

# Personnel Policy and Procedure Manual

Town of Belville, North Carolina



4-26-2021



# **THE PERSONNEL POLICY AND PROCEDURE MANUAL**

## **TOWN OF BELVILLE**

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#### Revision Dates

August 27, 2012

November 19, 2012

January 28, 2013

October 27, 2014

April 26, 2021



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### Preamble and Purpose of the Policy

It is the purpose of this policy to establish guidelines for personnel administration for all employees of the Town under the supervision of the Town Manager. This policy is established under authority of Article 7 of Chapter 160A of the North Carolina General Statutes. While this policy is intended to provide a set of guidelines for personnel administration, none of the provisions of this policy are intended to constitute terms or conditions of employment, to alter the at-will nature of the employment relationship between the Town and its employees, or to otherwise bind or restrict the Town Council's discretion in any respect. No provision in this policy is intended to create any property right, liberty interest, or other sort of expectation in favor of any employee. Notwithstanding any other provision in this policy, the Town Council expressly reserves the right to rescind, modify or, in its sole discretion, to suspend any of the provisions of this policy at any time, all with or without any advance notice.

The Town of Belville is an at-will employer. No Town official or other person has the authority to grant any employee any contractual right to employment or any expectation of continued employment. The Town expressly reserves the right to take any disciplinary, corrective or other employment action, up to and including termination, at any time, with or without cause and with or without providing any prior notice.

### Article I. 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.

#### Section 2. Coverage

All employees in the Town's service are subject to this policy. All employment offers 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, sexual orientation 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



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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.

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

**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.



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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 Manager. The Town Manager, or such other person as the Town Manager 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 II. Responsibility: Administration of the Personnel Program**

### **Section 1. Board of Commissioners**

The Board of Commissioners shall be responsible for the appointment of a Town Manager and a Town Attorney. The Manager shall be chosen by the Board solely based on executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practices with respect to the powers and duties of the office. No Board member shall receive such appointment during the term for which that member shall have been elected, nor within one (1) year after the expiration of that member's term. They shall also make and confirm appointments when so specified by the North Carolina General Statutes, including the aforementioned appointment of a Town Manager.

### **Section 2. Town Manager**

The Town Manager shall be accountable to the Board of Commissioners for the administration and technical direction of the personnel program. The Town Manager shall hire, suspend, and remove all Town officers and employees except those whose appointment is otherwise provided for by law. The Town Manager shall make hiring decisions, dismissals, and suspensions in accordance with this Policy and Procedure Manual.

The Town Manager shall supervise or participate in:

- a) recommending rules and revisions to the personnel system to the Board for consideration;
- b) making changes as necessary to maintain an up-to-date and accurate position classification plan;
- c) preparing and recommending necessary revisions to the pay plan;
- d) determining which employees shall be subject to the overtime provisions of Fair Labor Standards Act (FLSA);
- e) establishing and maintaining a roster of all persons and authorized positions in the municipal service, setting forth each position and employee, class title of position, salary, any changes in class title and status, and such data as may be desirable or useful;
- f) developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
- g) developing and implementing such administrative procedures as are necessary to implement these policies provided the administrative procedures are not in conflict with these policies; and
- h) performing such other duties as may be required by law or assigned by the Board, as they relate to the personnel program.



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### **Section 3. Directors/ Supervisors**

Directors/ Supervisors shall meet their responsibilities as directed by the Town Manager, being guided by this personnel and policy manual. The Town will require all Directors/ Supervisors to meet their responsibilities by:

- a) dealing with all employees in a fair and equitable manner and upholding the principles of equal employment opportunities;
- b) developing and motivating employees to reach their fullest potential through continued education and training;
- c) making objective evaluations of individual work performance and discussing these evaluations with each employee so as to bring about needed improvements;
- d) keeping employees informed of their role in accomplishing the work of their unit and of conditions or changes affecting their work;
- e) working with employees to create an environment of teamwork, mutual respect and collaborative conflict resolution;
- f) modeling customer service excellence; and
- g) making proper documentation and maintaining current files.

## **Article III. Recruitment and Selection**

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

It shall be the duty of the Town Manager to develop and update all wage grade job descriptions. All employees shall be provided a copy of their job description upon being hired. The Town Manager may at his/her discretion provide an applicant with the job description to assist in the hiring process.

### **Section 2. Recruitment**

The Town Manager shall be responsible for developing and administering an active recruitment program to meet current and projected staffing needs using procedures which shall ensure equal employment opportunities based on job-related requirements.

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

All position vacancy announcements shall be posted for a minimum of seven (7) working days at 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.

### **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



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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 Manager. All referrals for employment shall be made through the Town Manager.

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

- A. The Town Manager 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 Manager 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 offered.
- B. All hiring decisions shall be made based on merit.
- C. If the position's duties include operating Town-owned or insured vehicles, the Town Manager 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 8. Selection**

The Town Manager 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.

### **Section 9. References and Background Investigations**

Before any commitment is made to an applicant, the Town will conduct reference checks regarding the employee's qualifications and work performance. In addition, physical examinations, drug screening and criminal background investigations may be performed. Conviction of a crime is not automatically disqualifying. The Town will consider the severity of the crime, degree to which the crime is job related to the job for which the applicant is being considered, and length of time since the conviction to determine the degree to which there is a business necessity for choosing not to hire the applicant.

### **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 is an extension of the selection process and provides time for effective adjustment of the new employee or



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termination of those employees whose performance does not meet acceptable standards. 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 by the Town Manager, based on their qualifications. The Town Manager shall determine the employee's new 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 Town Manager in accordance with the procedures set forth in Article IX. 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 IX herein.

### **Section 13. Transfer**

- A. If a vacancy occurs and an employee eligible for transfer from another department desires to be considered for the position, a written request and application must be forwarded to the Town Manager during the recruitment period. The request for transfer shall be subject to approval of the Town Manager. 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 may be transferred to another position without being required to serve another probationary period.

## **Article IV. Position Classification Plan**

### **Section 1. Approval**

The Town Manager shall recommend to the Board a standard pay schedule for each position in Town service, including minimum, intermediate, and maximum rates of pay. The Board, based on recommendations from the Town Manager shall approve, and amend as necessary, a Position Classification Plan.

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

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

### **Section 3. Administration**

- A. The Town Manager 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 Manager shall be responsible for



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- 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 Manager, 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 Town Manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, he or she, in conjunction with the Board, shall: (1) revise the existing class specification, (2) 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 recommendation of the Town Manager.

## **Article V. Employee Classification and Records**

### **Section 1. Types of Employees**

Full-time and eligible part-time employees shall be eligible to earn leave, life and health benefits beginning after 30 days of employment. Employees on probationary status are not eligible for severance pay or priority reemployment consideration.

#### **A. Full-Time Employee**

A full-time employee is a position where the incumbent is expected to be retained on a long-term basis. A full-time employee shall be designated when the requirements of the probationary period have been satisfied.

#### **B. Part-Time Employee**

An employee hired to a permanently established position scheduled to work less than forty (40) hours per workweek, is paid on an hourly basis, and is designated as a part-time employee.

#### **C. Temporary Employee**

A temporary employee is an employee that will serve a limited duration. A temporary employee may be utilized to complete time limited projects or may be hired 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 temporary employee status beyond three (3) years, then said employee shall be designated as having a regular position.

### **Section 2. Workweek**

Generally, the standard workweek for all employees of the Town, apart from Town Officials, shall be Monday through Friday from 8 a.m. until 4:30 p.m. The Town Manager may establish work schedules which meet the operational needs of the Town in the most cost-effective manner possible. The Town Manager, with the approval of the Board, shall set the hours of operation for the Town Hall. The Town Manager may authorize a deviation from the normal schedule as needed.



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### **Section 3. Alternative Work Schedules/ Health Pandemic**

While the Town continues to provide services to the public, essential personnel must report to work unless otherwise approved not to work. To adhere to social distancing, the Town Manager may approve an employee to perform duties by telecommuting (if working remotely is determined to be necessary and/or appropriate). If an employee has a single instance in which they must be at home for the day, but capable of working, the employee must discuss a one-day telecommuting option with the Town Manager to avoid using their vacation time. This is considered an employee benefit and will only be allowed if logically and technologically feasible, and if the employee is in good standing regarding their work performance. Telecommuting is not conducive to every position, due to the nature of the work that is performed. Employees that are authorized to telecommute and regularly deal with highly sensitive information are expected to implement a rigorous standard for ensuring the security of all sensitive or confidential information entrusted to them. If not in a leave status, it is expected that telecommuting employees will be available and working their normal schedule unless a flexible schedule is approved by the Town Manager. Telecommuting employees will remain in a normal paid status; however, a telecommuting arrangement may be revoked at any time or work arrangements may be altered to respond to changing demands. The Town Manager may also require employees to work alternate staggered schedules that may or may not include telework to ensure the continuity of Town services during regular business hours. For additional resources regarding telecommuting, see Appendix II.

### **Section 4. 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 contact, 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 5. 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.



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- 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:
  - engage in any political or partisan activity;
  - use official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office;
  - be required, as a duty or condition of employment, promotion, or tenure to contribute funds for political or partisan purposes;
  - coerce or compel contributions for political or partisan purposes from another Town employee or official;
  - solicit or act as custodian of funds for political campaigns;
  - use Town-owned or leased supplies, equipment or facilities to display political slogans, posters or stickers or for any political purpose; and
  - 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.

### **Section 6.     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 Manager before the commencement of any such work. The Town Manager 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 Town Manager shall be deemed improper conduct and may subject the employee to disciplinary action including dismissal.

### **Section 7.     Limitation on Employment of Relatives**

The Town prohibits the hiring and employment of immediate family in full or part-time positions within the same work unit if such employment would result in one family member supervising another or if one member will occupy a position of influence over another member's employment or any condition of employment. Examples of potential influence include but are not limited to hiring, promotions, salary administration and disciplinary action.

For the purposes of this section, immediate family shall be defined as spouse, child, parent, sibling, grandparent, grandchild, guardian, trustee, or legal representative. The definition for this section also includes individuals living in the same household who share a relationship comparable to immediate family members.

The Town may consider employing family members or related persons in the service of the Town, provided that such employment does not:



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- a. result in a relative supervising a relative;
- b. result in a relative auditing the work of a relative;
- c. create a conflict of interest with either relative and the Town; or
- d. create the potential or perception of favoritism.

**This provision shall not apply retroactively to anyone employed when the provision was adopted by the Town.**

### Other Relationships

To prevent actual or perceived discrimination and/or favoritism in the workplace, and to aid in the enforcement of the Town's harassment prevention and non-discrimination policies, the Town does not ordinarily permit persons who are dating or otherwise engaged in a romantic, physical, sexual, or otherwise personal relationship to work in a direct supervisory relationship with each other.

### **Section 8. Workplace Romantic Relationships**

When a romantic workplace relationship develops, the Town will require that each party in the relationship sign a consensual relationship agreement. This is a required document signed by the two employees in a consensual dating relationship that declares that the relationship is by consent. The Town Manager will meet with both employees independently and determine whether there is any possibility that the agreement is not consensual. The Town Manager will 1) make sure that the employee understands the company's sexual harassment policy; 2) emphasize that the employee will not be retaliated against for reporting sexual harassment; 3) explain the procedure for reporting sexual harassment; and 4) document the employee's file with a summary of the interview.

### **Section 9. Travel 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 assignment. It would, therefore,



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qualify as an integral part of the "principal" activity which the employee was hired to perform on that 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 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 mealtime 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 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 Manager 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



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- 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 the current rate established by the GSA and based on location. For current rates refer to <https://www.gsa.gov/travel/plan-book/per-diem-rates>.
- 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 Manager.

### **Section 10. Personnel Records Maintenance**

Personnel records as are necessary for the proper administration of the personnel system will be maintained by the Town Manager. The Town shall maintain in personnel records only information that is necessary and relevant to accomplishing legitimate personnel administration needs. For purposes of this Section: 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 11. Information Open to the Public**

The following information on each Town employee is public information:

- Name
- Age
- Date of original employment or appointment to service
- 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
- Current position
- Title
- Current salary: this includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the Town
- Date and amount of each increase or decrease in salary
- Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification
- Date and general description of the reasons for each promotion
- 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
- Office to which employee is currently assigned.



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### **Section 12. Access to Personnel Records**

As required by G. S. 160A-168, any person may have access to the information listed in section 11 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.

### **Section 13. Confidential Information**

All information contained in a Town employee's personnel file, other than information set forth in Section 11 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 Town Manager, with concurrence of 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 Manager or the Town Clerk and shall become part of the employee's personnel file.



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- 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;
  - 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.
- I. The Board of Commissioners may permit access, subject to limitations they may impose, to selected personnel files by a professional representative of a training, research, or academic institution if that person certifies that he will not release information identifying the employees whose files are opened and that the information will be used solely for statistical, research, or teaching purposes. This certification shall be retained by the Town as long as each personnel file examined is retained.

### **Section 14. Penalty for Permitting Access to or Accessing a Confidential Personnel File**

- A. Any public official or employee who knowingly and willfully, and with malice permits any person to have access to information contained in a 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, 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 15. Destruction of Records**

Destruction of Records Regulated. – No person may destroy, sell, loan, or otherwise dispose of any public record without the consent of the Department of Natural and Cultural Resources, except as provided in G.S. 130A-99. Whoever unlawfully removes a public record from the office where it is usually kept, or alters, mutilates, or destroys it shall be guilty of a Class 3 misdemeanor and upon conviction only fined at the discretion of the court. When the custodian of any official State records certifies to the Department of Natural and Cultural Resources that such records have no further use or value for official and administrative purposes and when the Department certifies that such records appear to have no further use or value for research or reference, then such records may be destroyed or otherwise disposed of by the agency having custody of them. When the custodian of any official records of any county, city, municipality, or other subdivision of government certifies to the Department that such records have no further use or value for official business and when the Department certifies that



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such records appear to have no further use or value for research or reference, then such records may be authorized by the governing body of said county, city, municipality, or other subdivision of government to be destroyed or otherwise disposed of by the agency having custody of them. A record of such certification and authorization shall be entered in the minutes of the governing body granting the authority. The North Carolina Historical Commission is hereby authorized and empowered to make such orders, rules, and regulations as may be necessary and proper to carry into effect the provisions of this section. When any State, county, municipal, or other governmental records shall have been destroyed or otherwise disposed of in accordance with the procedure authorized in this subsection, any liability that the custodian of such records might incur for such destruction or other disposal shall cease and determine.

### **Article VI. Classification and Wage 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. Maintenance**

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

#### **Section 2. 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 3. Hiring Rate/ Starting Wage**

Depending on experience, employees will be hired within their wage grade. The Town Manager shall approve all starting salaries.

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 4. 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 Town Manager, the employee may be moved 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



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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 5. 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 Manager may take appropriate disciplinary action in accordance with the provisions of Article IX herein.

### **Section 6. 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 Manager to request an extension for the annual performance evaluation review.

### **Section 7. Merit Increases and Cost of Living Increase**

- A. Merit increases are not automatic entitlements and may be awarded based upon the following:
  - a. Exceptional work achievements,
  - b. Excellent work performance,
  - c. Significant contributions to productivity.
- B. An employee may be considered annually for a merit increase on his/her anniversary hiring date. Any merit increase shall be approved by the Town Manager. Only those regular employees whose performance exceeds standards or expectations shall be considered for a merit increase.
- C. All salary grades are eligible for annual cost-of-living-increases on July 1<sup>st</sup> of each year if an adjustment is deemed necessary by the Board of Commissioners. Cost-of-living increases are separate from, and shall be paid in addition to, any merit increases.
- D. The Town's annual budget shall reflect the amount of funds allocated by the Board of Commissioners for merit and cost-of-living increases.

### **Section 8. Longevity Pay**

- 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 and is working in a full-time or regular part-time capacity.
- 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.



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C. Longevity Payment Schedule:

<b>Years of Service</b>	<b>Longevity payment</b>
0 to 1	One percent of salary, plus \$250
1 to 2	One percent of salary, plus \$300
2 to 3	One percent of salary, plus \$350
3 to 4	One percent of salary, plus \$400
4 to 5	One percent of salary, plus \$450
5 to 6	One percent of salary, plus \$500
6 to 7	One percent of salary, plus \$550
7 to 8	One percent of salary, plus \$600
8 to 9	One percent of salary, plus \$650
9 to 10	One percent of salary, plus \$700
10 to 11	One percent of salary, plus \$750
11 to 12	One percent of salary, plus \$800
12 to 13	One percent of salary, plus \$850
13 to 14	One percent of salary, plus \$900
14 to 15	One percent of salary, plus \$950
15 to 16	One percent of salary, plus \$1,000

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

### **Section 9. Payment at 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' whose wages are higher than the established maximum level of wage range following revision to, or adoption of, a new pay plan.

### **Section 10. 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 Town Manager, 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 position. If an employee is demoted for cause, the employee's wage will be reduced to the minimum level of the new position.



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- 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 Town Manager.

### **Section 11. Pay Rates in Wage Range Revisions**

The wage and position classification plan will be addressed during the Town's annual budget workshop. If the Town Manager recommends, and the Board approves, a revision to the wage range for a class of positions, then the wages of employees affected by any such revision shall be as follows:

- In the event a wage range is increased, then, subject to the Town Manager's approval, the employees in the affected class may receive a wage increase up to the minimum level of the new wage range.
- In the event a wage range is reduced, then the wages of the employees in the affected class shall remain unchanged.

### **Section 12. Pay for Part-Time Work**

Compensation for an employee working 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 13. 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 Manager. 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 in 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 Manager of the overtime worked within forty-eight (48) business hours.



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

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 14. 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:

- Cost for change of locks (building, auto, safe, lock box, etc.) due to lost or stolen keys.
- Cost of damage to any Town property caused by misuse or an intentional action.
- Cost to replace any lost or damaged tools, equipment, or keys.
- 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 Town Manager shall approve any payroll deduction not required by law.



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### **Section 15. Payroll Procedure**

Hourly and 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 16. Effective Date of Wage Adjustments**

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

## **Article VII. 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 below) and no nonexempt employee should report to work on those days, unless authorized and directed to by the Town Manager.
- 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
  - Good Friday (the Friday before Easter)
  - Memorial Day
  - Independence Day
  - Labor Day
  - Veterans Day\*
  - Thanksgiving (Thursday and Friday)
  - Christmas Eve, Christmas Day and the first business day after Christmas Day (see below)

*When Christmas falls on Saturday: Thursday, Friday & Monday will be designated as holiday paid time off*

*When Christmas falls on Sunday: Friday, Monday & Tuesday will be designated as holiday paid time off*

*When Christmas falls on Monday: Friday, Monday & Tuesday will be designated as holiday paid time off*

*When Christmas falls on Friday: Thursday, Friday & Monday will be designated as holiday paid time off*

*When Christmas falls on Tuesday, Wednesday or Thursday: the day before, the day of, and the day after Christmas will be designated as paid time off.*

*When any other holiday falls on Saturday: Friday will be designated as holiday paid time off*

*When any other holiday falls on Sunday: Monday will be designated as holiday paid time off*

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\* Veteran's Day is a regularly scheduled holiday for all staff unless a special event is hosted by the Town. If the Town hosts a special event and staff are required to work on the Veteran's Day holiday, staff will be given the option of compensatory time at the rate of two hours for each hour worked, or overtime pay at the rate of two times their hourly pay rate.



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### **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, rather they will receive the paid holiday; this does not apply if an employee is on unpaid sick 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.

### **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 workday unless authorization for early closing or other deviation from regular business hours is received from the Town Manager. All departments and 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 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) or less hours per week, and temporary 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. Employees shall earn vacation leave while in a probationary status, beginning after a one-month period. Probationary employees 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 Manager.
- E. If the Mayor declares a state of emergency, all vacation time may be cancelled or denied by the Town Manager, including vacation time that has been previously approved.
- F. Vacation leave may be taken under the following conditions:
  - Shall be taken only after six (6) months of continuous employment in a regular position (leave shall not be taken in advance).
  - Shall be taken, when approved, without pay when it exceeds vacation leave earned.
  - Must be requested at least one (1) week in advance except in a case of an emergency.



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- Shall be offered based on seniority. Conflicting requests shall be resolved by the Town Manager.
  - May be used for vacation, personal reasons, personal illness, and immediate family illness.
  - An employee going on leave without pay must exhaust vacation leave prior thereto if the time off without pay exceeds ten (10) days.
  - Overdrawn vacation leave, upon separation from employment, shall be deducted from the final paycheck on an hourly basis.
- G. It is the responsibility of each employee to provide an accurate signed record of hours worked. It is the responsibility of the Town Manager 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.
- H. Vacation leave shall be earned in accordance with the following schedule:

<b>Years of Service</b>	<b>Hours Earned Each Month</b>	<b>Hours Earned in One Year</b>	<b>Days Earned in One Year</b>
1-5	8	96	12
5-10	10	120	15
10-15	12	144	18
15-20	14	168	21
20 Years or More	16	192	24

- I. 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.
- J. Vacation leave requires advance approval of the Town Manager. The Town Manager's vacation leave requires advance approval of the Board.
- K. 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.
- L. 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.
- M. Leave for religious observances must be approved by the Town Manager, following an employee's written request. The Town Manager 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 one-month probationary



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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 are not entitled to paid sick leave. Unpaid sick leave, as authorized by the Town Manager, may be utilized as an approved absence for a part-time employee not entitled to paid sick leave. Unpaid sick leave may also be authorized by the Town Manager 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.
- D. Sick leave may be accumulated and may be used as service credit when an employee retires from active service in accordance with the North Carolina Retirement System (LGERS). When a member retires, one month of credit is allowed for each 20 days of unused sick leave. For any part of 20 days left over, one additional month is allowed provided the remaining portion is at least one hour. Employees can reference examples in the LGERS handbook or visit:  
<https://www.myncretirement.com/retirees/benefits/member-handbooks>.
- E. Employees may be granted sick leave for the following:
  - Sickness or bodily injury preventing the employee from performing his/her regular duties.
  - Medical or dental appointments.
  - Pregnancy-related conditions.
  - Exposure to a contagious disease when continuing work might jeopardize the health of others.
  - Death in the employee's immediate family (spouse, parent, child, sibling, grandchild, and grandparent), not to exceed three (3) days for any one occurrence.
- F. Employees shall notify the Town Manager of all requests for sick leave before the leave is taken or no later than two (2) hours prior to the start of a scheduled working day. Employees may be denied sick leave if they fail to report to the Town Manager 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 Manager is aware and about which has been kept informed. Sick leave may be taken only with the approval of the Town Manager.
- G. Paid sick leave begins to accrue one month from the start of the employee's date of probationary 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.
- H. If an employee has been on sick leave for more than three (3) consecutive working days, the Town Manager 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.



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- I. 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. Why can I not get rid of this yellow for sections I and J? They are correct now.
- J. The Town recognizes the vested interest an employee has in accumulated sick leave. Therefore, a new employee whose last employer was a state or local governmental entity in NC will be allowed to transfer such sick leave as may have been accumulated during previous employment to be credited to his/her account. A written verification from the previous employer is required before the sick leave hours can be credited and must be received by the Town within 6 months of employee's date of hire.
- K. 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.
- L. The Town follows the 2020 Emergency Family Medical Leave Act Expansion Act

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

- A. Appropriate leave: 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 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.
- B. 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.
- C. Approval Procedures: The Town Manager 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 Manager's decision on a request for advanced leave is not appealable.
- D. 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



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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 Manager which shall be decided upon by the Board taking into account the review and recommendation of the Town Manager. 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 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. Parental Leave**

Parental leave may be granted to a full-time employee for a period of up to 12 weeks for pregnancy, miscarriage, abortion, childbirth, recovery, or adoption. Employees may be granted an extension by the Town Manager when medically necessary. Parental Leave is leave without pay unless the employee uses sick or vacation leave as provided by this policy. A parental leave request, including the tentative duration of the leave requested, must be submitted to the Town Manager in advance of the leave.

Sick leave may be taken during the period of actual disability as certified by the attending physician of the mother, and when care of the disabled mother is required by an immediate family member.

Vacation, compensatory time, or leave without pay may be used for other periods of the parental leave, consistent with the provisions of this policy.

### **Section 10. 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



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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 11. 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 Town Manager 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 12. 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 13. 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 VIII. 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 after 30 days of employment.
- 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.



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- 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 Manager, 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 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.

### **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 Manager who administers the



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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 IX. Separations and Disciplinary Actions**

### **Section 1. Resignation**

Separation from Town service occurs when an employee leaves the payroll for the following reasons:

**A. Voluntary Resignation with Notice**

An employee may terminate services with the Town by submitting a resignation to the Town Manager. It is generally expected, subject to the Town Manager's discretion, that a non-essential employee will provide two (2) weeks' 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 Manager. 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 Manager 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 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



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and the Town Manager 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 X 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 Manager 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 Town Manager, shall consider and act upon within a reasonable time. If the Town Manager finds and concludes the proposed accommodations impose an undue hardship on the Town's operations, then the Town Manager 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**

If 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 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



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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, by the Town Manager. In that event, the Town Manager 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, if requested.
- 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, 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 Town Manager 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 Town Manager.
- 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;



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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 Manager;
  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;
  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 or employment;
  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 except for 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 Manager 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-dismissal hearing shall be conducted by the Town Manager and the employee may not have a representative, legal or otherwise, appear thereat.



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3. The Town Manager shall consider the employee's response and 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 Manager shall notify the employee of the 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 Town Manager, 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 Town Manager 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 X herein.

### **Section 8 Remedies of Employees Objecting to Material in File**

NCGS 160A-168(d) provides that an employee may object to material in his or her file if the employee considers the information to be inaccurate or misleading. The employee may also seek to have the material removed from the file or may place in the file a statement relating to the material. This provision also applies to probationary employees and former employees.

### **Section 9. 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 Town Manager.
- 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 10. Exit Interview**

Within one (1) week of an employee's separation from the Town, other than from an involuntary dismissal, the Town Manager 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 X. 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.

In all cases and at all stages of the appeal process, a written copy of each decision will be transmitted to the employee and will be placed in the employee's personnel record.

### **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 Manager.
- B. The appeal must contain the employee's response to the disciplinary action, the charges upon which it was based and the employee's desired remedy.
- C. The Town Manager shall, within five (5) business days after receipt of the appeal, make a written decision regarding the disposition of the appeal and stating the basis for the decision and the evidence supporting the same.
- D. There shall be no appeal beyond the Town Manager.
- E. In the event the appealing employee fails to comply with the procedures and time limitations set forth herein, the Town Manager may dismiss the appeal.

### **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 Manager 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.



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- 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, the Town Manager 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 Manager 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. If the grievance is resolved, then the employee shall sign off on the Town Manager'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 Manager's response, submit a written response to the Town Manager that will become part of their personnel record.
- F. In the event the appealing employee fails to comply with the procedures and time limitations set forth herein, the Town Manager may dismiss the grievance.

\* If there is a harassment grievance against the Town Manager, the grievance procedure outlined in Article X, Section 4 remains the same except the employee shall present the harassment grievance in writing to all members of the Board of Commissioners 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; and all references to the Town Manager become the Board of Commissioners.

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

NCGS 160A-168(d) provides that an employee may object to material in his or her file if the employee considers the information to be inaccurate or misleading. The employee may also seek to have the material removed from the file or may place in the file a statement relating to the material. This provision also applies to probationary employees and former employees. Related information is also located in Article IX: Separations and Disciplinary Actions.

### **Section 6. 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 7. 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.



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### **Article XI. General Policies**

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

Employees shall promptly notify the Town Manager 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 be at their workstation ready to productively engage in Town business by the scheduled start time. Apart from 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 IX 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 Manager. 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 Manager. 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 Manager.

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 except for 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.



## **THE PERSONNEL POLICY AND PROCEDURE MANUAL TOWN OF BELVILLE**

### **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 workplace 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 Manager.

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 is committed to maintaining an anti-substance abuse workplace 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 the Town Manager immediately. This is an express duty of an employee in instances where the use of alcohol or drugs poses an imminent threat to the safety of persons or property.

Within the limitations 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 Manager.

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.



## **THE PERSONNEL POLICY AND PROCEDURE MANUAL TOWN OF BELVILLE**

### **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 XII. Employee Acknowledgement**

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 XIII. Repeal**

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



## **THE PERSONNEL POLICY AND PROCEDURE MANUAL TOWN OF BELVILLE**

### **Appendix I. Definitions**

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

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

**Hiring Authority:** The Town Manager shall have authority to conduct interviews for the purpose of hiring employees.

**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 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 Town Manager, 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.



## **THE PERSONNEL POLICY AND PROCEDURE MANUAL TOWN OF BELVILLE**

**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 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 hired 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 Town Manager, 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.

**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.

**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.

**Quid Pro Quo:** Something given or received in exchange for something else. An exchange of goods or services, in which one transfer is contingent upon the other; "a favor for a favor."

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



## **THE PERSONNEL POLICY AND PROCEDURE MANUAL TOWN OF BELVILLE**

**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.

**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 workplace, 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.



## **THE PERSONNEL POLICY AND PROCEDURE MANUAL TOWN OF BELVILLE**

### Appendix II. Telework Resources

#### **North Carolina Telework: A Triangle J Council of Governments Initiative**

“Telework policies are a valuable way of establishing the scope of your telework program. They allow managers, employees, and other stakeholders to clearly understand the opportunities, limits, and expectations for telework arrangements and ensure that these arrangements are administered equitably throughout your organization. There is no one-size-fits all policy to oversee teleworking; it will depend on all kinds of factors including the size, type, culture, and location of your organization. However, below are a number of important considerations that should be addressed in any telework program. We have also included a number of example policies, agreements, and applications from various types of organizations that can provide you with some additional guidance in developing your policy.” For more information and to view sample policies, visit: <https://nctelework.org/sample-policies/>.<sup>2</sup>

#### **GO Triangle: Telework Resources**

For videos such as “Telework 101” and “Teleworking in a Pandemic” visit:  
<https://gotriangle.org/telework>.

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<sup>2</sup> <https://nctelework.org/sample-policies/>