

# **PERSONNEL POLICY AND PROCEDURE MANUAL**

**FOR THE**

**TOWN OF BELVILLE, NORTH CAROLINA  
BRUNSWICK COUNTY**





# THE PERSONNEL POLICY AND PROCEDURE MANUAL

## TOWN OF BELVILLE

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### Article I. Definitions (Listed alphabetically)

***Anniversary Date:*** The employee's original date of employment with the Town service in a regular position.

***Appeals:*** The procedure provided for in Article XI herein whereby eligible employees may be heard and disciplinary actions reviewed for validity and consistency with the Town's personnel policies and procedures.

***Appointing Authority:*** The Town Administrator shall have authority to conduct interviews for the purpose of hiring employees. Qualified applicants shall be presented to Board of Commissioners ("Board") for final approval.

***Class:*** Positions or groups of positions having similar duties and responsibilities requiring similar qualifications, which can be properly designated by one title indicative of the nature of work performed and which carry the same wage range.

***Cost-of-Living Increase:*** An annual adjustment that may be made by the Board to all pay ranges effective July 1<sup>st</sup> of each year.

***Demotion:*** The reassignment of an employee to a position or a classification below a pay grade from which the reassignment is made.

***Disciplinary Action:*** The warning, reprimand, suspension, demotion, or dismissal of an employee for deficiencies in work performance or personal conduct.

***Essential Employee:*** Employees who have been designated by the Town (in some cases required by law) who are required to work in order to maintain minimum Town operations. The designation shall appear on the employee job description.

***Exempt Employee:*** As regulated by the Department of Labor, an employee whose duties have been determined to be office or non-manual work directly related to management or general business operations and whose primary duties include, without limitation, the exercise of discretion and independent judgment with respect to significant matters.

***Fair Labor Standards Act (FLSA):*** Establishes standards for minimum wages, overtime pay, record-keeping and child labor.

***Full-Time Employee:*** An employee appointed to a permanently established position scheduled to work forty (40) hours or more per workweek, is paid on an hourly or salary basis, and is designated by the Board as a full-time employee.

***Full-time regular:*** A full-time employee, if approved by the Board, shall be considered as a full-time regular employee after completing the one (1) year probationary period of employment.

***Grievance:*** A procedure to resolve complaints by eligible employees based upon events or conditions affecting the circumstances under which they work. The grievance procedure does not apply to disciplinary actions covered by the appeal procedure or complaints of unlawful workplace harassment.



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**Hiring Rate:** The wages paid to an employee when hired into Town service, normally the first step of the wage range.

**Hourly Employee:** An employee whose wages are paid by the hour as a unit. Normally a nonexempt employee.

**Merit Increase:** An increase in wages above the employee's current rate based on service that exceeds the standard and/or expected performance of the assigned position.

**Non-Essential Employee:** Employees who have been designated by the Town as not required to work in order to maintain minimum Town operations. The designation shall appear on the employee job description.

**Non-exempt Employee:** An employee subject to all the minimum wage and overtime laws set forth by the US Department of Labor, FLSA.

**Part-Time Employee:** An employee appointed to a permanently established position scheduled to work less than forty (40) hours per workweek, is paid on an hourly basis, and is designated by the Board as a part-time employee.

**Part-time regular:** A part-time employee, if approved by the Board, shall be considered as a part-time regular employee after completing the one (1) year probationary period of employment.

**Pay Plan:** A schedule of pay ranges arranged by sequential rates including minimum, intermediate, and maximum steps for each class assigned to a wage range.

**Pay Status:** An employee who is working, on paid leave or on workers' compensation leave.

**Performance Evaluation:** A step in the performance management process summarizing the employee's performance over the performance period just ended. The process is used to determine how the employee is progressing and in what ways the employee may further develop. The process may be used to determine employee salary increases.

**Personnel Committee:** A committee consisting of the Mayor, Town Administrator, and the Personnel Liaison Officer the duties of which include, without limitation, reviewing appeals and grievances filed by employees and recommendations for hiring, promoting, and disciplining employees, reporting the findings of such reviews to the Board as it considers and acts upon such matters, and conducting the Exit Interviews provided for herein.

**Personnel Liaison Officer ("PLO"):** A commissioner appointed by the Board who shall facilitate timely and effective communication between the Town Administrator and the Board with respect to the administration of the Town's personnel policies.

**Position:** A group of current duties and responsibilities requiring the full- or part-time employment of one person.

**Position Classification Plan:** A plan approved by the Board assigning classes (positions) to appropriate pay grades.



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**Probationary Employee:** A full or part time employee who has worked less than one (1) year in the position.

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

**Reclassification:** The reassignment of an existing position from one class to another based on changes in job content.

**Salaried Employee:** Fixed compensation for services paid to a regular employee.

**Temporary Employee:** An employee working thirty (30) hours or less a week in a temporary position.

**Temporary Position:** A temporary position approved by the Board for which the required duties and responsibilities can be met over a limited period of time generally not exceeding twelve (12) months.

**Time-Limited Employee:** A position that is vacant due to the incumbent's leave of absence and when the replacement employee's services will be needed for a period of one year or less.

**Transfer:** The reassignment of an employee from one position or department to another in the same wage grade.

**Wage Grade:** All positions which are sufficiently comparable to warrant one range of pay rates.

**Wage Plan Revision:** The increase or reduction of the wage range for one or more specific classes of positions within the classification plan.

**Wage Range:** The minimum and maximum wage levels for a given classification.

**Wage Schedule:** A listing by grade of all approved maximum, intermediate, and minimum wage ranges authorized by the Board for various classified employment positions.

**Work Time (Hours Worked):** Work time or "hours worked" is the time an employee is considered to have worked whether in the customary work place, at home, or otherwise.

**Work Week:** Generally, a work week consisting of five (5) consecutive workdays, Monday through Friday, within a calendar week. A calendar week is defined as Saturday midnight to the next following Saturday midnight.

## **Article II. Equal Opportunity**

### **Section 1. Purpose**

The purpose of this policy is to establish a personnel system that will promote a fair and effective means of employee recruitment and selection, develop and maintain an effective and responsible work force, and provide the means for removal of unsatisfactory employees. This policy is established under the authority of Chapter 160A of the General Statutes of North Carolina.



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### **Section 2. Coverage**

All employees in the Town's service are subject to this policy. 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.

### **Section 3. Equal Opportunity Policy**

It is the policy of the Town that neither race, sex, national origin, color, religion, creed, age, physical or mental impairment, genetic information, or political affiliations shall be considered in:

- Recruiting and selecting new employees;
- Selecting employees for promotion, training, career development, transfer, demotion for fiscal purposes, and/or reduction-in-force;
- Administrating and applying any personnel policies and procedures including, without limitation, disciplinary actions; and
- Establishing rates of pay including salary adjustments and/or salary increases.

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".

Equal employment opportunity for 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 do not impose an undue hardship on the Town. While determined on a case-by-case basis, reasonable accommodations may include: making facilities used by employees readily accessible to and usable by such person; job restructuring (reassigning non-essential duties and/or using part-time or modified work schedules); acquisition or modification of equipment or devices; provision of readers or interpreters; and/or other similar actions. Agencies are required to make such adjustments for the known limitations of otherwise qualified handicapped applicants and employees, unless it can be demonstrated that a particular adjustment or alteration would impose an undue hardship on the operation of the agency.

Whether an accommodation is reasonable must depend on the facts in each case. Factors to be considered in determining this include:

- the nature and cost of the accommodation needed;
- the type of the agency's operation, including the composition and structure of its work force; and
- 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.

### **Section 4. Illegal Workplace Conditions**

The Town strictly adheres to the policy that no Town official or employee shall engage in conduct falling under the illegal workplace conditions described in this section 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/remedy the same.



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**Unlawful Workplace Harassment** is unwelcomed or unsolicited speech or conduct based on race, sex, creed, religion, national origin, age, color, or physical or mental impairment creating or resulting in a hostile work environment or circumstances involving a *quid pro quo*.

**Hostile Workplace Environment** is one that both 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.

**Quid Pro Quo** ("this for that") harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or ii) submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting such individual.

**Retaliation** is adverse treatment occurring as a result of attempting to address and/or remedy illegal workplace conditions.

Any employee having a complaint of illegal workplace conditions may file the complaint directly with the Town Administrator. The Board, or such other person as the Board may direct, shall conduct a thorough investigation into any alleged illegal workplace conditions and report the findings and conclusions of that investigation to the Board.

### **Article III. Responsibility**

#### **Section 1. Responsibilities of the Town Clerk**

##### **A. Legal Duties**

G. S. 160A- 171 provides that "There shall be a town clerk who shall give notice of meetings of the Board of Commissioners, keep a journal of the proceedings of the Board of Commissioners, be the custodian of all city records, and shall perform any other duties that may be required by law or the Board of Commissioners. " Foremost among the duties of a town clerk are the responsibilities of preparing for and recording action taken at meetings of the governing body. Full and accurate minutes of the Board proceedings shall be kept, and shall be open to the inspection of the public.

One of the critical functions of the clerk is keeping, in an orderly manner, the permanent records of the municipality. The type and volume of records will depend on the size of the municipality, but some of the most important municipal documents and records that must be maintained are:

- A. Minutes
- B. Ordinances
- C. Resolutions
- D. Charter
- E. Map of Corporate Limits/Ward Boundaries
- F. Fire Limits Description
- G. Records Management
- H. Availability of Public Records



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The MORE Manual, a common sense guide produced by the N. C. Association of Municipal Clerks, contains additional information on agendas, certification of documents, correspondence, minutes, public notices, ordinances, resolutions and other topics. Copies are available from the League.

### **Section 2. Responsibility of the Board of Commissioners**

The Board is primarily responsible for establishing, implementing, and applying, as set forth herein, the Town's personnel policies and rules, including, without limitation, the formulation of a classification and pay plan, making and confirming appointments when required by law, and disciplining employees.

It is not the responsibility of any Board member to handle and respond to any mail received in Town Hall without consulting the Town Administrator. Any projects a Board member feels a need to take on must first be brought before the Board for a vote. All work assignments shall be made with the consent of the Board. The Board shall be responsible for assigning a Board member the duty to act in the absence of a Town Administrator if the position becomes vacant or it is deemed necessary.

The Board, acting as a body in a meeting duly assembled, shall be solely responsible for tasking any member of the Town's Staff with any new assignment. Individual members of the Board shall not task Staff with any assignment without first obtaining the written consent of the Mayor, who shall consult with the Town Administrator before consenting thereto, and delivering a copy of the same to the Town Administrator. In the event such consent is obtained, the assignment shall be coordinated through the Town Administrator and not through any other member of the Staff. There shall be no exceptions to this policy such that any unauthorized assignment will be without force or effect.

### **Section 3. Responsibility of the Mayor**

The Mayor will preside at all Board meetings and act as the public spokesman for the Town.

### **Section 4. Responsibility of the Town Administrator**

The Town Administrator serves as the Personnel Officer and shall be responsible for administering and applying the personnel policies and procedures and for the general administration of Town affairs. The Town Administrator, in accordance with the advice, consent, and approval of the Board, shall be responsible for hiring, promoting, disciplining, and terminating employees.

### **Section 5. Responsibility of the Personnel Officer**

In addition to administering and applying the Town's personnel policies and procedures, the Personnel Officer shall assist in the preparation and maintenance of the Town's position classification and pay plans, and perform such other personnel-related duties as the Board requires and directs.

### **Section 6. Responsibility of the Personnel Liaison Officer**

The PLO shall facilitate timely and effective communications between the Town Administrator and the Board with respect to the administration of the Town's personnel policies including, without limitation, ensuring that the Board is kept contemporaneously informed of disciplinary actions, appeals of disciplinary actions, filed grievances, and recommendations for hiring, promoting, demoting, and disciplining Town employees.



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Written notice of disciplinary actions, appeals of disciplinary actions, filed grievances, and recommendations for hiring, promoting, demoting, and disciplining employees shall be delivered by the Town Administrator to the PLO within two (2) business days of any such event and the PLO shall, upon receipt of same, immediately forward all such notices to the Personnel Committee. The confidentiality of and access to all such writings and information shall conform with the provisions of G.S. 160A-168 (the "Privacy Act").

### **Section 7. Responsibility of the Personnel Committee**

The duties of the Personnel Committee shall include, without limitation, reviewing appeals of disciplinary actions, filed grievances, and recommendations for hiring, promoting, demoting, and disciplining employees, and reporting the findings of such reviews to the Board as it considers, acts upon, or hears such matters. The confidentiality of and access to all such writings and information received or published by the Personnel Committee shall conform with the provisions of the Privacy Act. In considering and acting upon the Personnel Committee's reports, the Board shall utilize closed sessions when necessary and as provided for in North Carolina's Open Meetings Law. The Personnel Committee shall, as a whole, also conduct the Exit Interviews required herein.

### **Section 8. Attendance**

The Mayor or any-Commissioner missing more than three (3) consecutive regular Board meetings or public hearings, or missing more than four (4) regular Board meetings in a year without a reasonable excuse, shall, by the automatic operation of this provision, forfeit his/her office. Leave of absence for good cause may be granted by the Board for a period not to exceed six (6) months. A quorum shall consist of three (3) voting members of the Board.

## **Article IV. Recruitment and Selection**

### **Section 1. Job Descriptions**

It shall be the duty of the Town Administrator to develop and update all wage grade job descriptions as set forth in Appendix I incorporated herein by reference. All employees shall be provided a copy of their job description upon being hired. The Town Administrator may at his/her discretion provide an applicant with the job description to assist in the hiring process.

### **Section 2. Recruitment - Responsibility of the Personnel Officer**

The Personnel Officer shall be responsible for developing and administering an active recruitment program to meet and project staffing needs using procedures which shall ensure equal employment opportunities based on job-related requirements. Recruitment efforts of all Town departments will be coordinated in a timely manner.

### **Section 3. Position Vacancy Announcements**

All position vacancy announcements shall be posted for a minimum of seven (7) working days at the Town Hall. Optional recruiting publicity shall be carried out through the media, as appropriate. Position vacancy announcements shall contain, at a minimum, (1) the title, grade, and location of the position; (2) the closing date of the announcement; (3) a summary of the duties of the position; (4) a summary of the basic qualifications; (5) the procedures for making application; and (6) a statement of equal employment opportunity.



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### **Section 4. Hiring Standards**

Each position classification shall have standards for minimum training and experience. These standards indicate the knowledge, skills, and abilities that have been shown through job evaluation to be important for successful job performance. Specific formal education may be substituted for required experience in some instances. Directly related experience also may be substituted for certain educational requirements. There shall be, however, no substitute for any required license, registration, or certification. "Substantially equal qualifications" occur when the Town is unable to reasonably determine whether the job-related qualifications held by one person are significantly better suited for the position than the job-related qualifications held by another person.

### **Section 5. Application for Employment**

An official Town Employment Application form shall be made available to all applicants for any position listing. An Employment Application may not be accepted by any agency or department other than the Town Administrator. All referrals for employment shall be made through the Town Administrator.

### **Section 6. Applicant Tracking**

- A. The Town Administrator shall be responsible for maintaining, as permanent records, all position vacancy announcements, including their posting and closing dates, all optional referral sources used in the recruitment process, and the pool of applicants considered for each vacancy.
- B. The applicant pool data for each position shall include an alphabetical listing of all applicants, Social Security numbers, and test scores, when applicable, for each position vacancy announcement. If legally required to do so, the Town Administrator shall maintain EEO-4 forms providing data on the applicant's race and sex.

### **Section 7. Qualification Standards**

- A. All applicants considered for employment or promotion shall meet the qualification standards established by the hiring standards for the position to which the appointment is being made.
- B. All appointments shall be made on the basis of merit.
- C. Consideration may be given to "trainee" appointments when there is an absence of qualified applicants from which to make a selection. In such instances, consideration shall be given towards eliminating or remedying any deviation from the required qualification standards by and through orientation and on-the-job training. Any designation of an employee as a "trainee" shall be based upon a recommendation by the Personnel Committee and requires Board approval.

### **Section 8. Selection**

The Town Administrator shall develop, use, and document, on a consistent, regular basis, a selection process that best suits the Town's needs in filling positions within each department. All selection methods shall be valid measures of job performance.



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### **Section 9. Appointments**

- A. Before any applicant is selected for hire, the Board, taking into consideration the advice and counsel of the Personnel Committee, shall consider and vote on the appointment.
- B. If the position's duties include operating Town-owned or insured vehicles, the Town Administrator shall, before issuing an offer of employment, conduct a review of the applicant's driving record which shall be included within the employee's personnel file if hired.

### **Section 10. Probationary Period of Employment**

The probationary period of employment shall be one (1) year of full or part-time employment from and after the hiring date. The probationary period shall include time worked only and periods of extended leave shall not count towards completion of the probationary period. The probationary period may be shortened upon the Board's discretion with the advice and counsel of the Personnel Committee. Any employee serving a probationary period may be dismissed at any time during the probationary period.

### **Section 11. Promotion**

Candidates for promotion shall be chosen on the basis of their qualifications. First consideration for filling positions shall be given to employees already in service with the Town. If a current employee is chosen for promotion, the Personnel Committee shall forward a recommendation to the Board for appropriate classification and wage revisions along with the reasons for selecting the employee over other applicants. If it confirms the promotion, then the Board shall determine the employee's wage.

### **Section 12. Demotion**

- 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 acting on the advice and counsel of the Personnel Committee in accordance with the procedures set forth in Article X. An involuntary demotion is a disciplinary action and the employee shall be provided with written notice of the effective date of the demotion, the reasons therefore, and any applicable appeal rights.
- B. An employee desiring a position with reduced duties and responsibilities may request a voluntary demotion. A voluntary demotion is not a disciplinary action and is made without recourse to the procedures set forth in Article X herein.

### **Section 13. Transfer**

- 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 Town Administrator during the recruitment period for the position. The request for transfer shall be subject to approval of the Board with the advice and counsel of the Personnel Committee. Any employee transferred without having requested such transfer may appeal the action in accordance with the appeal procedure set forth in Article XI.
- B. An employee who has successfully completed a probationary period shall be transferred to another position without being required to serve another probationary period.



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### **Article V. The Position Classification Plan**

#### **Section 1. Approval**

The Board shall approve, and amend as necessary, a Position Classification Plan

#### **Section 2. Allocation of Positions**

The Town Administrator, with the approval of the Board, shall allocate each position covered by the classification plan to its appropriate class in the plan.

#### **Section 3. Administration**

- A. The Town Administrator shall be responsible for administering and maintaining the Position Classification Plan to ensure that it accurately provides the duties performed by the employees in the classes to which their positions are allocated. The Town Administrator shall be responsible for bringing to the attention of the Board: (1) the need for new positions and (2) the need to revise duties, responsibilities, or working conditions affecting the classification of a position.
- B. New positions shall be established upon recommendation of the Town Administrator with the approval of the Board. The Board may: (1) allocate the new position to the appropriate class within the existing classification plan or (2) amend the Position Classification Plan to establish a new class to which the new position may be allocated.
- C. When the Board finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the Board shall: (1) direct the Town Administrator to revise the existing class specification; (2) direct the Town Administrator to reallocate the position to the appropriate class within the existing classification plan; or (3) amend the Position Classification Plan to establish a new class to which the position may be allocated.

#### **Section 4. Amendment**

Classes of positions shall be added to and deleted from the Position Classification Plan by the Board based on the recommendations of the Town Administrator.

### **Article VI. Employment and Records**

#### **Section 1. Types of Appointments**

Individuals receiving initial appointments to regular or time-limited positions shall serve a probationary period. The probationary period is an extension of the selection process, and provides time for effective adjustment of the new employee or termination of those employees whose performance does not meet acceptable standards. The length of the probationary period shall be one (1) year of either full-time or part-time employment commencing on the actual date of employment. The Probationary Period includes only time worked and periods of leave shall not count towards completing the Probationary Period.

Full time and eligible part time employees shall be eligible to earn leave, life and health benefits beginning on the first (1<sup>st</sup>) day of the first month following appointment to regular status. Employees on probationary status are not eligible for severance pay or priority reemployment consideration.



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### A. Trainee

A trainee appointment may be made to a regular position when:

- (1) the job specification includes special provisions for a training progression leading to regular appointment;
- (2) recruitment efforts fail to attract qualified candidates;
- (3) operational needs warrant a trainee; or
- (4) a recommended applicant fails to meet the Town's minimum educational and experience requirements.

The trainee appointment, like the probationary period, is an extension of the selection process, and provides the time for effective adjustment of the new employee or termination of those individuals whose performance does not meet acceptable standards.

### B. Full-Time Regular Appointment

A full-time regular appointment is a position where the incumbent is expected to be retained on a long term basis. A regular appointment shall be given when:

- (1) the requirements of the probationary period have been satisfied;
- (2) an employee in a trainee appointment has completed all training and experience requirements; or
- (3) a time-limited appointment extends beyond three (3) years.

### C. Part-Time Regular Appointment

An appointment of less than full-time for a limited term normally not exceeding three (3) to six (6) months. Upon request, the Board may approve a longer period of time; but in no case shall the temporary employment period exceed twelve (12) consecutive months. Students are exempt from the twelve (12) month maximum limit and retired employees, upon signing a statement that they are not available for nor seek regular employment, may fill part-time appointments for more than twelve (12) months. "Retired" as used herein, is defined as drawing a retirement income and/or Social Security benefits.

### D. Time-Limited Appointment

A time-limited appointment is an appointment that has a limited duration as a result of a regular position becoming vacant due to an incumbent's leave of absence and when the replacement employee's services will be needed for a period of one (1) year or less. If an employee is retained in a time-limited appointment beyond three (3) years, then said employee shall be designated as having a regular appointment.

## **Section 2. Workweek**

The standard workweek for all employees of the various departments of the Town, with the exception of Town Officials, shall be Monday through Friday from 8 a.m. until 4:30 p.m. Tardiness in excess of thirty (30) minutes shall be deducted from the time of any hourly employee. Lunchtime consists of one half hour only and any time spent at lunch over that limit shall be deducted from time earned or from normal hours worked. The Town Administrator, with the approval of the Board, shall set the hours of operation for the Town Hall. The Town Administrator may authorize a deviation from the normal schedule as needed.



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### Section 3. 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 or who has performed under such a contract within the past year or who anticipates bidding on such a contract 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.

### Section 4. 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 dismissal.



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### Section 5. 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 shall determine whether any such outside work creates a conflict of interest or is otherwise incompatible with the Town's interests and responsibilities. Commencing outside employment without prior approval by the Board shall be deemed improper conduct and may subject the employee to disciplinary action including dismissal.

### Section 6. Limitation on Employment of Relatives

- A. No two (2) 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 related management personnel considerations.
- B. As used herein, the term "immediate family" is defined as an employee's spouse, parent, child, sibling, grandparent, grandchild, guardian, trustee, or legal representative.

### Section 7. Travel and Expense Reimbursement

- A. Vehicles owned by the Town will be provided for certain personnel for certain Town business. Town vehicles shall not be used for personal purposes.
- B. Travel Time

Whether travel time is considered as hours worked depends on the circumstances and should be determined on a case basis.

#### 1. Home- to-Work

An employee who travels from home before the regular workday and returns home at the end of the workday is engaged in ordinary home-to-work travel which is a normal incident of employment. This is true whether the employee works at a fixed location or at different job sites. Normal travel from home to work is not work time.

#### 2. Home to Work on Special One-Day Assignments in Another City

When an employee who regularly works at a fixed location in one city is given a special one-day assignment in another city, such travel cannot be regarded as home-to-work travel. For example, an employee who works in Raleigh with regular working hours from 8:30 a.m. to 5:30 p.m., may be given a special assignment in another city, with instructions to leave Raleigh at 7:00 a.m. The employee arrives at 12 noon, ready for work. The special assignment is completed at 3:00 p.m., and the employee arrives back in Raleigh at 8:00 p.m. Such travel cannot be regarded as ordinary home-to-work travel occasioned merely by the fact of employment. It was performed for the Town's benefit and at the Town's request to meet the needs of the particular assignment. It would, therefore, qualify as an integral part of the "principal" activity which the employee was hired to perform on that particular workday. All the time involved, however, need not be counted as work time. Since, except for the special assignment, the employee would have had to report to the



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regular work site, the travel between home and the airport, or the usual time required to travel from home to work may be deducted, such time being in the home-to-work category. Also, of course, the usual meal time would be deductible.

### 3. Travel All in the Day's Work

Time spent by an employee in travel as part of the employee's principal activity, such as travel from job site to job site during the workday, must be counted as hours worked. When an employee is required to report at the employer's premises, or at a meeting place, to receive instructions or to perform other work there, the travel time from this designated place to the work place is part of the day's work and must be counted as hours worked.

If an employee normally finished work at a particular job site at 5:00 p.m., and is required to go to another job and is finished at 8:00 p.m., and is required to return to the employer's premises arriving at 9:00 p.m., then all of the time shall be considered working time. However, if the employee goes home instead of returning to the employer's premises, the travel after 8:00 p.m., in this particular example, shall be considered as home-to-work travel and not as hours worked.

### 4. Travel Away From Home

Travel which keeps an employee away from home overnight is travel away from home. Travel time away from home shall be considered as work time when it occurs during an employee's regular scheduled workday. Any such work shall include regular hours worked on regular working days during normal working hours and as work worked during normal working hours on non-working days. Therefore, if an employee regularly works from 8:00 a.m. to 5:00 p.m. Monday through Friday, the travel time during these hours is work time on Saturday and Sunday as well as on other days. Regular meal period time is not counted. Time spent in travel away from home outside of regular working hours (8:00-5:00) as a passenger on an airplane, train, bus or automobile shall not be considered as work time. The following example illustrates the application of this policy:

Example: An employee who has headquarters in Raleigh leaves for Asheville on Sunday afternoon at 2:00 p.m. and arrives in Asheville at 7:00 p.m. The 3 hours traveled between 2:00 p.m. and 5:00 p.m. are hours worked and are included in the total hours worked within the workweek. If the total hours worked exceeds 40 per week, the employee is to be compensated in accordance with the Town's overtime policy. The 2 hours traveled between 5:00 p.m. and 7:00 p.m. are not considered as time worked for the purpose of determining total hours worked. The Town Administrator shall authorize travel for official Town business outside the Town. A written request for such travel shall be submitted describing the travel requested, the purpose of the proposed trip, and the period of time for which the employee will be away from the Town.

C. Town employees and officials traveling outside the Town on official business will be reimbursed for mileage at the current Federal standard rate with lodging and other non-meal related expenses reimbursed at actual cost provided that, however, the rental of any vehicle by any Town employee or official shall first be approved in writing by two (2) Commissioners.

D. Meals will be reimbursed at a per-diem rate of \$30 a day for overnight travel.



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- E. Employees and officials traveling on a reimbursable basis for the Town shall maintain an accurate record of their expenses. Receipts for the cost of hotels and other travel-related expenses must be attached to the written claim.
- F. No reimbursement of travel-related expenses will be paid without an authorized travel claim signed by the employee and approved by the Town Administrator.

### **Section 8. Personnel Records Maintenance**

Such personnel records as are necessary for the proper administration of the personnel system will be maintained by the Town Clerk. The Town shall maintain in personnel records only information that is necessary and relevant to accomplishing legitimate personnel administration needs. For purposes of this Article: 1) 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 applying for employment, selection or non-selection, performance, promotions and demotions, transfers, suspension and other disciplinary actions, evaluation forms, leave, salary and termination of employment and 2) "employee" includes former employees.

### **Section 9. Information Open to the Public**

The following information on each Town employee is public information:

- A. Name
- B. Age
- C. Date of original employment or appointment to Town service
- D. 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
- E. Current position and title
- F. Current salary
- G. 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
- H. Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification
- I. Date and general description of the reasons for each promotion
- J. 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 that are the basis of the dismissal
- K. Office to which employee is currently assigned.

### **Section 10. Access to Personnel Records**

As required by G. S. 160A-168, any person may have access to the information listed in section 2 of this article 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. Any person denied access to any of the public record information set forth above may apply to the appropriate division of the General Court of Justice for an order compelling disclosure and the court shall have jurisdiction to issue such orders.



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### Section 11. Confidential Information

All information contained in a Town employee's personnel file, other than information set forth in Section 9 herein, 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:

- A. The employee or his or her duly authorized agent may examine all portions of the employee's personnel file except (1) letters of reference solicited before employment and (2) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient.
- B. A licensed physician designated in writing by the employee may examine the employee's medical records.
- C. A Town employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- D. By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file as may be ordered.
- E. 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 the file for the purpose of assisting in a criminal investigation.
- F. 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 person whom may be specified in the release.
- G. The Board 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 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.
- H. 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:
  - 1. 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;
  - 2. 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;



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3. Information that might identify an undercover law enforcement officer or a law enforcement informer; and
4. 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.

### **Section 12. 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 herein.

### **Section 13. Penalty for Permitting Access to or 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 five hundred dollars (\$500.00).
- 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 five hundred dollars (\$500.00)

### **Section 14. Destruction of Records**

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G.S. 121-5 (b), 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 fifty dollars (\$50) nor more than one thousand dollars (\$1,000) as provided is G.S. 132-3.

## **Article VII. The Pay Plan**

All Town employees must be paid at least at the federal minimum wage. The pay plan will be competitive with municipalities of like size and structure.

### **Section 1. Approval**

The Classification and Wage Plan attached hereto and incorporated by reference as "Appendix I" is hereby adopted as the Town's official pay plan..

### **Section 2. Maintenance**

The Town Administrator with the approval of the Board, shall be responsible for administering and maintaining the pay plan. The pay plan is intended to provide equitable compensation for all positions when considered: in relation to each other; to general rates of pay for similar employment in private and public sectors; to changes in the cost of living; to the Town's financial considerations; and other various



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factors. To this end the Board shall, from time to time, require and make comparative studies of all factors affecting the level of wage ranges and shall make such changes in those ranges as warranted.

### **Section 3. Administration**

The pay plan shall be administered in a fair and systematic manner in accordance with work performed. The pay structure shall: be competitive; maintain proper internal relationships among all positions based on relative duties and responsibilities; and recognize performance as the basis for pay increases within the established pay range.

### **Section 4. Hiring Rate/Starting Wage**

Depending on experience, employees will be hired at the minimum range level of their assigned wage grade. Appointments above minimum range level may be made by the Board as deemed necessary and in the best interests of the Town taking into account such factors as superior qualifications of the applicant, a shortage of qualified applicants available at the hiring rate, or refusal of qualified applicants to accept employment at the minimum range level. The Board shall approve all appointments.

When an employee attains the maximum range level for his/her present position, then no further wage increase shall be received unless: (1) the position is reclassified; (2) the employee is promoted to another position with a higher wage range; or (3) the wage for the present position is increased.

### **Section 5. Performance Evaluations**

An employee will be evaluated at the end of the initial ninety (90) days of employment, with a final evaluation at the end of the probationary period, to determine if the employee will be retained by the Town. With the approval of the Board, the employee may be appointed to regular status upon completing the probationary period of employment.. A formal performance evaluation shall then be made once a year on the employee's anniversary hiring date. An informal performance evaluation is recommended six (6) months in advance of the formal evaluation to provide the employee with the time to improve his/her performance if necessary. A performance evaluation does not necessarily result in a wage increase.

### **Section 6. Failure to Perform Satisfactorily**

An employee failing to perform satisfactorily, whether during the probationary period or thereafter, will be denied any scheduled wage increase. If appropriate, the Town Administrator may take appropriate disciplinary action in accordance with the provisions of Article X herein

### **Section 7. Delayed Performance Evaluation**

An employee's absence from work due to sick leave, leave without pay, Worker's Compensation, or any other authorized leave (which shall not count towards completion of the probationary period) is cause for the Town Administrator to request an extension for the annual performance evaluation review.

### **Section 8. Merit Increases and Cost-of-Living-Increase**

A. Merit increases are not automatic entitlements and may be awarded based upon the following:

- (1) Exceptional work achievements;
- (2) Excellent work performance; and



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- (3) Significant contributions to productivity.

An employee may be considered annually for a merit increase on his/her anniversary hiring date. Any merit increase shall be recommended by the Town Administrator and approved by the Board. Only those regular employees whose performance exceeds standards or expectations shall be considered for a merit increase.

- B. All salary grades are eligible for annual cost-of-living-increases on July 1<sup>st</sup> of each year. Cost-of-living increases shall be paid in addition to any merit increases.
- C. The Town’s annual budget shall reflect the amount of funds allocated by the Board for merit and cost-of-living increases.

### Section 9. Longevity Pay Plan

- A. An annual longevity payment will be made to each employee hired by the Town who is actively employed on the last business day before the Thanksgiving holiday.
- B. The longevity payment shall be distributed, as a lump sum payment with all required deductions, on the last business day before the Thanksgiving holiday.
- C. Longevity Payment Schedule

<u>Years of Service</u>	<u>Longevity Payment</u>
0-1	One percent (1%) of salary + \$250.00
1-2	One percent (1%) of salary + \$300.00
2-3	One percent (1%) of salary + \$350.00
3-4	One percent (1%) of salary + \$400.00
4-5	One percent (1%) of salary + \$450.00
5-6	One percent (1%) of salary + \$500.00
6-7	One percent (1%) of salary + \$550.00
7-8	One percent (1%) of salary + \$600.00
8-9	One percent (1%) of salary + \$650.00
9-10	One percent (1%) of salary + \$700.00
10-11	One percent (1%) of salary + \$750.00
11-12	One percent (1%) of salary + \$800.00
12-13	One percent (1%) of salary + \$850.00
13-14	One percent (1%) of salary + \$900.00
14-15	One percent (1%) of salary + \$950.00
15-16	One percent (1%) of salary + \$1000.00

- (1) “Salary” is the employee’s salary on the date the longevity payment is made; and
- (2) “Years of Service” shall be calculated based on the employee’s anniversary date of employment and includes approved leave, approved leave without pay, military, court and bereavement leave, and the previous service for which employees who have been reinstated following active duty with the Armed Forces of the United States, a reserve component thereof, or the Public Health Service are credited.



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- D. The Longevity Payment Plan is a form of compensation that can be modified or eliminated at any time in the sole discretion of the Board of Commissioners.

### **Section 10. Payment at the Listed Rate**

Employees covered by the pay plan shall be paid at a listed rate within the wage ranges established for their respective position classifications not including employees hired as trainees or employees whose wages are higher than the established maximum level of wage range following revision to or adoption of a new pay plan.

### **Section 11. Trainee Wages**

Trainees shall, with Board approval and direction, be appointed at a pay rate below the minimum wage ranges set forth in the pay plan. A Trainee shall continue to receive a reduced wage until the Town Administrator, with the Board's approval, determines that the trainee is qualified to assume the full responsibilities of a regular position.

### **Section 12. Pay Rates in Promotion, Demotion, Transfer, and Reclassification**

When an employee is promoted, demoted, transferred, or reclassified, the rate of pay for the new position shall be established as follows:

- A. When a promotion occurs, if the employee's current wage is less than the new minimum range level, then it shall be increased to the minimum level of the wage range assigned to the position classification to which he/she is promoted. If an employee's current wage is already above the minimum range level for the position, then his/her wage may be increased or left unchanged at the discretion of the Board, provided that the adjusted wage does not exceed the maximum level of the assigned wage range.
- B. If an employee is demoted as a result of a reclassification, and the employee's current wage is above the minimum level of the range for the reclassified position, then the employee's wage shall remain the same until revisions to the pay plan have the effect of placing the current wage within the lower level of the wage range for the appointed position. If an employee is demoted for cause, the employee's wage will be reduced to the minimum level of the new position.
- C. When a transfer occurs from a position in one class to a position in another class assigned to the same pay range, then the employee shall continue to receive the same wage.
- D. When a reclassification occurs and an employee's position is reclassified to a position having a higher wage range, then the employee's wage shall be increased to the minimum level of the new wage range. If the employee's current wage is already above the maximum level of the new wage range, then , the employee's wage may be increased or left unchanged at the discretion of the Board.

### **Section 13. Pay Rates in Wage Range Revisions**

If the Board revises a wage range for a class of positions, then the wages of employees affected by any such revision shall be as follows:

- A. In the event a wage range is increased, then, subject to the Board's approval, the employees in the affected class may receive a wage increase up to the minimum level of the new wage range.



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- B. In the event a wage range is reduced, then the wages of the employees in the affected class shall remain unchanged.

### **Section 14. Pay for Part-Time Work**

Compensation for an employee appointed for less than forty (40) hours a week shall be computed on an hourly basis. All employees who work less than forty (40) hours a week will be covered by Worker's Compensation and Social Security.

### **Section 15. Compensatory Time**

- A. The Town abides by all applicable sections of the Fair Labor Standards Act of 1938 as amended. The Town will properly record all applicable overtime accrued for each covered employee. This overtime policy is applicable only to non-exempt employees.
- B. Employees are expected to work during all assigned periods exclusive of breaks or mealtimes.
- C. All overtime must be authorized by the Town Administrator. 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 forty (40) hours in a work week and may not be earned in less than fifteen (15) minute increments.
- D. Compensatory time will be given in lieu of cash at a rate of one and one-half the number of hours worked in excess of forty (40) hours for work within a work week. Employees may not accrue more than 240 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 240 hour limit
- E. Employees who work excess hours because of an emergency shall advise the Town Administrator of the overtime worked within forty-eight (48) business hours.
- F. Compensatory time must be earned before it can be used and all used compensatory time shall be deducted from the employee's accrued compensatory time. Any compensatory time of fifteen (15) minutes or more shall be accounted for and deducted as provided for herein.
- G. Compensatory time may be used in lieu of sick leave and may be used, until depleted, before using vacation leave.
- H. Employees may be exempt from overtime if their duties have been determined to be office or non-manual work, directly related to management or general business operations, or whose primary duties include; the exercise of discretion and independent judgment with respect to matters of significance. Any such determination shall be made in conjunction with the Town Attorney and based on the nature of work and not on wage or classified position. Normally, exempt employees are expected to work whatever number of hours are required in order to accomplish their duties and may be permitted to set their own schedules to accomplish their duties and return to work at times other than normal working hours. When specific working conditions warrant, bonus time off for hours worked by



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exempt employees for hours worked beyond with is expected may be accrued for exempt employees at the discretion of the Board.

1. In the event the Board approves bonus time off for exempt employees, then the following provisions apply:
  - The accrual may not exceed an hour-for-hour basis.
  - Bonus time off may be accumulated up to a maximum of eighty (80) hours and shall be taken within twelve (12) months from the date the excess hours were worked as documented by standard timekeeping methods. If not taken within this period, any such bonus time off is lost.
  - Bonus time off may not be transferred to a vacation or sick leave account.
  - Bonus time off is lost when an exempt employee is separated from Town service.
  - Bonus time off may not be paid and an exempt employee's separation date may not be moved forward in recognition of the bonus time off balance.
- I. Paid time, which is not worked--such as vacation, sick leave, civil leave, and holidays—shall not be included for the purpose of determining overtime.

### **Section 16. Payroll Deductions**

Federal and state income taxes, Medicare, Social Security tax, and any other government required garnishment shall be deducted as authorized by law. The following may also be deducted if certain actions warrant such a deduction:

- (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 action.
- (3) Cost to replace any lost or damaged tools, equipment or keys.
- (4) Time will be deducted due to employee tardiness.

The employee will be informed in writing prior to the deduction that the action is being taken and why. The Board shall approve any payroll deduction not required by law.

### **Section 17. Payroll Procedure**

Hourly employees shall be paid every two (2) weeks and payroll checks will be processed within three (3) working days following the cut-off date for time sheets. Salaried employees will be paid twice a month on the 15<sup>th</sup> and the last day of the month. If the 15<sup>th</sup> or the last day of the month falls on a holiday or weekend, checks will be written the business day prior to that date.

### **Section 18. Effective Date of Wage Adjustments**

Wage adjustments shall become effective on the date that the adjustment was approved or as determined by the Board.



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### Article VIII. Holidays and Leave

#### Section 1. **Paid Holidays**

- A. All full and part-time employees working more than thirty (30) hours a week shall receive these holidays with pay. Part-time employees working thirty (30) hours or less per week are not eligible for holiday pay.
- B. Town Hall shall be closed on the following days (as shown in “C” below) and no nonexempt employee should report to work on those days unless authorized and directed to by the Town Administrator.
- C. The following holidays, and such others as the Board may from time to time designate, shall be observed by the Town and counted towards hours worked;

New Year's Day  
Martin Luther King Jr. Day  
Presidents' Day  
Easter-Good Friday  
Memorial Day  
Independence Day  
Labor Day  
Veterans Day  
Thanksgiving (Thursday and Friday)  
Christmas (see below)

When Christmas falls on Saturday - Thursday, Friday, & Monday will be taken  
When Christmas falls on Sunday - Friday, Monday & Tuesday will be taken  
When Christmas falls on Monday - Friday, Monday & Tuesday will be taken  
When Christmas falls on Friday - Thursday, Friday & Monday will be taken

When any other holiday falls on Saturday - Friday will be taken  
When any other holiday falls on Sunday - Monday will be taken

#### Section 2. **Effect of Holidays on Other Types of Paid Leave**

Regular holidays occurring during an employee's approved annual, sick, or other paid leave, shall not be charged as such leave.

#### Section 3. **Holidays - When Work is Required**

Employees required to work on regularly scheduled holidays shall be granted compensatory time off at the rate of two (2) hours for each hour worked. Compensatory time for holiday work must be approved in advance by the Board and used by the employee within three (3) months of the time it is earned.

#### Section 4. **Adverse Weather Conditions**

In the event of adverse weather conditions, it shall be the general policy that Town offices and departments shall remain open for the full scheduled working day unless authorization for early closing or other deviation from regular business hours is received from the Town Administrator. All departments and



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offices shall receive advance notice of any authorized early closing. An employee shall continue to accrue wages and benefits at his or her regular rate during the time the offices and departments of the town are officially closed due to adverse weather conditions. Employees who leave work before an official early closing time, report to work late, or who do not report at all, shall be required to use annual leave or leave without pay for the hours not worked.

### Section 5. Vacation Leave

- A. Each full-time regular employee occupying an established budgeted position and in pay status (working, on paid leave, or on workers' compensation leave) shall earn vacation leave. Employees must be in pay status for one-half (1/2) or more of the regularly scheduled workdays and holidays in a pay period to earn vacation leave during that pay period. Part-time regular employees who work thirty-one (31) or more hours per week are eligible for vacation leave on a prorated basis.
- B. Part-time employees who work thirty (30) hours or less per week, temporary, and time-limited employees are not entitled to paid vacation leave.
- C. For the purpose of earning and accruing vacation leave, the period of twelve (12) calendar months between January 1st and December 31st shall constitute the leave year.
- D. Probationary employees shall not earn vacation leave until the Board approves the appointment to a regular position and shall not be permitted to take vacation leave during the first six (6) months' of regular employment unless denying the leave will result in an undue hardship to the employee. Any vacation leave granted during this initial six (6) month period shall require prior approval of the Town Administrator.
- E. Vacation leave may be taken under the following conditions;
  - (1) Shall be taken only after six (6) months of continuous employment in a regular position. (Leave shall not be taken in advance.)
  - (2) Shall be taken, when approved, without pay when it exceeds vacation leave earned.
  - (3) Must be requested at least one (1) week in advance except in a case of emergency.
  - (4) Shall be offered based on seniority. Conflicting requests shall be resolved by the Town Administrator.
  - (5) May be used for vacation, personal reasons, personal illness, and immediate family illness.
  - (6) An employee going on leave without pay must exhaust vacation leave prior thereto if the time off without pay exceeds ten (10) days.
  - (7) Overdrawn vacation leave, upon separation from employment, shall be deducted from the final pay check on a hourly basis.
- F. It is the responsibility of each employee to provide an accurate signed record of hours worked. It is the responsibility of the Town Administrator to provide employees with a written annual accounting of their leave record. All leave records shall be reconciled quarterly and prior to an employee taking vacation leave to help ensure against overdrawn leave.
- G. Vacation leave shall be earned in accordance with the following schedule:

Years of Service	Hours Earned Each Month	Hours Earned In One Year	Days Earned In One Year
1-5	8 Hours	96 Hours	12 Days



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5-10	10 Hours	120 Hours	15 Days
10-15	12 Hours	144 Hours	18 Days
15-20	14 Hours	168 Hours	21 Days
20 Years or More	16 Hours	192 Hours	24 Days

- H. Vacation leave may be accumulated to a maximum of 240 hours until December 31st of each leave year on which date, any employee with more than 240 hours of accumulated leave shall have the excess hours automatically canceled such that only 240 hours are carried forward to January 1st of the next leave year.
- I. Vacation leave requires advance approval of the Town Administrator. The Town Administrator's vacation leave requires advance approval of the Board.
- J. A separating employee shall be paid for vacation leave accumulated to the date of separation not to exceed a maximum of 240 hours and shall be calculated on an hourly basis. Accumulated vacation leave shall be paid by the Town within thirty (30) days after the date of separation. Any advanced vacation leave owed the Town by the employee shall be deducted from the employee's final check.
- K. The estate of a deceased employee shall be entitled to payment for accumulated vacation leave credited to that employee's account not to exceed a maximum of 240 hours.
- L. Leave for religious observances must be approved by the Board following an employee's written request for the same being made to the Town Administrator. The Town Administrator will attempt to arrange the work schedule so that an employee may be granted vacation leave for religious observance purposes.

### Section 6. Sick Leave

Paid sick leave is an approved absence for full-time regular employees for personal illness or injury. Probationary employees shall begin accruing sick leave upon completing three (3) months' of probationary employment. Part-time regular employees who work thirty-one (31) or more per week are eligible for sick leave on a prorated basis. Part-time employees working thirty (30) hours or less per week, temporary, and limited-time employees are not entitled to paid sick leave. Unpaid sick leave, as authorized by the Town Administrator, may be utilized as an approved absence for a part-time, temporary, or time-limited employee not entitled to paid sick leave. Unpaid sick leave may also be authorized by the Town Administrator for regular full-time employees who have not accumulated paid sick leave.

- A. Sick leave is not "time off" and is to be used only in the event of illness or injury.
- B. Sick Leave is granted to employees who are in pay status for one-half (1/2) or more of the regularly scheduled workdays and holidays in a pay period.
- C. Each full-time regular employee shall earn sick leave on a monthly basis at the rate of six (6) hours per month and can be accumulated to a maximum of 240 hours until December 31st of each leave year. On December 31st, any employee with more than 240 hours of accumulated sick leave shall have the excess hours automatically canceled such that only 240 hours are carried forward to January 1st of the next leave year.
- D. Employees may be granted sick leave for the following;



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- (1) Sickness or bodily injury preventing the employee from performing his/her regular duties.
  - (2) Medical or dental appointments.
  - (3) Pregnancy-related conditions.
  - (4) Exposure to a contagious disease when continuing work might jeopardize the health of others.
  - (5) Death in the employee's immediate family (spouse, parent, child, sibling, grandchild, and grandparent), not to exceed three (3) days for any one occurrence.
- E. Employees shall notify the Town Administrator of all requests for sick leave before the leave is taken or not later than two (2) hours after the beginning of a scheduled working day. Employees may be denied sick leave if they fail to report to the Town Administrator or his/her designee at the beginning of the period for which sick leave will be taken and at least every two (2) days of continuing sick leave, except in those cases of extended illness of which the Town Administrator is aware and about which has been kept informed. Sick leave may be taken only with the approval of the Town Administrator.
- F. Paid sick leave begins to accrue from the employee's date of regular employment. When all paid sick leave has been exhausted, the employee may be placed on unpaid sick leave in accordance with the provisions of this section. Upon separation of employment, any unpaid sick leave owed to the Town by the employee shall be deducted from the employee's final check.
- G. If an employee has been on sick leave for more than three (3) consecutive working days, the Town Administrator may require submission of a certificate from the employee's treating physician attesting to the employee's illness or injury. The employee may also be required to be cleared for duty, in writing by the treating physician, before being permitted to return to work.
- H. No employee shall be paid for any accumulated sick leave such that upon separation, no sick leave balance will be paid or owed to the employee by the Town and any unused sick leave shall be forfeited.
- I. If a paid holiday falls within a period of paid sick leave, the employee will be eligible for holiday pay. If a paid holiday occurs while the employee is on sick leave without pay, holiday pay shall not be granted.
- J. An employee's separation date may not be moved forward in recognition of a sick leave balance.

### **Section 7. Advancement of Sick Leave and or Vacation Leave**

#### **A. Policy Statement**

The Town recognizes that emergency situations arise whereby the best interest of employees would be served by the advancement of sick and/or vacation leave. Within the framework of existing policy the Town Administrator is hereby authorized to establish a uniform policy on advancing sick and/or vacation leave.

#### **B. Scope of Policy**

Appropriate leave shall only be advanced for situations shown by the employee to constitute a personal hardship or a personal/family emergency. No leave shall be advanced for routine matters such as, without limitation, tardiness, inconsequential personal affairs, minor health care matters such as regular visitations to or examination by physicians or dentists, family celebrations, and/or regularly scheduled vacations.

The intent of this policy is to advance appropriate leave in situations involving emergencies and hardships such as, without limitation, extended illness, surgery requiring a recuperative period involving any working



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days, the illness of a member of the employee's immediate family, the death of a member of the employee's immediate family, special military training not covered by the Military Leave Policy, and special job-related educational and training obligations. The amount of leave to be advanced shall be limited to the amount of leave necessary for accommodating the subject emergency or hardship .

### C. Eligibility

Only full and part-time regular employees in pay status who have exhausted all accumulated vacation and sick leave shall be eligible for advancement of vacation or sick leave in accordance with the provisions of this section. An employee cannot be advanced more leave than he/she will have earned by the end of the current leave year such that any leave which cannot be earned back within that leave year cannot be advanced. Additionally, once the employee returns to work, any leave taken before the advanced leave is earned back shall be charged as leave without pay. Other restrictions may apply as provided for herein.

### D. Approval Procedures

The Town Administrator will review each request for advanced leave and provide written notification of approval or disapproval thereof within ten (10) working days after receiving the request. The Town Administrator's decision on a request for advanced leave is not appealable..

### E. Other Considerations

No other leave shall accrue or be available for use as vacation or sick leave until any advanced leave has been earned back from the employee. Until the advanced leave is earned back, any other time off by the employee shall be charged to leave without pay. Additionally, should the employee terminate for any reason, the amount of overdrawn leave shall be deducted from the employee's final check. Advanced leave is earned back on the same basis and in the same manner upon which it accrues.

## **Section 8. Leave Without Pay**

- A. An employee may request leave without pay in writing to the Town Administrator which shall be decided upon by the Board taking into account the review and recommendation of the Personnel Committee. Any employee who fails to request and be granted such leave, and who does not report to work for a period of three (3) or more days, shall be considered to have voluntarily resigned from employment with the Town. Leave without pay may be granted for illness, educational purposes, vacation, or for any other reasons deemed justified by the Board for a period of up to six (6) months. Leave without pay may be granted during the time before and after childbirth or adoption when an actual disability is present. When an actual disability caused or contributed to by pregnancy, miscarriage, childbirth, or recovery therefrom exists, employees shall be guaranteed a position of the same classification, seniority, and pay upon their return to work following a period of leave without pay. An employee failing to report to work at the expiration of the leave without pay period, provided an extension has not been granted by the Board, shall be considered to have voluntarily resigned from employment with the Town.
- B. An employee shall have the option to retain accumulated but unused sick leave while on leave without pay status provided that, however, vacation and sick leave shall not accrue during a leave without pay status. Any individually-based health care coverage provided by the Town to an employee shall not be provided as an employment benefit for that employee during a leave without pay status unless the employee has worked a minimum of one-half (1/2) of the working days during the subject calendar month. An employee on leave without pay status and covered under the Town's group health



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insurance may, however, continue to be eligible for benefits thereunder subject to the provisions of the plan and any conditions adopted by the Board.

### **Section 9. Military Leave**

- A. In addition to any military leave required under the Uniformed Services Employment and Reemployment Rights Act, an employee who is a member of the National Guard or the Armed Forces Reserve shall be allowed ten (10) working 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 (10) working days, then the employee shall be eligible to take accumulated vacation leave or be placed on leave without pay status.
- B. While on military leave, the employee's vacation and sick leave, and other benefits, shall continue to accrue as if the employee was in pay status. Reservist employees also have all of the rights provided for under the Veterans Readjustment Assistance Act.

### **Section 10. Court Leave**

A employee called for jury duty or subpoenaed as a witness is entitled to leave with pay for the period of absence required, not to exceed five (5) days after which the Board may consider partial pay for any remaining time away from work while on jury duty. Any such employee is entitled to regular pay in addition to any fees received from the court.

### **Section 11. Salaried Employee Overdrawn Absences**

All salaried employees must use accumulated vacation leave, applicable, sick leave, advanced leave, or compensatory time for any absences from work.

### **Section 12. Bereavement Leave**

Bereavement leave with pay shall be granted to full time regular employees for a maximum of three (3) days in addition to accumulated vacation leave (the combination thereof not to exceed five (5) 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.

## **Article IX. Employee Benefits**

### **Section 1. Insurance Benefits**

- A. The Town shall provide "individual" (employee only) hospitalization insurance to all full-time regular employees. Employees hired after January 1, 2002 wishing to enroll in a "family" hospitalization insurance plan will be required to pay one hundred percent (100%) of the cost difference between individual and family coverage. Payments of the same will be made through payroll deductions. Employees shall be enrolled in a plan in accordance with the provisions of the insurance contracts and on the first day of the month following their appointment to regular employee status..



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- B. The Town shall provide life insurance coverage to all full-time regular employees.
- C. The Town shall provide short-term disability insurance coverage to all full-time regular employees.
- D. The Town shall provide dental and vision insurance coverage to all full-time regular employees in conjunction with health insurance coverage. The enrollment and eligibility requirements for this coverage shall be the same as for the health insurance coverage. Employees who do not enroll in the health insurance plan are not eligible for dental and vision benefits.
- E. The town reserves the right to negotiate and/or revise any of the coverages set forth above as well as the costs of the same to employees.

### **Section 2. Worker's Compensation**

All employees and elected officials of the Town shall be covered by workers' compensation insurance as required by and in accordance with the provisions of the Workers' Compensation Act as set forth in Chapter 97 of North Carolina General Statutes (hereinafter "the Act").

- (1) Employees shall immediately, or as soon thereafter as practicable, give or cause to be given to the Town Administrator, written notice of the occurrence of an accident on the job. Failure to provide the required notice could result in a loss of benefits under the Act.
- (2) The Town shall file a Form 19 with the Workers' Compensation insurance carrier within five (5) days after receiving a report of an injury or accident occurring on the job.
- (3) No leave is charged on the day of the injury if the treating physician instructs the employee not to return to work.
- (4) For injuries covered by the Act, the employee shall, if so requested by the Town, submit to independent medical examinations and the Town's access to the employee's medical information shall be as provided for in the Act.
- (5) In the event an employee is placed on leave and is subject to the waiting period prescribed under the Act, then the employee shall elect between one of the following options with respect to the use of accumulated leave during any such waiting period. Once an election is made, it may not be rescinded for the duration of the subject claim.
  - Option 1:** Elect to take sick or vacation leave during the required waiting period and begin receiving workers' compensation benefits thereafter; or
  - Option 2:** Elect not to take sick or vacation leave during the waiting period and begin receiving workers' compensation benefits thereafter.
- (6) Employees injured on the job in a compensable accident who require medical or therapeutic office visits during regularly scheduled working hours shall not be charged leave for time away from work for such visits. Paid time shall be limited to reasonable time for treatment and travel and any excess time will be charged to accumulated leave or taken as leave without pay.



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### Section 3. Unemployment Compensation

Employees who are dismissed from Town service may apply for unemployment compensation through the local office of the North Carolina Division of Employment Security which shall determine eligibility for unemployment compensation.

### Section 4. Educational Assistance

Full-time regular employees may apply for educational assistance and leave. Courses relating to a present or future position with the Town or to further an employee's education in a related field may be eligible for such assistance.

The Town provides all regular employees financial assistance in obtaining a college degree. An employee must file a request to participate in this program with the Town Administrator who administers the educational assistance program. Tuition will be reimbursed in an amount not to exceed then current in-state rates as charged by the University of North Carolina system. During each calendar year, employees can be reimbursed for tuition costs for up to 18 semester hours. Employees eligible for VA educational assistance are not entitled to educational assistance from the Town. In exchange for the educational assistance, employees agree to remain in full time employment with the Town for a period of two (2) years after receipt of tuition assistance. In the event an employee leaves before the completion of the two (2) year period, he/she must reimburse the Town for the assistance received during the preceding two-year period and any such obligation to the Town may be deducted from the separating employee's final check.

## Article X. Separations and Disciplinary Actions

### Section 1. 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 Town Administrator. It is generally expected, subject to the Board's discretion, that a non-essential employee will provide two (2) week's notice prior to the last day of work and that essential employees shall provide four (4) weeks' notice. Unused vacation leave not to exceed 240 hours shall be paid in a lump sum to the resigning employee but there shall not be any payment made for unused sick leave.

#### B. Voluntary Resignation Without Notice

An employee voluntarily terminates employment with the Town without notice by failing to come to work without notifying the Town Administrator. 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 (3) consecutive workdays. Separation pursuant to this policy shall not occur until the Town Administrator has undertaken reasonable efforts, *e.g.* calling the employee at the last known home telephone number or by sending the employee a certified, return receipt requested letter to the employee's last known address, to locate the employee and determine if or when the employee intends to return to work.

This provision shall also apply when the employee is absent for at least three (3) consecutive scheduled workdays and has been instructed verbally or in writing to report for work in a specified manner and does not so report on a regular and consistent basis during that time. Unused vacation leave not to



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exceed 240 hours shall be paid in a lump sum to the resigning employee but there shall not be any payment made for unused sick leave.

Voluntary resignations are not covered by the appeal process.

### C. 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 the Board does not grant a leave without pay or extend a leave without pay period for reasons including, without limitation, lack of suitable temporary staffing, criticality of the position, and budgetary constraints, etc. Such a separation is not a disciplinary action and may be grieved in accordance with the procedures set forth in Article XI herein. Unused vacation leave not to exceed 240 hours shall be paid in a lump sum to the resigning employee but there shall not be any payment made for unused sick leave. When an employee is separated while in receipt of workers' compensation benefits, leave shall be administered in accordance with the Workers' Compensation Leave Policy.

(1) Unavailability – i) the employee's inability to return to all of his/her position's essential duties and work schedule due to a medical condition, prognosis, or work restrictions/limitations conforming to a healthcare provider's written instructions or ii) the employee and Town are unable to agree on a return to work arrangement meeting both the operating needs of the Town and the employee's needs.

(2) Applicable leave credits –the approved sick and/or vacation leave the employee exhausted prior to separation.

Prior to being separated due to unavailability, the Town Administrator shall meet with and notify the employee in writing of the proposed separation, the efforts undertaken to avoid separation, and why those efforts were unsuccessful. The employee shall have the opportunity in this meeting to propose in writing alternative methods of accommodation which the Board, with the advice and counsel of the Personnel Committee, shall consider and act upon within a reasonable time. If the Board finds and concludes the proposed accommodations impose an undue hardship on the Town's operations, then it shall notify the employee in writing of that conclusion, provide the proposed date of separation, and advise the employee of his/her grievance rights.

### Section 2. Reduction in Force

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance as documented by current performance appraisals, organizational needs, and seniority, in determining the employees to be retained. Employees who are laid off because of a reduction in force shall be given at least two (2) weeks' notice. No regular employee shall be separated while there are temporary employees serving in the same class in the department unless the regular employee is not willing to transfer to the position held by the temporary employee. A separation due to a reduction in force is not appealable and may not be grieved.

### Section 3. Disability

An employee may be separated for disability when the employee cannot perform the essential job functions of the position because of a physical or mental impairment. Action for disability separation may be initiated by the employee or the Town, but in all cases, consideration for disability separation shall be supported by medical evidence as certified by a competent physician of the Town's choosing. Before an



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employee is separated for disability, a reasonable effort shall be made to determine whether the impairment is a known disability substantially limiting major life activities and if so, whether the employee can perform the essential functions of the position with reasonable accommodations to the position or work environment enabling the employee to perform the essential job functions; such reasonable accommodations including, without limitation, transferring the employee to a vacant position for which the employee is qualified and can perform the essential functions of the position provided that such accommodations do not impose an undue hardship on the Town.

### **Section 4. Death**

Payment for unpaid salary, unused vacation leave (not to exceed 240 hours), and travel shall be made to the estate of the deceased employee

### **Section 5. Disciplinary Actions**

- A. With the exception of elected officials, any employee who does not respond to informal efforts by a supervisor regarding deficiencies in work performance or personal conduct, or who is responsible for a serious infraction relative to the same, may be subject to a disciplinary action consisting of either a warning, reprimand, suspension, demotion, or dismissal. If the nature and seriousness of the failure in performance or conduct warrants such action, the employee may be dismissed and the Town may terminate the employment of an employee at any time provided the action is not the result of unlawful discrimination or the violation of some other employment law. A non-regular or probationary employee may be dismissed immediately, without engaging in the procedures set forth herein, upon a majority consensus of the Personnel Committee. In that event, the Town Administrator shall inform the employee in writing of the reasons for dismissal. Regular employees shall be provided the due process of a pre-dismissal hearing before being dismissed by the Board which shall consider the advice and counsel of the Personnel Committee in acting on the same.
- B. Regular employees may appeal a disciplinary action including dismissal and termination. Non-regular and probationary employees do not have a right of appeal.
- C. The procedures set forth in this Section, 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.
- D. Generally, suspension, demotion, or dismissal will be preceded by a warning. Employees may, however, may be suspended, demoted or dismissed without a prior warning or disciplinary action if the nature and seriousness of the failure in performance or conduct warrants such action and the Board, with the advice and counsel of the Personnel Committee, so decides. All disciplinary actions, including warnings, shall be documented using a Disciplinary Action Memo ("Memo") setting forth the matters for which the employee was disciplined, the corrective actions which the employee must take, the dates of any previous performance discussions with or disciplinary actions received by the employee, other pertinent information, and the employee's applicable appeal rights. Copies of the Memo shall be delivered to the employee and placed in the employee's personnel file.
- E. Disciplinary warnings may result from any type of conduct, related or otherwise, constituting a failure in work performance or personal conduct. An employee receiving three (3) separate, related or unrelated disciplinary warnings shall be disciplined with a suspension, demotion, or dismissal as decided by the Board with the advice and counsel of the Personnel Committee.



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- F. Failure in the performance of work duties considered as adequate grounds for disciplinary action include, without limitation, the following:
1. Inefficiency, negligence, or incompetence;
  2. Careless, negligent or improper use of Town property and/or equipment;
  3. Discourteous treatment of the public and other Town employees;
  4. Absence without approved leave;
  5. Habitual improper use of leave privileges;
  6. Habitually failing to report for duty at assigned time and place;
  7. Gross misconduct or conduct unbecoming to a Town employee;
  8. Participating in any action which in any way could seriously disrupt or disturb the Town's normal operations;
  9. Trespassing on the property of any elected official or Town employee for the purpose of harassing or forcing discussion;
  10. Willful damage or destruction of property;
  11. Possession of unauthorized firearms or weapons on the job;
  12. Brutality in the performance of duties;
  13. Refusing to accept a reasonable and proper assignment as directed by the Town Administrator;
  14. Acceptance of gifts in exchange for favors or influence;
  15. Releasing confidential information to unauthorized persons;
  16. Engaging in incompatible employment or serving a conflicting interest;
  17. Taking part in any political activity restricted herein;
  18. Inappropriate usage of social media resources; and
  19. Failure to report a motor vehicle violation or a criminal charge or conviction by the first working day following the violation, charge, or conviction.
- G. Failure in personal conduct considered as adequate grounds for disciplinary action include, without limitation, the following:
1. Fraud in securing appointment;
  2. Conviction of or the entry of a plea of "no contest" to a criminal charge which could adversely affect the employee's work performance;
  3. Misuse of Town funds;
  4. Falsification of Town records for personal profit or for special privileges; and
  5. Reporting to work under the influence of alcohol or drugs or partaking of the same while on duty or while on public property with the exception of prescribed medication taken within the limits set by a physician and when medically necessary.
- H. The following procedures shall precede the dismissal of any regular (non-temporary and non-probationary) employee:
1. The Town Administrator shall provide the employee with written notification of the date, time, and place of a pre-dismissal hearing. The notification shall include a statement that dismissal is being considered as a possible disciplinary action, the proposed effective date of the dismissal, and notice of the reasons why dismissal is being considered.
  2. The notice shall be provided to the employee no later than two (2) business days in advance of the hearing date to provide the employee with an opportunity to respond to the allegations. At the hearing, the employee may present evidence in response to the allegations. The pre-



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dismissal hearing shall be conducted by the Personnel Committee and the employee may not have a representative, legal or otherwise, appear thereat.

3. The Personnel Committee shall consider the employee's response and report its findings and recommendations to the Board which shall decide to: i) impose the dismissal as the appropriate disciplinary action; ii) impose a less stringent disciplinary action; iii) suspend the employee with or without pay pending further investigation; or iv) take no further action against the employee.
4. The Town Administrator shall notify the employee of the Board's decision in writing, mailed to the employee by United States Postal Service certified mail, return receipt requested, within five (5) business days after the date of the decision. The notice shall advise the employee of any applicable appeal rights.

### **Section 6. Investigatory Suspension**

- A. Investigatory suspension with or without pay, as decided by the Board with the advice and counsel of the Personnel Committee, may be used to provide time to investigate, establish facts, and reach a decision concerning an employee's status. Investigatory suspension without pay may be appropriately used to provide time to schedule and hold a pre-dismissal hearing. Any investigatory suspension without pay shall not exceed forty-five (45) calendar days. If no action has been taken by the end of said period of time, then the employee shall either be reinstated with full back pay or disciplined based on the established facts at that point in time.
- B. Investigatory suspension of an employee shall not be used for the purpose of delaying an administrative decision on an employee's work status pending the resolution of a civil or criminal court matter involving the employee.
- C. An employee who has been suspended for investigatory reasons may be reinstated with up to three (3) days' pay deducted from his/her salary. The decision to deduct pay shall be made by the Board, with the advice and counsel of the Personnel Committee, and be based upon the degree to which the employee was responsible for or contributed to the reasons requiring the suspension.

### **Section 7. Employee Appeal**

An employee wishing to appeal a disciplinary action may do so in conformity with the applicable provisions of Article XI herein.

### **Section 8. Reinstatement**

- A. An employee who resigns while in good standing or who is separated because of a reduction in force may be reinstated to the same or similar position with the approval of the Board.
- B. An employee who enters extended active duty with the Armed Forces of the United States, the Public Health Service, or a reserve component of the Armed Forces will be granted reinstatement rights as provided under federal law. An employee who is reinstated shall be credited with previous service and previously accrued sick leave.



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### Section 9. Exit Interview

Within one (1) week of an employee's separation from the Town, other than from an involuntary dismissal, the Personnel Committee shall perform an Exit Interview of the employee including the completion of the Exit Check List (TOB 111) and the Exit Interview Survey (TOB 112).

### Article XI. Appeals and Grievances

#### Section 1. Applicability and Purpose of the Appeal Process

The appeal policy applies to all regular (non-temporary and non-probationary) employees and is intended to ensure that disciplinary actions are consistent with the Town's personnel policies and procedures. The process provides a due process procedure whereby eligible employees may be heard and disciplinary actions reviewed for validity and consistency.

#### Section 2. The Appeal Process

- A. An eligible employee intending to appeal a disciplinary action shall, within five (5) business days after being disciplined, appeal the action in writing to the Town Administrator who shall immediately inform the PLO of the same.
- B. The appeal must contain the employee's response to the disciplinary action, the charges upon which it was based, the employee's desired remedy, and whether the employee is requesting a hearing before the Board.
- C. The Town Administrator shall assign the appeal to the Personnel Committee which shall, within five (5) business days after receipt of the appeal, make a written recommendation to the Board regarding the disposition of the appeal and stating the basis for its recommendation and the evidence supporting the same.
- D. Unless a hearing is requested, the Board shall render a final decision on the appeal within ten (10) business days following its receipt of the Personnel Committee's recommendation.
- E. In the event a hearing is requested, then the Board shall hear and render a final decision on the appeal within ten (10) business days following its receipt of the Personnel Committee's recommendation. The appealing party 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 could provide information assisting the Board in rendering a decision. The names of any such persons shall be submitted to the Town Administrator no later than five (5) business days prior to the hearing date and the Board shall have the discretionary authority to limit the number of persons who may so appear.
- F. The Board's decision shall state the basis upon which it is granted and the evidence supporting that basis. The decision shall be in writing and sent to the employee's address by United States Postal Service certified mail, return receipt requested, within five (5) business days after the Board's decision is rendered.
- G. In the event the appealing employee fails to comply with the procedures and time limitations set forth herein, the Town Administrator may dismiss the appeal.



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### Section 3. Applicability and Purpose of the Grievance Procedure

Full and part-time employees, including probationary employees but not temporary employees, may utilize the grievance procedure to address events or conditions affecting the circumstances under which the employee is working such as misinterpretations and/or erroneous/unfair applications of the Town's personnel policies and procedures or the absence of an established policy pertaining to certain employment conditions. The grievance procedure does not apply to disciplinary actions. The grievance procedure 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 and any such retaliation shall be subject to disciplinary actions including dismissal and termination.

### Section 4. Grievance Procedure

- A. An employee shall present the grievance in writing to the Town Administrator within five (5) business days after the event from which the grievance arises or after the date when the employee first learned of the event.
- B. The grievance shall provide a brief and clear description of what issues the employee wants addressed and the remedy the employee is seeking. In the event the grievance does not clearly provide that information, then the Town Administrator may request clarification of the same from the employee and may extend the required time for responding to the grievance by the number of days it takes for the employee to provide the requested information.
- C. The Town Administrator shall respond in writing to the employee regarding the grievance no later than five (5) business days following receipt of a sufficiently informative grievance.
- D. Copies of the grievance and the response thereto shall be delivered to the Personnel Committee and shall advise the committee as to whether the grievance was resolved at that point and if not, the reasons why. If the grievance is resolved, then the employee shall sign off on the Town Administrator's response to document his/her agreement with the terms of the resolution.
- E. If the grievance is not resolved as provided for above, then the employee may, within five (5) business days after receipt of the Town Administrator's response, submit a written request to the Town Administrator to have the grievance heard by the Board.
- F. In the event a hearing is requested, then the Town Administrator shall notify the Personnel Committee in writing of the request and the committee shall, within five (5) business days after receipt of the notice, make a written recommendation to the Board regarding the disposition of the grievance and stating the basis for its recommendation and the evidence supporting the same.
- G. The Board shall hear and render a final decision on the grievance within ten (10) business days following its receipt of the Personnel Committee's recommendation. The employee and the Town Administrator shall both appear at the hearing and be provided with an opportunity to be heard and answer questions from the Board to clarify the issues. Either party may request the presence of other persons who could provide information assisting the Board in rendering a decision and the names of any such persons shall be submitted to the Town Administrator no later than five (5) business days prior to the hearing date. The Board shall have the discretionary authority to limit the number of persons who may appear. The grievance hearing is an internal procedure such that the employee may not have legal or other representation thereat.



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- H. The Board's decision shall include the basis upon which it is granted and the evidence supporting that basis. The decision shall be in writing and sent to the employee's address by United States Postal Service certified mail, return receipt requested, within five (5) business days after the decision is rendered.
- I. In the event the appealing employee fails to comply with the procedures and time limitations set forth herein, the Town Administrator may dismiss the grievance.

### **Section 5. Maintenance of Records**

All documentation, records, and reports related or pertaining to appeals and grievances shall be retained for a minimum of three (3) years. The confidentiality of and access to such records shall be as provided for in the Privacy Act.

### **Section 6. Other Remedies Preserved**

No determination of any appeal or grievance shall in any way conflict with any other Town policy, resolutions, ordinances, or state or federal law applicable thereto.

## **Article XII. General Policies**

### **Section 1. Personnel Records**

Employees shall promptly notify the Town Administrator of any change in name, home address, telephone number, marital status, number of dependents, and any other changes in pertinent personnel information.

### **Section 2. Attendance**

Employees are expected to arrive at work before they are scheduled to start and be at their work station productively engaged in Town business by the scheduled start time. But for sick leave, all time off must be requested in advance and in writing as provided for in the appropriate sections herein. All unapproved absences will be noted in the employee's personnel file and excessive absences, including for sick leave, may serve as a basis for disciplinary action as provided for in Article X herein.

### **Section 3. Use of Town Property**

The Town will provide the equipment, supplies, and materials needed to perform the work assigned. Anything provided by the Town shall not be used for personal use, nor removed from the physical confines of Town Hall unless the position specifically requires use of company equipment outside Town Hall and such removal/use is authorized in advance by the Town Administrator. Computer equipment, including laptops, may not be used for personal use including, but not limited to, word processing, games, and other personalized computing functions. Town employees are prohibited from installing any other programs or applications to any electronic equipment provided by the Town, including computers, laptops, mobile telephones, and other electronic devices, without prior written authorization from the Town Administrator. Employees are also prohibited from copying any programs or applications installed on the Town's electronic devices unless specifically directed to do so in writing by the Town Administrator.

Telephone lines at Town Hall must remain open for business calls and to service the general public. Accordingly, employees are hereby discouraged from placing or receiving personal calls with the exception



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of emergency situations. No long distance calls are to be made on Town phones which are not exclusively business related.

Please refer to the Town of Belville Business Policy and Procedure Manual for additional information.

### **Section 4. Dress Code and Public Contact**

Town employees are expected to present a clean, professional appearance when representing the Town in or outside of Town Hall. Management, and those employees whose positions require public contact, shall dress in an appropriate corporate manner.

Employees are required to act professionally and extend the highest courtesy to co-workers, Town residents, visitors, vendors, and the public at large. A cheerful and positive attitude on the part of employees is essential to the Town's commitment to extraordinary customer service of the highest quality.

### **Section 5. Safety**

The Town maintains a clean, hazard free, healthy, and safe working environment in accordance with the Occupational Safety and Health Act of 1970. Employees are expected to actively participate in maintaining this environment and are therefore required to observe and comply with all posted safety rules and safety instructions and use safety equipment whenever required. The work places in general, and Town Hall specifically, should always be maintained in a neat, clean, and orderly manner.

Employees are responsible for learning the location of all safety and emergency equipment and appropriate safety contact phone numbers. A copy of the Town's Emergency Procedures is set forth in the Town of Belville Business Policy and Procedures manual.

All safety equipment will be provided by the Town, and employees are responsible for the reasonable upkeep of this equipment. Any problems with or defects in such equipment should be immediately reported to the Town Administrator.

If necessary, employees may report safety violations anonymously to the Board. **NO EMPLOYEE WILL BE PUNISHED OR REPRIMANDED FOR REPORTING SAFETY VIOLATIONS OR HAZARDS.** However, any deliberate or ongoing safety violation or hazardous condition by an employee shall be a basis for disciplinary action up to and including termination.

### **Section 6. Anti-Substance Abuse**

The Town of is committed to maintaining an anti-substance abuse work place such that the policy set forth in this Section applies to all employees of the Town without exception.

No employee shall consume, possess, sell, manufacture, transfer, or purchase any alcoholic beverage on any property owned or leased by the Town including Town motor vehicles. Likewise, no employee shall use, possess, sell, manufacture, transfer, or purchase any drug or other controlled substance capable of altering an individual's mental or physical capacity; provided that, however, aspirin, ibuprofen-based products, and prescribed medicine used the manner prescribed, are not subject to this policy.

The Town will not tolerate employees reporting for duty while impaired or under the influence of alcohol or drugs. Such failures in personal conduct shall constitute adequate grounds for disciplinary action including termination. All employees shall report evidence of alcohol or drug abuse to a supervisor or a



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personnel representative immediately. This is an express duty of an employees in instances where the use of alcohol or drugs poses an imminent threat to the safety of persons or property.

Within the limitations of of federal and state laws, the Town reserves the right to examine and test employees for the presence of alcohol and drugs. The Town will assist employees who may have alcohol or drug-related issues. Additional information on such assistance may be obtained from the Town Administrator.

Continued employment with the Town is expressly conditioned upon employees' compliance with the Anti-Substance Abuse Policy which shall, in no way whatsoever, alter, revise, or amend the "At-Will" employment relationship between the Town and its employees..

### **Section 7. Smoking**

The Town is committed to providing a healthy environment and prohibits the use of any tobacco products in its municipal buildings or within ten (10) feet of the buildings' entranceways or exits.

### **Article XIII. Employee Acknowledgment**

Each employee shall sign an Employee Acknowledgement form (TOB 116) acknowledging their receipt of this Personnel Policy and Procedure Manual and that they have reviewed the same and agree with the provisions set forth therein. The signed acknowledgement form shall be retained in the employee's personnel file.

### **Article IX. Repeal**

Adoption of this ordinance repeals any previously adopted Belville Personnel Policy.

# TOWN OF BELVILLE SALARY SCHEDULE

Wage Grade	Wage Range			Title Classification
	Minimum	Mid Point	Maximum	
5	18,951	22,647	27,031	
6	19,900	23,781	28,383	
7	20,895	24,969	29,802	
8	21,939	26,218	31,292	
9	23,036	27,529	32,856	Public Works Technician/Parks and Recreation Technician
10	24,187	28,904	34,498	
11	25,396	30,349	36,223	Administrative Assistant/Tax Collector
12	26,666	31,867	38,034	
13	28,000	33,460	39,936	
14	29,400	35,134	41,934	
15	30,871	36,891	44,031	
16	32,414	38,735	46,232	
17	34,035	40,672	48,544	
18	35,737	42,706	50,972	
19	37,524	44,842	53,520	
20	39,400	47,084	56,197	Finance Officer, Town Administrator/Clerk, Planner/Zoning Code Administrator
21	41,371	49,439	59,008	
22	43,440	51,912	61,958	
23	45,611	54,506	65,055	
24	47,892	57,232	68,309	
25	50,286	60,093	71,724	
26	52,801	63,098	75,310	
27	55,441	66,253	79,076	

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