORTS.....	90-92
APPROPRIATE TECHNOLOGY USE POLICY.....	92-96
SOCIAL NETWORKING.....	96-97



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

HEALTH AND SAFETY POLICY.....	97-98
ACKNOWLEDGEMENT OF RECEIPT	99



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

WELCOME MESSAGE TO EMPLOYEES

We welcome your employment with the Town of Pineville. You are a member of a talented, hardworking team devoted to giving the best possible service to our citizens. As an employee your employment with the Town is vital, and the citizens rely on you for efficient and courteous service. Your work and conduct helps to determine the success of the Town and how we are viewed by our citizens for a job well done. The integrity of the Town is a priority and is determined by the ethical standards that must be adhered to by Council Members, employees and any representative of the Town.

This handbook has been prepared for you, the employee. Its purpose is to give you information concerning the personnel policies of the Town of Pineville and the benefits the Town provides you as an employee. All personnel policies are subject to change, and as changes occur, you will be provided with replacements or supplemental sheets to keep your handbook up to date.

The Town of Pineville is an "at will" employer. There is nothing in this employee handbook that creates either a written or implied employment contract between the Town and its employees.

As an employee, you should read its contents carefully and keep it on hand as a reference for your questions and responsibilities. Any questions you have concerning an interpretation of a policy can be directed to either your supervisor, Department Head, Human Resources Director or the Town Manager.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

ORGANIZATION OF PERSONNEL SYSTEM

Purpose and Applicability

The Town of Pineville provides a variety of services to its citizens. The Town recognizes that the success of delivery of services to its citizens is dependent upon its most valuable resource, "its employees." The consistent administration of personnel functions is conditioned by the proper application of personnel policies. These policies will establish a system which will recruit, select, develop and maintain an effective and responsible workforce.

The policies, information and guidelines set forth in this employee handbook are not intended to be comprehensive or to address all possible applications of, or exceptions to, the general policies and procedures described. Likewise, they are not intended to create a contract, nor do they confer any contractual right, express or implied, to employment with Town of Pineville or guarantee any fixed terms and conditions of employment. The Town of Pineville is an "At-will" employer. Employees are free to resign at any time, with or without notice or cause. Similarly, the Town may terminate the employment relationship at any time, with or without cause, so long as there is no violation of applicable federal or state law.

The personnel policies, procedures, information and guidelines may be amended or canceled at any time, with proper approvals as set forth herein. While it is the intent of the Town to promptly notify all affected employees of changes, unfortunately circumstances do not allow a guarantee that prior notice can be given and the policy in effect will simply have to govern.

The personnel policies and procedures in this handbook supersede any prior oral or written policies and upon receipt of acknowledgement of receiving a copy, must be adhered to by all.

Responsibility

Responsibility for the administration of these policies and procedures is designated as follows:

Mayor/Town Council-Responsible for approving personnel policies and rules, approving the addition of new positions and the ability to change policies and benefits as necessary. They shall make and confirm appointments when so specified by law.

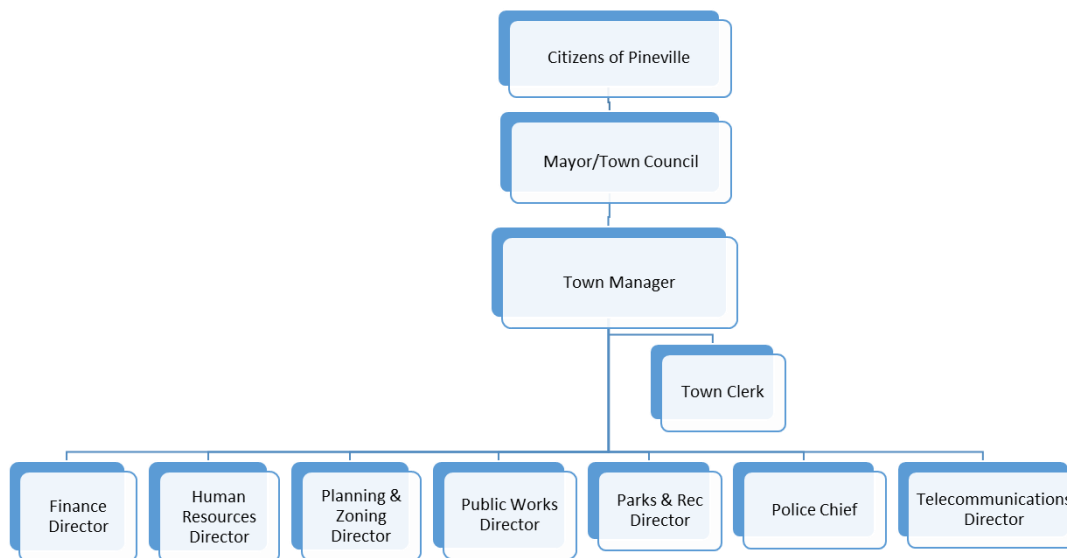
Town Manager- The Town Manager shall have the final authority in decisions of employment and disciplinary action including, but not limited to (suspension, dismissal, etc.), position classification, pay plan, reduction in pay of all employees in accordance with the policies and procedures set forth herein, except for those who are elected by the people or whose appointment is otherwise provided for by law.

Human Resources Director-The Human Resources Director will be responsible for the regular maintenance of the personnel program. The HR Director will, among other responsibilities:

- a. Apply, interpret and carry out the Employee Handbook and the policies and procedures adopted thereunder, as directed by the Town Manager.
- b. Establish and maintain Human Resources Information Systems and personnel records for all Town employees, in accordance with federal, state and local laws and regulations and the policies set forth in this employee handbook.
- c. Develop and administer such recruiting programs as may be necessary to obtain an adequate amount of qualified and competent applicants to meet the needs of the Town.
- d. Encourage and exercise leadership in the development of effective personnel administration within the various Town Departments and to make available the services of the Human Resources Department.
- e. Investigate, when necessary, the time, operation and effect of this policy and of the policies made thereunder and report his/her findings and recommendations to the Town Manager.
- f. Make such recommendations to the Town Manager regarding the personnel functions, as well as revisions as he/she may consider appropriate.
- g. Issue and publish any directives, supplements, interpretations and necessary prescribed forms and reports for any personnel matters for the proper functioning, maintenance and documentation of the procedures established by and in accordance with this policy.
- h. Develop and/or coordinate training and staff development programs to meet future organizational needs and requirements.
- i. Stay abreast of personnel legislation, changes in employee benefits and any other development that has an effect on the policies set forth in this handbook and advise the Town Manager of the need to make amendments.
- j. Maintain exempt and non-exempt Fair Labor Standards Act (FLSA) classifications on all positions to ensure compensation practices are compliant with the FLSA; and
- k. Perform such other duties as may be assigned by the Town Manager not inconsistent with this policy.

Managers/Supervisors-It is the responsibility of management to administer these policies in a consistent and impartial manner

Employees-All employees are expected to adhere to the standards of conduct and job performance and other conditions of employment specified in these policies and procedures.



EMPLOYEE STATUS DEFINITIONS

EMPLOYEE STATUS DEFINITIONS

For the purpose of this policy, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A **full-time regular** employee works at least 40 hours per week and has successfully completed the six month introductory period with the exception of sworn police whose introductory period is one year.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

A **part-time regular** employee works at least 20 hours, but less than 40 hours per week and has successfully completed the introductory period. (Employees who work 20 hours a week or more totaling 1000 hours per year are eligible for participation in the NC Retirement System & pro-rated sick and vacation leave. Part time employees who work 30 hours or more per week will be eligible for all benefits including pro-rated sick and vacation leave).

Introductory employee is a full time or part time regular employee who has not yet successfully completed the six month introductory period of employment. For Sworn officers, per State regulations, their introductory period is one year.

A **temporary employee** works either an average work week of less than 20 hours, or continuous employment of less than 12 months. Approval from the Town Manager is required for all temporary employees working three or more consecutive months.

A **trainee/apprentice** is an employee who is hired or promoted, but does not meet all the requirements for the position. During trainee status the employee remains in the introductory status until such time as they are able to meet the minimum requirements for the position.

Exempt employees are fulltime and part-time employees who have been classified as "Exempt" from overtime provisions, including compensatory time, of the Fair Labor Standards Act and are paid for the accomplishment of assigned accountabilities rather than being paid for the number of hours worked in a work week. An exempt employee must meet the requirements as determined and set forth by the Fair Labor Standards Act.

A **Non-exempt** employee is a fulltime and/or part-time employee whose work is generally routine with set standards and rules. In accordance with the Fair Labor Standards Act, employees are entitled to at least federal minimum wage for the first 40 hours worked and time and a half for any hours actually worked over 40 hours in the work week. Overtime will be calculated based on the employee's actual hourly rate. If an employee records a total of forty hours of combined work and leave time in a work week, but has not actually worked 40 hours, they will receive straight time for those hours until they reach the actual forty hours worked.

RECRUITMENT AND SELECTION

Department Heads shall notify Human Resources when a position becomes vacant in their department. The Human Resources Department will work with the Department Head concerning internal/external advertisements and shall advertise these opportunities for employment. Recruiting resources and efforts will be conducted in a manner that provides equal opportunity for all applicants. In addition, notice of vacancies shall be posted in conspicuous areas within the various Town departments. In general, notices of all job openings are posted, although the Town of Pineville reserves its discretionary right not to post a particular opening if there is a valid business reason (e.g. emergency need, internal promotion, etc.).



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

Job Advertisements. Employment advertisements shall contain assurances of equal opportunity and shall comply with federal and state statutes.

Application for employment. All persons interested in employment with the Town of Pineville shall be given the opportunity to download an application from www.pinevillenc.gov and submit it to the Human Resources Department. All internal applicants must obtain an internal application from their respective departments or Human Resources for positions of interest within the Town.

Application Reserve File. Applications shall be kept in an inactive reserve file for a period of one year in accordance with the Equal Opportunity Commission guidelines.

SELECTION/EQUAL EMPLOYMENT OPPORTUNITIES

The Town of Pineville provides equal opportunities to all with respect to employment policies, practices, operations and prohibits discrimination and harassment of any type with respect to race, creed, religion, color, national origin, sex, age, disability, genetic information, marital status, sexual orientation, political affiliation and veteran and citizenship status. This policy includes all employment decisions, including, but not limited to recruitment, hiring, employment, compensation, training, promotion, demotion, job classification, transfer, lay-off, termination, and all other terms and conditions of employment, except as provided by law. The Town prohibits discrimination in all aspects of its personnel policies, practices and operations.

ADA AND ADA AA

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) prohibits discrimination in employment against people with disabilities. It requires employers to make reasonable accommodations to the known physical or mental limitations of a qualified applicant or employee, unless such accommodation would impose an undue hardship on the employer. Reasonable accommodations include, but not limited to, such actions as making worksites accessible, modifying existing equipment, providing new devices, modifying work schedules, restructuring jobs, and providing readers or interpreters. Any questions and/or inquiries regarding reasonable accommodations should be directed to the Human Resources Department.

The Acts (ADA and ADAAA) also prohibits the use of employment tests and other selection criteria that screen out, or tend to screen out, individuals with disabilities, unless such tests or criteria are shown to be job-related and consistent with business necessity. It also bans the use of pre-employment medical examinations or inquiries to determine if an applicant has a disability. It does, however, permit the use of a medical examination after a job offer has been made if the results are kept confidential; all persons offered employment in the same job category are required to take them; and the results are not used to discriminate. Employers are permitted, at any time, to inquire about the ability of a job applicant or employee to perform essential job-related functions.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

JOB POSTING

Job vacancies will be posted on the Town of Pineville's website (www.pinevillenc.gov) and internal postings will be distributed to each department to post in a visible location for all employees to see. The job postings will remain open for a minimum of 7 days and will include job title, job summary and qualifications. In general, notices of all job openings are posted, although the Town reserves its discretionary right not to post a particular job opening.

APPLYING FOR A JOB

If an employee is interested in a position they shall complete an internal application and if applicable provide the Human Resources Department with both the application and resume for position consideration. All employees including part-time and seasonal may apply for an internal job posting and will be required to follow the same process as external candidates. An applicant's current supervisor may be contacted to verify performance, skills, attendance and the personnel files may also be reviewed.

Employees who are in their introductory period, on disciplinary probation or suspension, or have a written warning on file within the last year are not eligible to apply for posted job openings.

External candidates' applications and/or resume selections will be reviewed by either the Human Resources Director or the Department Head or both. In selecting which applicants to interview, the determination will be based on the qualifications of the candidate in regards to the essential duties and requirements as described in the job description. Based on the position level, the applicant may have to interview with the Town Manager. For positions that are Council appointed, Council will have the option of conducting those interviews in conjunction with either the Town Manager, Human Resources Director or both.

SELECTION

Once a contingent offer is made to the candidate who is best suited for the position, the Human Resources Department will conduct all pre-employment screening. If the candidate clears pre-employment screening, the Department Head will receive authorization to hire in writing. If a Department Head authorizes a candidate to begin working without the written consent of the Human Resources Department the issue will be brought to the attention of the Town Manager. The Town Manager will take the appropriate disciplinary action.

The Department Head should consult with the Human Resources Director prior to extending a salary offer above the minimum of the salary range for any vacant position. In some cases, hiring above the midpoint of the salary range will require approval by the Human Resources Director and the Town Manager. The Department Head will complete and sign the Personnel Transaction form indicating the salary, title and any additional personnel information. Prior to Payroll processing the form, it must have the signatures of the Department Head, Human Resources Director, Finance Director and the Town Manager. Payroll will not pay any persons hired without the completion of the Personnel Transaction Form.



COMPENSATION

ADMINISTRATION AND MAINTENANCE

The Town Manager, assisted by the Human Resources Director, shall be responsible for the administration and the maintenance of the pay plan. All employees covered by the pay shall be paid at a rate within the salary range established for the respective position classification, with the exception of employees in trainee status or employees whose existing salaries are above the established maximum rate as a result of longevity in a position.

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 the public sector, changes in cost of living, and the financial conditions of the Town along with other factors. Periodically, at the direction of the Town Manager, the Human Resources Director will contract with an outside source to conduct comparative compensation studies of all factors affecting the level of salary ranges and make minor adjustments in the positions to salary grades as deemed necessary. When major adjustments affect a number of positions or a general adjustment is needed to re-align the salary structure, the Town Manager shall recommend such changes to the Town Council for consideration.

STARTING SALARIES

Persons hired for a position approved in the position classification plan, shall be compensated at up to the midpoint of the minimum salary based on their experience within the respective classification in which they are employed; however on the recommendation of the Department Head and the Human Resources Director and the written approval of the Town Manager, exceptionally well qualified applicants may be employed above the midpoint of the established minimum salary with the approval of both Town Manager and Town Council.

TRAINEE/APPRENTICE DESIGNATION

An applicant or current employee will be classified as "TRAINEE/APPRENTICE" status if the applicant shows promise of success in a position, but does not meet all of the requirements for the position under consideration; or Town employees, who do not meet all of the requirements for a position. A training plan must be established for employees in trainee/apprentice status by their Department Head to ensure they successfully meet all the requirements of the position in reasonable period of time. An employees in trainee/apprentice status shall be regarded as an introductory employee and compensation shall not be more than ten percent below the minimum salary established for the position for which the employee is being trained.

If the trainee/apprentice does not successfully complete the requirements by the determined date they may be transferred, demoted or dismissed. If the trainee has successfully completed all the requirements,



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

the employee shall be paid at least the minimum rate established for the position following the trainee period.

INTRODUCTORY PAY INCREASES

Supervisors and/or Department Heads must complete the six month introductory performance evaluation to determine, based on work performance, whether the introductory period was completed successfully. The performance rating of the introductory employee will determine the percentage increase the employee is entitled to receive. The percentage range for successful completion of the introductory period shall range from 0% to 5%, with the exception of sworn officers. If an employee's introductory period is extended he/she is ineligible to receive the maximum increase of 5%. The maximum eligible under an extended introductory period is a 4% increase.

Department Heads and Sworn Officers (including field training completion) will have an introductory period of a year, but are eligible for an increase if their six month performance evaluation indicates promise of success. For Department Heads, they are eligible for percentage increase as set forth for all other employees. As for Sworn Officers they will be eligible for a one-step increase under their department's pay plan.

Instances where an employee's introductory period has been extended, in addition to affecting the maximum increase potential, will also have an effect on the employee's annual evaluation date, which is a year from their introductory date.

For additional information on the introductory period please see "Conditions of Employment" section.

EFFECTS ON SALARY RATE

Promotions. Employees shall receive a pay increase to recognize and compensate the employee for their knowledge, skills and ability and their increased responsibility and duties. With the exception of LEO, when there is opportunity for promotion, the pay percentage is set at 5% or the minimum of that pay grade. Like a new hire, there will be a probationary period of 6 months. At the end of the probationary period, the employee can receive a 2.5% increase upon successful completion. The employee's new anniversary date will be one year from the date of completion of the introductory period. If for any reason the probationary period is extended, there will be no increase. For LEO, the incumbent will receive the equivalent of a 7.5% increase and placed into the corresponding step of the new grade. If the 7.5% increase is less than the minimum salary for the new position, the incumbent will move to Step 1 of the new grade. At the completion of the introductory period in the new position, the incumbent is eligible for another one step increase (for a total max increase of 10% at the conclusion of their introductory process).



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

Demotions. When an employee is demoted to a position for which they are qualified for other than for disciplinary or performance based reasons, the employee will be placed at a pay-rate within the new pay grade to be determined by the Department Head based on knowledge, skills and ability as related to the new position and equitable to others within the same classification. Exceptions to this policy may be granted by the Town Manager if an employee is being forced into another position (Reduction in Force or Reorganization, etc.) If the demotion is for cause, the salary shall be decreased at minimum 5% or to the midpoint of the new range and no merit increase will be granted for twelve months.

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 as a result of the transfer. As with any job change comes a probationary period. At the end of the probationary period, the employee can receive a 2.5% increase upon successful completion. An extended probation will be allowed with no increase.

Reclassification. The Town Manager may reclassify an employee's position to a higher salary range if there is a significant change in the knowledge, skills, abilities and responsibilities required. The employee may be eligible for a salary increase commensurate with the reclassification if recommended by the Department Head and the Human Resources Director and approved by the Town Manager.

If the Town Manager determines the position shall be reclassified to a lower salary range, the employee's salary shall remain the same. The only exception where an employee's actual salary will be affected as a result of a lower classification is if the employee's salary is above the maximum salary for the new range, the employee shall have their salary adjusted to the maximum salary of the new salary range.

OVERTIME PAY PROVISIONS

Employees of the Town may be required to work overtime hours as necessitated by the business needs of the Town and approved by the Department Head. All overtime hours worked must be authorized by appropriate management, except in cases of emergency. An emergency exists if a condition arises that could reasonably result in damage to property or persons or which requires immediate attention of the employee. Employees who work excess hours due to an emergency shall advise their immediate supervisor of the overtime worked as soon as practical following the completion of the work.

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

All "hours worked" in excess of 40 hours per week for non-exempt employees may receive 1 ½ hours for each hour worked. According to the Fair Labor Standards Act, "hours worked" are actual hours worked during that workweek and no leave time was taken to make up the forty hours. If this does occur, the employee will be given straight time for each hour worked until they have reached the actual forty hours.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

Any paid or unpaid time off from work (ex. vacation, sick, holidays) shall not be counted as hours worked for purposes of determining overtime pay. (The exception is law enforcement officers must work in excess of 171 hours in a 28 day cycle before they are entitled to 1 ½ hours for each hour worked.)

It is the policy of the Town that employees who work in excess of the required hours for overtime eligibility will receive compensatory time off at a rate of 1 ½ hours for each hour of overtime worked above 40 hours and 171 hours in a 28 day cycle for sworn law enforcement officers. Actual overtime compensation will only be granted in lieu of compensatory time in special circumstances as requested by a Department Head and with the written approval of the Town Manager.

Employees, with the exception of law enforcement officers, may accrue no more than 60 hours of compensatory leave time and it must be used within 90 days. For law enforcement officers they may accrue up to 36 hours of compensatory leave time. It is up to the discretion of the Department Head with the approval of the Town Manager to allow their employees to accrue over the respective limits for compensatory time if the business need requires it. As required by law, under no circumstances must it exceed 240 hours for regular employees and 480 hours for law enforcement employees. It is the responsibility of the Department Head to ensure that the time off is granted, and if an employee accrues more than the allotted amount of compensatory leave time, all additional hours worked must be compensated in overtime pay.

Employees must schedule compensatory time off in advance with their supervisor. Any use of accrued compensatory time is required prior to the transfer of any employee to a different department. Employees who move from non-exempt status to an exempt status must use any banked compensatory leave time and, if unable to do so, they must be paid for it prior to transitioning to exempt status. All banked compensatory leave hours must be paid at termination.

Department Heads with the prior approval of the Town Manager and the consent of the employee, may authorize non-exempt employees in positions requiring longer workweeks due to the seasonal nature of the job, to accumulate above and beyond the maximum 60 hours of compensatory time.

Employees in positions that are classified as "Exempt" positions according to FLSA (Executive, Administrative or Professional) will not receive pay for hours worked in excess of 40 hours. At the discretion of the Town Manager, exempt employees may be granted additional time off if they work in excess of normal work periods in areas outside the scope of their normal responsibilities. Any additional time will be on an hour by hour basis and is not eligible for compensation upon separation from the Town.

CALL BACK AND STAND-BY PAY

The Town provides a continuous 24 hour-a-day, seven-days-a-week service to its customers. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. One of the conditions of employment with the Town is the acceptance of a share of the



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

responsibility for continuous service, in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service either special or routine, the employee shall be subject to disciplinary actions up to and including termination.

- A. **Call-Back.** Non-exempt employees will be guaranteed a minimum of two hour's wages for being called back to work outside of normal working hours whether they are on standby or called back in an emergency situation. "Call-back" provisions do not apply to previously scheduled overtime work
- B. **Stand-by.** Nonexempt employees who are required to be on stand-by duty will be paid for eight hours of work (straight time) for each week of stand-by time they serve.

Stand-by compensation for less than one full week shall be determined by the ratio of .0625 of pay per one hour of stand-by time. Hours actually worked while on stand-by begins calculating when the employee reports to the worksite and are added to the regular total hours worked for the pay cycle. If hours are in excess of forty hours excluding the eight hours of stand-by time, it shall be calculated at 1 ½ times the employee's hourly rate.

Stand-by time is defined as that time when an employee must remain near an established telephone/radio and able to respond to the call within the timeframe as determined by the Department Head. If such incident shall happen where the employee on stand-by does not respond in the required time as set forth by the Department Head, they will be subject to disciplinary action up to and including termination.

Call-back compensation is defined where an employee has to report back to work outside of normal working hours and the work is not designated as scheduled overtime work. The employee will receive a minimum of two hours of wages at time and a half if the employee actually worked 40 hours within the work week excluding the hours for standby pay. If it is deemed that the employee has not actually worked forty hours, they will receive straight time for the call back hours until such time as they have met the forty hours of actual work time, and any hours over forty will be paid at time and a half.

If an employee is called back to work on a holiday and it is not a regularly scheduled day of work, they will receive double time pay for any recognized holiday in accordance with our holiday schedule.

With prior written notification to the employee, it is the discretion of the Department Head to determine whether the employee is given compensation for any overtime or if the time will be recorded as compensatory leave time.

LONGEVITY PAY

Full-time and part-time regular employees (part-time regular employees longevity pay will be prorated based on the percentage of hours worked) who work 1000 hours or more per year may be compensated for longevity based on continuous years of service as of December 31st if funds are appropriated. The



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

employee must be hired prior to July 1st of that year and current performance must be considered satisfactory. Continuous service is continuous employment through payment date including any approved leave. However, employees who have worked five years or more and who are retiring through the North Carolina Retirement System from the Town after July 1st of that year will be eligible to receive their full amount of longevity pay at the time of retirement as if they were employed through payment date. Payment date for all other eligible employees shall be made the last pay period in November and are subject to federal, state and other deductions. Employees hired prior to March 8, 2011 will follow the schedule below:

The payment schedule is as such:

<u>Years of service</u>	<u>Longevity Amount</u>
0-1	\$200.00
2-4	\$400.00
5-9	\$600.00
10-14	\$800.00
15-19	\$1000.00
20+	\$1200.00

Employees hired after March 8, 2011 are eligible as stated above, but will be compensated for pay based on the new schedule below:

<u>Years of service</u>	<u>Longevity Amount</u>
1-4	\$200.00
5-9	\$400.00
10-14	\$600.00
15-19	\$800.00
20-24	\$1000.00
25+	\$1200.00

PERFORMANCE MANAGEMENT SYSTEM AND MERIT PAY

The Town of Pineville values the work of its employees and believes it is essential to provide employees with feedback on their performance to promote morale, accountability and to increase productivity. Supervisors and/or Department Heads shall conduct performance evaluation conferences with every employee by their annual anniversary date. The annual performance evaluation system shall be administered and maintained by the Human Resources Department. It shall be the responsibility of the Department Head to ensure that performance evaluations are completed by the employee's anniversary date. The Human Resources Department and/or Payroll Department will send reports to Department Heads indicating the anniversary dates of employees as a courtesy. Human Resources Department shall review each performance evaluation to ensure objectivity. It is the responsibility of the Supervisor and/or

Department Head to complete the performance review with objectivity and based on the work of the entire year. The performance review shall include feedback and setting of goals for the next year.

Performance evaluations that indicate overall ratings of either “Highly Proficient” or Needs Improvement” or below must be reviewed by Human Resources and approved by the Town Manager. For performance evaluations that indicate “Needs Improvement” or an “Unsatisfactory” rating, a plan of action must be created by the Department Head to assist the employee in increasing their work performance levels to satisfactory ratings.

The performance management system will have a component to help establish merit increases for employees, but if factors prevent Council from approving salary increases, supervisors are still required to complete a performance evaluation for their employees.

If an employee has been out of work because of an extended leave over three months, the performance review may be extended by the amount of time the employee was on leave if the supervisor is unable to objectively assess the employee’s work performance based on the actual time worked within that year as a result of the leave.

Merit Pay

The pay ranges are intended to furnish administrative flexibility in recognizing individual performance among employees holding positions in the same classification by rewarding employees for meritorious service. Advancement through the range will be accomplished under the guidelines established by the implementation of the Performance Management System (PMS).

- a. Every regular employee should have a work plan (job descriptions/goals) at the beginning review period (employee’s anniversary date) which sets forth performance expectations for the upcoming year and measurements that will be used to evaluate performance at the end of the performance review period.
- b. Every regular (non-temporary) employee shall have a minimum of one full performance review during the fiscal year whether it results in a pay increase or not.
- c. Employees in the introductory period of employment shall have a performance review to determine eligibility to continue employment at the end of the introductory period. Upon successful completion of the initial introductory period, the employee may be entitled to a pay increase of 0% to 5%.
- d. For employees in the introductory period, if an increase is received at the end of the introductory period, the employee’s anniversary date is established as one year from the date of the completion of the introductory period.

- e. Employees whose overall performance is rated as “Needs Improvement” or “Unacceptable” are not eligible to receive a merit increase.
- f. Employees whose performance is rated as “marginal” to “highly proficient” may be entitled to a pay increase as established by Town Council for each rating category.

Individual Merit increases are subject to the approval of Town Manager in lieu of Town Council. Merit increase funding are subject to be approved by Town Council, the availability of funds, and any rules established for the fiscal year.

CONDITIONS OF EMPLOYMENT

NEW EMPLOYEE INTRODUCTORY PERIOD

All new, regular full-time or part-time employees must successfully complete a six month introductory period with the exception of the sworn police and Department Heads whom must satisfy a twelve-month introductory period. Employees serving twelve months' introductory period shall have an evaluation at the six month period and again before the end of the twelve months.

An introductory period is the initial period of employment, “trial period” during which the supervisor carefully considers whether the employee is able to meet the standards and expectations of the job and if the employee should be retained by the Town as a “regular” employee. During this time the supervisor evaluates the employee's:

- Ability to learn and perform job duties
- Quality of work
- Productivity
- Work habits
- Cooperation
- Attendance
- Punctuality
- Other standards and expectations specific to the employee's work situation.

If the employee is clearly not meeting the requirements of the job, the employee may be released at any time during the introductory period.

If an employee is performing satisfactorily in most areas during the introductory period, but may struggle in a specific area, the employee's introductory period may be extended if demonstrated that a few more months of training and/or hands-on experience will allow him or her to improve in this area. The Town Manager must grant the Department Head permission to extend the introductory period, not to exceed nine months. If this extension is granted it will affect the employee's increase and their anniversary date.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

Introductory employees are allowed to accrue both sick and vacation leave during the introductory period. They are allowed to take accrued sick and compensatory leave, but cannot take vacation leave until they have successfully completed their introductory period, with the exception of employees whose introductory period is twelve months. For employees in this category, they may take vacation leave after six months of their twelve month introductory period. If an employee's introductory period is extended because of performance they will not be allowed to take vacation leave unless there is a special circumstance. If so, it must be approved by Department Head and authorized by the Town Manager.

Introductory employees who notify their Supervisor and/or Department Head at the time of hire of a need to take time off may do so with the permission of the Department Head and must be unpaid time unless they have accrued compensatory time at the time of the leave.

TRANSFER AND PROMOTION INTRODUCTORY PERIODS

Employees, who are not in an introductory period or on probation, are eligible to apply for transfers and promotions for posted positions. When employees are transferred or promoted, a new introductory period must be satisfactorily completed to demonstrate competency in the new position. Employees that have transferred or have been promoted will maintain all of their benefits provided by the Town of Pineville and are allowed to take accrued sick or vacation leave with prior approval.

IMMIGRATION LAW

The Immigration Reform and Control Act of 1986 require employers to verify the employment eligibility of all employees. The Town of Pineville requires new employees to complete Form I-9 on the first day of employment and to provide specified documents to verify employment eligibility. (See I-9 forms)

LICENSURE/CERTIFICATION

Employees and consultants in positions that require a license or certification as a condition of service must provide a copy of their current registration certificate for their personnel files. It is the responsibility of the employee to ensure that Human Resources has a current copy for their personnel files.

ORIENTATION AND ANNUAL TRAINING

All new employees shall be oriented to their duties with the Town. Such orientation may be either formal or informal and will include an introduction to relevant Town policies. Orientation will be provided primarily by the employee's supervisor or Department Head, but may include training from other town employees, or participation in classes or seminars taught by employees or other facilitators.

OUTSIDE EMPLOYMENT

The work of the Town shall have precedence over other occupational interests of employees. All outside employment for salary, wages, commission and all self-employment must be reported in advance to employee's supervisor and/or Department Head. The Department Head will review such employment for conflict of interest and said approval will be recorded and maintained in the employee's personnel file.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

Conflicting or unreported outside employment, is grounds for disciplinary action up to and including termination.

For all law enforcement personnel, the Pineville Police Department Policies and Procedures Manual, General Order 300-05, shall govern the policies and procedures in regards to Outside Employment.

DUAL EMPLOYMENT

A full or part time regular employee of the Town may simultaneously hold another temporary position with the Town if the temporary position is in a different department and or different program from that of the full or part time position. However, the work of the full or part time position shall take precedence over the temporary position and such work will be paid straight time and will not be subject to overtime or time off in accordance with FLSA regulations.

EMPLOYMENT OF RELATIVES

The Town of Pineville prohibits the hiring of immediate family members within the same department if such employment will result in one member supervising the other or one member occupying a position that has influence over the others employment. "Immediate Family" shall be defined as spouse, parents, guardian, children, siblings, grandparents, grandchildren as well as various combinations of half, step, in-law and adopted relationships that can be derived from the family members named herein.

The Town will consider employing other family members or related persons provided that employment does not:

- a) Result in a relative supervising a relative;
- b) Result in a relative auditing the work of a relative;
- c) Create conflict of interest with either relative and/or Town
- d) Create the perception of favoritism

This policy shall not be applied retroactively; therefore, all employees whose immediate family members currently work in the same department will be grandfathered. Action will only be taken if it is determined at a later date that this relationship is causing a conflict of interest, favoritism or disruption in the workplace.

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 of influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
- c) Be required as a condition of employment, promotion or tenure of office to contribute funds for political or partisan purposes;
- d) Coerce or compel contributions from another employee of the Town for political or partisan purposes;
- e) Use any supplies or equipment of the Town for political or partisan purposes; or
- f) Be a candidate for nomination or election to office under the Town Charter;

Any such violation of this policy is subject to disciplinary action up to and including termination.

TOBACCO & SMOKE-FREE WORKPLACE

All facilities and vehicles leased, owned or occupied by the Town of Pineville are tobacco and smoke-free. All employees, visitors, contractors, volunteers and any persons performing services for the Town are prohibited from smoking, using smokeless tobacco (chew, dip, and snuff) and/or electronic or other nicotine delivery devices including, but not limited to electronic cigarettes, cigars, hookahs, pipes, etc.

As some employees may smoke and cannot make it throughout the entire day without smoking, they must arrange with their supervisors for acceptable work breaks. Such breaks are a privilege, not a legal requirement, and must not affect job responsibilities and performance.

As we do not have designated areas, smoking and tobacco use shall be outside and away from all public entrances to maintain a positive perception and consideration of non-smokers. The employee must be more than 50 feet away from the building to avoid smoke inhalation from visitors or other employees. Any such violation of this policy is subject to disciplinary action up to and including termination.

BUSINESS ATTIRE

Business attire standards for office staff employees are to assure a professional working environment where employees can dress comfortably while presenting a positive appearance. The Town believes that business attire should promote a "professional image" as it affects how both the employee and the Town is perceived.

Business attire comes down to three basic concepts:

1. Show good professional judgment
2. Set a good example
3. Take pride in your appearance

Examples of inappropriate clothing items that should not be worn:

- Jeans that are excessively worn (holes) or stained, etc.
- Sweatshirts or sweatpants
- Warm-up or jogging suits
- Shorts

- Spandex or other form fitting pants
- Miniskirts
- Spaghetti-strap dresses
- T-shirts (with the exception of promotional purposes for the Town)
- Any shirt with offensive messages or images
- Tank tops
- Athletic Shoes

Employees are allowed to wear jeans on Friday as long as they are not within the description of the inappropriate clothing list and are worn with a Town of Pineville logo shirt. The Town within its budgetary means will provide employees with reimbursement for logo shirts upon request and approval from their Department Head.

There are some manual jobs that don't require business attire, but those employees must abide by uniform guidelines.

If an employee shows up to work with unacceptable attire, it is the responsibility of the supervisor or Department Head to address the situation. If the attire is inappropriate, the supervisor or Department Head will ask the employee to leave, change and then return to work. A deduction from vacation leave may be taken for the time away from work.

CLOTHING AND SHOE ALLOWANCE

Each fiscal year the Town allocates funds in the budget for clothing and shoe allowances. Monies are allotted based on the department's needs and to those departments that are required to wear uniforms and proper safety shoes. Those employees include sworn officers, public works, parks and recreation and those employees working in the field for the Telephone and Electric Departments. Department Heads must equally distribute budgeted funds in a fair and equitable manner to ensure that all employees are wearing the appropriate uniforms designated for their respective departments.

For all other departments, the clothing allowance is not a required benefit; therefore, it shall be at the discretion of the Department Head to distribute funds based on the needs and in a fair and equitable way. The Department Head will deem a priority clothing allowance to those employees that are visible to the public and must be immediately identified as Town employees. For non-uniform employees the Town will reimburse for the purchase of such items as the Town of Pineville's logo shirts, jackets, vest and hats.

Employees must furnish receipts with their supervisor's signature prior to submitting check reimbursements to the Finance Department. Receipts accompanying purchase card statements must also have a supervisor's signature for approval of the purchase.

In order to comply with the Internal Revenue Service (IRS) provisions, all payments made for clothing and shoe allowance may be taxable. Reimbursements will be made in a check separately from the Town's regular payroll.

SUBSTANCE ABUSE AND DRUG/ALCOHOL TESTING POLICY

The Town of Pineville is committed to providing a safe and healthy environment for all of its employees. An employee's involvement with drugs or alcohol while on the job potentially poses serious safety and health risks to the employee and others in the workplace.

It is the expectation of the Town, and inherent in the offer of employment, that all employees present themselves each day fit for duty and free of alcohol and illegal drugs. All applicants and employees are subject to this policy as a condition of their employment and continued employment.

Prohibited Conduct

The following conduct is prohibited and shall be grounds for discipline up to and including termination:

- a. Offering to others, possession, use, distribution, sale or manufacture of illegal drugs, alcohol or drug paraphernalia on the Town premises or while on the job at any other location.
- b. Reporting for work under the influence of alcohol or illegal drugs.
- c. Being under the influence of alcohol or illegal drugs while on the job at the Town or at any other location or while operating a vehicle while on the job.
- d. Unauthorized use of the Town property for the storage or transportation of alcohol or illegal drugs.
- e. Conviction of, or pleading guilty or no contest to, a drug or alcohol (or drug or alcohol related) criminal offense.

Prescription Drugs

This policy does not prohibit proper use of lawfully prescribed medications. Employees must, however be aware that taking prescription medications may create a safety hazard. Therefore, any employee taking prescription medications that may affect his/her ability to perform the essential functions of his/her job resulting in a threat to the safety of that employee or others in the workplace must report the fact of the prescription to the Town of Pineville's Human Resources Director . The Human Resources Director may request the employee to contact his/her physician or send the employee to a physician retained by the Town to determine whether taking such medication could create unsafe conditions for the employee or others in the workplace, or whether the medication otherwise makes the employee unfit to perform the

essential functions of his/her job. Based on this information, the employee may not be permitted to work while taking such medication. The failure to report a prescription which could impair the employee may result in disciplinary action up to and including termination. The employee need not report the drug being taken or the condition for which it is being taken unless the information is necessary to determine if the employee can safely work.

This policy prohibits employees from using, possessing, distributing, selling or obtaining legal medications in an unlawful, fraudulent or unauthorized manner. Failure to comply with this provision may result in disciplinary action up to and including termination.

Reporting Drug/Alcohol Related Criminal Charges or Convictions

Employees must, as a condition of employment, report to the Town's Human Resources Director any arrests or convictions under any criminal, alcohol or drug statute within five days. Failure to comply with this provision may result in disciplinary action up to and including termination.

Drug and Alcohol Testing

The Town may require employees to submit to a drug and/or alcohol test under any of the following circumstances (except where prohibited by applicable law):

- a. Prior to employment (drug testing only)
- b. If an employee is involved in an on-the job accident, an injury occurred in the workplace or if an incident happens where Town property or that of others with Town owned property is damaged.
- c. By random selection, for employees in safety sensitive jobs. (Such jobs to be determined by the Human Resources Director)
- d. Periodically as part of required medical exams.
- e. If there is reasonable cause to believe that an employee is impaired by, or has used alcohol or drugs on the job.

Testing will be conducted by an approved laboratory in accordance with state law.

A positive result from any drug and/or alcohol test is grounds for disciplinary action up to and including immediate termination. A refusal to take a drug or alcohol test shall result in immediate termination and will also result in the denial of an application for employment or withdrawal of a conditional offer of employment.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

Under this policy, employees may be requested to take a breath, hair or urinalysis test. The type of testing will be at the discretion and expense of the Town. The employee may be returned to work pending the results of the test, unless the act prompting the request warrants disciplinary action or suspension pending further investigation or the Town believes that the employee is a safety risk to him/herself or others in the workplace.

Prior to testing, the employee will be given written notice of his/her rights and responsibilities under the North Carolina Controlled Substance Examination Regulation Act ("CSERA"). Within 30 days from the time the results of the test are mailed or otherwise delivered to the Town, the employee will be given written notice of any positive result, as well as his/her rights and responsibilities regarding retesting under CSERA.

Confidentiality

All information concerning drug or alcohol testing results or rehabilitation and treatment of an individual employee will be treated as confidential information.

Substance Abuse Rehabilitation

If an employee voluntarily discloses a substance abuse problem to the Town's Human Resources Director prior to the request to submit to drug and/or alcohol testing, the Town will permit the employee to enter into an appropriate counseling and/or rehabilitation program for treatment. The Town reserves the right to approve the type program and healthcare provider thereof. The cost of such treatment may be covered in whole or in part by the Town's group health plan; however and to the extent to which such treatment is not covered, the employee shall be responsible for the cost of the treatment. If the employee poses a risk of danger to him/her or others in the workplace or is otherwise found to be unfit for duty by the program provider or the employee's physician, the Town may place the employee on a leave of absence during the employee's participation in the treatment program. Provided that the employee enters into a Substance Abuse Rehabilitation Agreement (which may include periodic follow up drug testing) with the Town and fully complies with the terms of that Agreement and successfully completes the treatment program, the employee shall be permitted to continue employment with the Town. Thereafter, the employee shall remain subject to all provisions of the Substance Abuse Rehabilitation Agreement and shall not be construed as a limitation upon the Town's rights to take disciplinary action against or to terminate employee's employment in accordance with Town policies and procedures.

Rights and Responsibilities under the North Carolina Controlled Substance Examination Regulation Act **Your rights**

- If you are an applicant, screening samples will be sent to an approved lab for a confirmatory test using gas chromatography or the equivalent. If you are an employee, both screening and confirmation will be done by gas chromatography conducted by an approved laboratory.

- Samples must be collected under reasonable and sanitary conditions and in a manner that preserves individual dignity to the extent possible.
- You may request a retest of any confirmed positive result of a controlled substance test.
- You are entitled to a written notice of any positive result.
- You may refuse a controlled substance test however, your job or employment opportunity may be jeopardized.
- You must be given notice of your rights and responsibilities regarding re-testing.
- Information provided during the controlled substance testing process, such as medical information and use of lawful prescription drugs, must be kept confidential as described in the administrative rules for CSERA.
- If you believe that any procedural requirements of the CSERA have been violated, you can seek assistance from the N.C. Department of Labor—Wage and Hour Bureau. The NC DOL has no jurisdiction regarding an employer's requirement for controlled substance testing or its decisions about the results of controlled substance testing.

Your responsibilities

- You must pay the reasonable expenses of any retest.
- If you want a retest, you must send a letter to the laboratory directing it to perform a retest at your expense, or directing it to send your sample to another approved laboratory for retest.

DEPARTMENT OF TRANSPORTATION (DOT)

DRUG AND ALCOHOL POLICY

In addition to meeting DOT's Regulations, all employees who are required to maintain a Commercial Driver's License must comply with the requirements set forth below as a condition of employment. Any driver's with questions about this DOT Drug and Alcohol Policy should contact the Designated Employer Representative ("DER") in Human Resources at (704) 889-2291.

Purpose

This policy is intended to comply with the DOT regulations regarding use of controlled substances and/or alcohol by drivers holding Commercial Drivers Licenses and will be construed to meet those requirements. This policy covers all employees who drive vehicles covered by the Federal Motor Carrier Safety ("FMCSA") regulations.

Scope Definitions:

- A. Driver(s): Employee(s) required to hold a Commercial Driver's License as part of their job.
- B. Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl.
- C. SAP (Substance Abuse Professional): A healthcare professional who evaluates employees that have had positive drug or alcohol tests and make recommendations concerning education, treatment, follow-up and aftercare.
- D. Controlled Substances and/or Drugs: Marijuana, cocaine amphetamines, phencyclidine and opiates and any other drug added to the testing panel by FMCSA.
- E. MRO (Medical Review Officer): A licensed physician who is responsible for reviewing laboratory results from drug tests and evaluating medical explanations for certain drug tests.
- F. Safety Sensitive Functions: Safety Sensitive function means from the time the driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety sensitive functions shall include:
 - All time at the Town of Pineville or vendor/customer's plant, terminal, facility, or other property, or any public property, waiting to be dispatched, unless the driver has been relieved from duty by the Town of Pineville.
 - All time inspecting equipment as required by DOT regulations or otherwise inspecting, servicing or conditioning any commercial motor vehicle at any time;
 - All time spent at the driving controls of a commercial motor vehicle in operation;
 - All time other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth;

- All time loading or unloading a vehicle, supervising or assisting in the loading or unloading , attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Refusal to Test; Refusal to Test means that a Driver:

- Fails to appear for any test (except pre-employment test) within a reasonable time, as determined by the Town of Pineville, consistent with applicable DOT agency regulations, after being directed to do so by the Town of Pineville.
- Fails to remain at the testing site until the test process is complete; (however, an applicant who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test).
- Fails to provide a specimen for any test required by this part or DOT agency regulations.
- In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen.
- Fails to provide a sufficient amount of urine or breathe when directed, and it has been determined, through a required medical evaluation that there was no adequate medical explanation for the failure.
- Fails or declines to take an additional test the employer or collector has directed the driver to take.
- Fails to undergo a medical examination or evaluation as directed by the MRO as part of the verification process or as directed by the Designated Employer Representative in the Human Resources Department.
- Fails to cooperate with any part of the testing process (e.g. refuses to empty pockets when so directed by the collector; behaves in a confrontational way that disrupts the collection process.)
- The MRO reports that a driver has verified adulterated or a substitute test result.

Prohibited Conduct

- A. No driver may use alcohol;
 - While performing safety sensitive functions
 - During the four hours before performing safety sensitive positions.
 - During the eight hours after an accident or until he/she undergoes a post-accident breathalyzer test.
- B. No driver may possess alcohol during work hours. This prohibition includes possession of medicine containing alcohol, unless the packaging seal is unbroken.
- C. No driver may use, possess, sell, distribute or manufacture any illegal drug. No driver may use any prescribed drug during work hours unless his/her physician had advised that such medication will not adversely affect his/her ability to safely perform safety sensitive functions.
- D. No driver may report to work under the influence of alcohol or controlled substances.
- E. No driver should test positive on a controlled substance test, or have an alcohol test result of .02 or more. A driver with an alcohol test of .02 or greater but less than .04 may not perform Safety Sensitive functions for 24 hours.
- F. No driver may refuse to take a controlled substances or alcohol test.
- G. Consequences: If a driver violates any of the prohibited conduct rules, he/she is subject to disciplinary action up to and including termination. In addition, he/she shall not be permitted to perform safety sensitive functions until he/she has been referred to a SAP for evaluation, has met any requirements for evaluation, counseling and follow-up testing imposed by the SAP, and has passed a return to duty drug and alcohol test.

Testing

Pre-Employment Screening:

Prior to the first time a driver performs safety-sensitive functions, the driver shall test negative for controlled substances, unless all of the criteria in paragraph 2 are met.

1. The Town of Pineville is not required to administer a controlled substances test required by paragraph 1 of this section if:
 - The driver has participated in a controlled substances testing program that meets the requirements of 49 CFR Part 382 and Part 40 within the previous 30 days; and
 - While participating in that program, the driver either;

- Was tested for controlled substances within the past 6 months (from the date of application to the Town), or
- Participated in the random controlled substances testing program for the previous 12 months (from the date of application with the Town); and
- The Town of Pineville ensures that no prior employer of the driver of whom the company had knowledge has records of a violation of this FMCSA controlled substances regulation or the controlled substances regulation or the controlled substances use rule of another DOT agency within the previous six months.

Reasonable Cause Testing

1. The Town of Pineville shall require a driver to submit to an alcohol test when it has reasonable suspicion to believe that the driver has violated the prohibitions of the DOT alcohol regulations, and shall require a driver to submit to a controlled substances test when it has reasonable suspicion to believe that the driver has violated the prohibitions of the DOT controlled substances regulations. The determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, and speech or body odors of the driver. The observations may include indications of the chronic withdrawal effects of controlled substances.
2. The required observations for alcohol and/or controlled substances Reasonable Cause Testing shall be made by a supervisor or company official who is trained in the signs and symptoms of drug or alcohol abuse. The person who makes the determination that reasonable suspicion exists shall not conduct the alcohol test of the driver.
3. Alcohol testing is authorized by this section only if the observations required by paragraph (1) of this section are made during, just preceding, or just after the period of the work day that the driver is required to be in compliance with this part. A driver may be directed by the employer to undergo reasonable cause testing only while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions. Once directed to submit to a reasonable cause test, the driver must cooperate fully so that the test can be promptly performed.
4. If an alcohol test required by this section is not administered within two hours following the determination under paragraph (1) of this section, the Town of Pineville shall prepare and

maintain on file a record stating the reasons why the alcohol test was not promptly administered. If an alcohol test required by this section is not administered within eight hours following the determination under paragraph (1) of this section, the Town of Pineville shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

5. Notwithstanding the absence of a reasonable cause alcohol test under this section, no driver shall report for duty or remain on duty requiring the performance of safety sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse. In that instance, the Town of Pineville shall not permit the driver to perform or continue to perform safety sensitive functions until:
 - An alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or
 - Twenty four hours have elapsed following the determination under paragraph (a) of this section that there is reasonable suspicion to believe that the driver has violated the prohibitions in this part concerning the use of alcohol.
6. A written record shall be made of the observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the supervisor or company official who made the observations, within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier.

Random

1. Every driver shall submit to random alcohol and controlled substances testing. Once directed to submit to a random test, the driver must cooperate fully so that the test can be promptly performed.
2. The selection of drivers for random alcohol and controlled substances testing shall be made by a fair and equitable, scientifically valid method, such as a random number table or a computer-based random number generator that is matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each driver shall have an equal chance of being tested each time selections are made.
3. Each driver who is notified of selection for testing must proceed to the test site immediately; provided, however, that if the driver is performing a safety-sensitive function, other than driving

a commercial motor vehicle, at the time of notification; the driver must cease performing the safety-sensitive function and proceed to the testing site as soon as possible.

4. A driver shall only be randomly tested for alcohol while the driver is performing safety sensitive functions, just before the driver is to perform safety-sensitive functions, or **just after the driver has ceased performing such functions.**

Post-Accident Testing

1. As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, the Town of Pineville shall test a driver for alcohol and controlled substances if such driver:
 - a. Was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
 - b. Receives a citation under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
2. **Driver Responsibility.** Following any accident, the driver must immediately contact the Town of Pineville's Human Resources Department so that arrangements can be made for testing. Once directed to submit to a post-accident test, the driver must cooperate fully so that the test can be promptly performed. Failure to promptly contact the Town of Pineville and/or take other steps to ensure that testing can occur in a timely manner may be construed as a refusal to test.
3. **Alcohol Tests.** If a test required by this section is not administered within two hours following the accident, the Town of Pineville shall prepare and maintain on file a record stating the reasons why the test was not promptly administered. If a test required by this section is not administered within eight hours following the accident, the Town of Pineville shall cease attempts to administer an alcohol test and shall prepare and maintain a record stating the reasons why the test was not administered.

4. **Controlled Substances Tests.** If a test required by this section is not administered within 32 hours following the accident, the Town of Pineville shall cease attempts to administer a controlled substances test, and prepare and maintain on file a record stating the reasons why the test was not promptly administered.
5. A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
6. The results of a breath or blood test for the use of alcohol, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such test conforms to the applicable Federal, State or local alcohol testing requirements.
7. The results of a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such test conforms to the applicable Federal, State or local controlled substances testing requirements.
8. Exception. This section does not apply to:
 - a. An occurrence involving only boarding or alighting from a stationary motor vehicle; or
 - b. An occurrence involving only the loading or unloading of cargo; or
 - c. An occurrence in the course of the operation of a passenger car or a multi-purpose passenger car or a multipurpose passenger vehicle by an employer unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded.

Return to Duty Testing

1. Before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by the DOT regulations concerning alcohol, the driver shall

undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

2. Before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by the DOT regulations concerning controlled substances, the driver shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use.
3. All return-to-duty testing samples shall be collected under the direct observation of a designated same gender observer.

Follow-up to Testing

1. Following a determination that a driver has violated this policy, the driver shall be referred to an SAP and subject to unannounced follow-up alcohol and/or controlled substances testing as directed by the Substance Abuse Professional as a condition of returning to the performance of safety sensitive functions.
2. All follow-up testing samples shall be collected under the direct observation of a designated same gender observer.

Testing Procedure

1. All costs for testing required by this policy will be paid for by the Town of Pineville.
2. A driver shall be considered in violation of this policy as it pertains to controlled substances use when test results indicate the presence of drugs at or above levels established by DOT.
3. An alcohol test shall be considered positive at .04.
4. Any driver who has an alcohol test result of 0.02 or more, but less than 0.04 shall be referred to an SAP, must complete all recommended treatment and must pass a return to duty test. In addition, the driver shall not be permitted to perform or continue to perform safety sensitive functions, until the start of the driver's next regularly scheduled duty period, or the lapse of 24 hours, whichever is greater.
5. All testing pursuant to this policy will be conducted in accordance with DOT regulations.

Positive Results

1. All drug test specimens identified as positive on the initial test will be verified by a confirmatory test, the gas chromatography/mass spectrometry test.

2. If the original drug screen is not confirmed by the confirmatory test, the test result will be reported as negative and the driver shall be returned to work.
3. A driver whose test results are confirmed positive for use of controlled substances or alcohol will be subject to disciplinary action, up to and including termination of employment. Drivers who have tested positive for either drugs or alcohol will be referred by the Town of Pineville to a Substance Abuse Professional.

Positive Results

Drivers are expected to cooperate fully with this policy, including signing the Acknowledgement and Receipt of Policy which is attached hereto. Refusal to provide a specimen, attempting to contaminate, or otherwise influence the outcome of the test will be grounds for discipline up to and including termination of employment.

Refusal to Cooperate

Drivers are expected to cooperate fully with this policy, including signing the Acknowledgement and Receipt of Policy which is attached hereto. Refusal to provide a specimen, attempting to contaminate, or otherwise influence the outcome of the test will be grounds for discipline up to and including termination of employment.

Confidential

The Town of Pineville will maintain alcohol and drug test results in a secure and confidential manner, so that disclosure of information to unauthorized persons does not occur. Employee information shall only be released as required by law or as expressly authorized.

1. An employee shall have access to any of his/her alcohol and drug testing records upon written request.
2. The Town of Pineville must allow any DOT authorized agency access to facilities and records in connection with the Town of Pineville's alcohol misuse and drug abuse prevention program.
3. The Town of Pineville will make records available to a subsequent employer upon receipt of a written request from the employee or applicant.
4. The Town of Pineville may disclose information to the employee or to the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee and relating to a violation of this policy or a drug/alcohol test. This may include worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee.

5. Within the Company, the Town of Pineville may disclose information about controlled substance and/or alcohol tests to the employee's supervisor and others in the chain of command, to Human Resources and to Risk Management.

Prior Testing Checked

The Town of Pineville will request the information identified in Numbers 1-5 in this section from DOT regulated employers who have employed an employee or applicant in the three years preceding that person's performance of safety sensitive functions. The employee or applicant will be asked to consent to the release of this information as a condition of performing safety sensitive functions.

1. Alcohol tests with a result of 0.04 or higher alcohol concentration;
2. Verified positive drug tests;
3. Refusals to be tested (including verified adulterated or substituted drug test results);
4. Other violations of DOT agency drug and alcohol testing regulations; and
5. With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests). If the previous employer does not have information about the return to-duty process (e.g., an employer who did not hire an employee who tested positive on a pre-employment test), the Town of Pineville will seek to obtain this information from the employee.

The Town of Pineville will seek to obtain the information in Numbers 1-5 in the above section before an employee begins performing safety sensitive functions, if feasible. No employee will be permitted to perform safety sensitive functions for more than thirty (30) days unless the information outlined in this section has been obtained or a good faith effort to obtain it has been documented.

If the Town of Pineville obtains information that an employee has violated a DOT agency drug and alcohol regulation, The Town of Pineville will not use the employee to perform safety sensitive functions unless it also obtains information that the employee has subsequently complied with the return to duty requirements of all applicable DOT regulations.

Voluntary Treatment

1. Drivers who admit to alcohol misuse or controlled substances use but have not done so in order to avoid testing under the requirements of this party, and who make the admission of alcohol misuse or controlled substances use prior to performing a safety sensitive function (i.e., prior to reporting for duty) are eligible for assistance. Such a driver will not be allowed to continue

performing safety sensitive functions until the Town of Pineville is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements recommended by a Substance Abuse Professional.

2. The Town of Pineville will not take adverse action against an employee due to a voluntary admission of alcohol misuse or controlled substances use as long as the employee completes the education, treatment and the testing requirements of this Section.
3. An employee who voluntarily admits alcohol or controlled substances use under this Section IX must obtain an evaluation by an SAP and successfully complete all education and treatment recommendations.
4. Prior to the employee participating in a safety sensitivity function, the employee shall undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02; and/or prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty controlled substance test with a verified negative test result for controlled substance use.
5. For the first twelve (12) months after returning to work, the employee shall be subject to up to twelve (12) random alcohol and controlled substances tests.

Training for Supervisors

Persons designated to supervise drivers will receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing. The training shall include the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is not required.

MOTOR VEHICLE RECORDS POLICY

Purpose

Operation of a Town vehicle is both a privilege and a responsibility. The purpose of this policy is to serve as a minimum standard for the safe operation of the Town of Pineville vehicles and to ensure employees who are authorized to drive such vehicles have an acceptable driving record. This policy covers all vehicles regardless of type, size, type of assignment, or condition of the vehicle. Town employees are responsible for the vehicle in their possession. This shall include all applicable federal, state and local laws that pertain to vehicle operations.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

New Employee Notification

Motor Vehicle Records (MVR) will be examined prior to the start of employment and at least annually thereafter. Any conditional employment offer made for a position while driving duties shall be contingent upon an MVR meeting the required minimum standards set forth in this policy.

Motor Vehicles Record for Existing Employees

The Human Resources Director will review Motor Vehicle Records (MVR) annually for all Town employees who are authorized to operate on Town business. All MVR's will be held to the criteria set forth in this policy. Motor Vehicle Records will also be reviewed in conjunction with any other work related preventable collisions to determine an employee's eligibility to operate a vehicle on Town business.

Upon the implementation of this policy, existing employees will have an opportunity to discuss with their supervisor any issues related to their driving record and they will work with the Human Resources Department and their supervisor to address any issues related to the employee's driving record and the affect it may have on the employee's ability to complete the essential functions of their job.

If the employee does not discuss any driving related issues with their supervisor or the Human Resources Department prior to the Human Resources Department completing its Motor Vehicles Records annual certification, the employee may be subject to disciplinary action up to and including termination.

Personnel Affected

This policy will apply to all personnel who operate motorized equipment owned or leased by the Town. This policy will apply to all employees, supervisors and Department Heads who operate or may operate a Town vehicle. Some departments that have special types of equipment, most notably the Police Department will have specific qualifications and training requirements not covered in this policy.

License and Insurance

All employees operating Town of Pineville vehicles will have a valid driver's license in their possession during employment hours. Employees are required prior to operating a Town vehicle to ensure there is an insurance card in the glove box that summarizes the current coverage in force. If insurance card is missing the employee should contact their supervisor immediately to arrange for a replacement card.

Driver Qualification Purpose

This policy is established to create minimum standards by which the Town of Pineville regulates the operations of Town owned vehicles.

The Town reserves the right to refuse employment based upon the criteria detailed in this policy concerning an applicant's established driving history. Additionally, the Town of Pineville reserves the right to alter a job assignment of an employee who meets the criteria listed below concerning driving record infractions occurring during employment.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

The intent of this policy is not to alter any existing federal, state or local requirements. In the event of a conflict with any such law we will alter the Town policy to adapt to the existing regulations.

Personnel Affected

This policy shall affect all Town employees. Each shall be classified into one of the following categories:

Class 1 Operator:

The employee according to their job description will not routinely operate a motor vehicle owned by the Town.

Class 2 Operator:

The employee maintains a current North Carolina driver's license allowing him/her the privilege of operating passenger cars and light duty (pick-up) trucks.

Class 3 Operator:

The employee maintains a current NC driver's license allowing him/her the privilege of operating either Class B (GVWR over 26,001 and a trailer over 10,000 lbs.) or C vehicles (passenger capacity over sixteen occupants).

Class 4 Operator:

The employee maintains a current NC driver's license allowing him/her the privilege of operating Class A (any combination vehicle with a GVWR of 26,001 and a trailer in excess of 10,000 lbs.)

Special Equipment:

A motorized non-licensed equipment capable of transporting an employee.

Procedures/Guidelines

Eligibility is dependent upon possession of a valid State operator's license appropriate for the equipment being operated and the satisfactory review of all driving history and equipment operations concerning employees.

Any Town of Pineville employee receiving a citation on a traffic related issue shall be required to notify his or her supervisor at the beginning of the workday. Any employee found guilty of a traffic related issue shall be required to notify his/her supervisor before the beginning of the next workday following the conviction. The burden of disclosure lies with the employee. Any employee who fails to report incidents that will affect driving status will be removed from a driving position for a minimum of 30 days and will be subject to disciplinary action up to and including termination. The Town of Pineville reserves the right to honor or refuse the requirements of the State of North Carolina concerning altered driving privileges; if no reasonable accommodation is available, the employee may be terminated. All Town of Pineville

employees shall be required to carry on their person their operator's license during employment hours. Any employee not having their operator's license in their possession will be held to the requirement of the progressive disciplinary procedure action as indicated in this handbook.

Required Pre-Employment Certification

The following restrictions shall apply to the Motor Vehicle Records (MVR's) of initial hires into positions classified as Class 2 Operator, Class 3 Operator, Class 4 Operator or Special Equipment Operator when compared to Table A. Point System for Moving Violation Convictions.

- a. Any applicant who does not have a current license or whose license is suspended shall not be approved for employment
- b. An applicant who, at the time of application has more than 9 points accumulated over the past five years or more than 6 points in any one of those five years shall not be approved for employment. The date of the conviction shall be utilized as the reference date for consideration.
- c. An applicant who has history during the past five years of two or more suspensions or three or more revocations shall not be approved for employment.
- d. An applicant that has been convicted of driving while intoxicated, impaired or under the influence of drugs or alcohol within the last three (3) years shall not be approved for employment.

Required Annual Certification for Employees

The following restrictions shall apply to the Motor Vehicle Records (MVR's) of employees into positions classified as Class 2 Operator, Class 3 Operator, Class 4 Operator or Special Equipment Operator when compared to Table A. Point System for Moving Violation Conviction.

- a. Any employee who does not have a current license or whose license is suspended shall not be permitted to operate Town vehicles.
- b. An employee who has more than 9 points accumulated over the past five years or more than 6 points in any one of those five years shall not be permitted to operate Town vehicles.
- c. An employee that has been convicted of driving while intoxicated, impaired or under the influence of drugs or alcohol within the last three (3) years shall not be permitted to operate Town vehicles.

If an employee's license had been suspended and/or they have met the point's threshold and driving is an essential function of their job, the employee will be subject to disciplinary action up to and including termination. The determination will be decided upon by the Town Manager based on how long the



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

suspension shall be for, employee's driving record, the circumstances regarding the suspension and whether there is a hardship to the department to allow the employee to have modified duty without use.

If an employee has been charged with a DWI or DUI, but awaiting their court date it will be of the discretion of the Town Manager to:

- a. Allow an employee provisional authorization for the period following the license reinstatement until a court decision is rendered as on the DWI or DUI charge to drive under a court ordered period of limited driving privileges. Provisional authorization is valid only for operation within those limitations imposed by the Court.
- b. Approve modified duty without use of vehicle
- c. Suspend the employee until his case is heard in court and a decision is rendered. (See non-disciplinary suspension on page 75)

The Town Manager's decision will be based on a host of factors including, but not limited to the type of license held by the employee (i.e. CDL or regular license), the authorities governing such license, court date, employee's driving record and the magnitude of the hardship to the department. If the Town Manager deems that it poses a threat to the Town or the risk associated is detrimental to the Town, the employee will be subject to disciplinary action up to and including termination.

Required Pre-Employment and Annual Employee Certification of Class 1 Operators

The following restrictions shall apply to the Motor Vehicle Records (MVR's) of applicants/employees positions classified as Class 1 Operator when compared to Table A. Point System for Moving Violation Convictions.

- a. Any applicant or employee who does not have a current license, or whose license is suspended shall not be permitted to operate Town vehicles.
- b. An applicant or employee that has been convicted of driving while intoxicated, impaired or under the influence of drugs or alcohol within the last three (3) years shall not be permitted to operate Town vehicles.

Table A. Point System for Moving Violation Convictions

Violation	Points Assigned
Driving while Impaired/Driving under the Influence	6
Passing a Stopped School Bus	5



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

Aggressive Driving	5
Reckless Driving	4
Hit & Run, Property Damage Only	4
Following too Closely	4
Driving on the Wrong Side of the Road	4
Illegal Passing	4
Running a Stop Sign	3
Speeding in Excess of 10 mph over Posted Speed	3
Failure to Yield Right of Way	3
Running a Red Light	3
Driving while License Revoked	3
License expired more than a Year	3
Failure to stop for a Siren	3
Failure to Maintain Liability Insurance	3
Failure to Report an Accident, if required to Report	3
Speeding in a School Zone in excess of the Posted School Zone Speed Limit	3
All other Moving Violations	2

Employees who are in danger of meeting the point's threshold may be required to take an approved 4 hour Defensive Driving Course at the employee's expense and on their own time. Approval of course must be granted by the Human Resources Department. Proof of completion of the course must be submitted to the Human Resources Department.

This policy will be reviewed annually or at any time changes in federal, state and local rules and regulations that would require changes. The Human Resources Director shall have the responsibility of maintaining and updating this policy.

SEXUAL HARRASSMENT POLICY

The Town of Pineville shall strive to maintain for employees a work environment free from sexual harassment, and to provide suitable means for an employee to raise concerns about sexual harassment.

Sexual harassment is defined by the Equal Employment Opportunity Commission (EEOC) as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either implicitly or explicitly and considered as a term or condition of employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such an individual;

- Such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile or offensive work environment.
- Sexual harassment includes continual or repeated comments about an individual's body
- Unwelcoming touching of a personal nature, which can encompass leaning over, cornering or pinching; sexual innuendoes, teasing and other sexual talk such as jokes, remarks, personal inquiries, persistent unwanted courting and sexist put downs.
- Sexual harassment does not normally include personal compliments welcomed by the recipient or relationships freely entered into by employees or prospective employees.
- The Town of Pineville shall not tolerate any form of sexual harassment. An investigative review shall be conducted following a written complaint and appropriate action shall be taken upon completion and administrative review of the findings.
- This policy shall apply to all officials and employees, including but not limited to: full, part-time, regular status, temporary, volunteer, intern, contract, or elected and appointed officials and any other non-employee involved in the Town of Pineville or its property.
- Supervisor(s) are required to immediately report any allegations of sexual harassment to the Human Resources Department. It is misconduct for Supervisors and Department Heads, who know or should have known of the sexual harassment and fail to report and investigate such behavior or fail to take immediate and appropriate corrective action. If this shall occur, the supervisor and/or Department Head may be subject to disciplinary action up to and including termination.
- Employees have an affirmative responsibility to report incidents involving possible sexual harassment, as outlined in this policy, to the Human Resources Director, their Department Head or the Town Manager as soon as possible after the incident has occurred.

PROCEDURES

In the event of an alleged incident involving sexual harassment the following procedures shall be followed:

- A. Every employee shall have the right to present the employee's complaint without interference, coercion, restraint, discrimination and without fear of reprisal.
- B. Employees and/or supervisors shall immediately report allegations of sexual harassment to the:
 1. Human Resources Director
 2. Department Head (If complaint is against the Department Head then employee can report allegations to Human Resources and/or the Town Manager)

3. Town Manager (If complaint is against the Town Manager allegations can either be reported directly to the Human Resources Director, the Town Attorney, or the Mayor I.
- C. If the complaint is presented orally, either the complainant or the person hearing the complaint must document the complaint via in writing.
- D. The Human Resources Director, or an assigned designee in the absence of the Human Resources Director, shall conduct the investigation promptly and interview all parties involved or may have been witness to the alleged harassment. Human Resources and all Management involved in the investigation will maintain confidentiality by all interviewed parties to the greatest extent possible. If there is a breach of confidentiality by an interviewed party who is also an employee of the Town, the employee will be disciplined up to and including termination. Also failure by an employee to cooperate in the investigation could result in disciplinary action.
- E. At the conclusion of the investigation, the Human Resources Director or the assigned designee will report all findings to the Town Manager and a decision will be made based solely on the facts and a determination will be made in regards to the validity of the allegations.
- F. If allegations are found to have merit and based on the severity of the allegations, recommendations for a corrective action plan will be made and disciplinary action will be taken up to and including termination. All disciplinary actions shall be approved by the Town Manager.
- G. The employee who filed the complaint will be notified of the outcome of the investigation and informed that the appropriate course of action has been taken.
- H. Employees making the complaint or those that are part of the investigation are protected against retaliation from alleged harassers or other employees.

PREVENTIVE MEASURES

It is the goal and responsibility of the Town of Pineville to educate our staff and provide them with sexual harassment training including, but not limited to communicating to employees what is deemed as sexual harassment, the Town's policy as written and the procedures to report such allegations. The Town will provide the supervisors with additional training including, but not limited to prevention and corrective action of harassment.

ANTI-HARASSMENT POLICY

The Town of Pineville prohibits all workplace harassment. The purpose of this policy is to clarify conduct that constitutes workplace harassment and to provide an effective complaint procedure for employees who believe they have become victims of such conduct.

It is the policy of the Town that employees enjoy a positive, respectful and productive work environment, free from harassing behavior or language. Workplace harassment is unacceptable and will not be tolerated. Any employees found to have engaged in workplace harassment will be subject to disciplinary

action up to and including termination. Supervisors and Department Heads who know or should have known of workplace harassment and fail to report such behavior, or fail to take immediate and appropriate corrective action, will be subject to disciplinary action up to and including termination.

Workplace harassment guidelines are as follows:

1. Workplace harassment is a form of offensive treatment or behavior, which to a reasonable person creates an intimidating, hostile or abusive work environment. It may be sexual, racial, based on national origin, age, disability, religion or a person's sexual orientation. It may also encompass other forms of hostile, intimidating, threatening, humiliating or violent behavior, which do not constitute illegal discrimination, but are nonetheless prohibited by this policy.
2. It is misconduct for an employee to target such behavior at another employee in the workplace.
3. Supervisor(s) are required to immediately report any allegations of workplace harassment to the Human Resources Director. It is misconduct for Supervisors and Department Heads, who know or should have known of the workplace harassment and fail to report and investigate such behavior or fail to take immediate and appropriate corrective action. If this shall occur the supervisor and/or Department Head may be subject to disciplinary action up to and including termination.
4. Workplace harassment can also be verbal or physical behavior that is derogatory, abusive, disparaging, "bullying", threatening or disrespectful even if unrelated to a legally protected status.
5. To aid employees in identifying prohibited behavior, the following specific examples of workplace environment are provided. These examples are not meant to be an all-inclusive list, but rather an example of such inappropriate actions.
 - a. Slurs and jokes about a class of persons, such as persons who are disabled, , have a different sexual orientation, or racial minority.
 - b. Display of explicit or offensive calendars, posters, or pictures, drawings or cartoons that reflect disparagingly upon a class of persons or a particular person.
 - c. Derogatory remarks about a person's national origin, race, language or accent.
 - d. Disparaging or disrespectful comments related to a person's race, color, sex, national origin, religion, age, disability or sexual orientation; or
 - e. Loud angry outbursts or obscenities directed toward another employee in the workplace.

If an employee believes that he or she has been harassed, whether by a co-worker, supervisor, member of management, or third party such as a vendor, supplier, or other person, the employee has a duty to report the incident immediately to the Human Resources Director or the Town Manager. Such internal complaints will be investigated in a prompt thorough manner. Upon conclusion of the investigation, The Town will take all appropriate corrective action, up to and including termination of the individual found to be in violation of this policy. The Human Resources Department will do its best to maintain confidentiality to the greatest extent possible.

Retaliation against anyone who makes a complaint of harassment or participates in the investigation of a complaint is prohibited.

WORKPLACE VIOLENCE POLICY

The Town of Pineville is totally committed to providing a safe work environment and has a zero tolerance for workplace violence. "Threats or acts of violence" are defined as conduct against persons or property that is sufficiently severe, offensive or intimidating so as to alter the employment conditions or create a hostile, abusive or intimidating work environment for one or more Town employees.

Consistent with this policy all acts of violence – including work and equipment sabotage, property damage, threats of physical violence, including intimidation, harassment and/or coercion-toward customers, clients, co-workers and the public which involve or affect the Town of Pineville or which occur on Town property will not be tolerated.. Violations of this policy will result in disciplinary action up to and including termination and may result in arrest and/or prosecution.

EXAMPLES OF WORKPLACE VIOLENCE

General examples of prohibited workplace violence include, but are not limited to, the following:

- a. All threats or acts of violence occurring on the Town of Pineville's property regardless of the relationship between the Town and the parties involved in the incident.
- b. All threats or acts of violence not occurring on Town property, but involving someone who is acting in the capacity of a representative of the Town of Pineville.
- c. All threats or acts of violence not occurring on Town property involving an employee of the Town of Pineville if the threats or acts of violence affects the legitimate interest of the Town of Pineville.
- d. Any threats or acts resulting in the conviction of an employee or an agent of the Town of Pineville or of an individual performing services on the Town's behalf on a contract or temporary basis, under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests and goals of the Town of Pineville.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

EXAMPLES OF PROHIBITED CONDUCT

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

- a. Hitting or shoving an individual
- b. Threatening to harm an individual, a member of his/her family, friends, associates or their property.
- c. The intentional destruction or threat of destruction of property owned, operated or controlled by the Town.
- d. Making harassment or threatening statements by telephone, letter or other forms of written or electronic communication.
- e. Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the Town.
- f. Harassing surveillance also known as “stalking” the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his or her safety.
- g. Unauthorized possession or inappropriate use of firearms, weapons or any other dangerous devices on Town property.

Employees of the Town are required to report incidents of threats or acts of physical violence of which he/she is aware of. In cases where the reporting individual is not a Town employee, the incident should be reported to the Pineville Police Department. In cases where the individual is a Town employee, the report should be made directly to the reporting individual’s immediate supervisor, the Department Head and the Human Resources Director. Supervisor(s) are required to immediately report these allegations to the Human Resources Director and the Town Manager. It is misconduct for Supervisors and Department Heads, who know or should have known of the allegations and fail to report and investigate such behavior and/or fail to take immediate and appropriate corrective action. If this shall occur the supervisor and/or Department Head may be subject to disciplinary action up to and including termination.

PERSONAL RELATIONSHIPS IN THE WORKPLACE

The Town does not prohibit nor wish to interfere with the consensual personal relationships between employees. However, the Town does impose the following restrictions regarding romantic or sexual relationships between employees: all Town employees must avoid romantic or sexual relationships with



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

other employees that interfere with the performance of any employee's job duties or otherwise create conflicts of interest, the appearance of impropriety, favoritism, sexual or other forms of harassment, discord among employees, or distractions in the workplace.

The Town strongly discourages Supervisors and Department Heads from engaging in romantic or sexual relationships with subordinates. Also, and because of the risk of appearance of impropriety and potential conflict of interest, any romantic or sexual relationship between or involving Town Department Heads, Directors, Executive Officers, Public Officials or equivalent level of management is strongly discouraged.

If a relationship described in this policy should occur, it must be promptly disclosed by the employees involved in that relationship to the Town Manager. The Town Manager will then assess the situation and take any necessary steps to resolve any actual or potential conflict of interest or impropriety created by the relationship. This may require one of the involved persons to transfer to another department.

Any violation of this policy, or failure to make required disclosures or comply with a Town decision to resolve a conflict with this policy, may result in discipline up to and including the termination of employment. Retaliation against anyone making a complaint or report of conduct addressed by or in violation of this policy is expressly prohibited. The Town reserves the right to require employees involved in a personal relationship to enter into a written agreement acknowledging their responsibilities under this policy.

The Town does not prohibit the employment of an individual whose spouse is also employed by the Town. However, the personal relationship between such married couples must not interfere with the performance of any employee's job duties or otherwise create a conflict of interest, favoritism, the appearance of impropriety, discord among employees, or distractions in the workplace.

EMPLOYEE ETHICS AND PERSONAL CONDUCT

Town employees are expected to perform their duties in a professional manner and conduct themselves in such manner on and off the job, which will reflect favorably upon the Town.

Specifically:

- a. Employees shall refrain from any use of their position which is motivated by the desire for private gain for themselves or other persons. They must conduct themselves in such a manner that there is no suggestion of the extracting of private advantage from their employment with the Town.
- b. Employees shall exercise discretion in their care of personal financial activities to avoid any legal liabilities, which would reflect unfavorably upon the Town.
- c. Employees shall not use their positions, in any way, to coerce, or give the appearance of coercing, another person to provide any financial benefit to the employee or to other persons.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

They shall not accept or offer bribes, kickbacks, payoffs, or other improper incentives or payments to obtain, influence and/or maintain any transaction or relationship.

- d. Employees shall avoid any action which might result in giving preferential treatment to any organization or person; losing his/her independence or impartiality of action; or affecting adversely the confidence of the public in the integrity of the Town.
- e. An employee who witnesses another employee engaging in an unlawful act on the job shall report that employee to the employee's supervisor, Department Head, the Human Resources Director or the Town Manager. The employee reporting the unlawful act will not be retaliated against in any manner. The Town prohibits retaliation of any kind.
- f. Employees shall not engage in off-duty personal conduct which affects an employee's job performance or adversely affecting the confidence placed in Town employees.

The provisions of this section shall be defined as EXPECTED PERSONAL CONDUCT for all Town employees. Failure on the part of an employee under this section may result in disciplinary action as prescribed in the Unsatisfactory Job Performance and Detrimental Personal Conduct Policy. Any disciplinary action may be appealed under the Grievance Policy.

WORK SCHEDULES

HOURS OF WORK

At the Town of Pineville, the normal hours of operation are from 8:00am to 5:00pm, Monday through Friday with an exception of a few departments (ex. Police dept., etc.) which provide services that can require flexible hours, shift work, on call hours and work 365 days a year.

Department Heads shall establish work schedules, with the approval of the Town Manager, which meet the operational needs of the department.

Normal hours of work are generally assigned as follows:

<u>Employee Group</u>	<u>Work Period</u>	<u>Hours per Day</u>	<u>Hours per Pay Period</u>
General employees	40	8	40
Some Police Personnel	36/48	12	36/48 (avg. 42)

Administrative/Professional/Executive Exempt Employees hours are not designated

LUNCH HOURS

Employees who work at least 8 hours a day can take up to 1 hour for lunch. Employees working less than 8 hours per day may take ½ hour lunch. The lunch break is meant for employees to take time away from their work and therefore it will be deducted from time worked. Employees who are required to work



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

during their scheduled lunch period or remain stationary, lunch time will not be deducted from time worked.

OVERTIME WORK

Based on operational needs, some departments may require their employees to work overtime. All overtime must be approved by the employee's supervisor. If an employee works unauthorized overtime they will be subject to disciplinary action up to and including termination.

For each "hour worked" beyond 40 hours with the exception of law enforcement officers, the employee must receive one and one half times their regular rate of pay or in lieu of cash payment an employee may receive compensatory time which is one and one half hours for every hour worked over 40 hours. In accordance with law, compensatory leave time must not exceed a total of 240 hours (See Overtime Pay Provisions under the compensation section of Employee Handbook for maximum compensatory leave time allowed). It is the discretion of the Town Manager to determine whether overtime will be compensated in cash or compensatory leave time.

If an employee shall terminate employment with the Town, they will be paid for all accrued but not used compensatory time.

Law Enforcement Officers (LEO) are entitled to overtime only for hours worked over 171 hours in a 28-day work period. LEO's will either receive one and one half times their rate of pay or compensatory time of one and one half hours worked over 171 hours in the work period. Law enforcement officers are entitled to accrue up to a total of 480 hours in compensatory time (See Overtime Pay Provisions under the compensation section of Employee Handbook for maximum compensatory leave time allowed). If an officer terminates employment from the Town, they will be paid for all unused compensatory time.

For all employees "hours worked" are actual hours an employee is required to be on the employer's premises or at some other assigned workplace and all time during which the employee is permitted to work. Hours worked does not include paid vacation, sick or holiday time.

ATTENDANCE AND PUNCTUALITY

To maintain a productive work environment and to discourage any unnecessary hardship, employees are expected to be reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and the Town. In instances where employees cannot avoid being late or unable to work as scheduled, they should notify their supervisor at least an hour prior to their work shift for absence and at least fifteen minutes prior to shift if lateness is unforeseen. The employee shall communicate by whatever method is most preferred by their Supervisor which should include one of the following; speaking directly to supervisor (most preferred), voicemail, email and/or text message. If an employee does not speak directly to their Supervisor it is still their responsibility to ensure the Supervisor has received the message.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

All Department Heads should monitor their employees' time by reviewing weekly timesheets and attendance reports. Department Heads should pay special attention to excessive unscheduled absences and/or absenteeism patterns. Excessive absences and lateness may result in disciplinary action up to and including termination.

All employees must track their own time using the Weekly Time Sheet, which is available in the Human Resources or Finance Departments. All timesheets must be approved by their Supervisor prior to submitting it to the Finance Department for processing.

EMPLOYEE BENEFITS

Employer Sponsored Benefits for Current Employees and Their Eligible Family Members

All full-time and part-time current employees working at least 30 hours a week are eligible for all group health benefits as applicable to the respective plans. For more comprehensive information on the various plans offered please see the Human Resources Department for more details, including but not limited to any medical plan benefits including vision and prescription subject to deductibles, health reimbursement accounts, health savings accounts, life insurance, death benefits, short term disability, long term disability and supplemental coverage insurance through outside vendors, as available, and if the employee elects to pay all premiums through payroll deductions.

The Town pays the entire premium for benefit plans for its current employees with the exception of the supplemental coverage.

Because of the complexity of the Town's Health and Welfare Benefits separate summary plan descriptions describe each benefit in detail.

All employees who elect to cover dependents in the medical and dental plans will have premiums deducted from their weekly paychecks. Only those employees who are grandfathered in and covered by the health benefits plan prior to May 15, 1990 will have their family coverage paid by the Town.

The employee handbook gives an overview of the plans and explains who is eligible based upon employee status and hours worked. Please understand that this general explanation is not intended to provide you with all the details of these benefits. Therefore, this handbook does not change or otherwise interpret the terms of the official documents. Your rights can only be determined by referring to the full text of the official plan documents, which are available for examination in the Human Resources Department. To the extent that any information in this handbook is inconsistent with the official plan documents, the provisions in the official document will govern in all cases. The Town also reserves the right to change, terminate or add benefit plans as needed without notice to employees as applicable by law.

Employer Sponsored Benefits for Retired Employees with 25 or More Years of continuous Service hired before September 10, 2019



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

Any employee hired before September 10, 2019 with continuous service of 25 years or more with the Town of Pineville who is retiring from the North Carolina Retirement System, will be eligible for the Town to pay the full cost of medical coverage available pursuant to the summary plan descriptions available to retirees until they reach the age of 65 and/or becoming Medicare eligible. Employees hired after September 10, 2019 will not be eligible for the Town's Medical Benefits Plan upon retirement.

Once the retired employee reaches age 65 and/or becomes Medicare eligible age, they will no longer be eligible for the Town's Post-Retirement Medical Benefits coverage. However, the Town agrees to provide a monthly stipend up to \$150 toward Medicare A, B or Medigap on behalf of the retirees. It is the responsibility of the retiree to obtain Medigap on their own. In order for the Town to provide a monthly stipend up to a \$150 monthly towards the cost of Medicare A, B or Medigap, the retiree must provide the Town with adequate documentation.

Beginning July 1, 2019, retirees are not eligible for any health reimbursement account benefits. The Town will not cover the cost of any medical coverage for retirees' spouses or other family members.

The employee handbook gives an overview of the plans and explains who is eligible based upon employee status and hours worked. Please understand that this general explanation is not intended to provide you with all the details of these benefits. Therefore, this handbook does not change or otherwise interpret the terms of the official documents. Your rights can only be determined by referring to the full text of the official plan documents, which are available for examination in the Human Resources Department. To the extent that any information in this handbook is inconsistent with the official plan documents, the provisions in the official document will govern in all cases. The Town also reserves the right to change, terminate or add benefit plans as needed without notice to employees as applicable by law.

Continuation Coverage Rights for Cobra

The Town of Pineville is in full compliance with the Consolidated Omnibus Budget Reconciliation Act (COBRA). As required by law, the Town will provide all eligible employees and their dependents an initial Cobra Notification explaining their rights under the Act. For additional information on Continuation of Cobra Rights employees may contact the Human Resources Department for full disclosure.

HIPAA Notification Rights

The Town of Pineville is in full compliance with the Health Insurance Portability and Accountability Act (HIPAA). If you would like information on your rights you can contact the Human Resources Department for full disclosure.

RETIREMENT

All regular employees whose duties require at least 1,000 hours of service a year are required to become contributing members of the Local Governmental Employees' Retirement System, as a condition of employment on the date of hire. An employee must contribute 6% of their annual covered salary to fund

future retirement benefits. The Town is required to contribute at an actuarial determined rate to fund future retirement benefits for its employees. The rate of contribution by the Town for both general employees and law enforcement employees is determined by the N.C. Department of State Treasurer Office and is subject to change by the State of North Carolina.

An employee becomes vested in the Retirement System once he or she has completed a minimum of five years of creditable service.

Employees who become vested are entitled to retirement benefits regardless of whether they are still employed with the Town at retirement age provided the employee does not withdraw his or her contribution. An employee's retirement benefits are calculated based on age, service requirements, an actuarial formula and retiree benefit payment options.

A general employee may retire without reduced benefits after:

- reaching age 65 and has at least 5 years of creditable service,
- employee is at least 60 years of age and has 25 years or more years of creditable service, or
- the employee has completed 30 years of creditable service, regardless of age

A general employee may retire with reduced benefits after:

- the employee has reached age 60 and has at least five years of creditable service, or
- reaches age 50 and has at least 20 years of creditable service

A law enforcement officer may retire without reduced benefits after:

- after reaching age 55 if he or she has at least 5 years of creditable service as a law enforcement officer, or
- completes 30 years of creditable service as a law enforcement officer, regardless of age

A law enforcement officer may retire with reduced benefits after:

- reaching age 50 and completing 15 years of creditable service as an officer

One month credit is allowed for every 20 days of unused sick leave. Sick leave can be used to increase an employee's creditable service as to complete:

- 30 years of service, regardless of age
- 25 years of service, after age 60
- 20 years of service, after age 50 (15 years of service as an officer after age 50 for law enforcement officers), or
- Five years of service after age 60 (5 years of service as a law enforcement officer after age 50)

The Town will certify the amount of unused sick leave for the North Carolina Retirement System when an employee applies for retirement benefits.

New hires and current employees must register on the North Carolinas Retirement System's website at www.myncretirement.com and set up to view individual accounts, designate beneficiaries and view member handbook for a comprehensive description of benefits.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

If an employee has specific questions or would like to request member information they can either write or visit by appointment, N.C. Department of State Treasurer, Retirement Systems Division, 325 North Salisbury Street. Raleigh, North Carolina 27603-1385. Employees can also email nc.retirement@nctreasurer.com, Call (919) 807-3050 or (877) 627-3287 or by fax (919) 508-5350.

You're Benefits at a Glance (Subject to the General Statutes of North Carolina)

Benefit	Minimum Eligibility Requirement	What You Should Know
Monthly Retirement Benefit	5 years of credited service as early as age 60; for law enforcement officers as early as age 50 with 15 years of credit service.	The amount is based on the retirement formula, which reflects your compensation record, the amount of retirement credit you have, and other factors. At retirement, you will choose among other payment options.
Monthly Disability Retirement Benefit	5 years of credited service	An authorized medical professional must certify the illness. Amount is calculated the same way as service retirement
Return of Contributions	None	At your death, your beneficiary(ies) receives all your undistributed contributions, unless eligible for a monthly Survivor's Alternate Benefit
Death Benefit	After 1 year of credited service within the last 180 days	At your death, your beneficiary(ies) receives an amount generally based on one year's compensation with a minimum of \$25,000 and a maximum of \$50,000
Law Enforcement Officers Only: (Separate Benefit)	After 1 year of credited service and currently in service	A \$5,000 benefit (more if line-of-duty related)

(Information provided by N.C. Retirement System, The Town of Pineville is not responsible for the benefits offered through the North Carolina Retirement System as it is not free of errors, omissions and or changes without notice. See Retirement Employee Handbook for specific information, rights and benefits.) – Updated for more clarity

SPECIAL SEPARATION ALLOWANCE FOR LAW ENFORCEMENT OFFICERS

Notwithstanding any other provision of law, every sworn law-enforcement officer as defined by G.S. 1351 (11B) or G.S. 143-166.30 (a) (4) employed by a State Department, agency or institution who qualifies under this section shall receive beginning on the last day of the month in which he retires on a basis of service G.S. 135-5(a) or G.S. 143-166 (y) an annual separation allowance equal to eighty five hundredths percent (0.85%) of the annual equivalent of the base rate of compensation most recently applicable to

him for each year of creditable service. The allowance shall be paid in 12 equal installments on the last payroll of each month.

To qualify for the allowance the officer shall:

1. Have completed 30 or more years of creditable service or have attained at least 55 years of age and completed at least 5 years of creditable service and have not attained 62 years of age.
2. Have completed at least 5 years of continuous service as a law enforcement officer as herein defined immediately preceding a service retirement. Any break in the continuous service required by this subsection because of a disability retirement or disability salary continuation benefits shall not adversely affect an officer's qualifications to receive the allowance, provided the officer returns to service within 45 days after the disability benefits cease and is otherwise qualified to receive this allowance.

As used in this section, "creditable service" means the service for which credit is allowed under the retirement system of which the officer is a member, provided that at least fifty percent (50%) of the service is as a law enforcement officer as herein defined.

Termination of Retirement Payments

1. Death of the officer;
2. The last day of the month in which the officer attains 62 years of age; or
3. The first day of reemployment by any State Department, agency, or institution except that this subdivision does not apply to an officer. **(Not clear what this means).**

Notwithstanding the provisions of subsection (3), a local government employer may employ retired officers in a public safety position in a capacity not requiring participation in the Local Governmental Employees' Retirement System, and doing so shall not cause payment to cease to those officers under the provision of this section.

SUPPLEMENTAL RETIREMENT INCOME PLANS

The Town, in addition to the NC State Treasurer's Office, offers a Supplemental Retirement Plan. Contributing members of the North Carolina Retirement System are eligible to participate in the 401K plan. All fulltime, temporary and part-time employees are eligible to participate as well as rehired retired employees in the 457 Plan. The NC 401K and 457 Plans (Defined Contribution) are administered by the Department of State Treasurer and a Board of Trustees. Please see summary plan documents distributed in new hire packets or during annual open enrollment for more detailed information on the two plans. If you need additional information regarding the various plan and its offerings contact Prudential directly at 1-866-624-0151 or by visiting www.nc401k.prudential.com. Also you can contact Human Resources to arrange an individual or group meeting with our dedicated representative.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

For Law Enforcement Officers:

The Town is required by Article 12E of G.S. Chapter 143 to contribute each week five percent (5%) of an officer's salary into the NC 401K plan and all amounts are vested immediately. Law enforcement officers are also allowed to make their own contributions to the plan, but it is not required.

All Other Employees:

The Town has elected to contribute to the Supplemental Retirement Income plan with participation beginning on the first day of employment. Employees may contribute up to the determined amount of their annual salary as set forth annually by the Internal Revenue Service, not to exceed the maximum amount established by law. For information on the minimum and maximum amount allowed contact the Human Resources Department or the Town's dedicated representative for the Plan. Town will match the employee's contributions up to 5% of the employee's salary for either plan. Please contact the Human Resources Department for further information.

TUITION ASSISTANCE

Fulltime employees who have successfully completed the initial introductory period may be eligible for reimbursement of coursework, which will improve their skills in their current job or prepare them for promotional opportunities within the Town. Registration, laboratory and student fees are eligible expenses. Fulltime employees are eligible for up to \$500 reimbursement per fiscal year. Satisfactory completion of the courses (Grade C or better if applicable) is required for reimbursement. Request for tuition assistance must be submitted to the Department Head prior to course registration. Reimbursement is subject to the approval of the Department Head, Human Resources and the availability of funds.

UNEMPLOYMENT INSURANCE

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

HOLIDAYS AND LEAVES OF ABSENCES

HOLIDAYS

The Town of Pineville will follow the Holiday schedule as set for by the North Carolina Office of Human Resources. The Town Manager reserves the right to change holiday schedule if deemed appropriate and also change holiday observances for holidays that fall on either a Saturday or a Sunday.

The following holidays will be observed:

- New Year's Day
- Martin Luther King Jr's Birthday or Day of Observance



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day including the Friday following the holiday
- Christmas (3 days, which will be determined by the published holiday schedule each year)

All fulltime regular employees are entitled to holiday pay as listed above. A part-time regular employee working at least 20 hours a week whether they are scheduled or not scheduled to work will receive 4 hours of holiday pay.

Non-exempt employees who are scheduled to work on a holiday will receive 8 hours of holiday pay and time and a half for hours worked (applies to all fulltime regular staff including shift personnel). For shift employees only, if a holiday falls on a regularly scheduled day off the employee will be paid 8 hours in addition to normal hours.

Part-time regular employees who work at least 20 hours a week and work on the holiday will receive 4 hours of holiday pay and pay for hours worked.

Employees on a leave of absence are not eligible for holiday pay if they are on leave prior to and following a holiday.

VACATION LEAVE

Regular employees who work 20 hours or more per week begin accruing vacation on their first day of employment, but are not eligible to take time off during their initial introductory period as a "new employee." Once the introductory period has been satisfied an employee is eligible to take accrued vacation leave with the prior approval of their supervisor.

Vacation leave may also be used for employees who wish to observe religious holidays. Employees who wish to use vacation leave for religious observances must request in advance time off from their respective Department Heads. The Department Head will make every attempt to arrange the work schedule so that an employee may be granted time off for the religious observance. Vacation for religious observance may be denied only when granting a leave would create an undue hardship to the Town. Any employee wishing to use vacation leave must submit a "Request for Time Off" to their supervisor and receive written approval prior to taking the time off. It is the responsibility of the supervisor to confirm that the employee has enough accrued leave for their request.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

VACATION LEAVE ACCRUAL RATE

The vacation leave accrual rate for eligible fulltime regular employees varies based upon an employee's years of service. For eligible part time employees their vacation leave accrual is prorated based on the scheduled hours worked.

It is the policy of the Town that employees are not permitted to take vacation leave that has not been accrued. The Town does recognize that there may be extenuating circumstances that require an employee to request time off that has not yet been accrued. An employee is allowed to submit their request with an explanation of the circumstances to their Department Head. The request will be taken into consideration and based upon other factors such as attendance records the Department Head will submit it to the Town Manager for final approval. These exceptions will be made on a case by case basis. If approved the employee must sign a document stating that they allow the Town to deduct the leave from their final paycheck if they shall terminate employment prior to accruing the vacation leave.

Employees are encouraged to plan their vacation in advance and are discouraged from waiting until late in the year to schedule their time off because of the necessity of keeping all operations of the Town up and running. If an employee shall wait until the end of the year because of staffing needs, there is no guarantee that vacation will be granted. If for some reason the maximum number of days to be carried over has been exceeded, there will be no special allowances made to grant the employee vacation leave.

Employees, who are out on a leave for more than 60 days, will not accrue vacation leave after the 60th day. Vacation accruals will resume once the employee has returned to active duty.

Fulltime employees will earn vacation leave accrual based on the chart below. All eligible part-time employees will received pro-rated vacation accruals based on the average number of hours worked in a work week.

<u>Years of Service</u>	<u>Days Accrued Per Year/Converted into Hours</u>
0-4	10/80 hours
5-12	15/120 hours
13+	20/160 hours

Vacation leave is accumulated each calendar year (January 1st to December 31st). The maximum amount allowed to carry over each calendar year is 30 days or 240 hours. For employees who have exceeded the 30 day maximum accumulation for vacation leave, the balance over 240 hours will be transferred to the employee's sick leave. If an employee leaves the Town or employment is terminated, the employee will only be paid out for up to 30 days of accumulated vacation leave.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

Employees shall be granted the use of earned vacation leave based upon a written request and advanced scheduling. A "Request for Time Off" form shall be completed and approved by Department Heads prior to taking time off.

Vacation by non-exempt employees may be taken in one hour increments.

VACATION LEAVE UPON SEPARATION

An employee who has successfully completed the six month introductory period and provided at least two weeks' notice prior to the effective date of the resignation will be paid for accumulated vacation time upon separation not to exceed the 30 days or 240 hours. An employee failing to give the two week advanced notice may forfeit payment for accumulated vacation leave. The notice requirement may be waived by the Town Manager, if it is deemed that it is in the best interest of the Town for the employee to leave sooner. Employees who are terminated shall receive payment for accumulated vacation leave not to exceed the 30 day maximum allowed.

Upon the death of an employee while employed by the Town, his/her estate will be entitled to payment of all accumulated vacation leave not to exceed the maximum 30 days allowed for vacation.

SICK LEAVE

Sick leave may be granted to a regular employee (during or following the introductory period) who is absent from work for the following reasons: sickness, bodily injury, doctor/dentist appointment or exposure to a contagious disease that may jeopardize the health of others while at work.

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

"Immediate Family" shall be defined as spouse, parents, guardian, children, siblings, grandparents, grandchildren as well as various combinations of half, step, in-law and adopted relationships that can be derived from the family members named herein.

Sick leave may also be used to supplement Worker's Compensation disability to cover the waiting period before Worker's Compensation benefits begin.

ABSENCE DUE TO ILLNESS

An employee who is ill or caring for an immediate family member and cannot report for work is required to notify the supervisor as soon as possible or no later than an hour prior to the time the employee was expected at work. Employee should communicate absence by whatever method is most preferred by their Supervisor which should include one of the following; speaking directly to supervisor (most preferred), voicemail, email and/or text message. If an employee does not speak directly to their supervisor it is still their responsibility to ensure the Supervisor has received the message. This provides the Supervisor



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

ample time to reassign work. If the employee fails to notify their Supervisor of the absence the employee may be subject to disciplinary action.

Sick leave, as a result of a scheduled doctor's appointments, should be made at least 48 hours in advance, so that the Supervisor can make the appropriate arrangements for coverage of the department.

SICK LEAVE CONVERTED TO SHORT TERM DISABILITY

If an illness causes an employee to be out on sick leave for more than seven consecutive days, the employee may be eligible to apply for short term disability benefits. The employee must contact the Human Resources Department as soon as possible to retrieve and complete the appropriate forms.

SICKNESS DURING VACATION LEAVE

An employee who becomes ill during their vacation leave for more than seven consecutive days and who promptly notifies the HR Department for short-term disability papers, upon approval vacation leave will be converted to sick leave and the remainder of the leave will be considered disability leave. Employee will have the option to reschedule vacation leave at a later date.

SICK LEAVE ACCRUAL RATE AND ACCUMULATION

Sick time shall accrue at a rate of one day per month of employment or twelve days per year (96 hours) for all full-time regular employees. Sick time for regular full time and part time employees (20 hours or more) working other than the 40 hour work week schedule shall be pro-rated. Sick leave will be cumulative for an indefinite period of time and may be converted to retirement service credit consistent with the provisions of the North Carolina Local Government Employees' Retirement System.

All accrued unused sick time accumulated by an employee shall terminate and be forfeited without compensation when an employee resigns or is separated from employment, except as stated for employees retiring or terminated due to reduction in force.

Upon separation if an employee resigns employment with the Town and is employed with another organization who is a participant in the North Carolina's Local Government Retirement System and whose policy is to accept sick time transferred from the Town, the Town will provide a letter of certification for accrued sick leave accumulated as of last day of employment. The Town can only guarantee this information will be available within five years of termination with the Town.

TRANSFER OF SICK LEAVE FROM PREVIOUS EMPLOYER

If a new hire's last employer, prior to accepting employment with the Town is a participant in the Local or State Employees' Retirement System and is willing to certify the amount of sick leave the employee has with their organization upon termination, the Town will allow them to transfer all sick leave. A letter or sick leave transfer form must be sent to the Town of Pineville's Human Resources Director.

LEAVES OF ABSENCE

FAMILY MEDICAL LEAVE-ELIGIBILITY, CERTIFICATION AND NOTICE

To be eligible for Family Medical leave, a regular employee must have worked for the Town of Pineville for at least 12 months, worked at least 1250 hours in the 12 months preceding the leave, and work at a site with at least 50 employees within 75 miles.

To qualify for FMLA leave for a serious health condition of the employee, the employee's spouse, child or parent, the employee must provide the Town with medical certification from the employee's or family member's physician. The certification must include the date when the condition began, its expected duration, diagnosis, and a brief statement of the treatment required or expected. For an employee's own health condition, it must state that as a result of the condition, 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 is necessary.

To qualify for FMLA to care for a service member, the employee must provide a certification issued by the healthcare provider of the service member in need of care by the employee.

An employee seeking FMLA leave 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 of order to active duty) in the Armed Forces in support of a contingency operation must provide certification, in a timely manner of such active duty or impending call to active duty.

NOTICE

Family Medical Leave Act requires that employees give the Town 30 days' notice of intention to take FMLA leave.

In the event the leave is unforeseeable, the employee must give notice as soon as possible or at least within two (2) business days of becoming aware of the need for FMLA leave if possible.

When Qualifying Exigency leave is requested and is foreseeable, the employee shall provide such notice to the Town as soon as is reasonable and practicable. The Town may require that such leave be supported by the timely submission of the appropriate certification and a copy of the covered service member's orders.

NOTIFICATION BY THE EMPLOYEE

The Town requires under the FMLA law that the employee return his or her medical certification forms within 15 days for which the employee received it.

If the employee gave 30 days' notice then the certification is due back prior to the scheduled FMLA leave.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

If the document is incomplete or insufficient, the Town will provide 7 calendar days for the employee to have errors or omissions corrected and returned to the Human Resources Department.

There may also be a need for recertification or the need for additional leave, which will result in an additional certification by the employee's or family member's physician.

The Town also reserves the right to require a second medical opinion, which shall be at the Town's expense.

If employee fails to have certification completed or within the allotted time, the Town can delay or discontinue such leave. If such certification is not provided, the Town can enforce disciplinary action up to and including termination.

An employee returning to work due to their own serious health condition is required to obtain such return to work certification stating that he/she is able to resume work prior to their return from any leave.

Other forms of certification based upon circumstances are:

- Description of the medical condition
- Planned medical treatment
- Anticipated date of birth or completed disability form
- Adoption (legal documents evidencing adoption) after the fact
- Service orders of family member called to Active duty

FAMILY AND MEDICAL LEAVE-PURPOSE

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

Medical and Family Care Leave

- Birth or adoption of a child
- A serious health condition of an employee
- A serious health condition of a child, spouse or parent

A serious health condition is defined as a condition which requires in-patient care at a hospital, hospice, residential medical care facility or a condition which requires continuing care by a licensed healthcare provider for a condition of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long term health condition which results in a period of incapacity of more than three days is considered a serious health condition.

Military Caregiver Leave

- A serious injury or illness of a covered service member (Military) that is either a spouse, child parent or next of kin. Eligible conditions qualifying for such leave:

- a. Undergoing medical treatment , recuperation or therapy;
- b. In outpatient status; or
- c. On temporary disability, retired disability for a serious injury or illness incurred in the line of duty or while on active duty

Qualifying Exigency Leave

For any qualifying exigency arising out of a spouse, child or parent's call to active duty status as a member of the National Guard or Reserves (Does not extend to family members of service members in the regular Armed Forces).

Eligible exigencies for leave:

- a. Short notice deployment;
- b. Military events and related activities;
- c. Certain childcare and school activities arising from the active duty or call to duty;
- d. To make certain financial and legal arrangements to address the military family member's absence while on active or call to active duty;
- e. For counseling, if the need arises from the active duty or call to active duty status of the military family member;
- f. To spend time with a military family member who is on short term, temporary rest and recuperation leave during the period of deployment;
- g. For certain post deployment activities;
- h. To address other events which arise out of the military family member's active duty or call to active duty status, where both Town and the employee agree to the time and duration of the leave.

AMOUNT OF FMLA LEAVE

The amount of leave varies with the type of FMLA leave granted.

1. The total amount of all FMLA leaves (Family, Medical Care & Qualifying Exigency Leave) with the exception of the Military Caregiver Leave shall not exceed 12 weeks in any rolling twelve month period.
2. Military Caregiver leave shall not exceed 26 weeks in a single 12 month period beginning from the first day of leave.
3. The amount of Military Caregiver leave is reduced based upon any other FMLA leave taken (Medical and Family Care leave and Qualifying Exigency Leave) within a rolling twelve month period. The combined total of Military Caregiver leave and any other approved leave cannot exceed 26 weeks within a 12 month rolling period.

4. Medical and Family Care Leave for the birth and/or placement of a child into an employee's family for foster care or adoption must be taken within the 12 months immediately following the date of birth or the date child was placed.
5. If the Town of Pineville employs both spouses, there is a combined total of 12 weeks in a 12 month period for the birth or adoption of a child or the care of a sick parent (not parent-in-law).

INTERMITTENT LEAVE

In some situations, employees may need to take intermittent leave verses taking whole days or weeks for FMLA leave. Intermittent time is small amounts of time used to reduce the normal weekly or daily schedule. The Town allows its employees to use their intermittent time in one-hour increments whenever medically necessary, as a result of an employee's serious condition, serious condition of a spouse, child or parent or need for Military Caregiver leave.

When these types of intermittent leaves are foreseeable or based upon planned medical treatment, the Town may require the employee to transfer temporarily to an available alternate position, for which employee is qualified, if the position has equivalent pay and benefits and better accommodates recurring periods of leave than the employee's regular position.

RECERTIFICATION for INTERMITTENT LEAVE

The Town may request the employee to provide a recertification no more often than every 30 days and only in connection with an absence by the employee. If a certification indicates that the minimum duration of the serious health condition is more than 30 days, the Town will wait until that minimum duration expires before requesting recertification. However, in all cases, including cases where the condition is of an indefinite duration, the Town may request a recertification for absences every six months.

The Town may request a recertification in less than 30 days only if:

- The employee requests an extension of leave,
- The circumstances described by the previous certification have changed significantly, or
- The Town receives information that causes it to doubt the employee's stated reason for the absence or the continuing validity of the existing medical certification.

The Town may ask for the same information in a recertification as that permitted in the original medical certification. However, the Town may provide the health care provider with a record of the employee's absences and ask if the serious health condition and need for leave is consistent with the leave pattern. The employee is responsible for paying for the cost of a recertification. The Town cannot require a second or third opinion for a recertification. In most circumstances, the Town will allow the employee at least 15 calendar days to provide the recertification after the employer's request.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

CONCURRENT LEAVE

All leaves which are eligible for FMLA such as, but not limited to, short term disability and workers compensation will run concurrent with FMLA.

FAMILY MEDICAL LEAVE NEEDED FOR OTHER THAN EMPLOYEE (Use of Accrued Leave)

If an employee is taking a FMLA leave to care for a loved one under the eligibility requirements of the leave, military caregiver leave or an exigency leave, the employee must use all accrued vacation and sick time. Only when the employee has no accrued time, unpaid leave will be permitted.

An employee on FMLA leave is prohibited from collecting unemployment or other government compensation.

BENEFITS

During Family Medical Leave, the Town will continue to pay its portion of the employee's health insurance benefits. When applicable the employee is still required to pay its portion of the premium in order to maintain coverage. If the employee is on a paid leave in conjunction with FMLA, the normal deductions will be taken out of their paycheck. If the employee has exhausted all of their accrued leave, the employee must write the Town a check to cover its share of medical premiums. If there are other options, the employee will need to discuss with the Human Resources Director and Finance Director.

An employee will owe the Town the entire amount of health insurance premiums paid during their leave if he or she chooses not to return to work for reasons other than the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave for the care of self, spouse, child or parent; or other circumstances beyond the employee's control.

During a leave of absence, if the leave extends longer than 60 days, the employee will not accrue sick or vacation leave until they return to work. An employee on FMLA leave will not lose any employment benefits accrued by the employee up to the date in which FMLA leave began.

REINSTATEMENT

Upon return from FMLA within the allotted time period, the employee will be entitled to reinstatement to his or her current position or an equivalent position with the same pay and benefits. However, if FMLA expires and an employee fails to return to work and has not been approved for any additional leaves, it may result in grounds for termination.

Once an employee's FMLA has expired, the Town reserves the right to reinstate the employee based upon the operational needs of the position and the Town's ability to operate without it for an additional period of time.

The Town has the right to deny reinstatement at the end of FMLA for a highly compensated "key" employee if reinstatement would cause "substantial and grievous economic injury" to its operations.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

FMLA defines “key employees” as the highest paid ten percent of the Town’s workforce. In addition, the position must be paid on a salary basis and be exempt from minimum wage and the overtime requirements.

Prior to approving FMLA leave, the “key” employee will be notified that they are a “key employee” and that the Town has reserved the right to deny reinstatement.

SHORT TERM DISABILITY LEAVE

A regular employee, who is out on leave as a result of a serious non-occupational health condition or injury, may be eligible for short term disability coverage. An employee must notify Human Resources thirty days prior to a scheduled short term disability leave. If the leave is unforeseeable, the employee must contact Human Resources as soon as possible to apply for benefits. Eligibility will be determined based on the medical certification submitted on the physician’s statement of the short term disability application. Documents must be submitted prior to a disability leave for scheduled leaves and within 15 days for an unforeseen leave. On the 8th calendar day, after seven consecutive days out sick, an employee will receive one half their regular pay for up to 26 weeks. Employees are responsible for recertification if their disability leave must be extended longer than the original certification provided by the healthcare provider. Failure to submit recertification for a disability leave can cause short term disability payments to cease and can possibly lead to disciplinary action up to and including termination if the employee does not submit documentation or return to work.

Employees may supplement their short term disability payments with accrued sick, compensatory and/or vacation leave as long as it does not exceed the normal weekly compensation.

For employees who return to work and re-apply for disability leave as a result of the same illness and/or injury within six months, the seven day consecutive day waiting period will be waived. The employee must have their healthcare provider complete another physician’s statement certifying their medical condition. The additional leave will be deducted from the original 26 weeks if permitted.

Once short term disability benefits are exhausted and the employee is still unable to perform the essential functions of their job because of their medical condition, they are able to apply for long term disability benefits.

Prior to an employee returning to work from a short term disability leave, they must submit a doctor’s note indicating that they are released to return to work on a specific date. Failure to submit a return to work note may cause the Town to send the employee home until documentation from their healthcare provider is received stating that it is safe to return to work. It is the responsibility of the employee to submit their return to work note or pay will be suspended until such documentation is provided and employee able to resume active duty.

The short term disability leave will run concurrent with Family Medical Leave.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

LONG TERM DISABILITY LEAVE

Once an employee has exhausted the 26 weeks of short term disability and is still unable to return to work because of their medical condition, they may be eligible to apply for long term disability. The Town does not determine the eligibility of LTD benefits for an employee. The insurance company contracted by the Town makes the determination based on the medical evidence provided by the employee's doctor.

MATERNITY LEAVE

An employee who is pregnant may work up until their due date if the doctor permits it. If the employee is unable to continue working during their pregnancy prior to their delivery date, their healthcare provider may certify their maternity leave. Once an employee delivers their baby via a normal delivery, an employee is entitled to one half of their regular pay for six weeks. If a caesarian delivery is required, the employee will receive an additional two weeks. If there is a medical problem or complication after childbirth, the maternity leave then becomes a disability claim and must be certified by their healthcare provider.

If the employee has not exhausted all of their FMLA time within the rolling 12 month period, they will be eligible to take FMLA using vacation or compensatory leave. Only when the employee has no accrued time, unpaid leave will be permitted as long as it does not exceed the 12 weeks provided. If the employee has exhausted accrued leave while on FMLA following the time allocated for maternity leave, the remaining leave may be taken as unpaid.

WORKERS COMPENSATION LEAVE

An employee absent from work because of a work related injury or illness covered by the North Carolina Worker's Compensation Act must report their injury immediately to their supervisor and complete a Form 19. Within twenty-four hours of incident, the Human Resources Department must be notified and in receipt of the Form 19 to ensure timely filing of the workers compensation claim. If such injury has not been reported by the employee and/or Supervisor it can lead to discipline up to and including termination.

If such an injury or illness requires immediate attention by a healthcare provider, it is the responsibility of the employee's Supervisor to ensure that the employee is accompanied to the healthcare facility to prevent further incident.

An employee covered by the North Carolina's Workers Compensation Act can elect to use sick leave, vacation leave and/or compensatory leave during the seven day waiting period. On the eighth day, Workers Compensation payments will begin. If such disability should continue beyond twenty- one days the employee has the option of signing the reimbursed check over to the Town and having any used accrual leave reinstated or they may keep the reimbursed check and the used leave will remain deducted.

Workers Compensation pays an average of 66 2/3 of the average weekly salary and payment will come directly from the Workers Compensation insurance provider. These payments are non-taxable; therefore an employee is not allowed to use sick, vacation and/or compensatory leave pay in conjunction with workers compensation leave. As a result, the employee will be put on unpaid leave with the Town. An



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

arrangement must be made in advance for the employee to reimburse the Town for any benefit deductions that the employee is responsible for. Either a representative from the Finance or Human Resources Department will send the employee written correspondence indicating the required payment and the employee must make arrangements to send in payment to the attention of the Town of Pineville. The Finance Department will then issue payment on behalf of the employee for deductions.

As with all other leaves an employee will continue to accrue sick and vacation leave for up to 60 days. The accrued leave will be reflected in the employee's paycheck upon returning to active duty. As stated if an employee is out of work for more than 60 days, they will not accrue any additional sick or vacation leave until they return to active duty.

An approved workers compensation leave automatically makes an employee eligible for Family Medical Leave. Both leaves shall run concurrent of one another.

RETURN TO WORK FROM DISABILITY

When an employee has been released by their healthcare provider to return to work following a disability period, the healthcare provider must complete a return to work note providing clearance to perform normal duties. Either prior to or upon return to work the employee must provide the Human Resources Department with the return to work note prior to resuming duties.

If an employee returns to work with restrictions from their physician, they must contact both their manager and the Human Resources Department immediately, so that a determination can be made on whether an employee can still perform the essential functions of the position with reasonable accommodations.

If an employee, upon return to work from disability, is restricted in the amount of hours they can work each week, their pay will be adjusted accordingly. An employee's vacation and sick time will be prorated during this period depending upon hours designated to work if their disability has exceeded the 60 days of disability leave. If hours worked are below the required 20 hours per week, then the employee will not accrue time until their hours are increased to at least 20 hours per week. If hours are below the 30 hours needed for benefit eligibility for a limited period of time benefits will not be affected unless status change is permanent.

LIGHT DUTY FOR WORKERS COMPENSATION AND SHORT TERM DISABILITY LEAVE

PURPOSE

When an employee is capable of providing needed service to the Town during the rehabilitation process, the Town will seek to place the employee in a light duty status.

LIGHT DUTY DEFINED

Light duty is non-strenuous work which is restricted to the capacities of the employee.

ELIGIBILITY FOR LIGHT-DUTY STATUS

1. An employee is eligible for light-duty status when the employee suffers from either a job related or non-job related injury or illness which restricts the employee's ability to perform the essential

functions of his or her job. The employee must provide the Town with the certification of a licensed physician knowledgeable about the employee's condition(s) and the requirements of the job, which sets out a definite time after which the employee should be able to return to full duty. The physician must also certify that in the interim the employee can safely perform duties as described.

2. In a workers compensation situation, if the examining physician certifies that the employee is able to safely resume light duty work, upon the Town's request that the employee return to light duty work, the employee must do so.
3. If an employee request to come back to work on light duty when out on a non-workers compensation situation, if the examining physician certifies that the employee is able to safely resume light duty work.
4. In order to be allowed light-duty status, duties must exist which can safely be performed by a person with the restrictions indicated by the physician.

APPROVAL PROCESS FOR LIGHT DUTY STATUS

1. Light duty status will only be approved if the proposed duties are needed by the Town.
2. Light duty status must be approved by the Town Manager, following consideration of recommendations by the Department Head and the Human Resources Director.
3. Light duty status may not extend for more than thirty days without review, an updated medical certification and approval by the Town Manager, following consideration of recommendation by the Department Head and Human Resources Director. If extended, similar reviews must occur every thirty days.

OPTIONS AVAILABLE FOR LIGHT-DUTY STATUS

Light duty status may deviate from an employee's normal position, including, but not limited to the following ways:

1. The employee's schedule may provide for fewer working hours and/or different working hours and/or different working hours.
2. Duties may be different and/or the same as required in the employee's normal position.
3. Light duty may be performed under different supervision than the employee's normal position.
4. Light duty responsibilities may be adjusted as the employee's recovery progresses.

RETURN FROM LIGHT DUTY STATUS TO REGULAR DUTY

An employee will be returned to regular duty as soon as the employee's condition permits. However, before an employee placed on light duty status may be transferred back to regular duty, the employee must provide a physician's certification that he or she can return to work without restrictions. Transfer



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

back to regular duty must be approved by the Town Manager, following consideration of recommendations by the Department Head and the Human Resources Director. Once approved, the employee must immediately return to regular duty. Failure to comply is grounds for discipline up to and/or including termination.

JURY/CIVIL LEAVE

The Town of Pineville considers Jury Duty or Court witness for the federal, state or local government a citizen's responsibility and provides normal compensation for regular employees, while serving in this capacity. The employee is allowed to keep the travel allowances or fees associated with serving on a jury or as a witness with the exception of witness fees or travel allowances awarded by the court while an employee is making court appearances in an official capacity.

PARENTAL SCHOOL LEAVE

Consistent with NCGS 95-28.3, it is the belief that parental involvement is an essential component of school success and positive student outcomes. Therefore, the Town of Pineville shall grant school parental leave with pay in the amount of (4) hours per calendar year to any regular full-time or part-time (20+ hours per week) employee who is a parent, guardian or person standing in loco parentis (in place of parent) of a school-aged child or children so that the employee may attend or otherwise be involved with school matters. Examples of activities covered by this policy include conferences between parent/teacher or parent/administrator concerning the employee's child, attending non-athletic function (such as dance club, band, drama, etc.) sponsored by the school in which the employee's child is participating.

- a. The leave shall be taken at a time mutually agreed upon between the employee's Supervisor and the employee;
- b. Leave taken under these conditions will be considered leave with pay and will not be charged to any of the employee's leave balances;
- c. The Supervisor may require the employee to make a written request for the leave at least 48 hours before the time desired for the leave;
- d. The Supervisor may require that the employee furnish written verification from the child's school that the employee attended or was otherwise involved at that school during the time of the leave; and
- e. For purposes of this policy, the term school can mean; public school, private school also including schools of religious charter, non-public schools that regularly provides a course of grade school instruction, pre-school and child day care facility with a structured program as defined in NCGS 110-86(3).

It shall be the Department Head's responsibility to monitor such leave and note on the timesheet that this is school parental leave. Regular employees will be granted 4 hours of school parental leave per calendar year and any unused hours will be forfeited and may not be carried forward into the next calendar year.

DISCRETIONARY LEAVE

Discretionary leaves of absence are leaves of absences that are at the discretion of the Town to grant and do not fall under eligibility for Family Medical Leave. Upon requesting a leave, an employee must provide a written request stating the purpose of the leave and how long they anticipate being out. No such leave shall be approved beyond 12 weeks within a calendar year. If an employee has sick and vacation leave, it must be exhausted first and then the leave will be unpaid.

If an employee fails to return to work at the end of the approved discretionary leave, and the employee has not requested and received approval in advance for an extension of the leave, the Town of Pineville reserves the right to terminate employment.

Employee benefits will remain in effect during the approved leave, but if a portion of the leave is going to be unpaid then arrangements must be made in advance with both Human Resources and Payroll to have any benefit deductions not paid by the Town, taken out in advance.

An employee is not guaranteed job reinstatement upon his or her return from an approved discretionary leave of absence. The Town reserves the right to fill the employee's position while the employee is on leave. Under such circumstances, the Town may consider transferring the employee to another available position for which the employee is qualified.

VOLUNTARY SHARED LEAVE

There are sometimes occurrences brought about by prolonged medical conditions that cause employees to exhaust all available leave and therefore be placed on leave-without-pay. It is recognized that such employees forced to go on leave-without-pay could be without income at the most critical point in their work life. It is also recognized that fellow employees may wish to voluntarily donate some of their vacation leave so as to provide assistance to a fellow Town employee. Voluntary Shared Leave provides an opportunity for employees to assist another employee affected by a medical condition that requires absence from duty for a prolonged period of time resulting in possible loss of income due to lack of accumulated leave. Contact the Department of Human Resources for the policy details, procedures and appropriate forms surrounding the use and donation of Voluntary Shared Leave.

MILITARY LEAVE

The Town of Pineville is committed to protect the job rights of employees absent on military leave in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Regular employees, who are members of the Armed Forces Reserve organization or National Guard, whom are required to do military training, shall be granted 80 business hours per year for military leave with pay based upon their normal work schedule. If an employee takes additional military training in addition to



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

the annual leave, it will be considered unpaid leave, but the employee has the option of using vacation or compensatory leave to supplement pay. As the Town is in full compliance with the law and understands that employees are not required to provide copies of the orders for any leave less than 30 days we ask that they provide us with notification as soon as possible. For all leaves 30 days or more, employees are required to show DD-214 papers stating the condition of their leave.

Regular employees who are members of an Armed Forces Reserve Organization or National Guard and who are called to active duty by the Federal Government are entitled to use their vacation leave or put on leave without pay status and the provisions of that leave shall apply. Employees who are eligible for military leave have all rights specified by the Uniform Services Employment and Reemployment Rights Act of 1994.

Employees on military leave shall continue to accumulate vacation and sick leave. If the employee does not return, vacation leave earned while on military leave will be paid according to the vacation leave prior to deployment. Sick leave balances are not paid out.

In the event that an employee's active duty extends beyond 30 days, an employee has the right to elect COBRA coverage for themselves and their covered dependents. The employee is eligible to purchase COBRA benefits for up to 24 months at 102% of the premium cost for health coverage. Employees and their dependents whose health coverage is terminated because of the employee's military service will have their coverage reinstated upon reemployment.

The group term life insurance provided by the Town of Pineville will terminate the day the employee becomes active in the military. Coverage will resume automatically upon the employee's return as an active employee.

The Town will resume contributions in an employee's 401K plan upon return from military service. In accordance with the law, the Town will automatically make up 401K contributions for all law enforcement officers upon return from leave. All other returning employees will have up to three times their length of employment, or a maximum of five years, to make contributions that may have been missed while the employee was on military leave.

Employees called to active duty will be given service credit by the North Carolina Local Government Employees' Retirement System for time spent in active duty status. To receive retirement credit, an employee must submit to the State Retirement System upon return from active duty a letter requesting credit along with a copy of the DD-214. The Town will discontinue contributions to the retirement system until the employee returns to active duty. Once the employee returns from active duty, the Town will resume contributions and catch up all contributions missed while the employee was on active duty.

Employees on military leave will receive information on their supplemental insurance within 30 days of leave and will give them the option to continue or convert their supplemental insurance.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

Reemployment

Employees who return from active military leave will be reinstated if they meet the following criteria:

- The employee was absent from their job because of call to active duty in the uniformed services whether voluntary or involuntary
- The employee gave advance notice to the Town that he or she was leaving the job for service in the uniformed services, unless such notice was precluded by military necessity or otherwise impossible or unreasonable;
- The cumulative period of military service with the Town must not have exceeded five years;
- The employee must not have been released from service under dishonorable or other punitive conditions; and
- The employee must report back to work in a timely manner or have submitted a timely application for reemployment, unless timely reporting back or application was impossible or unreasonable.

Employees performing military service for fewer than 31 days must report for reemployment on the first regularly scheduled workday after returning home safely and an eight hour rest period. Those serving 31 to 180 days must apply for reemployment no later than 14 days after completion of military service. For military service of 181 days or more the employee must apply for reemployment no later than 90 days after returning from active duty. For service connected injury or illness application for reemployment deadlines may be extended for up to two years for employees who are hospitalized or convalescing. Failure to report to work within these limits will result in a voluntary resignation.

Upon reemployment, an employee would be given a position equivalent to the position the employee had or would have attained had they not been absent for military service, with the same seniority, status and pay as well as other rights and benefits determined by seniority.

BEREAVEMENT LEAVE

The Town will provide employees up to three days of paid bereavement leave for the death of an immediate family member. An immediate family member shall be defined as spouse, parents, guardian, children, siblings, grandparents, grandchildren as well as various combinations of half, step, in-law and adopted relationships that can be derived from the family members named herein. Absences should be marked "DIF" (Death in Family) on their timesheet. If an employee needs to take additional days off as a result of the death they may request to take vacation, compensatory. If accrued leave has been exhausted, unpaid leave may be permitted.

The Town will also provide one day of paid bereavement leave for the death of an extended family member once per calendar year. Any additional absences as a result of the passing of an extended family member, the employee may take vacation, compensatory. If accrued leave has been exhausted, unpaid leave may be permitted.

UNSATISFACTORY JOB PERFORMANCE & DETRIMENTAL PERSONAL CONDUCT

Failure in performance of duties

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

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

COMMUNICATION AND PROGRESSIVE DISCIPLINARY PROCESS

The Town of Pineville's progressive discipline policy and procedures are designed to provide structured corrective action process to improve and prevent a recurrence of undesirable employee behavior and performance issues. This policy is consistent with the Town of Pineville's human resource best practices and employment laws.

Outlined below are the steps of the Town of Pineville's progressive discipline policy and procedure. The Town reserves the right to combine or skip steps depending on the facts of each situation and the nature of the offense. The level of disciplinary action may also be dependent upon the facts and severity of the offense. Some of the factors taken into consideration are whether the offense is repeated despite coaching counseling or training, the employee's work record and the impact the conduct and performance issues have on the organization.

Step 1: Counseling and Verbal Warning

An employee whose work is unsatisfactory over an unspecified period shall be identified by the Supervisor and/or Department Head immediately. It is the responsibility of the Supervisor and/or Department Head to make strides to coach and mentor the employee in hopes of remedying the poor performance issues and/or work habits. The Supervisor is expected to clearly describe expectations and steps the employee must take to improve performance or resolve the problem. Supervisor and/or Department Head should be documenting the conversations and/or meeting regarding the performance and/or issues including

any progress or regression observed. If the Supervisor suspect that it is an issue that may benefit the employee by reaching out to our EAP provider it is recommended for them to make the recommendation, but not require it.

Step 2: Written Warning

Although the Town hopes that the employee will promptly correct any performance, conduct and/or work habits that were identified in Step 1, the Town recognizes that this may not always occur and further action may be necessary. The written warning involves more formal documentation of the performance, conduct and/or work habits issues and the consequences.

During the Step 2 process, the immediate Supervisor and Department Head will meet with the employee to review any additional incidents or information about the performance, conduct and/or work habits as well as any prior relevant corrective action plans. Department Head and/or Supervisor will outline the consequences for the employee of his or her continued failure to meet performance or conduct expectations.

A formal performance improvement plan (PIP) requiring the employee's immediate and sustained corrective action will be issued at the meeting or within five business days of the meeting. The Department Head will request a Management Referral (is this to EAP?) from the Human Resources Director for their employee, which is a part of the PIP. A warning outlining that the employee may be subject to additional discipline up to and including termination if immediate and sustained corrective action is not taken may also be included in the written warning.

Step 3: Suspension and Final Written Warning

There may be performance, conduct or safety incidents so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace. When immediate action is necessary to ensure the safety of the employee or others, the Department Head may suspend the employee pending the results of an investigation. Suspensions that are recommended as part of the normal progression of this progressive discipline policy and procedure are subject to approval from Department Head, Town Manager and the Human Resources Director. Depending on the seriousness of the infraction, the employee may be suspended without pay in full-day increments consistent with federal, state and local wage and hour employment laws. Non-exempt/hourly employees may not substitute or use an accrued paid vacation or sick leave in lieu of the unpaid suspension. Due to Fair Labor Standard Act (FLSA) compliance issues, unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues. The Human Resources Department will provide guidance so that the discipline is administered without jeopardizing the FLSA exemption status. Pay may be restored to the employee if an investigation of the incident or infraction absolves the employee.

Step 4: Recommendation for Termination of Employment

The Town will try to exercise the progressive nature of this policy by first providing warnings, a final written warning or suspension or suspension from the workplace before proceeding to a recommendation to terminate employment. However, the Town reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense.

Management's recommendation to terminate employment must be approved by the Human Resources Director and the Town Manager.

The employee will be provided copies of all progressive discipline documentation, including all Performance Improvement Plans (PIP's). The employee will be asked to sign copies of this documentation attesting to his or her receipt and understanding of the corrective action outlined in these documents. All documentation will be placed in the employee's official personnel files.

DETRIMENTAL PERSONAL CONDUCT

- A. With the approval of the Town Manager , an employee may be placed on disciplinary suspension, demoted or dismissed for reasons of inappropriate personal conduct without prior cause:
 1. For causes relating to personal conduct detrimental to Town service in order to avoid disruption of work;
 2. To protect the safety of persons or property; or
 3. For other serious reasons

- B. Detrimental Personal Conduct includes:
 1. Behavior of such a serious detrimental nature that the functioning of the Town may or has been impaired;
 2. The safety of persons or property may or have been threatened

- C. Examples of Detrimental Personal Conduct include, but are not limited to the following:
 1. Fraud and/or theft of Town material and/or equipment;
 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 Town 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. Harassing, intimidating or other unprofessional conduct as described in Town policy;
9. Brutality in the performance of duties;
10. Reporting to work under the influence of 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;
11. Engaging in incompatible employment or servicing a conflicting interest;
12. Request or accept gifts in exchange for favors or influence; or
13. Off-duty personal conduct by a Town employee which affects an employee's job performance adversely affects the public trust and confidence placed in Town employees. Such conducts includes, but are not limited to acts of domestic violence, child abuse or neglect and/or other inappropriate off-duty conduct by an employee.

Incidents of detrimental conduct will be handled under our Progressive Disciplinary process, but based on the nature and severity of the infraction, the Department Head has the right to forego the steps as outlined and impose disciplinary action of suspension, demotion and termination (dismissal) of employment. Prior to such actions taking place, it must be approved by the Human Resources Department and Town Manager.

TYPES OF DISCIPLINARY ACTION

1. **Suspension.** An employee may be suspended without notice by the Department Head for causes related to personal conduct in order to avoid undue disruption of work, to protect the persons or property, or for other serious reasons. When a Department Head suspends an employee with or without notice the employee shall be required to surrender all Town property and leave and not return to the premises until suspension has been lifted. A written summary explaining circumstances and facts leading to the immediate suspension shall be prepared and placed in the employee's personnel file. Disciplinary suspension will be without pay unless extenuating circumstances does not allow for unpaid suspension. If such a situation shall occur, it must be approved by the Town Manager with written request as to why this should not be applicable.
2. **Demotion.** An employee whose work or personal conduct is unsatisfactory may be demoted to another position provided by the employee shows promise of becoming a satisfactory employee in that position and such position is available. The employee shall be provided with written notice citing the recommended effective date for the demotion and the appeal rights available to the employee. An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a voluntary demotion if such position is available and it will not be deemed a disciplinary action.
3. **Dismissal.** Prior to an employee being dismissed, whether for misconduct or unacceptable performance, the following shall occur:

- a. Supervisor recommending dismissal shall discuss the request with their Department Head, and it is their responsibility to inform both the Human Resources Director and the Town Manager of the actions and the disciplinary action proposed.
- b. The Department Head along with the employee's direct Supervisor shall conduct the predissmissal conference with the employee to explain to the employee why dismissal is being considered. The Human Resources Director will also be present at the predissmissal conference. At the predissmissal conference, the employee will be given the opportunity to state why they feel they should not be dismissed. Following the predissmissal conference, management and the Human Resources Director will consult on whether to proceed with the dismissal.
- c. If the decision is to dismiss the employee following the predissmissal conference, a written letter of dismissal shall be prepared by the Department Head containing the specific reasons for dismissal, the effective date and employee's appeal rights when deemed appropriate or necessary. The employee shall be informed of the decision following the predissmissal conference ,and a copy of the letter of dismissal sent to the employee via mail within three days of the predissmissal conference.

NON-DISCIPLINARY SUSPENSION

An employee may be placed on non-disciplinary leave when any of the following occur:

1. During an investigation, hearing or trial for any alleged felony charges
2. Investigation related to an alleged detrimental conduct incident
3. During the course of any civil action involving an employee

Suspension will be based on the recommendation of the Department Head and the Town Manager in determining what is in the best interest for the Town of Pineville. Based on the circumstances suspension may be warranted for the duration of the proceedings as a non-disciplinary act, and the employee may be placed on a paid or unpaid non-disciplinary suspension. Prior approval must be given by the Town Manager to grant a paid non-disciplinary suspension. In such cases, the Town Manager may:

- a. Temporarily relieve the employee of all duties and responsibilities and place the employee on paid or unpaid leave for the duration of the suspension; or
- b. If available, assign the employee new duties and responsibilities and allow the employee to receive such compensation as in keeping with the new duties and responsibilities.

If reinstatement is granted following suspension, and it was deemed as an unpaid leave, the employee shall not lose any benefits (including compensation) that would have been granted 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 that all other benefits with the exception of accrued leaves including sick leave shall be maintained during the period of suspension.

EMPLOYEE APPEAL

An employee who has completed the initial introductory period may appeal unpaid suspensions, demotions and dismissals in accordance with the grievance procedure and specified time period.

GRIEVANCE PROCEDURE & ADVERSE ACTION APPEAL

PURPOSE

The grievance procedure provides an adequate and fair means for hearing matters of concern to Town employees. Every employee shall have the right to exercise their rights under the grievance policy free of retaliation or any form of harassment including, but not limited to interference, coercion, restraint, discrimination, penalty or reprisal.

The purpose of the grievance procedure includes, but is not limited to:

- A. Providing employees with a procedure by which their complaints can be considered promptly, fairly and without reprisal;
- B. Encouraging employees to express themselves about the conditions of work, which affects them as employees;
- C. Promoting better understanding of policies, practices, and procedures which affect employees;
- D. Increasing employee's confidence that personnel actions taken are in accordance with established fair and uniform policies and procedures; and
- E. Increasing the sense of responsibility exercised by supervisors in dealing with their employees.

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 an established policy pertaining to employment conditions.

PROCEDURE

- A. *Informal Resolution.*** Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the respective Department Head and or Human Resources Director as a resource to help resolve the grievance.
- B. *Step One.*** If no resolution to the grievance is reached informally, the employee who wishes to pursue a grievance shall present the grievance to the appropriate supervisor in writing. The grievance must be presented within 15 calendar days of the event or within 15 calendar days of learning of the event or condition. The supervisor shall respond to the grievance within 5 working days after receipt of the grievance. The supervisor should, and is encouraged to consult with any employee of the Town in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible.

The response from the supervisor for each step in the formal grievance process shall be in writing and signed by the supervisor. In addition, the employee shall sign a copy to acknowledge receipt thereof. A copy of all such documentation should be forwarded to the Human Resources Department.

- C. *Step Two.*** If the employee is dissatisfied with the response at Step One or fails to receive an answer within the designated time period, the employee may file grievance in writing with the Department Head within 5 working days of receipt of the supervisor's written decision. The grievance shall state concisely the basis for the grievance. The Department Head shall review the decision at Step One and shall make an independent determination based on the merits of the grievance. The Department Head shall render a decision in writing within ten working days.
- D. *Step Three.*** If the employee is dissatisfied with the response at Step Two or if he or she fails to receive an answer within the designated period, the employee may forward the written grievance to the Town Manager within 5 working days of receipt of the decision rendered in Step Two. The Town Manager will render a decision within 5 working days of receipt of the grievance.

The Town Manager's decision shall be final, unless the Town Manager is the immediate supervisor and the grievance is filed against him. If such grievance was filed and the Town Manager was the employee's immediate Supervisor, Step One shall be taken and if there is no resolution, it will be presented to Mayor and Council during Executive Session and voted on in the Open session. The decision of the Mayor and Council is final when pertaining to a grievance filed against the Town Manager.

ROLE OF THE HUMAN RESOURCES DEPARTMENT

Throughout the grievance procedure, the roles of the Human Resources Department shall be to:

- a. Advise parties (including employees and supervisors) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistent application;
- b. Be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents;
- c. Give notices to parties concerning timetables of the process
- d. Assist in drafting statements; and
- e. Facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process.
- f. The Human Resources Department shall determine whether or not additional time shall be allowed for either side as a result of an unusual circumstance if the parties cannot agree upon extensions when needed.

GRIEVANCE APPEAL PROCEDURE FOR DISCRIMINATION

Any applicant for Town employment, Town employee or former employee who has reason to believe that an employment action including promotion, training, classification, pay, disciplinary action, transfer, layoff, failure to hire or termination of employment was based on age, sex, race color, national origin, religion, creed, political affiliation, or non-job related disability has the right to appeal such action using the grievance procedure outlined above. While such persons are encouraged to use the grievance procedure, they shall submit the written appeal directly to the Human Resources Director or the Town Manager. An applicant, employee or former employee should appeal an alleged act of discrimination within 30 calendar days of the alleged discriminatory action.

BACK PAY AWARDS

Back pay and benefits may be awarded to re-instated employees who were suspended, demoted and/or dismissed as a result of a discriminatory case.

SEPARATION AND REINSTATEMENT

All separations of employees from positions shall be designated as one of the following types; resignation, disability, voluntary retirement, dismissal or death.

- A. Resignation

1. 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 a minimum notice of two weeks is required. Failure to provide two weeks' notice may result in forfeiture of payment for accumulated vacation leave unless it is in the best interest of the Town for the employee to leave prior to the two weeks' notice. The Town Manager also reserves the right to waive the notice period and approve payout of accumulated vacation leave.
 2. An employee who is separated because of reduction in force or who has resigned while in good standing may be reinstated within one year of the date of separation upon recommendation of the Department Head to Human Resources and upon the approval of the Town Manager. An employee who is in good standing and reinstated in this manner shall have their accrued sick leave reinstated and given first opportunity to be reinstated in the same or similar position.
 3. Three consecutive days of absence without contacting the immediate supervisor or Department Head may be considered a voluntary resignation.
- B. Disability
1. An employee who cannot perform the required duties because of a physical or mental impairment may be separated at the end of the 26 weeks of disability leave and may be eligible to apply for long term disability.
 2. An employee who is eligible for retirement, who remains absent from work for more than 60 consecutive work days because of sickness or injury other than workers compensation cases, shall file application for disability, early or service retirement or show satisfactory evidence that the disability is not permanent.
- C. Voluntary Retirement
- An employee who meets the conditions set forth under the provisions of the North Carolina Local Government Employees' Retirement System may elect to retire and receive all benefits earned under the retirement plan.
- D. Death
- Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of the employee.
- E. Dismissal



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

An employee may be dismissed/terminated in accordance with the provisions and procedures of the policies set forth by the Town of Pineville.

REDUCTION IN FORCE

A reduction of force is the release of an employee or group of employees due to lack of funds, curtailment of work or reorganization.

The Town Manager will determine when a reduction in force is warranted and which employee(s) will be released based on organizational needs. The decision about individual employees is made through consideration of job knowledge, skills and work performance. If an employee loses his/her job as a result of reduction in force, the employee may apply for other posted positions, now or in the future. The progressive discipline process is not followed when there is a reduction in force and the appeals process is not available.

OPERATING POLICIES AND PROCEDURES

PAYROLL POLICY

Department Heads shall be responsible for ensuring that all of their employees' timesheets are accurate including correcting any errors and misreporting of time worked prior to submitting to the Finance Department for processing.

It is the responsibility of the Department Head to keep up with their employees' leave balance for sick and vacation leave. The Finance Department will provide Department Heads with a quarterly report of their employees' time to ensure accurate reporting.

Timesheets are due every Tuesday morning by 9am. All payroll changes including, but not limited to tax deductions, employee changes, pay changes, etc. must be submitted to the Finance Department one week prior to the Tuesday payroll processing. Occasionally the Finance Department will request timesheets early as a result of when a holiday falls or other extenuating circumstances. If this should happen, Department Heads will be notified of this in advance and all changes must be submitted earlier as a result.

Paychecks are distributed every Thursday by the Department Head. The Town also requires all new employees hired after the adoption of the March 8, 2011 policy to set up direct deposit as their method of payment. All existing employees are encouraged to transition from a manual check to direct deposit. Direct deposit is a cost savings to the Town in regards to processing time and associated fees as compared to cutting manual checks.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

TELEPHONE COVERAGE

As a public organization, all Town telephone calls must be responded to promptly and courteously. When answering a phone line, identify where the individual is calling and your name. If you pick up someone else's line, offer to help the caller or take a message.

During business hours, every department must have a person handling calls on its primary line. No caller should encounter repeated voicemail.

WEATHER CONDITIONS POLICY (ADVERSE WEATHER)

When hazardous conditions delay the beginning of the regular workday, causes a premature closing or prevents the office from opening at all, the decision shall be that of the Town Manager. Delayed openings or closings shall be communicated through the **Inclement Weather Hotline (704.889.7669)** instructing employees of the delay, the time designated to report to work or the determination that the office is closed for the day and resuming normal business hours the following day. Premature closings will be communicated to Department Heads who will be responsible for notifying their employees of the early closing.

Employees designated as emergency workers are expected to report as required. Emergency employees are those working in job functions which cannot be closed because of adverse weather conditions or those employees instructed to report to work to perform essential services. Employees designated as emergency workers have been informed of this status.

PAY AND USE OF LEAVE TIME

Unless otherwise stipulated by the Town Manager, employees will receive regular pay for time not worked due to delayed opening, premature closing or full day office closure. Actual hours worked plus any time off due to the delayed opening or premature closing of the workday will never total more than the regularly scheduled work hours. Employees in a pre-approved or otherwise scheduled leave status (vacation, sick, compensatory or leave without pay) will not receive pay based on the above circumstances.

As the safety of our employees are the Town's first priority during inclement weather conditions, the Town will leave it to the discretion of the employee to determine whether it is safe for them to report to work. If employees report to work after the time of the delayed opening, leave work prior to the designated premature closing or do not report to work, they will be allowed the option of using accrued vacation leave, accrued compensatory leave, or unpaid leave for the time absent from work beyond the designated delayed opening, premature closing and full day closing.

Emergency workers will receive regular pay for anytime worked in an emergency situation including pay for additional time worked at the regular rate of pay and if applicable, the overtime rate of pay.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

Emergency workers who do not report as required during a delayed opening, premature closing or a full day closing of Town offices will not receive pay or be permitted to use accrued leave or compensatory leave for these absences.

EMPLOYEE IDENTIFICATION BADGE POLICY

Employees are required to wear their identification badges at all times when they are in the field working on the Town's behalf. Employees wearing distinctive Town of Pineville uniforms are only required to have their identification badge in their possession.

Contractors and their employees, agents and subcontractors are required to wear identification badges while on the Town's premises unless the individuals are wearing distinctive company uniforms and then identification badges must be in their possession. Employees not adhering to this policy may be subject to disciplinary action up to and including termination.

USE OF TOWN PROPERTY

Use of Town-owned property is intended for official Town business only and must not be removed from Town-owned property unless special permission is granted by the Town Manager. Town owned property includes but are not limited to supplies, tools, materials, equipment.

USE OF TOWN VEHICLE

It is in the best interest of the Town to grant take home vehicles to sworn law enforcement officers and the Town Manager only. Sworn law enforcement officers and the Town Manager must live within a 25 mile radius of the town limits of Pineville unless otherwise authorized. The Town Manager will be responsible for approving all take home vehicles of the Town; and can authorize take home vehicle usage outside of the 25 mile radius under the following conditions:

- A. The employee agrees to participate in a payback program with the Town; reimbursing the Town for vehicle usage beyond the 25 mile radius. Payback rates will be determined using the IRS approved reimbursement rates for travel.
- B. The employee agrees to locate a drop-off point within the 25 mile radius of Town that is approved by the Town Manager and property owner. The employee will be responsible for the arrangement of the drop-off location as well as transportation to and from the drop-off location.

The following rules must be observed for all use of Town vehicles whether it's a take home vehicle or a Town vehicle used during work hours:

- A. Employees' use of Town vehicles is for Town business only. Employees are prohibited from using their Town vehicle for personal use, with the exception of "de minimis" use exemplified by vehicle use for stops in route from residence to workplace. Such stops must be kept to a minimum.

- B. Drivers must observe all local and state regulations pertaining to the operation of motor vehicles.
 - 1. Any citations issued and fines resulting from violations of the above will be the responsibility of the driver. No reimbursements by the Town will be authorized.
 - 2. Any employee operating a Town-owned vehicle that is involved in an accident shall contact the proper authorities and his/her supervisor and the Human Resources Director as soon as possible for post-accident testing and an incident report for internal use as well as for liability and workers compensation claims, if applicable.
 - 3. Employees shall notify their Department Head of any traffic infractions or violations in Town vehicles. Employees who operate a Town vehicle as a condition of employment shall report to their Department Head any violation which does, or could result in a suspension of their driver's license, including any such infraction in an employee's personal vehicle.
 - 4. Any employee that, while operating a Town vehicle, receives two or more traffic citations; incurs two or more vehicular accidents when the employee is at fault; or any combination of traffic citations and at-fault accidents totaling two or more within a three year period, shall attend a defensive driving class. The class will be coordinated and paid for by the Town. Should an employee receive a traffic citation or incur a moving vehicle accident where the employee is at fault within a 12-month period following the class, the employee at their expense must pay and attend an 8 hour defensive driving course and may be subject to disciplinary action up to and including termination.
- C. Unauthorized passengers such as family, friends, hitchhikers and all others parties not directly related to Town vehicles are not allowed in Town vehicles. Employees who are authorized a take home vehicle, may request for immediate family members to ride in the vehicle under special circumstances, which should be kept to a minimum and must receive written authorization from the Town Manager.
- D. Firearms are prohibited in Town vehicles with the exception of those specifically authorized for law enforcement.
- E. The Town shall not be responsible for personal items left in a Town vehicle.
- F. Employees authorized to drive or who are assigned Town vehicles may be subject to an annual review of their motor vehicle driving record. Employees who are at high risk or who have failed to report violations and/or accidents may have their vehicle privileges revoked, thus resulting in



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

the termination for employees in positions where vehicular transportation is an essential job function.

- G. Employees who drive Town-owned vehicles to commute back and forth to work as applicable by law will be subject to all provisions of the Internal Revenue Service regarding private use of town vehicles.
- H. All employees with the exception of sworn police officers who are in the act of duty are prohibited from using laptops or texting as it acts as a distraction while driving Town vehicles, but it is understood that it is necessary for our sworn police officers as a function of their job responsibilities. For all employees, the use of cell phones are prohibited for personal use while driving a Town vehicle and should only be used in work related situations where it is unavoidable and assists with the employee fulfilling their job responsibilities. If an employee is found to be in violation of this policy, he/she will be subject to disciplinary action up to and including termination.

Employees who are called back to work as a requirement of their job will receive mileage reimbursement in accordance with the current IRS rates to and from home for a call back. IRS reimbursement rates are reviewed periodically and subject to change annually.

The Mayor and Town Council has the authority to make exceptions to the Vehicle Use Policy for special and/or extenuating circumstances as long as they are in accordance with all local, state and federal laws.

USE OF TOWN PURCHASING CARDS/CREDIT CARDS

Employees who have been entrusted with access to the Town of Pineville's Purchase Card Program must restrict purchases to approved Town of Pineville's activities or items. Under no circumstances shall an employee use the Town card for personal purchases. All transactions on the card must have an approved receipt including the signature of the Department Head. It is the employee's responsibility to attach all receipts to the bill and submit them to the Finance Department for payment on the due date as set forth by the Finance Department.

Prior to receiving a purchasing card, the employee must sign a cardholder's agreement acknowledging the policies and procedure of the program. The employee shall be subject to disciplinary action up to and including termination for failure to adhere to the agreement.

TRAVEL AND EXPENSE ALLOWANCES

The Town of Pineville will reimburse employees for business related travel upon submission of an expense report and/or check request along with supporting documentation (receipts). The preferred option is through the use of the Town's purchasing card and submitted receipts with the exception of the per diem.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

TRANSPORTATION

Use of Personal Car for Town Business-The Town prefers employees to use Town vehicles when conducting official Town business, but understands that it is not always convenient. In the event, it is deemed necessary for an employee to use his or her own car for Town business, with prior approval from their Department Head, they will be reimbursed according to the current IRS regulations. (There is no reimbursement for expenses related to repairs, towing or other related maintenance as these cost are included in the per mile rate.) A travel expense report must be completed and submitted to the Department Head for approval. Once approved it should be forwarded to the Finance Department for processing.

Use of Town-Owned Vehicle-The employee shall use a Town vehicle when traveling on official business and shall use their Town's purchasing card for tolls and other vehicle related expenses incurred during the trip. For gas purchases, the employee must use the assigned Fuelman card. If a situation shall arise where the Town purchasing card is unavailable, the employee shall submit an approved expense report to Finance for processing.

Travel by other Modes of Transportation-Upon the approval of both the Department Head and Town Manager, when it is in the best interest of the Town for an employee to use other modes of transportation such as airplane, rental vehicle or taxi, etc. expenses will either be reimbursed according to receipts submitted with expense report or the employee, if assigned, will use their assigned purchase card (must submit receipts). (Reimbursement will be made for compact size vehicles if appropriate and coach airfare unless extenuating circumstances dictate otherwise.)

Other Travel Related Cost- All other travel related cost such as parking fees, tolls, etc. shall be reimbursed or charged to an assigned purchase card (submit receipts) .

MEALS

In-state travel requiring overnight stay- Employees will receive a per diem rate per day as set forth by the Town for each day of the trip. The Town will follow the U.S. General Service Administration's (GSA) Per Diem and Incidental reimbursement rate for the Charlotte/Mecklenburg County region for all in-state meal expenses moving forward, and will adjust the rate in accordance with any GSA changes. If there is a breakfast/luncheon provided as part of the conference the employee shall receive the Per Diem amount deducting the allowed amount for that meal.

In-state travel not requiring overnight stay- For all day travel/training outside of Mecklenburg County and its surrounding county areas, payment for Per Diem will be made based on the hour of the day for example breakfast, lunch or dinner (Will follow Per Diem as set forth in the In-state overnight travel stay)

**An Incidental expense reimbursement is only made to an employee who travels for a full day, or has an overnight stay associated with Town business. The Incidental expense reimbursement is intended to cover miscellaneous travel/meal expenses such as tips to service people, baggage men, snacks, etc. The Incidental expense reimbursement will be made regardless of whether any meal is provided to the employee as part of their travel stay.*

Out of state travel- Any out of state travel will be reimbursed at the GSA's Per Diem rate for the City/Region the employee is traveling to. See the GSA's website for details about a regions established meal and incidental reimbursement rate <http://www.gsa.gov/portal/content/104877>.

HOTEL/LODGING

Payments will be made for actual cost including deposits and taxes. All additional expenses incurred such as phone calls, entertainment (rental of movies and video games, etc.) shall not be reimbursed. Employees who are attending a conference should stay in the hotel arranged by the conference to receive preferred rates. If the employee is unable to reserve a room in the hotel where the conference is being held, they must arrange to occupy a room in a different hotel charging the same rate or less than the preferred hotel and if unable to do so, they must receive the approval of their Department Head to reserve a room at a higher rate.

OTHER COST

Other costs related to travel/training such as registration, texts/materials, etc. will be paid at actual cost.

TRAVEL ADVANCE

A travel advance may be requested by submitting an Advance Travel Request form. An employee should estimate the costs for the anticipated trip and submit a check request not to exceed the projected cost. Department Heads must approve travel advances for their employees, and the Town Manager must approve advances for Department Heads and employees who report directly to the Town Manager. If the estimated amount granted exceeds the projected amount for which the employee will receive reimbursement, the difference must be identified according to the expense report and supporting documentation. If the employee received unused funds, then they must reimburse the Town the unused amount and indicate it on the expense report. [Not sure about this wording, so need to ensure this is the intent of the policy].

Employees who seek travel advances must plan accordingly to ensure that the Finance Department has a check run prior to their travel arrangements.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

Timeliness of Expense Report

All reports must be submitted within seven days of return from travel. All expense reports must be approved by the appropriate Department Head or Town Manager prior to submitting to Finance Department for reimbursement.

RECORDS AND REPORTS

PUBLIC INFORMATION

In compliance with the amendment to the Public Records Act (N.C.G.S. 160A-168(b), effective October 1, 2010 the following information is a matter of public record with respect to each Town employee:

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

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

ACCESS TO PERSONNEL RECORDS

All information contained in a Town employee's personnel file with the exception of the information listed above in the Public Records Act is kept confidential. All personnel files will be maintained in the Human Resources Department in a locked file. As required by federal regulations, there are two separate files for each employee, their personnel file and medical file. The Human Resources Director is the official custodian of all Town personnel records.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

Employees can contact the Human Resources Department to review their personnel file by a scheduled appointment. Employees and former employees are entitled to a copy of their personnel records that are deemed public record and shall be provided copies within a reasonable period of time. Employees do not have the right to review references prior to being hired or medical information that a prudent physician would not divulge to a patient. A representative will remain present while the employee is reviewing the file to ensure the integrity of the file as Town property. If an employee disputes any of the information found in their personnel file, they may, in writing, state their request for removal and provide the supporting documentation. If the removal request is warranted and approved by the Town Manager, the Human Resources Director will remove such documentation. If the removal request is denied, the employee has a right to submit a statement or rebuttal of the disputed information, which will be included in the employee's personnel records.

Payroll records are kept in a separate file within the Finance Department. The Finance Director is the official custodian of all Town payroll records.

ACCESSIBILITY OF PERSONNEL RECORDS TO OTHER TOWN PERSONNEL AND COURTS

Only the Town Manager and Human Resources Director may have access to any or all of the personnel files, and such access shall be limited to legitimate personnel related purposes. The Human Resources Department shall be responsible for controlling such access.

The Department Head may have access to only personnel files of employees within his or her department and must have a personnel related reason for access.

Under extreme circumstances, if a court order of competent jurisdiction requires the Town to release an employee's personnel file, the Town must do so as it is the duty of the Town is to abide by all laws.

UNAUTHORIZED ACCESS TO CONFIDENTIAL RECORDS PROHIBITED

G.S. 160A-168 provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as 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.

EXAMINING OR COPYING CONFIDENTIAL MATERIAL PROHIBITED

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

DESTRUCTION OF RECORDS REGULATED

No public official may destroy, sell, loan or otherwise dispose of any public record, except in accordance with G.S. 121.5 without the consent of the State Department of Cultural Resources. Whoever unlawfully



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

removes a public record from the office where it is 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 G.S. Chapter 132.3

CHANGES IN EMPLOYEE INFORMATION

It is essential to notify the Human Resources Department promptly when there is a change in employee information such as, but not limited to, name, address, home/cell number, emergency contact information, dependent information, etc. The forms to update such information as income tax withholding, direct deposit (bank information), emergency contact, health insurances and beneficiary information can be obtained from the Human Resources Department.

REQUEST FOR EMPLOYMENT VERIFICATION AND REFERENCES

All employment verifications for former and current employees from outside individuals or companies must be directed to the Human Resources Department. For each request, the employee or former employee must sign a written authorization/release form prior to Human Resources Department releasing any information.

If an employee shall receive a written request for an employment reference, he/she should refer the request to the Human Resources Department. Employment references for former or current employees by Town employees may not be granted without the prior permission of the Human Resources Director.

APPROPRIATE TECHNOLOGY USE POLICY

PURPOSE

The purpose of this policy is to set forth guidelines for what is deemed appropriate or inappropriate use of technology resources belonging to the Town of Pineville. It includes, but is not limited to pagers, radios, all computer systems (desk tops, laptops, etc.) telephones including cellular phones, faxes, voicemail and email systems, and network and internet resources. These technological resources are put in place to enable the Town to provide services in a timely and efficient manner. The primary function of these resources and any activity or action that interferes with this purpose is prohibited.

DEFINITIONS

Email: The distribution of messages, documents, files, software or images by electronic means over an internet connection. This includes internal and external email.

Internet and the World Wide Web: A worldwide network of computer servers connected by various means that allows access to the public through a special language and a special protocol.

SOFTWARE: Any program that processes data for the user. This includes, but is not limited to applications for spreadsheet and word processing, browsers and screen savers.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

POLICY

Information Access and Ownership: All technology resources and all information transmitted by, received from or stored on the Town of Pineville's systems are the properties of the Town and as such are subject to inspection by Town management. The Town reserves the right for business purposes to enter, review, record and monitor the information on all systems including telephone, voicemail, electronic mail and information stored on computer systems or media, without advance notice. This might include investigating theft, unauthorized disclosure of confidential business or proprietary information, personal abuse of the system or monitoring workflow and productivity.

Sexually Explicit Material: Access of any sexually explicit or otherwise inappropriate material will not be tolerated. The display of any kind of sexually explicit image or document on any Town system is a violation of the Town's policy on harassment. In addition, sexually explicit material may not be archived, stored, distributed, edited or recorded using the Town network or computing resources.

Transmission of Confidential Information: Any time information is transmitted through electronic media there is the possibility that it could be intercepted. Therefore, no confidential information may be transmitted electronically without the prior approval of the Town Manager and must have password protection. If the employee is uncertain whether information is confidential, they should err on the side of caution and obtain approval prior to transmitting.

Personal Use: Personal use of a Town owned technology resource by Town employees is allowed with the following restrictions:

- a. Employees should be aware that personal use of a Town-owned technology and equipment is still subject to all the rules in this policy including inspection and monitoring.
- b. There must be no cost to Town.
- c. Use must be conducted on the employee's own time, not during work time. However, personal phone calls on Town- owned phones (non-cellular and cellular) or personal use of email on an occasional basis may be permitted providing that it does not interfere with the employee's obligation to carry out Town duties in a timely and effective manner.
- d. Use must not interfere with other employees performing their jobs or undermine the use of Town resources for official purposes.
- e. Use of Town's technology resources for operating a personal business or soliciting of any kind is prohibited.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

- f. Individuals who are not employees of the Town of Pineville (including an employee's family or friends) are not allowed to use the Town's technology resources. This applies to take home equipment such as laptops.
- g. Personal use of Town resources by an employee neither expresses nor implies sponsorship or endorsement by the Town of Pineville.
- h. No personal software may be installed on the Town's computer. An approved list of software that is acceptable for Town business use must be installed or approved by appropriate Information Technology personnel only.
- i. If personal data, including emails are stored on a Town computer that data is available for public record requests. The Town takes no responsibility of safeguarding or transferring personal data.
- j. Employees must not install or play games on Town owned computer systems at any time.
- k. Any personal devices, such as GPS units, iPods, MP3 players that would require the installation of software cannot be connected to Town computer systems without the permission of the appropriate Department Head or Town Manager.
- l. The Town's internet system may not be used personally for the following: the continuous uploading, downloading or streaming of audio or video programming or games; server devices or host computer applications, including, but not limited to web camera posts, broadcasts, automatic data feeds, automated machine to machine connections or peer to peer file sharing.

Security: Each employee is responsible for all actions taken while using his/her user profile, password or access code. Therefore, none of these are allowed to be shared with anyone else (including other employees of the Town –other than IT personnel) at any time. They must not be written down and stored, posted, programmed into a macro or stored on the computer system in an unencrypted form.

Except as provided elsewhere in this policy, the examination, modification, copying or deletion of files and/or data belonging to other employees without the prior consent of that employee is prohibited.

The Town of Pineville has anti-virus and anti-spyware software installed to prevent the spread of viruses and malware. Even with these safeguards, each individual employee is responsible for the prevention of the spread of malicious programs (viruses, worms, Trojans, etc.). Computer viruses and other software that can compromise computers or personal security are spread mostly through email. If an employee has any questions about the validity of an email, they are encouraged to contact their supervisor or IT personnel prior to opening that email or an email attachment.



TOWN OF PINEVILLE'S EMPLOYEE HANDBOOK

The installation or distribution of “pirated” or other software products that are not appropriately licensed for use by the Town of Pineville is not allowed including free access to software by various companies. Applicable software copyright laws must be followed. In addition, software may not be loaded onto any of the Town’s computer systems through any of the above methods, without prior approval of management or IT personnel. This includes shareware, freeware or internet distributed programs. The downloading, ripping or copying of copyright or trademark material such as music or videos to Town computer systems is prohibited.

Appropriate Use: At all times when an employee is using the Town of Pineville technology resources, he/she is representing the Town. Use the same good judgment in all resource use that you would use in written correspondence or in determining appropriate conduct.

While performing work related functions on the job or while using publicly owned or provided technology resources, the Town of Pineville employees are expected to use them responsibly and professionally. They shall make no intentional use of these resources in an illegal, malicious, inappropriate or obscene manner. At the discretion of the Town, it is the Town’s right to configure each internet capable workstation and laptop to allow the filtering and review of sites visited on the internet. Employees should understand that when they access the internet, if the Town so chooses, it may track and log an employee’s movement on the internet. Town employees are not to use proxy servers, dialup access or personal accounts to circumvent content filtering. Employees are not allowed to disable or circumvent any internet tracking, anti-virus or other software. Dial-up accesses to the internet from the Town workstations are prohibited except where no other access is available.

When an employee sends or forwards an email either internally or externally, all employees shall identify themselves clearly and accurately. The use of email signatures is strongly recommended. Anonymous or pseudonymous posting is expressly forbidden. All instant message broadcasts must be strictly related to the employee’s job that is sending out the mass communication.

Town of Pineville employees have a responsibility to make sure that all public information disseminated via the internet is accurate. Employees shall provide, in association with such information, its source and the date at which it was sent and an electronic mail address allowing the recipient to contact the staff responsible for making the information available in its current form.

The Town of Pineville’s server currently purges emails from its computer system within 14 days, but reserves the right to update its network to back-up data. Any messages needed beyond 14 days should either be copied or moved to another storage location. E-mail messages that are public records should be preserved either via print or as a word processing document.

Copyright Issues: Copyrighted materials belonging to entities may not be transmitted by Town employees on the Internet. If permitted, one copy may be downloaded for an employee’s use for research. Users are

not permitted to copy, transfer rename and/or delete information or programs belonging to other users unless given express permission to do so by owner. Failure to observe copyright or license agreements may result in disciplinary action or legal action by the owner.

Work Product Ownership: The Town of Pineville retains legal ownership of the work product of all employees. Work product includes: written and electronic documents, audio and video recordings, system code and any concept or ideas or other intellectual property developed by the Town of Pineville.

No work product created while an employee is employed or contracted by the Town can be claimed, construed or presented as their property, even once employment has ended. If an employee requests use of a document created by them, the release of said document shall be with the written consent of the Town Manager.

SOCIAL NETWORKING POLICY

As social networking sites like Facebook, Instagram, Twitter, LinkedIn, etc. have become intertwined in government uses, the Town has developed a social networking policy. The absence of, lack of explicit reference to a specific site does not limit the extent of the application of this policy. Where no policy or guidelines exist, employees should use their professional judgment and take the most sensible action possible and/or consult with the appropriate Department Head.

Town or Department Social Networking Sites

If the Town or a Department of the Town has a social networking site it must be consistent with the applicable state, federal and local laws, regulations and policies. This includes any applicable Records Retention and Disposition Schedules or policies, procedures and standards.

Like email, communication via agency related social networking websites are public record. This means that both posts of the site administrator and any feedback by other employees or non-employees, including citizens will become a part of public record. Because others may not be aware of the public records law, agencies should include the following statement or some version of it somewhere on the social networking website; "Representatives of the Town of Pineville's government communicate via this website. Consequently any communication via this site whether by a Town employee or the general public may be subject to monitoring and disclosure to third parties."

Personal Social Networking Sites and Blog Use

Employees should be mindful of blurring their personal and professional lives when administering social media sites and blogs. Employees are allowed to have personal social networking sites and post comments on blogs. These sites must remain personal in nature and be used to share personal opinions or non-work related information. This helps ensure a distinction between sharing personal and Town views. In addition, employees should never use their Town email account or password in conjunction with

a personal social networking site or blog. Employees may use personal social networking for personal communication so long as those communications do not interfere with their work and are kept to a reasonable amount of use. "Reasonable" will be defined by each Department Head.

Compliance/Enforcement: Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

When a violation is found, please report it to the appropriate Department Head first, then to the Human Resources Director. Any Information Technology (IT) professional who violates this policy will be terminated.

In order to keep current with technology, this policy may be revised as the Town feels necessary and every attempt to post changes will be taken. If something is not specifically stated in this policy, it does not necessarily mean it is allowed. If something is ever in question, please consult with your Department Head or Human Resources Director.

HEALTH AND SAFETY POLICY

The Town of Pineville provides a health and safe working environment for all employees in accordance with the Occupational Safety and Health Act of 1970. The Town will ensure a safe workplace for all employees through proper administration, implementation and enforcement of the provisions of these regulations. The Town has an appointed Safety Coordinator and Safety Committee to work in conjunction with the Human Resources Department to plan and recommend continuing safety programs that adheres to all applicable federal, state and local laws, codes and regulations pertaining to employee safety. The Safety Wardens have the authority and responsibility to report any hazardous conditions they may find visible in their monthly inspections to their Department Head, Human Resources Director and/or the Safety Coordinator for direction on how to remedy any possible issues. The safety committee members (safety wardens) also have the authority to hear incident cases and determine whether they are preventable or not. Based on the determination of the committee and supporting evidence, the following has been implemented to assist with the deterrence of such incidents, which can cause imminent danger and injury to persons and damage to Town owned property.

If such preventable incidents were to occur, the following infractions would occur calculating the offenses on a rolling basis.

- First Offense will be noted in in the employee's personnel file with no adverse action taken. If an employee has another offense within 24 months of the first offense it will escalate to the Second offense.
- Second Offense the employee will be written up and imposed a fine of \$100.00
- Third offense within 36 months of the first offense or 12 months of the second offense, the employee is subject to disciplinary action up to and including termination and imposed a fine of \$250.00



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It shall be the responsibility of every employee of the Town to display a positive attitude toward safety and injury prevention by following all safety rules and regulations established in the Town's safety program. All new employees will be oriented by their designated safety wardens. All departments have safety manuals which include the Town of Pineville's safety policies and procedures. These manuals are available for the employees' review at any time. Employees shall receive annual training in accordance with their position, best practices and compliance.

Employees will report all accidents and unsafe conditions to his immediate supervisor. Accidents are to include all unplanned occurrences, whether or not employee injury was involved. All incidents or accidents must be reported immediately to the employee's supervisor. The Supervisor and/or Department Head shall complete a Supervisor Investigative Accident Injury Report within 24 hours and submit it to the Human Resources Director. If an injury has occurred, the Supervisor must complete a Form 19 within 24 hours if the employee is unable to come to the Human Resources Department to complete the form. All accidents must be followed by a post-accident drug test.

Employees who violate safety standards or who cause hazardous and/or dangerous situations, or fail to report them, may be subject to disciplinary action up to and including termination.



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Acknowledgement of Receipt of Employee Handbook

I have received a copy of the newly adopted employee handbook effective [insert revised date]. I understand that it is my responsibility as an employee of the Town of Pineville to read and understand the policies and procedures as set forth in this handbook. I understand that any future questions that I may have about the handbook or its contents should be directed to Management and/or Human Resources. I agree to and will comply with the policies, procedures, and other guidelines set forth in the handbook. I understand that the Town reserves the right to change, modify, or abolish any or all of the policies, benefits, rules, and regulations contained or described in the handbook as it deems appropriate at any time, with or without notice. I acknowledge that neither the handbook nor its contents are an express or implied contract regarding my employment.

I further understand that all employees of the Town, regardless of their classification or position, are employed on an at-will basis, and their employment may be terminated at the will of the employee or the Town at any time, with or without cause, and with or without notice.

This handbook is Town property and must be returned upon separation from Town employment.

Employee Name (Printed)

Employee Signature

Date Signed