



TOWN OF  
**VALDEESE**  
*Personnel Policies*

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**TOWN OF VALDESE  
PERSONNEL POLICY**

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

**Amended and adopted by the Valdese Town  
Council on May 28, 2026.**

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## PREFACE

The Valdese Town Council is responsible for establishing the personnel policies for Town Employees. This manual is designed to help employees understand how to successfully navigate employment with the Town. Whether you are a new employee or have been a Town of Valdese employee for many years, we believe you will find the information contained in the Employee Personnel Policies useful in understanding your responsibilities as a Town of Valdese employee and a helpful guide to explain the benefits available to you.

The Town of Valdese Employee Personnel Policies provide the Town with a framework to promote consistent human resource management practices and procedures throughout all Town departments. We believe these policies promote a work environment that helps employees perform their duties to the best of their abilities in service to the citizens of Valdese.

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

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

## **ARTICLE I. GENERAL PROVISIONS**

### **Section 1. Purpose of the Policy**

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

### **Section 2. At Will Employment**

None of the benefits or policies set forth in these policies are intended, because of their publication, to confer any rights or privileges upon employees or to entitle them to be or remain employed by the Town. The contents of this document are presented as a matter of information only. These personnel policies are not a binding contract, but merely a set of guidelines for the implementation of personnel policies. The Town explicitly reserves the right to modify any of the provisions of these policies at any time and without any notice to employees. Notwithstanding any of the provisions within these policies, employment may be terminated at any time, either by the employee or by the Town, with or without cause and without advance notice.

### **Section 3. Merit Principle**

All appointments and promotions shall be made solely on the basis of merit. No applicant for employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee because of such individual's race, color, religion, gender, national origin, political affiliation, non-disqualifying disability, marital status, veteran status, age, sexual orientation, genetic information, or on the basis of actual or perceived gender identity.

### **Section 4. Responsibilities of the Town Council**

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

### **Section 5. Responsibilities of the Town Manager**

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

and procedures spelled out in other Articles in this Policy.

The Town Manager shall supervise or participate in:

1. Recommending rules and revisions to the personnel system to the Town Council for consideration.
2. Making changes as necessary to maintain an up to date and accurate position classification plan.
3. Preparing and recommending necessary revisions to the pay plan.
4. Determining which employees shall be subject to the overtime provisions of FLSA.
5. Developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town.
6. Performing such other duties as may be assigned by the Town Council not inconsistent with this Policy; and
7. Appointing an employee to the role of Human Resources Director.

## **Section 6. Responsibilities of the Human Resources Director**

The responsibilities of the Human Resources Director shall be to ensure the establishment, implementation and management of a modern personnel system reflecting the Equal Employment Opportunity and Non-discriminatory vision and values of the Town of Valdese. Those responsibilities include, but shall not be limited to, the following:

1. Recommending rules and revisions to the personnel system to the Town Manager for consideration.
2. Recommending changes as necessary to maintain an up to date and accurate position classification plan.
3. Recommending necessary revisions to the pay plan.
4. Recommending which employees shall be subject to the overtime provisions of FLSA.
5. Maintaining a roster of all persons in the municipal service
6. Establishing and maintaining a list of authorized positions in the municipal service at the beginning of each budget year which identifies each authorized position, class title of position,

salary range, any changes in class title and status, position number and other such data as may be desirable or useful.

7. Developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town.
8. Developing and coordinating training and educational programs for Town employees.
9. Periodically investigating the operation and effect of the personnel provisions of this Policy; and
10. Performing such other duties as may be assigned by the Town Manager not inconsistent with this Policy.

### **Section 7. Application of Policies, Plan, Rules, and Regulations**

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

### **Section 8. Departmental Rules and Regulations**

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

### **Section 9. Definitions**

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

**Adverse Action.** A demotion, dismissal, reduction in pay, layoff, suspension, or an involuntary transfer.

**Allocated Position.** An allocated position is authorized as a regular position by the Town Council.

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

**Applicant.** One who applies for a vacant position by completing and submitting an application for employment regardless of current employment status (e.g. a current Valdese employee becomes an applicant when an application for another position is submitted).

**Class.** A position or group of positions having similar duties and responsibilities requiring similar qualifications which can be properly designated by one title indicative of the nature of work performed and which carry the same salary range.

**Close Relationship.** A mutually acceptable relationship, including dating, co-habitation, or other personal relationship between Town employees.

**Compensatory Time (Comp Time).** Under the Fair Labor Standards Act (FLSA) local governments may, at their discretion, compensate employees in time off rather than pay when employees work more than the standard workweek or work period hours for their classification (40 hours in a 7-day period; 171 hours for police and 212 hours for fire personnel in a 28-day cycle). The Comp Time is earned at the rate of one and one-half hours for each hour, or portion thereof, worked beyond the above stated standard workweek or work period hours. During any absence, employees are required to use any accrued Comp Time hours prior to the use of any vacation, sick or holiday leave.

**Continuous Service.** Years of regular service with the Town of Valdese without a termination and rehire of employment. This does not include Family and Medical leaves of absence or eligible Military Leave under the Uniformed Services Employment and Reemployment Rights Act (USERRA). Continuous service in regard to the Health Insurance for Retirees only includes full-time, regular employees.

**Demotion.** Demotion is the movement of an employee to a position or classification having a lower salary range than the position or classification from which the reassignment is made.

**Department Head.** The highest level of supervision and coordination within a department or agency.

**Exempt Employee.** In accordance with the Fair Labor Standards Act, an employee's classification who is not required to be compensated for overtime for work performed beyond forty hours in a work week.

**Full-time employee.**

1. Regular: An employee, appointed to a regular established position, who is regularly scheduled to

work at least 35 hours per week.

2. Temporary: An employee, appointed to a temporarily established position, who is regularly scheduled to work at least 35 hours per week.

**Grievance.** A claim or complaint based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment expectations. A grievance may involve allegations of involuntary demotion, suspension, dismissal, sexual harassment, discriminatory practices and/or hostile work environment. A grievance is not allowed for performance evaluations, suspensions with pay and/or voluntary demotions. A grievance does not include being turned down for promotion or transfer unless discrimination is alleged to have caused said action.

**Harassment.** Any unwelcomed comment or treatment made because of race, color, religion, sex (including pregnancy), national origin, age, disability, retaliation, political affiliation, veteran status, genetic information that creates a hostile work environment or circumstance. This term includes sexual harassment.

**Hostile Work Environment.** An environment in which a reasonable person would find hostile or abusive and that the particular person who is the object of the harassment perceives to be hostile or abusive. Hostile work environment is determined by looking at several circumstances including the frequency of the alleged harassing conduct, its severity, whether it is physically threatening or humiliating and how it interferes with an employee's work performance or working conditions.

**Immediate Family.** A person's parents, siblings, spouse, children, or an individual related by blood whose close association is an equivalent of a family relationship. Also included are others connected by birth, adoption, marriage, civil partnership, or cohabitation, such as grandparents, great-grandparents, grandchildren, great grandchildren, aunts, uncles, nieces and nephews, siblings-in-law, half-siblings, cousins, adopted children and step-parents/step-children, and cohabiting partners. For purposes of Federal and State use, this definition may be defined differently.

**Intern.** An individual assigned to specific and/or general tasks as a requirement or fulfillment for educational credit and/or experience.

**Maximum Salary Rate.** The maximum salary authorized for an employee within an assigned salary range.

**Minimum Salary Rate.** The minimum salary authorized for an employee within an assigned salary range, except that an employee in a "Trainee" or "Intern" status may be compensated at a rate below the minimum salary for the assigned salary range.

**Merit Increase.** An increase in salary within the same salary grade, based on meritorious service and/or performance of duties based on the performance evaluation system.

**Non-Exempt Employee.** In accordance with the Fair Labor Standards Act, an employee who is required to be compensated for overtime at the rate of time and one-half their regular rate of pay for all hours worked beyond forty hours in a workweek, or a sworn law enforcement working more than 171 hours in their established 28-day work period or 84 hours in a 14-day work period, or a firefighter working more than 212 hours in their established 28-day work period or 106 hours in a 14-day work period.

**Part-time employee.**

1. Regular Part-Time Employee: An employee appointed to a regularly established position, who is regularly scheduled to work less than 35 hours per week, but at least 20 hours per week.
2. Temporary Part-Time Employee: An employee appointed to a temporarily established position, who is regularly scheduled to work less than 35 hours per week.

**Pay Plan.** A schedule of pay grades and ranges systematized into sequential rates including minimum, midpoint and maximum for each class assigned to any given salary range.

**Position.** A group of current duties and responsibilities assigned by competent authority, requiring the full or part-time employment of one person, but the existence of a position or its identity does not depend upon its being occupied by an employee.

**Position Classification Plan.** An approved plan by the Town Council that assigns classes (positions) to the appropriate pay grade.

**Prior Service Credit.** Recognition of time worked with another Retirement System employer (Local Governmental Employees Retirement System or Teachers and State Employees Retirement System). The recognized time must have been continuous and the break in service before employment by the Town of Valdese cannot have exceeded one year. The recognized prior service credit shall only be used for the determination of “years worked” for vacation accrual.

**Probationary Employee.** A person appointed to an allocated position who has not yet successfully completed the designated probationary period. A probationary employee may be rejected, dismissed, demoted or suspended without the right to appeal. An employee who successfully completes the probationary period will be considered a regular employee of the Town.

**Probationary Period.** The initial six (6) months (12 months for Sworn Law Enforcement Officers, Fire Fighters, and Department Heads) of employment or promotion representing the period of observable work performance to determine the suitability and ability of the employee to satisfactorily perform the duties and responsibilities of the position. The Probationary Period may be extended up to an additional six (6) months but shall not exceed twelve (12) months (18 months for Sworn Law Enforcement Officers, Fire Fighters, and Department Heads).

**Promotion.** The reassignment of an employee to an existing position or classification in the Town service having a higher salary range than the position or classification from which the reassignment is made.

**Reclassification.** When, due to substantial and permanent changes, the majority of job duties, complexities and/or knowledge and skills required in a position are determined to be at a higher (or lower) classification level than the current level of the position, the position may be eligible for reclassification review. Changes in the nature, variety and complexity of job duties, the supervision received or supervision exercised, or the responsibility for staff and/or resources, may justify a reclassification review. Changes in the volume of work assigned, or an employee's performance, are not considered justification for a reclassification.

**Reduction in Force.** The abolishment of or reduction of all or some portion based on needs of the Town, workload and availability of funding.

**Regular employee.** An employee appointed to a regular full or part-time position who has successfully completed the designated probationary period. If the employee hired is designated a “trainee”, the employee shall also satisfy the minimum education and work experience requirements of the position becoming a regular employee.

**Regular position.** A position authorized for the fiscal year for a full twelve months and budgeted for twenty or more hours per week. All Town positions are subject to budget review and approval each year by the Town Council, and all employees' work and conduct must meet Town standards.

**Salary Grade.** All positions that are sufficiently comparable to warrant one range of pay rates. For the purpose of this definition, the words “grade”, “salary range”, “level” and “range” are used interchangeably.

**Salary Range.** The salary/pay rate assigned to each pay grade of the salary plan including minimum, midpoint and maximum pay rates.

**Salary Schedule.** A listing, by pay grades, of all the approved salary ranges authorized by the Town

Council for the various position classifications of Town government.

**Temporary Employee.** A person hired by the Town to perform additional, extra or special project assignment. May work on a seasonal or short-term basis. Temporary employees are paid on an hourly basis for hours actually worked and cannot work more than 25 hours, on average, in a work week. They are not eligible for benefits except those mandated by State and Federal government. The temporary employee or the Town can, at any time or for any reason, terminate the employment relationship.

**Trainee.** An employee who does not meet minimum education or experience requirements for a position but can, within a specified period, meet the established minimum requirements. An employee designated as such, appointed to a position in any class for which the Department Head and Human Resources Director has authorized “trainee” appointments. An individual may not be appointed as a trainee if he/she possesses the acceptable training and experience for the regular class and must be appointed to the regular class when he/she gains the acceptable and experience. A trainee must be paid at a rate below the minimum of the regular class. A trainee will remain in probationary status until they meet the qualifications of the position.

**Transfer.** The reassignment of an employee from one position or department to another.

## **ARTICLE II. POSITION CLASSIFICATION PLAN**

### **Section 1. Purpose**

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

### **Section 2. Composition of the Position Classification Plan**

The classification plan shall consist of:

1. A grouping of positions in classes which are approximately equal in difficulty and responsibility which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions.
2. Class titles descriptive of the work of the class.
3. Written specifications for each class of positions; and
4. An allocation list showing the class title of each position in its assigned pay grade.

### **Section 3. Use of the Position Classification Plan**

The classification plan is to be used:

1. In determining lines of promotion and in developing employee training programs.
2. In determining salary to be paid for various types of work.
3. In determining personnel costs in departmental budgets; and
4. In providing uniform job terminology.

#### **Section 4. Administration of the Position Classification Plan**

The Human Resources Director shall allocate each position covered by the classification plan to its appropriate class and shall be responsible for the administration of the position classification plan. The Human Resources Director shall periodically review portions of the classification plan and recommend appropriate changes to the Town Manager.

#### **Section 5. Position Control and Organizational Authority**

Pursuant to N.C. General Statute § 160A-148, the Town Manager shall serve as the chief administrator of the Town and shall be responsible for the administration of all municipal affairs placed in the Manager's charge by the Town Council. Consistent with this authority, the Town Manager is authorized to establish, modify, reclassify, and eliminate positions within the Town's organizational structure, and to appoint, suspend, or remove employees, in accordance with adopted personnel policies and applicable law.

The Town Manager shall keep the Town Council informed of material organizational or staffing changes, including the creation, elimination, or significant reclassification of positions. Such notification shall be provided in a timely manner for informational purposes only, unless otherwise required by law.

The Town Council retains authority to adopt personnel policies, establish the position classification and pay plan, and appropriate funding through the annual budget ordinance. No position shall be filled, nor compensation paid, unless sufficient funding has been authorized by the Town Council in accordance with the Local Government Budget and Fiscal Control Act (G.S. Chapter 159).

Nothing in this policy shall be construed to authorize expenditures or staffing levels in excess of those approved in the adopted budget ordinance.

#### **Section 6. Request for Reclassification**

When changes have occurred in a classification resulting in substantial and permanent changes in job duties, complexities, responsibilities and/or authorities, it is the responsibility of the Department Head to notify the Human Resources Director of such changes. Upon receipt of such notification, the Human Resources Director shall study the classification and make a determination regarding any changes in the essential functions. At the conclusion of the study the Human Resources Director shall recommend to the Town Manager any necessary revision to the classification.

## **ARTICLE III. THE PAY PLAN**

### **Section 1. Definition**

The pay plan includes the basic salary schedule and the "Assignment of Classes to Grades" adopted by the Town Council. Each position is assigned a classification title, and each title is assigned to a salary grade with a specific salary range. Positions are assigned to grades within the pay plan based on the duties and responsibilities assigned. Positions with more complex tasks, more responsibility, or requiring more technical knowledge are assigned to higher salary grades than positions with lower responsibilities or knowledge requirements. Salary grade ranges are set based on two components: competitiveness with the market and internal equity with similar positions and occupational groups. The salary schedule consists of the minimum, midpoint and maximum rates of pay for all classes of positions, and a designation of the standard hours in the work week for each position.

### **Section 2. Administration and Maintenance**

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

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the Town, and other factors. To this end, the Human Resources Director shall make periodic comparative studies of all factors affecting the level of salary ranges including the consumer price index, anticipated changes in surrounding employer plans, and other relevant factors, and will recommend to the Town Manager such changes in salary ranges as appear to be pertinent. Such changes shall be made in the salary ranges such that the minimum rate, all intervening rates, and the maximum change according to the market. Periodically, the Town Manager shall recommend that individual salary ranges be studied and adjusted as necessary to maintain market competitiveness. Such adjustments will be made by increasing or decreasing the assigned salary grade for the class and adjusting the rate of pay for employees in the class when the action is approved by the Town Council.

**Section 3. Starting Salaries**

All persons employed in positions approved in the position classification plan shall normally be employed at the minimum rate for the classification in which they are employed; however, exceptionally well qualified applicants may be employed above the minimum rate of the established salary range upon recommendation of the Human Resources Director and approval of the Town Manager. Such recommendation and approval may be based on such factors as exceptional qualifications of the applicant, shortage of qualified applicants, equal pay justification or operational need.

**Section 4. Trainee Designation and Provisions**

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

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

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

**Section 5. Merit Pay**

Upward movement within the established salary range for an employee is not automatic but rather based upon specific performance-related criteria. Procedures for determining performance levels and performance pay increases or other performance-related movement within the range shall be established in procedures approved by the Town Manager. Funding for merit pay adjustments is contingent upon annual review and consideration of the Town Council.

**Section 6. Merit Pay Bonus**

Employees who are at the maximum amount of the salary range for their position classification are eligible to be considered for a Merit Bonus at their regular performance evaluation time.

Merit bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation and in the same amounts as employees who are within the salary range. Merit bonuses, contingent upon Town Council annual approval, shall be awarded in lump sum payments and do not become part of base pay.

## **Section 7. Salary Effect of Promotions, Demotions, Transfers, and Reclassifications**

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

**Demotion.** A demotion is a move to a position in a lower salary grade. Demotions can be either voluntary, where the employee chooses to take a position in a lower salary grade, or involuntary/disciplinary, resulting from inefficiency in performance or as a disciplinary action. When an employee is voluntarily demoted to a position for which qualified, the employee's salary shall be reduced to reflect the decrease in job responsibilities. The new salary shall be set in the lower pay range that provides a salary commensurate with the employee's qualifications and is consistent with the placement of other employees within the same classification. Employees who accept a voluntary demotion and retain their salary, and are then promoted within 24 months, will retain that same salary. If the demotion is the result of discipline, the salary shall be decreased by at least 5%. If the salary of the demoted employee is above the maximum of the new range, the employee's salary shall be maintained at that level until such time as the employee's salary range is increased above the employee's current salary.

**Reassignment.** A reassignment is defined as the voluntary movement to a position in a lower salary range. When an employee takes a reassignment, the salary shall be set at the rate in the lower pay range which provides a salary commensurate with the employees' qualifications to perform the job and consistent with the placement of other employees within the same classification. Salary may be retained at the same level when this option does not create internal inequities with other employees in the same or similar job.

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

**Reclassifications.** A reclassification is a change in a position's salary grade and title due to substantial and permanent increases or decreases in job responsibilities, complexities, duties and authorities. An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase of 5% or an increase to the minimum rate of the new pay range, whichever is higher.

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

### **Section 8. Salary Effect of Salary Range Revisions**

A salary range revision is a change in the salary range or grade assigned to a specific class of positions. The change may be based upon increased salaries in the relevant labor market, recruitment and retention data or increased complexity in job content. When a class of positions is assigned to a higher salary range, employees in that class shall receive a pay increase of 5%, or to the minimum rate of the new range, whichever is higher. When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum rate established for the new class, the salary of that employee shall be maintained at that level until such time as the employee's salary range is increased above the employee's current salary.

### **Section 9. Transition to a New Salary Plan**

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

1. No employee shall receive a salary reduction as a result of the transition to a new salary plan.
2. All employees being paid at a rate lower than the minimum rate established for their respective classes shall have their salaries raised at least to the new minimum rate for their classes. If the employee has passed probation, the employee's salary shall be advanced at least to the probation completion amount in the new range.
3. All employees being paid at a rate above the maximum rate established for their respective classes shall have their salaries maintained at that salary level with no increases until such time as the employees' salary range is increased above the employees' current salary.

**Section 10. Effective Date of Salary Changes**

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

**Section 11. Overtime Pay Provisions**

Employees of the Town can be requested and may be required to work in excess of their regularly scheduled hours as necessitated by the needs of the Town and determined by the Department Head, or Town Manager. Overtime work should normally be approved in advance by the Department Head, Town Manager or other designated Town official; however, employees are not to perform work during any time they are not scheduled to work unless they receive approval from their Department Head. Working unapproved overtime may result in disciplinary action, up to and including termination of employment.

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

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period; 171 hours for police and 212 hours for fire personnel in a 28-day cycle). Hours worked beyond the established FLSA limit will be compensated in either time or pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will Comp. Time, vacation leave, sick leave, or holidays be included in the computation of hours worked for FLSA purposes.

**Section 12. Compensatory Time (Comp Time)**

From time to time, it will be necessary for Non-Exempt employees to work beyond their standard workweek or work period hours in order to accomplish various tasks and projects required in the delivery of services to the Town’s citizens.

Compensatory Time (Comp Time) shall apply to overtime hours worked by those employees classified as Non-Exempt under the Fair Labor Standards Act guidelines and regulations. Overtime hours are defined as those hours, or portion of hours, worked beyond the standard 40-hour workweek schedule for non-public safety employees. For public safety employees (sworn law enforcement officers and

firefighters) the standard work period is 171 hours (law enforcement) and 212 hours (firefighters). The following guidelines shall apply to the administration of Comp Time:

1. No employee shall earn overtime or compensatory time without prior authorization by the Department Head.
2. The administration and management of compensatory time is the responsibility of each Department Head.
3. Compensatory leave balances may not exceed 40 hours except for public safety employees (sworn police and firefighting employees) who may not accrue more than 48 hours. Any overtime worked after such maximum balances must be compensated in pay.
4. Whenever practicable, Departments Heads will schedule employee time off on an hour-for-hour basis within the applicable workweek or work period for non-exempt employees, instead of compensating for overtime.
5. Employees are required to use any accrued compensatory time before June 30, the end of each fiscal year. Employees, if they choose, may retain and carry over up to twenty-four (24) hours for non-shift workers and forty-eight (48) hours for shift workers into the next fiscal year.
6. Department Heads shall maintain a record of employee compensatory accrual and usage and shall report each employee's compensatory time record to the Human Resources Director at the beginning of each calendar quarter (the first week in January, April, July and October).

**Section 13. Flex Time**

Employees in positions classified as “exempt” from the FLSA (Executive, Administrative, or Professional staff) will not receive additional pay for hours worked in excess of their normal work periods (typically 40 hours per week). These employees may, at their supervisor’s discretion and where the needs of the department allow, be granted flexible time off (“Flex Time”) on an hour-for-hour basis.

Flex Time is not guaranteed to be taken and has no cash value. Any unused Flex Time is forfeited upon separation from employment.

Exempt employees may not carry more than 120 hours of Flex Time. In emergency situations or during staffing shortages, the Town Manager may authorize a temporary extension of this limit. Following such authorization, the Town Manager or their designee shall notify the employee that they have twelve (12) months to reduce their accumulated Flex Time below the 120-hour threshold. Any Flex Time exceeding this limit that is not used within the twelve-month period will be forfeited.

**Section 14. Call-back and Stand-by Pay**

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

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

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

**Stand-by.** Non-exempt employees required to be on "stand-by" duty will be paid for three hours of work for each week (approximately 128 hours, excluding work time) of stand-by time they serve. Stand-by compensation for less than one full week shall be determined by the ratio of .0234 hours of pay per one hour of stand-by time. Hours actually worked while on stand-by are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week. Stand-by time is defined as that time when an employee must carry a pager or other communication device and must respond immediately to calls for service.

Stand-by time is normally assigned in seven-day increments. Employees designated for stand-by time must be fit for duty (not under the influence of any alcohol or drugs and able to respond within 30 minutes). Stand-by schedule changes must be approved by the department head.

**Section 15. Payroll Deduction**

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

**Section 16. Hourly Rate of Pay**

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

**Section 17. Longevity**

The Town of Valdese values the years of satisfactory performance provided by employees in their delivery of services to our citizens. The Town Council may appropriate funds, subject to annual review, in support of this recognition and the amount of longevity pay is subject to change each year, depending on the compensation package recommended by the Town Manager and approved by the Town Council. Employees may be eligible for longevity pay provided the conditions stated within this section are met.

1. Employees must have completed a minimum of five years of continuous full-time service to

receive any longevity pay. Determination of years of continuous full-time service will be calculated annually. Employees who have not completed a minimum of five years of continuous service shall receive a payment in accordance with the table below.

2. An employee on continuous leave without pay for more than ninety (90) workdays during the calendar year shall not be eligible for longevity payment in that calendar year.
3. An employee who resigns or is terminated from his/her position with the Town of Valdese, but is re-hired by the Town, will have his/her length of service calculated from the beginning of the latest term of full-time regular employment.
4. In order to receive longevity pay, in addition to fulfilling the preceding requirements, an employee must be on the active payroll, or on approved leave without pay status, at the time of the longevity payment. Longevity payments shall be made as part of the last payroll of the employee's anniversary date.

The longevity payments will be based on the following schedule. Years of Service are calculated as of the employee's employment anniversary date each calendar year. Longevity payments are not considered a part of an employee's annual base pay and appropriate federal, state, retirement, etc. deductions will be made from the payment.

Longevity amounts shall be as follows for employees hired prior to November 6, 2007 with a \$3,000 maximum for any one individual:

<u>Years of Service</u>	<u>Amount</u>
1-2 years	1% of annual Salary or \$400 whichever is greater
3-4 years	1.5% or \$400 whichever is greater
5-9 years	\$ 2.0%
10-14 years	\$ 2.5%
15-19 years	\$ 3.0%
20 -29 years	\$ 3.5%
30 plus years	\$ 4.0%

Longevity amounts shall be as follows for employees hired on or after November 6, 2007 and no later than April 30, 2020, with a \$3,000 maximum for any one individual:

<u>Years of Service</u>	<u>Amount</u>
0- but less than 5 years	-0-
5 but less than 10 years	2.0%
10 but less than 15 years	2.5%
15 but less than 20 years	3.0%
20 but less than 30 years	3.5%
30 plus years	4.0%

Longevity amounts shall be as follows for employees hired on or after May 1, 2020 and no later than June 30, 2026, with a \$2,000 maximum for any one individual:

<b>Years of Service</b>	<b>Longevity Amount</b>
5 but less than 10 Years	\$500.00
10 but less than 15 Years	\$750.00
15 but less than 20 Years	\$1,000.00
20 but less than 25 Years	\$1,250.00
25 or more Years	\$2,000.00

Longevity amounts shall be as follows for employees hired on or after July 1, 2026 with a \$3,000 maximum for any one individual:

<u>Years of Service</u>	<u>Amount</u>
0- but less than 5 years	-0-
5 but less than 10 years	2.0%
10 but less than 15 years	2.5%
15 but less than 20 years	3.0%
20 but less than 30 years	3.5%
30 plus years	4.0%

Effective July 1, 2026, employees employed on or after July 1, 2026 shall receive Longevity payments, as may be budgeted and authorized, under the longevity payment schedule in effect at the time of longevity eligibility.

**Section 18. Pay for Interim Assignments in a Higher-Level Classification**

An employee who is formally designated by the Town Manager to perform the duties of a job that is assigned to a higher salary grade than that of the employee’s regular classification shall receive an increase for the duration of the interim assignment, so long as the Interim Assignment is for 30, or greater, workdays. The employee shall receive a salary adjustment to the minimum level of the job in which the employee is performing or an increase of 5%, whichever is greater. The salary increase shall be temporary and upon completion of the assignment, the employee shall return to the salary he/she would have had if not assigned in the interim role, considering any increases the employee would have received if they had not been placed in the interim role.

## **ARTICLE IV. RECRUITMENT AND EMPLOYMENT**

### **Section 1. Equal Employment Opportunity Policy**

The Town of Valdese fosters, maintains and promotes a consistent recruitment program to promote equal employment opportunity and to identify and attract the most qualified applicants for all vacancies. This is achieved through consistency in evaluating all applicants on the same criteria, providing reasonable accommodation as needed, and by applying consistent testing methods when applicable. The Town shall select employees on the basis of the applicant's qualifications for the job and award them with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to age, gender (including pregnancy), race, color, religion, national origin, non-disqualifying disability, political affiliation, veteran status, marital status, sexual orientation, genetic information, or on the basis of actual or perceived gender identity.

### **Section 2. Implementation of Equal Employment Opportunity Policy**

All Town employees responsible for recruitment and employment will continue to review regularly the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related requirements are being actively observed and administered so that no employee or applicant for employment shall suffer discrimination because of age, gender (including pregnancy), race, color, religion, national origin, non-disqualifying disability, political affiliation, veteran status, marital status, sexual orientation, genetic information, or on the basis of actual or perceived gender identity.

Notices with regard to equal employment matters shall be posted in conspicuous places on Town premises in places where notices are customarily posted.

### **Section 3. Recruitment, Selection and Appointment**

**Recruitment Sources.** When position vacancies occur, the Human Resources Director shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Open positions shall be advertised for a period of time sufficient to attract qualified candidates. In order to establish a diverse and qualified applicant pool, vacancy advertisement announcements may be advertised on the Town's website and other relevant websites. Information on job openings and hiring practices may also be provided to a variety of recruitment sources, including professional organizations and news media. All vacancy announcements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes. In rare situations because of emergency conditions, high turnover, etc., the Town may hire or promote without advertising jobs, upon approval of the Town Manager.

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

**Selection.** Department Heads, with the assistance of the Human Resources Director, shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position, including education verification and criminal history where job-related using the DCI when needed. All selection devices administered by the Town shall be valid measures of job performance.

**Appointment.** Before any commitment is made to an applicant either internal or external, the Department Head shall make recommendations to the Human Resources Director including the salary to be paid, and the reasons for selecting the candidate over other candidates. The Human Resources Director and Department Head shall recommend approval of appointments and the starting salary for all applicants to the Town Manager. The Town Manager shall approve appointments and the starting salary for all applicants.

#### **Section 4. Probationary Period**

An employee appointed or promoted to a regular position shall serve a probationary period. The probationary period serves as an extension of the selection process. It provides time for the employee to adjust and allows the supervisor time to ensure the new employee can satisfactorily meet performance expectations before granting regular status. Employees shall serve a six-month probationary period, except that employees in sworn police, fire, and Department Head positions shall serve a twelve-month probationary period. Employees hired as “trainees” shall remain on probation until the provisions of their traineeship are satisfied. During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress by way of a written and signed performance evaluation form. The performance evaluation form will be sent to and maintained in the employee's personnel file located in Human Resources. Employees serving twelve-month probationary periods shall have a review at the end of six months as well as before the end of twelve months.

Before the end of the probationary period, the supervisor shall conduct a performance evaluation conference with the employee and discuss accomplishments, strengths, and needed improvements. A summary of this discussion shall be documented in the employee's personnel file. The supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. Probationary periods may be extended for a maximum of six additional months.

Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary

period of a new hire without following the steps outlined in this policy.

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

### **Section 5. Promotion**

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range. It is the Town's policy to create career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is best suited of all applicants, that applicant shall be appointed to that position. The Town will balance three goals in the employment process: 1) the benefits to employees and the organization of promotion from within; 2) providing equal employment opportunity and a diversified workforce to the community; and 3) obtaining the best possible employee who will provide the most productivity in that position. Therefore, except in rare situations where previous Town experience is essential (such as promotions to Police Sergeant), or exceptional qualifications of an internal candidate so indicate, the Town will consider external and internal candidates rather than automatically promote from within. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Internal candidates shall apply for promotions using the same application process as external candidates.

### **Section 6. Demotion and Reassignment**

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

An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a reassignment. A reassignment is not a disciplinary action and is made without using the above-referenced disciplinary procedures.

### **Section 7. Transfer**

Transfer is the movement of an employee from one position or department to another. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual application process. The Department Head wishing to transfer an employee to a

different department or classification shall make a recommendation through the Human Resources Director to the Town Manager with the consent of the receiving Department Head. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this Policy. An employee who has successfully completed a probationary period may be transferred into the same classification without serving another probationary period.

### **Section 8. Re-Hire or Employment of Retirees**

For special projects or where specific or unique qualifications or experience are needed to fill a vacancy or an identified Town need, the Manager may hire, or re-hire, a retired Town of Valdese employee, or a retired employee from another retirement system employer. The retired employee is responsible for knowing and shall be solely responsible for being in compliance with retirement system rules and regulations regarding re-employment.

### **Section 9. State Bureau of Investigation Background Checks**

North Carolina General Statute 160A-164.2(b) requires each candidate for employment, that requires working with children in any way, to criminal history checks conducted by the North Carolina State Bureau of Investigation (SBI). This requirement shall apply to any position where the employee will be responsible, to any extent, for supervising, transporting, interviewing, teaching, coaching, helping or caring for individuals under the age of 18. The Town must provide applicant information to the SBI in accordance with North Carolina General Statute 143B-1209.26 and as outlined at <https://www.ncsbi.gov/Agency-Access-Agreement>.

## **ARTICLE V. CONDITIONS OF EMPLOYMENT**

### **Section 1. Work Schedule**

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

### **Section 2. Political Activity**

The purpose of this section is to ensure that Town employees are not subjected to political or partisan coercion while performing their job duties, to ensure that employees are not restricted from political activities while off duty, and to ensure that public funds are not used for political or partisan activities.

It is not the purpose of this section to allow infringement upon the rights of employees to engage in free speech and free association. Every Town employee has a civic responsibility to support good government by every available means and in every appropriate manner. Employees shall not be restricted from affiliating with civic organizations of a partisan or political nature, nor shall employees, while off duty, be restricted from attending political meetings, or advocating and supporting the principles or policies of civic or political organizations, or supporting partisan or nonpartisan candidates of their choice in accordance with the Constitution and laws of the State and the Constitution and laws of the United States of America.

Definitions. For the purposes of this section:

- "Town employee" or "employee" means any person employed by the Town or any department or program thereof that is supported, in whole or in part, by Town funds;
- "On duty" means that time period when an employee is engaged in the duties of his or her employment; and
- "Workplace" means any place where an employee engages in his or her job duties.

No employee, while on duty or in the workplace may:

- Use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for political office; or
- Coerce, solicit, or compel contributions for political or partisan purposes by another employee.

No employee may be required as a duty or condition of employment, promotion, or tenure of office to contribute funds for political or partisan purposes.

No employee may use Town funds, supplies, equipment, uniforms, or Town logo when on or off duty for partisan purposes, or for political purposes except where such political uses are otherwise permitted by law.

To the extent that this section conflicts with the provisions of any local act, city charter, local

ordinance, resolution, or policy, this section prevails to the extent of the conflict. (1991, c. 619, s. 2; 1993, c. 298, s. 2.)

Additionally, no employee shall:

1. Use official authority or influence for the purpose of interfering with or affecting the result of a nomination or an election for office.
2. Be a candidate for nomination or election to office under the Town Charter.

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

### **Section 3. Outside Employment**

The work of the Town shall have precedence over other occupational interests of employees. All outside employment for salaries, wages, or commissions and all self-employment must be reported in advance to the employee's supervisor, who in turn will report it to the Department Head. The Department Head will review such employment for possible conflict of interest and then submit a record of the employment and review to the Human Resource Director for placement in the employee's personnel file. Conflicting or unreported outside employment are grounds for disciplinary action up to and including dismissal. In addition, if an employee's outside employment interferes with the employee's ability to work at the Town, the employee will be subject to disciplinary action for poor performance or poor attendance in accordance with normal disciplinary procedures. Documentation of the disapproval or approval of outside employment will be placed in the employee's personnel file.

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

1. Employment with organizations or in capacities that are regulated by the employee or employee's department; or
2. Employment with organizations or in capacities that negatively impact the employee's perceived integrity, neutrality, or reputation related to performance of the employee's Town duties.

Employees are prohibited from performing outside employment while on Workers' Compensation Leave, Family and Medical Leave, or any Leave Without Pay status from Town employment.

### **Section 4. Dual Employment**

A full or part-time employee of the Town, under the Fair Labor Standards Act, may simultaneously hold another temporary position with the Town if the temporary position is in a different department and

clearly different program area from that of the full or part-time position. The work of the temporary position must also be performed on an occasional or sporadic basis as identified in Fair Labor Standards Act regulations. However, the work of the full or part-time position shall take precedence over the temporary position, and such temporary work will not count toward the calculation of overtime for pay or time off. Notwithstanding the language of this section, the Town of Valdese does not authorize any employee to hold dual employment except, in circumstances benefiting the Town, the Town Manager may authorize dual employment. No dual employment shall occur without first being authorized by the Town Manager.

**Section 5. Employment of Relatives**

The Town of Valdese is committed to maintaining public confidence through fair, objective, and impartial employment practices. This policy is intended to prevent real or perceived conflicts of interest, favoritism, or undue influence arising from family or personal relationships within Town employment and governance.

**Definitions**

For purposes of this policy, relative or immediate family member includes, but is not limited to: A person’s parents, siblings, spouse, children, or an individual related by blood whose close association is an equivalent of a family relationship. Also included are others connected by birth, adoption, marriage, civil partnership, or cohabitation, such as grandparents, great-grandparents, grandchildren, great grandchildren, aunts, uncles, nieces and nephews, siblings-in-law, half-siblings, cousins, adopted children and step-parents/step-children, and cohabiting partners.

**Employment of Immediate Family Member Prohibited**

As defined above:

- Immediate Family Members shall not be employed within the same department of the Town of Valdese.
- No Immediate Family Member of the Town Manager, Assistant Town Manager or Human Resources Director shall be employed by the Town in any capacity.
- No Immediate Family Member of the Mayor, Mayor Pro Tem, or any member of Town Council shall be employed by the Town in any capacity.

These prohibitions apply regardless of supervision or reporting structure.

**Enforcement**

Violation of this policy shall result in disciplinary action up to and including termination. This policy shall be enforced consistently and uniformly. Effective July 1, 2026, this policy shall not be retroactive and shall not affect any employment relationship currently existing.

## **Section 6. Harassment Prohibited**

The Town prohibits and will not tolerate sexual harassment or harassment on the basis of gender (including pregnancy), race, color, religion, national origin, age, retaliation, non-disqualifying disability, political affiliation, marital status, veteran status, genetic information, or on the basis of actual or perceived gender that creates a hostile work environment or circumstance. Harassment complaints or allegations will be investigated promptly and where it is determined that such inappropriate conduct occurred, the Town will act immediately to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action up to and including dismissal.

Harassment is defined as conduct that culminates in tangible employment action or is sufficiently severe or pervasive to create a hostile work environment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment includes repeated offensive sexual remarks, suggestive text messages, continual or repeated comments about an individual's body and offensive sexual language as well as the display in the workplace of sexually suggestive pictures.

Harassment, other than sexual, is verbal or physical conduct that denigrates or shows hostility or aversion towards an individual because of race, color, religion, gender, national origin, age or disability having the purpose or effect of creating an intimidating, hostile, or offensive work environment or unreasonably interferes with an individual's work performance or otherwise adversely affects an individual's employment opportunities. Harassing conduct includes, but is not limited to, epithets, slurs, negative stereotyping, or threatening, intimidating, hostile acts. Written or graphic material which denigrates or indicates hostility or aversion toward an individual or group is prohibited from display or on the Town's premises or circulation in the workplace.

Any employee who believes that he or she may have a complaint of harassment may follow the Grievance Procedure described in this Policy or may file the complaint directly with the Human Resources Director or Department Head who will immediately notify the Town Manager. The employee may file the complaint directly with the Town Manager if it involves a Department Head. The Human Resources Director will ensure that an investigation is conducted into any allegation of harassment and advise the employee and appropriate management officials of the outcome of the

investigation.

If an investigation confirms that an unlawful harassment occurred, the Town will take immediate corrective action. Employees who are found to be engaged in harassment are subject to disciplinary action up to and including dismissal. Employees making complaints of harassment are protected against retaliation from alleged harassers or other employees.

### **Section 7. Workplace Violence Prohibited**

The Town recognizes that the employees are its most important asset, and a safe, secure, and violence-free workplace is fundamental to their health and well-being during working hours. The Town fosters a work environment of respect and healthy conflict resolution. Employees should expect to be treated with courtesy, dignity, and respect by the management, co-workers, and citizens. It is the obligation of every employee to contribute to the safety for the work environment by refraining from threats, violence or activities that may provoke violence; being sensitive to cultural differences in all aspects of personal interactions; by conducting Town business with consideration and respect for co-workers and customers; and reporting actual or potential threats, both internal and external, immediately. The Town has a zero-tolerance policy for violence during working hours, during business involving the Town, or while on Town-owned property by any employee, citizen, customer, visitor, or independent contractor; however, in situations where the employee is placed in harms way, the employee may take necessary actions to defend themselves or others. Additional procedures may be approved by the Town Manager as needed.

### **Section 8. Solicitation and Acceptance of Gifts and Favors**

No official or employee of the Town shall solicit or accept any gift, favor, gratuities, discounts or price breaks, entertainment, or anything of monetary value (more than \$50) from any person, organization or group with which the employee has official, enforcement or regulatory relationships that may tend to influence such employee in the discharge of the employee's duties or grant in the discharge of duty an improper favor, service, or thing of value.

### **Section 9. Performance Evaluation**

Supervisors and/or Department Heads shall conduct Performance Evaluation conferences with each employee at least once a year to review the employee's accomplishments and strengths, areas for improvement, goals for the next year and overall performance level. These performance evaluations shall be documented in writing and placed in the employee's personnel file. Procedures for the performance evaluation program shall be published by the Town Manager.

### **Section 10. Safety**

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

The Town may award annual safety bonuses to regular full-time and part-time employees who earn such awards based on safe work records and subject to the recommendation of the Town Manager. The bonus is based on the past year's worker's compensation claims.

### **Section 11. Substance Abuse Policy**

The Town has an established policy and procedure related to employee substance abuse in order to ensure the safety and well-being of citizens and employees, and to comply with any state, federal, or other laws and regulations. The Town provides a drug-free workplace for all employees. The Alcohol and Drug-Free Workplace Policy may be found in Appendix A of this personnel policy.

### **Section 12. Drug Free Workplace**

The Town is concerned with the safety of both employees and the public. As such, the Town provides a drug-free workplace for all employees and conducts pre-employment, random, post-accident, and reasonable suspicion drug testing in addition to any required by law. The Town has established a detailed policy and procedure relating to employee substance abuse and drug testing in order to ensure the safety and well-being of citizens and employees, and to comply with any state, federal, or other laws and regulations. The Alcohol and Drug-Free Workplace Policy may be found in Appendix A of this personnel policy.

### **Section 13. Disruption of the Workplace**

The Town has a responsibility to maintain a productive and professional work environment conducive to conducting the Town's business. To that end, employees are expected to keep any workplace disruptions and distractions to a minimum. This includes personal visits and phone calls, texting, receiving personal mail or packages, charitable solicitations, or other activities that distract an employee or coworkers from the work of the Town. Supervisors will provide feedback to employees on any actions that are becoming distracting.

**Section 14. Attendance**

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

**Section 15. Direct Deposit**

Participation in the Town’s direct deposit program is mandatory.

**Section 16. Use of Town Supplies and Equipment**

Town equipment, materials, tools and supplies shall not be available for personal use nor be removed from Town property except in conduct of official Town business. Town employees shall provide reasonable care for any Town vehicle as a duty and function of their job requirements and will be accountable for the vehicle. Such vehicles are to be used exclusively for official Town business, except that by special approval by the Town Manager, an employee may be directed to take the vehicle home when doing so shall serve the best interest of the Town. Use of Town vehicles for commuting to and from work shall usually be limited to an employee who is subject to emergency call-back work. IRS guidelines will dictate any charges which shall accrue to the employee. No individual shall operate or ride in a Town vehicle except as is required for the conduct of official Town business.

**Section 17. Smoking and The Use of Tobacco Products and E-cigarettes Prohibited**

Smoking and the use of tobacco products and E-cigarettes by town employees is prohibited in any Town facility or vehicle and shall comply with the Valdese Town Code (Sections 8-5006 through 8-5010)

Definitions:

1. “E-cigarette” shall mean any noncombustible product that employs a heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution contained in a vapor cartridge. The term includes an electronic cigarette, electronic cigar, electronic cigarillo and electronic pipe. The term does not include any product regulated by the United States Food and Drug Administration under Chapter V of the federal Food, Drug and Cosmetic Act.

2. "Smoking" shall mean the use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.
3. "Tobacco product" shall mean any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component part of accessory of a tobacco product, including but not limited to cigarettes, cigars, little cigars, cheroots, stogies, periques, granulated, plug cut, crump cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, Cavendish, plug and twist tobacco, fine-cut and other chewing tobacco, shorts, refuse scraps, clippings, cutting and sweepings of tobacco, and other kinds and forms of tobacco. A tobacco product excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and being marketed and sold solely for such an approved purpose.
4. "Town Building" shall mean a building owned or leased by the Town of Valdese and occupied, managed or controlled by the town including, but not limited to, the Old Rock School building and the Valdese Community Center.
5. "Town Park or Sports Facility" shall mean a park or a sports facility owned, leased or operated by the Town of Valdese including, but not limited to, McGalliard Falls Park, Children's Park, Fletcher Ball Park, and the track and football facility located behind the Old Rock School including Joe Temple Field and Michael Jeffrey Morse Field House.
6. "Town Vehicle" shall mean a passenger carrying vehicle owned, leased or otherwise controlled by the Town of Valdese and assigned permanently or temporarily to town employees, agencies, institutions, or facilities for official town business.

Smoking and the Use of Tobacco Products and E-cigarettes is not prohibited in private vehicles while parked within a Town Park or Sports Facility or anywhere else where smoking and the use of tobacco products and E-cigarettes is otherwise prohibited by this Section.

#### Enforcement and Penalties:

1. Violation of this ordinance shall be punishable by a civil penalty of not more than \$25.
2. A citation may be issued by a sworn law enforcement officer. A citation issued under this Section has no consequence other than as set forth in (a) above and no court costs may be assessed.

3. In addition to any penalty under this section, employees of the Town who violate this ordinance shall be subject to disciplinary action consistent with the Town's personnel policies.

### **Section 18. Internet and Email Policy**

All electronic communication devices that are the property of the Town and, as such, may be monitored, audited and reviewed for proper use. Employees shall not make any intentional use of the internet, email or other electronic communications devices or sources that are illegal, malicious, inappropriate or obscene. An employee's access to the internet is a function of the business need of their position and is not an employee benefit. Improper use of the Internet, Email and other Town electronic business devices or sources will subject the employee to disciplinary action up to and including termination of employment.

The Town has established a separate Social Media and E-mail Policy that, in compliance with GS 143-805, prohibits the viewing of pornography on electronic devices supplied by or controlled by the Town. Pornography is defined as "any material depicting sexual activity as defined in GD 14-190.13.

### **Section 19. Lactation Support for Nursing Mothers**

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

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

Nursing mothers should work with the Human Resources Director to identify a room in the employee's work area where employees may express milk. Employees who work off-site or in other locations will also be accommodated with a private area as necessary.

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

## **ARTICLE VI. EMPLOYEE BENEFITS**

### **Section 1. Eligibility**

As an integral part of a comprehensive, competitive compensation program, the Town offers a variety of benefits. Specific benefit programs will vary from time to time, and the type, level, eligibility and cost of such programs are subject to change at any time at the sole discretion of the Town. To that end, the Town will periodically review each employee benefit and may, with or without notification, modify, delete or add benefits at its own discretion as may be deemed to be appropriate and necessary. When such changes are made no employee shall be considered “grandfathered” under any former benefits program.

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

The following employee benefits sections provide a brief summary and are not intended to be an all-inclusive benefits description. Please contact Human Resources for more detailed information regarding current benefits, eligibility, coverage and costs.

### **Section 2. Group Health and Hospitalization Insurance**

The Town provides group health and hospitalization insurance programs for full-time employees and their families.

Employees who are scheduled to work 30 hours or more per week on a continuous year-round basis may, if they so desire, purchase available group health through the Town for themselves or for themselves and qualified dependents.

Under the Federal Consolidated Omnibus Budget and Reconciliation Act (COBRA), employees are eligible to continue health insurance. Information concerning cost and benefits are available to all employees from the Human Resources Director.

### **Section 3. Group Life Insurance**

The Town may provide group life insurance for each employee subject to the stipulations of the insurance contract. Life insurance may be provided by the Town in an amount approved by the Town, subject to appropriation.

### **Section 4. Other Optional Group Insurance Plans**

The Town may make other group insurance plans available to employees upon authorization of the

Town Manager or Town Council.

### **Section 5. Retiree Insurance Coverage**

For those employees hired prior to June 30, 2026 the Town provides medical insurance coverage or provides a monetary amount in lieu of insurance for the purpose of allowing the retiree to purchase insurance. The choice of insurance or payment in lieu is made by the Town. Employee eligibility for this coverage is determined as follows:

- the employee must be hired on or before June 30, 2026.
- the employee must have completed at least 25 years of employment with the Town of Valdese and not yet be eligible for Medicare; and
- the employee must pay his/her share of the cost of such insurance coverage as hereinafter provided, if applicable.

The Town's contribution shall be reviewed each year by the Town Council to determine if the Town's contribution is financially feasible. The Town does not provide this retiree insurance benefit to employees who are hired after June 30, 2026.

### **Section 6. Retirement**

The Town provides a retirement income plan for eligible employees under the North Carolina Local Governmental Employees' Retirement System. Additional and detailed information is available at the North Carolina State Treasurer's website or at Human Resources.

### **Section 7. Supplemental Retirement Benefits**

The Town may provide supplemental retirement benefits for its regular full-time employees as a percentage of salary as designated by the Town Council beginning on the first day of employment, subject to appropriation by the Town Council.

Each sworn law enforcement officer shall receive 401(k) benefits as prescribed by North Carolina State Law and beginning on the first day of employment.

### **Section 8. Social Security**

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

### **Section 9. Workers' Compensation**

All employees of the Town (full-time, part-time, and temporary) are covered by the North Carolina

Workers' Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisors at the time of the injury in order that appropriate action may be taken at once.

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee, and such claims must be filed by the employee with the North Carolina Industrial Commission within two years from date of injury. The Department Head and the Human Resources Director will assist the employee in filing the claim.

This provision also applies to reactions to smallpox vaccinations administered to Town employees under Section 304 of the Homeland Security Act. Such reactions shall be treated the same as any other workers' compensation claim as regards leave and salary continuation.

Before returning to work, a statement from the attending physician must be submitted to the Human Resources Director giving permission for the employee to resume regular duties.

Upon return to work, the employee's salary will be computed on the basis of the last salary plus any salary increase to which the employee would have been entitled based upon performance and other compensation policies.

During the disability covered by Workers Compensation benefits, an employee continues to earn vacation leave, sick leave, and will retain all accumulated sick or vacation leave.

Employees may use sick leave, vacation and/or Comp Time during the waiting period before Workers' compensation benefits begin.

**Section 10. Unemployment Compensation**

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

**Section 11. Tuition Assistance Program**

Policy

Full-time employees who have completed initial probation may apply for tuition reimbursement for courses taken on their own time, which will improve their skills for their current job or prepare them for promotional opportunities within the Town service. Tuition, registration, fees, laboratory fees, and student fees are eligible expenses. Employees may be reimbursed for 50% of eligible expenses, with a maximum benefit of \$1,000.00 per Spring and Fall semester. Satisfactory completion of the courses will be required for reimbursement. Employee requests for tuition assistance shall be submitted to their Department Head prior to course registration and are subject to the review by the Human Resources Director and approval of Town Manager, subject to availability of funds. The Town of

Valdese Manager has the final discretion of reimbursement amount, if any.

### Definitions

- **Approved Course:** An approved course is one which will either improve the employee's ability to perform his/her present job or will help prepare for a job with the Town of Valdese (hereinafter TOV) which will demand a higher level of responsibility or skill.
- **Approved Institution:** Any regionally accredited college, university, technical institute or correspondence school, or any other institution approved by the TOV. Regionally accredited schools are predominately academically oriented, non-profit institutions. Several of the large, for-profit schools have sought and received regional accreditation. Only if all other avenues of obtaining the degree sought have been exhausted will the TOV consider approval of a tuition assistance request at a for-profit school. This approval will take place on a case-by-case basis with the involvement of the employee and his/her department.
- **Eligible Expenses:** Tuition, registration fees, laboratory fees, required textbooks, and student fees are eligible for reimbursement expenses. Special equipment, supplemental reading books, tools, and miscellaneous supplies such as pencils and paper are not reimbursable.
- **Successful Course Completion:** Successful course completion will normally be construed to be a grade of "B" or higher when grade letters are given. Otherwise, as in the case of Pass/Fail courses, or in the case when no grade is given, a written statement of successful completion from the instructor will be equally acceptable to demonstrate successful completion of a course.

### Procedure / Rule

- All full-time employees who have completed one year of service and who are not receiving education financial assistance from another source will be eligible to apply for financial assistance under this program. In cases where an employee is receiving funds from another source, which do not cover all the expenses, the TOV program may be used to help defray costs over the amount of funds received for approved courses.
- In order to apply for the tuition reimbursement assistance, the employee must notify his/her department head during the budget process for the upcoming fiscal year of his/her intent of accruing eligible expenses listed above in a degree or certificate-based program only.
- The department head, at their discretion, shall include an amount up to the maximum for the tuition reimbursement in the department budget. The budget officer shall then be notified during budget review meeting that the amount is included in the budget.
- After successful completion of the course, the employee may apply for reimbursement using the following steps:
  - i. Provide all receipts and verification of passing grade and submit them to the department head. This is to be done within 30 days after completing the course or five days prior

- to the end of the fiscal year, whichever comes first.
- ii. After review by the department head, he/she will obtain the approval by TOV Manager. The Manager has the discretion to approve or deny the reimbursement, even if the amount was included in the adopted budget or not.
  - iii. After final approval, the department head will submit a purchase order request for the amount and provide the correct documents with the PO.

After reimbursement is received, the employee is expected to remain employed with the TOV for three (3) years from date of reimbursement. If the employee leaves prior to three years, the employee will be required to repay all or part of the reimbursement depending upon amount of service time completed. Amount to be repaid will be calculated on a prorated basis and will be deducted from the employee's final paycheck.

Employee applying for tuition reimbursement shall sign and date to acknowledge the above conditions of this program. Department head will give the signed acknowledgment to Human Resources to keep in the employee's personnel file

## **Section 12. Law Enforcement Special Separation Allowance (LESSA)**

Eligibility criteria for the traditional LESSA benefit require a law enforcement officer to satisfy the following:

- Retire under the Local Governmental Employees' Retirement System (LGERS).
- At retirement, have at least 30 years of creditable service, or be at least age 55 with at least 5 years of creditable service prior to retirement.
- Have at least 5 years of continuous service as a law enforcement officer immediately preceding retirement.
- Retire prior to reaching age 62.
- Have at least 50% of total creditable service be in a law enforcement officer position.

Creditable service means service for which a credit is allowed under LGERS.

Under this option, law enforcement officers who meet these requirements are entitled to an annual benefit equal to 0.85% of their most recent annual base rate of compensation before retirement, multiplied by the officer's total years of creditable service. For example, an officer with a final salary of \$65,000 and 32 years of creditable service would receive an annual LESSA of  $0.0085 \times 65,000 \times 32 = \$17,680$ .

This amount is paid in accordance with the Town's regular payroll periods and ceases when the officer reaches age 62, dies, or becomes reemployed in a position covered by LGERS. (There is an exception to the third trigger—benefits do not cease if the officer is employed by a county board of elections to work during early voting or on election day, as specified in G.S. 143-166.42(c1)(2).)

### **The New 30-Year Fixed Benefit Option**

For law enforcement officers who retire on or after July 1, 2025, [S.L. 2025-8](#) (HB 50) allows for an alternative benefit calculation.

Eligibility criteria for the new 30-year fixed benefit option require a law enforcement officer to satisfy the following:

- Retire under LGERS.
- By age 62, have at least 30 years of creditable service.
- Have at least 5 years continuous services as a law enforcement officer immediately preceding retirement.
- Have at least 50% of total creditable service be in a law enforcement position.

Under the 30-year fixed benefit option, instead of using the officer's final salary and total years of service, the new formula fixes both variables:

- The benefit is calculated using the officer's base rate of compensation at the time they reach 30 years of service; and
- The benefit is based on exactly 30 years of service, regardless of how many years the officer ultimately works.

The resulting annual allowance is:  $0.85\% \times \text{annual equivalent of base salary at 30 years} \times 30$ . For example, if an officer's annual equivalent base salary at the 30-year mark of service is \$60,000, the annual LESSA under the fixed option would be:  $0.0085 \times 60,000 \times 30 = \$15,300$  per year.

Officers who select this option will receive this fixed monthly amount upon retirement. Unlike the traditional LESSA, the benefit under the fixed option does not automatically end at age 62. Instead, it continues until the officer has received the allowance for a period equal to the difference between age 62 and the age at which they completed 30 years of creditable service. For example, if an officer reached 30 years at age 52 and retired then, the allowance would be payable for 10 years, with payments ending at age 62. Alternatively, if the officer waited and retired at age 55, they would still receive the benefit for 10 years, with payments ending at age 65.

The benefits cease earlier if the officer dies or becomes reemployed in a position requiring participation in LGERS. (The same exception to the LGERS trigger applies if the officer is employed by a county board of elections to work during early voting or on election day, as specified in G.S. 143-166.42(c1)(2).)

For specific information regarding your eligibility options, contact the Human Resources Director.

Notwithstanding the provisions of this section, any North Carolina 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 provisions of this section. If any such retired law enforcement officer works 1000, or more, hours per year for a North Carolina Local Governmental Retirement System employer they shall be mandated to become members of that retirement system and therefore, ineligible to continue receiving the Separation Allowance.

Employment by any other North Carolina Retirement System employer shall not cause the retired officer to be ineligible. Any officer who is entitled to receive the special separation allowance from the Town shall, within ten (10) days of any change in his/her employment status, report the same to the Human Resources Director.

The Town Council shall determine the eligibility of employees for the benefits provided herein.

### **Section 13. Effective Date of Benefit Changes**

Employees are given the opportunity annually, during open enrollment, to make changes in their medical and other eligible benefits. In addition, employees may add or remove dependents within 30 days following an IRS-defined “qualifying event”. Qualifying events must be reported to Human Resources within 30 days of the occurrence.

## **ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE**

### **Section 1. Policy**

The policy of the Town is to provide vacation leave, sick leave, and holiday leave to all full-time employees and to provide proportionately equivalent amounts to employees having average work weeks of different lengths. Employees shall accrue leave proportionately with each payroll.

### **Section 2. Holidays**

The Town has adopted the State Holiday Schedule and, as such, the Human Resources Director shall publish that schedule prior to the beginning of each calendar year. In addition, each employee shall be granted one Floating Holiday to be used at the employee's convenience with approval of their Department Head. The Floating Holiday must be taken during the calendar year and shall not be carried forward.

### **Section 3. Holidays: Effect on Other Types of Leave**

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

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

Shift employees required to perform work on regularly scheduled holidays may be granted compensatory time off or paid for hours actually worked in addition to any holiday pay to which they are entitled. This compensatory time shall be granted whenever feasible. If a holiday falls on a regularly scheduled off-duty day for shift personnel, the employee shall receive the hours for paid holiday leave. Departments with employees working a shift schedule may elect to compensate those employees for working on the "true" holiday rather than the designated holiday.

### **Section 5. Holiday Call-Back Pay Policy for Non-Exempt Employees**

The Town of Valdese strives to recognize the dedication and commitment of its employees, especially those who are on-call and might be called into work during town-recognized holidays.

Non-Exempt employees assigned to and working a non-shift schedule, who are requested to come to work on a town-recognized holiday will receive call-back hours at the rate of 1.5x for hours worked.

- **Eligibility:** This policy applies only to Non-Exempt employees working a non-shift schedule.
- **Calculation of Hours:** The call-back rate will be 1.5 times the hours worked. For instance, if an employee is called back and works 3 hours, the call-back rate during town-recognized holidays would be 4.5 hours.
- **Documentation:** As always, employees called in to work on a holiday must properly document their hours using the standard timesheet procedure. Department heads and supervisors must ensure that timesheets accurately reflect this increased call-back rate.
- **Holidays Affected:** This policy applies to all town-recognized holidays. A list of these holidays can be found on the Town’s website under HR/Personnel.
- **Previous Policy:** This policy supersedes all previous arrangements or understandings, written or oral, relating to holiday call-back pay rates for Non-Exempt employees working a non-shift schedule . All other provisions of the employee handbook and related policies remain in effect.

### **Section 6. Vacation Leave**

Vacation leave is intended to be used for rest and relaxation, school appointments, and other personal needs. Vacation leave may also be used by employees who wish to observe religious holidays other than those granted by the Town. Employees who wish to use leave for religious observances must request leave from their respective Department Heads. The Department Head will attempt to arrange the work schedule so that an employee may be granted vacation leave for the religious observance. Vacation leave for religious observance may be denied only when granting the leave would create an undue hardship for the Town.

### **Section 7. Vacation Leave: Use by Probationary Employees**

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

### **Section 8. Vacation Leave: Accrual Rate**

Each full-time employee of the Town shall earn vacation at the following schedule, prorated by the average number of hours in the workweek (Section 17):

<b>Years of Service</b>	<b>Accrual Rate (Days per Year)</b>
0	12
1	12

2	12
3	15
4	15
5	19
6	19
7	19
8	19
9	19
10	22
11	22
12	22
13	22
14	22
15	25
16	25
17	25
18	25
19	25
20+	28

For years of service recognition, the Town shall recognize prior service worked for another North Carolina Retirement System employer (Local Governmental Employees Retirement System or the Teachers and State Employees Retirement System), so long as the time was continuous and break in service prior to employment with the Town of Valdese does not exceed one year. The recognition of prior service shall only be used for the years of service calculation for the above vacation accrual schedule.

**Section 9. Vacation Leave: Maximum Accumulation**

Vacation leave may be accumulated without any applicable maximum until December 31 of each year. However, if the employee departs from service, payment for accumulated vacation leave shall not exceed 30 days prorated as shown in Section 17. Effective December 31<sup>st</sup>, any employee with more than 30 days of accumulated leave shall have the excess accumulation removed so that only 30 days are carried forward to January 1 of the next calendar year. Those hours, in excess of 30 days, shall be converted to the employee’s sick leave account. Employees are not eligible to receive pay for vacation time not taken.

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

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

### **Section 10. Vacation Leave: Manner of Taking**

Employees shall be granted the use of earned vacation leave upon request in advance at those times designated by the Department Head which will least obstruct normal operations of the Town. Department Heads are responsible for ensuring that approved vacation leave does not hinder the effectiveness of service delivery. Vacation may be taken in 30-minute increments. Any accrued comp. time shall be used prior to the use of accrued vacation hours.

### **Section 11. Vacation Leave: Payment upon Separation**

An employee who has successfully completed the probationary period will normally be paid for accumulated vacation leave upon separation not to exceed 30 days prorated as shown in Section 17, provided the appropriate notice is given to the supervisor in advance of the effective date of resignation. Any employee failing to give and work the appropriate notice required by Article VIII, Section 2 shall forfeit payment for accumulated vacation leave. The notice requirement may be waived by the Town Manager when deemed to be in the best interest of the Town. Employees who are involuntarily separated shall be ineligible to receive and shall forfeit payment of any accrued vacation leave hours.

### **Section 12. Vacation Leave: Payment upon Death**

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

### **Section 13. Sick Leave**

Sick leave may be granted to a probationary or regular employee absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others. Sick leave may be used for any qualifying Family and Medical Leave Act (FMLA) absence.

Sick leave may be taken in half-hour (30 minutes) increments. Any accrued comp. time shall be used prior to the use of sick leave hours.

Sick leave may also be used to supplement Workers' Compensation Disability Leave during the waiting period before Workers' compensation benefits begin.

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

#### **Section 14. Sick Leave: Accrual Rate, Accumulation and Manner of Taking**

Sick leave shall accrue at a rate of one day per month of service or twelve days per year. Sick leave for full-time employees working other than the basic work schedule shall be prorated as described in Section 17 of this Article. Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Governmental Employees' Retirement System.

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

#### **Section 15. Sharing of Sick Leave**

With the approval of the Town Manager, an employee may transfer a portion of the employee's accumulated sick leave to another town employee (the recipient employee) who needs that sick leave because the recipient employee has had a catastrophic injury or has a critical illness and the recipient employee has exhausted all of his or her accumulated sick leave, vacation leave and compensatory time. The donating employee may not donate more than ten percent (10%) of the employee's accumulated sick leave and must have a remaining balance of at least eighty (80) hours of sick leave after the donation has been made.

#### **Section 16. 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 State or Local Government Retirement System and the employee did not withdraw accumulated contributions from that employer when leaving employment. The sick leave will be treated as though it were earned with the Town of Valdese. The sick leave amount must be certified by the previous employer, and it is the employee's responsibility to provide documentation from his or her previous employer within three (3) months of employment. Transferred sick leave will be credited to the employee upon completion of six (6) months of employment.

## **Section 17. Sick Leave: Medical Certification**

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

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

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

## **Section 18. Leave Pro-rated**

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

1. The number of hours worked by such employees shall be divided by the number of hours in the basic work week (40 Hours).
2. The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic work week.
3. The number of hours in step 2 divided by 12 shall be the number of hours of leave earned monthly by the employees concerned, or divided by 26 shall be the number of hours of leave earned biweekly.

## **Section 19. Bereavement Leave**

Eligible employees scheduled to work eight (8) or twelve (12) hour shifts who have a death in the Immediate Family (as defined in Article I, Section 9) are eligible to receive up to twenty-four (24) working hours of paid funeral leave. Eligible employees scheduled to work twenty-four (24) hour shifts are eligible to receive up to twenty-four (24) working hours paid funeral leave. Any additional time or for deaths that are not covered by the Immediate Family designation, vacation leave or accrued compensatory time may be taken (accrued comp. time will be utilized prior to the use of vacation leave hours). Funeral leave pay cannot duplicate any other compensation for the same time period. The Town

may request documentation for this leave whenever there is a pattern of absenteeism demonstrated by the employee or for other reasons as needed.

## **Section 20. Leave Without Pay**

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

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

## **Section 21. Family and Medical Leave**

### **Family and Medical Leave**

The Town provides up to 12 weeks of job-protected leave in accordance with the Family and Medical Leave Act of 1993 (FMLA). Under the FMLA, eligible employees may be granted up to a total of 12 weeks of unpaid leave per 12-month period, as determined below, for any of the following reasons:

1. For incapacity due to pregnancy, prenatal medical care or childbirth.
2. To care for the employee's child after birth, or placement for adoption or foster care.
3. To care for employee's spouse, son or daughter (under age 18 or incapable of self-care due to disability) parent (in-laws not included), with a serious health condition, as defined by FMLA.
4. For a serious health condition, as defined by FMLA, that renders employee unable to perform the job.
5. For qualifying exigency arising out of the fact that the spouse, child, or parent of the employee is on active duty or called to active-duty status in the National Guard or Reserves in support of a contingency operation.

### Service member Family Leave

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty and is receiving medical treatment, recuperating or undergoing therapy for a serious injury or illness. In contrast to all other FMLA leaves, service member family leave may be taken only once and does not again become available with the start of a new FMLA year. An employee may not take more than a combined total of 26 workweeks of leave in any year in which he or she uses service member family leave. The same eligibility, leave usage, and medical certification requirements apply to service member family leave as apply to all other FMLA leaves.

### Eligible employees

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

Uniformed Services Employment and Reemployment Rights Act (USERRA) an employee ordered to active military duty is eligible for FMLA if the employee would have otherwise been qualified had it not been for the active military duty.

### Leave

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. The request for the use of leave must be made in writing by the employee and approved by the Town Manager. The FMLA permits, and the Town of Valdese requires, that while utilizing FMLA leave employees exhaust all accrued sick leave first, then vacation leave, and lastly earned compensatory time before being granted unpaid leave. Additional time away from the job beyond the 12-week period may be approved in accordance with the Town's Leave Without Pay policy. Any use of sick leave beyond two weeks is required to be submitted as Family and Medical Leave. Family Medical Leave runs concurrently with other types of leave including sick leave/disability, voluntary shared leave, and worker's compensation. An employee ceases to earn leave credits on the date leave without pay begins. An employee is prohibited from moonlighting or performing other outside work during any kind of leave including FMLA leave.

### 12-Month Period

For the purposes of determining available leave, the 12-month period during which employees may be eligible for leave will be calculated on a rolling leave year looking forward 12 months from the date an employee begins FMLA leave.

### Medical Certification

The Town may require medical certification to assess FMLA eligibility, as well as updates at reasonable intervals for continued certification. Employees are responsible for paying for the certification or re-certification. The Town, at its own cost, may also require the employee to get a second or third opinion from a physician designated by the Town. Failure to provide adequate information within 15 calendar days may result in denial of leave. The employee is expected to return to work at the end of the time frame stated in the medical certification, unless he/she has requested additional time in writing under the Town's Leave Without Pay policy. The Town requires a physician's statement certifying an employee's ability to return to work prior to returning from medical leave. An employee who does not return to work within three working days after their FMLA expires will be considered to have resigned their position.

#### Spouse's Combined Leave

If both spouses work for the Town and each wish to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (not parent-in-law) with a serious health condition, the spouses together may only take a total of 12 weeks leave during the 12-month period under FMLA. The request for the use of leave must be made in writing by the employee and approved by the Department Head or Town Manager.

#### Benefits Continuation

The Town will continue to provide health care benefits; however, the employee will be responsible for paying his/her portion of the premium for dependent coverage if applicable. Other insurance and payroll deductions (i.e. dental, flex, etc.) are the responsibility of the employee and the employee must make those payments. Failure to pay premiums may result in loss of coverage. Under federal regulations, the Town has the right to recover the insurance premiums if the employee fails to return to work for reasons other than the inability of the employee to work.

#### Reinstatement

Under most circumstances, employees who return to work immediately after the expiration of this leave and who do not exceed the amount of leave permitted under the FMLA, will be reinstated to either the same or equivalent job. If the twelve or twenty-six weeks of this leave are exhausted and the employee has not returned to work, the Town will determine if the employee will be reinstated.

#### **Lactation Accommodations**

The Town will provide reasonable break time for an employee to express breast milk for her nursing child, and will provide a place, other than a bathroom, which is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk. In order to facilitate the Town's ability to provide an adequate space, the employee should give her supervisor as much advanced notice as possible of her intent to take breaks at work to express breast milk. The employee will be responsible for storage of breast milk.

The Town shall provide space, privacy, and time for nursing mothers to express breast milk periodically during the workday by doing the following:

A. Designated Space: The supervisor will identify a private space that is not in a restroom or other common area. The space should have a door that can be secured or locked, adequate lighting and seating, and electrical outlets for pumping equipment.

Advisory Note: In identifying a designated space for lactation, consideration should be given to the proximity of the space to the employee's work area. Consideration should also be given to the distance of the space in relation to a source of running water.

B. Time: Departments may require the employee to use regularly scheduled paid break time to express breast milk. If time is needed beyond regularly scheduled paid break times, the Town shall make reasonable efforts to allow the employee to use paid leave or unpaid time for this purpose.

## **Section 22. Workers' Compensation Leave**

Under the North Carolina Workers' Compensation Act, employees may be compensated for absence from work due to injury or illness covered by the Act, subject to the following leave provisions:

1. There is a mandatory 7 calendar day waiting period before Workers' Compensation salary benefits begin. For this waiting period, employees may use accrued compensatory time, sick or vacation leave.
2. Beginning on the 8<sup>th</sup> calendar day following the injury or illness, employees who have not returned to work shall be placed in a Workers' Compensation Leave Without Pay status until their return to work. Accrued leave cannot be used while in Leave Without Pay status.
3. Employees in leave without pay status will retain all accumulated compensatory time, sick and vacation leave while receiving Workers' Compensation benefits. An employee on Workers' Compensation leave may be permitted to continue to be eligible for benefits under the Town's group insurance plans.
4. Upon reinstatement, an employee's salary will be computed on the basis of the last salary plus any salary increase to which the employee would have been entitled during the absence covered by Workers' Compensation benefits.
5. After returning to work, employees shall be required to use sick or vacation leave for any additional absences for doctor visits, physical therapy, and other required medical care except where any full or partial workday absence may be eligible for Workers' Compensation payment.

6. Any period of leave for a Workers' Compensation disability that qualifies as a "serious health condition" under the Family and Medical Leave Act (FMLA), will run concurrently with FMLA leave.
7. The Town of Valdese's personnel policies shall continue to apply to an employee on Workers' Compensation leave in the same manner as they would apply to an employee who continues to work, or is absent while on some other form of leave.
8. An employee is prohibited from moonlighting or performing other outside work during any kind of leave including workers' compensation leave.
9. After a one-year (52-week) leave of absence on Workers' Compensation leave, employment with the Town will be terminated to allow the Town to fill the position. The employee will be eligible for rehire and given priority for qualified job openings upon a physician's statement certifying the employee's ability to return to work. The Town reserves the right to separate the employee prior to 52-weeks.
10. During a period of leave under the Workers' Compensation Act, the employee remains responsible for paying for any voluntary benefits, or dependent benefits, at the same cost and at the same time as if the employee were still working. Failure to make timely payments will result in the cancelation of the voluntary benefit or dependent benefits coverage.

### **Section 23. Return to Work**

Before an employee may return to work from an injury at full or light duty, the employee must provide a physician's note to Human Resources Director indicating that he/she is released and capable of resuming duties, and what, if any restrictions are in place.

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

1. The employee must meet the required qualifications for the modified duty assignment,
2. The work must be a meaningful and productive part of the department's operations,

3. The work must conform to the medical restrictions set by the medical care provider, and
4. The modified duty assignment and/or modified work schedule cannot exceed ninety calendar days.

If the employee's regular department is unable to meet the employee's need for modified duty, the employee's department is responsible for payment of the employee's salary and benefits while performing a Modified Duty position in a different department that has been able to meet the employee's needs. The employee placed in a Modified Duty position will be paid a salary that is equivalent to the salary of other employees holding the same position. The Town cannot guarantee placement and is under no obligation to offer or create any specific position for purposes of offering placement.

An employee may choose to accept or refuse the Return to Work (modified duty) job offer. However, an employee who refuses a Modified Duty job offer is subject to termination. Rejection of the job offer might also result in cancellation of income benefits under Workers' Compensation Insurance.

If an employee is unable to return to work at full duty after 90 calendar days, he/she may request a continuation of Modified Duty not to exceed a total of 180 calendar days in a modified capacity. Approval beyond 90 calendar days will be based upon the assessment of the employee's ability to return to full duty within the immediate future. An employee requesting an extension beyond 90 calendar days must submit updated information from the treating physician. The Town reserves the right to consider a separation of employment for any employee who is out on Workers' Compensation leave for an extended period of time thus causing hardship for the department.

## **Section 24. Military Leave**

In accordance with federal and state laws, the Town provides military leave to employees who are members of a United States Armed Forces Reserve organization or National Guard for absences to perform military duty, whether voluntary or involuntary. Absences to perform any military duty (including active duty, active duty training, inactive duty training such as scheduled drills and summer camp, full-time National Guard federal duty, fitness-for-duty examination, and funeral honors duty) are covered by this policy, unless the employee reaches the five-year maximum of military leave as established by the Uniformed Services Employment and Reemployment Rights Act (USERRA). This policy provides military leave to regular Town employees unless their employment is for a brief, non-recurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

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

Employees may choose whether to use earned compensatory time, accrued vacation leave (leave with pay), leave without pay, or some combination thereof for these absences, and the provisions of that leave shall apply. Upon exhausting all other paid leave, employees may request to use sick leave, if approved by the Town Manager.

Regular employees choosing to use military leave may claim up to ten (10) days of differential pay per calendar year provided the days are recorded as military leave and the military basic pay is less than the employee's regular Town pay. To claim differential pay, the employee must submit a copy of his/her military orders, pay vouchers, Leave and Earnings Statement and/or other appropriate documentation evidencing performance and compensation pertinent to the military duty.

During the period of military leave, regular employees may continue health and dental insurance coverage up to eighteen months under COBRA coverage, provided they continue to pay their share of the premiums. As with any other unpaid leave, employees do not accrue vacation leave or sick leave during the period of leave without pay. However, the balance of such accruals on the date of commencement of the military leave will remain intact for the employee's return to work.

## **Section 25. Reinstatement Following Military Service**

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

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

1. Such employee is separated from uniformed service with dishonorable or bad conduct discharge.
2. Such employee is separated from uniformed service under other than honorable conditions, as

characterized pursuant to regulations prescribed by the Secretary concerned.

3. The Town's circumstances have so changed as to make such reemployment impossible or unreasonable; or,
4. Such employee gives clear written notice s/he has no intention of returning to work.

### **Section 26. Civil Leave**

A Town employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the Town any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty. Employees required to be in court for their own case, defendant or plaintiff, must use accrued compensatory time or vacation leave during such absence from the work of the Town.

### **Section 27. Parental School Leave**

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

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

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

### **Section 28. Adverse Weather and Emergency Conditions**

The Town has responsibility for providing emergency services. Adequate staff are required to operate these critical services seven days per week, 24 hours per day in all weather. During adverse weather, the Fire, Police, Public Works, Water Plant, and Wastewater Plant are required to work as directed by the Town Manager and/or Department Head.

The Town Manager will determine if offices open on a delay or close early. In the event normal operating hours are altered, employees who work will not be required to use accumulated time but will be paid for a full day of work. If, however, an employee does not work on a day when the office closes early or opens late, they will need to use accumulated leave to cover the absence for the entire day.

Critical staff are required to report in emergency situations and should make preparations for care of family and personal needs to allow them to report for duty when required. Any employee in a position designated as critical who does not report to work or remain at work as directed by the Town Manager will be subject to disciplinary action.

## **Section 29. Pregnant Workers Fairness Act (PWFA)**

This section outlines the procedures and guidelines for providing reasonable accommodations to pregnant employees in accordance with the Pregnancy Workers Fairness Act (PWFA).

This procedures contained herein apply to all employees, regardless of employment status, who are pregnant, have recently given birth, or have related medical conditions covered under the Pregnancy [Definitions:](#)

**Pregnancy:** The condition of being pregnant, childbirth, or related medical conditions.

**Reasonable Accommodation:** Modifications or adjustments to job duties, schedules, work environments, or processes that enable pregnant employees and applicants to perform their job functions without causing undue hardship to the employer.

**Undue Hardship:** Significant difficulty or expense that would impose a disproportionate burden on the operation of the organization.

**Interactive Process:** The collaborative dialogue between the employer and the pregnant employee to identify and implement appropriate accommodations.

It is the employee's responsibility to notify the Human Resources Director of any pregnancy-related limitation and that she needs an accommodation. An employee or applicant may request an accommodation due to pregnancy, childbirth or a related medical condition by submitting the request in writing to human resources or to the employee's department head. The accommodation request should include an explanation of the pregnancy-related limitations, the accommodation needed and any alternative accommodation(s) that might be reasonable. Depending on the nature of the accommodation, the individual may be requested to submit a statement from a health care provider substantiating the need for the accommodation.

Upon receiving a request for accommodation, the Human Resources Director will engage in an interactive process with the pregnant employee to discuss the request and determine if an accommodation is reasonable and can be provided without significant difficulty or expense, i.e., undue hardship. The interactive process may involve discussions between the employee, their supervisor, and the Human Resources Director. Reasonable accommodations will be determined on a case-by-case basis, considering the pregnant employee's specific needs, the Town's operational requirements, and any potential undue hardships. Information regarding an employee's pregnancy

and accommodations will be treated confidentially and shared only with individuals directly involved in the accommodation process on a need-to-know basis.

The Town prohibits retaliation, harassment or adverse employment action due to an individual's request for accommodation pursuant to this policy or for reporting or participating in an investigation of unlawful discrimination under this policy.

## **ARTICLE VIII. SEPARATION AND REINSTATEMENT**

### **Section 1. Types of Separations**

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

### **Section 2. Resignation**

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible. The minimum notice requirement for non-exempt employees is two calendar weeks. The minimum notice requirement for exempt employees is 30 days. Failure to provide minimum notice shall result in forfeit of payment for accumulated vacation unless the notice is waived upon recommendation of the Department Head and approval by the Town Manager.

Three consecutive days of absence without contacting the immediate supervisor or Department Head may be considered to be job abandonment, a voluntary resignation. Sick leave will only be approved during the final worked notice (as listed above) with a physician's certification or comparable documentation.

### **Section 3. Reduction in Force**

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

### **Section 4. Disability**

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 either case, 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. In circumstances where the employee may be eligible to retire under the disability provisions of the North Carolina Local Governmental Employees' Retirement System the Town will provide assistance to the employee in filing such application.

### **Section 5. Voluntary Retirement**

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

### **Section 6. Death**

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

### **Section 7. Dismissal**

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

### **Section 8. Reinstatement**

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

### **Section 9. Rehiring**

An employee who resigns while in good standing may be rehired with the approval of the Town Manager, and may be regarded as a new employee, subject to all of the provisions of rules and

regulations of this Policy. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position.

## **ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT**

### **Section 1. Disciplinary Action for Unsatisfactory Job Performance**

A regular employee may be placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory. All cases of disciplinary suspension, demotion, or dismissal must be approved by the Town Manager prior to giving final notice to the employee.

### **Section 2. Unsatisfactory Job Performance Defined**

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

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

1. Demonstrated inefficiency, negligence, or incompetence in the performance of duties.
2. Careless, negligent or improper use of Town property or equipment.
3. Physical or mental incapacity to perform duties after reasonable accommodation.
4. Discourteous treatment of the public or other employees.
5. Absence without approved leave.
6. Improper use of leave privileges.
7. Failure to report for duty at the assigned time and place.
8. Failure to complete work within time frames established in work plan or work standards.
9. Failure to meet work standards over a period of time.
10. Failure to follow the chain of command to address work-related issues.
11. Failure to obtain or maintain current license or certificate required as a condition of the job.
12. Repeated or serious incident of unsafe behavior at work

13. Failure to wear or use appropriate safety equipment or otherwise to abide by safety rules

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

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

An employee whose job performance is unsatisfactory over a period of time should normally receive at least two documented warnings, one of which may be in the final written warning, from the supervisor before disciplinary action resulting in dismissal is taken by the Town Manager. In each case, the supervisor will record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set. If the employee's performance continues to be unsatisfactory, then the supervisor will use the following steps:

1. A final written warning from the supervisor serving notice upon the employee that immediate and lasting corrected performance must take place in order to avoid suspension, demotion, or dismissal.
2. If performance does not improve, a written recommendation should be sent to the Town Manager for disciplinary action such as suspension, demotion, or dismissal.

Disciplinary suspensions are for the purpose of communicating the seriousness of the performance deficiency, not for the purpose of punishment, and should not generally exceed three days (24 hours) for nonexempt employees. Suspensions for exempt employees shall be in accordance with FLSA requirements to maintain exempt status.

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

If after suspension or demotion, the employee's performance does not reach an acceptable level, the employee may be dismissed.

### **Section 4. Disciplinary Action for Detrimental Personal Conduct**

With the approval of the Town Manager, an employee may be placed on disciplinary suspension, demoted, or dismissed without prior warning for causes relating to personal conduct detrimental to Town service in order to 1) avoid undue disruption of work; 2) to protect the safety of persons or

property; or 3) for other serious reasons.

## **Section 5. Detrimental Personal Conduct Defined**

All employees are expected to conduct themselves, both on and off duty, in a manner that reflects positively on the Town and maintains public trust. This expectation includes, but is not limited to, personal behavior, social media activity, and any other actions that could reasonably be perceived as impacting the employee's ability to perform their duties or the Town's reputation.

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

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

1. Fraud, theft or other illegal activities.
2. Conviction of a felony or the entry of a plea of nolo contendere thereto.
3. Falsification of records for personal profit, to grant special privileges, or to obtain employment.
4. Willful misuse or gross negligence in the handling of Town funds or personal use of equipment or supplies.
5. Willful or wanton damage or destruction to property.
6. Willful or wanton acts that endanger the lives and property of others.
7. Possession of unauthorized firearms, alcoholic beverages, illegal substances or other lethal weapons on the job.
8. Brutality in the performance of duties.
9. Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary.
10. Engaging in incompatible employment or serving a conflicting interest.
11. Request or acceptance of gifts in exchange for favors or influence.
12. Engaging in political activity prohibited by this Policy.
13. Harassment of an employee(s) and/or the public on the basis of sex or any other protected class

status; or

14. Harassment of an employee or the public with threatening or obscene language and/or gestures.
15. Stated refusal to perform assigned duties, flagrant violation of work rules and regulations, or serious malfeasance of work

## **Section 6. Possible Dismissal: Notice and Hearing**

Before dismissal action is taken, whether for failure in personal conduct or failure in performance of duties, the department head or a designee thereof, along with other persons deemed necessary to the process, including the Human Resources Director will conduct a pre-dismissal hearing. This hearing will be held upon at least three business days' notice to the employee that a dismissal is being considered and the hearing will be held, unless the employee waives such notice or the particular circumstance require a different period. At this hearing, the employee may present any response to the proposed dismissal to the department head or designee. The department head or designee will consider the employee's response, if any, to the proposed dismissal, and will, within three business days following the pre-dismissal hearing, notify the employee in writing of the final decision. If the employee is dismissed, the notice shall contain a statement of the reasons for the action and the employee's rights to appeal.

If the hearing results in a decision to dismiss the employee, the employee may appeal this decision in writing to the Town Manager. The written notice of appeal shall be delivered to the Human Resources Director and the Town Manager within five business days of the date of the dismissal decision.

Upon a timely appeal of a dismissal decision the Town Manager will schedule a hearing. The employee shall appear at the hearing and may bring whatever documentation the employee deems appropriate, although voluminous documentation may be excluded at the Town Manager's discretion. The employee may request the right to bring one or more witnesses to testify to critical facts upon written application to the Town Manager, along with a brief statement as to the content of the proposed testimony. The Town Manager shall have discretion as to whether to permit such testimony.

## **Section 7. Non-Disciplinary Suspension**

During the investigation, hearing, or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct, or during the course of any civil action involving an employee, when suspension would, in the opinion of the Department Head or Town

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

1. Temporarily relieve the employee of all duties and responsibilities and place the employee on paid or unpaid leave for the duration of the suspension, or
2. Assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities.

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

## **ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL**

### **Section 1. Policy**

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

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

### **Section 2. Grievance Defined**

A grievance is a claim or complaint by a current or a former employee based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. Grievance does not include appeal from a dismissal decision, which is covered by Article IX.

### **Section 3. Purposes of the Grievance Procedure**

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

1. Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal.
2. Encouraging employees to express themselves about the conditions of work which affect them as employees.
3. Promoting better understanding of policies, practices, and procedures which affect employees.
4. Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures.
5. Increasing the sense of responsibility exercised by supervisors in dealing with their employees.
6. Encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship, and therefore, encouraging conflicts to be resolved at the

lowest level possible of the chain of command; and

7. Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the Town or its leaders, thus freeing up employee motivation, productivity, and creativity.

#### **Section 4. Procedure**

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

**Informal Resolution.** Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the respective Department Head as a resource to help resolve the grievance. In addition, the employee or supervisor may request mediation from local mediation services or other qualified parties to resolve the conflict, upon approval of the Human Resources Director. Mediation may be used at any step in the process when mutually agreed upon by the employee and relevant Town supervisor or Manager. Mediation is the process where a neutral party assists the parties in conflict with identifying mutually agreeable solutions or understandings.

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

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

**Step 2.** If the grievance is not resolved to the satisfaction of the employee by the supervisor, the employee may appeal, in writing, to the appropriate Department Head within ten calendar days after

receiving the response from Step 1. The Department Head shall respond to the appeal, stating the determination of decision within ten calendar days after receipt of the appeal.

**Step 3.** If the grievance is not resolved to the satisfaction of the employee at the end of Step 2, the employee may appeal, in writing, to the Town Manager within ten calendar days after receiving the response from Step 3. The Town Manager shall respond to the appeal, stating the determination of decision within ten calendar days after receipt of the appeal. The Town Manager's decision shall be the final decision. The Town Manager will notify the Town Council of any impending legal action.

**Department Heads.** In the case of Department Heads or other employees 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.

The filing of a lawsuit by an employee on an issue while there is a grievance on the same issue will end the appeal(s) under the Town's grievance procedure.

## **Section 5. Role of the Human Resources Director**

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

1. To advise parties (including employee, supervisors, and Town Manager) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistency of application.
2. To be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents.
3. To give notices to parties concerning timetables of the process, etc.
4. To assist employees and supervisors in drafting statements; and
5. To facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process; and
6. To help locate mediation or other resources as needed.

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

## **Section 6. Grievance and Adverse Action Appeal Procedure for Discrimination**

When an employee, former employee, or applicant, believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, national origin, religion, creed, political affiliation, non-disqualifying disability, marital status or veteran status), he or she has the right to appeal such action using the grievance procedure outlined in this Article (Section 4 above). While such persons are encouraged to use the grievance procedure, they shall also have the right to appeal directly to the Human Resources Director or 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 an alleged act of discrimination within thirty calendar days of the alleged discriminatory action but may appeal for up to six months following the action. Nothing in this policy is intended to discourage or prevent an employee, former employee or applicant from filing a formal charge of discrimination or other illegal action with the appropriate state or federal agency having jurisdiction.

## ARTICLE XI. RECORDS AND REPORTS

### Section 1. Public Information

In compliance with GS 160A-168(b), the following information with respect to each Town employee is a matter of public record:

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

Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Town may adopt.

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.

## **Section 2. Access to Confidential Records**

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

1. The employee or his/her duly authorized agent may examine all portions of his/her personnel file except letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to the patient.
2. A licensed physician designated in writing by the employee may examine the employee's medical record.
3. A Town employee having supervisory authority over the employee may examine all material in the employee's personnel file.
4. By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
5. An official of an agency of the State or Federal Government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the Town Manager to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of the personnel records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
6. An employee may sign a written release to be placed in his/her personnel file that permits the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
7. The Town Manager, with the concurrence of the Town Council, may inform any person of the employment, non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a Town employee, and the reasons for that action. Before releasing that information, the Town Manager shall determine in writing that the release is essential to maintaining the level and quality of Town services. The written determination shall be retained in the Town Manager's office, is a record for public inspection, and shall become a part of the employee's personnel file.

## **Section 3. Personnel Actions**

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

#### **Section 4. Records of Former Employees**

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

#### **Section 5. Remedies of Employees Objecting to Material in File**

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

#### **Section 6. Penalties for Permitting Access to Confidential Records**

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

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

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

#### **Section 8. Destruction of Records Regulated**

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

## **ARTICLE XII. IMPLEMENTATION OF POLICIES**

### **Section 1. Conflicting Policies Repealed**

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

### **Section 2. Severability**

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

### **Section 3. Effective Date**

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

### **Section 4. Amendments**

This policy may be amended by action of the Town Council and by a formal action appropriately approved. Notice of any suggested amendment to the policy, or any portion thereof, shall be provided to employees and opportunities for employee comment and reaction shall be made available prior to the amendments going to the Town Council for action. Proposed amendments should be posted on bulletin boards in all employee work locations and/or in employee newsletters. Any revisions or amendments adopted in conformance with this procedure shall become effective as of the date of such adoption.

## APPENDIX A

### ALCOHOL AND DRUG FREE WORKPLACE POLICY

#### **ARTICLE I. Purpose**

As an employer, the Town of Valdese seeks to provide a healthy and safe work environment, to provide the best possible services to citizens, to maintain the public's confidence in its employees, and to protect the Town from economic losses that can occur due to alcohol and drug abuse. The Town is committed to administering a fair and consistent drug and alcohol testing program, to promote and maintain a drug free work environment, and to comply with the provisions of the Omnibus Transportation Employee Act of 1991. The purpose of this policy is to prevent accidents and injuries that are the result of alcohol abuse and/or use of drugs.

#### **ARTICLE II. Policy Statement**

The Town of Valdese is committed to the health, safety, and welfare of its employees and the citizens it serves. As part of this commitment, the Town expects its employees to be fit, alert, and prepared to perform their jobs safely and productively for the benefit of all. Substance and alcohol abuse is a safety and health threat. To promote a drug and alcohol free work environment, the Town of Valdese will require pre-employment and workplace testing for alcohol and/or drugs according to the procedure prescribed herein.

#### **ARTICLE III. Responsibilities**

##### **Town Manager**

The Town Manager is responsible for insuring that all Town departments adhere to this policy.

##### **Safety Director**

Serving as the Program Coordinator, the Safety Director is responsible for the implementation of this policy including employee training as it relates to the policy, maintaining related documentation, and for identifying employees covered by The Omnibus Transportation Act.

##### **Department Directors**

All Department Directors are responsible for insuring that supervisors and employees attend training sessions pertaining to the Town's substance abuse policy and adhere to its requirements. Department Directors are also responsible for properly applying this policy and taking disciplinary actions when necessary.

## **Employees**

All Town employees are responsible for knowing and adhering to the requirements of this policy. Employees are expected to share the responsibility of promoting and maintaining an alcohol and drug free work environment. Any employee who knows or strongly suspects that another employee is illegally using, under the influence of, or is in possession of prohibited substances shall immediately report the facts and circumstances to their supervisors. Supervisors will be provided training through the Town of Valdese Employee Assistance Program.

## **ARTICLE IV. Alcohol and Drug Prohibitions and Requirements**

### **A. Alcohol and Drugs**

The Town of Valdese recognizes that impaired or reduced mental and physical abilities may create a hazard in the workplace as a result of an on or off duty use of alcohol or drugs. Therefore, the Town of Valdese prohibits the unlawful manufacture, distribution, dispensing, possession, purchase, sale, and use of alcohol, drugs, or the impairment by alcohol or drugs by its employees during work hours, while on Town property, while performing any duties for or on behalf of the Town, or while driving any Town vehicle within the course and scope of their duties as an employee of the Town of Valdese, or within eight (8) hours prior to performing duties for the Town.

### **B. Medications**

Any prescription medication used by an employee at the workplace must be prescribed to the employee and used in the amount and manner prescribed, consistent with any usage warnings. Any over the counter medication must be used in accordance with a physician's written direction or the manufacturer's directions and warnings. Any use of prescription or over the counter medications while not at the workplace must be consistent with the above, so as not to result in a positive drug screen.

### **C. Charges or Convictions**

An employee must notify his/her department head verbally and in writing of any drug or alcohol conviction within three days of the conviction or on the first working day for the employee, whichever is earlier. Further, any employee charged with a drug or alcohol violation must report the charge to his/her department head within three days following the charge or on the first working day for the employee, whichever is earlier. Under employer authority, such notification shall constitute grounds for reasonable suspicion testing and investigatory suspension, as outlined in Section XI of this policy. Furthermore, the employee may receive mandatory referral to the EAP. Failure to notify the department head will result in disciplinary action up to and including termination from employment.

### **D. Violation of Policy**

Violation of the policy stated above and/or alcohol or controlled substance impaired behavior on the job shall be viewed as unacceptable personal conduct and shall be cause for disciplinary action, up to and including termination, under employer authority.

**E. Report of Criminal and/or Policy Violations**

The Town of Valdese will report all violations of criminal drug statutes occurring in the workplace to the appropriate law enforcement agency. All employees have a responsibility to report observed and suspected violation of this policy to their supervisor or Town management.

**F. Privacy and Confidentiality**

The Town of Valdese, in accordance with the Employee Assistance Program (EAP), will support the responsible action of an employee seeking help for an alcohol or controlled substance problem. An employee's efforts to obtain help through the EAP will be handled in confidence. With the exceptions identified elsewhere in this policy, the Town of Valdese will maintain employee medical and personal information in confidence and release this information to authorized Town personnel on a "need to know" basis only. If the employee signs a release for the transfer of such information, the information will be released as noted in the signed release to designated persons or agencies regarding the reporting of positive substance or alcohol tests.

**ARTICLE V. Education**

The Town of Valdese will provide drug and alcohol awareness materials to all its employees to help them understand the consequences of alcohol and drug abuse in their personal lives and in the workplace and to recognize the signs of this abuse. This education will be provided to the Town through its Employee Assistance Program. In addition, training will be conducted in order to assure compliance with the Federal Omnibus Transportation Employee Act of 1991.

Department Directors and supervisors must receive 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substance use annually. This training will include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and controlled substances use.

The Town of Valdese will provide each employee a copy of the drug and alcohol policy so the employee will be prepared to meet the expectations and standards set forth in the policy. Questions about this policy and its implementation may be addressed in writing to the Town of Valdese Safety Director or the Town Manager. Documentation of employee's acknowledgement of receiving a copy of this policy, drug, and alcohol awareness material will be maintained in the employee's personnel file.

**ARTICLE VI. Notice of Testing – Condition of Employment:**

Notice is given to all applicants and all current employees that employment with the Town of Valdese is conditioned upon the applicant and employee's agreement with the testing policy and consent to be tested as provided in this policy.

**A. New Employees**

Employment with the Town of Valdese for all persons newly employed, on or after the effective date of this policy, is conditioned upon the employee's acceptance of this alcohol and drug free workplace policy and agreement to be tested as directed by management under the conditions stated herein. The employee's acceptance of employment will constitute the employee's agreement with and acceptance of this policy as a condition of employment.

### **B. Current Employees**

Continued employment with the Town of Valdese for all persons employed before the effective date of this policy is conditioned upon the employee's acceptance of this alcohol and drug free workplace policy and agreement to be tested as directed by management under the conditions stated herein. Current employees will not have to undergo initial testing in that they are already employed.

## **ARTICLE VII. Drug and Alcohol Testing Circumstances**

### **The Town of Valdese will require drug and alcohol testing as follows:**

#### **A. Pre-Employment Testing**

Applicants for employment with the Town of Valdese must successfully undergo pre-employment drug testing as a post-offer condition of employment. The applicant must be available for testing within forty-eight (48) hours following communication of a conditional offer of employment. Pre-employment drug and alcohol testing shall be required for all applicants, whether applying for full-time or part-time positions.

#### **B. Random Testing**

Town of Valdese employees who are required to hold a **Commercial Driver's License (CDL)**, due to their current job assignment with the Town are subject to random drug testing as outlined in the Omnibus Transportation Act. These employees will be selected for testing by a computer-generated program administered by an independent third party contractor. Testing will be spread throughout the year and all employees will be subject to selection in each selection period.

Employees who have been charged or convicted of a drug or alcohol related offense may also be subject to random testing under employer authority or as recommended by EAP.

#### **C. Reasonable Suspicion Testing**

All Town of Valdese employees will be subject to reasonable suspicion drug and alcohol testing when the Town of Valdese has cause to suspect an employee has violated this policy, or has placed himself/herself, fellow employees or the general public in harm's way due to a drug or alcohol related offense.

The Town Manager, the Program Coordinator and related Department Directors will be responsible for determining when an employee must undergo drug and/or alcohol reasonable suspicion testing. Such a determination will be based on specific, describable observations, by

any Town of Valdese Supervisor, Department Director, Assistant Department Director or the Program Coordinator, such as appearance, behavior, speech, or body odors, when those observations are immediately prior to, during or immediately after the performance of duties for, or on behalf of The Town of Valdese. Indications of the chronic and withdrawal effects of drugs may also be considered when determining reasonable suspicion for drug testing. Such observations must be by made by at least two (2) management staff personnel. The supervisors must prepare documentation of the employee's conduct leading to the sending of the employee for reasonable suspicion testing. The documentation must be prepared and signed by the supervisors who witnessed and made the reasonable suspicion determination within 24 hours of the observed behavior, or before the results of the alcohol and/or drug test are released, whichever is earlier. Also, reasonable suspicion testing will be conducted when it has been determined the employee has recently been charged or convicted of a drug or alcohol related offense. Reasonable suspicion testing may not be conducted based on the reports of a third party or coworker who has made the observations.

The Program Coordinator will arrange for testing to be conducted as soon as practicable, but no later than thirty-two (32) hours after the event for drug testing and no later than eight (8) hours after the event for alcohol testing. If a reasonable suspicion alcohol test is not given within two hours following the observations, you must make a record stating the reasons the alcohol test was not given. If the test was not given within eight hours, you must stop all attempts to give the test, and must make a record stating the reasons the alcohol test was not given. If reasonable suspicion is observed but a reasonable suspicion test has not yet been given, the employee cannot perform work functions until an alcohol test is given and the employee's blood alcohol concentration measures less than 0.02 or until 24 hours have passed following the determination of reasonable suspicion.

#### **D. Post Accident / Post Injury Testing**

All Town of Valdese employees are subject to post accident / post injury drug and alcohol testing following an accident, vehicular or otherwise, when there exists reasonable suspicion or one of the following circumstances:

1. Injuries resulting in professional medical treatment
2. Worker's Compensation forms must be submitted
3. Aggregate property damage of at least \$500.00 or more
4. Contributory negligence on part of the Town employee
5. Employee is involved in a physical altercation
  - Exception – Police involved in a physical altercation while making an arrest or detaining a suspect

An exception may be made to this requirement for testing when such an injury or damage is caused by a third party. If the employee is involved in an automobile accident while carrying out duties in the capacity of his / her job, the employee must notify his / her immediate supervisor or other management staff immediately. Testing will be carried out as soon as possible.

#### **Testing Guidelines for Reasonable Suspicion and Post Accident Tests:**

- Employee being tested will be driven to the test site by a member of the same sex and who is either a member of management or supervisory personnel.
- Employee being tested will not return to duty until the test results have been received by the Town. The tested employee will continue to receive their regular wages until test results are received by the Town.
- Employees being tested will not be allowed to drive home after testing if negative test results have not been received from the test site. A member of the same sex and who is either a member of management or supervisory personnel will drive the tested employee home from the test site.

**E. Return to Duty and Follow-up Testing**

All Town of Valdese employees are subject to **return to duty and follow-up** drug and alcohol testing following a violation of this policy or following the completion of chemical dependency treatment by a designated Employee Assistance Program or counseling program. Follow-up testing will be determined by the chemical dependency evaluator and treatment provider, but will be conducted under Town authority. The employee must provide a written release for the Town Manager or the Program Coordinator to receive evaluation information relevant to a return to duty decision.

The Town is required to advise its employees of the resources available for appropriate treatment for alcohol misuse and drug use. However, the Town is not required to pay for the rehabilitation or to hold a job open for an employee while treatment is sought.

**ARTICLE VIII. Substances Tested**

Alcohol concentration will be tested by breath, saliva, or blood analysis.

Drug testing by urinalysis will include the following substances:

1. Amphetamines
2. Cocaine
3. Marijuana
4. Opiates
5. Phencyclidine

The Town of Valdese may include additional drugs in the test panel for reasonable suspicion or post accident / injury testing based on evidence or information relating to the incident in question.

NOTE: In some cases, the use of medicinal CBD products may produce a “Positive” drug screen. Since there is no way to determine if the positive screen came from the use of medicinal products or from the use of marijuana, all positive drug screens will be treated as prohibited behavior and subject to the requirements and disciplinary actions of this policy.

**ARTICLE IX. Testing Procedures**

Employees and/or applicants will report to a medical facility designated by the Town of Valdese for drug specimen collection.

Drug and blood alcohol testing will be conducted by a laboratory certified by the United States Department of Health and Human Services (DHHHS).

Evidential Breath Alcohol Testing will be conducted by a certified Breath Alcohol Technician (BAT) using an Evidential Breath Testing (EBT) device.

Testing will occur immediately prior to, during, or immediately after performing job duties.

An applicant or employee who produces a positive drug test will be afforded the opportunity to present medical information relevant to the positive test to a special physician called a Medical Review Officer (MRO). The MRO will evaluate and verify the information and make a final medical determination on the laboratory results. Final testing results will then be reported to the Program Coordinator. Both positive and negative reports will be placed in an appropriate, secure, confidential file for the tested individual.

Within 72 hours of notification of a verified positive test result, a donor may request through the MRO that the remainder of the specimen be reconfirmed at the same or a different certified laboratory. The result will be considered positive if the confirmation testing protocol determines the presence of the drug or drug metabolite in question without regard to cutoff levels which apply to the first testing.

The employee or applicant will be responsible for the cost of the reconfirmation test unless the Medical Review Officer (MRO) determines there has been a testing discrepancy and cancels the test.

#### **ARTICLE X. Refusal to Test**

As part of this policy, employees must submit to alcohol and drug testing upon notice. A refusal to submit immediately to testing as directed by management is a violation of this policy and will be considered insubordination, unacceptable personal conduct, and reason for disciplinary action, up to and including dismissal. A refusal to submit to testing is treated the same as a positive alcohol and/or drug test. If an employee refuses to be tested, he or she cannot continue to perform work functions until he or she has gone through the return-to-duty process. Once the employee has completed the return-to-duty process, he or she is subject to follow-up drug and/or alcohol testing for at least one year and for up to a total for five years.

**The following situations are all considered a refusal to submit to an alcohol and/or drug test:**

1. Failure to report to the testing site within one hour from the time the employee was given the notice will constitute a willful refusal to follow instructions and insubordination.
2. Failure to remain at the testing site until the testing process is complete
3. Failure to provide a urine specimen for drug testing or a saliva or breath specimen for alcohol testing

4. Failure to provide enough urine for drug testing or an adequate amount of saliva or breath for alcohol testing and there is no medical explanation for the failure
  - If the employee or applicant does not provide a sufficient urine specimen within a period of three (3) hours or an adequate breath specimen after a reasonable number of attempts, the collection process will be discontinued, and The Town of Valdese will be promptly notified. If the employee chooses, he/she may consume up to forty (40) ounces of fluid over the three (3) hour period to assist in the providing the urine specimen.
  - If the collection or testing technician reports that an employee or applicant failed to provide a specimen, the Program Coordinator will inform the employee / applicant that he/she may submit valid medical evidence from a personal physician to justify the inability to provide the required specimen. Failure to provide this information will be deemed a refusal to submit to the required testing and the donor will be subject to disciplinary action as set forth in this policy.
5. In the case of a directly observed or monitored drug test collection, failing to permit the observation or monitoring of the provision of the specimen
6. For observed collection, the employee's failure to follow the observer's directions to raise or lower clothing to show that he or she does not have a prosthetic or other device that could be used to interfere with the collection process
7. The employee possesses or wears a prosthetic or other device that could be used to interfere with the collection process
8. The employee admits to the collector or medical review officer (MRO) that he or she adulterated or substituted the specimen. A verified adulterated or substituted drug test is also considered a refusal to test
9. Failing or declining to take a second drug test when directed by the collector
10. Failure to undergo a medical examination or evaluation as part of: the verification process for drug testing or as directed by the designated employer representative, "shy bladder" procedures for drug testing or insufficient breath procedures for alcohol testing
11. Failure to cooperate with any part of the testing process

Any refusal to submit to an alcohol and/or drug test will be considered reason for disciplinary action.

## **ARTICLE XI.           Consequences of Engaging in Prohibited Conduct**

- A.** The conditional offer of employment to an applicant will be withdrawn should the applicant produce a positive drug / alcohol test. If the applicant tests positive, the applicant is considered unqualified for a period of one (1) year.
- B.** An employee determined by administrative or other investigation to be involved in the unlawful manufacture, distribution, dispensation, use or sale of a controlled substance on the premises of the Town of Valdese will be dismissed based on unacceptable personal conduct. Failure to comply with any requirement of this policy will result in disciplinary action up to and including dismissal.

C. An employee determined by administrative or other investigation to be in possession of or involved in the manufacture, or delivery of drug paraphernalia on the premises of the Town of Valdese will receive at least a written warning, investigatory suspension, be required to participate in an Employee Assistance Program, and undergo mandatory testing.

D. A refusal to test will result in removal from duty and other disciplinary action up to and including dismissal.

**E. First Testing Violation Offense**

Any employee, producing a verified positive drug test or a confirmed positive alcohol test of 0.04 BAC or greater, **may be** offered the opportunity to complete the return to duty requirements described in Section VII of this policy in preparation for resuming workplace duties. Failing to undergo evaluation or failing to complete recommended treatment successfully will result in dismissal based upon unacceptable personal conduct. Employees on probationary status are not eligible for this return to duty option and will be dismissed following a positive drug or a confirmed positive alcohol test of 0.02 or greater.

An employee producing a confirmed alcohol test result of 0.02 or greater BAC will be immediately removed from duty and will be subject to disciplinary action, up to and including termination.

**If an employee fails an alcohol test**

- Alcohol concentration of 0.04 or greater
  - The employee must be immediately removed from all work functions
  - The employee may not return to work functions until an evaluation by a substance abuse professional (SAP) has been done, the employee has complied with prescribed treatment, and he or she passes a return-to-duty test. The employee is then subject to six follow-up tests in the first 12 months after returning to duty and may be subject to follow-up testing for up to a total of five years.
- Alcohol concentration of 0.02 to 0.03
  - The employee must be immediately removed from all work functions
  - Employee may not return to work functions for at least 24 hours
- Alcohol concentration of 0.00 or 0.01
  - Employee may return to work functions

**If an employee tests positive for drug(s) or has a verified adulterated or substituted test result**

- The employee must be immediately removed from all work functions
- The employee may not return to work functions until an evaluation by a substance abuse professional (SAP) has been done, the employee has complied with prescribed treatment, and he or she passes a return-to-duty test. The employee is then subject to six follow-up tests in the first 12 months after returning to duty and may be subject to follow-up testing for up to a total of five years. Both return-to-duty and follow-up drug tests must be conducted under direct observation.

**F. Second Testing Violation Offense**

An employee producing a second positive test, either for drugs or for alcohol at or above 0.04 BAC, within five years will be dismissed for continual violation of this policy and unacceptable personal conduct.

**G. Self-Referral**

An employee may, prior to the first testing or if there has been no second violation offense, voluntarily enter rehabilitation without incurring disciplinary action, but will be subject to return to duty and follow-up testing at the direction of the evaluator or treatment professional. The employee may initiate this process through the Town of Valdese Employee Assistance Program or directly with a treatment provider, after obtaining approval from the Town. The Town is required to advise its employees of the resources available for appropriate treatment for alcohol misuse and drug use. However, the Town is not required to pay for the rehabilitation or to hold a job open for an employee while treatment is sought.

**ARTICLE XII. Return to Duty Requirements**

Following a request for assistance, a verified positive drug test or a confirmed positive alcohol test of 0.04 BAC or greater, an eligible employee will be referred to the EAP for chemical dependency evaluation. The employee must complete the evaluation and undergo any recommended treatment to be considered for return to duty status.

The evaluator will assess the employee's needs and recommend treatment if needed. The evaluator will monitor the employee's progress during any recommended treatment and at the end of treatment will reevaluate the employee for compliance with treatment. At a time designated by the evaluator, the Valdese Town Manager and the Program Coordinator, the employee will undergo return to duty testing for either or both alcohol and drugs as determined by the evaluator. Further, if the evaluator recommends treatment, the employee will be subject to follow-up tests for a maximum of five (5) years at the direction of the evaluator, the Valdese Town Manager and the Program Coordinator.

The employee will have sole responsibility of the costs incurred in the evaluation and treatment process except for any benefits that the employee may be eligible for under the Town of Valdese Employee Assistance Program or personal medical plans.

The employee may take sick days, accrued vacation days, or, with prior agreement with the Valdese Town Manager, a specified period of unpaid leave to complete any required rehabilitation after undergoing evaluation.

Entering into or participating in a treatment program does not preclude the Town from administering appropriate disciplinary measures consistent with this or any other existing policy contained in the Town of Valdese Personnel Ordinance.

Failure of an employee in return to duty status to perform job duties to normal departmental standards and expectations can result in disciplinary action up to and including dismissal.

### **Right of Appeal**

An employee on probationary status who has violated this policy has no right of appeal beyond the medical review program and specimen reconfirmation.

Permanent employees have the right of appeal following the guidelines in the Town of Valdese Personnel Ordinance.

## **ARTICLE XIII. Technical Implementation of Drug and Alcohol Testing Program**

### **Urine Collections**

The collection of urine specimens will follow the protocol established by the U.S. Department of Health and Human Services (DHHS). Among other things, this protocol includes suitable donor identification, secured collection restroom with blue toilet water, and a strict external and internal chain of custody to assure specimen integrity.

The urine specimen collection will be performed by qualified medical personnel or the personnel trained in full DHHS urine collection procedures. Under most circumstances, the urine specimen will be provided unobserved. Observed collections will be carried out in circumstances where there is reason to suspect an initial sample was substituted or adulterated, the test is a return-to-duty test, or a follow up test after a previously positive test.

If the donor cannot provide an adequate specimen, the individual may consume up to 40 ounces of fluid to facilitate providing an adequate specimen within a three (3) hour period. Leaving the collection site during this time will be considered a refusal to test and will result in disciplinary action set forth in this policy.

A split sample method of collection will be used for those employees who fall under the guidelines of the Omnibus Transportation Act (employees who possess CDL drivers license). At least forty-five (45) ml of urine must be collected, thirty (30) ml to be used as the primary specimen and fifteen (15) ml to be used as the split specimen.

### **Breath Testing**

A Breath Alcohol Technician (BAT) who has been trained to proficiency and certified in the operation of an evidential breath alcohol testing device (EBT) will collect breath specimens. The BAT and the donor will jointly complete reporting requirements on a Breath Alcohol Test Form. If the donor leaves the collection site premises without completing the test, he/she will be considered to have refused to submit to testing and will be subject to the disciplinary action set forth in this policy.

## **ARTICLE XIV. Analytical Requirements**

### **Drugs**

The analytical process for the testing of the designated drugs will be conducted by a DHHS certified laboratory. Such testing will be conducted under the required protocols and quality assurance requirements established by DHHS and industry standards.

Initial screening of primary urine specimens submitted to the laboratory will be performed using an immunoassay process. Any specimen indicating the positive presence of any of the screened drugs will undergo a confirmatory procedure known as the Gas Chromatography / Mass Spectrometry (GC/MS). Cutoff levels to determine positive drug tests are determined by DHHS guidelines. Cutoff levels will be adopted by reference to DHHS threshold standards where available and industry guidelines otherwise.

### **Alcohol**

Alcohol testing will be conducted by a Breath Alcohol Technician (BAT) using an evidential breath testing (EBT) device, which meets specified industry guidelines. An initial test of 0.02 or greater will result in a 15 to 20 minutes oral deprivation period where the donor is instructed not to consume any product orally. Following this period, a second evidential breath test will produce a final reportable alcohol concentration result. Donor disregard of instructions does not discount the final test. In the event that the initial test and the confirmation test results are different, the confirmation test result is deemed to be the final test result upon which any action under the terms of this policy shall be based.

## **ARTICLE XV. Omnibus Transportation Employee Testing Act**

Each calendar year, a minimum of 25% of the average number of Town employees covered under the Omnibus Transportation Act will be randomly tested for alcohol, and a minimum of 50% of the average number of Town employees covered by the Omnibus Transportation Act will be randomly tested for controlled substances.

## **ARTICLE XVI. Glossary**

**Alcohol:** constitutes any beverage, mixture, or preparation (including medication) containing as an intoxicating agent any low molecular weight alcohol such as ethyl, methyl, or isopropyl alcohol.

**Alcohol Concentration:** means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath.

**BAC:** breathe alcohol concentration; used to report the level of breath alcohol.

**Breath Alcohol Technician (BAT):** a person trained to proficiency in the operation of an evidential breath testing device and in the alcohol testing procedures.

**Confirmed Positive Alcohol Test:** is the result of an initial and confirmatory test via breath or other approved body fluid with both tests reflecting an alcohol concentration of 0.04 or greater.

**Confirmed Positive Drug Test:** is the result of the detection of one or more of the designated substances at thresholds at or exceeding the levels established by DHHS, the Department of Health and Human Services, through the two separate testing protocols.

**Drug:** includes any substance listed on Schedule I through V as they may be revised under federal law in 21 CFR 1308.

**Drug Test:** constitutes an analytical procedure or chemical test to determine if specific drugs or their metabolites are present at a given time in a person's system.

**Evidential Breath Testing Device (EBT):** a device meeting requirements set forth by the National Highway Traffic Safety Administration and placed on their list of Confirming Products for the evidential testing of breathe alcohol.

**Medical Review Officer (MRO):** is a medical doctor (MD) or a doctor of osteopathy (DO) who has knowledge in the field of substance abuse disorders and who receives, reviews, and evaluates confirmed positive drug tests. MRO shall be designated by the Town of Valdese or the third party administrator of this policy.

**Negative Drug Test:** is the result of a testing process, which has not found evidence of presence of any one of the designated substances or its metabolites at thresholds established by the Department of Health and Human Services (DHHS)

**Over the Counter Medication:** constitutes those medications legally available as over the counter purchases.

**Prescription Medication:** constitutes a substance prescribed to a specific individual by an authorized health care professional with that substance being used in the prescribed manner.

**Reasonable Suspicion:** an objectively justifiable suspicion that is based on specific facts or circumstances, such as appearance, behavior, speech, or odors that may indicate that a person is under the influence of alcohol and/or drugs

**Safety Sensitive Position:** Any Town of Valdese employee who drives a vehicle within the course and scope of their duties as an employee of the Town of Valdese, in which the type of vehicle operated requires the driver to hold a Commercial Driver's License.

**Verified Positive Drug Test:** occurs when the Medical Review Officer has reviewed a confirmed positive test and found no acceptable medical alternative for the presence of the drug(s) or metabolite.



Attachment A

**RECEIPT OF TOWN OF VALDESE  
ALCOHOL AND DRUG FREE WORKPLACE POLICY**

As an employee with the Town of Valdese, I hereby acknowledge that I have received a copy of the Town of Valdese Alcohol and Drug Free Workplace Policy. Furthermore, I acknowledge that I have received training and educational materials as outlined in the policy.

Name of Employee: \_\_\_\_\_

Department: \_\_\_\_\_

Employee Social Security Number: \_\_\_\_\_

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Department Director

\_\_\_\_\_  
Date

**REASONABLE SUSPICION OBSERVATIONS**

Employee Name: \_\_\_\_\_

Date of Observation: \_\_\_\_\_

Time of Observation: From: \_\_\_\_\_ To: \_\_\_\_\_

Location of Observation: \_\_\_\_\_

Reasonable suspicion determined for: Alcohol \_\_\_\_\_ Drugs \_\_\_\_\_

**CHECK ALL APPROPRIATE ITEMS**

- 1. SPEECH:    \_\_\_ SHOUTING           \_\_\_ WHISPERING       \_\_\_ SLOW       \_\_\_ RAMBLING  
                  \_\_\_ SLURRED           \_\_\_ SLOBBERING       \_\_\_ INCOHERENT
- 2. WALKING:   \_\_\_ STUMBLING       \_\_\_ SWAYING           \_\_\_ STAGGERING       \_\_\_ UNSTEADY  
                  \_\_\_ FALLING           \_\_\_ SAGGING AT KNEES   \_\_\_ FEET WIDE  
          APART                   \_\_\_ HOLDING ON       \_\_\_ RIGID  
          \_\_\_ UNABLE TO STAND
- 3. ACTIONS:   \_\_\_ RESISTING COMMUNICATIONS   \_\_\_ INSULTING       \_\_\_ HOSTILE  
                  \_\_\_ DROWSY           \_\_\_ FIGHTING/INSUBORDINATE  
          \_\_\_ PROFANITY                   \_\_\_ THREATENING       \_\_\_ ERRATIC  
          \_\_\_ HYPERACTIVE       \_\_\_ CRYING  
          \_\_\_ INDIFFERENT
- 4. EYES:       \_\_\_ BLOOD SHOT       \_\_\_ CLOSED       \_\_\_ DILATED       \_\_\_ CONSTRICTED  
                  \_\_\_ DROOPY           \_\_\_ GLASSY       \_\_\_ WATERY       \_\_\_ WEARING  
SUNGLASSES
- 5. FACE:       \_\_\_ FLUSHED           \_\_\_ PALE       \_\_\_ SWEATY
- 6. APPEARANCE/CLOTHING:   \_\_\_ DISHEVELED       \_\_\_ MESSY       \_\_\_ DIRTY  
                  \_\_\_ PARTIALLY DRESSED   \_\_\_ HAVING ODOR       \_\_\_ STAINS ON  
CLOTHING
- 7. BREATH:    \_\_\_ ALCOHOL ODOR   \_\_\_ FAINT ALCOHOL ODOR   \_\_\_ NO ALCOHOL ODOR  
                  \_\_\_ MARIJUANA ODOR
- 8. MOVEMENTS:   \_\_\_ FUMBLING   \_\_\_ JERKY       \_\_\_ SLOW       \_\_\_ NERVOUS  
                  \_\_\_ HYPERACTIVE
- 9. EATING/CHEWING:   \_\_\_ GUM       \_\_\_ CANDY       \_\_\_ MINTS       \_\_\_ TOBACCO   \_\_\_ OTHER

10. OTHER OBSERVATIONS AND FACTORS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Did employee admit to using drugs and/or alcohol?   \_\_\_ Yes   \_\_\_ No

NOTES: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

ABOVE BEHAVIOR WITNESSED BY:

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

## APPENDIX B

### TOWN OF VALDESE TRAVEL POLICY AND PROCEDURE

This policy establishes criteria for payment and reimbursement of travel expenses incurred by the employees of the Town of Valdese on official Town business. Official Town business shall be defined as job related training, work on behalf of the Town of Valdese or travel to officially represent the Town of Valdese. Travel that does not directly benefit the Town will not be reimbursable.

It is inherently understood in this policy that an individual traveling on official Town business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Excess costs, services, and luxury accommodations solely for the convenience or personal preference of the traveler in the performance of official Town business are not acceptable under this policy and travelers will be held responsible for any and all unauthorized costs and additional expenses incurred.

#### I. Procedures:

- A. Forms: All Town travel, where expenses are required, shall be documented using the Town's Travel Expense Request Form that supplements this policy. Approval for department travel is satisfactory at the Department Head level. Travel for Department Heads must be approved by either the Town Manager or Assistant Town Manager.
- B. Purchase Orders: Reimbursement for travel related expenses following the guidance in this policy, must be submitted for reimbursement through a purchase order accompanied by all supporting documentation.
- C. Credit Cards: The preferred method for paying all travel related expenses is with a municipal credit card. Whenever the municipal credit card is used, all itemized receipts should be retained and returned. Any charge the credit card without a proper itemized receipt, shall be reimbursed to the Town by the traveler.
- D. Advance Payment: Only meal allowances, per section IV, shall be issued for travel in advance. All other travel expenses are on a reimbursement basis, subject to the review of the Department Head for employees, or the Town Manager or Assistant Town Manager for Department Heads. The approver shall examine and ensure all itemized receipts meet the requirements specified within this policy and other applicable Town policies.

#### II. Travel

- A. Automobile Travel: A Town vehicle must be used for approved travel except with exceptions made at the discretion of the Department Head. If a Town vehicle is not available, a personal vehicle may be used and mileage will be reimbursed at the current federal business rate. ([www.irs.gov](http://www.irs.gov)).

The preferred mapping software to determine mileage is Google Maps or Driversnote mobile app. The starting and ending location address shall be the employees primary facility of employment or home address, whichever is closer mileage to the destination.

- B. When using a Town vehicle it is expected the vehicle is left in clean condition for the next traveler.
- C. Reasonable parking fees, tolls, taxi charges, and car rentals, when appropriate to the travel, are reimbursable upon submission of appropriate documentation and receipts.
- D. Common carrier: All air, rail and bus transportation shall be reimbursable at business or coach fare, substantiated by appropriate documentation and receipts. Quotes must be obtained from more than one (1) common carrier and documentation that the lowest fare available and/or the most efficient travel method is that which is being used must be submitted with the travel request form. The Town will pay for one checked bag only. Additional luggage fees are the responsibility of the coworker/traveler.

### **III. Lodging**

- A. Lodging necessary for overnight travel is reimbursable to the traveler when the appropriate approval is obtained, however it is preferable to reserve and pay for lodging in advance using a municipal credit card. Lodging shall be reserved and paid for up to the amount of the U.S. General Services Administration (GSA) [allowable rate](#) for the destination location, unless otherwise authorized by the Town Manager or Assistant Town Manager. If the destination location is not a preset location, the closest preset location shall apply.
- B. When making reservations for lodging for Town business, travelers should request the “government” or “discounted” rate most hotels and conference centers offer.
- C. Incidental Expenses: Charges billed to the traveler’s hotel room that have no bearing on the legitimate business nature of the travel are the responsibility of the traveler and will not be reimbursed by the Town or must be paid back to the Town if charged to a municipal card.

### **IV. Meals**

- A. Per Diem rates: Meals for in-state and out-of-state travel will be paid in advance per the most recent rates as established by the GSA.

The most recent GSA [per diem rate schedule](#) must be included in with the reimbursement request.

Purchase Orders for per diem meals in advance must be submitted to Accounts Payable no later than 10 business days prior to the first day of travel.

If the travel is canceled, the employee must return the per diem check or reimburse the Town for the same amount.

- B. Receipts for per diem expenses: On rare occasions, when the cost of meals may exceed the allowance, The Town Manager or Assistant Town Manager may

approve at their discretion an amount higher than the per diem allowance. A written justification and receipt must accompany the travel expense report if the cost of meals exceeded the per diem.

- C. Alcoholic Beverages: No alcoholic beverages may be included in the request for reimbursement or charged on a municipal credit card.

**APPENDIX C**  
**TOWN OF VALDESE MOTOR VEHICLE AND EQUIPMENT USE POLICY**

**A. Safe Vehicle Operations**

**1. Purpose**

As with your personal vehicle, driving is a privilege, not a right. The purpose of this policy is to serve as a minimum standard for the safe operation of Town of Valdese vehicles. This policy covers all vehicles regardless of type and size, type of assignment, or condition of the vehicle. Town employees are responsible for the vehicle in their possession.

**2. Personnel Affected**

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

**3. Best Practice Guidelines**

**a. License and Insurance**

All employees operating Town of Valdese vehicles shall have a valid North Carolina Driver's License in their possession during employment hours. Employees are also required to report to their supervisor immediately any moving citation they receive that will affect their ability to operate a vehicle. Finally, drivers of town vehicles will make sure there is an insurance card in the glove box of the vehicle that summarizes the current coverage in force. If it is missing the employee will notify their supervisor immediately.

**b. Pre-Operation Inspection**

All mobile equipment will be inspected prior to daily operations. This will consist of at least a visual inspection to insure that there are no obvious mechanical conditions that are in need of repair. If conditions are noted the supervisor will be advised so a determination can be made as to whether or not the vehicle should be removed from service.

### **c. Housekeeping within Vehicles**

Vehicle compartments will be kept clear of materials that could constitute a safety hazard in the operation of the vehicle. Unsecured tools, loose debris or other items that could contribute to an accident will be removed or secured immediately.

### **d. Passenger Rules**

Vehicles that are used to transport personnel, regardless of the distance, will be equipped with seating as supplied by the manufacturer. Neither employee nor the passenger will ride in the standing position or outside the seating area such as riding on the tailgate of a pickup truck.

### **e. Seat Belts**

All passengers (**including the driver**) shall wear seat belts when the vehicle in motion, in accordance with North Carolina State Law. (**General Statute 20-135.2A**)

### **f. Securing Materials**

The operator is responsible for ensuring that all materials are properly secured onto or in the vehicle before proceeding. If materials exceed the end of the vehicle, the appropriate flags or lighting shall be added to the end of the material.

### **g. Backing Operations**

Each operator shall make every effort to position his/her vehicle so that it is not necessary to back-up. When vehicles must be backed and rear vision is obstructed, a spotter must be used. If no spotter is available the operator will dismount the vehicle and walk around the vehicle to make sure the area that is to be backed into is clear. Next, back slowly with great care.

Whenever possible, back your vehicle into a parking space when traffic allows. This will allow you to drive forward with an unobstructed view rather than backing out into the flow of traffic.

All large trucks and equipment should be equipped with back-up alarms.

### **h. Warning Lights and Striping**

Many of our vehicles are equipped with visual warning equipment for added safety when responding to emergency situations. This equipment must be maintained to the highest degree possible to protect our employees and the public we serve. Similarly, our utility vehicles are equipped with warning lights and reflective striping that outlines the vehicle. This warning equipment (flashing lights, etc.) should be

operated anytime the vehicle is in use. When these items need to be repaired or replaced advise you supervisor so immediate maintenance can be performed.

#### **i. Cell Phone Use**

Wireless phones have become another tool required to do our jobs effectively. The use of a wireless phones while operating a Town of Valdese vehicle shall be in accordance with North Carolina General Statute 20-137.3. Further, when using a wireless phone while operating a Town of Valdese vehicle every effort should be made to safely pull to the side of the street to complete your call.

#### **4. Required Training**

Each supervisor shall review this policy with new hires and with each existing employee on an annual basis.

#### **5. Policy Review and Update**

The Safety Director will review this policy on an annual basis to ensure its applicability and make any necessary changes.

### **B. Driver Qualifications**

#### **1. Purpose**

This guideline is established to create minimum standards by which the Town of Valdese regulates the operation of Town owned vehicles.

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

#### **2. Personnel Affected**

This policy shall apply to all Town of Valdese employees who operate Town owned or leased vehicles and equipment. This policy also applies to those employees who operate their privately owned vehicle while conducting Town of Valdese business.

#### **3. Procedure / Guidelines**

Eligibility is dependent upon possession of a valid North Carolina State Driver's License appropriate for the equipment / vehicle being operated and the satisfactory review of all driving history and equipment operation records concerning the employee.

Any Town of Valdese employee receiving a citation on a traffic related issue shall be required to notify his or her supervisor before the beginning of the next shift. Any employee found guilty of a traffic related issue shall be required to notify his or her supervisor before the beginning of the next work shift following the conviction. The burden of disclosure lies with the employee. Any employee who fails to report incidents that will affect driving status will be removed from a driving position for a minimum of thirty (30) days and will be subject to disciplinary action up to and including termination.

All Town of Valdese employees shall be required to carry on their person their valid State of North Carolina Driver's License during employment hours. Any employee not having this in their possession will be held to the requirement of progressive disciplinary procedure in the Town of Valdese Personnel Policy.

#### **4. Required Pre-Employment Certification**

The following restrictions shall apply to the Motor Vehicle Records (MVR) of initial hires into positions which require a valid North Carolina State Driver's License:

- 4.1 Any applicant who does not have a current and valid driver's license, or whose license is suspended shall not be approved for employment.
- 4.2 An applicant who, at the time of application, has more than nine points accumulated over the past five years **or** more than six points in any one of those five years shall not be approved for employment. The date of conviction shall be utilized as the reference date for consideration.
- 4.3 An applicant who has a history during the past five years of two or more suspensions or three or more revocations shall not be approved for employment.
- 4.4 An applicant that has been convicted of driving while intoxicated, impaired or under the influence of drugs or alcohol within the past three years shall not be approved for employment.
- 4.5 The Department Director will have prospective applicant's (DCI) Driver's History checked before any offer of employment is made.

#### **5. Required Annual Certification for Employees**

The DCI History of all employees who operate Town of Valdese vehicles / equipment will be reviewed annually. It will be the Department Director's responsibility to ensure that each employee's driver's history is reviewed as required above.

The Valdese Police Department will assist Department Directors with obtaining the DCI driver's history report for the North Carolina Department of Motor Vehicles.

Should the annual review find an employee whose driver's history is questionable or

unacceptable, a Review Panel consisting of the Town Manager, Department Director, Human Resource Officer and the Safety Director will convene for a full review of the employee's driving history when necessary.

The Review Panel will review specified driving records and other pertinent documents to determine if the driving record is acceptable. In making such a determination the panel shall consider the following: (1) the degree of fault, if any, on part of the employee for any accident or other violation, (2) any input of the relevant department director or supervisor, (3) any input from the employee.

The employee whose driving record is being reviewed will be given the opportunity, but will not be required, to appear before the panel to make a statement or explanation. The Review Panel may ask questions in order to further understand the employee's driving records. The employee may also provide a written statement if desired.

An employee whose job classification does not require driving Town vehicles / equipment shall not drive any Town of Valdese vehicles or equipment upon determination by the Review Panel that his/her MVR is unacceptable.

If the Review Panel decides that a driving record of an employee whose job classification requires driving Town of Valdese vehicles and equipment is unacceptable, the employee will be placed on non-disciplinary suspension by the department head or temporarily assigned other non-driving duties. If at the end of twenty workdays the employee has not been placed in another position for which he/ she is qualified or has in some other way been accommodated without negatively affecting department operations, the employee will be terminated.

If the Review Panel decides that the employee's driving record is not serious enough to warrant suspension, the panel may at their discretion allow the employee to continue to drive but may place conditions on the employee's driving privileges.

Driving privileges which have been suspended may be fully or conditionally reinstated based on an acceptable record. It is the employee's responsibility to request a review.

Prior to taking any negative action based on suspension of driving privileges affecting an employee, the department director shall convene a meeting with the employee to describe the action and to allow the employee an opportunity to respond. Should the employee provide any information which had not been previously considered by the Review Panel and which, in the judgment of the department director, might have materially affected the decision of the panel, the department director shall notify the Human Resource Officer immediately. The Human Resource Officer shall review the information and reconvene the panel if necessary.

Regular fulltime employees have the right to appeal a suspension of driving privileges directly to the Town Manager.

Any employee charged with and/or convicted of controlled substance or alcohol related offense must notify his/her department director within one work day of the offense charge / conviction. Failure to notify the department director will result in disciplinary action, up to and including

dismissal. If an employee's job assignment requires a valid driver's license and the employee's driver's license is revoked or suspended, the employee will be subject to disciplinary action, up to and including dismissal. Failure to notify the department director of any revocation shall result in disciplinary action, up to and including dismissal.

**TOWN OF VALDESE  
DRIVER'S RECORD CHECK**

---

The Town of Valdese Police Department is hereby authorized, per my signature below, to release my driving record to the Town of Valdese for review, provided that the position(s) for which I am applying for or are currently assigned to requires that I operate either a town-owned vehicle or my own vehicle at least once a week, in the course of performing the duties and responsibilities of said position(s).

The Town of Valdese may request an employee to provide a certified driving record to the Town. The employee would purchase this record from the Division of Motor Vehicles.

I understand that such record will be considered during the personnel selection process to a degree determined appropriate by the hiring authority in conjunction with insurance requirements and safety standards for the Town of Valdese. I further understand that the Town of Valdese may use this authorization at any time during my employment to ensure continued compliance with the safety standards of the Town.

As a current employee of the Town of Valdese, I acknowledge that I have received training and have been informed to the requirements as outlined in the Town of Valdese Motor Vehicle and Equipment Policy.

POSITION: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_

NAME OF OPERATOR: \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_

CITY: STATE: ZIP CODE: \_\_\_\_\_

N. C. STATE DRIVER'S LICENSE NUMBER: \_\_\_\_\_

Employee / Applicant Signature:

## **APPENDIX D SOCIAL MEDIA AND EMAIL USE POLICY**

### **Purpose**

This Social Media & E-mail Policy (“Policy”) establishes guidelines for the establishment and use by the Town of Valdese (“Town”) of social media sites and email communications as a means of conveying information to members of the public.

The intended purpose of Town social media sites is to disseminate information from the Town about the Town’s mission, meetings, activities, and current issues to members of the public.

The Town has an overriding interest and expectation in protecting the integrity of the information posted on its social media sites and the content that is attributed to the Town and its officials.

### **Definitions**

**“Social media sites”** means content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the internet. Examples of social media include, but are not limited to, Facebook, Twitter, Blogs, YouTube, LinkedIn, and Flickr.

**“Town social media sites”** means social media sites that the Town establishes and maintains, and over which it has control over all postings, except for advertisements or hyperlinks by the social media site’s owners, vendors, or partners. Town social media sites shall supplement, and not replace, the Town’s required notices and standard methods of communication.

**“Posts” or “postings”** mean information, articles, pictures, videos or any other form of communication posted on a Town social media site.

**“E-mail”** refers to any mail generated and transferred by electronic means. This includes web-mail and workstation mail.

### **1. General Policy**

- 1.1. The Town’s official website (or any domain owned by the Town) will remain the Town’s primary means of internet communication.
- 1.2. The establishment of Town social media sites is subject to approval by the Town Manager or his/her designee. Upon approval, Town social media sites shall bear the name and/or official logo of the Town.
- 1.3. All content on Town social media sites shall be reviewed, approved, and administered by the Town’s designated Community Affairs Director.
- 1.4. Town social media sites shall clearly state that such sites are maintained by the Town and that the sites comply with the Town’s Social Media Policy.

- 1.5. Town social media sites shall link back to the Town's official website for forms, documents, online services and other information necessary to conduct business with the Town.
- 1.6. The Town's Community Affairs Director shall monitor content on Town social media sites to ensure adherence to both the Town's Social Media Policy and the interest and goals of the Town.
- 1.7. The Town reserves the right to terminate any Town social media site at any time without notice.
- 1.8. Town social media sites shall comply with usage rules and regulations required by the site provider, including privacy policies.
- 1.9. The Town's Social Media Policy shall be displayed to users or made available by hyperlink.
- 1.10. All Town social media sites shall adhere to applicable federal, state and local laws, regulations and policies.
- 1.11. Employees representing the Town on Town social media sites shall conduct themselves at all times as a professional representative of the Town and in accordance with all Town policies.
- 1.12. All Town social media sites shall use authorized Town contact information for account set-up, monitoring and access. The use of personal email accounts or phone numbers by any Town employee is not allowed for the purpose of setting-up, monitoring, or accessing a Town social media site.
- 1.13. Town social media sites may contain content, including but not limited to, advertisements or hyperlinks over which the Town has no control. The Town does not endorse any hyperlink or advertisement placed on Town social media sites by the social media site's owners, vendors, or partners.
- 1.14. The Town reserves the right to change, modify, or amend all or part of this policy at any time.

## **2. Content Guidelines**

- 2.1. The content of Town social media sites shall only pertain to Town-sponsored or Town-endorsed programs, services, and events. Content includes, but is not limited to, information, photographs, videos, and hyperlinks.
- 2.2. Content posted to the Town's social media sites must contain hyperlinks directing users back to the Town's official website for in-depth information, forms, documents or online services necessary to conduct business with the Town of Valdese, whenever possible.

- 2.3. The Town shall have full permission or rights to any content posted by the Town, including photographs and videos.
- 2.4. Postings shall be made during normal business hours. After-hours or weekend postings shall only be made with approval of the Town's Community Affairs Director.
- 2.5. Any employee authorized to post items on any of the Town's social media sites shall review, be familiar with, and comply with the social media site's use policies and terms and conditions.
- 2.6. Any employee authorized to post items on any of the Town's social media sites shall not express his or her own personal views or concerns through such postings. Instead, postings on any of the Town's social media sites by an authorized Town employee shall only reflect the views of the Town.
- 2.7. Postings must contain information that is freely available to the public and not be confidential as defined by any Town policy or state or federal law.
- 2.8. Postings may NOT contain any personal information, except for the names of employees whose job duties include being available for contact by the public.
- 2.9. Postings to Town social media sites shall NOT contain any of the following:
  - 2.9.1. Comments that are not topically related to the particular posting being commented upon;
  - 2.9.2. Comments in support of, or opposition to, political campaigns, candidates or ballot measures;
  - 2.9.3. Profane language or content;
  - 2.9.4. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, or status with regard to public assistance, national origin, physical or mental disability or sexual orientation, as well as any other category protected by federal, state, or local laws;
  - 2.9.5. Sexual content or links to sexual content;
  - 2.9.6. Solicitations of commerce;
  - 2.9.7. Conduct or encouragement of illegal activity;
  - 2.9.8. Information that may tend to compromise the safety or security of the public or public systems; or
  - 2.9.9. Content that violates a legal ownership interest of any other party.

- 2.10. These guidelines shall be displayed to users or made available by hyperlink on all Town social media sites. Any content removed based on these guidelines must be retained, including the time, date and identity of the poster, when available.
- 2.11. The Town reserves the right to implement or remove any functionality of its social media site, when deemed appropriate by the Community Affairs Director. This includes, but is not limited to, information, articles, pictures, videos or any other form of communication that is posted on a Town social media site.
- 2.12. Except as expressly provided in this Policy, accessing any social media site shall comply with all applicable Town policies pertaining to communications and the use of the internet by employees, including email content.
- 2.13. All of the content on Town social media sites must be provided to the Town's Community Affairs Director for review, approval, and subsequent posting to the social media site.

### **3. Professional and Personal Use of Social Media**

- 3.1. **Separate Personal and Professional Accounts:** Employees should be mindful of blurring their personal and professional lives when administering social media sites.
- 3.2. **Personal Use:** Employees are allowed to have personal social networking sites. These sites must remain personal in nature and be used to share personal opinions or non-work related information. This helps ensure a distinction between sharing personal and Town views. In addition, employees should never use their Town e-mail account or password in conjunction with a personal social networking site and employees should never refer or link back to their own personal site from the professional site. Personnel should also remember the Town policy when posting on the Internet.
  - 3.2.1. Employees are expected to refrain from personal social media use during business hours. Personal social media use during operations may lead to ineffectiveness in completing expected and assigned duties.
  - 3.2.2. Personal social media may be used during sanctioned breaks, lunch, or any designated time when an employee is not operating within paid business hours.
  - 3.2.3. Employees are also expected to refrain from using any comments in support of, or opposition to, political campaigns, candidates or ballot measures that are Town based and that could be damaging to the integrity of Town operations.
- 3.3. **Town Use:** All department-related communication through social media outlets should remain professional in nature and should always be conducted in accordance with the department's communications policy. Employees must not use social networking sites for political purposes, conduct private commercial transactions, or engage in private business activities. Sites containing anything racially or sexually discriminating or of a political or religious nature are prohibited. Employees should be mindful that inappropriate usage of social media can be grounds for disciplinary action. Thus, if an account is used for business, the entire account, regardless of any personal views, is subject to these best practices guidelines.

#### **4. RECORDS MANAGEMENT AND PRESERVATION**

- 4.1. Communication through department-related social media is considered a public record under NCGS, Chapter 132 and will be managed as such.
- 4.2. All comments or posts made to Town account walls or pages are public, not private.
- 4.3. In the spirit of transparency in local government, account administrators who receive messages through the private message service offered by the social media site are encouraged to direct the user to contact them at a public e-mail address maintained by their department. Alternatively, account administrators are encouraged to reply to the inquiry using their Town e-mail account. Agencies should set all privacy settings to public. Comments expressing an opposing view point must be allowed. Departments should only remove comments that are spam or comments that would not be acceptable in a public forum such as a public hearing.

#### **5. ACCEPTABLE USE OF E-MAIL AND INTERNET ACTIVITIES**

- 5.1. The following are acceptable uses of email and the internet.
  - 5.1.1. Communication and information exchange directly related to the mission, charter, or work tasks of the Town of Valdese.
  - 5.1.2. Communications for the purpose of maintaining job knowledge and skills or for professional development.
  - 5.1.3. Use in conducting research for work related and government related programs or applications.
  - 5.1.4. Communications with state agencies, other governments, or businesses with which the Town conducts business.
  - 5.1.5. Acceptable use must be legal, ethical, reflect honesty, and show restraint in the consumption of shared resources.

#### **6. UNACCEPTABLE USE OF E-MAIL AND INTERNET ACTIVITIES**

- 6.1. The following are unacceptable uses of email and the internet.
  - 6.1.1. Use of email for any purpose that violates federal, state, or local law.
  - 6.1.2. Use for any for profit activities unless specific to the charter, mission, or duties of the Town of Valdese.
  - 6.1.3. Unauthorized non-profit business activities. Including any non-governmental related fund raising or public relations activities such as solicitation for religious and political causes.

**6.1.4.** Downloading or distributing pirated software or data.

**6.1.5.** The display, storage, recording, or archive of any sexually explicit content, racially charged content, derogatory religious content, political statements, offensive language or any material that negatively reflect the Town of Valdese.

**6.1.6.** Hate mail, harassment in any electronic form, chain e-mails, or pornographic images.

**6.1.7.** Free standing instant messaging programs or Apps.

## **7. Enforcement and Violations**

7.1. Violation of this policy may result in termination of Internet access or email services and possible disciplinary action up to and including dismissal and criminal charges where appropriate. Termination of services may be at the request or determination of the department head, town manager, Community Affairs Director, or any higher authority.