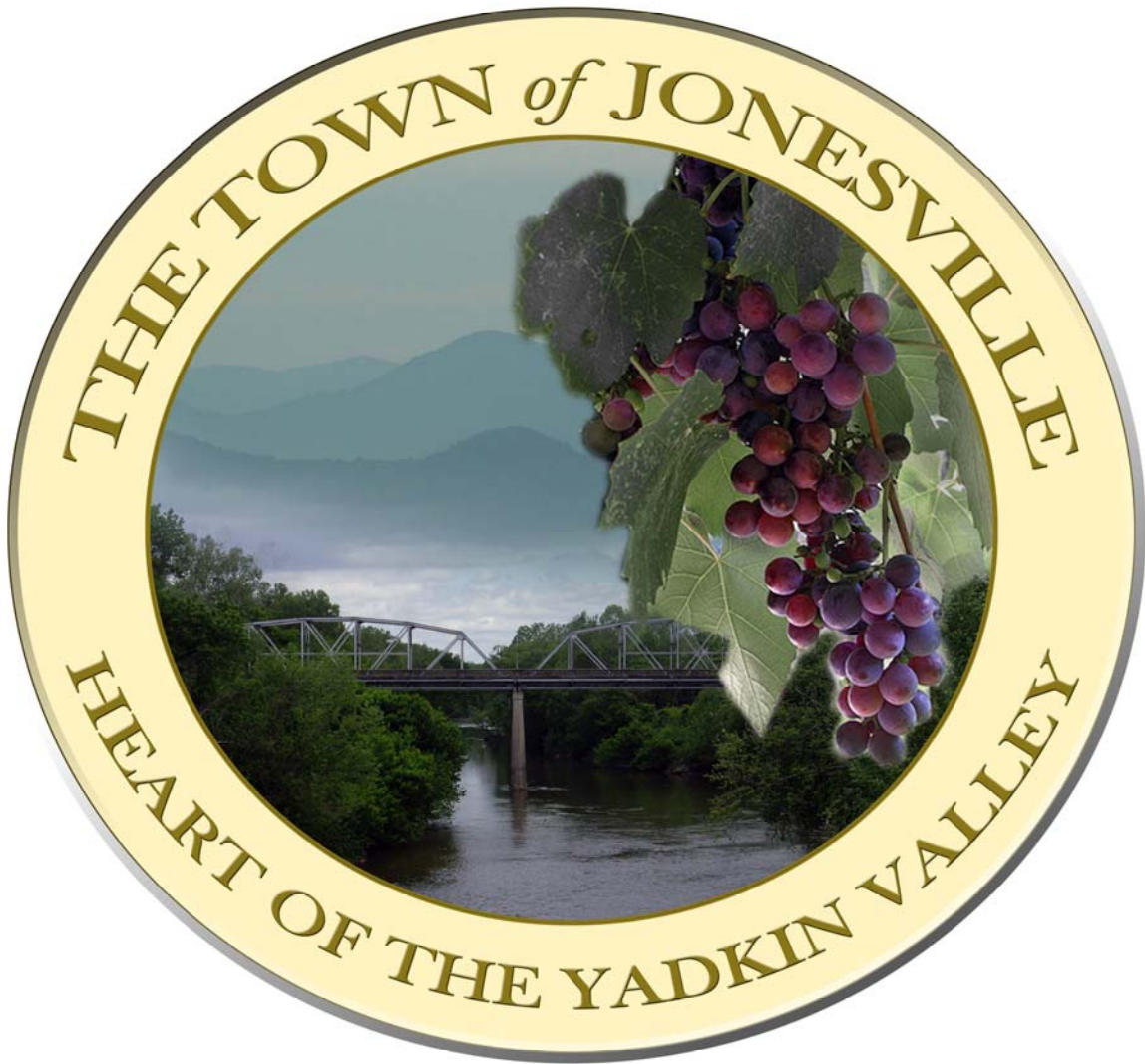


**TOWN OF JONESVILLE
PERSONNEL POLICY**



Adopted April 2012

Table of Contents

Article I. Policy

Page

6	Section 1.	At-Will Employment
6	Section 2.	Conditions
6	Section 3.	Disclaimer

Article II. General Provisions

Page

6	Section 1.	Guiding Principle/Purpose
7	Section 2.	Coverage
7	Section 3.	Definitions
10	Section 4.	Merit Principle
10	Section 5.	Responsibility of the Town Council
10	Section 6.	Responsibility of the Town Manager

Article III. The Classification Plan

Page

11	Section 1.	Adoption
11	Section 2.	Allocation of Positions
11	Section 3.	Administration of the Position Classification Plan
11	Section 4.	Amendment of the Position Classification Plan

Article IV. The Pay Plan

Page

12	Section 1.	Adoption
12	Section 2.	Maintenance of the Pay Plan
12	Section 3.	Administration of the Pay Plan
12	Section 4.	Hiring Rate/Starting Salary
12	Section 5.	Use of Salary Ranges
13	Section 6.	Failure to Perform Satisfactory
13	Section 7.	Delay of Performance Evaluation
13	Section 8.	Merit Increases
14	Section 9.	Payment Rate
14	Section 10.	Pay Rates in Promotion, Demotion, Transfer, and Reclassification
15	Section 11.	Pay Rates in Salary Range Revisions
15	Section 12.	Pay for Part-time Work
15	Section 13.	Overtime
16	Section 14.	Payroll Deductions
17	Section 15.	Payroll Procedure
17	Section 16.	Effective Date of Salary Adjustments

Article V. Recruitment and Selection

Page

17	Section 1.	Statement of Equal Employment Opportunity
17	Section 2.	Recruitment
17	Section 3.	Position Vacancy Announcements
18	Section 4.	Application for Employment
18	Section 5.	Applicant Tracking
18	Section 6.	Qualification Standards
18	Section 7.	Selection
19	Section 8.	Appointments
19	Section 9.	Probationary Period of Employment
20	Section 10.	Promotion
20	Section 11.	Demotion
20	Section 12.	Transfer

Article VI. Conditions of Employment

Page

21	Section 1.	Workweek
21	Section 2.	Gifts and Favors
21	Section 3.	Political Activity Restricted
22	Section 4.	Use of Town Property
22	Section 5.	Sexual Harassment
22	Section 6.	Outside Employment
23	Section 7.	Limitation of Employment of Relatives
23	Section 8.	Travel Expense and Reimbursement
23	Section 9.	Substance Abuse Policy
24	Section 10.	Safety

Article VII. Holidays and Leave

Page

24	Section 1.	Paid Holidays Observed
25	Section 2.	Effect of Holidays On Other Types of Paid Leave
25	Section 3.	Holidays-When Work Is Required
25	Section 4.	Adverse Weather Conditions
25	Section 5.	Annual Leave
26	Section 6.	Sick Leave
28	Section 7.	Family Medical Leave
33	Section 8.	Personal Leave Without Pay
34	Section 9.	Military Leave
34	Section 10.	Court Leave
34	Section 11.	Educational Leave with Pay
34	Section 12.	Smallpox Vaccination (Adverse Reaction)

Article VIII. Employee Benefits

Page

35	Section 1.	Insurance Benefits
35	Section 2.	Unemployment Compensation
35	Section 3.	Old Age and Survivors Insurance (Social Security)
35	Section 4.	Retirement Benefits
36	Section 5.	Death Benefit
36	Section 6.	Benefits-Other (fixed)
36	Section 7.	Benefits-Other (flexible)

Article IX. Separation, Disciplinary Action, and Reinstatement

Page

37	Section 1.	Types of Separation
37	Section 2.	Reduction in Force
37	Section 3.	Disability
37	Section 4.	Discipline and Dismissal
38	Section 5.	Investigatory Suspension
39	Section 6.	Employee Appeal
39	Section 7.	Reinstatement

Article X. Grievance Procedure

Page

39	Section 1.	Purpose
39	Section 2.	Coverage
39	Section 3.	Policy
40	Section 4.	Procedure
40	Section 5.	Maintenance of Records
40	Section 6.	Other Remedies Preserved

Article XI. Personnel Records

Page

41	Section 1.	Personnel Records Maintenance
41	Section 2.	Information Open to the Public
42	Section 3.	Access to Personnel Records
42	Section 4.	Confidential Information
43	Section 5.	Remedies of Employees Objecting to Material in File
43	Section 6.	Penalty for Permitting Access to Confidential File by Unauthorized Person
43	Section 7.	Destruction of Records

Article XII. Implementation of Policy

Page

44	Section 1.	Conflicting Policies Repealed
44	Section 2.	Separability
44	Section 3.	Violation of Policy Provisions
44	Section 4.	Effective Date

Appendix A. Position Classification Plan

Appendix B. Salary Schedule

Appendix C. Standard Application

Appendix D. Travel Expense Form

Appendix E. Substance Abuse Policy

Appendix F. Request for Family and Medical Leave

Appendix G. Employee Warning Notice

Appendix H. Vehicle Use Policy

ARTICLE I. POLICY

Section 1. At-Will Employment

The employment relationship between the Town and the employee is terminable at the will of either at any time and with or without cause and with or without notice. No employee, officer, agent, or representative of the Town has any authority to enter into any agreement or representation, verbally or in writing, which alters, amends, or contradicts this provision or the provisions in these policies. Any exception to this policy of “at will” employment must be expressly authorized in writing, approved by the Town Council, and executed by the officers designated by the Town Council.

Section 2. Conditions

None of the benefits or policies set forth in these policies are intended, because of the publication, to confer any rights or privileges upon employees or to entitle them to be or remain employed by the Town. The contents of this document are presented as a matter of information only. Although the Town believes wholeheartedly in the plans, policies, and procedures described herein, they are not conditions of employment.

Section 3. Disclaimer

These personnel policies are not a binding contract, but merely a set of guidelines for the implementation of personnel policies. The Town explicitly reserves the right to modify any of the provisions of these policies at any time and without any notice to employees. Notwithstanding any of the provisions within these policies, employment may be terminated at any time, either by the employee or by the Town, with or without cause and with or without advanced notice. Likewise, these personnel policies are not an offer that can be developed into a contract by any action or failure to act on the part of the employee.

ARTICLE II. GENERAL PROVISIONS

Section 1. Guiding Principle/Purpose

The purpose of these policies is to establish a personnel system, which will recruit, select, employ, develop, and maintain an effective and responsible work force. All appointments and promotions of Town employees are subject to the authority of the Town Council and exercised by the Town Manager shall be made on the basis of merit, fitness, and demonstrated ability. These policies are established under the authority of Chapter 160A - Article 7 of the General Statutes of North Carolina.

These policies also cover work conditions and expectations of employment, employee benefits, work rules, grievance procedure, and position classification and pay plan administration.

Section 2. Coverage

The provisions of this policy shall be applicable to all employees except as provided below:

- (a) The Town Council shall be exempted from the provisions of these policies.
- (b) Employees not covered by the Classification Plan of these policies shall be exempt from Articles III, IV, and V.
- (c) Part-time officials appointed by the Town Council, and employees of advisory or specials commissions who work an irregular schedule, shall be exempt from all provision of these policies except Article V, Section 7.

Section 3. Definitions

Adverse Action. An involuntary demotion, an involuntary reduction in pay, an involuntary transfer, a suspension without pay, a layoff, or a dismissal.

Anniversary Date. The employee's original date of employment with the Town in a permanent position.

Appointing Authority. Any Town official with the legal authority to make hiring decisions.

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 salary range.

Base Compensation Adjustment. An annual adjustment that may be made by the Town Council to all pay ranges effective the first full pay period of July each year.

Demotion. The reassignment of an employee to a position or a classification having a lower salary range in which the employee meets the minimum qualification standards. Demotion may be disciplinary or non-disciplinary.

Employment At-Will. Employment is at the will of either party, and the employer is free to dismiss the employee at any time without explanation or legal penalty. Three broad categories of exceptions to the employment at-will provision exist:

- (a) Federal Statutory Exceptions: Civil Rights Act of 1964, which prohibits discharge for discriminatory reasons; the Age Discrimination in Employment Act, which prohibits discharge solely on the basis of age; and the Rehabilitation Act of 1973, which bars dismissal of an otherwise qualified disabled employee if reasonable accommodation of the disability can be made.

(b) State Statutory Exceptions: North Carolina General Statutes modifies the employment-at-will rule in several ways. An employer may not fire an employee for serving in the National Guard or the military; for participating in an unemployment hearing; for serving on a jury; for filing a worker's compensation claim; for filing a wage-and-hour complaint; for filing a complaint about unsafe working conditions.

(c) Common Law Exceptions: Common Law Exceptions to the employment-at-will takes the form of breach of contract or the tort of wrongful discharge. They arise when the court finds either that the parties themselves, through their actions, have created a contractual exception to the employment-at-will rule or that the employer's motive in dismissing an employee violates some tenet of public policy.

Exempt. Employees, as defined by the Town Manager, who are classified as executive, administrative, or professional and who are excluded from over-time pay provisions as stipulated under the Fair Labor Standards Act.

Full-time Employee. An employee appointed to a permanently established position that is regularly scheduled to work (40) hours or more per workweek, is paid on an hourly or salaried basis with benefits and is designated by the Town Council as full-time.

Grievance. Any matter of concern or dissatisfaction arising from the working conditions of an employee, subject to the control of the Town.

Hiring Rate. The salary paid an employee when hired into Town service; normally the minimum of the salary range.

Immediate Family. An employee's wife, husband, mother, father, guardian, son, daughter, brother, sister, grandchild, and grandparent, as well as the various combinations of half, step, in-law, and adopted relationships that can be derived from the family members named herein.

Maximum Salary Rate. The maximum salary authorized by the pay plan for an employee within an assigned salary grade.

Merit Pay Increase. An annual review of an employee's performance, designed to facilitate fair and equitable decisions, recognizing exemplary performance as the basis for pay increases within the established pay range.

Non-exempt. Employees, as defined by the Town Manager, who receive compensation at a rate of time and one-half for all hours worked in excess of a normal work period.

Part-time Employee. An employee appointed to a permanently established position who is regularly scheduled to work less than the number of hours considered to be full-time, is paid on an hourly basis, and is designated by the Town Council as part-time.

Pay Plan. A schedule of pay ranges with minimum and maximum rates for each class assigned to a salary range.

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 Town Council that assigns classes (positions) to the appropriate pay range.

Probationary Employee. An individual appointed to a permanent position who has not yet completed the required probationary period for the position.

Probationary Period. A minimum of six (6) months during which time an employee is under evaluation as to the capability to perform the duties required for the position occupied.

Promotion. The reassignment of an employee to an existing position from one class to a higher class based on changes in job content.

Reclassification. The assignment of an employee to an existing position from one class to another based on changes in job content.

Salary Plan Revision. The raising or lowering of the salary ranges within the salary plan.

Salary Range. The minimum and maximum salary levels for a given classification for hiring purposes.

Salary Range Revision. The raising or lowering of the salary range for one or more specific classes of positions within the classification plan.

Salary Schedule. A listing of all the approved minimum and maximum salary ranges authorized by the Town Council for various position classifications for hiring purposes.

Temporary Employee. An individual employed to serve in a position for a definite duration of time but not to exceed twelve (12) months.

Temporary Position. A position for which the duties and responsibilities are required to be met for a specific short period of time, not to exceed twelve (12) months, and which may or may not require attendance by a person for a full work day and/or workweek.

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

Section 4. Merit Principle

All appointments and promotions shall be made solely on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same salary range. No applicant for Town employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee because of such individual's race, color, religion, sex, national origin, political affiliation, nondisqualifying disability, or age.

Section 5. Responsibility of the Town Council

The Town Council shall establish personnel policies and rules, including the classification and pay plan, and shall make and confirm appointments when required by law.

Section 6. Responsibility of the Town Manager

The Town Manager shall be responsible to the Town Council for the administration of the personnel program. The Town Manager shall appoint, suspend, and remove all Town officers and employees, except the Town Attorney who shall be appointed and removed at the discretion of the Town Council. The Town Manager shall make appointments, dismissals, and suspensions in accordance with this personnel administration policy.

The Town Manager shall:

- (1) Recommend rules and revisions to the personnel system to the Town Council for consideration;
- (2) Recommend revisions to the position classification plan to the Town Council for approval;
- (3) Prepare and recommend revisions to the pay plan to the Town Council for approval;
- (4) Determine which employees shall be subject to overtime provisions as provided for in Article IV, Section 13;
- (5) Establish and maintain a roster of all persons in the Town service, setting forth each employee class, title of position, salary, any changes in class title and status, and such data as may be deemed desirable or useful;
- (6) Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
- (7) Develop and coordinate training and educational programs for Town employees;
- (8) Investigate periodically the operation and effect of the personnel provisions of this policy and report findings and recommendations, as needed, to the Town Board;

- (9) Perform such other duties as may be assigned by the Town Board not inconsistent with this policy.

ARTICLE III. THE CLASSIFICATION PLAN

Section 1. Adoption

The position classification plan (set as Appendix A), as from time to time approved by the Town Council, is hereby adopted by resolution as the position classification plan for the Town.

Section 2. Allocation of Positions

The Town Manager shall allocate each position covered by the classification plan to its appropriate class in the plan.

Section 3. Administration of the Position Classification Plan

- A. The Town Manager, or person(s) designated by the Town Manager, shall be responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. Department heads shall be responsible for bringing to the attention of the Town Manager (1) the need for new positions and (2) material changes in the nature of duties, responsibilities, or working conditions affecting the classification of a position. A comprehensive review of the Town's Position Classification Plan will be undertaken no less frequently than every five (5) years upon approval by the Town Council.
- B. New positions shall be established upon recommendation of the Town Manager with the approval of the Town Council. The Town Manager may allocate the new position to the appropriate class within the existing 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, the Town Manager shall recommend that the Town Council amend the position classification plan to establish a new class to which the position may be allocated.

Section 4. Amendment of the Position Classification Plan

Classes of positions shall be added to and deleted from the position classification plan by the Town Council based on the recommendation of the Town Manager.

ARTICLE IV. THE PAY PLAN

Section 1. Adoption

The salary schedule (set as Appendix B) as approved by the Town Council is hereby adopted by resolution as the pay plan for the Town of Jonesville.

Section 2. Maintenance of the Pay Plan

The Town Manager shall be responsible for the administration and maintenance of 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 the private and public sector in the area, to changes in the cost of living, to financial conditions of the Town, and to other factors.

To this end, the Town Manager shall from time to time make comparative studies of all factors affecting the level of salary ranges and shall recommend to the Town Council such changes in salary ranges as appear to be warranted.

Section 3. Administration of the Pay Plan

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

Section 4. Hiring Rate/Starting Salary

Employees will be hired at the minimum of their assigned salary range. Appointments above the minimum may be made by the Town Manager when deemed necessary to the best interests of the Town, based on such factors as superior qualifications of the applicant, a shortage of qualified applicants available at the hiring rate, or the refusal of qualified applicants to accept employment at the minimum rate.

Section 5. Use of Salary Ranges

Salary ranges will be used as a tool by the Town Manager and Town Council to establish the pay plan for Town employees. A minimum and maximum salary range will be assigned to each class. The Salary range schedule will be set forth each year. Changes will be made to the minimum and maximum rate for each range based on the Base Compensation Adjustment percentage increase.

Section 6. Failure to Perform Satisfactorily

An employee who fails to perform satisfactorily will be denied any salary increase. Appropriate disciplinary action may be taken by the Town Manager in accordance with Article IX of this resolution.

Section 7. Delay of Performance Evaluation

An employee's absence from work due to sick leave, leave without pay, Workers' Compensation, or any other authorized leave is cause for the Department Head to request an extension for the annual performance evaluation review, so as to allow adequate time for evaluation of performance.

Section 8. Merit Increases

- A. Merit increases are not automatic but may be awarded for the following reasons: (1) exceptional work achievements, (2) excellence in work performance, or (3) special contribution to productivity. Each employee not on probationary status may be considered annually for a merit increase effective the first full pay period in January. Such merit increases must be recommended by the Department Head and approved by the Town Manager. Even though all regular employees will be considered for merit increases, only those employees who exceed the standard and/or perform at an exceptional level will receive a merit increase.
- B. Once the amount of funds has been allocated by the Town Council for merit increases, employees will be evaluated to determine how well they are meeting their performance standards. All requests for merit increases will be fully documented by the Department Head and will be granted by the Town Manager only to employees who have performed above the standard for their position.
- C. A timeline will be provided to each Department Head for employee evaluations by the Town Manager. Department Head and Department employee self assessments / evaluations will be due to the Town Manager during the employee's anniversary month. A detailed account of tasks, schools, certifications, etc. the Department Head has achieved over the past year will need to be shown. This information will serve as the "bullet comments" by which each employee will be evaluated. A memo or paragraph format will suffice.
- D. Employee merit recommendations are due during the employee's anniversary month as well. Employees will meet with their supervisor and discuss the areas which need to be improved and the areas which need to be sustained. A written evaluation for each employee to include a recommendation from the Department Head for a merit increase supported by the "bullet comments" showing job performance above and beyond their normal scope of work is required. A memo or paragraph form for each employee, regardless of whether he/she is being recommended for a merit increase or not is

required. The document needs to be signed by the Department Head and the employee along with the date the discussion was held.

- E. Department Head evaluations will be scheduled by the Town Manager. Once the evaluations and merit raises have been finalized by the Town Manager, the final listing for all employees will be made available to Department Heads. Employees will be retro or back paid for their annual pay increase effective the first full pay period in January.
- F. The Town Council may budget for a Base Compensation Adjustment each year. If budgeted, the effective date will be the first full pay period in July. The percentage will be applied to the Salary Schedule and will increase the minimum and maximum salary rate of all job classifications uniformly.

Section 9. Payment Rate

- A. Employees covered by the salary plan shall be paid within the salary ranges established for their respective job classes except for employees whose present salaries are above the established maximum rate following transition to a new pay plan.
- B. When an employee attains the maximum salary range for his or her present position, no further salary increase will be received unless (1) the position is reclassified, (2) the employee is promoted to another position with a higher salary range, or (3) the salary range for the present position is increased. Employees may receive a lump sum payment for any merit increase above maximum salary range with the approval of the Town Manager.

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. Upon satisfactory completion of the probationary period, the employee may be given an additional five percent (5%) as long as the salary does not exceed the maximum for that range.
- B. If an employee is demoted as a result of a reclassification, and the employee's current salary falls above the maximum of the range for the lower class, the employee's salary will remain the same until general schedule adjustments or range revisions bring it back within the lower range.

If an employee is demoted at will to a position in a lower pay range, the employee's salary will be reduced to any amount in the lower salary range as long as the reduced salary does not fall below the minimum salary rate of that range.

- C. When a transfer occurs from a position in one class to a position in another class assigned to the same pay range, the employee may continue to receive the same salary.

- D. When a reclassification occurs and an employee's position is reclassified to a class having a higher salary range, the employee's salary shall be increased to the minimum of the new pay range. If the employee's current salary is already above the minimum salary rate, his or her salary may be adjusted five (5) percent upward or left unchanged at the discretion of the Town Manager and subject to the availability of funds, provided the adjusted salary does not exceed the maximum of the assigned salary range, subject to the availability of funds.

Section 11. Pay Rates in Salary Range Revisions

If the Town Council approves a change in salary range for a class or position, the salaries of employees whose positions are allocated to that class shall be affected as follows:

- A. When a class or position is assigned to a higher pay range, affected employees will be compensated, at least, to the minimum salary range for the new class or position.
- B. When a class of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged. If this assignment to a lower pay range results in an employee being paid at a rate above the maximum salary range established for the new class, the salary of the employee shall be maintained at that level until such time as the salary pay range is increased above the employee's current salary.

Section 12. Pay for Part-time Work

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

Section 13. Overtime

- A. The Town abides by all applicable sections of The Fair Labor Standards Act of 1938, as amended. If the Town policy conflicts in anyway with said Act, the Act will be the guidance used to settle any dispute. Each Department Head will properly record all applicable overtime accrued for each covered employee. This report will be turned into the Payroll Clerk on Monday of the pay week no later than 10 am for the previous pay period. This overtime policy is applicable only to employees of the Town of Jonesville who are nonexempt under the Fair Labor Standards Act.

Employees in positions determined to be "exempt" from the FLSA (as Executive, Administrative, or Professional staff) will not receive pay for hours worked in excess of their normal work periods. These employees may be granted compensatory leave by their supervisor on a time and a half basis (1.5:1 hour worked) where the convenience of the department allows and in accordance with procedures established by the Town Manager. All exempt employees will keep an up to date record of compensatory time

earned and used subject to review by the Town Manager at any time. No exempt employee will be permitted to take more than one (1) consecutive day off using compensatory time. Such compensatory time is not guaranteed to be taken and ends without compensation upon separation from the organization.

- B. Employees are expected to work during all assigned periods exclusive of breaks or mealtimes. Employees are not to perform work during breaks or at any time they are not scheduled to work unless they receive approval from their immediate supervisor, except in cases of an emergency. An emergency exists if a condition arises that could reasonably result in damage to property or persons or that requires the immediate attention of the employee. Employees who work excess hours because of an emergency shall advise their immediate supervisor of the overtime worked as soon as practical following completion of the work. Whenever practicable, Department Heads will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be paid in accordance with the FLSA. Non-exempt employees have the option to accumulate not more than one (1) normal work day of comp time in lieu of overtime payment. A normal work day for all employees is 8 hours (would equal 12 hours at 1.5 to 1 hours). Hours earned in excess of this will be paid at normal overtime rate. Department Heads will manage this comp time for each employee, as necessary.
- C. The Town provides a continuous twenty-four (24) hours a day, seven (7) days a week service to its customers. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. One of the conditions of employment with the Town is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service, the employee shall be subject to disciplinary actions up to and including dismissal by the Town Manager.
- D. Non-exempt employees will be guaranteed a minimum payment of four (4) hours wages for being called back to work outside of normal working hours. This minimum payment will be for the initial call an employee receives. If the same employee must respond to additional calls within the same twenty-four (24) hour period, the actual time worked will be compensated. The number of hours actually worked while on call-back as calculated when the employee reports to the work site shall be added to the regular total of hours worked for that week. Call-back provisions do not apply to previously scheduled overtime work. This subsection will be utilized at the discretion of the Department Head.

Section 14. Payroll Deductions

Federal and state income taxes, Social Security tax, and retirement contributions shall be deducted as authorized by law and the Town Council. Any other payroll deductions must be approved by the Town Council.

Section 15. Payroll Procedure

All employees shall be paid on a weekly basis. The work week starts on Friday at 12:00 am and ends on Thursday at 11:59 pm. If payday falls on a holiday, employees will be paid on the last working day before the non-working day. It is mandatory for all full-time, new employees to use direct deposit. Part-time employees have the option to utilize direct deposit for payment from the Town. The appropriate forms will be filled out by the employee with the assistance of the Payroll Clerk.

Section 16. Effective Date of Salary Adjustments

Salary adjustments shall become effective on the date of the actual adjustment.

Article V. Recruitment and Selection

Section 1. Statement of Equal Employment Opportunity

It is the policy of the Town to maintain a systematic, consistent recruitment program, to promote equal employment opportunities, and to identify and attract the most qualified applicants for employment with the Town. This policy is to be achieved by announcing all position vacancies, by evaluating all applicants using the same criteria, and by applying testing methods through the Local Job Service Office (Employment Security Commission). Selection decisions are made without regard to race, color, religion, sex, national origin, political affiliation, non-disqualifying handicap, or age. The Town will reasonably accommodate qualified individuals with disabilities in the application process, as requested, unless to do so causes undue hardship.

Section 2. Recruitment

The Town Manager or designee is responsible for an active recruitment program to meet current and projected staffing needs, using procedures that will ensure equal employment opportunities based on job-related requirements. Recruitment efforts by the Town of Jonesville will be coordinated in a timely manner.

Section 3. Position Vacancy Announcements

All position vacancy announcements shall be posted for a minimum of seven (7) working days at the Town offices. Optional recruiting publicity shall be carried out through the media, as appropriate. Position vacancy announcements shall contain, at a minimum, (1) the title and the department 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. Application for Employment

An official Town application form (see Appendix C) shall be made available to all applicants for any and all position listings. Individuals shall be recruited from a geographic area as wide as necessary to insure that well qualified applicants are obtained for Town service.

Section 5. Applicant Tracking

- A. The Town Manager shall be responsible for maintenance of permanent records of all position vacancy announcements, including 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 alphabetized listing of all applicants, Social Security numbers, and test scores, when applicable, for each position vacancy announcement. In addition, EEO-4 forms, providing data on race and sex of applicants, shall be maintained by the Town Manager.
- C. Applications shall be kept in a reserve file for two (2) years. Reference to these files shall be made periodically in connection with the Town's employment requirements to insure that equal consideration is given to all applicants.

Section 6. Qualification Standards

- A. All applicants considered for employment or promotion shall meet the qualification standards established by the class specifications for the position to which the appointment is being made. (See Appendix A)
- B. All appointments shall be made on the basis of merit.
- C. The Town Manager, with the advice and recommendation(s) of Department Heads, will make individualized assessments to determine whether an applicant or employee meets such standards.

Section 7. Selection

Department Heads shall develop, use, and document, on a consistent and routine basis, a selection process that best suits the Town's needs in filling positions within each Department. All selection methods developed and utilized by the Town shall be valid measures of bona fide occupational qualifications, job related, and consistent with business necessity.

Section 8. Appointments

It is the Town's policy to create career opportunities for its employees when possible. Therefore, when a current employee applying for a vacant position possesses the best qualifications of all applicants, said employee shall be appointed to that position. However, if other applicants possess comparable qualifications, the Town will carefully consider the qualifications of other applicants in filling the position.

- A. Regular Appointments – Before any commitment is made to an applicant, the Department Head shall make a recommendation concerning the classification of the position to be filled, the salary to be paid, and the reasons for selecting the particular applicant over others. After investigating the qualifications and experience of the applicants, the Town Manager shall approve or reject the appointment and determine the classification and starting salary of the employee.
- B. The Town will, before an offer of employment is issued, conduct a review of the driving record of the person to be hired, which record will become part of the personnel file and made available to Department Heads upon request. In addition, any applicant for employment will be subject to a criminal history record check of State and National Repositories of Criminal Histories conducted by the Department of Justice in accordance with G.S. 114-19.12. The Town may consider the results of these criminal history record checks in its hiring decisions.

Section 9. Probationary Period of Employment

- A. An employee appointed to a permanent position shall serve a minimum probationary period of six (6) months. This period may be extended an additional six months for purposes of scheduling, testing, or certification exercises. Before the completion of the probationary period, the Department Head shall indicate in writing to the Town Manager the following information:
 - 1. That the Department Head or their designee has discussed the new employee's progress (accomplishments, strengths, failures and weaknesses) with the new employee;
 - 2. Whether the new employee is performing satisfactory work;
 - 3. Whether the employee's probationary period should be extended and by what time period;
 - 4. Whether the employee should be retained and given a five (5) percent salary increase; or
 - 5. Whether the employee should be discharged.

- B. Any employee serving a probationary period following initial appointment may be dismissed at any time during the probationary period for any reason. Following successful completion of the probationary period, the employee may be dismissed only as provided in Article IX.
- C. No employee shall remain on probation for more than 12 months.

Section 10. Promotion

Candidates for promotion shall be chosen on the basis of their qualifications. First consideration for filling positions shall be given to employees already in service with the Town. If a current employee is chosen for promotion, the Department Head shall forward the request to the Town Manager with recommendations for classification and salary along with reasons for selecting the employee over other applicants. After considering the Department Head's recommendation, the Town Manager shall confirm or reject the appointment. If the Town Manager confirms the appointment, he or she shall determine the starting salary for the employee.

Section 11. Demotion

- A. An employee whose work is unsatisfactory may be demoted provided the employee shows promise of becoming a satisfactory employee in another position. Such a demotion shall be made in accordance with the procedures in Article IX. The employee shall be provided with written notice citing the recommended effective date of the demotion, the reasons for the demotion, and the appeal rights available to the employee as stated in Article IX of the policy manual.
- B. Upon any type of demotion, employees are placed in a probationary status for a period of six months. A satisfactory evaluation at the end of this six month probationary period will provide for continuation in the position subject to continued satisfactory performance. Pay adjustments are not applicable at the conclusion of the probationary period.

Section 12. Transfer

- A. If a vacancy occurs and an employee eligible for transfer from another Department wishes to be considered for the appointment, a transfer request form must be completed and forwarded to the Town Manager during the recruitment period for the position. The request for transfer shall be subject to approval of the Town Manager. Any employee transferred without their having requested it may appeal the action in accordance with the grievance procedure in Article X.
- B. Any employee who has successfully completed a probationary period may be transferred to any other Town position without serving another probationary period.

Article VI. Conditions of Employment

Section 1. Workweek

The standard workweek for all employees of the various Departments shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday. Department Heads shall work the hours necessary to ensure satisfactory performance of their departments. When the activities of a particular Department require some other schedule to meet work needs, the Town Manager may authorize a deviation from the normal schedule.

Section 2. Gifts and Favor

- A. No official or employee of the Town shall accept any gift, whether in the form of a service, a loan, a thing, or a promise from any person, firm, or corporation that, in the employee's knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the Town.
- B. No official or employee shall accept any gift, favor, or thing of value that may tend to influence that employee in the discharge of duties.
- C. No official or employee shall grant any improper favor, service, or thing of value in the discharge of duties.
- D. Gratuities shall be refused by all Town officials and employees.
- E. The only exception to this section will be around holiday seasons where nominal gifts, such as food, will be accepted as long as the gift(s) can be enjoyed by all employees.

Section 3. Political Activity Restricted

- A. Every employee of the Town of Jonesville has a civic responsibility to support good government by every available means and in every appropriate manner. 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 constitution and the laws of the state of North Carolina and the constitution and the laws of the United States of America. However, while on duty, no employee of the Town shall:
 - 1. Engage in any political or partisan activity;
 - 2. Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
 - 3. Be required as a duty or a condition of employment, promotion, or tenure of office to contribute funds for political or partisan purpose;
 - 4. Coerce or compel contributions for political or partisan purposes by another employee of the Town; or

- 5. Use funds, supplies, or equipment of the Town for political or partisan purposes.
- B. Employees subject to the Hatch Act may not be candidates for elected office in a partisan election.
- C. Any violation of this section may subject the employee to dismissal or other disciplinary action.

Section 4. Use of Town Property

The Town Council specifically forbids the personal use of any Town owned equipment or supplies by any employee, official, or individual unless written authorization by the Town Manager is given. Should authorization be granted, use will be limited to the use specified in the authorization. Equipment will be returned in the same condition in which it was loaned or employee will be subject to replacement of said equipment.

Section 5. Sexual Harassment

- A. The Town of Jonesville opposes sexual harassment by Town officials, the Town Manager, supervisors, and co-workers in any form. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- B. Any employee who believes he or she may have a complaint of sexual harassment against a fellow employee or supervisor may file the complaint with the Town Manager. The Town Manager will conduct an investigation into any allegation of sexual harassment and advise the employee and appropriate management officials of the outcome of the investigation. If an employee wishes to register a sexual harassment complaint against the Town Manager or a member of the Town Council, he or she will file the claim directly with the Town Attorney. The Town Attorney will conduct an investigation and advise the employee and appropriate management officials of the outcome of the investigation.

Section 6. Outside Employment

The work of the Town takes priority over other employment interests of employees. All outside employment for salaries, wages, or commission and all self-employment must be reported to the employee's Department Head before such work is to begin. The Department Head and the Town Manager will determine whether the outside work would create a conflict of interest or otherwise be incompatible with Town service. The assumption of outside employment without prior

approval by the Town Manager may be deemed improper conduct and subject the employee to disciplinary action, up to and including dismissal.

Section 7. Limitation on Employment of Relatives

- A. No two members of an immediate family shall be employed if such employment will result in one member supervising the other or in one member occupying a position that has influence over the other's employment, promotion, salary administration, or related management or personnel considerations.
- B. The provisions of this section shall not be retroactive, and no action will be taken concerning members of the same family employed in conflict with Subsection A before the adoption of this policy.

Section 8. Travel Expense and Reimbursement

Employees and officials traveling on a reimbursable basis for the Town will keep an accurate record of their expenses. No reimbursement will be paid without a written travel expense report signed by the employee and approved by the Department Head which is accompanied with all necessary receipts. (Appendix D) Any travel advance requested by an employee must be pre-approved by the Town Manager. The travel advance, if approved, will be shown on the final expense report.

Breakfast will be reimbursed only if employee must leave his/her place of residence or normal reporting area (i.e. Town offices, etc.) prior to 7 am in order to reach meeting place or destination at which employee is an authorized representative on behalf of the Town. Dinner will be reimbursed only if employee does not return to his/her place of residence or normal reporting area prior to 6 pm. No reimbursement will be made for any meal which is provided by the host of the meeting, conference, etc. (i.e. breakfast at hotel, lunch, or dinner at meeting place/site, etc.) and is paid for or accommodated on behalf of the Town.

Lodging expenses will be reimbursed at actual cost and a copy of the bill must be attached to the travel form. Reimbursement rates include all food, taxes and tips for meals. Reimbursement will not be allowed for laundry, entertainment, alcoholic beverages, set-ups, between meal snacks or refreshments and other personal expenses. Should travel by plane, rail, or boat be necessary, employee will be reimbursed for actual cost of fare provided employee provides necessary receipt(s).

Section 9. Substance Abuse Policy

The Town of Jonesville is concerned about the safety and overall well-being of its employees. Employees shall not bring discredit or embarrassment to the Town for reasons related to substance abuse. Employees are not to perform any Town related function or business while intoxicated with any substance. Employees who violate the Substance Abuse Policy (see Appendix E) will be punished up to dismissal depending on the severity of the occurrence.

Pursuant to NC General Statute 20-37.19, et al., the Town will notify the NC Department of Motor Vehicles in writing within five (5) business days following the receipt of confirmation of any federally-required drug and/or alcohol positive test by an employee licensed to drive commercial vehicles. The notification shall include the driver's name, address, driver's license number, social security number, and the results of the drug and/or alcohol test.

Section 10. Safety

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

Any accidents or incidents occurring by any employee will be reported to the Town Manager. The Director will determine the severity of the occurrence with regards to the appropriate paperwork needing to be completed and sent to our Workman's Compensation Account Manager. All employees will report injury or accident to his or her supervisor. Failure to do so will result in disciplinary action up to dismissal.

Article VII. Holidays and Leave

Section 1. Paid Holidays Observed

- A. The following holidays, and such others as the Town Council may designate, shall be observed by Town offices and shall be counted as hours worked:

- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving (2 days)
- Christmas (2 or 3 days) see below:

When Christmas Day Falls on:

Sunday

Monday

Tuesday

Wednesday

Thursday

Friday

The Town Observes:

Friday and Monday

Monday and Tuesday

Monday, Tuesday and Wednesday

Tuesday, Wednesday and Thursday

Wednesday, Thursday and Friday

Thursday, and Friday

The holiday schedule will be configured by the Town Manager in December for the upcoming calendar year. The schedule will be posted and disseminated to all Town employees.

- B. Employees who wish to use leave for religious observances must request leave from their respective Department Heads. The Department Head will attempt to arrange the work schedule so that an employee may be granted annual leave for the religious observance. Annual leave for religious observance may be denied only when granting the leave would create an undue hardship for the Town.

Section 2. Effect of Holidays On Other Types of Paid Leave

Regular holidays that occur during a vacation, sick or other paid leave period of any employee of the Town shall not be charged as vacation, sick, or other paid leave.

Section 3. Holidays-When Work Is Required

Employees required to perform work on regularly scheduled holidays may be granted compensatory time off at the rate of one (1) hour off for each hour worked on a holiday. Compensatory time for holiday work shall be granted in concurrence with employee's Department Head within three (3) months of the time it is earned.

Section 4. Adverse Weather Conditions

Town offices and Departments shall remain open for the full scheduled working day unless authorization for early closing or other deviation is received from the Town Manager's office. All departments and offices will be given as much notice as possible of any authorized early closings. Employees who leave work before an official early closing time, as well as employees who report for work late or do not report for work at all, will be required to use earned vacation leave, compensatory leave, or leave without pay for days or hours taken.

Section 5. Annual Leave

- A. For the purpose of earning and accruing annual leave, the period of twelve (12) calendar months between January 1 and December 31 is established as the leave year.

- B. Employees serving a probationary period following initial appointment shall not be permitted to take annual leave during the first six (6) months of the probationary period unless the denial of such leave will create an unusual hardship. Any annual leave granted during this period shall have the prior approval of the Town Manager.
- C. Each employee occupying a full-time permanently established budgeted position shall earn annual leave on a monthly basis in accordance with the following schedule of total service:

<u>Years of Service</u>	<u>Hours Earned Each Month</u>	<u>Hours Earned Each Year</u>	<u>Days Earned Each Year</u>
Up to 1	5	60 hrs.	7.5
2-4	8	96 hrs.	12
5-10	9	108 hrs.	13.5
11-14	10	120 hrs.	15
15-20	12	144 hrs.	18
Over 20	13.33	160 hrs.	20

- D. Annual leave may be accumulated without any applicable maximum until December 31 of the calendar year. On December 31, any employee with more than thirty (30) days or 240 hours of accumulated leave shall have the excess accumulation credited to sick leave so that only thirty (30) days or 240 hours are carried forward to January 1 of the next calendar year.
- E. Annual leave shall be taken with the prior approval of the employee’s Department Head. Annual leave taken may not exceed number of days earned by employee.
- F. An employee who is separated shall be paid for annual leave accumulated to the date of separation, which is not to exceed a maximum of thirty (30) days or 240 hours and shall be calculated in full and half days only (quarter days shall revert to the nearest half or whole). Any advanced annual leave owed the Town shall be deducted from the employee’s final compensation.
- G. The estate of an employee who dies while employed by the Town shall be entitled to payment for all of the accumulated annual leave credited to the employee’s account, not to exceed a maximum of thirty (30) days or 240 hours.

Section 6. Sick Leave

- A. Employees may be granted sick leave for absence due to the following:
 1. Sickness or bodily injury that prevents the employee from performing his or her regular duties.
 2. Medical or dental appointments
 3. The actual period of temporary disability caused or contributed to by pregnancy,

- miscarriage, childbirth, or recovery therefrom. A doctor's certificate is required to verify the employee's period of temporary disability for these reasons.
4. Exposure to a contagious disease when continuing work might jeopardize the health of others.
 5. Death in the employee's immediate family, not to exceed three (3) days for any one occurrence. Additional leave time, under exceptional circumstances, may be authorized by the Department Head.
- B. Employees must notify their immediate supervisor of all requests for sick leave before the leave is taken, or not later than two (2) hours after the beginning of a scheduled working day. Sick leave may be taken only with the approval of the immediate supervisor.
- C. Each employee occupying a permanently established budgeted position shall earn sick leave on a monthly basis at the rate of one (1) day per calendar month. New employees must be employed on or before the 15th of the month in order to be given full credit for said month's sick leave. Employees starting after the 15th of the month will not accumulate any sick leave time for that month. Sick leave will be cumulative for an unlimited number of days. Sick leave taken may not exceed number of days earned by employee.
- D. The employee's Department Head or the Town Manager may require a statement from a physician or other acceptable proof that the employee was unable to report for work, as a condition of approving sick leave. At the expiration of an authorized sick leave period, the employee's Department Head or the Town Manager may require a physical and/or mental examination at the Town's expense and by a physician of its choice to determine if the employee is able to resume his or her normal duties.
- E. Sick leave earned monthly is allowed as creditable service at the time of retirement to employees who are members of the North Carolina Local Government Employees' Retirement System. One (1) month of credit is allowed for each twenty (20) days of unused sick leave when an employee retires, and one (1) additional month is credited for any part of twenty (20) days' unused sick leave left over.
- F. Unused sick leave earned from another North Carolina government agency and/or entity will be accepted and transferred to the Town as follows:
1. The maximum number of days added or accepted will be fifty (50). Verification received in hours will be calculated and accepted in days reverting to the nearest whole.
 2. The total number of days accepted as transferred will be added to the record after completion of the probationary period.
 3. Verification of accumulated sick leave must be received in writing from the previous employer.
 4. The transfer must be completed within three (3) years of the employee's last working day with the previous employer.

- G. Employees who retire or resign and are not reinstated with the Town within a period of three (3) years shall lose all sick leave credits. No employee shall be paid for any accrued sick leave upon ending employment with the Town.

Section 7. Family Medical Leave

- A. The Town recognizes that circumstances and conditions beyond the control of its employees occur. The Family Medical and Personal Leave Act (FMLA) is being implemented to necessitate the employee being absent from duty.
- B. A regular full-time employee may request and shall be granted FMLA leave of absence without pay for medical or personal reasons under conditions as provided in this policy (see Appendix F). Provisions within this policy are written to comply with the Federal Family and Medical Leave Act of 1993 (FMLA).
- C. The Town will allow an eligible employee up to a total of 12 workweeks of unpaid FMLA during a “rolling” 12-month period measured backward from the date the following employee uses any FMLA for one or more of the following reasons: 1.) because of the birth of the employee’s child and to care for that child; 2.) because of the placement of a child with the employee for adoption or foster care and to care for that child; 3.) to care for a spouse, child, or parent with a serious health condition if the employee is needed to provide physical or psychological care for the family member; or 4.) because the employee has a serious health condition that makes the employee unable to perform their job.
- D. To be eligible for FMLA an employee must meet the following requirements:
 - 1. The Town must have employed the employee as a regular full time employee for at least 12 months.
 - 2. The employee must have worked at least 1250 hours during the 12-month period immediately preceding the commencement of the FMLA.
- E. Upon returning from FMLA, the employee will be restored to the position they held when the leave began, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. The right of an employee to reinstatement under this policy expires at the end of the 12-week FMLA leave period.

The use of family or medical leave will not result in the loss of any employment benefit accrued prior to the date on which the leave commenced; however, an employee will not accrue any seniority or employment benefits during an unpaid FMLA period, except as following Paragraph F.

- F. During FMLA, the Town will maintain the employee’s coverage under the group health plan at the same level and conditions of coverage that would have been provided if the employee had not taken FMLA. However, an employee may choose not to retain health

plan coverage during FMLA. If coverage is retained, the Town may recover its share of any premiums paid for maintaining coverage during an unpaid leave period if the employee fails to return from leave for a reason other than the continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member, or other circumstances beyond the control of the employee. The Town may also recover the employee's share, if any, of any premium payments missed by the employee for any FMLA period during which the Town maintains the employee's health coverage by paying the employee's share, if any, after the premium payment has been missed.

Employees requesting vacation leave, sick leave, or leave for any purpose must provide the Town with sufficient information for the Town to determine whether the requested leave may qualify for FMLA under this policy.

- G. An employee must give the Town at least 30 days' notice before the date leave is to begin if the need for leave is foreseeable. If 30 days' notice is not practicable, such as because of lack of knowledge of when leave will be required to begin, a change in circumstances, or because of a medical emergency, then the employee must provide the best notice practicable. If an employee fails to give timely advanced notice when the need for FMLA is foreseeable, the Town may delay the taking of FMLA leave 30 days after the date the employee provides notice to the Town of the need for FMLA leave.

When an employee provides notice of the need for family or medical leave, the Town will provide the employee with a Family and Medical Leave Act Fact Sheet and a notice detailing the specific expectations and obligations of the employee that explains any consequences if they are not met. The Town requires a report every 30 days from an employee on unpaid family or medical leave regarding the employee's status and intent to return to work.

- H. For the purposes of FMLA, the following definitions apply:

1. "Child" is defined as a biological, adopted, step, or foster child, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or over 18 but incapable of self-care because of physical or mental disability.
2. "Parent" means a biological parent or a person who stands or stood in loco parentis to the employee, but does include parents-in-law.

I. Provisions Specific to Family Leave

1. An employee may take unpaid leave because of the birth of the employee's child and to care for that child, or because of the placement of a child with the employee for adoption or foster care and to care for that child.
2. The entitlement to leave for birth or placement of a child expires at the end of the 12-month period beginning on the date of the birth or placement. Leave for

placement of a child may not be taken intermittently or on a reduced leave schedule unless the Town agrees to the intermittent leave.

3. If both husband and wife are employed by the Town, each is entitled to 12 workweeks of FMLA leave for the birth or placement of a child during the FMLA leave year.
4. Employees may substitute accrued paid vacation leave for any or all of the leave allowed for the birth of an employee's child or to care for that child or placement of a child with the employee for adoption or foster care.

J. Provisions Specific to Medical Leave

An employee may take unpaid leave to care for a spouse, child or parent with a serious health condition if the employee is needed to provide physical or psychological care for the family member, or because the employee has a serious health condition that makes the employee unable to perform the function of his or her position. The Town may require an employee to provide reasonable documentation of family relationship.

A "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:

1. Hospital Care: Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.
2. Absence Plus Treatment: A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:
 - a. Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under order of, or on referral by a health care provider: or
 - b. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
3. Pregnancy: Any period of incapacity due to pregnancy, or for prenatal care.
4. Chronic Conditions Requiring Treatments: A Chronic condition which:
 - a. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider:
 - b. Continues over an extended period of time (including recurring episodes of a single underlying condition); and

- c. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, is epilepsy, etc.).
 - 5. Permanent / Long-term Condition Requiring Supervisor: A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of (need not be receiving active treatment) a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stage of a disease.
 - 6. Multiple Treatments (Non-Chronic Conditions): Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition - three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (Chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).
- K. Leave for medical care of a spouse, child, or parent with a serious health condition, or for the employee's own serious health condition, may be taken intermittently or on a reduced schedule when medically necessary. However, if an employee requests intermittent leave or leave on a reduced leave schedule and the leave is foreseeable based on planned medical treatment, the Town may require the employee to temporarily transfer to an available alternative position for which the employee is qualified that better accommodates recurring leave periods. If the employee no longer needs to continue on leave and is able to return to fulltime work, the employee will be placed in the same or equivalent job as his/her prior job.

The Employee must make a reasonable effort to schedule the treatment of a serious health condition of a family member or of the employee so as not to unduly disrupt the Town's operations. This scheduling is subject to the approval of the appropriate health care provider. The employee may substitute accrued vacation leave or sick leave for unpaid medical leave taken under Paragraph J.

L. Certification

- 1. The Town may require medical certification issued by the health care provider to support a request for leave for an employee's own serious health condition or to care for a seriously ill child, spouse, or parent. The Town may also require medical certification when an employee is unable to return to work after family or medical leave because of the continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member.
- 2. Certification, if requested, must be made on the form provided by the Town, and must be made within 15 days of the Town's request, unless not practicable under the circumstances.

3. If the Town has reason to doubt the validity of the medical certification, it will require the employee to obtain a second opinion at the Town's expense. The Town will designate the healthcare provider to furnish the second opinion, but the healthcare provider will not be a provider employed on a regular basis by the Town. If the opinions of the employee's and the Town's designated healthcare providers differ, the Town may require the employee to obtain certification from a third healthcare provider, again, at the Town's expense. The third healthcare provider shall be final and binding. The third healthcare provider will be one designated or approved jointly by the employee and Town.
4. If the Town requires an employee to obtain either a second or third opinion, the Town will reimburse the employee or family member for any reasonable "out of pocket" travel expenses incurred to obtain the second and third medical opinions.

In the case of foreseeable leave, an employee failing to provide timely certification after being requested by the Town to furnish such certification may be denied the taking of leave until the required certification is provided. When the need for leave is not foreseeable, an employee failing to provide medical certification within a reasonable time under the circumstances may be denied continuation of FMLA leave until the required certification is provided.

M. Recertification

1. For pregnancy, chronic, or permanent/long-term conditions under continuing supervision of a health care provider, the Town will require certification every 30 days. However, additional recertification may be required if:
 - a. Circumstances described by the previous certification have changed significantly; or,
 - b. The Town receives information that casts doubt upon the employee's statement for the absence.
2. For all serious health conditions other than those listed in Paragraph M above, employees will be required to recertify the medical condition every 30 days, except that: If the minimum duration of the period of incapacity specified on a certification furnished by the health care provider is more than 30 days, the Town will not request recertification until that minimum duration has passed; and for FMLA leave taken intermittently or on a reduced leave schedule basis, the Town will not request recertification in less than the minimum period specified on the certification as necessary for such leave. However, additional recertifications may be required if:
 - a. The employee requests an extension of leave.
 - b. Circumstances described by the original certification have changed significantly; or
 - c. The employer receives information that casts doubt upon the continuing validity of the certification.

3. Recertification shall be at the employee's expense unless the Town provides otherwise. No second or third opinions on recertification will be required.
4. Employees shall provide recertification within 15 days of the Town's request, unless not practicable under the circumstances.

N. The Town requires a medical certification of fitness to return to work in all cases where the employee has taken medical leave based on his/her own serious health condition, except for cases where the employee takes intermittent leave. The fitness for duty shall be at the employee's expense, and the Town will delay restoration until the employee submits the required certification. If the employee fails to provide either a fitness for duty certification or a new medical certification for serious health condition, the employee may be terminated.

A regular full-time employee may request a medical leave of absence without pay for personal medical reasons, such as surgery, injury, other disability or extended illness, including disability due to pregnancy or childbirth.

1. Leave without pay for medical reasons may be granted without the employee exhausting accumulated sick leave or vacation leave.
2. An employee may be required, at the Town's option, to present a physician's certificate of disability, injury, or illness. If the medical leave is requested for a reason that would qualify as a "serious health condition" under Paragraph J of this policy, the need for leave must be certified as set out in Paragraph L and M of this policy.
3. Employees requesting reinstatement after taking leave pursuant to Paragraph J will be reinstated to their prior position or a similar position if a vacancy exists for which they are qualified.

Section 8. Personal Leave Without Pay

- A. Leave without pay may be granted for up to six (6) months by the Town Manager upon recommendation of the Department Head. Leave without pay may be granted during the time before and after childbirth or adoption when no actual disability is present. When an actual disability caused or contributed to be pregnancy, miscarriage, childbirth, or recovery therefrom exists, employees will use accumulated sick leave. Upon returning to duty after being on leave without pay, the employee shall be guaranteed a position of the same classification, seniority, and pay. Failure to report for duty at the expiration of the leave-without-pay period, unless an extension has been granted, shall be considered a resignation.
- B. An employee shall have the option to retain all unused annual or sick leave credits while on leave-without-pay status. Annual and sick leave credits will not be accrued during leave without pay. Individual hospitalization and dental insurance provided for the

employee by the employer during regular pay status will not be provided as employer expense benefits during leave without pay unless the employee is on the payroll a minimum of one-half (1/2) the working days during the calendar month. Employee may continue coverage under the Town's group health care coverage by paying the Town for premiums paid during leave-without-pay status. The employee, however, may continue to be eligible for any benefit(s) under the Town's group plans, subject to regulations adopted by the Town Council and the respective group carriers.

Section 9. Military Leave

- A. An employee who is a member of the National Guard or the Armed Forces Reserve will be allowed ten (10) working days of military training leave annually without being forced to utilize annual or sick leave days. If an employee is required by the military to be away from the Town employment for more than the allowed ten (10) days, the employee may elect to use annual leave or receive no pay.
- B. While on military leave with or without pay, the employee's leave credits and other benefits shall continue to accrue as if the employee remained with the Town during this period. Employees who are reservists have all job rights specified in the Veterans Readjustments Assistance Act.

Section 10. Court Leave

A Town employee called for jury duty or as a court witness for the federal or state government or a subdivision thereof is entitled to a leave with pay for the period of absence required. The employee is entitled to regular compensation plus fees received for jury duty.

Section 11. Educational Leave with Pay

A leave of absence at full or partial pay for a period not to exceed sixty (60) working days may be granted upon the recommendation of the Department Head with the approval of the Town Manager, for an employee to take courses of study that will better equip the employee to perform his or her duties for the Town. A leave of absence at full or partial pay for a period not to exceed nine (9) months may be granted for the same purpose, but only upon the recommendation of the Department Head and the Town Manager with the approval of the Town Council. An employee on educational leave with full pay shall continue to earn leave credits and any other benefits to which Town employees are entitled. An employee on educational leave with partial pay shall earn proportional leave credits.

Section 12. Smallpox Vaccination (Adverse Reaction)

Pursuant to NC General Statute 160A-164.1, employees serving as fire fighters or police officers who as part of their position with the Town are voluntarily vaccinated for smallpox under Section 304 of the Federal Homeland Security Act of 2002, or who are exposed to another employee who has been vaccinated pursuant to Section 304, to the extent that they experience an

adverse medical reaction to the vaccination or become infected with vaccinia or smallpox, shall be eligible for Workers' Compensation benefits and/or sick leave in keeping with this policy and with State law. All coverage or benefits under this policy shall be secondary to any benefits provided by Federal or State law.

Employees who, as part of their position with the Town, are invited to voluntarily receive the smallpox vaccination should consult their personal physicians prior to being inoculated, to determine whether they have conditions indicating they should not be inoculated with, or might suffer adverse reactions from, the vaccine. If consultation is not paid for by the employee's health plan, it will be the employee's responsibility to pay for the consultation.

Article VIII. Employee Benefits

Section 1. Insurance Benefits

The Town may provide individual hospitalization and life insurance to all full-time employees. The Town may also provide a percentage of spouse or family coverage. Employees shall be enrolled in the programs in accordance with the provisions of the insurance contracts and on the first day of the month following a waiting period of sixty (60) days. Deductions shall be allowed, at the option of the employee, to provide hospitalization for dependents in accordance with the provisions of the insurance contracts.

Section 2. Unemployment Compensation

Town employees who are laid off or dismissed from the Town service may apply for unemployment compensation through the local office of the Employment Security Commission. Eligibility for unemployment compensation will be determined by the Employment Security Commission.

Section 3. Old Age and Survivors Insurance (Social Security)

The Town, to the extent of its lawful authority and power, shall extend Social Security benefits for its eligible employees in accordance with the provisions of the Social Security Act. The Federal Social Security program provides monthly benefits upon retirement.

Section 4. Retirement Benefits

Each employee in a budgeted, permanent position, working a minimum of 1,000 hours per year, will be enrolled in the Local Government Employees' Retirement System. Employees contribute, through payroll deduction, six percent (6%) of their gross salary each month to the system. The Town contributes an actuarially determined percentage of the gross payroll each month to the system.

Section 5. Death Benefit

If an employee dies before age seventy (70) while still in active service with at least one (1) year as a contributing member of the Retirement System, the employee's beneficiary will receive a lump-sum payment equal to the employee's highest twelve (12) months' consecutive salary during the preceding twenty-four (24) months, not to exceed \$50,000. This benefit is also paid if the employee dies within 180 days of the last day for which he or she was paid salary.

Section 6. Benefits-Other (fixed)

The Town, as the employer, provides the following additional benefits to employees:

- A. Workers' Compensation-Provides coverage to all full- and part-time employees to cover medical expenses and lost time from work due to work-related injuries.
- B. Section 401(k) Plan, Supplemental Retirement Plan of North Carolina-Provides an automatic contribution by the employer for all participating members of the Local Government Employees' Retirement System.
- C. The Town will pay for or reimburse employees for expenses related to training (i.e. books, tuition, etc.) provided the training is required for the job position.
- D. The Council may elect to provide a lump sum payment each year to all full time employees as a Christmas Bonus. The payment will be for one week's pay unless the employee has been employed by the Town for less than one year. In such case, the payment will be prorated based on time employed. If approved by the Council, the payment will be afforded the employees on the Wednesday prior to Thanksgiving.

Section 7. Benefits-Other (flexible)

Additional deductions or benefits may be allowed at the option of the employee, under the provisions of the insurance contracts, and their cost may be deducted from the employee's pay:

- A. Miscellaneous insurance (AFLAC, Colonial Life, etc)
- B. Credit Union
- C. Flex Plan, authorized by Section 125 of the Internal Revenue Code-Allows employees to spend pretax dollars on insurance premiums and deductibles, uncovered health and medical expenses, and expenses for care of depend children.

Article IX. Separation, Disciplinary Action, and Reinstatement

Section 1. Types of Separation

All separations of employees from positions in the service of the Town shall be designated as one of the following: resignation, reduction in force, disability, retirement, dismissal, or death.

Section 2. Reduction in Force

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

Section 3. Disability

An employee may be separated for disability when the employee cannot perform the essential duties because of a physical or mental impairment and reasonable accommodations, as required by the American with Disabilities Act (ADA), cannot be made. Reasonable accommodation includes reassignment of the employee to an equivalent position in the Town's work force for which he or she is qualified and that is or will be vacant in a reasonable time. Action may be initiated by the employee or the Town, but in all cases it shall be supported by medical evidence as certified by a competent physician. The Town may require an examination at its expense and performed by a physician of its choice.

Section 4. Discipline and Dismissal

- A. An employee may be reprimanded, suspended, demoted, or dismissed by the employee's Department Head for just cause.
- B. An employee whose work is unsatisfactory over a period of time shall be notified by the Department Head in what way the employee's work is deficient and what must be done if the work is to be satisfactory.
- C. An employee who is reprimanded, suspended, demoted, or dismissed for unsatisfactory performance of duties shall receive at least three (3) warnings before disciplinary action is taken. (see Appendix G) First, one (1) or more oral warnings must be issued by the employee's immediate supervisor. Second, if the oral warning does not result in improved performance, a written warning must be issued by the supervisor, specifying the employee's performance deficiencies and the steps required to achieve satisfactory performance. Third, if performance still does not improve, a final written warning must be issued by the Department Head. A final written warning serves notice to the employee that corrective action must be taken immediately to avoid disciplinary action. The supervisor and the Department Head will record the dates of their discussions with the

- employee, the performance deficiencies discussed, and the corrective actions recommended and file the information in the employee's personnel file. The Town Manager will be notified of any disciplinary action taken.
- D. An employee may be reprimanded, suspended, demoted, or dismissed for reasons of misconduct without prior warning or disciplinary action having been given to the employee.
 - E. An employee may be suspended without notice by the Department Head for causes related to personal conduct in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. When a Department Head suspends an employee without notice, the employee shall be required to leave Town property at once and remain away until further notice. The Department Head shall notify the Town Manager immediately. A written summary giving the circumstances and the facts leading to the immediate suspension shall be prepared; one (1) copy shall be delivered to the employee by certified mail, one (1) copy shall be filed in the employee's personnel file, and one (1) copy shall be filed with the Town Manager.
 - F. Before any disciplinary action is taken, whether for misconduct or unacceptable performance, the Department Head shall provide the employee with a written notice of proposed disciplinary action, which will include the nature of the proposed action, its recommended effective date, the reason(s) for the action, and a date and time for a pre-disciplinary conference. At this conference, the employee may present any response to the proposed disciplinary action to the Department Head. The Department Head will consider the employee's response, if any, to the proposed disciplinary action, and will, within three (3) working days of the pre-disciplinary conference, notify the employee in writing of the final decision to take disciplinary action. The notice of final disciplinary action shall contain a statement of the reason(s) for the action and the employee's appeal rights. The Town Manager will be provided with a written notice of action taken.

Section 5. Investigatory Suspension

- A. Investigatory suspension without pay 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 conference. Also, the Town may elect to use an investigatory suspension to avoid undue disruption of work or to protect the safety of persons or property. An investigatory suspension without pay shall not exceed forty-five (45) calendar days. If no action has been taken by management by the end of forty-five (45) calendar days, one of the following must occur: reinstatement of the employee with full back pay; appropriate disciplinary action based on the results of the investigation; or reinstatement of the employee with up to three (3) days' pay deducted from back pay.
- 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 or her salary. The decision to deduct pay is to be based upon management's determination of the degree to which the employee was responsible for or contributed to the reasons for suspension. This period constitutes a

disciplinary suspension without pay and must be effected in accordance with Section 4F of this article.

Section 6. Employee Appeal

An employee wishing to appeal a reprimand, a demotion, a suspension, or a dismissal may present the matter using the grievance procedure prescribed in Article X of the ordinance.

Section 7. Reinstatement

An employee who resigns while in good standing or who is separated because of reduction in force may be reinstated within three (3) years of the date of separation, with the approval of the Department Head and the Town Manager.

An employee who enters extended active duty with the Armed Forces of the United States, the Public Health Service, or with a reserve component of the Armed Forces will be granted reinstatement rights provided under federal law. An employee who is reinstated shall be credited with previous service and previously accrued sick leave.

Article X. Grievance Procedure

Section 1. Purpose

The grievance procedure provides an adequate and fair means for hearing matters of concern to Town employees.

Section 2. Coverage

This grievance procedure applies to all departments and all employees of the Town.

Section 3. Policy

Every employee shall have the right to present a grievance in accordance with these procedures, with or without a representative, free from interference, coercion, restraint, discrimination, penalty, or reprisal. Employees will be allowed such time off from their regular duties as may be necessary and reasonable as determined by the Department Head or Town Manager to prepare and present a grievance.

Section 4. Procedure

- A. *Step One.* An employee must file a grievance, in writing, with their immediate supervisor within thirty (30) calendar days of the date of the incident giving rise to the grievance. If the grievance involves the immediate supervisor, employee may skip to Step Two. The immediate supervisor shall meet with the employee within five (5) work days of receipt of the grievance and attempt to resolve the grievance informally. If informal resolution efforts fail, the immediate supervisor shall issue a written decision on the grievance not later than five (5) work days following the meeting.

- B. *Step Two.* If the employee is dissatisfied with the response at Step One, the employee may file the grievance in writing with the Department Head within five (5) work days of receipt of the immediate supervisor's written decision. The grievance shall state concisely the basis for the complaint and, if based on alleged discrimination, indicate whether the alleged discrimination was based on race, color, religion, sex, national origin, political affiliation, non-disqualifying handicap, or age. The Department Head shall meet with the employee within five (5) work days of receipt of the Step Two grievance, shall review the decision at Step One, and shall make an independent determination on the merits of the grievance. Within ten (10) work days of the meeting with the employee, the department head shall issue a written decision.

- C. *Step Three.* If the employee is dissatisfied with the response at Step Two, the employee may forward the written grievance to the Town Manager within five (5) work days of receipt of the Step Two decision. The Town Manager will review the decisions rendered at Step One and Two. The Town Manager will schedule a meeting with the employee within five (5) work days of receipt of grievance notice. The Town Manager will render a written decision within fifteen (15) work days of receipt of the grievance. The decision rendered by the Town Manager will be final and no further review will be allowed.

- D. During the appeal process, the employee will still be subject to any disciplinary action enforced by the employee's immediate supervisor. If the Department Head or Town Manager reverses an action taken by a supervisor, the employee will be afforded back pay with benefits for any work days lost due to the adverse action.

Section 5. Maintenance of Records

All documentation, records, and reports will be retained for a minimum of three (3) years and shall be held by the Town Manager. These records will be subject to review by the grievant, the employee's Department Head, the Town Manager, and the Authority Council.

Section 6. Other Remedies Preserved

The existence of the grievance procedure does not preclude any individual from pursuing any other remedies available under law.

Article XI. Personnel Records

Section 1. Personnel Records Maintenance

Such personnel records as are necessary for the proper administration of the personnel system will be maintained by the Town Manager or appointed authority. The Town shall maintain in personnel records all information that is necessary and relevant to accomplishing legitimate personnel administration needs.

Section 2. Information Open to the Public

The following information on each Town employee is public information under North Carolina State law

- (1) Name.
- (2) Age.
- (3) Date of original employment or appointment.
- (4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the city has the written contract or a record of the oral contract in its possession.
- (5) Current position.
- (6) Title.
- (7) Current salary.
- (8) Date and amount of each increase or decrease in salary with the Town.
- (9) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification; and classification with the Town.
- (10) Date and general description of the reasons for each promotion with the Town.
- (11) 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 is the basis of the dismissal.
- (12) The office to which the employee is currently assigned.

For the purposes of this subsection, the term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the Town.

The Town Manager or his / her designee shall determine in what form and by whom this information will be maintained. Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Town Council may have adopted. Any person denied access to this information 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 3. Access to Personnel Records

As required by G.S. 160A-168, any person may have access to the information listed in Section 2 of this article for the purpose of inspection, examination, and copying during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Town Council may adopt. Any person denied access to any record shall have the right to compel compliance with these provisions by application to a court for writ of mandamus or other appropriate relief.

Section 4. Confidential Information

All information contained in an Town employee's personnel file, other than the information listed in Section 2 of this article, will be maintained as confidential in accordance with the requirement of G. S. 160A-168 and shall be open to public inspection only in the following instances:

- A. The employee or his duly authorized agent may examine all portions of his personnel file except (i) letters of reference solicited prior to employment, and (ii) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his/her patient.
- B. A licensed physician designated in writing by the employee may examine the employee's medical record.
- 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 by the court.
- E. An official of an agency of the State or federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records 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 such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
- F. An employee may sign a written release, to be placed with his personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- G. The Town Manager, with concurrence of the Town Council, may inform any person of the employment or non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of an Town employee and the reasons for that personnel action. Before releasing the information, the Town Manager or Town Council 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 and is a record available for public inspection and shall become part of the employee's personnel file.

Even if considered part of an employee's personnel file, the following information need not be disclosed to an employee or to any other person:

- A. Testing or examination material used solely to determine individual qualifications for appointment, employment, or promotion in the city's service, when disclosure would compromise the objectivity or the fairness of the testing or examination process.
- B. Investigative reports or memoranda and other information concerning the investigation of possible criminal actions of an employee, until the investigation is completed and no criminal action taken, or until the criminal action is concluded.
- C. Information that might identify an undercover law enforcement officer or a law enforcement informer.
- D. Notes, preliminary drafts and internal communications concerning an employee. In the event such materials are used for any official personnel decision, then the employee or his duly authorized agent shall have a right to inspect such materials.

Section 5. Remedies of Employees Objecting to Material in File

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

Section 6. Penalty for Permitting Access to Confidential File by Unauthorized Person

Any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a Class 3 misdemeanor and upon conviction be fined in an amount not to exceed five hundred dollars (\$500.00).

Section 7. Destruction of Records

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G.S. 121-5(b), without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates, or destroys it, will be guilty of a misdemeanor and upon conviction will be fined not less than ten dollars (\$10.00) and no more than five hundred dollars (\$500.00) as provided in G.S. 132-3.

Article XII. Implementation of Policy

Section 1. Conflicting Policies Repealed

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

Section 2. Separability

If any provision of this policy or any rule, regulation, or order there under of the application of such provision to any person or circumstances is held invalid by a court of competent jurisdiction, the remainder of this policy and the application of such remaining provisions of this policy of such rules, regulations, or orders to persons or circumstances other than those held invalid will not be affected thereby.

Section 3. Violations of Policy Provisions

An employee violating any of the provisions of this policy shall be subject to suspension and/or dismissal, in addition to any civil or criminal penalty, which may be imposed for the violation of the same.

Section 4. Effective Date

This policy shall become effective as of April 10 2012, by action of the Town Council of the Town of Jonesville.