

Town of Pineville

# Employee Handbook

Of Personnel Policies



Revised 05/01/2024



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## WELCOME MESSAGE TO EMPLOYEES

We welcome your employment with the Town of Pineville, **A Small Town with Big Ideas!**

Pineville is a growing and thriving town, a great place to start a family or retire. Enjoy quiet living or get involved in numerous activities. But most of all, it's a great place to call home. None of which would be possible without our most valuable resource, "our employees." The Town of Pineville provides a variety of services to its citizens and recognizes that the success of the delivery of those services is dependent upon its most valuable resource, "our employees."

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, to create best practices, consistent policies and standards and a safe and welcoming working environment. Our goal is to create programs and opportunities that will continue to develop and motivate employees, while aligning our productivity with the goals and objectives of the Town. The consistent administration of human resources functions is conditioned by the proper application of personnel policies.

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

## ORGANIZATION OF PERSONNEL SYSTEM

### Purpose and Applicability

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 do not create a contract, nor do they confer any contractual right, express or implied, to employment with the 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 by the Town, with or without advance notice – except as otherwise required by law.*** To the extent that any provisions of this Employee Handbook, hereinafter referred to as "Handbook", may conflict with federal, state, or local laws, the Town will abide by the applicable federal, state, or local laws.

***This Pineville Employee Handbook supersedes all prior personnel handbooks, manuals, and policies issued by the City. To the extent that any personnel related administrative procedure may conflict with this Employee Handbook, the Town will abide by this Handbook and resolve the conflict in the administrative procedure. The intent of personnel related administrative procedures is to work in concert with and under the umbrella of this Handbook and any applicable federal, state, or local laws. Any violation of the policies set forth herein may result in disciplinary action, up to and including termination of employment.***

### Merit Principle

All appointments and promotions shall be made solely on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same salary range. No applicant for employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee because of such individual's race, religion, religious creed, color, national origin, ancestry, sex/gender, age, non-disqualifying disability, genetic information, marital status, sexual orientation, transgender status, political affiliation, military service or veteran status, citizenship status, based on actual or perceived gender as expressed through dress, appearance, or behavior, or any other classification protected by applicable federal, state, or local laws and ordinances .

### 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, adopting the position classification and pay plan, 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 is designated as the Town's Chief Executive Officer and is responsible for directing the activities of all classified employees of Town Government. The Town Manager shall be

responsible for the administration of all personnel rules and regulations and shall have all authority granted to him/her under N.C.G.S. 160A-148 and such additional authority as is granted to him/her by the Town Council.

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 and pay actions, and 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.

The Town Manager has the authority to create and approve administrative policies that supplement this Employee Handbook.

**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, upholding the principles of equal employment opportunities. All new employees shall be oriented to their duties with the Town and to relevant Town and department policies and procedures. Such orientation may be either formal or informal and 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.

**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, asking questions to learn their full scope of responsibility and to recognize and follow the chain of command in addressing work concerns and problems.

#### Departmental Rules and Policies

Due to personnel and operational requirements, the various departments of the Town are authorized to establish supplemental rules and regulations applicable only to operating policies and procedures for those departments. All such rules and regulations shall be subject to the approval of the Town Manager and shall not, in any way, conflict with this Handbook, but shall be deemed to be supplemental thereto.

***To the extent that any departmental rule or regulation may conflict with this Handbook, the Town will abide by this Handbook and resolve the conflict. The intent of departmental rules and regulations is to work in concert with and under the umbrella of this Handbook and any applicable federal, state, or local laws.***



## 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 except for department heads, sworn police, and firefighters whose introductory period is one year.

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 1,000 hours or more per calendar year are eligible for participation in the Local Governmental Employees' Retirement System (LGERS) & pro-rated holiday pay, and sick and vacation leave. Part time employees who work 30 hours or more per week will be eligible for all benefits including pro-rated holiday pay, 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 except for department heads, sworn police, and firefighters whose introductory period is one year. For Sworn officers, per State regulations, their introductory period is one year.

A **limited service employee** "*temporary*" works either an average work week of less than 20 hours, or continuous employment of less than 12 months. All limited service seasonal employees hired to work three months or less will require approval from the Town Manager to extend working beyond 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 full-time 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.

**Non-exempt employees** are full-time and part-time employees 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 with the exception of Public Safety personnel. If an employee records a total of forty hours of combined work and leave or holiday time in a work week, but has not worked 40 or more hours, they will receive straight time for those hours until they reach the actual forty hours worked. For non-exempt sworn Law Enforcement personnel, the work period is 28 consecutive days. Overtime for non-exempt sworn police officers is defined as those hours worked exceeding one-hundred seventy one (171) hours within the 28-day period. For non-exempt Firefighters, the work period is 24

consecutive days. Overtime for non-exempt Firefighters is defined as those hours worked exceeding one-hundred eighty two (182) hours within the 24-day work period.

## 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 will typically advertise these opportunities for employment to seek qualified and diverse pool of applicants. 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.).

### SELECTION/EQUAL EMPLOYMENT OPPORTUNITIES

It is the policy of the Town to foster, maintain and promote equal employment opportunity. 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, religion, religious creed, color, national origin, ancestry, sex/gender, age, non-disqualifying disability, genetic information, marital status, sexual orientation, transgender status, political affiliation, military service or veteran status, citizenship status, based on actual or perceived gender as expressed through dress, appearance, or behavior, or any other classification protected by applicable federal, state, or local laws and ordinances . 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.

#### Job Posting

Job vacancies will typically be posted at designated conspicuous Town sites, on the Town of Pineville's website ([www.pinevillenc.gov](http://www.pinevillenc.gov)), and other relevant locations and methods to seek a diverse and qualified applicant pool. In general, notices of all job openings are posted, although the Town reserves its discretionary right not to post a particular job opening. Employment advertisements shall contain assurances of equal opportunity and shall comply with federal and state statutes.

#### Applying For a Job

All persons expressing interest in employment with the Town shall be given the opportunity to submit an application for employment with the Human Resources Department for positions which are being recruited. The Town accepts applications only for vacant advertised positions. All employees including part-time and seasonal may apply for both external and internal job postings and will be required to follow the same process as external candidates. All applicants for employment must complete and furnish accurate information on the application provided for the positions for which they apply. False information on the application form may be grounds for dismissal from Town employment.

**Application Record Retention:** Applications and records dealing with hiring and promotions shall be kept for a period of two years from the date of the making of the record or the personnel action involved, whichever occurs later in accordance with the Equal Opportunity Commission guidelines.

### Selection

All applicants for employment with the Town will have their qualifications measured against the standards established in the Position Classification Plan. Department Heads, with input from the Town Manager, shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position. All selection devices administered by the Town will be job related and valid measures of job performance.

**References and Background Investigations:** The Town requires position appropriate pre-employment, promotion, and reassignment screenings to include, yet not limited to, credit, criminal, driving, drug, educational, and reference information. Conviction of a crime is not automatically disqualifying. The Town will consider the severity of the crime, degree to which the crime is job related to the job for which the applicant is being considered, and length of time since the conviction to determine the degree to which there is a business necessity for choosing not to hire the applicant.

Offers of employment are conditional based on the results of drug and prework screenings. Offers of employment may also be conditional based on the results of medical and/or fitness for duty examinations depending on the requirements of the position. Any applicant, after the offer of employment and prior to beginning employment with the Town, may be required to complete a Town-paid examination performed by a Town-selected medical provider for the purpose of determining fitness for the position.

**Offer of Employment and Appointment:** The Town Manager shall have final appointing authority. Employment recommendations are made by Department Head. Before any commitment is made to an applicant, either internal or external, 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. The Department Head shall make recommendations to the Town Manager including the position to be filled, the salary to be paid, and the reasons for selecting the candidate over other candidates. The Town Manager or his/her designee shall approve appointments and the starting salary for all applicants.

### RECRUITMENT AND RETENTION INCENTIVES

The Town Manager is authorized to design, develop and implement policies to guide departments in competitive practices related to recruiting and retaining a skilled and diverse workforce, to include: relocation assistance for divisional or senior managers, key technical staff or employees in a key or challenging position to recruit and retain; acceptance of partial or total sick leave transfer from the immediate past employer, if a qualified governmental agency; acceptance of partial or total vacation leave transfer from the immediate past employer, if a qualified governmental agency; establishment of an advanced leave accrual rate upon hire from the immediate past employer; hiring and referral bonuses of amounts set by the Town Manager and which must be funded in existing departmental budgets; amount of hourly fee for on-call hours; implementation of supplemental insurance programs for employees which are fully funded by employees; and designation of waiting periods for insurance programs when an employee has served in a temporary capacity.

## 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 maximum rate established for their respective classes when transitioning to a new salary plan. Those employees shall have their salaries maintained at that salary level with no increases until such time as the employees' salary range (in the new salary plan) is increased above the employees' current salary.

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 salary range 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.

### 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 a reasonable period of time. An employee 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, the employee shall be paid at least the minimum rate established for the position following the trainee period.

### NEW EMPLOYEE INTRODUCTORY PAY INCREASES

Supervisors and/or Department Heads must complete the introductory performance evaluation to determine, based on work performance, whether the introductory period was completed successfully. The salary increase within the pay range for successful completion of the introductory period shall range from 0% to 5% for employees with a six-month introductory period based upon the performance evaluation. If an employee's introductory period is extended, the maximum increase is 4%.

Department Heads, Sworn Officers (including field training completion), and Firefighters 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 a percentage increase as set forth in the preceding paragraph for all other employees. Sworn Officers and Firefighters are eligible for a one-step increase under their department's pay plan.

An extension of the introductory period may have an effect on the employee's annual evaluation date.

For additional information on the introductory period please see "Employee Status Definition" and "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 Sworn Officers and Firefighters, when there is opportunity for promotion, the pay increase is 5% or the minimum of that pay grade, whichever is greater. Promoted employees will complete a promotion introductory period of 6 months. Upon successful completion of the promotion introductory period, the employee is eligible to receive a 2.5% pay increase. For Sworn Officers, the employee's new anniversary date will be one year from the date of completion of the promotion introductory period. If for any reason the promotion introductory period is extended, there will be no increase. For Sworn Officers and Firefighters, 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 promotion 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 promotion introductory process). In no event, however, shall the new salary exceed the maximum rate of the new salary range.

**Demotions:** Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. An employee being demoted, must show promise of performing satisfactorily in another position. 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 based on knowledge, skills and ability as related to the new position and equitable to others within the same classification. If the current salary is within the new range, the employee's salary may be retained at the previous rate if appropriate. If the demotion is the result of discipline or the demotion is from a position with supervisory or leadership responsibilities, 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. In no event, however, shall the new salary exceed the maximum rate of the new salary range.

**Transfers:** The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary range shall not be changed as a result of the transfer.

**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

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.

If an employee works unauthorized non-emergency overtime, he/she is subject to disciplinary action.

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.

According to the Fair Labor Standards Act, "hours worked" are actual hours worked during the FLSA work period; in no event will any leave types, compensatory time used, or paid holidays be included in the computation of hours worked for FLSA purposes. In work periods with paid leave or holidays where the non-exempt employee works additional hours, the employee will receive compensatory time at straight time rate for hours up to the FLSA established limit for the position's designated work period

It is the policy of the Town that **non-exempt employees** who work in excess of the required hours for overtime eligibility will receive compensatory time at a rate of 1 ½ hours for each hour of overtime worked above 40 hours in a 7-day work period, 171 hours in a 28-day cycle for sworn law enforcement officers, and 182 hours in a 24-day cycle for firefighters. 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, except for law enforcement officers and firefighters, may accrue no more than 60 hours of compensatory leave time and it must be used within 90 days. For law enforcement officers and firefighters, they may accrue up to 480 hours of compensatory 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 60-hour limit for compensatory time if the business need requires it. As required by law, under no circumstances may compensatory time exceed 240 hours for 7-day work period employees and 480



hours for law enforcement and fire protection 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 FLSA allotted amount of compensatory leave time, all additional hours worked must be compensated with overtime pay.

Employees must schedule compensatory time off in advance with their supervisor. Employees who move from non-exempt status to an exempt FLSA status must use any compensatory time balance or they will be paid for the compensatory time balance prior to moving into the exempt status. All compensatory leave balance hours will be paid in accordance with FLSA at the time of employment separation.

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.

### Exempt Employees

Employees in positions determined to be "exempt" from the FLSA are paid on a salary basis and will not receive pay for hours worked in excess of their normal work periods. These employees may be granted occasional compensatory leave by their supervisor where the convenience of the department allows and in accordance with procedures established by the Town Manager. Such compensatory time is not guaranteed to be taken and ends without compensation upon separation from the organization.

### 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 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:** Call-back compensation is defined where an employee must report back to work outside of normal working hours and the work is not designated as scheduled overtime work. Non-exempt employees will be guaranteed a minimum of two hour's wages for being called back to work outside of normal working hours. If more than one callback occurs within a given shift, total callback time cannot exceed two hours unless the work time exceeds two hours. Employees responding remotely by telephone, computer, or other communications device, with no return to the work site, will receive a minimum of 15 minutes pay for each occasion of callback, or compensation for all time actually engaged, whichever is greater. Hours actually worked when called back to work are calculated beginning when the employee leaves home to respond to the worksite and includes travel time returning home from the worksite; these work hours are added to the regular hours worked during the FLSA work period "Call-back" provisions do not apply to previously scheduled overtime work.

**B. Stand-by (*On-call*):** Stand-by time is defined as that time when an employee must carry a communication device and must respond within the timeframe as determined by the Department Head. 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. This pay is not attributable to any particular hours of work and is included when determining the regular rate of pay for overtime pay purposes. The on-call employee must remain in an emotional, mental, and physical condition that is necessary to perform his/her job in a safe and satisfactory manner during the entire on-call period; this includes being free from the influence of alcohol or narcotics in accordance with the Town's drug free workplace policy.

If the employee has a conflict and is unable to be on-call during their assigned period, it is the employee's responsibility to pre-arrange with their supervisor for a replacement. If such an 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.

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 time.

### LONGEVITY PAY

Longevity pay is intended to recognize long-term continuous service of full-time and part-time regular employees. Eligibility requirements for longevity pay, as well as the amount of longevity pay are not guaranteed; both are subject to change and are subject to funding each year based on the Annual Budget adopted by Town Council. 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. Continuous service shall be computed from the most recent hire date or appointment date to the full-time or part-time position. Upon changing any type of appointment to a non- full-time or part-time regular employee (i.e., to a limited-service employee), a break-in-continuous service has occurred for purposes of this longevity pay policy. Should the employee return to a full-time or part-time regular employee status, the employee must serve the continuous service requirement in the new appointment before being eligible for longevity pay. The employee must be hired prior to January 1st of that year. Continuous service is continuous employment through payment date including any approved leave.

Employees who have worked five continuous years or more with the Town 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 the normal 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:

<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	\$1,000.00
20+	\$1,200.00

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	\$1,000.00
25+	\$1,200.00

Longevity pay is not considered a part of an employee's annual base pay for classification and pay purposes, nor is it to be recorded in personnel records as a part of annual base compensation.

### **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 an annual, at a minimum, performance evaluation conferences with every employee. The 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 established timeline. The performance evaluation will include feedback, setting of goals for the next period, the creation of a performance improvement plan for employees needing to increase their performance level to satisfactory levels. Procedures for determining performance levels, performance pay increases, and other performance management system procedures are approved by the Town Manager.

The performance management system will have a component to establish merit (performance) pay increases.

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 to allow additional time in observing and assessing the employee's work performance.

### 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 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.
- 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.
- d. For sworn law enforcement 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 "Some Expectations Met" or "Little or No Expectations Met" are not eligible to receive a merit increase.
- f. Employees whose performance is rated as "Within Expectations" to "Significantly Above Expectations" may be entitled to a pay increase.
- g. Sworn officers and Firefighters on a Step Pay Plan whose performance is rated "Satisfactory" are entitled to a one-step pay increase.

Individual Merit increases are subject to the approval of Town Manager. Merit increases for employees directly appointed by Town Council will be reviewed by the Town Council. Funding for merit pay increases is subject to annual review and appropriation by the Town Council. The amount of funds available for merit pay increases for Town employees may vary from year to year, depending on funds available, performance criteria, and program design.

## CONDITIONS OF EMPLOYMENT

### NEW EMPLOYEE INTRODUCTORY PERIOD

A full-time or part-time appointed employee shall serve an introductory period as outlined in the Employee Status Definition Section of this Handbook (See Introductory Employee). Employees hired as “trainees” shall remain in an introductory status until the provisions of their traineeship are satisfied. During the introductory period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress.

An important purpose of the introductory period is to provide an opportunity for the appointee to adjust to the new job. Likewise, it serves as a trial period during which the employee demonstrates his or her ability to perform the work, to demonstrate good work habits and to work well with the public and coworkers. Based on the experience and/or performance of the employee, the Town Manager may waive or reduce the introductory period.

The supervisor shall conduct a performance evaluation conference with the employee and discuss accomplishments, strengths, and needed improvements near the end of the introductory period. A summary of this discussion shall be documented in the employee's personnel file. Employees serving twelve months' introductory period shall have an evaluation at the six-month period and again before the end of the twelve months. The supervisor shall recommend in writing whether the introductory period should be completed, extended, or the employee transferred, demoted, or dismissed. With Human Resources consultation, introductory periods may be extended for a maximum of six additional months. During this time the supervisor typically evaluates the employee's:

- Knowledge, skills, and abilities to learn and perform job duties,
- Quality of work and productivity,
- Work behaviors including cooperation, attendance, and punctuality, and
- Other standards and expectations specific to the employee's work situation and responsibilities.

If an employee is performing satisfactorily in most areas, but is struggling in a specific area, the introductory period may be extended if demonstrated that a few more months of training and/or hands-on experience will allow the employee to improve in this area.

Disciplinary action, including demotion and dismissal, may be taken at any time during the introductory period of a new hire without following the steps outlined in this Handbook for disciplinary action. If the employee is not meeting the requirements of the job, the employee may be released at any time during the introductory period. A new hire introductory employee who separates from Town employment, either voluntarily or involuntarily, during the new employee introductory period is not eligible to file an appeal unless authorized by the Town Manager.

### TRANSFER AND PROMOTION INTRODUCTORY PERIODS

When employees are transferred or promoted, a new introductory period must be satisfactorily completed to demonstrate competency in the new position.

### 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.

### OUTSIDE EMPLOYMENT

The work of the Town shall have precedence over other occupational interests of employees. Second or outside jobs being held by a Town employee should not conflict with or compromise, in any way, the position that the employee holds with the Town. All outside employment for salary, wages, commission and all self-employment must be reported in writing in advance to the employee's supervisor and/or Department Head. The Department Head will review such employment (in consult with the Human Resources Director) for conflict of interest and said approval will be recorded and maintained in the employee's personnel file. Conflicting or unreported outside employment is grounds for disciplinary action up to and including termination.

Outside employment-related activities and conduct away from the Town must not compete with, conflict with, or compromise the Town's interests or adversely affect job performance and the ability to fulfill all responsibilities to the Town. Employees may not solicit or conduct any outside employment/business during work time for the Town or use any Town tools, materials, goods, equipment, or technology to conduct outside employment/business.

Employees must carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems, the employee will be asked to discontinue the outside employment, and the employee may be subject to the normal disciplinary procedures for dealing with the resulting job-related problem(s).

Employees may not use paid sick leave to perform work for another employer.

Outside employment is prohibited while an employee is on a paid or unpaid leave of absence for his/her own sickness or disability where benefits may be maintained.

Any employee violating the provision of this section shall be subject to disciplinary action up to and including dismissal.

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

### 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 (i.e., administrative, rate of pay). The Town also prohibits the employment of any person into a position who is an immediate family member of individuals holding the following positions: Mayor, Town Council Member, Town Manager, Town Attorney, or Human

Resources Director. For the purpose of this section, "Immediate Family" shall be defined as spouse, parents, guardian, children, siblings, grandparents, grandchildren, uncles, aunts, nephews, nieces, and unmarried partners as well as various combinations of half, step, in-law and adopted relationships that can be derived from the family members named herein.

This policy applies to candidates for employment, current employees, promotions, and other reassignments.

The Town reserves the right to apply this policy to situations where there is a conflict or the potential for conflict because of the relationship between employees, even if no direct reporting relationship or authority is involved. Nor shall any employee's family member be hired without prior Human Resources Director review and the approval of the Town Manager. The hiring supervisor is responsible for ensuring policy compliance.

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

- a. Result in a relative supervising a relative or occupying a position of influence over another relative's employment or any condition of employment;
- b. Result in a relative auditing the work of a relative;
- c. Create conflict of interest with either relative and/or Town; or
- d. Create the perception of favoritism.

If any employee, after employment or change in employment, enters one of the above relationships, one of the affected individuals must seek a transfer or a change in the reporting relationship. Such changes must be approved by the Town Manager. No exception to this policy will be made without the written consent of the Town Manager.

All employees who were a Town employee and had an immediate family member within the same department before 03/09/21 are considered exempt only from the portion of this policy regarding the prohibition of working within the same department with an immediate family member. The exemption applies only to the specific existing family member relationship, not to any new relationships entered on or after 03/09/21. 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;
- f. Display any political advertisement in or on Town property without permission of Town Manager;
- g. 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/vapor or other similar delivery devices (including non-tobacco derived) including, but not limited to electronic cigarettes, cigars, hookahs, pipes, etc.

Any use of such products must be more than 50 feet away from the building. Any such violation of this policy is subject to disciplinary action up to and including termination.

Departments are not required to make time available to allow employees to leave the workplace to use these products.

Employees who use such products outdoors are responsible for not smoking in an area that may create a recognized fire or safety hazard and dispose of product remains in appropriate receptacles, not littering the grounds.

Use of products approved by the FDA for sale as tobacco cessation aids, and are being marketed and sold for that purpose, are exempt from this policy.

The Town will not discriminate against employees based on the lawful use of lawful products while off duty and off premises.

#### APPROPRIATE WORK ATTIRE/IDENTIFICATION BADGE

Employees are expected to always present a professional image as a Town employee while at work.

All employees must have their identification badge available to display/show while working, if requested or necessary. When in the field working on the Town's behalf, employees are required to either wear their identification badge or have it in their possession to show if wearing distinctive uniforms.

Contractors, 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.

Because of our relations with citizens and customers, the public and the nature of public service, neatness and cleanliness are absolutely necessary at all times. Employees who do not require uniforms should dress conservatively, in good taste, and according to the requirements of their position. Clothing, footwear, and overall appearance must be appropriate and safe for the environment, work duties and work location for the day. Departments may have additional standards based on the business needs, environment, and nature of work and employees are expected to adhere to those additional or more stringent standards. Attire standards for office staff employees are to assure a professional working environment where employees can dress comfortably while presenting a positive appearance.

Typically, these are guidelines of unacceptable clothing/appearances unless otherwise approved for a specific job or event.

General guidelines for unacceptable clothing/appearances:

- Footwear that presents known safety hazards and are a frequent cause of slips, trips, and falls are discouraged.
- Body piercings/art or tattoos which may be distracting to customers may need to be removed during work hours or covered by clothing or make-up while working so that they are not displayed.
- Clothing that allows undergarments or excessive amounts of skin to be exposed including: back, chest, cleavage, stomach, legs, or clothing that looks like club, cocktail, or party attire.
- Clothing that is torn, frayed, patched, too baggy, too tight, or otherwise in disarray.
- Strapless clothing, spaghetti straps, shorts/skorts, mini-skirts, warm-up/sweat suits/pants, tank tops, and t-shirts (with the exception of promotional purposes for the Town).
- Clothing with words, terms, or pictures that include advertisement or potentially offensive messages or images. However, items that display small logos (i.e., Nike, Under Armor, Adidas) are allowed.

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

Workplace attire guidelines cannot cover all contingencies; therefore, employees must use a certain amount of judgment in their choice of clothing to wear to work. If you experience uncertainty about acceptable work attire, please ask your supervisor or Human Resources. Departments are encouraged to consult with Risk Management for safety questions or determinations. If an employee does not meet the appropriate work attire standard, 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; if vacation leave is not available, then leave without pay. Supervisors are charged with setting an example for professional appearance in the workplace and enforcement of appropriate work attire standards. If you have any questions about the proper attire for your work area, or require accommodation, ask your supervisor or Human Resources.



The Town will endeavor to reasonably accommodate a staff member's sincere religious belief or practice or medical needs in terms of workplace attire unless doing so would impose an undue hardship on the Town or pose a direct threat of substantial harm to the employee or others. An applicant or employee who believes he or she needs a reasonable accommodation should discuss the need with his or her supervisor or Human Resources. For assistance in determining if a request may be reasonably accommodated, management should contact Human Resources.

### 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 department. 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.

### DRUG AND ALCOHOL FREE WORKPLACE POLICY

The Town of Pineville is committed to providing a safe and healthy environment for employees and the best service possible to citizens. To achieve these goals, the Town has the following rules about the use, possession, and sale of drugs and alcohol by its employees.

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.

The illegal or unauthorized use, being under the influence of, sale, distribution, or possession of narcotics, drugs, or controlled substances while on the job (on or off Town property) will result in immediate disciplinary action, up to and including termination of employment. In addition, alcohol cannot be consumed on Town property unless at an authorized social function sponsored by the Town, in which case consumption must be reasonable and responsible. The use of alcohol during working hours or reporting to work under the influence of alcohol is strictly prohibited.



The use of controlled substances prescribed to you by a licensed physician or are available over the counter is not prohibited by this policy. However, if a physician has prescribed medication that requires an accommodation or poses safety concerns, your supervisor or Human Resources should be notified to discuss the requested accommodations or safety concerns.

In addition to pre-employment screenings, the Town conducts reasonable suspicion drug and alcohol tests, post-incident, and/or when appearance and/or performance cause reasonable suspicion. Employees in safety sensitive positions are subject to random drug tests. All such testing will be in compliance with federal and state laws as well as the procedures established by the Town in the Drug and Alcohol Free Workplace Policy administrative document. Failure to test as required under this policy may result in termination.

***Violation of this Policy will result in disciplinary action, up to and including discharge. The Town maintains a policy of non-discrimination and will endeavor to make reasonable accommodations to assist individuals recovering from substance and alcohol dependencies, as well as employees who have a medical history which reflects treatment for substance abuse conditions. However, employees may not request accommodation to avoid discipline for a policy violation.***

### DRIVER'S LICENSE

All employees who are in positions required on the class specification to maintain an active driver's license are required to do so as a condition of employment. The Town will periodically verify the status of the employee's driver's license. If the driver's license is not in good standing, the employee may be suspended, demoted, or dismissed. Please refer to the "USE OF TOWN PROPERTY AND EQUIPMENT" for specific procedural requirements.

### ANTI-HARASSMENT/DISCRIMINATION/RETALIATION POLICY

The Town is committed to having a workplace environment free of unlawful harassment, discrimination and/or retaliation. The Town does not tolerate harassment, discrimination or retaliation of our job applicants, contractors or employees by another employee, supervisor, vendor, customer, or any third party. Any form of harassment or discrimination on the basis of race, religious creed, color, age, sex/gender, sexual orientation, transgender status, national origin, ancestry, citizenship status, religion, marital status, disability, military service or veteran status, genetic information, political affiliation, or of actual or perceived gender as expressed through dress, appearance, or behavior or any other classification protected by applicable federal, state, and local laws and ordinances is prohibited and will be treated as a disciplinary matter.

**Harassment Defined:** Harassment includes, but is not limited to remarks, jokes, written materials, symbols, paraphernalia, clothing or other verbal or physical conduct which may intimidate, ridicule, demean or belittle a person because of their race, religious creed, color, age, sex/gender, sexual orientation, gender identity, gender expression, national origin, ancestry, citizenship status, religion, marital status, disability, military service or veteran status, genetic information, or any other classification protected by applicable federal, state, and local laws and ordinances.

**Sexual harassment** includes unwelcomed: sexual advances; requests for sexual favors; continual or repeated comments about an individual's body; touching of a personal nature, which can encompass leaning over, cornering or pinching; and other verbal or physical conduct of a sexual nature, as well as

behavior, remarks, jokes, teasing, or innuendos that intimidate, ridicule, demean, or belittle a person on the basis of their gender (regardless of whether the remarks are sexually provocative or suggestive of sexual acts).

Harassment occurs when:

- Submission to and/or tolerance of the unwelcome conduct is explicitly or implicitly made a term or condition of a person's employment;
- Submission to, tolerance of, and/or rejection of the unwelcome conduct is a basis for employment decisions; or
- The unwelcome conduct substantially interferes with a person's work performance and creates an intimidating, hostile, or offensive work environment.

***Because it is difficult to define unlawful harassment, Town employees are expected to always behave in a professional and respectful manner. Employees should be aware that harassment, discrimination, and retaliation is unacceptable not only in the workplace but also in any work-related settings such as business trips and business-related social functions, regardless of whether the conduct is engaged in by a supervisor, co-worker, customer, vendor, volunteer, intern, elected or appointed officials, or other third party.***

***Employees are responsible for bringing any form of harassment or discrimination to our attention.*** All employees are responsible for helping to ensure that harassment and discrimination in the workplace are avoided. We cannot remedy claimed harassment, discrimination, or retaliation unless you bring these claims to the attention of the Town. Failure to report claims of harassment and/or retaliation prevents us from taking steps to remedy the problem. ***Failure to report acts of harassment is serious and may be grounds for disciplinary action, up to, and including termination of employment.***

***If an employee experiences any problem of this sort, becomes aware of any other employee experiencing a problem of this sort, or has knowledge of any form of harassment or discrimination, sexual or otherwise, they must immediately report it to their supervisor. If an employee believes that it would be inappropriate to discuss the matter with their department head (i.e. if the complaint is against the department head), or they are uncomfortable discussing the matter with their department head, they may elect to bypass the department head and report the matter directly to the Human Resources Director or Town Manager. If the complaint is against the Town Manager allegations may be reported to the Town Attorney.***

Supervisor(s) are required to immediately report any allegations of sexual harassment to the Human Resources Director. It is misconduct for supervisors and department heads, who know or should have known of the sexual harassment, to fail to report and investigate such behavior or fail to take immediate and appropriate corrective action and may be subject to disciplinary action up to and including termination.

We will investigate thoroughly and promptly, all claims of harassment or discrimination, ***WITHOUT CONSEQUENCE TO THE EMPLOYEE EXPERIENCING OR REPORTING THE CONDUCT***, so long as the report is made in good faith and the information provided is truthful to the best the employee's knowledge. Employees are required to cooperate with any investigation involving harassment and/or discrimination.

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.

At the conclusion of the investigation, the Human Resources Director or the assigned designee will report all findings to the Town Manager or the assigned designee 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.

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 for Town employees shall be approved by the Town Manager.

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.

**No Retaliation.** No employee will be subject to, and the Town prohibits, any form of discipline or retaliation for reporting perceived violations of this policy in good faith, pursuing any such claim, or cooperating in any way in the investigation of such claims in good faith. If an employee believes someone has violated this no-retaliation policy, the employee should bring the matter to the immediate attention of the Human Resources Director or the Town Manager.

**Preventive Measures.** It is the goal and responsibility of the Town of Pineville to educate our staff and provide them with anti-harassment, discrimination, and retaliation training including, but not limited to communicating to employees what is deemed as sexual harassment, the Town's policy, 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.

### REASONABLE ACCOMMODATION OF INDIVIDUALS WITH DISABILITIES

The Town recognizes and supports its obligation to endeavor to reasonably accommodate job applicants and employees with known physical or mental disabilities who are able to perform the essential functions of the position, with or without reasonable accommodation. The Town will endeavor to provide reasonable accommodation to otherwise qualified job applicants and employees with known physical or mental disabilities, unless doing so would impose an undue hardship on the Town or pose a direct threat of substantial harm to the employee or others.

An applicant or employee who believes he/she needs a reasonable accommodation of a disability should discuss the need for possible accommodation with Human Resources, Department Leader, or his/her direct supervisor.

### REASONABLE ACCOMMODATION OF INDIVIDUAL'S RELIGIOUS BELIEFS AND PRACTICES

The Town recognizes and supports its obligation to endeavor to reasonably accommodate job applicants and employees with sincere religious beliefs or practices who are able to perform the essential functions of the position, with or without reasonable accommodation. The Town will endeavor to provide reasonable accommodation to otherwise qualified job applicants and employees, unless doing so would impose an undue hardship on the Town.

An applicant or employee who believes he/she needs a reasonable accommodation of a sincere religious belief or practice should discuss the need for a possible accommodation with his/her direct supervisor, Department Leader, or Human Resources.

### WORKPLACE VIOLENCE PREVENTION

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.

***Threats, threatening language, or any other acts of aggression or violence made towards or by any Town employee will not be tolerated.*** For purposes of this policy, a threat includes any verbal or physical harassment or abuse, attempts to intimidate or to instill fear in others, menacing gestures, bringing weapons to the workplace, stalking, or any other hostile, aggressive, injurious and/or destructive actions undertaken for the purpose of domination or intimidation. This also includes fighting, aggressive horseplay, bullying, and other behavior that would cause a reasonable person to be seriously alarmed, upset, or frightened. Such prohibited conduct includes behavior in person, by telephone, mail, e-mail, or any other form of communication. Violations of this policy will result in disciplinary action up to and including termination and may result in arrest and/or prosecution.

The Town specifically discourages employees from engaging in any physical confrontation with a violent or potentially violent individual. However, employees are expected and encouraged to exercise reasonable judgment in identifying potentially dangerous situations and informing management accordingly.

***Employees of the Town are required to immediately report potentially dangerous situations, incidents of threats, or acts of physical violence of which he/she is aware.*** Reports of threats may be made anonymously. All threats will be promptly investigated. No employee will be subject to retaliation, intimidation, or discipline as a result of reporting a threat under this policy.

The Town encourages employees to manage their non-work-related disputes *in a respectful manner*, outside of work, and off Town premises. ***However, the Town recognizes that off-duty events can have an impact on the workplace. Therefore, employees are encouraged to notify Human Resources when such events have the potential to create a disruption in the workplace.*** In addition, should these disagreements reach the workplace, the Town may initiate mitigating actions as warranted, such as contacting local law enforcement, obtaining restraining orders, or any other necessary means to alleviate the situation.

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.

***If any employees feel they are in imminent danger at any time, they are instructed to call 911 for assistance.***

The Town reserves the right to seek a civil “no-contact” order in accordance with the provisions of the North Carolina General Statutes (N.C.G.S.) on behalf of any employee who has been the victim or target of workplace violence or other unlawful conduct in the workplace in violation of this policy.

If you are the recipient of a threat made by an outside party, follow the steps detailed in this section. It is important for the Town to be aware of any potential danger in the workplace.

### **SEARCHES OF TOWN AND EMPLOYEE PERSONAL PROPERTY**

To protect employees and the Town from theft, and to enforce the Town’s policies including those related to substance abuse and workplace violence, the Town reserves the right to search employees and their personal property (i.e., vehicles, clothing, packages, purses, briefcases, lunch boxes, or other containers brought onto Town premises) when there is reason to believe Town policy is being violated. Employees are expected to cooperate in the conduct of such searches.

The Town provides property to employees for their use (e.g., Town vehicles, desks, file cabinets, employee lockers, etc.). Searches of Town facilities and property, including Town property in the possession of the employee, may be conducted at any time and do not have to be based upon reason to believe Town policy is being violated. Employees may not withhold permission for the Town to search Town-supplied property including, but not limited to desks, lockers, toolboxes, and Town vehicles and/or equipment.

### **PERSONAL RELATIONSHIPS IN THE WORKPLACE**

All Town employees must avoid romantic or sexual relationships with other employees that may interfere with the performance of any employee’s job duties or create perceived or actual conflicts of interest, the appearance of impropriety, favoritism, sexual or other forms of harassment, or personal conflicts from outside the work environment which can be carried into the daily working relationship.

Romantic relationships between an employee and a direct or indirect supervisor or subordinate of that employee are prohibited. If such a relationship develops, the employee(s) shall notify the department head and human resources. The employees will have 60 days to resolve the situation on their own. After 60 days, if the employees have not yet resolved the situation on their own by means acceptable to the Town, such as a transfer or employment outside the Town, the employees’ supervisors will work with Human Resources to determine the most appropriate action for the specific situation. This may include the transfer or, if necessary, termination of one of the employees. Also, any romantic or sexual relationship between or involving Town Department Heads or equivalent level of management is strongly discouraged.

If you are in a relationship with a co-worker that may create a perceived or actual conflict, or which may include or become one of the prohibited or strongly discouraged situations you must notify your department head or the Town Manager and the Human Resources Director promptly. The Town Manager with the Human Resources Director’s assistance 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 include the transfer or, if necessary, termination of one of the employees.

***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 create perceived or actual conflicts of interest, the appearance of impropriety, favoritism, sexual or other forms of harassment, or personal conflicts from outside the work environment which can be carried into the daily working.

### **EMPLOYEE ETHICS AND CONFLICT OF INTERESTS**

The proper operation of Town government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

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 Town employment. No public officer or employee who is involved in making or administering a contract on behalf of the Town may derive a direct benefit from the contract except as provided in N.C.G.S.14-234(b), or as otherwise allowed by law.

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 people. 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. A public officer or employee who will derive a direct benefit from a contract with the Town, but who is not involved in making or administering the contract, shall not attempt to influence any other person who is involved in making or administering the contract.

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. No public officer or employee may solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment in exchange for recommending, influencing, or attempting to influence the award of a contract by the Town.



### GIFTS AND GRATUITIES

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

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

to willfully receive or accept gifts or favors from any contractor, subcontractor or supplier prohibited by N.C.G.S. 133-32 from making such gifts or favors.

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

However, all gifts knowingly made or received are required to be reported to the Department Head if the gifts are made by a citizen/customer, contractor, subcontractor, or supplier doing business or desiring to do business directly or indirectly with the Town to ensure policy compliance, conflicts of interest do not arise, and upholding ethical public steward standards. Gifts of food that may arrive during the holidays, and at other times of the year when gift giving is traditional, belong to the entire staff even if addressed to a single employee. Food gifts must be shared with and distributed to all staff during work hours, in central worksite locations. Gifts of plants or flowers shall be displayed in the lobby or at another central location where all employees may enjoy their presence.

### WHISTLEBLOWER

The Town expects all employees to adhere to a high standard of business and personal ethics. All employees are expected to report any incidents which they reasonably believe are not in accordance with the policies, practices and procedures of the Town or activities in violation of law, as well as any suspicious or fraudulent activities.

Types of actions that may be reportable under this Policy, but not limited to, include a violation of state or federal law, rule or regulation, fraud, theft, misappropriation of Town resources, substantial and specific danger to public health and safety, gross mismanagement, a gross waste of monies, or gross abuse of authority.

A complainant may report unlawful activities verbally or in writing. If the complainant is comfortable, the first report should be to his/her immediate supervisor. If the employee is uncomfortable, the report may be made directly to Department Head, Human Resources Director,

Finance Director, Town Manager, or Town Attorney. Supervisors are responsible for reporting any complaint to the Human Resources Director.

Once a complaint has been received, a prompt and thorough investigation will be initiated. Efforts will be made to maintain the complainant's identity as confidential. The confidentiality of the complainant's identity cannot be guaranteed.

The Town prohibits any form of reprisal, retaliation, or otherwise discriminatory actions against a complainant who, in good faith, makes complaint under this Policy. The Town Manager shall ensure reasonable steps to protect the complainant from retaliation.

### USE OF TOWN PROPERTY AND EQUIPMENT

Town equipment/vehicles, materials, tools, and supplies shall not be available for personal use nor be removed from Town property except in the conduct of official Town business, unless approved by the Town Manager or designee (i.e. Administrative Procedures; other policies; or express written consent). Employees are responsible for taking proper care of all Town property and equipment that they are entrusted with.

No individual shall operate or ride in a Town vehicle except as is required for the conduct of official Town business. An individual that is not a Town employee will not be allowed to operate a Town vehicle without prior approval or contract agreement. Employees are responsible for the IRS tax liability imposed for commuting in vehicles that do not fall with the IRS categories of non-personal use.

Employees are responsible for adhering to all aspects of this policy and are subject to audits and discipline for non-compliance.

All Town property, including all electronic communications systems, issued to the employee shall be returned to the employee's supervisor upon termination of employment.

For information related to operation and use of Town vehicles, please refer to the Town's "Use of Town Vehicles Policy."

### SAFETY

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



### TECHNOLOGY/ELECTRONIC COMMUNICATIONS/SOCIAL MEDIA

**Technology/Electronic Communications Use:** Any electronic devices and/or services provided by the Town are property of the Town and their purpose is to facilitate and support Town business. All users have the responsibility to use these resources in a professional, ethical, and lawful manner. Technology resources and their use are subject to N.C.G.S. 132 Public Records Law, relevant Town policies, and Local, State and Federal laws and may be monitored, reviewed, and analyzed for business purposes and compliance. The Appropriate Technology Use Administrative Policy describes technology and electronic communication use requirements in detail.

**Social Media Use:** The Town understands that many employees may enjoy and participate in various personal social media sites. As holders of the public trust, employees are expected to exercise sound judgment and discretion in contributing to social media sites where information is available to numerous users.

When using social media, unless specifically authorized by the Town Manager, employees are prohibited from:

- a. using personal social media to conduct any Town business unless approved by the Town Manager;
- b. disclosing any confidential Town information or personnel information protected by law or policy;
- c. using the Town's name in their personal identity or using any Town trademark, logo or other intellectual property;
- d. wearing any uniform or insignia that identifies the employee as an employee of the Town of Pineville;
- e. using their official position or title in any communications; or
- f. any suggestion that they are speaking as a representative on behalf of the Town; employees must always identify that they are speaking as private citizens.

Employees should be aware that public speech including social media, unless it is protected by law, may subject the employee to liability under civil laws as well as the Town's policies. Nothing in this policy should be read to prevent an employee from speaking out on matters of public concern. Personal use of social media and posts should be on the employee's own personal electronic device, not the Town's electronic device, and on the employee's own time. The Social Networking Administrative Policy describes social media use requirements in detail.

## WORK SCHEDULES

### HOURS OF WORK

The offices of the Town of Pineville are normally open for business to the public from 8:00 am – 5:00 pm.

Generally, the seven-day work period for Town employees shall have 40 hours of work. Non-exempt sworn law enforcement employees shall operate under an established work period of twenty-eight (28) days and maximum standard hours for this period of one hundred seventy-one (171). Non-exempt fire protection employees shall operate under an established work period of twenty-four (24) days and maximum standard hours for this period of one hundred eighty-two (182). All work periods and schedules will be established and maintained in accordance with FLSA.

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

Managers/supervisors will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

### REMOTE/FLEXIBLE WORK SCHEDULES

The Town desires to create an opportunity for flexible work options when feasible, create a culture that embraces work-life integration, increase productivity, reduce absenteeism and turnover, and enhance customer satisfaction. To this end, the Town Manager has the authority to create and approve written administrative guidelines and procedures establishing remote or flexible work arrangements.

The Town must be appropriately staffed during normal business hours and appropriate service/on-call levels must be maintained when evaluating flexible work arrangement and time-off requests. An employee's first responsibility is to perform the duties of her/his job, including the availability to respond to telephone and e-mail communications, the ability to attend work regularly, meet and interact with associates and supervisors, and the ability to meet with and serve customers. There are certain positions that cannot accommodate flexible work arrangements. Every job, employee, and situation are different; it cannot be assumed that the same decision is appropriate for two similar positions. The Town provides and delivers certain services to its citizens and customers on a continuous basis and the interruption or delay of several of those services could cause an inconvenience or, more importantly, create an emergency situation placing people and/or property in danger.

### MEAL PERIOD

Employees are allowed an unpaid meal period during their shift. A meal period is a span of at least thirty (30) consecutive minutes (never less) during which an employee is completely relieved of duty and free to use the time for his/her own purposes. It is not counted as hours worked or paid time. When an employee is required to work during his/her scheduled meal period or remain stationary, the period will not be deducted from time worked.

## BREAKS

The Town is not required by law to provide breaks for employees; however, the Town encourages employees to take rest breaks to re-charge. There are occasions when the workload or other circumstances make it necessary for an employee to work without a break. Any supervisor may take away the break privilege temporarily if it is in the best interests of the Town.

All employees may take two 10-minute paid breaks per shift as long as it does not interfere with Town business. Employees may not take their break by delaying beginning work or leaving early, adding the break to the lunch period, saving for another day, combining it with other leave, or adding together to make one long break. Breaks are taken at the worksite regardless of whether the employee is at the department or in the field. However, if conditions permit and the supervisor determines that it does not interfere with Town business, one employee may be allowed to leave the worksite before the break to pick up snacks for his/her co-workers.

## LACTATION BREAKS

The Town will provide a reasonable amount of break time to accommodate an employee every time they need to pump for the employee's infant child, to the extent required and in accordance with applicable law. If the needed lactation break time cannot run concurrently with paid breaks and meal periods already provided to the employee as outlined in this Policy, the lactation break time will be unpaid, to the extent permitted by applicable law.

The Town will also make reasonable efforts to provide employees with the use of a room or location functional for pumping other than a bathroom for the employee to express milk in private. This location may be the employee's private office, if applicable. Please speak to Human Resources if you have questions regarding this policy.

## 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 to work. Absenteeism and tardiness place a burden on other employees and the Town. Employees are expected to be at their workplace and ready to work at their starting time. Non-exempt employees are asked not to start work or "clock-in" more than five (5) minutes before their starting time without their supervisor's permission. Non-exempt employees are also asked not to stay more than five (5) minutes after the end of the workday without their supervisor's permission. ***Non-exempt employees may never work off the clock or unrecorded work.***

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. Unless the employee has made other arrangements with the supervisor, the employee must call the supervisor each day he/she is absent.

Failure to give your supervisor notice of your absence may result in disciplinary action. A pattern of excessive or unexcused absences or tardiness may result in disciplinary action, up to and including dismissal.

### PREPARATION FOR PAYROLL

All employees must accurately record their own work time using the Town's timekeeping system. All time sheets must be approved by the Supervisor. ***Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including dismissal. Employees are responsible to review each pay stub when it is received to make sure it is correct.*** If employees believe a mistake has occurred, or if there are any questions, contact the supervisor immediately. If the Supervisor or Department Head is not able to answer the question, contact Human Resources or Payroll immediately. The Town will promptly make any corrections that may be necessary.

All Supervisors and Department Heads should review and approve their employees' work time and reports for accuracy. Supervisors and Department Heads should also monitor reports for excessive unscheduled absences and/or absenteeism patterns. Accruable paid leave requested in a work period cannot result in paid hours that exceed the scheduled hours for the week or period. The leave hours requested but not needed to complete a scheduled work period will remain in the employee's respective accrued leave balance. The timesheet for the work period is balanced for the work period, not for a daily period.

It is the responsibility of the Department Head to keep up with their employees' leave balance for sick and vacation leave; Finance will provide period reports.

The Finance Director is authorized to make established deductions from an employee's gross pay to cover federal and state income taxes, contributions for retirement systems, and for employee group life insurance and health plan premiums or other deductions as required by law. With the authorization of the employee, and approval of the Town Manager, the Finance Director shall also make other payroll deductions.

The Town requires all employees to set up direct deposit; paychecks will be direct deposited into the account designated by the employee.

## EMPLOYEE BENEFITS

The Town offers several benefits to its eligible employees. This handbook briefly describes some of those benefits and who is eligible for your general information. 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. The provisions of the plans, including eligibility and benefit provisions are summarized in the Summary Plan Descriptions (SPDs) which may be revised from time to time for each of the plans. The official plan documents are available for review upon request. The terms of the official plan documents control when and under what circumstances the various benefits are available, and shall control over the language of any descriptions or summaries of the plans, including SPDs. 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.

### GROUP BENEFIT PLANS

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. The Town offers a comprehensive benefits package which includes medical, dental, vision, and life coverage. For more comprehensive information on the various plans offered, please see the Human Resources Department for more details.

The cost of such benefits for employees and elected dependent coverage may vary from year to year and depending on the coverage selected. The employee costs of elected benefit coverages are deducted from weekly paychecks.

### DISABILITY BENEFITS

**Long Term Disability (LTD) Benefit:** Full-time employees are eligible to participate in the Long-Term Disability plan, subject to all terms and conditions of the agreement between the Town and the insurance carrier.

This is solely a monetary benefit and not a leave of absence. Employees who will be out of work must also request a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

**Short Term Disability(STD) Benefit:** Full-time employees are eligible to participate in the Town's Short-Term Disability plan, subject to all terms and conditions of the Short Term Disability plan document. This is solely a monetary benefit and not a leave of absence. Employees who will be out of work must also request a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

### OTHER OPTIONAL BENEFIT PLANS

The Town may provide and/or make other insurance plans or benefits available to employees upon authorization of the Town Manager and/or Town Council. Such benefits will be reviewed to ensure they

do not create an incentive for absence prior to being offered. For information about optional group benefit programs, employees may contact Human Resources.

## POST RETIREMENT MEDICAL BENEFITS

Retiree and dependent eligibility for the health plan and the premiums will be decided by the Town Council on an annual basis. The availability and scope of health plan coverage for retirees and their dependents will be governed by the applicable plan documents.

### Preamble

The Town of Pineville Post-Retirement Medical Benefits Plan (the "Plan") is intended to provide medical benefits to certain eligible retired employees.

### Effective Date

The Plan was initially adopted by the Pineville Town Council on June 27, 2000. The Plan has been restated effective September 10, 2019, to incorporate all prior amendments. This Plan is hereby amended and restated, effective September 10, 2019.

### Eligibility

To be eligible for Post-Retirement Medical Benefits, the employee must be an active participant in the Town's Medical Plan prior to September 10, 2019, and must thereafter continuously remain a participant in the Town's Post-Retirement Medical Benefits Plan. If an employee fails to either timely elect coverage or drops Post-Retirement Medical Benefits coverage, such employee shall not be permitted to enroll or re-enroll in such Plan at a later date. Participants in the Post-Retirement Medical Benefits Plan shall be given the opportunity to change coverage options, if other options are available to retirees during the Plan's open enrollment period. Subject to the general rules relating to all Participants, additional requirements governing Post-Retirement Medical Benefits are set forth in the following paragraphs:

- a. **Pre-Medicare Eligible:** Employees hired prior to September 10, 2019 who have participated in the Town's Medical Benefits Plan, and have 25 years or more of continuous service are eligible for the Town's Medical Benefits Plan upon retirement until they reach Medicare eligible age. Employees hired after September 10, 2019 will not be eligible for the Town's Medical Benefits Plan upon retirement.
- b. **Medicare Eligible:** Subject to meeting the general eligibility rules set forth above, the following employees and former employees will be eligible for benefits under the Plan when they are eligible for Medicare:
  - I. Employees hired before September 10, 2019 and are eligible for the Town's Medical Benefits Plan and are participating in the Town's Retiree Medical Benefits Plan will lose the Town's Retiree Medical Benefits Plan coverage on their 65th birthday. Upon reaching their 65th birthday, they will be eligible to receive a monthly stipend up to a \$150 to reimburse some of the cost of their individual coverage through their spouse's medical plan or other coverage available. Such coverage can include Medigap. What was once known as Medicare Supplement, Medigap covers some deductibles, co-insurance, co-insurance payments and other costs not covered by Medicare Parts A & B. Medicare A & B is the original Medicare.

- II. Employees hired after September 10, 2019 and that are eligible for the Town's Health Insurance Plan as an active employee will not be eligible for the Town's health insurance plan or Medicare stipend upon retirement or termination of employment.
- c. **Spouse and Dependents:** The spouse and/or dependents of employee's described in 3.A. are eligible to participate in the Town's health insurance plan until the employee's coverage terminates on their 65th birthday. The Town does not participate in the cost of spouse/dependent coverage whether for current employees or retirees. The employee must pay 100% of the spouse/dependent coverage.

This handbook does not change or otherwise interpret the terms of the official plan 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.

### 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:

- a. 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.
- b. 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 Separation Allowance Benefits Payments

- a. Death of the officer;
- b. The last day of the month in which the officer attains 62 years of age; or
- c. The first day of reemployment by any State Department, agency, or institution except that this subdivision does not apply to an officer.



- d. 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.

### NORTH CAROLINA LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM

All regular employees in a position whose duties require at least 1,000 hours of work a calendar year are required to become contributing members of the North Carolina Local Governmental Employees' Retirement System (NC LGERS), as a condition of employment on the date of hire. An employee must contribute 6% of their annual covered salary, as defined by statute, 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. Plan details are available at [www.myncretirement.com](http://www.myncretirement.com) where the NC LGERS Handbook is located.

### SUPPLEMENTAL RETIREMENT PLANS

In addition to LGERS, the Town offers both the NC 401(k) and the NC 457 Plan, which are administered by the NC Department of State Treasurer and a Board of Trustees to help build retirement savings. Employees who are actively contributing to LGERS can participate in either/both plans. Employees who do not actively contribute to LGERS are only eligible to participate in the NC 457 Plan. For full time employees, the Town provides an employer contribution. Please reach out to Human Resources for details. Additional information about the NC 401(k) and the NC 457 Plans can be accessed at [www.myNCPlans.com](http://www.myNCPlans.com). Also, you can contact Human Resources to arrange an individual or group meeting with our dedicated representative.

**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.. The Town will match the employee's contributions up to 5% of the employee's salary for either plan. Please contact the Human Resources for further information.

### TUITION ASSISTANCE

Fulltime regular employees may be eligible for reimbursement of coursework completed while employed by the Town, 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. Full-time employees are eligible for up to \$1,000 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. See separate Tuition Reimbursement Policy and Procedures for more detailed requirements.

Employees receiving tuition assistance are required to continue Town employment for 12 months following the completion date of the course that is reimbursed. Failure to meet this requirement will result in the reimbursed amount being deducted from the employee's final compensation or collected from the employee.

### 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 North Carolina Department of Employment Security 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 the 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 Birthday
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day and the Friday following the holiday
- Christmas (3 days determined by the published annual holiday schedule)
- Floating Holiday\* (if approved)

An additional Floating Holiday may be approved each year by the Town Council. The Floating Holiday must be scheduled on a date that is mutually agreed upon by the supervisor and the employee. This floating Holiday may be used for religious or cultural holidays, employee birthdays, employee work anniversaries, or other scheduled workdays. Department Heads are to make every effort to accommodate employee requests for time off for this holiday. This holiday is not a day on which an employee is also permitted to work.

All full-time employees are entitled to holiday pay as listed above.

All part-time employees 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 full-time regular staff including shift personnel). If a holiday falls on a regularly scheduled day off the employee will be paid 8 hours holiday pay, except for firefighters who will be paid for 12 hours holiday pay.

Firefighters who are scheduled to work on a holiday will receive 12 hours of holiday pay, and time and a half for hours worked.

Employees forfeit their right to holiday pay if they have an unpaid absence on the regularly scheduled workday before or after the holiday.

Employees may wish to be away from work on a certain day for religious observances. Departments should attempt to arrange the work schedule so that an employee may be granted annual leave if requested for a religious observance. If an employee has accrued annual leave, no request for annual leave shall be denied unless it creates an emergency condition which cannot be prevented in any other manner.

### VACATION LEAVE

Full-time employees and part-time employees who work 20 hours or more per week begin accruing vacation on their first day of employment.

**Manner of Taking:** Vacation is a privilege granted to employees by the Town. Vacation leave is intended to be used for rest and relaxation, personal needs and appointments, and personal or immediate family illness (in lieu of sick leave). ***The employee must seek pre-approval for vacation leave from the supervisor and is responsible for reviewing the accuracy of leave used on their payroll advice statement.*** Approvals are to be in writing or via the electronic timekeeping system's leave approval function. ***It is the policy of the Town that employees are not permitted to take vacation leave that has not been accrued.*** It is the responsibility of the supervisor and the employee to confirm that the employee has enough accrued leave for the request and to ensure that approved vacation leave does not hinder the effectiveness of service delivery. Vacation leave may be taken in one-hour increments. Failure to request or take vacation leave without prior approval may result in disciplinary action. ***For non-exempt employees, use of compensatory time is required if a balance is available prior to using vacation leave when requesting time off.***

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

**Accrual Rate:** The vacation leave accrual rate for eligible full-time employees varies based upon an employee's years of service based upon the chart below. For eligible part-time employees vacation leave accrual is prorated based on the average scheduled hours worked.

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.

Years of Service	Days Accrued Per Year/Converted into Hours 40-hour Workweek Employees Sworn Law Enforcement Employees	Days Accrued Per Year/Hours Non-Exempt Firefighters
<b>0-4</b>	<b>10 Days/80 Hours</b>	<b>10 Days/120 Hours</b>
<b>5-12</b>	<b>15 Days/120 Hours</b>	<b>15 Days/ 180 Hours</b>
<b>13+</b>	<b>20 Days/ 160 Hours</b>	<b>20 Days/240 Hours</b>

**Maximum Accumulation:** Vacation leave is accumulated without any applicable maximum until the end of each calendar year (January 1st to December 31st). At the end of each calendar year, any Town employee with accrued vacation leave in excess of 240 hours (the maximum accrual allowance) shall have the excess vacation leave converted to sick leave.

**Vacation Leave Upon Separation:** An employee who has provided written notice at least two weeks' prior to the effective date of the resignation will be paid for accumulated vacation time upon separation not to exceed 240 hours (the maximum accrual allowance). An employee failing to give the written two-week advanced notice forfeits 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. Employees who are terminated shall receive payment for accumulated vacation leave not to exceed the 240 hours 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 accrual. At the discretion of the Town Manager, an employee dismissed for serious violations of personal or criminal conduct may be determined ineligible to receive vacation pay.

## SICK LEAVE

Sick leave with pay is a privilege granted by the Town and may be granted to an eligible employee who is absent from work for the following reasons:

- The employee's own sickness, bodily injury, medical/dentist appointment or exposure to a contagious disease that may jeopardize the health of others.
- Sick leave may also be used when an employee must care for an immediate family member, unmarried partner, an adult who stood in loco parentis to the employee during childhood, or a foster child under the care of the employee who is ill, injured, or for medical/dental appointments. For the purpose of this benefit, immediate family is defined as spouse, children, parents, guardian, siblings, grandparents, grandchildren to include half, step, in-law, and adopted relationships that can be derived from those named. Use of sick leave for this reason may not

exceed a total (not per family member) of ten (10) days in calendar year except in the case of approved FMLA, or if special permission is granted by a supervisor and Human Resources.

In extreme life threatening situations or where a major illness requires an immediate family member to be treated outside of the local geographic area where commuting is not possible or where the employee's presence is necessary to provide care, the amount of Sick-Family Leave that can be used may be extended. This will apply to immediate family members only, must be recommended by the Department Director, and approved by the Human Resources Director prior to the usage except in cases where the onset of the emergency makes prior notification impossible. The Department Director or the Human Resources Director may require a written statement from the treating physician to ensure the illness and the employee's attendance meet the requirements for extended Sick-Family Leave.

If an employee uses Sick or Sick-Family Leave for an event that is covered under the Family and Medical Leave Act (FMLA), the time that is charged to Sick Leave and the FMLA entitlement will run concurrently. See the Family and Medical Leave Act (FMLA) policy in this Handbook for more information.

Employees may not use Sick or Sick-Family Leave to care for healthy children except as provided for leave for the birth of a child or leave for the adoption or foster care placement of a child.

***Sick leave may also be used to supplement Worker's Compensation disability to cover the waiting period before Worker's Compensation benefits begin. Can also be used to cover the waiting period or supplement Short Term Disability compensation.***

**Manner of Taking:** When requesting sick leave the employee 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 unless physically impossible. The employee should communicate the absence and reason 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 so that arrangements may be made to reassign or cover work and responsibilities. Unless the employee has made other arrangements with the supervisor (i.e. a medical note with expected absence period or approved FMLA), the employee must call the supervisor each day he/she is absent. See also Attendance and Punctuality section of this Handbook.

Sick leave for non-urgent scheduled medical/dental appointments, should be made at least 48 hours in advance.

Sick leave requested in a workweek or work period cannot result in paid hours that exceed the scheduled hours for the week or period.

If a question arises concerning the use of sick leave, a certifying statement from a practicing physician or other acceptable verification may be required. Failure of an employee to provide a physician's statement, or other acceptable verification, or claiming sick leave under false pretenses to obtain a day off, or failure to follow the above guidelines, shall constitute a reason for non-payment of the days taken and fall under the guidelines of disciplinary action.

**Sick Leave Converted to Short Term Disability (STD):** 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.

**Accrual Rate and Accumulation:** Sick time shall accrue at a rate of one day (eight hours) per month of employment or twelve days per year (96 hours) for all full-time 40-hour workweek employees. Sick time for full-time and part-time employees (20 hours or more) working other than the 40-hour workweek 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 Local Government Employees' 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 provided such records are still available.

**Transfer of Sick Leave from Previous Employer:** The Town will accept sick leave balances when documented by a previous employer when the employee worked for a previous employer covered by the North Carolina State or Local Government Retirement Systems and the employee did not withdraw accumulated retirement contributions from that employer when leaving employment. The employee is solely responsible for requesting a transfer of the employee's Sick Leave from the prior employer as well as obtaining a certification from the employer and submitting it to the Town's Human Resources Department. This transfer and certification process must be completed within the employee's first three months of employment.

The sick leave will be treated as though it were earned with the Town of Pineville and may be used as any other accrued sick leave by the employee.

If the employee has had no break (31 days or less) in employment within the North Carolina State or Local Government Retirement Systems, all verified and approved transfer of sick leave and years of service for the purpose of calculating leave accrual are acceptable.

If the employee has had breaks in employment (more than 31 days) within the North Carolina State or Local Government Retirement Systems, verified and approved transfer of sick leave and years of service for the purpose of calculating leave accrual are accepted only from employers where the last date of employment is within the last five (5) years.

### FAMILY MEDICAL LEAVE (FMLA)

This policy provides basic information concerning FMLA entitlements and obligations. For questions concerning FMLA leave, employees should contact Human Resources. The Town posts the DOL publication 1420 FMLA Notice in compliance with U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Leave Act on Town employee bulletin boards and the Human Resources Public drive.

FMLA leave is available to "eligible employees." To be eligible an employee must have worked for the Town of Pineville for at least 12 months (which need not be consecutive), 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.

**Certification:** To qualify for FMLA leave, the employee typically must provide the Town with a medical certification. The employee is responsible for any fee charged by the health care provider for completion of the forms. It is the employee's responsibility to provide the Town with timely, complete, and sufficient medical certification. Whenever the Town deems it appropriate to do so, it may waive its right to receive timely, complete and/or sufficient FMLA medical certifications or accept other forms of certification providing the necessary information to approve/deny FMLA is received. Employees must provide medical certifications within 15 calendar days after the Town requests certification, unless it is not practicable to do so despite an employee's diligent, good-faith efforts. The Town will inform employees if submitted medical certifications are incomplete or insufficient and provide employees at least seven calendar days to cure deficiencies. The Town may deny FMLA leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications. If employees provide at least 30 days' notice of medical leave, they should submit the medical certification before leave begins. There may be a need for recertification or additional leave, which will result in an additional certification.

The Town reserves the right to require a second medical opinion at the Town's expense.

**Return to Work/Fitness for Duty Medical Certifications:** Unless notified otherwise, employees returning to work from FMLA leaves taken because their own serious health conditions made them unable to perform their jobs must provide the Town a medical certification confirming they are able to return to work and to perform the essential functions of their positions, with or without reasonable accommodation. The Town may delay and/or deny job restoration until employees provide return to work/fitness for duty certifications.

The Town may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

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.

Calling in "sick," without providing the reasons for the needed leave is not sufficient notice under this policy. Employees must respond to the Town's questions to determine if absences are potentially FMLA-qualifying. If employees fail to explain the reasons for FMLA leave or to provide necessary paperwork in a timely fashion, the leave may be denied. When employees seek leave due to FMLA qualifying reasons for which the Town has previously provided FMLA protected leave, they must specifically reference the qualifying reason for the leave or the need for FMLA leave.

Employees engaging in fraud, misrepresentation or providing false information will be subject to loss of benefits, denial or termination of leave, and corrective action, up to and including termination of employment.

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

#### Medical and Family Care Leave

- Birth or adoption of a child and in order to care for that child
- The placement of a child for adoption or foster care
- A serious health condition of an employee (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee's job
- To care for a child, spouse, or parent with a serious health condition

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 combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment and incapacity due to pregnancy is considered a serious health condition. Other conditions may meet the definition of continuing treatment.

#### 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. The FMLA definitions of "serious injury or illness" applicable to current members of the Armed Forces and covered veterans are distinct from the FMLA definition of "serious health condition" applicable to FMLA leave to care for a covered family member.



### Qualifying Exigency Leave

Any qualifying exigency arising out of the fact that an employee's spouse, son, daughter or parent is a military member on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty) in the Reserve component of the Armed Forces for deployment to a foreign country in support of a contingency operation, or the Regular Armed Forces for deployment to a foreign country. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty and attending post-deployment reintegration briefings.

**Amount of FMLA Leave:** The amount of leave varies with the type of FMLA leave granted.

- The total amount of all FMLA leaves, with the exception of the Military Caregiver Leave, shall not exceed 12 weeks in any rolling 12-month period.
- Military Caregiver leave shall not exceed 26 weeks in a single 12-month period beginning from the first day of leave and is reduced based upon any other FMLA leave taken within a rolling 12-month period. The combined total of Military Caregiver Leave and any other approved FMLA leave cannot exceed 26 weeks within a 12-month rolling period.
- 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.
- 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 and Reduced Schedules:** FMLA leave is usually taken for a period of consecutive days, weeks, or months. However, employees also are entitled to take FMLA leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the employee or covered family member or the serious injury or illness of a covered servicemember. The Town and employee shall attempt to work out a leave schedule that meets the employee's needs without unduly disrupting the Town's operations, subject to the approval of the employee's health care provider. Qualifying exigency leave also may be taken on an intermittent basis.

**Concurrent Leave:** All paid or unpaid leaves or income replacement benefits which are eligible for FMLA such as, but not limited to, sick leave, vacation leave, compensatory time, short-term disability and workers compensation will run concurrent with FMLA.

**FMLA 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 leave, eligible sick leave, and compensatory 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 FMLA:** 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 his/her

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 his/her accrued leave, the employee must write the Town a check to cover its share of medical premiums. The Town's obligation to maintain health care coverage ceases if an employee's premium payment is more than 30 days late. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave retroactive to the last period for which premiums were paid. The Town will provide 15 days' notification prior to the employee's loss of coverage.

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 or other circumstances beyond the employee's control.

If the employee contributes to any voluntary benefit plans, the Town will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his/her portion of the premiums. If the employee does not continue these payments, the employer may discontinue coverage during the leave.

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.

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.

**Questions/Complaints About FMLA:** The function of this policy is to provide employees with a general description of their FMLA rights. If you have questions, concerns, or disputes regarding this FMLA policy, please contact Human Resources. The Town is committed to complying with the FMLA, and whenever necessary, shall interpret and apply this policy in a manner consistent with the FMLA.

The FMLA makes it unlawful for employers to:

- a. interfere with, restrain, or deny the exercise of any right provided under FMLA; or

- b. discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA.

If employees believe their FMLA rights have been violated, they should contact Human Resources immediately. The Town will investigate any FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violation.

### 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.

### MATERNITY LEAVE

An employee who is pregnant is entitled to the same rights as an employee on short term disability leave. An employee 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 disability leave. Once an employee delivers their baby via a normal delivery, an employee is

entitled to six weeks of maternity leave and 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 will be extended as 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 or during current maternity leave, they will be eligible to take the additional weeks 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.

### PREGNANT EMPLOYEES AND NURSING MOTHERS

- **Pregnancy:** The Town complies with the Pregnancy Discrimination Act, as well as all other state and federal laws regarding pregnancy, childbirth, or medical conditions relating to pregnancy and/or childbirth.
- **Pregnancy Disability:** An employee who is absent due to pregnancy-related disability may be eligible for payments under the Town paid disability program. An employee should check with their Human Resource Development Partner for more information.
- **Nursing Mothers:** The Town complies with Section 7(r) of the Fair Labor Standards Act – Break Time for Nursing Mothers Provisions as well as all applicable local, state, and federal laws regarding the rights of nursing mothers. The Town provides paid breaks for all regular full- and part- time nursing mothers to express breast milk.

### 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 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

**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

- a. 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.

- b. 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.
- c. 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.
- d. 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

- a. Light duty status will only be approved if the proposed duties are needed by the Town.
- b. Light duty status must be approved by the Town Manager, following consideration of recommendations by the Department Head and the Human Resources Director.
- c. 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:

- a. The employee's schedule may provide for fewer working hours and/or different working hours and/or different working hours.
- b. Duties may be different and/or the same as required in the employee's normal position.
- c. Light duty may be performed under different supervision than the employee's normal position.
- d. 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 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 and benefits 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. The employee must provide



documentation to the Town confirming jury duty or court witness and attendance for all days of jury duty or court witness.

### 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. Unused hours will be forfeited and may not be carried forward into the next calendar year. Departments are responsible for tracking and annotating in the time keeping system.

- 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).

### DISCRETIONARY LEAVE (Leave without Pay)

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 and does not provide an extension of job protection beyond the limits of FMLA. Requests are reviewed on a case-by-case basis and the individual circumstances. All available leave (eligible to be used for the reason of the leave including any non-exempt compensatory time) must be exhausted prior to the approval of discretionary leave except for military leaves. Examples of reasons for discretionary leave include, but are not limited to, personal disability, sickness or disability of immediate family members, exhausted Family Medical Leave, continuation of education, military service, and/or a personal leave of absence.

Upon requesting leave, an employee must provide a written request stating the purpose of the leave and how long they anticipate being out. If the request is for three (3) workdays or less, the Department Head reviews and approves/denies the request in consultation with the Human Resources Director. If the request is more than three (3) workdays, the Department Head must forward the request with his/her recommendation to the Town Manager through Human Resources.



The employee is obligated to return to work within or at the end of the time approved. Employees are required to respond to communications from the Town during the absence and notify Human Resources of any changes in situations during the absence within two (2) business days. Failure to report at the end of the expiration of a leave of absence will be considered a voluntary resignation.

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. Except for mandated benefits extensions associated with FMLA, military leave laws, or other laws, an employee on Discretionary Leave will not accrue benefits (such as vacation leave and sick leave).

An employee is not guaranteed job reinstatement upon his or her return from an approved discretionary leave of absence, unless required by law. 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

The Town recognizes that employees may have a family medical emergency resulting in a need for additional time off more than their available leave. To address this need, all eligible employees will be allowed to donate accrued paid annual (limited to 80 hours per fiscal year) or sick (limited to 8 hours per fiscal year) leave hours from their unused balance to their co-workers in need of additional paid leave. This policy is strictly voluntary. It is not the intent of this policy to apply to incidental, normal, short-term medical conditions. Employees must be employed with the Town for a minimum of one year to be eligible to donate and/or receive donated leave.

Employees who would like to make a request to receive donated leave from their co-workers must have a medical emergency. For the purposes of this shared leave policy, **medical emergency** is defined as a documented medical condition of the employee or his/her spouse, child, or parent that will require the prolonged/extended absence of the employee from work for a period of three weeks or more and will result in a substantial loss of income to the employee due to the exhaustion of all available paid leave. This definition also includes extended time off following the loss of a spouse or child. Receipt of shared leave is not job protected leave and in no way creates any job protection beyond those provided by the Family Medical Leave Act (FMLA). The Town Manager has the authority to create administrative procedures for Voluntary Share Leave. Contact the Department of Human Resources for the administrative policy details, procedures, and appropriate forms.

**Privacy:** If a manager or other employee has knowledge of another employee's medical condition, they are not allowed to share that information unless they are certain that they have been given permission by the employee with the medical condition to share it with a specific other individual. Medical information is protected under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Health information is not to be shared without explicit permission of the individual affected in writing. Any documentation containing medical information must be kept in a secure place.

### MILITARY LEAVE AND OTHER USERRA 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) and North Carolina state law.

Regular full-time 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. Regular part-time employees scheduled to work 20 hours or more per week are eligible for a pro-rated paid military leave benefit. Limited-Service employees will be granted time off without pay to meet their military reserve or National Guard training obligations. If an employee takes additional military training in addition to 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 leave 30 days or more, employees are required to provide appropriate verification or documentation.

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. While taking USERRA leave, the employee's unused leave balances will be retained and any seniority-based benefits such as leave accrual rates will continue to accrue.

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 may be given service credit by the North Carolina Local Government Employees' Retirement System (NCLGERS) for time spent in active-duty status; contact NCLGERS for details.

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.

**Reemployment:** In accordance with federal and state law, it is the Town's policy that no employee will be subjected to any form of discrimination on the basis of his or her membership in or duty to perform service for any of the Uniformed Services of the United States. No employee will be denied reemployment, promotion or other benefits or employment on the basis of such membership. Furthermore, no employee will be subjected to retaliation or adverse employment action because of his/her rights exercised under this policy. Employees who return from active military leave will be reinstated if they meet the criteria in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and North Carolina state law. The Town is committed to following these criteria and laws.

### **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. If an employee needs to take additional days off as a result of the death, they may request to take vacation, compensatory, or sick leave (not to exceed 2 days of sick leave). 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, unmarried partner, or an adult who stood in loco parentis to the employee during childhood once per calendar year. Any additional absences as a result of the passing of an extended family member, unmarried partner, or an adult who stood in loco parentis to the employee during childhood the employee may take vacation, compensatory, or sick leave (not to exceed 2 days of sick leave). If accrued leave has been exhausted, unpaid leave may be permitted.

### **DOMESTIC VIOLENCE VICTIM'S LEAVE**

Employees are permitted a reasonable time off from work to obtain or attempt to obtain assistance as a victim of domestic violence. An employee must follow the Town's usual procedures and policies regarding time off except in cases of an emergency. The Town may request documentation regarding such an emergency. The employee may choose to use accrued annual leave or unpaid leave.

### **ADMINISTRATIVE LEAVE**

In some circumstances it may be necessary to place an employee on paid or unpaid administrative leave not otherwise outlined in this policy. Unless specifically authorized in this policy, the administrative leave must be authorized by the Town Manager or Human Resources Director. This does not limit or restrain the Department Leader or supervisor's authority to send an employee home with pay for the remainder of a day for workplace safety and investigation initiation situations.

Examples include and are not limited to workplace investigations, safety, policy/compliance situations, emergencies, funeral/visitation attendance for a co-worker, elected official or appointed board members, early closure of City offices before a holiday, and Employee Assistance Program manager's referral.

The Town Manager may authorize limited and reasonable amounts of paid administrative leave to formally acknowledge and recognize employee achievements and contributions to the workplace. This is not a right which an employee may demand but a privilege granted to promote the hiring and retention of capable, diligent, and honest employees.

Department Leaders with Human Resources consultation may place employees on investigatory suspension. Each situation will be reviewed to determine if it is a paid or unpaid status.

### ADVERSE WEATHER/HAZARDOUS CONDITIONS/OTHER UNUSUAL CIRCUMSTANCES

The Town has responsibility for several emergency services including law enforcement services. Adequate staff are required to operate these critical services seven days per week and 24 hours per day in all weather. Department Heads should designate which staff are in critical positions (emergency workers) required to report to work regardless of weather or other hazardous conditions. Employees designated as emergency workers are expected to report as required or directed. The adverse weather/hazardous conditions policy is established to:

- a. maintain adequate staffing at all times of emergency services;
- b. provide for as much safety as possible for all employees in traveling to and from work in hazardous conditions; and
- c. to set guidelines for establishing business hours and reporting to work during periods of adverse weather or other unusual circumstances including, but not limited to, natural or man-made disasters. Adverse weather includes, but is not limited to, an event that produces damaging winds, flooding, or accumulations of ice and/or snow.

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.

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.

Each employee must make a personal decision regarding safety and traveling to and from the workplace in adverse/hazardous conditions. 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 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.

In adverse weather, hazardous conditions, or other unusual circumstances the Town Manager is authorized to approve temporary supplemental pay, leave, or benefits for identified groups of employees (excluding the Town Manager) involved in or responding to the circumstance. In emergency or unusual situations (including but not limited to severe inclement weather or natural/man-made disasters), where employees are required to work long and continuous hours, the Town Manager may approve compensation at time and one half for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe working conditions. In a **FEMA declared emergency** when extended long hours are required, **exempt and non-exempt** employees may be determined to be eligible for overtime compensation at a rate not to exceed double time at the authorization of the Town Manager.

Should the designation of the FEMA declared emergency or other unusual circumstances continue for an extended period of time due to severe and unusual circumstances or its aftermath, the Town Manager or his/her designee may re-evaluate and modify the compensation rate and any other administrative policies deemed necessary.

## GENERAL PERFORMANCE AND CONDUCT STANDARDS

It is impossible to specifically identify all forms of work standards; therefore, guidance on work standards is not intended to be all inclusive. Certain behaviors such as lying, cheating, or stealing are clearly unacceptable at any time. These standards are intended to help clarify what is acceptable work-related behavior and performance. Together with good common sense and the employee's own understanding of right and wrong, they are meant to guide workplace behavior and performance.

While it is desirable that all employees strive to achieve the highest success in their jobs, it is the responsibility of each employee to maintain at least an acceptable level of job performance and conduct; follow appropriate instructions of their supervisor; work in a safe manner; and abide by all rules, regulations, and laws of the workplace. Employees are responsible for complying with and assisting in carrying out the provisions of the Employee Handbook, administrative policies and procedures, and departmental level policies and procedures.

***Unsatisfactory job performance and personal conduct involves any aspects of the employee's job, which are not performed as required to meet standards set by the Supervisor, Department Head or Town Manager.*** It is the responsibility of all supervisory staff to promptly discuss improper or inadequate performance with employees with the goal of correcting deficiencies and avoiding disciplinary action.

Employees shall maintain a level of personal conduct that is befitting a public employee; avoid real or perceived conflicts of interests; treat others with courtesy and mutual respect; use Town time and resources for Town business; keep confidential information confidential and protect sensitive information; give an honest day's work for every day's pay; and exercise stewardship and fiscal responsibility in actions and decisions.

Employees shall use breaks and unpaid time rather than paid time to attend to personal matters, including but not limited to running errands, doing personal work, or making numerous or lengthy calls/texts/emails/social media use.

**Telephone Coverage and Customer Service:** As a public organization, all Town telephone calls must be responded to promptly and courteously, identifying yourself, and offering to assist the caller, take a message, and or directing the caller to the appropriate resource/contact. During business hours, every department must have a person handling calls on its primary line.

***Work standard violations include violations that may affect the continuity, efficiency of safety or work, will not be tolerated if repeated, and may result in discipline. Repeated violations may lead to dismissal. The following are illustrative examples and are not intended to be an all-inclusive list:***

- Tardiness, absence without approved leave, or improper use of leave.
- Failure to report an absence or unavoidable late arrival at work to the supervisor or other designated departmental representative by the time required by departmental policy.
- Unsatisfactory work performance; failure to complete work within established timeframes or standards; failure to adhere to the direction of the supervisor.
- Loafing or other abuse of time during assigned working hours.
- Interfering with another employee's performance of duties.
- Leaving regularly assigned work location without notifying the immediate supervisor (personal needs excepted).
- Performing unauthorized personal work on Town time.
- Minor violations of safety rules.
- Working unauthorized overtime.
- Failure to work assigned overtime, special hours/events, or fulfill on-call duties.
- Sleeping or giving the appearance of sleeping during work hours, unless otherwise provided by fire service.
- Careless, negligent and/or improper use (i.e., for personal needs) of Town property or equipment.
- Discourteous treatment of the public or other employees.

***Major work standard violations are of such a degree that continued employment of the individual may not be desirable. The following are illustrative examples and are not intended to be an all-inclusive list of some offenses that may subject an employee to immediate dismissal without warning:***

- Fraud and/or theft of Town material and/or equipment.
- Conviction of a felony or the entry of a plea of nolo contendere thereto.
- Wanton or willful neglect in the performance of assigned duties.

- Any negligent act that may endanger the safety or lives of others or that may result in damage or destruction of Town property.
- Insubordination (willful failure or refusal) to perform work assignments or tasks given by an authorized supervisor properly.
- Willful, deliberate, or repeated violations of safety rules.
- Willful misuse or gross negligence in the handling of Town funds.
- Willful disclosure of confidential information to unauthorized persons.
- Falsification of personnel or Town records including, but not limited to, employment applications, accident records, work records, purchase orders, time sheets, or any other report, record, or application.
- Making false claims.
- Leaving work location/premises during working hours without permission of a supervisor.
- Deliberately abusing, destroying, damaging, or defacing Town property or the property of others on Town premises.
- Gambling, possession or use of liquor or narcotics, or the unlawful or unauthorized possession of firearms or other dangerous weapons on the job.
- Fighting or endangering others on Town premises or while on duty.
- Failure to return to work on expiration of authorized leave.
- Taking Town or other employee's personal property without proper authorization.
- Failure to cooperate fully and truthfully in an authorized internal investigation.
- Immoral, unlawful, or improper conduct or indecency, either on or off the job, which would have such a nexus or connection to affect the employee's relationships to his/her job, co-workers, or goodwill in the community.
- Harassing, intimidating or other unprofessional conduct as described in Town policy.
- Brutality in the performance of duties.

## DISCIPLINE

It is important to understand that employment with the Town of Pineville is "at will". This means an employee may leave Town employment at his/her own discretion. Likewise, an employee may be relieved of his/her duties at the Town's discretion. However, the Town tries to insure that disciplinary actions taken against employees are fair, equitable and consistent in all departments without regard to race, religion, religious creed, color, national origin, ancestry, sex/gender, age, non-disqualifying disability, genetic information, marital status, sexual orientation, transgender status, political affiliation, military service or veteran status, citizenship status, based on actual or perceived gender as expressed through dress, appearance, or behavior, or any other classification protected by applicable federal, state, or local laws and ordinances.

Discipline may include a written warning, disciplinary suspension without pay, reassignment, demotion, or dismissal.



## COMMUNICATION AND DISCIPLINARY PROCESS

When circumstances permit, discipline should ordinarily be of an increasingly progressive nature for each successive instance of employee misconduct. Each level of progressive discipline should ordinarily be fully documented in the employee's personnel record. However, in recognition of the fact that each instance of misconduct differs in some respect and that the severity of an individual situation may warrant no progressive discipline, the Town has a right to treat each occurrence individually without setting a precedent for future cases. The disciplinary procedures are not to be construed as a limitation of the Town's right to take any form of disciplinary action, including dismissal, when deemed appropriate.

It is the responsibility of the employee's supervisor to notify the employee of his/her unsatisfactory work or conduct, and what corrective measures must be taken for the work or conduct to be satisfactory.

**Progressive discipline may include:**

**Counseling and Verbal Warning:** An employee whose work is unsatisfactory over an unspecified period shall be identified by the Supervisor and/or Department Head. The Supervisor describes expectations and steps the employee must take to improve performance or resolve the problem bringing performance to the meets expectations standard. Supervisor and/or Department Head should document the conversations and/or meeting regarding the performance and/or issues including any progress or regression observed. If there is reason to believe that it is an issue that may benefit the employee by reaching out to our Employee Assistance Provider (EAP) this is recommended at any time during the employee's employment with the Town, but not required.

**Written Warning:** If due to the seriousness or repetition of the work performance deficiency, the supervisor may issue a written warning after consultation with the Department Leader. The warning should ordinarily include the nature and date of the offense; the corrective action needed by the employee; and a notice to the employee that continued unsatisfactory performance may result in dismissal. The employee should be requested to sign the warning to acknowledge that he/she has seen the reprimand, not that he/she agrees or disagrees with its contents. A copy of the reprimand shall be placed in the employee's personnel file.

A performance improvement plan (PIP) or work plan may be an appropriate tool to support and guide the employee in bringing his/her performance to the sustained meets expectations level

**Suspension:** Disciplinary suspensions are for the purpose of communicating the seriousness of the performance deficiency, not for the purpose of punishment, and should not generally exceed three days (24 hours) for non-exempt employees. Suspensions for exempt employees shall be for one full work week in accordance with FLSA requirements to maintain exempt status. Under FLSA, suspensions of less than a week are authorized for major safety violations or infractions of workplace conduct rules. An employee who is suspended for disciplinary reasons shall be temporarily relieved of all duties and responsibilities and shall receive no compensation, including pay for accumulated vacation leave, for the period of suspension.

Documentation of the suspension should be issued to the employee, with a copy placed in the employee's personnel file. The reprimand should be reviewed by the Human Resources Director. The documentation should indicate:

- Information regarding the unpaid suspension timeframe;
- Any previous disciplinary steps or counseling sessions relating to the deficiencies in performance;
- The reasons for the disciplinary action;
- The corrective action needed by the employee;
- That dismissal may result in the case of recurrence or in the case of other acts requiring disciplinary action; and
- The employee's right of appeal under the grievance procedure.

A disciplinary suspension by the Department Head may occur immediately and without notice to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. When a Department Head suspends an employee immediately, he/she shall tell the employee to leave Town property at once and remain away for the specified time. The Department head will immediately notify the Human Resources Director. Additional disciplinary action may be taken in such cases if deemed appropriate upon further investigation.

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

**Dismissal:** An employee may be dismissed due to the frequency or nature of work deficiencies or unacceptable workplace behavior, misconduct, or because of continued substandard performance. Also, violations of such a degree that continued employment of the individual may not be desirable may be grounds for immediate dismissal without prior progressive disciplinary steps.

A non-introductory employee who is dismissed should be granted a pre-dismissal meeting to explain to the employee why dismissal is being considered and allow the employee to present his/her side of the situation. No attorneys or other such representatives for either party need be present at this meeting; a witness or security personnel may be present if management deems necessary. The Human Resources Director (or designee) will attend to monitor the pre-dismissal meeting process. A management representative (usually the employee's supervisor) will present the specific reasons for the proposed disciplinary action. The employee will have the right to respond in the meeting.

Following the pre-dismissal meeting, the management representative (usually the Department Head) should review and reflect on the information provided in the meeting, and render the Town's decision no sooner than the next day. If the management representative determines that a disciplinary action is justified, he/she will give a decision to the employee in writing with a copy to be placed in the employee's personnel file. The letter should be reviewed by the Human Resources Director and indicate:

- The Town's decision of the disciplinary action;
- A statement of the reason(s) for the action;
- The effective date;
- The right of a timely appeal through the grievance procedure; and
- The right to a name-clearing hearing.

### NON-DISCIPLINARY SUSPENSION

Non-disciplinary suspensions may be used to allow time to investigate, establish facts and reach a decision concerning an employee's status in those cases in which it is determined the employee should not continue to work pending a decision, to provide time to schedule and hold a pre-dismissal meeting, to avoid undue disruption of work, or to protect the safety of persons or property. A non-disciplinary suspension for investigatory purposes may be with or without pay or a combination of the two. If the allegation proves false or if no disciplinary or other action is taken based on the results of the investigation, the employee will return to active work status without loss of pay and benefits.

### EMPLOYEE APPEAL

A employee, who is past the 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;
- e. Increasing the sense of responsibility exercised by supervisors in dealing with their employees; and
- f. Encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship, and therefore, encouraging conflicts to be resolved at the lowest level possible of the chain of command.

**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:** Nothing in this grievance procedure is intended to create an expressed or implied agreement that alters the employment at-will relationship that exists between the Town and the employee, nor

does it provide or vest any employee with any due process or procedural rights prior to the imposition of disciplinary action or dismissal.

If an employee has any question as to which step of the procedure, he/she should initiate his/her grievance, he/she should contact Human Resources for directions.

***In the case of an unlawful workplace harassment complaint involving a supervisor or leader in the employee's chain-of-command, the employee may skip any of these steps, report the matter directly to the Department Head or the Human Resources Director. Please see the Town's No Harassment/No Discrimination/No Retaliation section within this Employee Handbook.***

The response from the supervisor for each step in the formal grievance process outlined below shall be in writing and signed by the supervisor and by the employee whenever possible to acknowledge receipt. The responder at each step shall send copies of the grievance and response to the Human Resources Director.

**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.

**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 15 calendar days after receipt of the grievance. The supervisor should, and is encouraged to consult with any employee of the Town in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible.

**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 15 calendar days of receipt of the supervisor's written decision. 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 15 calendar days.

**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 15 calendar days of receipt of the decision rendered in Step Two. The Town Manager will render a decision within 15 calendar days of receipt of the grievance. The Town Manager may postpone issuance of the decision for up to 30 additional calendar days to further investigate, consult with the Town Attorney, or seek advice from other responsible sources. All decisions rendered by the Town Manager are final.

In the case of department heads, a direct report of the Town Manager, or other employees filing a grievance where the Town Manager has been significantly involved in determining disciplinary action, including dismissal, the Town may wish to obtain a neutral outside party to act as a mediator to assist in

resolving the conflict. Such parties might consist of human resource professionals, attorneys trained in mediation, mediators, or other parties appropriate to the situation.

### 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. Assist in locating mediation or other resources as needed; and
- g. 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

When an employee, former employee, or applicant, believes that any employment action discriminates illegally (i.e. race, religion, religious creed, color, national origin, ancestry, sex/gender, age, non-disqualifying disability, genetic information, marital status, sexual orientation, transgender status, political affiliation, military service or veteran status, citizenship status, based on actual or perceived gender as expressed through dress, appearance, or behavior, or any other classification protected by applicable federal, state, or local laws and ordinances), he/she has the right to appeal such action using the grievance procedure. While such people are encouraged to use the grievance procedure, they shall also have the right to appeal directly to the Human Resources Director or Town Manager. Employment actions subject to appeal because of discrimination include promotion, training, classification, pay, disciplinary action, transfer, layoff, failure to hire, or termination of employment. An employee or applicant should appeal against an alleged act of discrimination within thirty (30) calendar days of the alleged discriminatory action or within thirty (30) calendar days the date he/she should have become aware of it.

## SEPARATION AND REINSTATEMENT

All separations of employees from positions shall typically be for one of the following reasons: resignation, disability, voluntary retirement, dismissal, separation during introductory period, separation due to unavailability when leave is exhausted, death, or reduction in force.

The Finance Director shall, to the extent allowed by law, deduct and withhold from the final paycheck or leave pay out of the employee any amount owed to the Town. The Town may also collect unpaid employee debt through the North Carolina Debt Setoff Program.

- a. **Resignation:** An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible. In all instances 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 waived by the Town Manager. A minimum of thirty days' notice is expected of department directors and the Town Manager.

Three consecutive days of absence without contacting the immediate supervisor or Department Head may be considered a voluntary resignation. Separation pursuant to this policy should not occur until the department has undertaken reasonable efforts to indicate that the employee was able to give or have someone else give notice during the period absent.

Sick leave will only be approved during the final two weeks of a notice with a physician's certification or comparable documentation. The date of separation is the last day of work (excluding verified unavailability due to physical or mental impairment or other requirements by law).

- b. **Disability:** The Town will comply with the Americans with Disabilities Act and will make all responsible efforts to provide reasonable accommodation to employees who may be or become disabled. An employee who cannot perform the essential duties of a position because of a physical or mental impairment may be separated for disability. Action may be initiated by the employee or the Town. In cases initiated by the employee, such action must be accompanied by medical evidence acceptable to the Town Manager. The Town may require an examination, at the Town's expense, performed by a physician of the Town's choice.

Employees who meet the requirements of the North Carolina Local Governmental Employees' Retirement System may qualify for a disability retirement. Information about this option is available from the Retirement System.

- 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:** An employee may be dismissed/terminated in accordance with the provisions and procedures of the policies set forth by the Town of Pineville.
- f. **Separation During Introductory Period:** An employee not meeting the requirements of the job may be released at any time during the introductory period. A new hire introductory employee who separates from Town employment, either voluntarily or involuntarily. Separation during the introductory period creates no right of grievance or appeal pursuant to this Handbook, unless approved by the Town Manager.
- g. **Separation Due to Unavailability When Leave is Exhausted:** An employee may be separated on the basis of unavailability when the employee becomes or remains unavailable for work after applicable leave has been exhausted and leave without pay has not been granted for reasons deemed sufficient by the employing department and approved by the Town Manager. Part-time employees with no leave accrual benefits may be separated for this reason when he/she is not available to work as needed for Town business operations. Such reasons include but are not

limited to, lack of suitable temporary assistance, criticality of the position, budgetary constraints, etc. Such separation is an involuntary separation, not a disciplinary dismissal, and may be grieved or appealed.

**Reduction in Force:** In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance, organizational needs, and seniority in determining those employees to be retained. The Town Manager may implement a reduction in force. No regular employee shall be separated because of a reduction in force while there are Limited Service or introductory employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the Limited Service or introductory employee.

Employees laid off because of a reduction in force shall be given at least 30 calendar days' notice; should a severance package be provided, advance notice is not required. Severance pay shall not be offered to introductory, temporary, or seasonal employees. Any severance package shall be subject to the terms and conditions set forth therein, and will generally require the execution of a written severance agreement and release.

**Reinstatement:** An employee who is separated because of reduction in force may be reinstated within one year of the date of separation, upon recommendation of the Department Head, and upon approval of the Town Manager. An employee who is reinstated in this manner shall be credited with previous service and previously accrued sick leave. The compensation paid to a reinstated employee shall be as close as reasonably possible, given the circumstances of each employee's case, to the compensation level previously attained in the pay grade range for the previous class of work.

**Rehire:** An employee who resigns while in good standing may be rehired with the approval of the Town Manager, and may be regarded as a new employee, subject to all of the provisions of this Handbook.

## OPERATING POLICIES AND PROCEDURES

### RECORDS AND REPORTS

**Public Information:** In compliance with N.C.G.S. 160A-168 the following information is a matter of public record with respect to each Town employee:

- Name;
- Age;
- Date of original employment or appointment to the service;
- 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;
- Current position title;
- Current salary;
- The office to which the employee is currently assigned;
- Date and amount of each increase or decrease in salary with the Town;



- Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the Town;
- Date and general description of the reasons for each promotion with the Town; and
- 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 and Maintenance of Personnel Records

All information contained in a Town employee’s personnel file (as defined in NCGS 160A-168) other than the information listed above in the Public Records Act is confidential and is open to inspection only in accordance with NCGS 160A-168. The Human Resources Director is the official custodian of all Town personnel records. The Town shall maintain in personnel records only information that is relevant and necessary to accomplish personnel administration purposes and for the proper administration of the personnel system.

Employees and former employees may contact the Human Resources Department to review their personnel file by a scheduled appointment. An employee who objects to material in his/her file may place a statement in the file relating to the material considered to be inaccurate or misleading. In accordance with established grievance procedures, the employee may seek to have a record of upheld grievances relating to personnel records placed in the file and/or may seek removal of material in the file contingent upon approval of the North Carolina Department of Cultural Resources.

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

Employees are responsible for notifying the Human Resources Department promptly when there is a change in employee information such as, but not limited to, name, address, telephone number, emergency contact information, dependent information. If an employee’s personal status, such as marital status, should change or if he/she has an addition to the family, the employee should notify Human Resources. Benefits may be affected and the employee may need to change insurance, tax, and/or other records.

All employment verifications for former and current employees must be directed to the Human Resources Department. Requests for any information other than the information listed in NCGS 160A-168(b) as public information, requires a signed written authorization/release form by the employee/former employee prior to Human Resources Department releasing any information or as otherwise authorized in NCGS 160A-168. To verify the employee’s (and former employee) signature, the Town may take additional steps such as contacting the employee directly to verify the signature or requiring a notarized authorization.

## Unauthorized Access to Confidential Records Prohibited

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

N.C.G.S. 160A-168 provides that any person not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined 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 N.C.G.S. 121.5 without the consent of the State Department of Cultural Resources. Whoever unlawfully 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 N.C.G.S. Chapter 132.3



Acknowledgement of Receipt of Town of Pineville Employee Handbook

I have received a copy of the Town of Pineville Employee Handbook effective May 1<sup>st</sup>, 2024. 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 Town of Pineville Employee Handbook or its contents should be directed to my 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 Town of Pineville employees, regardless of their classification or position, are employed on an at-will basis, and their employment may 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