



TOWN OF CAROLINA SHORES

Personnel Policy

**Removed from Code of Ordinances and Adopted as the
Personnel Policy on 12/7/2020**

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§ 23.01 POLICY.

- (A) The purpose of this chapter is to establish a personnel system that promotes a fair and effective means of employee recruitment and selection, develops and maintains an effective and responsible work force, and provides the means for removal of unsatisfactory employees. This chapter is established under the authority of G.S. Chapter 160A.
- (B) The State of North Carolina is an “at will” employment state meaning that all employees serve at the will of their employers and are not guaranteed continued employment. Nothing in this chapter creates nor shall be construed as creating an employment contract between the town and its employees.

§ 23.02 COVERAGE.

All employees in the town’s service are subject to this chapter. All appointments and promotions shall be made solely on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same wage range.

§ 23.03 EQUAL OPPORTUNITY POLICY.

- (A) It is the policy of the town that neither race, sex, national origin, color, religion, creed, age, physical or mental impairment, genetic information, sexual orientation, or political affiliations shall be considered in:
 - (1) Recruiting and selecting new employees;
 - (2) Selecting employees for promotion, training, career development, transfer, demotion for fiscal purposes, and/or reduction-in-force;
 - (3) Administrating and applying any personnel policies and procedures including, without limitation, disciplinary actions; and
 - (4) Establishing rates of pay including salary adjustments and/or salary increases.
- (B) Equal employment opportunity as to age applies only to persons who are age 40 or over. State and Federal laws forbid employment discrimination on the basis of age for these persons. It is unlawful “to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his/her compensation, terms, conditions, or privileges of employment, because of such individual’s age.”
- (C) Equal employment opportunity for otherwise qualified applicants with known physical or mental impairments substantially limiting major life activities includes making reasonable accommodations enabling an applicant to participate in the application process or to perform the essential

job functions of the position provided that the reasonable accommodations, determined on a case-by-case basis, do not impose an undue hardship on the town. Whether an accommodation is reasonable shall depend on the facts in each case. Factors to be considered in making this determination include, without limitation, the following:

- (1) The nature and cost of the accommodation;
- (2) The nature of the agency's operations, including the composition and structure of its work force; and
- (3) The overall size of the agency or particular program involved with respect to number of employees, number and type of facilities, and size of budget.

§23.04 ILLEGAL WORKPLACE CONDITIONS.

- (A) The town strictly adheres to the policy that no town official or employee shall engage in conduct falling under the illegal workplace conditions described below. All employees shall have the right to work in an environment free from illegal workplace conditions and from retaliation based on attempting to address or remedy the same.
- (1) *Unlawful workplace harassment.* Unwelcomed or unsolicited speech or conduct based on race, sex, creed, religion, national origin, age, color, sexual orientation, or physical or mental impairment creating or resulting in a hostile work environment or circumstances involving a quid pro quo.
 - (2) *Hostile workplace environment.* A workplace environment that 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. A hostile work environment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee's work performance.
 - (3) *Quid pro quo.* Quid pro quo (i.e. "this for that") harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting such individual.
 - (4) *Retaliation.* Adverse treatment occurring as a result of attempting to address and/or remedy illegal workplace conditions.
- (B) Any employee having a complaint of illegal workplace conditions may file the complaint directly with the Town Administrator who shall conduct a thorough investigation into any alleged illegal workplace conditions and report the findings and conclusions of that investigation to the Board of Commissioners.

§ 23.05-23.09 RESERVED.

PERSONNEL ADMINISTRATION

§ 23.10 AUTHORITY.

The laws of the State of North Carolina, the Charter of the Town of Carolina Shores, and the Code of Ordinances of the Town of Carolina Shores authorize the Board of Commissioners, in conjunction with the Town Administrator, to establish departments, employ personnel, set salaries, and formulate regulations covering all facets of the town's personnel management system.

§ 23.11 PERSONNEL BOARD.

The Human Resources Committee shall operate as the Personnel Board for the town and is hereby authorized, in accordance with G.S.160A-165, to advise the Town Administrator on personnel policy, make recommendations to the Board of Commissioners regarding changes to personnel regulations, and to hear appeals on grievance matters.

§ 23.12 IMPLEMENTATION OF PERSONNEL MANAGEMENT SYSTEM.

- (A) The Town Administrator is the Chief Personnel Officer of the town. He or she has authority to, if necessary, amend the rules and regulations contained in this chapter in order to comply with state and federal law. He or she also has the authority to establish additional rules and regulations which he or she deems necessary or appropriate which are not inconsistent with those approved by the Board of Commissioners. The Town Administrator may appoint a Director of Personnel who shall be responsible for the daily administration of the town's personnel management system.
- (B) The Personnel Director shall implement forms, maintain job descriptions, and policies which shall be administrative direction enacted by the Town Administrator who shall report regularly to the Board of Commissioners on such actions. The Personnel Board shall advise the Town Administrator on necessary actions and shall recommend to the Board of Commissioners when actions are necessary by the Board of Commissioners to address personnel management system maintenance (e.g. pay study, federal law change, substantial benefit changes, etc).

§ 23.13 PERSONNEL RECORDS.

Such personnel records as are necessary for the proper administration of the personnel system will be maintained by the Personnel Director. The town shall maintain in personnel records only information which is necessary and relevant to accomplishing legitimate personnel administration needs. A personnel file consists of any information, in any form, gathered by the town with respect to an employee and includes, without limitation, information relating to employment applications, the selection or non-selection of applicants, performance, promotions, demotions, transfers, suspensions, and other disciplinary actions, evaluation forms, leave, salary, and termination of employment. As used herein, the term “employee” includes former employees.

§ 23.14 INFORMATION OPEN TO THE PUBLIC.

- (A) The following information on each town employee is public information:
- (1) Name;
 - (2) Age;
 - (3) Date of original employment or appointment to town service;
 - (4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent the town has a written contract or a record of an oral contract in its possession;
 - (5) Current position and title;
 - (6) Current salary;
 - (7) Date and amount of each increase or decrease in salary including pay, benefits, incentives, bonuses, deferred and all other forms of compensation paid by the town;
 - (8) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification;
 - (9) Date and general description of the reasons for each promotion;
 - (10) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the town. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the town setting forth the specific acts or omissions which are the basis of the dismissal; and
 - (11) The office to which employee is currently assigned.

§ 23.15 ACCESS TO PERSONNEL RECORDS.

As provided for under G.S. § 160A-168, any person may have access to the information listed in 23.14 above 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 Board of Commissioners may adopt.

§ 23.16 CONFIDENTIAL INFORMATION.

- (A) All information contained in a town employee's personnel file, other than information set forth in 23.14 above, shall be maintained as confidential in accordance with the requirements of G.S. 160A-168 and shall be open to public inspection only in the following instances:
- (1) The employee or his/her duly authorized agent may examine all portions of the employee's personnel file excepting letters of reference solicited before employment and information concerning a disability or a mental or physical condition that a prudent physician would not divulge to a patient.
 - (2) A licensed physician designated in writing by the employee may examine the employee's medical records.
 - (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 such portion of an employee's personnel file as may be ordered.
 - (5) An official of any agency of the state or federal government or any political subdivision of the state may inspect any portion of a personnel file when such information is deemed by the official having custody of the file to be necessary and essential to the pursuance 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 file 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 the personnel file, permitting the official having custody of the file to provide, in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons who may be identified in the release.
 - (7) The Board of Commissioners may inform any person of the

employment or non-employment, promotion, demotion, suspension, or other disciplinary action, reinstatement, transfer, or termination of a town employee, and the reasons for the personnel action, provided that before releasing the information, the Board of Commissioners shall determine in writing that the release is essential to maintaining public confidence in the administration of town services or to maintaining the level and quality of town services. This written determination shall be retained in the office of the Town Clerk, shall become part of the employee's personnel file, and is a record available for public inspection.

- (8) The following information, even if considered to be part of a personnel file, need not be disclosed to an employee nor to any other person:
 - (a) Testing or examination materials used solely to determine individual qualifications for appointment, employment, or promotion in the town's service, when such disclosure would compromise the objectivity or fairness of the testing or examination process;
 - (b) Investigative reports or memoranda, and other information concerning the investigation of possible criminal actions of an employee, until the investigation is completed and no criminal action taken, or until the criminal action is concluded;
 - (c) Information that might identify an undercover law enforcement officer or a law enforcement informer; and
 - (d) Notes, preliminary drafts, and internal communications concerning an employee. In the event such materials are used for any official personnel decision, then the employee or his duly authorized agent shall have a right to inspect such materials.

§ 23.17 REMEDIES OF EMPLOYEES OBJECTING TO MATERIAL IN FILE.

An employee objecting to material in the personnel file on the grounds that it is inaccurate or misleading may place in the file a statement relating to the material and may seek the removal of such material in accordance with the grievance procedures set forth in this chapter.

§ 23.18 PENALTY FOR ACCESSING A CONFIDENTIAL PERSONNEL FILE.

- (A) 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 permitted herein and by G.S. 160A-168, shall be, as set forth in said statute, guilty of a Class 3 misdemeanor and upon conviction be fined an amount no more than \$500.

- (B) Any person not specifically authorized herein or under G.S. 160A-168 to have access to a personnel file designated as confidential, and who shall knowingly and willfully examine in its official filing place, remove, or copy any portion of a confidential personnel file shall be, as set forth in said statute, guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in excess of \$500.

§ 23.19 DESTRUCTION OF RECORDS.

Except in accordance with G.S. § 121-5(b), no public official may destroy, sell, loan, or otherwise dispose of any public record 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 destroy it, will be guilty of a misdemeanor and upon conviction will be fined not less than \$50 nor more than \$1,000 as provided is G.S. § 132-3.

CLASSIFICATION PLAN

§ 23.20 ADOPTION.

The position classification plan, set forth in Table I in Appendix A of this chapter and incorporated herein by reference, is hereby adopted as the classification plan for the town.

§ 23.21 MAINTENANCE OF PLAN.

- (A) The Personnel Director shall be responsible for the administration and maintenance of the position classification plan. Department heads and supervisors shall be responsible for bringing to the attention of the Personnel Director any material change in the nature of the duties, responsibilities, working conditions, and other factors affecting the classification of any position. The Personnel Director shall restudy the position and determine if the classification of the position should be changed and shall advise the Town Administrator of any need for change and provide sufficient justification supporting the recommended change. The authority to relocate positions to classes on the basis of kind and level of duties and responsibilities is vested in the Personnel Director and the Town Administrator shall report all reclassifications to the Board of Commissioners.

- (B) Copies of the classification plan, and all amendments thereto, shall be furnished to the Board of Commissioners and department heads and maintained in the office of the Personnel Director.

§ 23.22 CLASSIFICATION OF NEW POSITIONS.

The Personnel Director shall be responsible for allocating new positions to existing classes or to new classes of positions in the municipal service. The Town Administrator shall report the allocation of new positions to the Board of Commissioners.

§ 23.23 EMPLOYMENT STATUS.

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

REGULAR FULL-TIME EMPLOYEE. An appointment to a regular 12-month position on a 12-month basis, with a minimum of 1,000 work hours per year. All regular full-time employees are eligible to receive all of the benefits and leave as set forth in this chapter.

REGULAR ON-CALL EMPLOYEE. An appointment to a reserve or standby position to perform duties on a continuing basis, such as police reserve officers, call firefighters, or emergency management assistants. Employees in these positions shall not receive benefits other than the Statutory Benefits.

REGULAR PART-TIME EMPLOYEE. An appointment to a regular 12-month position on a 12-month basis, with less than 1,000 work hours per year. All regular part-time employees are eligible to receive, supplemental retirement (457 Plan only) and Statutory Benefits, but are not be eligible for any other benefits outlined in this chapter.

RETIREE. Employees classified as regular full-time and part-time employees who are granted retirement status as outlined in this chapter. Regular full-time retirees are eligible for retiree health and hospitalization as outlined in this chapter.

TEMPORARY EMPLOYEE. An appointment on a full-time or a part-time temporary basis that extends for less than 12 months. At the end of the 12-month period, the employee will be terminated or reclassified as "regular." Employees in these positions shall not receive benefits other than the Statutory Benefits.

TEMPORARY LONG-TERM EMPLOYEE. An appointment on a full-time basis or part-time non-regular basis that extends for 12 months or more. Employees in these positions shall not receive benefits other than the Statutory Benefits.

§ 23.24-23.29 RESERVED.

PAY PLAN

§ 23.30 ADOPTION.

The schedule of salary ranges, set forth in Table II in Appendix A of this chapter and incorporated herein by reference, is hereby adopted as the pay plan for the town

§ 23.31 MAINTENANCE OF PAY PLAN.

Each year prior to the adoption of the annual budget, the Personnel Director shall compile information concerning the general level of salaries and wages paid in private industry in the geographic region of the town, the salaries paid to comparable state and municipal employees, and any change in the local cost of living during the fiscal year. Based on the findings and recommendations of the Personnel Director and the general financial condition of the town, the Town Administrator may recommend to the Board of Commissioners increases, reductions, or amendments to the pay plan for its consideration. The annual budget adopted by the Board of Commissioners, and any amendments thereto, together with authorized appropriations, shall constitute approval of amendments to the pay plan by the Board of Commissioners.

§ 23.32 STARTING SALARY.

- (A) All new employees shall be appointed at Step 1 in the grade for the position they hold unless otherwise provided for in this chapter. Any department head desiring to appoint a new employee at a starting salary above step one must submit a written justification to the Personnel Director setting forth the reasons supporting the desired appointment including exceptional experience, training, or education.
- (B) It is the intention of this section that all employees shall be paid not less than the salary listed in step three of the grade for the position they hold after completion of their respective probationary period and 12 months of continuous employment.

§ 23.33 CHANGE IN POSITION.

Employees may be periodically reassigned to other positions during their employment by means of promotion, reclassification, demotion, transfer, etc. Generally, an employee's pay should not be reduced as the result of a change in position unless the change is to a substantially lower graded position. The following provisions shall only apply in the event the change in position results in the appointment to step one or step two of the grade for the position they hold.

- (A) An employee who is appointed at step one in the grade for the position they hold shall, at the end of six months in their current position, receive a salary increase to step two in the grade for the position they hold. At the end of 12 months in their current position, the employee shall receive a salary increase to step three in the grade for the position they hold.
- (B) An employee who is appointed at step two in the grade for the position

they hold shall, at the end of 12 months in their current position, receive a salary increase to step three in the grade for the position they hold.

- (C) All employees who have served at least 12 months in their current position should not be paid less than the salary listed in step three of the grade for the position they hold.

§ 23.34 RESERVED.

§ 23.35 NEW CLASSES OF POSITIONS.

When new classes of positions are established, the Town Administrator shall report them to the Board of Commissioners for approval.

§ 23.36 PAY PERIODS.

All employees shall be paid bi-weekly except for elected officials and compensated advisory boards.

§ 23.37 SALARY UPON REINSTATEMENT.

All employees reinstated in a classification shall receive a starting salary at a listed rate for that classification and may be reinstated at the same step number they previously held. If the employee is to be reinstated at a lower or higher step than previously held, such reinstatement shall be supported by written documentation from the department head.

§ 23.38 LONGEVITY PAY.

Regular full-time and regular part-time employees in the employment of the town on June 30th of each year, shall receive longevity pay over and above their regular salary, paid as a lump sum on the first pay period of the fiscal year then following. Longevity pay shall be based on a set dollar amount as determined by the employee's time of service with the town and conditioned upon the employee having received a satisfactory performance rating for the previous performance appraisal period and having no disciplinary action on file. The longevity payment amounts shall be cumulative and based on the following table. No amount of overtime shall modify these thresholds or their application.

Time in Service	Set Dollar July 1 to June 30
0 – 5 years	\$200.00
5 years, 1 day – 10 years	+ \$1/hour
10 years, 1 day – 15 years	+ \$1/hour
15 years, 1 day – 20 years	+ \$1/hour
20 years, 1 day - 25 years	+ \$1/hour
All over 25 years	+ \$1/hour

§ 23.39 RESERVED.

MERIT PAY POLICY

§ 23.40 PURPOSES.

The purposes of the Merit Pay Program are:

- (A) To provide a systematic program to reward employees based on job performance, accomplishments, and contributions to the organization;
- (B) To provide recognition and demonstrate appreciation for job performance; and
- (C) To provide incentive for improved performance and productivity and to maintain a high level of employee performance and morale.

§ 23.41 MERIT PAY AMOUNTS.

Merit pay amounts may be awarded based on the overall performance rating the employee receives for the full year on his/her performance evaluation form. These amounts may vary from year to year depending on budget availability. The actual amounts shall be posted and distributed by July 15 of each year. The standard amounts, in years when budgetary availability permits, shall correspond with the following:

- (A) *Excellent.* The employee may be awarded a merit increase up to 5%.
- (B) *Exceeds expectations.* The employee may be awarded a merit increase up to 3%.
- (C) *Meets expectations.* The employee may be awarded a merit increase up to 1%.

- (D) *Needs improvement.* No merit increase shall be awarded.
- (E) *Unsatisfactory.* No merit increase shall be awarded.
- (F) *Cost of Living Increase.* All salary grades are eligible for annual cost-of-living increases on July 1 of each year.

§ 23.42 RESPONSIBILITIES.

- (A) *Town Administrator.* The Town Administrator shall recommend merit pay amounts to the Personnel Board which will review and report final recommendations to the Board of Commissioners for approval.
- (B) *Department Heads.* Department heads shall make merit pay decisions in the department based on reviewing the performance evaluation forms completed by immediate supervisors and upon any other information that is needed. Department Heads shall monitor the merit pay program in their departments for consistency, fairness, and accurate and complete information. Department Heads shall make decisions regarding merit increases for their direct subordinates, and are accountable to the Town Administrator for the merit pay decisions they make.
- (C) *Supervisors and division heads.* Supervisors shall recommend merit pay increases based on the outcome of performance evaluation conferences. Supervisors shall communicate their recommendations to employees, explaining that the recommendation is subject to department head approval and the review of the Town Administrator. Supervisors are accountable to department heads and employees for the merit pay recommendations they make.

§ 23.43 PROCEDURE.

- (A) *Merit eligibility dates.* Merit increased pay commences in the first payroll period in July.
- (B) *Documentation.* All performance evaluation forms shall be signed by the employee, the employee's supervisor and the department head and forwarded to the Town Administrator with any accompanying memoranda or other documentation for review and filing. The employee shall be given a copy of the forms and other documents to keep. A personnel action form should accompany all merit pay recommendations.
- (C) *Merit bonuses for employees at the top of the range.* Employees who are at the maximum rate in their assigned range may be considered for a lump sum merit bonus corresponding with their

earned performance rating.

- (D) *Non-appealable.* Merit pay decisions are not appealable and are not subject to the town's grievance procedure.
- (E) *Transition.* Table I and Table II shall be implemented so that employees are elevated to the step closest approximating their current rate of pay, except that no employee pay shall be reduced. In the event Table I and II are updated mid-year outside of a budget cycle, implementation should occur by December 15 effective for grade ten to Grade 25.

§ 23.44 to Section 23.49 RESERVED.

PERFORMANCE EVALUATION PROGRAM

§ 23.50 PURPOSE.

The purpose of this policy is to establish and maintain an equitable Performance Evaluation Program that defines and improves the performance level of all town employees.

§ 23.51 OBJECTIVES.

The objectives of this policy are:

- (A) *Communications.* To create and maintain an atmosphere for open and frank communications between supervisors and employees concerning job performance and expectations; to ensure that feedback is provided on a regular, ongoing basis between supervisors and employees; and to ensure that employees are provided an opportunity to discuss and understand organizational goals and the expectations of the employees, the various departments, and the town government as a whole.
- (B) *Performance improvement.* To regularly discuss the job performance of all town employees based on job-related criteria; to identify during that discussion both accomplishments and areas for performance improvement for each employee; and to discuss specific plans for those areas in which performance improvements can be made.
- (C) *Career development.* To provide information which can be used jointly by supervisors and employees to determine appropriate training needs and resources and to discuss and identify how employees can prepare and apply for potential advancement

opportunities where appropriate.

- (D) *Personnel actions.* To provide background information and documentation for consideration in conjunction with any personnel actions that may occur, such as promotions, reductions in force, discipline, merit pay raises, transfers, and the like.
- (E) *Rewards.* To establish a system whereby employees receive recognition when it is earned, and, where appropriate, to use the Performance Evaluation Program as the basis for financially rewarding those employees whose accomplished results merit such rewards.

§ 23.52 PERFORMANCE EVALUATION SYSTEM.

All regular full and part-time employees shall participate in a performance evaluation conference based either on occupational group performance standards or a performance work plan.

- (A) *Occupational group performance standards*
 - (1) Performance standards have been developed in occupational groups by representative employees in that group and representative supervisors who shall use the forms. The forms shall cover all employees of the town in jobs designated for this method. Performance standards are based on the following criteria:
 - (a) Clearly job-related.
 - (b) Stated in terms of behavior that can be observed.
 - (c) Specific and descriptive of the behavior.
 - (d) Focused on results/outputs, not inputs.
 - (e) Measurable when possible and feasible.
 - (2) "Occupational Groupings" are set forth in Appendix C.
- (B) *Work planning.*
 - (1) The Town Administrator shall use the Performance Work Plan System with department heads to form the basis for their performance evaluations. In addition, department heads shall identify classifications in their departments where employees will also use work planning in lieu of performance standards. Each department head, as well as other identified employees, shall

prepare a work plan in consultation with the Town Administrator and supervisor at the beginning of each fiscal year. The work plan shall contain:

- (a) Objectives representing the major duties, responsibilities, and projects for the year including continuing responsibilities, new projects, and personal development objectives.
 - (b) Identified priorities for each objective; and
 - (c) Performance standards for each objective identifying time, quantity, quality, and resources.
- (2) "Work planning positions" are set forth in Appendix D.
- (a) *Supervisory supplement.* A supplemental form is available to help focus on the supervisory aspects of an employee's job. Where employees have significant responsibility for supervising other employees (including conducting performance evaluations), this form should be used along with the appropriate occupational performance standards.
 - (b) *Lead worker supplement.* A supplemental form is available to help discuss the lead worker performance for employees who have such responsibilities. Lead worker tasks are those involved in training, assigning and reviewing the work of coworkers when the employee is not the direct supervisor and most of the supervisory supplement standards are therefore not applicable.

§ 23.53 RESPONSIBILITIES.

Each person or group identified below performs an important role in the Performance Evaluation Program. Because the program has a significant interdependence component, the effectiveness of each person in performing each aspect of his/her functions is critical to the success of the program.

- (A) *Mayor and Board of Commissioners.* The Mayor and the Board of Commissioners' responsibilities include:
 - (1) Determining, establishing, and communicating organizational values and objectives;
 - (2) Approving the overall policy issues involved in the Performance Evaluation Program;
 - (3) Supporting and protecting the integrity of the program;

- (4) Respecting management's role and the roles and responsibilities inherent in the chain of command in program administration;
 - (5) Providing resources to support the program; and
 - (6) Acting consistently with approved policies.
- (B) *Town Administrator*. The Town Administrator's responsibilities include:
- (1) Helping establish and communicating organizational goals and objectives to all department heads regularly;
 - (2) Jointly developing departmental workplans with department heads;
 - (3) Monitoring the progress and success of the implementation and administration of the Performance Evaluation Program;
 - (4) Educating, promoting, and keeping the Board of Commissioners informed of program status;
 - (5) Working with department heads to make needed improvements and approving changes to the administrative procedures in the system;
 - (6) Providing feedback to department heads on their individual performance and effective use of the system;
 - (7) Respecting the roles of subordinate supervisors;
 - (8) Acting as liaison between the Board of Commissioners and department heads, keeping the Board of Commissioners informed about the system and keeping subordinate administrators informed of relevant Board of Commissioners actions;
 - (9) Staying informed of employee grievances concerning performance ratings;
 - (10) Reviewing and approving changes to the procedures and administration of the Performance Evaluation Program;
 - (11) Conducting performance evaluation interviews with department heads; and
 - (12) Setting a good example of how to use the program effectively.
- (C) *Department heads*. The responsibilities of department heads include:

- (1) Helping develop and communicating organizational goals and objectives to their subordinates;
 - (2) Developing a departmental work plan jointly with the Town Administrator with observable standards;
 - (3) Educating, promoting, and involving subordinates in program development, implementation, use, and monitoring;
 - (4) Providing ongoing performance feedback to their subordinates, including identifying specific ways employees can improve their performance;
 - (5) Supporting the training activities of the program;
 - (6) Ensuring that performance reviews are done in a timely fashion;
 - (7) Monitoring the performance ratings in their departments for logical documentation and consistency among divisions, sections, and different supervisors to insure departmental fairness;
 - (8) Providing an environment where employees feel free to disagree and establishing effective two-way communications in the evaluation conference;
 - (9) Conducting performance reviews with subordinates; and
 - (10) Monitoring and effectively participating in employee grievances concerning performance ratings.
 - (11) Department heads are accountable for the quality and effectiveness of the program in their departments.
- (D) *Supervisors.* The responsibilities of supervisors are:
- (1) Regularly and consistently communicating departmental goals and the benefits of the Performance Evaluation Program to employees;
 - (2) Clarifying specific job expectations, effectively communicating them to employees, and providing ongoing performance feedback to their employees to improve their performance feedback identifying specific ways in which employees can improve their performance;
 - (3) Conducting thorough performance reviews in a timely fashion, including making performance rating recommendations;

- (4) Keeping department heads and the Town Administrator informed on the effectiveness of the system including monitoring the performance evaluation forms and recommending changes necessary to maintain an accurate and fair system;
 - (5) Following the policies and procedures established for the system and applying them fairly and consistently;
 - (6) Providing an environment where employees feel free to disagree and establishing effective two-way communications in the evaluation conference;
 - (7) Monitoring and effectively participating in employee grievances concerning performance ratings;
 - (8) Fairly and objectively considering all performance rating appeals; and
 - (9) Supervisors are accountable for the performance evaluation forms they complete and the recommendations regarding employee performance that they make.
- (E) *Employees.* Each employee is responsible for:
- (1) Working with his/her supervisor on a mutual understanding of work expectations;
 - (2) Actively participating in the performance evaluation conference to insure an understanding of performance feedback and the rating given;
 - (3) Following the policies and procedures established for the program including following the chain of command in expressing concerns, opinions, disagreements, and appeals;
 - (4) Identifying ways of improving their performance;
 - (5) Behaving consistently with the organization's values and objectives;
 - (6) Providing candid feedback to supervisors concerning their satisfaction level with the Performance Evaluation Program and their performance ratings; and
 - (7) Making suggestions regarding any needed changes in the performance standards related to their jobs.
- (F) *Personnel Director.* The Personnel Director is responsible for:

- (1) Establishing notification, follow-up, and records system to administer the program, including sending out notices of review dates;
- (2) Providing training to employees and supervisors in effective use of the program;
- (3) Monitoring adherence to policies and procedures;
- (4) Monitoring and effectively participating in employee grievances concerning performance ratings;
- (5) Providing a resource for problem-solving and effective techniques to make the system work;
- (6) Monitoring the progress and success of the system including consistency of use and ratings among various departments and divisions;
- (7) Reviewing performance evaluation forms from all departments for logical documentation and organizational consistency in following and interpreting program policies and procedures; and
- (8) Reviewing and coordinating any changes needed to the system.

§ 23.54 PERFORMANCE CATEGORIES.

The overall performance of all employees will be rated on the following categories:

- (A) Important note about the use of the form
 - (1) The purpose of the performance evaluation form is not to dictate a performance rating to the supervisor, but rather to help the supervisor:
 - (a) Focus on job-related criteria;
 - (b) Review the whole period (six months or a year) and not just the most recent months;
 - (c) Provide feedback on relevant aspects of the employee's performance;
 - (d) Effectively document performance; and
 - (e) Think through a logical decision on the overall performance rating.

(2) The numerical summary at the end of the form is not necessarily the only indication of performance. Some categories or standards may be more important than others and there may be important aspects for consideration found in the summary comments. The supervisor is expected to use reasoned logic and good judgment in determining the overall rating of performance. Employees should be rated against performance expectations and not against one other.

(B) *Rating targets.*

(1) For the Performance Evaluation Program to fulfill its purpose of recognizing and improving performance, employees must believe that those who are recognized with high ratings are deserving and must see clear correlations between the levels of performance and the performance ratings. Therefore, the success of the program is in the hands of supervisors. A liberal use of the program will diminish its effectiveness. The performance rating targets are as follows:

Performance Category	Target Percentage
Excellent	15%
Exceeds Expectations	20%
Meets Expectations	60%
Needs Improvement	4%
Unsatisfactory	1%

(2) These targets are not quotas. No individual employee should receive a higher or lower rating simply to meet these targets. However, the targets are established to provide guidance to supervisors and department heads on the organization's definitions of the performance categories.

(C) *Performance categories.*

(1) *Excellent.* Meets all performance requirements identified for the position and consistently exceeds them in most areas. Work is performed at a sustained high level of proficiency. The employee also expands the scope of tasks and responsibilities resulting in increased productivity for the work unit. The employee accomplishes the most difficult and complex assignments with minimum supervision and maximum quality. Specific examples of such performance are readily available.

(2) *Exceeds expectations.* Meets all major performance requirements

identified for the position and frequently exceeds them in several areas. Supervision is required only for special or unusual assignments or problems.

- (3) *Meets expectations.* Fully meets all major job requirements and occasionally exceeds some of them. Accomplishes duties in a reasonable and consistent manner demonstrating full proficiency in the job. If there are occasional lapses in performance, they do not create any substantial problems for the organization or have any major impact on service delivery. Normal supervision is required.
- (4) *Needs improvement.* Performance marginally meets job requirements. Performance is inconsistent or unreliable in one or more job categories although major job requirements are met. The employee needs to improve proficiency to more fully meet the needs for which the position was established. Remedial attention and close supervision are required. An employee rated at this level shall receive another performance evaluation in three months at which time the employee's performance will be rated either "meets expectations" or "unsatisfactory."
- (5) *Unsatisfactory.* Performance is inconsistent and one or more major job requirements are not met. Work tasks are not performed or must be repeated due to low quality. Remedial attention and close supervision are required. Failure to correct performance deficiencies in an appropriate amount of time may result in suspension, demotion or dismissal. A rating at this level should be coordinated with the progressive disciplinary process. In no case should any employee's performance remain in the unsatisfactory category for more than six months. Performance improvement or disciplinary action, including dismissal, may occur at any time within those six months.

§ 23.55 PROCEDURES.

- (A) *Performance evaluation conferences.* Performance evaluation conferences with all town employees shall be conducted at least once a year prior to June 30th. The conferences shall be conducted by each employee's immediate supervisor who may also be accompanied by the next level of supervision. The conference will encompass the period of time from the last evaluation date to the present. Annual evaluation ratings shall reflect performance for the entire year.
- (B) *Probationary performance evaluation conferences.* Probationary performance evaluation conferences of new employees will be conducted at: the end of the first three months of employment; the end of six months of employment; and at the end of one year of employment. Additional conferences may be held at the employee's or supervisor's request. An employee must receive a rating of no less than "meets expectations" in order to move from probationary to regular status

at the completion of the probationary period. An employee whose performance fails to meet expectations but shows clear promise of successful performance may have the probationary period extended up to a maximum of an additional six months. This sub-sub-section shall in no way restrict the town from dismissing an employee whose performance or conduct is considered unsatisfactory at any point in the probationary period.

- (C) *Performance evaluation forms.* Departments or divisions may update and revise performance evaluation forms as needed to maintain current and accurate performance criteria. The reviewing supervisor shall be responsible for notifying the department head through appropriate channels. Department heads are responsible for initiating changes due to changes in position classifications. All revisions must be reviewed by the Personnel Director and approved by the Town Administrator. Revisions will be reviewed for the degree to which they are objective, observable, and job-related criteria.
- (D) *Documentation.* All performance evaluation forms shall be signed by the employee, the employee's supervisor, and the department head and forwarded to the Personnel Director with any accompanying memoranda or other documentation for review and filing. The employee shall be given a copy of the forms and other documents to keep after all signatures and comments have been completed. An employee may request an additional copy of the form at any point in the process. All relevant sections of performance evaluation forms, including all signatures, shall be completed by the appropriate person prior to processing the forms.
- (E) *Grievances.* Any employee who believes that his/her performance rating is unfair or inaccurate may submit a grievance concerning the same by following the grievance procedure set forth in this chapter.
- (F) *Training.* Department heads are responsible for identifying training needs of supervisors and monitoring that these training needs are met to ensure that performance reviews are conducted effectively. New supervisors shall receive training in the town's policies and procedures as well as effective techniques for conducting performance evaluation conferences prior to performing them. The Personnel Director shall coordinate this training.

APPOINTMENTS

§ 23.60 JOB DESCRIPTIONS.

The Personnel Director shall, with the advice and recommendations of department heads, develop and update job descriptions for each position with the town. All employees shall be provided a copy of their job description upon being hired. At the discretion of the Personnel Director, an applicant for a position with the town may be provided with a copy of that position's job description to assist in the application process.

§ 23.61 QUALIFICATION STANDARDS.

The Personnel Director shall, with the advice and recommendations of department heads, establish reasonable qualifications deemed necessary for satisfactory job performance. These minimum qualifications shall be included in the job description of each position with the town.

§ 23.62 QUALIFYING EXAMINATIONS.

Applicants for positions with the town may be required to pass appropriate competitive written, oral and physical examinations to determine whether they meet the established qualification standards. The examinations shall be prepared and administered by the Personnel Director.

§ 23.63 APPOINTMENTS.

- (A) Appointments to positions with the town shall be made on the basis of merit, ability, training, and experience without regard to race, sex, creed, national origin, religion, sexual orientation, veteran status, or disability. All appointments shall be considered as employees-at-will under applicable legal authorities.
- (B) All department heads and Public Safety employees of the town shall reside within the territorial boundaries of Brunswick County, North Carolina or Horry County, South Carolina. All other employees shall reside within the territorial limits of Brunswick County or within the territorial limits of a county adjoining Brunswick County. Candidates for employment shall be recruited without regard to place of residency provided that if employed, employees must establish residence as provided for herein within 90 days of the date of employment.
- (C) In cases where the qualifications of prospective employees are substantially the same, preference for shall be given to residents of the town.

- (D) The Board of Commissioners, on the advice and recommendation of the Town Administrator, shall appoint and terminate all employees of the town.

§ 23.64 PROBATIONARY PERIOD.

- (A) With exception of Public Safety employees, all employees of the town who are hired or promoted to regular full or part-time employees shall serve a probationary period of three months. Public Safety employees shall serve a six-month probationary period upon being hired. All regular employees shall be immediately eligible for all regular town benefits. At the end of the probationary period the employee, if retained, shall be considered to have satisfactorily completed the probationary period; provided, however, that the position's department head may extend the probationary period for an additional period not to exceed six months.
- (B) The probationary period shall include time worked only and any periods of extended leave shall not count towards the completion of the probationary period. Any employee serving a probationary period may be dismissed at any time during the probationary period.
- (C) Employees serving probationary periods are eligible, based on the employment status of the appointed position, for benefits and leave as set forth in 23.23.

§ 23.65 PROMOTIONS.

Department heads and supervisors shall anticipate retirements and turnovers and hire and train employees accordingly to assume greater responsibility. It is the town's policy, in filling vacant positions, to promote qualified employees from within the town before seeking an outside replacement.

§ 23.66 DEMOTIONS.

- (A) An employee whose work is unsatisfactory may be demoted provided that the employee has demonstrated the potential of being a satisfactory employee in another position. Any such demotion shall be made by the Board of Commissioners acting on the advice and recommendation of the Town Administrator. An involuntary demotion is a disciplinary action, the implementation of which must accord with the provisions of 23.140 – 23.141.
- (B) An employee desiring a position with reduced duties and responsibilities may request a voluntary demotion. A voluntary

demotion is not a disciplinary action.

§ 23.67 TRANSFERS.

- (A) If a vacancy occurs and an employee eligible for transfer from another department desires to be considered for the appointment, a written request and application must be forwarded to the Personnel Director during the recruitment period for the position. Any employee transferred without having requested such transfer may submit a grievance regarding the same in accordance with the provisions of Sections 23.140 to 23.141 below.
- (B) An employee who has successfully completed a probationary period, if transferred to another position, shall not be required to serve another probationary period.

§ 23.68 REDUCTION IN FORCE.

In the event a reduction in force becomes necessary, consideration will be given to seniority, the quality of each employee's past performance, and departmental/town needs in determining which employees to retain.

§ 23.69 CRIMINAL HISTORY OF APPLICANTS.

The Personnel Director is hereby designated the town official authorized to investigate applicants relating to suitability for employment and may therefore access the SBI/DCI Criminal History Record Information (“CHRI”) to obtain an applicant’s criminal history, if any. The CHRI information shall be provided only to the Personnel Director and shall remain strictly confidential. Prior to denial or termination of employment based upon CHRI information, the town shall verify the existence of such a record by either obtaining a certified public record of the same or by submitting a fingerprint card of the individual to CHRI for verification that the record obtained is that of the applicant.

§ 23.70 - 23.79 RESERVED.

CONDITIONS OF EMPLOYMENT

§ 23.80 HOURS OF WORK.

- (A) *Workweek or work period.* The standard workweek or work period of town employees shall be as set forth in Table III of Appendix A following this chapter and incorporated herein by reference. An Alternative Work Schedule Policy covers employees as listed.

(B) *Overtime.*

- (1) Employees may be required to work overtime hours only in cases of emergency. From time to time, non-emergency overtime may be required when requested by a supervisor and approved by the Town Administrator provided that the employee may decline to work any such non-emergency overtime. Supervisors shall arrange the work schedules of their sections so as to accomplish the required work within the standard workweek or work period (see Table III in Appendix A). All classes of positions shall be determined as exempt or non-exempt from overtime pay based on standards contained in the Fair Labor Standards Act. If it shall prove necessary for non-exempt employees to work beyond the hours established for the standard workweek or work period, the department head may authorize overtime work at one and one-half the employee's usual hourly rate.
- (2) If agreed to and requested by the employee, overtime accrued during a pay period may be taken as compensatory time and documenting that compensatory time for that pay period shall be a record of the employee's request for and agreement to receive compensatory time for that pay period. Compensatory time is time earned for work performed in excess of 40 hours in a workweek and may not be earned in less than 15 minute increments.
- (3) Compensatory time for overtime work may be granted at the rate of one and one-half times the regular hours to be taken by the employee at a time which will in the opinion of the employee's supervisor least obstruct the operation of the work unit except that all compensatory time shall be taken within the six-month period of each calendar year in which period it was earned.
- (4) Employees may not accrue more than 40 hours in compensatory time off. If an employee exceeds the maximum established, they must be compensated in cash payment at the rate of time and one-half for any hours in excess of the 40 hour limit. Any compensatory time of 15 minutes or more shall be accounted for and deducted as provided herein.
- (5) Compensatory time may be used in lieu of sick leave and may be used, until depleted, before using annual leave.
- (6) All overtime pay and overtime leave shall be granted in full compliance with the provision of the Fair Labor Standards Act. Exempt employees who are required to work overtime for extended periods because of extreme emergencies, may be paid for their

overtime work with the approval of the Town Administrator at an hourly rate equal to one and one-half times their equivalent regular rate of pay, but paid overtime must be paid within the pay period in which it is earned. The Town Administrator, department heads, and certain other salaried employees who are more or less permitted to arrange their own schedule shall not be compensated as set forth above since some overtime is considered necessary as part of their position and has been taken into account with respect to their compensation.

- (C) *Standby.* Employees in some departments may be required to stand by for emergency service after regular hours on weekends and holidays.

§ 23.81 PAYROLL DEDUCTIONS.

- (A) Federal and state income taxes, Medicare, Social Security tax, and other required garnishments shall be deducted as authorized by law. The following may also be deducted if certain actions warrant the same:
 - (1) Cost for change of locks (building, auto, safe, lock box, etc.) due to lost or stolen keys.
 - (2) Cost of damage to any town property caused by misuse or an intentional act.
 - (3) Cost to replace any lost or damaged tools, equipment or keys.
 - (4) Time will be deducted due to employee tardiness.
- (B) The employee shall be informed in writing prior to the deduction that the action is being taken and why. The Board of Commissioners shall approve any payroll deduction not required by law.

§ 23.82 PAYROLL PROCEDURE.

All employees shall be paid every two weeks and payroll checks will be processed within three working days following the cut-off date for time sheets.

§ 23.83 EFFECTIVE DATE OF WAGE ADJUSTMENTS.

Wage adjustments shall become effective on the date that the adjustment was approved by the Board of Commissioners.

§ 23.84 GIFTS AND FAVORS.

- (A) No official or employee of the town shall accept any gift or favor from any contractor, subcontractor, supplier, or otherwise having a contract with the town, who has performed under such a contract within the past year, or who anticipates bidding on a contract with the town in the future.
- (B) No official or employee charged with the duty of preparing plans, specifications, or estimates for a public contract, awarding or administering a public contract, or inspecting/supervising performance under a public contract, shall accept any gift, favor, or thing of value in connection with or related to the contract.
- (C) All town officials and employees shall refuse gratuities.
- (D) This section is not intended to prohibit customary gifts or favors by and between employees or officials and their friends and family members when it is clear that it is the relationship with the individual rather than commercial interests that is the motivating factor for the gift or favor.

§ 23.85 POLITICAL ACTIVITY RESTRICTED.

- (A) Every employee of the town has a civic responsibility to support good government in an appropriate manner in accordance with town policies. This section shall not be construed to prevent any employee from becoming or continuing to be a member of a political party, attending political meetings, or enjoying complete freedom from all interference in casting a vote. Any employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, and may advocate and support the principles or policies of civic or political organizations in accordance with the constitutions and the laws of the United States and the State of North Carolina.
- (B) The position held by any employee filing as a candidate for nomination, election, or appointment to any political office shall immediately become vacant and the employee shall immediately and voluntarily resign from employment with the Town.
- (C) While on duty, no employee shall:
 - (1) Engage in any political or partisan activity;
 - (2) Use official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office;
 - (3) Be required, as a duty or condition of employment, promotion, or

tenure to contribute funds for political or partisan purposes;

- (4) Coerce or compel contributions for political or partisan purposes from another Town employee or official;
 - (5) Solicit or act as custodian of funds for political campaigns;
 - (6) Use town-owned or leased supplies, equipment or facilities to display political slogans, posters or stickers or for any political purpose; and
 - (7) Shall approve a contract which does or has the appearance of financially benefiting that employee or his/her close associates or family members.
- (D) Any violation of this section may subject the employee to disciplinary actions including termination.

§ 23.86 OUTSIDE EMPLOYMENT.

The town's public business takes priority over any other employment interest of an employee. All outside employment for salaries, wages, or commissions, and all self-employment, shall be reported to the Town Administrator before the commencement of any such work. The Town Administrator and Board of Commissioners shall determine whether any such outside work creates a conflict of interest or is otherwise incompatible with the town's interests and responsibilities.

§ 23.87 LIMITATION ON EMPLOYMENT OF RELATIVES.

No two members of an immediate family shall be employed within the same department if such employment will result in one member supervising the other or in one member occupying a position having influence over the other's employment, promotion, wage administration, or other related managerial/personnel considerations.

As used herein, the term "immediate family" is defined as an employee's spouse, parent, child, sibling, grandparent, grandchild, guardian, trustee, or legal representative.

§ 23.88 DISCLOSURE OF CONFIDENTIAL INFORMATION.

No official or employee shall, without the approval of his/her superior, disclose confidential information concerning the property, government, or affairs of the town, nor shall he/she under any circumstances use the information to advance the financial or other private interest of himself/herself or others.

§ 23.89 BENEFITS.

Benefits provided by the Town of Carolina Shores shall be those enumerated in this section. Receipt of benefits shall be pursuant to the employee's status as defined in Sec. 23.23.

- (A) *Retirement.* Participation in the North Carolina Local Government Employees Retirement System (LGERS).
- (B) *Supplemental retirement.* Participation in the NC Local Government Employees Supplemental Retirement System (401k and 457 plans), with the town matching the individual employee's contribution to the 401k plan up to 5% of the employee's salary.
- (C) *Group health and hospitalization.* Provision of individual group health and hospitalization insurance paid for by the town for employees. Provision of individual group health and hospitalization insurance paid for by the town for retirees with ten years of continuous, service to the town and 20 years of service in LGERS. Health and hospitalization coverage will, for retirees upon their eligibility for Medicare, convert to the Medicare supplemental coverage provided by the town's health and hospitalization insurance carrier and paid for by the town.
- (D) *Group Life.* Provision of a group life insurance to each Regular Full-Time Employee
- (E) *The statutory benefits.* As required by law, Social Security, Workers' Compensation, and Unemployment Compensation.
- (F) *Uniforms.* Provision of uniforms as required and authorized by the Personnel Director for employees performing duties where a uniform may reasonably be necessary. Uniforms shall include clothing and shoes as appropriate.

§ 23.90 TRANSFER OF CREDITABLE SERVICE.

The town shall allow employees to transfer years of credible service from other North Carolina units, as documented in LGERS or associated North Carolina systems, for the purpose of any calculation or computation of time in service except as otherwise specified.

§ 23.91-23.99

RESERVED.

HOLIDAYS AND LEAVE

§ 23.100 HOLIDAYS.

- (A) The town follows the holiday schedule published for state employees.
- (B) To receive a paid holiday, regular full-time employees must have worked the day before and the day after the holiday or have been given approved paid leave.
- (C) Employees wishing to schedule time off for religious observances, other than those observed by the town, may request annual leave from their respective department head who shall attempt to arrange the work schedule so that the employee may be granted annual leave for the religious observance. Annual leave for religious observances may be denied only when granting leave would create an undue hardship for the town.
- (D) Observed holidays which occur during a regular full-time employee's annual, sick or other leave period of any employee shall not be considered as annual, sick, or other leave.

§ 23.101 ANNUAL LEAVE.

- (A) For the purpose of earning and accruing annual leave, the 12-month calendar year between January 1 and December 31 shall constitute the leave year.
- (B) Eligible employees shall earn annual leave in the following amounts; unless otherwise covered in the alternate work schedule:
 - (1) Implementation table for 35-hour week employee working five days at seven hours:

<i>Time in Service</i>	<i>Annual Leave Days</i>
0 – 1 year	10 days
1 year, 1 day – 5years	12 days
5 years, 1 day – 10 years	15 days
10 years, 1 day – 15 years	18 days
15+ years	20 days

- (2) “Alternate work schedule” implementation table for 40-hour week employee working four days at ten hours:

<i>Time in Service</i>	<i>Annual Leave Days</i>
0 – 1 year	8 days
1 year, 1 day – 5 years	10 days
5 years, 1 day – 10 years	12 days
10 years, 1 day – 15 years	14 days
15+ years	16 days

- (C) Employees shall earn annual leave from the first day of work and prorated per pay period. Annual leave may be taken as earned by the employee with the approval of the employee's department head. Employees serving a probationary period following an initial appointment shall not be permitted to take annual leave during the probationary period unless the denial of such leave will create an undue hardship.
- (D) Employees may accumulate annual leave provided that the maximum accumulation of annual leave at the end of the first payroll of the calendar year shall be not more than 200 hours. Any accumulated annual leave in excess of 200 hours shall be transferred to sick leave balances after the end of the last payroll of the calendar year.
- (E) If an employee separates from service at any time during the calendar year, payment for accumulated annual leave shall not exceed the maximum carry forward amount set forth above. The estate of any employee who dies while employed by the town shall be entitled to payment for all accumulated annual leave credited to said employee's account not to exceed the maximum carry forward amount listed above.
- (F) Annual leave may be taken under the following conditions:
- (1) Must be requested at least one week in advance except in a case of emergency;
 - (2) Shall be offered based on seniority. Conflicting requests shall be resolved by the Personnel Director; and
 - (3) May be used for vacation, personal reasons, personal illness, and immediate family illness.
- (G) It is the responsibility of each employee to provide an accurate signed record of hours worked. It is the responsibility of the Personnel Director to provide employees with a written accounting of their leave record. All leave records shall be reconciled per pay period and prior to an employee taking vacation leave to help ensure against overdrawn leave.

§ 23.102 SICK LEAVE.

- (A) Sick leave with pay is not a right which an employee may demand, but a privilege granted by the Board of Commissioners for the benefit of an employee when sick or injured or for the other designated purposes set forth below. All absences applicable to authorized leaves of absence as provided for below, shall first be charged against the subject employee's accrued sick leave.
- (B) Sick leave pay shall be granted to eligible employees in the following amounts: 12 days per year.
- (C) Sick leave pay, if not used during the year in which it accrues, may be carried over from year to year without limitation.
- (D) Accrued sick leave is not paid upon termination of employment and shall be credited instead to service time in accordance with the North Carolina Local Government Retirement System regulations. Accrued sick leave shall not be paid to the estate of an employee who dies while employed by the town.
- (E) Employees may be granted sick leave for the following:
 - (1) Sickness or bodily injury preventing the employee from performing his/her regular duties;
 - (2) Medical or dental appointments; and
 - (3) Pregnancy-related conditions.
- (F) Sick leave may be taken only with the approval of the employee's supervisor and an employee shall notify their supervisor of all requests for sick leave before such leave is taken or not later than two hours after the beginning of a scheduled work day. Employees may be denied sick leave if they fail to report to the supervisor at the beginning of the period during which the employee "takes" sick leave and at least every two days of continuing sick leave thereafter, except in those cases of extended illness of which the supervisor is aware and about which he/she has been kept informed.
- (G) The town may require a treating health care provider's written statement as to the nature of the employee's illness and the employee's capacity to resume duties for each occasion on which an employee uses sick leave or whenever a department head observes a cause for concern related to the safety of the employee or others.

§ 23.103 PERSONAL LEAVE.

- (A) For the purpose of earning and accruing annual leave, the 12-month calendar year between January 1 and December 31 shall constitute the leave year.
- (B) Eligible employees shall earn personal leave in the following amounts: one personal leave day per calendar year.

§ 23.104 LEAVES OF ABSENCE.

- (A) Regular full and part-time employees who have completed their probationary period of employment may be granted a medical or family leave of absence (collectively referred to herein as “leave of absence”) in appropriate instances as set forth below. A leave of absence is generally anticipated to last more than five working days and typically involves instances of more serious illnesses or injuries than what would otherwise be covered under regular sick leave. An employee may not work for any other employer during his/her leave of absence from the town.
- (B) All leaves of absence shall be without pay and shall be authorized by the Personnel Director in advance thereof.
- (C) Any leave of absence taken within a calendar year shall reduce the amount of any other leave of absence which may be available during that calendar year.
- (D) Employees are required to take accrued sick leave for and prior to any leave of absence and may elect, in the event accrued sick leave is exhausted, to use accrued annual leave provided that annual and sick leave shall not accrue during a leave of absence.
- (E) For a reasonably foreseeable leave of absence (including intermittent and reduced- schedule leave), an employee shall provide not less than a 30-day advance written notice requesting such leave. In the event unforeseen circumstances result in a 30-day notice being impractical, written notice requesting leave shall be given as soon as practicable. The notice shall include the reasons for the requested leave, the leave’s anticipated commencement date, and the duration of such leave.
- (F) In the event an employee fails to give timely notice when the need for a leave of absence is reasonably foreseeable, the town may deny such leave until 30 days after such notice is provided.
- (G) In the event an employee fails to provide a required healthcare provider verification in a timely manner, the town may deny a leave of absence until such verification is provided.

- (H) The town may require an employee on a leave of absence to periodically report, in writing, on his/her intent to return to work. In the event an employee provides an unequivocal notice of his/her intent not to return to work, the employee's employment with the town shall be terminated, any entitlement of the employee to reinstatement shall automatically be forfeited, and the employee may be required to reimburse the town for any premiums the town paid for the continuation of group health and hospitalization coverage while an employee is out on a leave of absence.
- (I) *Termination.*
- (1) An employee who fails to request and be granted a leave of absence and who does not report to work for a period of three or more days, shall be considered to have voluntarily resigned from employment with the town.
- (2) An employee who does not return from a leave of absence when the leave period expires or who does not provide a physician's statement in support of seeking an extension of the leave period, shall be considered to have voluntarily resigned, absent extenuating medical circumstances.
- (3) An employee who does not return after remaining on a leave of absence for a continuous six months, or longer if approved by the Personnel Director, is subject to termination. The Personnel Director shall conduct a reasonable investigation to determine if the employee has a disability and if reasonable accommodation may therefore be applicable.

§ 23.105 DEFINITIONS.

For the purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DISABILITY. A physical or mental impairment substantially limiting one or more of life's major activities, a record of such an impairment regardless whether the employee is currently substantially limited in a major life activity, or an employee is regarded as having such an impairment.

NON-QUALIFYING CONDITION. Incidental, normal, short-term or sporadic medical conditions or illnesses. Examples include reoccurring chronic allergies, the common cold, and the like.

QUALIFIED EMPLOYEE. An employee who, with or without reasonable accommodation, can perform the essential functions of the position he/she holds or desires. A job description shall be considered evidence of the essential functions of that position.

REASONABLE ACCOMODATION. Reasonable accommodation may include job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials, or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

SERIOUS HEALTH CONDITION. An illness, injury, impairment, or other physical or mental condition involving:

- (1) A period of incapacity or treatment in connection with or consequent to in-patient care at a medical care facility;
- (2) A period of incapacity requiring absence from work, school, or other regular daily activities of more than three calendar days and that also involves continuing treatment by a health care provider;
- (3) Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term condition which, if not treated, would likely result in a period of incapacity of more than three days; or
- (4) *Prenatal care.*

SERIOUS MEDICAL CONDITION. As verified by a treating health care provider, an illness, injury (off-duty), disability, or other physical or mental condition which necessitates a single prolonged absence or series of absences from work for treatment and rehabilitation of the condition.

UNDUE HARDSHIP. An undue hardship means an action requiring significant difficulty or expense when considered in light of the factors set forth in 42 U.S. Code § 12111.

§ 23.106 MEDICAL LEAVE OF ABSENCE.

- (A) A medical leave of absence may be granted for a six-month period, and extended up to an additional six months by the Personnel Director for an employee's verified disability or serious health or medical condition.
- (B) An employee returning from a medical leave of absence will be reinstated to his/her former position, if available, provided the employee furnishes a verification from his/her treating health care provider that the employee is qualified to perform the essential functions of the position. If the employee's former position is not available, the employee may be reinstated to a position with equivalent employment benefits, pay, and other terms and conditions of employment. Refusal of an offer of reinstatement will be treated as a voluntary resignation.

- (C) Employees with disabilities shall be reasonably accommodated provided the accommodation(s) do not constitute an undue hardship for the town.
- (D) A medical leave of absence for over a year may be arranged provided that under no circumstances shall an employee's job be held for more than one year. If an employee remains on a medical leave of absence for more than one year and is then eligible to return to work, the subject employee may be offered any open job, if available, for which the employee is otherwise qualified. Medical leaves of absence for pregnancy, childbirth, or related conditions shall be subject to the same eligibility, terms, and conditions as are set forth herein.
- (E) *Terms and conditions of leave.*
 - (1) A medical leave of absence may be granted to an employee upon the furnishing of a treating health care provider's written verification of the nature of the disability or the serious health or medical condition necessitating such leave. A separate verification is required for any extension of a medical leave of absence.
 - (2) The town may require an employee to take a medical leave of absence when the employee is not otherwise qualified to perform the essential functions of his/her position as verified by the employee's treating health care provider.
 - (3) The town, acting through the Personnel Director, may require an employee to take a medical leave of absence if there are reasonable grounds to suspect that the employee's medical condition could adversely affect the work, safety, or health of any employee or pose a risk to town property or the public in general. In such an event, the Personnel Director may require the employee to obtain a written verification from his/her treating health care provider that his/her medical condition does not pose a risk to the workplace, town property, or the general public.
 - (4) The duration of a medical leave of absence shall only be for the period of time necessitated by the disability or serious medical or health condition as verified by the employee's treating health care provider. While on a medical leave of absence, the employee must regularly report to the Personnel Director concerning his/her status in accordance with the verification provisions of this section.
 - (5) The town may require the employee to furnish a statement from his/her treating health care provider or be examined by a town-approved health care provider to verify the employee's continuing inability to work if such questions arise. Employees must return to work when released by a health care provider to do so.

- (F) In the event a treating health care provider releases an employee to return to work on a "restricted duty" or "light duty" status, the town shall attempt to cooperate with that employee with respect to that status under the following conditions:
- (1) The treating health care provider shall expressly describe the specific work restrictions under which the employee is returning;
 - (2) Work meeting any such restrictions must be available for the employee;
 - (3) The employee must be able to perform the available work;
 - (4) The requests of those employees whose injuries or illnesses are covered under Workers' Compensation shall be considered first and all other requests considered thereafter;
 - (5) In the event that two or more requesting employees equally meet all of the requirements set forth herein, the decision to assign which employee to the requested duty status shall be based on seniority;
 - (6) Any employee who is assigned to restricted or light duty work and refuses the assignment shall not be offered another assignment during the applicable period of restriction and the fact of that refusal shall be documented and included in the employee's personnel file. All requests for restricted or light duty and assignment decisions related thereto must be approved in advance by the Personnel Director; and
 - (7) If an employee is released to return to work by a health care provider, but fails to report for assigned work, that employee shall be considered to have voluntarily resigned from employment with the town.

§ 23.107 FAMILY LEAVE OF ABSENCE.

- (A) A family leave of absence may be granted for a six-month period, and extended up to an additional six months upon approval by the Personnel Director and receipt of a treating healthcare provider's verification, when required as set forth below, for the following reasons:
- (1) To care for the employee's newborn child provided that the leave period shall not exceed 12 months after the date of the birth.
 - (2) To care for a pre-teenage child who has been placed with the employee through adoption or foster care, provided that the leave period shall not exceed 12 months after the date of the placement and that proof of adoption or foster parent status is provided; or

- (3) To care for the spouse, child, or parent of the employee with a disability or serious health or medical condition as verified by a treating health care provider.
- (B) An employee returning from a family leave of absence shall be reinstated on the same basis and under the same terms and conditions as an employee returning from a medical leave of absence.
- (C) An employee who requests a family leave of absence to care for the employee's spouse, child, or parent, shall provide a treating health care provider's verification of the subject disability or serious health or medical condition. The employee shall provide the required verification at the time he/she requests the leave. In the event that unforeseen circumstances require that the employee be provided a family leave of absence, then the required verification shall be provided no later than seven business days after the date on which the leave period commenced.
- (D) For the purposes of this section, a treating health care provider's written verification of a disability or serious health or medical condition shall include the following:
 - (1) A diagnosis of the disability or serious health or medical condition;
 - (2) The date on which the disability or serious health or medical condition commenced and an opinion on the probable duration of said disability or serious health or medical condition;
 - (3) A brief statement of the regimen of treatment prescribed for the disability or serious health or medical condition including, where possible, the estimated number of office visits and the frequency and duration of treatment;
 - (4) An indication of whether in-patient care is or may be required; and
 - (5) In the event a family leave of absence is requested to care for a family member with a disability or a serious health or medical condition, a statement that the patient-family member requires assistance for hygiene, safety, transportation, or basic medical or nutritional needs, or that the employee's presence would be beneficial or desirable for the care of the family member. The employee is required to indicate the type of care he/she will be providing to the family member together with an estimate of the time period for which the employee's assistance will be required.
- (E) Re-verification of the family member's medical condition is required every 30 days or at the time the employee requests an extension of a family leave of absence. In the event the town receives information

at any time which reasonably casts doubt upon the continuing validity of the health care provider's original verification, the Town may require a re-verification of the family member's medical condition as a result thereof.

§ 23.108 INTERMITTENT AND REDUCED-SCHEDULE LEAVE OF ABSENCE.

An employee may take leave of absence intermittently or on a reduced schedule only under the following circumstances unless otherwise agreed to by the Personnel Director:

- (A) The employee has a disability for which reasonable accommodation may be provided;
- (B) The employee has a serious health or medical condition requiring intermittent Leaves of Absence as verified in writing by the treating health care provider;
- (C) The employee has a spouse, child, or parent with a disability or a serious health or medical condition requiring intermittent Leaves of Absence as verified in writing by the treating health care provider;
or
- (D) The employee submits a written statement of the duration and schedule of the intermittent or reduced-schedule leave of absence.

§ 23.109 GROUP HEALTH AND HOSPITALIZATION COVERAGE WHILE ON A LEAVE OF ABSENCE.

- (A) As set forth below, regular full-time employees on a leave of absence shall continue to be covered under the town's group health care plan at the same level and under the same conditions as provided prior to the employee's taking leave of absence provided that the employee shall continue to be responsible for paying the premiums on all covered family members.
- (B) The town currently bears the full cost of employee-only coverage for group health care and shall continue to bear this cost during a leave of absence for a period of six months.
- (C) The town shall be entitled to recover all health care premiums it has paid for an employee on a leave of absence if the employee fails to return to work after the leave period expires unless the reason for failing to return is the result of:
 - (1) A continuation, recurrence, or onset of a disability or a serious health or medical condition which would have justified the employee taking a leave of absence in accordance with the provisions of this chapter; or

- (2) Unforeseen circumstances beyond the employee's control which the Personnel Director, in his/her discretion, reasonably believes to constitute a fair and just basis for not seeking reimbursement of the premium payments.

§ 23.110 OTHER NONMEDICAL LEAVES OF ABSENCE.

- (A) *Military leave.*
 - (1) In addition to any military leave required under the Uniformed Services Employment and Reemployment Rights Act, a regular full or part-time employee who is a member of the National Guard or the Armed Forces Reserve shall be allowed ten business days of military leave annually, with partial compensation, for related training purposes. If the compensation received while on military leave is less than the wage that would have been earned during this same period as an active employee, the employee shall receive partial compensation equal to the difference between the base wage earned as a reservist and the wage that would have been earned during this same period as a town employee. The effect will be to maintain the employee's wage at the normal level during the period of military leave. If an employee's military duty is required beyond ten working days, then the employee shall be eligible to take accumulated annual leave or be placed on leave without pay status.
 - (2) While on military leave, the employee's annual and sick leave shall continue to accrue and other benefits shall remain in place as if the employee was in pay status. Reservist employees also have all of the rights provided for under the Veterans Readjustment Assistance Act.
- (B) *Bereavement leave.* Bereavement leave with pay shall be granted to regular full and part-time employees for a maximum of three days in addition to accumulated annual leave (the combination thereof not to exceed five days for any one occurrence). Bereavement leave may be taken in the event of a death of an immediate family member which is herein defined as a spouse, parent, child, grandparent, or grandchild, or sibling.
- (C) *Civil leave.* regular full and part-time employees called for jury duty or as a witness for the State or Federal government or a subdivision thereof shall be entitled to leave with pay for the duty during the required absence. An employee on civil leave may keep all fees received for jury duty in addition to his/her regular compensation. If the employee's presence is required for less than a full work day, the employee is required to contact his Department Head concerning his/her return to work and the failure to do so could result in a loss of pay for that day.

- (D) *Workers' Compensation leave.* An employee absent from town employment by reason of any accident/incident, including an adverse reaction due to an employee who volunteers for vaccination against smallpox incident to the administration of smallpox countermeasures by health professionals under Section §304 of the Federal Homeland Security Act of 2002, arising out of and in the course of his/her employment for which compensation is payable to the employee under the Workers' Compensation Act shall be placed on leave of absence if the absence is generally anticipated to last more than five working days.

§ 23.111 - 23.119

RESERVED.

SEPARATION

§ 23.120 RESIGNATION.

Separation from town service occurs when an employee leaves the payroll for reasons listed below.

- (A) *Voluntary resignation with notice.* An employee may terminate services with the town by submitting a resignation to the Personnel Director. Subject to the Board of Commissioners' discretion, it is generally expected that a non-supervisory employee will provide two weeks' notice prior to the last day of work and that supervisory employees shall provide four weeks' notice, except that department/division heads shall provide six weeks' notice.
- (B) *Voluntary resignation without notice.* An employee voluntarily terminates employment with the town without notice by failing to come to work without notifying the Personnel Director. Such a failure shall be deemed to be a voluntary resignation when the employee is absent without approved leave for a period of at least three consecutive workdays. Separation pursuant to this policy shall not occur until the Personnel Director has undertaken reasonable efforts to locate the employee and determine if or when the employee intends to return to work; such reasonable efforts including, without limitation, calling the employee at his/her last known telephone number or by sending the employee a letter, via certified mail, return receipt requested, to the employee's last known address.
- (C) Voluntary resignations are not disciplinary actions and may not be the subject of a grievance.

§ 23.121 SEPARATION DUE TO UNAVAILABILITY.

An employee may be separated on the basis of unavailability when the employee becomes or remains unavailable for work after all applicable leave credits and benefits have been exhausted and a leave of absence is not granted or is exhausted. In the event the employee's unavailability is the result of a disability, it shall be determined whether the employee can be provided equal employment opportunities through reasonable accommodation without creating an undue hardship for the town. A separation due to unavailability is not a disciplinary action but may be grieved in accordance with the provisions of Section 23.140-141.

§ 23.122 REDUCTION IN FORCE.

In the event a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance as documented by current performance appraisals, organizational needs, and seniority in determining the employees to be retained. Employees who are separated from service with the town due to a reduction in force shall be given at least two weeks' notice prior to the employee's separation date.

§ 23.123 RETIREMENT.

An employee may retire from the Town by submitting a retirement notice to the Personnel Director. Subject to the Board of Commissioners' discretion, it is generally expected that a non-supervisory employee will provide 4 weeks' notice prior to the last day of work and that supervisory employees shall provide 8 weeks' notice, except that department/division heads shall provide 12 weeks' notice.

§ 23.124 - 23.129

RESERVED.

DISCIPLINARY POLICY AND PROCEDURE

§ 23.130 PURPOSE.

The purpose of this policy is to provide supervisors with a fair and objective guide for determining the seriousness of an employee's unsatisfactory work performance or misconduct, if any, and selecting the appropriate disciplinary action. The procedures set forth in this chapter, including the right to appeal a disciplinary action, are intended to avoid restricting operating personnel and in no way guarantee an employee's right to continued employment or alter an employee's status as an "at will" employee.

§ 23.131 GENERAL PROVISIONS.

- (A) *Management responsibility.* Management is responsible to assure that discipline is administered in a fair and consistent manner.
- (B) *Mitigating circumstances.* Mitigating circumstances include those conditions related to a given offense which would serve to support a lesser disciplinary action in the interest of fairness and objectivity. Mitigating circumstances may also include consideration of an employee's long service with a history of satisfactory work performance.
- (C) *Not all inclusive.* The offenses listed in this policy are not intended to be all inclusive. Accordingly, any unlisted conduct which in the judgment of the Department Head seriously undermines the effectiveness of the Town's activities or the employee's performance, should be treated in accordance with the provisions of this policy. A record of such corrective actions must be filed with the Personnel Director.

§ 23.132 DEFINITIONS.

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

A DISCIPLINARY ACTION. May take any of the following forms and is not necessarily restricted to the type or order set forth below:

DEMOTION. A demotion shall be defined as a reduction in the pay range of any employee in conjunction with a change in job duties and responsibilities.

SUSPENSION. A suspension shall be defined as the temporary prohibiting of an employee from performing his or her duties. The suspension period shall be without pay.

TERMINATION. A termination shall be defined as an involuntary separation from employment initiated by the Town as a result of the employee's unsatisfactory work performance or misconduct.

VERBAL REPRIMAND. A verbal reprimand shall be defined as a discussion between the supervisor and the employee wherein the employee is advised and cautioned with reference to unsatisfactory work performance or misconduct.

WRITTEN REPRIMAND. A written reprimand shall be defined as a written documentation to the employee from the supervisor wherein the employee is advised and cautioned with reference to his or her unsatisfactory work performance or conduct and what steps are necessary to correct such unsatisfactory work performance or conduct.

§ 23.133 APPLICABILITY.

All regular full and part-time employees shall be covered under this policy. All levels of supervision shall be responsible for orienting employees to and uniformly enforcing the disciplinary action policy and procedures set forth herein.

§ 23.134 POLICY.

- (A) The policy of the town is to fairly and uniformly apply discipline, when appropriate, throughout its workforce. Generally, employee discipline shall be a progressive process depending upon the infraction.
- (B) Where appropriate, disciplinary action of lesser severity than terminating employment shall be taken in an attempt to correct an employee's unsatisfactory work performance or misconduct before a dismissal is initiated. Generally, a dismissal may be considered as a last resort or may be undertaken only when a serious policy violation has occurred.
- (C) All disciplinary actions, with the exception of a verbal reprimand, are appealable through the procedure set forth herein.
- (D) Unacceptable conduct has been divided into three types of offenses according to the seriousness of the offense. The severity of the selected discipline must fit the seriousness of the offense. If there are mitigating circumstances, supervisors may alter the discipline, but they must state their reasons for such action. Additionally, an egregious offense may warrant a more severe disciplinary action.
- (E) The procedural steps for imposing discipline are set forth below. The failure of a supervisor to follow these procedural steps will not, by itself, render the discipline invalid or improper, but an employee may appeal a disciplinary action on the basis that the proper procedures were not followed provided the employee complies with the requirements set forth in 23.138.
- (F) Copies of the town's "Disciplinary Action Report" and letter of "Notification Letter" are set forth in Appendix B of this chapter and are incorporated herein by reference.

§ 23.135 TYPES OF OFFENSES.

- (A) *First group offenses (examples only).*
 - (1) Unsatisfactory attendance or tardiness;
 - (2) Abuse of town time, such as;
 - (3)

- (a) Unauthorized time away from work area; or
- (b) Failure to notify the supervisor promptly of completion of assigned work.
- (4) Obscene or abusive language.
- (5) A moving traffic violation while using a town or other public use vehicles;
- (6) Inadequate or unsatisfactory job performance; or
- (7) Violating safety rules where there is not a threat to life or a threat of serious injury.
- (B) *Second group offenses (examples only).*
 - (1) Failure to follow supervisor's instruction, perform assigned work or otherwise comply with applicable established written policy;
 - (2) Reporting to work when under the influence of or when ability is impaired by alcohol or the unlawful use of controlled substances;
 - (3) Leaving the work site without permission during working hours;
 - (4) Failure to report to work without proper notice to supervisor;
 - (5) Unauthorized use or misuse of town property or records; or
 - (6) Obscene or abusive language in the presence of persons other than town employees.
- (C) *Third group offenses (examples only).*
 - (1) Absence or leave in excess of three working days without appropriate notice, or without satisfactory explanation;
 - (2) Use of alcohol or unlawful use or possession of controlled substances while on the job;
 - (3) Falsifying any records, such as, but not limited to:
 - (a) Vouchers;
 - (b) Reports;

- (c) Insurance claims;
- (d) Time records, leave records; or
- (e) Other official town documents.
- (4) Willfully or negligently damaging or defacing town records or town or town or employee property;
- (5) Theft or unauthorized removal of town records or town or employee property;
- (6) Acts of physical violence or fighting;
- (7) Engaging in sexual activities while on the job or on the town property;
- (8) Violating safety rules where there is a threat to life or threat of serious injury;
- (9) Sleeping during working hours (except by departmental policy for public safety personnel or in the event of an emergency operating condition);
- (10) Unauthorized possession of firearms, dangerous weapons or explosives;
- (11) Criminal violations other than minor traffic violations occurring on the job or off the job which are related to job performance and are of such nature that to continue the employee in the assigned position might constitute negligence in regard to the department's duties to the public or to other town employees;
- (12) Operating a town vehicle without a valid operator's permit or without authorization; or
- (13) Egregious violations of First and Second Group Offenses.

§ 23.136 TYPES OF DISCIPLINARY ACTION.

- (A) *Reprimands.* Reprimands are generally given for first group offenses which are less severe in nature but which require correction in the interest of maintaining a productive and well managed work force. The form of the reprimand may be either verbal or written.
- (B) *Suspension.*

- (1) Suspensions are given for acts and misconduct of a more serious nature generally listed as Group Two Offenses. Unsatisfactory work performance or misconduct that continues after a disciplinary action concerning the same is also generally considered to be in this category.
- (2) An additional offense requiring a suspension should generally result in termination. A single suspension coupled with three reprimands should also normally result in termination.
- (3) Nothing in this policy shall prevent a Department Head from imposing a suspension without pay on an employee whose continued presence on the job is reasonably deemed to be a substantial and immediate threat to the welfare and safety of the employee's department or workspace, to the general welfare and safety of the public, or where the employee's continued presence might constitute negligence in regard to the department's duties and responsibilities. When such suspension is imposed concurrently with a recommendation of termination, the suspension shall remain in effect until such time as the Board of Commissioners, in accordance with the provisions set forth herein, renders a decision on the termination and the appeal process has been completed.
- (4) In the event that the Town Administrator decides a recommended disciplinary action is not warranted, the Town Administrator, in his/her discretion, may reinstate pay for the period of suspension. When reasonably possible, the employee shall promptly be given an opportunity to meet with the Department Head who shall explain the reasons for the suspension so that the employee may respond; said meeting being in addition to those rights provided to the employee as set forth below.
- (5) During the investigation, hearing, or trial of an employee on any criminal matter, or during an investigatory suspension as provided for below, the subject employee may be suspended without pay when such a suspension is reasonably deemed to be in the best interests of the town. A suspension for the reasons set forth in this sub-sub-section shall constitute a non-disciplinary measure and in the event the employee is exonerated of the charges or of the basis for the administrative investigation, the Town Administrator may reinstate pay for the period of suspension.
- (C) *Demotions.* A demotion can occur as an intermediate disciplinary action or as an alternative to termination for second or third group offenses. A demotion can also occur in cases of an employee's continued commission of first group offenses after discipline has

been imposed for prior first group offenses.

- (D) *Termination.* Termination results when the actions, omissions, and behavior of an employee are of such a serious nature that a first occurrence thereof would generally warrant and support termination of employment. Termination may also result from unsatisfactory performance or misconduct of a less serious nature which continues after discipline has been imposed for prior unsatisfactory performance or misconduct. The Board of Commissioners is responsible for considering and acting upon terminations.

§ 23.137 INVESTIGATIONS.

- (A) *Questioning employees.*
 - (1) Unless the nature or significance of the subject actions or omissions require otherwise, questioning of employees in regard to work-related conduct or performance should occur during the employees' normal work hours.
 - (2) All employees shall fully cooperate in any investigation regarding work-related performance and conduct. Failure or refusal of an employee to cooperate in such an investigation shall be grounds for disciplinary action. In no event, however, shall an employee be required to participate in a way that would violate his/her rights under the Fifth Amendment of the Constitution of the United State of America.
- (B) *Investigatory suspension.* An investigatory suspension without pay may be imposed by the Town Administrator to provide time to sufficiently investigate an employee's work-related performance or conduct and to make findings and conclusions needed to determine an employee's status with respect to a potential disciplinary action. An investigatory suspension without pay may also be appropriately used to provide time to schedule and hold pre-disciplinary action hearings and to process appeals of disciplinary actions. Any investigatory suspension shall not exceed 30 calendar days. If no action has been taken by the end of the investigatory suspension, then the employee shall either be reinstated with full back pay or disciplined based on the facts that have been established at that point in time.
- (C) *Alcohol and drug testing.*
 - (1) Where there is a reasonable basis for determining whether an employee is under the influence of alcohol or drugs while at work or on duty, the employee may be required to participate in an

appropriate test to determine whether alcohol or other drugs are present in the employee. Such tests may include, but shall not be limited to, having the employee take a breathalyzer test or submit a urine sample for analysis. Such test shall be administered only after prior notice to and approval by the Town Administrator or his/her designee.

- (2) Failure or refusal of an employee to participate in such testing shall be cause for termination of employment provided that the employee was informed in advance of the testing of the possible disciplinary consequences for failing or refusing to cooperate in such testing.

§ 23.138 PRE-DISCIPLINARY ACTION HEARINGS AND APPEALS.

- (A) The following procedures shall apply prior to the imposition of any disciplinary action upon a non-probationary regular full or part-time employee.
 - (1) The employee shall receive written notice of the charges and the proposed disciplinary action in the form of the “Notification Letter” as set forth in Appendix B to this chapter. The notice shall be issued by the Department Head and shall include an explanation of the evidence supporting the charges and advise the employee that a meeting with the Department Head about the proposed disciplinary action may be requested in writing within five business days after the date on which the employee received the Department Head’s notice. The meeting with the Department Head shall occur no later than five business days after the date on which the Department Head received the employee’s written request for the meeting. The employee may not have a representative, legal or otherwise, at the meeting with the Department Head.
 - (2) Within five business days after the date on which the pre-disciplinary action meeting with the Department Head was held, the Department Head shall review all of the evidence and make a written recommendation concerning the proposed disciplinary action to the Town Administrator. If the employee does not timely request a pre- disciplinary action meeting, then the Department Head shall proceed with providing the written recommendation to the Town Administrator.
 - (3) Following his/her receipt and consideration of the Department Head’s recommendation, the Town Administrator shall decide the matter, without any further hearing, and may reverse, affirm, or modify, wholly or partly, the Department Head’s recommendation (hereinafter, the “Original Decision”). Written notice of the Original Decision shall be provided to the employee within five business days after the date on which the Town Administrator received the

Department Head's written recommendation. Copies of the Original Decision shall be provided to the department head, Town Attorney, and Personnel Director.

- (4) The original decision may be appealed to the Town Administrator by the employee providing the Town Administrator with a written notice of appeal within five business days after the date on which the employee received written notice of the original decision.
- (5) The notice of appeal shall state the employee's response to the original decision, the charges on which the original decision was based upon, the employee's desired remedy, and whether the employee is requesting an opportunity to be heard by and to present evidence to the Town Administrator on the appeal.
- (6) The employee's appeal of the original decision shall be held by the Town Administrator within five business days after the date on which the Town Administrator received the employee's notice of appeal.
- (7) Within five business days after the date on which the employee's appeal of the original decision was heard, the Town Administrator shall issue a final decision (hereinafter, the "final decision") and may reverse, affirm, or modify, wholly or partly, the original decision. Written notice of the final decision shall be provided to the employee within five business days after the date on which the appeal before the Town Administrator was held. In the event the employee does not timely appeal the original decision, then the original decision shall constitute the final decision and written notice of the same shall be provided to employee as provided for herein.
- (8) The final decision may be appealed to the Board of Commissioners by the employee providing the Town Administrator with a written notice of appeal within five business days after the date on which the employee received notice of the final decision.
- (9) The notice of appeal to the Board of Commissioners shall state the employee's response to the final decision, the charges on which the final decision was based upon, the employee's desired remedy, and whether the employee is requesting an opportunity to be heard by and to present evidence to the Board of Commissioners on the appeal.
- (10) The Board of Commissioners, in accordance with the State's Open Meetings Law and personnel record privacy requirements, shall consider and render a final decision on the appeal within five business days after the date on which the Town Administrator received the employee's written notice of appeal of the final decision.

- (11) In the event the employee requests a hearing before the Board of Commissioners on the final decision appeal, the employee and the Town Administrator shall both appear at the hearing, may be represented by legal counsel or otherwise, and may request the presence of other persons who can provide information assisting the Board of Commissioners in rendering a decision on the appeal. The names of any such persons shall be submitted to the Town Clerk no later than two business days before the date of the hearing and the Board of Commissioners shall have the discretionary authority to limit the number of persons who may so appear.
- (12) The Board of Commissioners, in deciding the appeal, may reverse, affirm, or modify, wholly or partly, the final decision and shall make any order, requirement, decision, or determination that ought to be made. The Board of Commissioners' decision shall be set forth in a writing stating the findings upon which the decision is based and the evidence supporting those findings. The written decision shall be signed by the Mayor and a copy thereof provided to the employee within ten business days after the date on which the Board of Commissioners heard the appeal,
- (13) In the event the final decision is to terminate the employee, regardless whether that decision is appealed, the Board of Commissioners, in accordance with § 23.136(D), has the exclusive authority to consider and act upon any such termination.
- (14) Provided the applicable period of time has not expired, all time periods set forth in this section may be extended for a reasonable amount of time as documented in a writing between the employee and the Personnel Director.
- (15) An employee's failure to comply with the respective procedures and applicable time periods set forth in this section shall constitute a sufficient basis upon which the Town Administrator may dismiss the purported appeal.
- (B) The written notices required under this section shall be timely provided by hand- delivery with a signed and dated receipt confirming delivery or be mailed by certified mail, return receipt requested.

§ 23.139

RESERVED.

GRIEVANCE POLICY AND PROCEDURES

§ 23.140 POLICY.

- (A) Non-probationary regular full and part-time employees may utilize the grievance procedure set forth herein to address incidents or conditions affecting the circumstances under which they work such as misinterpretations and/or erroneous/unfair applications of the town's personnel policies and procedures or to address the omission of an established policy pertaining to certain conditions. The grievance procedure does not apply to disciplinary actions and is an internal process that does not confer upon either the town or its employees any remedies other than those expressly set forth herein. All parties involved in a grievance procedure shall be protected from retaliation for such involvement with any such retaliatory actions being subject to disciplinary actions including termination.
- (B) The grievance procedure is designed to ensure an employee of a prompt, fair, and impartial consideration of workplace issues without fear of reprisal. The procedure intends to encourage employees at all levels to express themselves regarding workplace conditions and procedures and develop in supervisors a continuing sense of responsibility for maintaining effective working relationships with subordinate employees.
- (C) All employees, including supervisors and Department Heads, are expected to discuss their problems and misunderstandings with their supervisors. Open, two-way communication is a proven factor in reducing and resolving grievances.
- (D) For the purposes of this chapter, a **GRIEVANCE** is defined as a claim or complaint by an employee based upon an event or condition affecting the circumstances under which an employee works and that is purportedly the result of a misinterpretation, unfair application, or lack of an established employment policy.
- (E) This grievance procedure does not apply to the following:
 - (1) Disciplinary actions;
 - (2) Federal, state, and local laws, regulations, and policies applicable to employment matters;
 - (3) Wages, salaries and fringe benefits provided that the interpretation and application of provisions governing the same may be subject to the grievance procedure.

- (F) Questions as to whether an employee's specific concern is covered under the grievance procedure shall be referred in writing to the Town Attorney who shall provide a legal opinion on the issue within ten business days after the date on which he/she received the referral. The Town Attorney's opinion on the matter shall resolve the issue of whether the grievance procedure is applicable and there shall be no further opportunity to be heard by the employee or the town with respect to that opinion.
- (G) The grievance procedure provided for herein shall in no way alter, revise, or limit the town's authority and right to exercise the following functions provided that they are not exercised in an arbitrary or capricious manner:
 - (1) Direct the work of its employees;
 - (2) Hire, promote, transfer and assign employees;
 - (3) Discipline employees for cause;
 - (4) Maintain the efficiency of governmental operations;
 - (5) Relieve employees from duty because of lack of work or for other legitimate reasons;
 - (6) Take necessary actions to fulfill and meet departmental duties and responsibilities, including in emergency situations; or
 - (7) Determine the methods, means and personnel necessary to carry out the town's daily operations and affairs.
- (H) *Role of the Personnel Director.* Throughout the grievance procedure, the role of the Personnel Director shall be to:
 - (1) Advise the parties - employees, supervisors, and the Personnel Board of their rights and responsibilities under this policy;
 - (2) Serve as a clearinghouse for information and documentation of the respective grievance's subject matter including maintaining files of all related grievance documents;
 - (3) Provide information to the parties on and monitor their compliance with applicable procedural requirements and related timetables;
 - (4) Assist in drafting statements; and
 - (5) Facilitate the resolution of the subject grievance at any stage of the

process.

§ 23.141 GRIEVANCE PROCEDURES.

- (A) *Step One. Informal discussion with immediate supervisor.*
 - (1) An employee who is of the opinion that he/she has a grievance shall first discuss the problem with his/her immediate supervisor. The employee shall inform the supervisor about the grievance as soon as possible, but not any later than ten business days following the incident or conditions resulting in the purported grievance. The supervisor shall encourage the employee to fully and frankly discuss the matter to promote a full understanding of the issues. Many misunderstandings can be clarified and resolved during this free exchange of viewpoints.
 - (2) The meeting between the employee and his/her immediate supervisor is an internal procedure and the employee may not have legal or other representation thereat.
- (B) *Step 2. Department head hearing.*
 - (1) In the event a grievance is not informally resolved in the meeting between the employee and the supervisor, the employee may submit the grievance in writing to the department head within ten business days after the date on which the meeting with the supervisor was held. In the event a department head has not been assigned, then the employee may submit the written grievance to the Town Administrator.
 - (2) The department head, or Town Administrator in accordance with division (B)(1) above, shall promptly arrange for and provide written notice to the employee, his/her immediate supervisor, and the Personnel Director of the date and time for a hearing (hereinafter referred to as the “department head hearing”) on the grievance which those parties shall attend and which shall be held not later than ten business days after the date on which the department head or, as the case may be, the Town Administrator received the written grievance.
 - (3) The department head shall open the hearing with an informal discussion of the subject issues and in good faith, explore possible resolutions of those issues with those in attendance. Every effort shall be made during the department head hearing to resolve the grievance to the satisfaction of all concerned. The Personnel Director shall offer counsel, suggestions, and document what was discussed at the hearing.

- (4) Within ten business days after the date of the department head hearing, the department head shall provide written notice to the employee summarizing what was discussed during the hearing and stating whether the grievance was resolved thereat. In the event the grievance was resolved at the hearing, the department head's written notice shall include a statement documenting the resolution of the grievance and a space for the employee to date and sign confirming the same.
 - (5) The department head hearing is an internal procedure and the employee may not have legal or other representation thereat.
- (C) *Step 3. Personnel board hearing.*
- (1) In the event the grievance is not resolved at the department head hearing, the employee may, within ten business days after the date on which the employee received the department head's written notice summarizing that hearing, submit a written request to the Personnel Director for the Personnel Board to hear the grievance. The Personnel Director shall promptly arrange for and provide written notification to the employee, department head, and Personnel Board members of the date and time for a hearing which those parties shall attend and which shall be held not later than ten business days after the date on which the Personnel Director received the employee's request for the Personnel Board Hearing.
 - (2) During the Personnel Board hearing, the Personnel Board shall consider the documentation from the department head hearing and provide the employee with the opportunity to be heard and to present evidence in support of the grievance. In the event the Personnel Board finds substantive procedural irregularities with respect to the grievance process, it may remand the matter back to the department head for a new hearing.
 - (3) At the conclusion of its hearing, the Personnel Board shall affirm or deny the grievance and make written findings of fact and conclusions in support of its decision. In the event the grievance is affirmed, the Personnel Board shall recommend to the Town Administrator modifications or revisions to the subject policies it deems necessary to cure the basis upon which the grievance was affirmed.
 - (4) The Personnel Board Hearing is an internal procedure and the employee may not have legal or other representation thereat.
- (D) The written notices required under this section shall be timely

provided by hand- delivery with a signed and dated receipt confirming delivery or be mailed by certified mail, return receipt requested,

- (E) Provided the applicable period of time has not expired, all time periods set forth in this section may be extended for a reasonable amount of time as documented in a writing between the employee and the Personnel Director.
- (F) An employee's failure to comply with the respective procedures and applicable time periods set forth in this section shall constitute a sufficient basis upon which the Town Administrator may dismiss the grievance.

APPENDIX A: SALARY TABLES

- A.1 Classes grouped by pay grade
- A.2 Schedule of salary ranges
- A.3 Work Week
- A.4 FLSA Status

§ A.1 CLASSES GROUPED BY PAY GRADE.

This schedule shall be effective as of July 1, 2018.

- (A) General employees (Public Safety employees certain positions excepted).

<i>Class</i>	<i>Grade</i>	<i>Minimum</i>	<i>Maximum</i>
EM Assistant	NG	\$ 10.00	\$ 10.00
Building Custodian	10	\$21,840.00	\$ 34,914.52
Groundskeeper			
	11	\$23,587.20	\$ 37,707.68
Maintenance Worker	12	\$25,474.18	\$ 40,724.30
Technician			
Maintenance Worker II	13	\$27,512.11	\$ 43,982.24

Office Assistant	14	\$29,713.08	\$ 47,500.82
Maintenance Crew Leader			
Code Compliance Officer	15	\$32,090.13	\$ 51,300.88
Office Assistant II			
Maintenance Supervisor	16	\$34,657.34	\$ 55,404.96
Town Planner			
Building Inspector	17	\$37,429.92	\$ 59,837.35
Project Coordinator			
Permit Coordinator & AICS			
Heavy Equipment Operator			
Office Coordinator	18	\$40,424.32	\$ 64,624.34
Town Clerk	19	\$43,658.26	\$ 69,794.29
Chief Building Inspector			
Public Works Operations Superintendent	20	\$47,150.92	\$ 75,377.83
Inspections & Construction Superintendent			
	21	\$50,923.00	\$ 81,408.06
Public Works Director	22	\$54,996.84	\$ 87,920.70
Finance Director			
Assistant Town Administrator/Town Clerk	23	\$59,396.58	\$ 94,954.36
	24	\$64,148.31	\$102,550.71
Town Administrator	25	\$69,280.17	\$110,754.76

§ A.2 SCHEDULE OF SALARY RANGES

(A) Annual salaries are on the same line as the number of the salary range. Bi-weekly salaries are immediately below annual rate. The hourly where applicable, is immediately below the bi-weekly salary. The annual salary is the official wage. In calculating the hourly rate for employees working more than a 40-hour work week, as designated, the total number of annual work hours is divided into the official annual salary.

<i>Hourly</i>	<i>Grade</i>	<i>Step</i> 1	<i>Step</i> 2	<i>Step</i> 3	<i>Step</i> 4	<i>Step</i> 5	<i>Step</i> 6	<i>Step</i> 7	<i>Step</i> 8	<i>Step</i> 9	<i>Step</i> 10
\$ 12.00	10	\$ 21,840.00	\$ 22,386.00	\$ 22,945.65	\$ 23,519.29	\$ 24,107.27	\$ 24,709.96	\$ 25,327.70	\$ 25,960.90	\$ 26,609.92	\$ 27,275.17
\$ 12.96	11	\$ 23,587.20	\$ 24,176.88	\$ 24,781.30	\$ 25,400.83	\$ 26,035.86	\$ 26,686.75	\$ 27,353.92	\$ 28,037.77	\$ 28,738.71	\$ 29,457.18
\$ 14.00	12	\$ 25,474.18	\$ 26,111.03	\$ 26,763.81	\$ 27,432.90	\$ 28,118.72	\$ 28,821.69	\$ 29,542.23	\$ 30,280.79	\$ 31,037.81	\$ 31,813.76
\$ 15.12	13	\$ 27,512.11	\$ 28,199.91	\$ 28,904.91	\$ 29,627.53	\$ 30,368.22	\$ 31,127.43	\$ 31,905.61	\$ 32,703.25	\$ 33,520.83	\$ 34,358.86
\$ 16.33	14	\$ 29,713.08	\$ 30,455.91	\$ 31,217.30	\$ 31,997.74	\$ 32,797.68	\$ 33,617.62	\$ 34,458.06	\$ 35,319.51	\$ 36,202.50	\$ 37,107.56
\$ 17.63	15	\$ 32,090.13	\$ 32,892.38	\$ 33,714.69	\$ 34,557.55	\$ 35,421.49	\$ 36,307.03	\$ 37,214.71	\$ 38,145.07	\$ 39,098.70	\$ 40,076.17
\$ 19.04	16	\$ 34,657.34	\$ 35,523.77	\$ 36,411.86	\$ 37,322.16	\$ 38,255.21	\$ 39,211.59	\$ 40,191.88	\$ 41,196.68	\$ 42,226.60	\$ 43,282.26
\$ 20.57	17	\$ 37,429.92	\$ 38,365.67	\$ 39,324.81	\$ 40,307.93	\$ 41,315.63	\$ 42,348.52	\$ 43,407.23	\$ 44,492.42	\$ 45,604.73	\$ 46,744.84
\$ 22.21	18	\$ 40,424.32	\$ 41,434.92	\$ 42,470.80	\$ 43,532.57	\$ 44,620.88	\$ 45,736.40	\$ 46,879.81	\$ 48,051.81	\$ 49,253.10	\$ 50,484.43
\$ 23.99	19	\$ 43,658.26	\$ 44,749.72	\$ 45,868.46	\$ 47,015.17	\$ 48,190.55	\$ 49,395.32	\$ 50,630.20	\$ 51,895.95	\$ 53,193.35	\$ 54,523.19
\$ 25.91	20	\$ 47,150.92	\$ 48,329.69	\$ 49,537.94	\$ 50,776.39	\$ 52,045.80	\$ 53,346.94	\$ 54,680.61	\$ 56,047.63	\$ 57,448.82	\$ 58,885.04
\$ 27.98	21	\$ 50,923.00	\$ 52,196.07	\$ 53,500.97	\$ 54,838.50	\$ 56,209.46	\$ 57,614.70	\$ 59,055.06	\$ 60,531.44	\$ 62,044.73	\$ 63,595.84
\$ 30.22	22	\$ 54,996.84	\$ 56,371.76	\$ 57,781.05	\$ 59,225.58	\$ 60,706.22	\$ 62,223.87	\$ 63,779.47	\$ 65,373.95	\$ 67,008.30	\$ 68,683.51
\$ 32.64	23	\$ 59,396.58	\$ 60,881.50	\$ 62,403.53	\$ 63,963.62	\$ 65,562.71	\$ 67,201.78	\$ 68,881.83	\$ 70,603.87	\$ 72,368.97	\$ 74,178.19
\$ 35.25	24	\$ 64,148.31	\$ 65,752.02	\$ 67,395.82	\$ 69,080.71	\$ 70,807.73	\$ 72,577.92	\$ 74,392.37	\$ 76,252.18	\$ 78,158.49	\$ 80,112.45
\$ 38.07	25	\$ 69,280.17	\$ 71,012.18	\$ 72,787.48	\$ 74,607.17	\$ 76,472.35	\$ 78,384.16	\$ 80,343.76	\$ 82,352.36	\$ 84,411.16	\$ 86,521.44

<i>Step</i>	<i>Step</i>	<i>Step</i>	<i>Step</i>	<i>Step</i>	<i>Step</i>	<i>Step</i>	<i>Step,</i>	<i>Step</i>	<i>Step</i>	<i>Step</i>	<i>Grade</i>
<i>11</i>	<i>12</i>	<i>13</i>	<i>14</i>	<i>15</i>	<i>16</i>	<i>17</i>	<i>18</i>	<i>19</i>	<i>20</i>		
\$ 27,957.05	\$ 28,655.97	\$ 29,372.37	\$ 30,106.68	\$ 30,859.35	\$ 31,630.83	\$ 32,421.60	\$ 33,232.14	\$ 34,062.95	\$ 34,914.52		10
\$ 30,193.61	\$ 30,948.45	\$ 31,722.16	\$ 32,515.22	\$ 33,328.10	\$ 34,161.30	\$ 35,015.33	\$ 35,890.71	\$ 36,787.98	\$ 37,707.68		11
\$ 32,609.10	\$ 33,424.33	\$ 34,259.93	\$ 35,116.43	\$ 35,994.34	\$ 36,894.20	\$ 37,816.56	\$ 38,761.97	\$ 39,731.02	\$ 40,724.30		12
\$ 35,217.83	\$ 36,098.27	\$ 37,000.73	\$ 37,925.75	\$ 38,873.89	\$ 39,845.74	\$ 40,841.88	\$ 41,862.93	\$ 42,909.50	\$ 43,982.24		13
\$ 38,035.25	\$ 38,986.13	\$ 39,960.79	\$ 40,959.81	\$ 41,983.80	\$ 43,033.40	\$ 44,109.23	\$ 45,211.96	\$ 46,342.26	\$ 47,500.82		14
\$ 41,078.07	\$ 42,105.03	\$ 43,157.65	\$ 44,236.59	\$ 45,342.51	\$ 46,476.07	\$ 47,637.97	\$ 48,828.92	\$ 50,049.64	\$ 51,300.88		15
\$ 44,364.32	\$ 45,473.43	\$ 46,610.26	\$ 47,775.52	\$ 48,969.91	\$ 50,194.16	\$ 51,449.01	\$ 52,735.23	\$ 54,053.61	\$ 55,404.96		16
\$ 47,913.46	\$ 49,111.30	\$ 50,339.08	\$ 51,597.56	\$ 52,887.50	\$ 54,209.69	\$ 55,564.93	\$ 56,954.05	\$ 58,377.90	\$ 59,837.35		17
\$ 51,746.54	\$ 53,040.21	\$ 54,366.21	\$ 55,725.37	\$ 57,118.50	\$ 58,546.46	\$ 60,010.12	\$ 61,510.38	\$ 63,048.14	\$ 64,624.34		18
\$ 55,886.27	\$ 57,283.42	\$ 58,715.51	\$ 60,183.40	\$ 61,687.98	\$ 63,230.18	\$ 64,810.93	\$ 66,431.21	\$ 68,091.99	\$ 69,794.29		19
\$ 60,357.17	\$ 61,866.10	\$ 63,412.75	\$ 64,998.07	\$ 66,623.02	\$ 68,288.59	\$ 69,995.81	\$ 71,745.70	\$ 73,539.35	\$ 75,377.83		20
\$ 65,185.74	\$ 66,815.38	\$ 68,485.77	\$ 70,197.91	\$ 71,952.86	\$ 73,751.68	\$ 75,595.47	\$ 77,485.36	\$ 79,422.49	\$ 81,408.06		21
\$ 70,400.60	\$ 72,160.61	\$ 73,964.63	\$ 75,813.74	\$ 77,709.09	\$ 79,651.82	\$ 81,643.11	\$ 83,684.19	\$ 85,776.29	\$ 87,920.70		22
\$ 76,032.65	\$ 77,933.46	\$ 79,881.80	\$ 81,878.84	\$ 83,925.82	\$ 86,023.96	\$ 88,174.56	\$ 90,378.92	\$ 92,638.40	\$ 94,954.36		23
\$ 82,115.26	\$ 84,168.14	\$ 86,272.34	\$ 88,429.15	\$ 90,639.88	\$ 92,905.88	\$ 95,228.52	\$ 97,609.24	\$ 100,049.47	\$ 102,550.71		24
\$ 88,684.48	\$ 90,901.59	\$ 93,174.13	\$ 95,503.48	\$ 97,891.07	\$ 100,338.35	\$ 102,846.81	\$ 105,417.98	\$ 108,053.43	\$ 110,754.76		25

§ A.3 WORK WEEK.

Class	Work Week
Regular Full-time (Not Operations)	35hrs
Regular Full-time (Operations)	40hrs
Part-time (all positions)	No more than 20hrs

Tables I and II are calculated on a 35 hour basis.

§ A.4 FLSA STATUS.

Class	FLSA Status
EM Assistant	Non-exempt
Building Custodian	Non-exempt
Groundskeeper	Non-exempt
Maintenance Worker I & II	Non-exempt
Technician	Non-exempt
Heavy Equipment Operator	Non-exempt
Office Assistant I & II	Non-exempt
Maintenance Crew Leader	Non-exempt
Code Compliance Officer	Non-exempt
Permit Coordinator & AICS	Non-exempt
Office Coordinator	Non-exempt
Maintenance Supervisor	Non-exempt
Town Planner	Non-exempt
Building Inspector	Non-exempt
Project Coordinator	Non-exempt
Town Clerk	Non-exempt
Chief Building Inspector	Non-exempt
Public Works Operations Superintendent	Exempt
Inspections & Construction Superintendent	Exempt
Public Works Director	Exempt
Finance Director	Exempt
Assistant Town Admin./Town Clerk	Exempt
Town Administrator	Exempt

APPENDIX B: TOWN OF CAROLINA SHORES DISCIPLINARY ACTION REPORT

B.1 Disciplinary action report — official reprimand

B.2 Notification letter

§ B.1 DISCIPLINARY ACTION REPORT – OFFICIAL REPRIMAND.

DISCIPLINARY ACTION REPORT

On or about, _____ (Date)

(Use reverse side or attach additional sheets if needed.)

Therefore, in accordance with the Personnel Ordinance, (Employee Name) presently working in the (Department/Division) is hereby officially disciplined.

This action is taken for the following reason: Violated Town Personnel Ordinance Section (Sec #) concerning:

I have read the above statement and understand the stated reasons for this disciplinary action.

(Employee) (Date)

(Immediate Supervisor)

(Date)

(Department/Division/Office Head) (Date)

cc: Personnel Office

§ B.2 NOTIFICATION LETTER

NOTIFICATION LETTER

(Date)

Dear (Employee's Name):

You are being notified that I am considering a recommendation to the Town Administrator that you be (type of disciplinary action per Section 23.136). The basis for my consideration are: (explain in detail, including names of persons making charges, dates and times of occurrences, and state specified charges).

Prior my making a recommendation to the Town Administrator, you have an opportunity to present your position on this matter. To do so, you must request, in writing and within five

(5) business days after the date on which you received this letter, a meeting with me. In your written request, you should indicate a date and time for the meeting which must be held within five (5) business days after the date on which I received your written request for the meeting.

Following our meeting, or in the event you do not so request a meeting, I will review all of the evidence and make a written recommendation to the Town Administrator who shall decide the matter and provide written notice of that decision to you. Please refer to Section 23.138 of the Town of Carolina Shores Code of Ordinances for any additional appeal rights to which you may be entitled.

Very truly yours,

(Signature and Title of Dept. Head) cc:

Town Administrator
Town Attorney
Personnel Office

APPENDIX C: ASSIGNMENT OF OCCUPATIONAL GROUPS

C.1 Assignment of occupational groups.

§ C.1 ASSIGNMENT OF OCCUPATIONAL GROUPS.

Clerical/Administrative

Office Assistant
Town Clerk
Permit Coordinator & Assistant to Inspections and Construction Superintendent
Office Coordinator

Labor/Trades

Building Custodian
Groundskeeper
Maintenance Worker
Heavy Equipment Operator

Labor/Trades Supervision

Crew Leader
Maintenance Supervisor

Management

Town Administrator
Assistant Town Administrator/Town Clerk
Finance Director
Public Works Director
Public Safety Director
Operations Superintendent
Inspections & Construction Superintendent

Technical

Building Inspector
Technician
Planner
Project Coordinator
Code Compliance Officer

Technical Supervision

Chief Building Inspector

APPENDIX D: POSITIONS USING WORK PLANNING

D.1 Positions using work planning.

§ D.1 POSITIONS USING WORK PLANNING.

Town Administrator
Assistant Town Administrator/Town Clerk
Town Clerk
Finance Director
Public Works Director
Public Safety Director