

City of Roanoke Rapids



Personnel Policy

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**CITY OF ROANOKE RAPIDS
PERSONNEL POLICY
Table of Contents**

Article	Title	Page
Article I	General Provisions	1
	Section 1. Purpose of the Chapter	1
	Section 2. Responsibilities of the City Council	1
	Section 3. Responsibilities of the City Manager	1
	Section 4. Application of Policies, Plans, Rules, and Regulations	2
	Section 5. Departmental Rules and Regulations	2
	Section 6. Definitions	2
Article II	Position Classification Plan	3
	Section 1. Purpose	3
	Section 2. Composition of the Position Classification and Pay Plan	3
	Section 3. Use of the Position Classification Plan	3
	Section 4. Administration of the Position Classification Plan	3
	Section 5. Adoption of the Position Classification Plan	4
	Section 6. Request for Reclassification	4
Article III	Pay Plan	4
	Section 1. Definition	4
	Section 2. Administration and Maintenance	4
	Section 3. Starting Salaries	5
	Section 4. Trainee Designation and Provisions	5
	Section 5. Performance Evaluation and Merit Pay Increases	5
	Section 6. Merit Pay Bonus	5
	Section 7. Salary Effect of Promotions, Demotions, Transfers, and Reclassification	6
	Section 8. Salary Effect of Salary Range Revisions	6
	Section 9. Effective date of Salary Changes	6
	Section 10. Overtime Pay Provisions	6
	Section 11. Call-back and Standby Pay	7
	Section 12. Payroll Deductions	7
Article IV	Recruitment and Employment	8
	Section 1. Equal Employment Opportunity Policy	8
	Section 2. Implementation of Equal Employment Opportunity Policy	8
	Section 3. Recruitment, Selection, and Appointment	8
	Section 4. Probationary Period	8
	Section 5. Promotion	10
	Section 6. Demotion	10
	Section 7. Transfer	10

**CITY OF ROANOKE RAPIDS
PERSONNEL POLICY
Table of Contents**

Article	Title	Page
Article V	Conditions of Employment	11
	Section 1. Medical Examination	11
	Section 2. Work Schedule	11
	Section 3. Certifications	11
	Section 4. Political Activity	11
	Section 5. Outside Employment	12
	Section 6. Employment of Relatives	12
	Section 7. Personal Indebtedness	12
	Section 8. Sexual Harassment	12
	Section 9. Acceptance of Gifts and Favors	13
	Section 10. Surrender of Property	13
	Section 11. Conformance to Immigration Law Requirements	13
	Section 12. Confidential Information	13
	Section 13. Safety	13
Article VI	Employee Benefits	14
	Section 1. Eligibility	14
	Section 2. Group Health and Hospitalization Insurance	14
	Section 3. Group Life Insurance	14
	Section 4. Other Optional Group Insurance Plans	15
	Section 5. Retirement	15
	Section 6. Supplemental Retirement Benefits	15
	Section 7. Social Security	15
	Section 8. Workers' Compensation	15
	Section 9. Unemployment Compensation	15
	Section 10. Tuition Assistance Program	16
	Section 11. Longevity Pay	16
Article VII	Holidays and Leaves of Absence	16
	Section 1. Policy	16
	Section 2. Holidays and Leaves of Absence	17
	Section 3. Holidays: Effects on Other Types of Leave	17
	Section 4. Holidays: Compensation for Police and Fire Department Shift Personnel	17
	Section 5. Vacation Leave	18
	Section 6. Vacation Leave: Use by Probationary Employees	18
	Section 7. Vacation Leave: Accrual Rate	18
	Section 8. Vacation Leave: Maximum Accumulation	18
	Section 9. Vacation Leave: Manner of Taking	19
	Section 10. Vacation Leave: Payment Upon Separation	19
	Section 11. Vacation Leave: Payment Upon Death	19
	Section 12. Sick Leave	19
	Section 13. Sick Leave: Accrual Rate and Accumulation	20
	Section 13.(a) Sick Leave: Transfer	22
	Section 14. Sick Leave: Medical Certification	22
	Section 15. Leave Pro-rated	22

**CITY OF ROANOKE RAPIDS
PERSONNEL POLICY
Table of Contents**

Article	Title	Page
Article VII	Holidays and Leaves of Absence (cont'd)	
	Section 16. Family and Medical Leave	22
	Section 17. Family and Medical Leave - Certification	24
	Section 18. Leave Without Pay	24
	Section 19. Family and Medical Leave and Leave Without Pay: Retention and Continuation of Benefits	24
	Section 20. Workers' Compensation Leave	25
	Section 21. Military Leave	25
	Section 22. Reinstatement Following Military Service	25
	Section 23. Civil Leave	26
	Section 24. Educational Leave With Pay	26
	Section 25. Light Duty	27
	Section 26. Law Enforcement Separation Allowance	27
Article VIII	Separation and Reinstatement	27
	Section 1. Types of Separations	27
	Section 2. Resignation	27
	Section 3. Reduction in Force	28
	Section 4. Disability	28
	Section 5. Voluntary Retirement	28
	Section 6. Death	28
	Section 7. Dismissal	28
	Section 8. Reinstatement	29
	Section 9. Rehiring	29
Article IX	Unsatisfactory Job Performance and Detrimental Personal Conduct	29
	Section 1. Disciplinary Action for Unsatisfactory Job Performance	29
	Section 2. Unsatisfactory Job Performance Defined	29
	Section 3. Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance	30
	Section 4. Disciplinary Action for Detrimental Personal Conduct	30
	Section 5. Detrimental Personal Conduct Defined	30
	Section 6. Pre-disciplinary Conference	32
	Section 7. Non-disciplinary Suspension	32
	Section 8. Substance Abuse Policy	32
	Section 9. Employee Appeal	33
Article X	Grievance Procedures and Adverse Action Appeal	33
	Section 1. Policy	33
	Section 2. Grievance Defined	33
	Section 3. Purposes of the Grievance Procedures	33
	Section 4. Procedure	34
	Section 5. Grievance and Adverse Action Appeal Procedure for	35
Article XI	Records and Reports	35
	Section 1. Public Information	35
	Section 2. Access to Confidential Records	36

**CITY OF ROANOKE RAPIDS
PERSONNEL POLICY
Table of Contents**

Article	Title	Page
Article XI	Records and Reports (cont'd)	37
	Section 3. Personnel Action	37
	Section 4. Records of Former Employees	37
	Section 5. Records of Applicants	37
	Section 6. Remedies of Employees Obejecting to Material In File	37
	Section 7. Penalties for Permitting Access to Confidential Records	37
	Section 8. Examining and/or Copying Confidential Material without Authorization	37
	Section 9. Destruction of Records Regulated	38

ARTICLE I. GENERAL PROVISIONS

Section 1. Purpose of this Policy

It is the purpose of this policy and the rules and regulations set forth to establish a fair and uniform system of personnel administration for all employees of the City under the supervision of the City Manager. The employment relationship between the City and the employee is terminable at the will of either at any time, with or without cause and with or without notice. No employee, officer, agent or representative of the City has any authority to enter into any agreement or representation, verbally or in writing, which alters, amends, or contradicts this provision or other provisions in these policies. Any exception to this policy or “at will” employment must be expressly authorized in writing, approved by City Council, and executed by the officers designated by City Council. (Nothing in this policy creates an employment contract or term between the City and its employees.) This policy is established under authority of Chapter 160A, Article 7, of the General Statutes of North Carolina.

Section 2. Responsibilities of City Council

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

Section 3. Responsibilities of the City Manager

The City Manager shall be responsible to City Council for the administration and technical direction of the personnel program. The City Manager shall appoint, suspend, and remove all City officers and employees except those elected by the people or whose appointment is otherwise provided for by law. The City Manager shall make appointments, dismissals, and suspensions in accordance with the City Charter and other policies and procedures spelled out in other Articles in this policy.

The City Manager shall:

- a) Recommend rules and revisions to the personnel system to City Council for consideration;
- b) Make changes as necessary to maintain an up-to-date and accurate position classification plan;
- c) Prepare necessary revisions to the pay plan;
- d) Determine which employees shall be subject to the overtime provisions of FLSA;
- e) Establish and maintain a roster of all persons and authorized positions in the municipal service, setting forth each position and employee, class title of position, salary, any changes in class title and status, and such data as may be desirable or useful;
- f) Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the City;
- g) Develop and coordinate training and educational programs for City employees;

- h) Investigate periodically the operation and effect of the personnel provisions of this chapter; and
- i) Perform such other duties as may be assigned by City Council not inconsistent with this chapter.

Section 4. Application of Policies, Plan, Rules and Regulations

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

Section 5. Departmental Rules and Regulations

Due to the particular personnel and operational requirements of the various departments of the City, each department is authorized to establish supplemental written rules and regulations applicable only to the personnel of that department. All such rules and regulations shall be subject to the approval of the City Manager, and shall not in any way conflict with the provisions of this policy, but shall be considered as a supplement to this Policy.

Section 6. Definitions

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

Full-time employee. An employee who is in a position for which an average work week equals at least 37.5 hours, and continuous employment of at least 12 months, are required by the City.

Part-time employee. An employee who is in a position for which an average work week of at least 20 hours and less than 37.5 hours and continuous employment of at least 12 months are required by the City.

Regular employee. An employee appointed to a full or part-time position that has successfully completed the designated probationary period.

Probationary employee. An employee appointed to a full or part-time position that has not yet successfully completed the designated probationary period.

Temporary employee. An employee appointed to a position for which either the average work week required by the City over the course of a year is less than 20 hours, or continuous employment required by the City is less than 12 month

Trainee employee. An employee status when an applicant is hired (or employee promoted) who does not meet all of the requirements for the position. During the duration of a trainee appointment, the employee is on probationary status.

ARTICLE II. POSITION CLASSIFICATION PLAN

Section 1. Purpose

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

Section 2. Composition of the Position Classification Plan

The Classification plan shall consist of:

- a) A grouping of positions in classes which are approximately equal in difficulty and responsibility which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions;
- b) Class titles descriptive of the work of the class;
- c) Written specifications for each class of positions; and
- d) An allocation list showing the class title of each position in the classified service.

Section 3. Use of the Position Classification Plan

The classification plan is to be used:

- a) As a guide in recruiting and examining applicants for employment;
- b) In determining lines of promotion and in developing employee training programs;
- c) In determining salary to be paid for various types of work;
- d) In determining personnel service items in departmental budgets; and
- e) In providing uniform job terminology.

Section 4. Administration of the Position Classification Plan

The City Manager shall allocate each position covered by the classification plan to its appropriate class, and shall be responsible for the administration of the position classification plan. The City Manager shall periodically review portions of the classification plan and recommend appropriate changes to City Council.

Section 5. Adoption of the Position Classification Plan

The position classification plan shall be adopted by City Council and shall be on file with the Human Resources Manager. Copies will be available to all City employees for review upon request. New positions shall be established upon recommendation of the City Manager and approval of City Council after which the City Manager, assisted by the Human Resources Manager, shall either allocate the new position into the appropriate existing class, or revise the position classification plan to establish a new class to which the new position may be allocated.

Section 6. Request for Reclassification

Any employee who considers the position in which they are classified to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall immediately transmit the request through the department head to the Human Resources Manager. Upon receipt of such request, the Human Resources Manager shall study the request, determine the merit of the reclassification, and recommend any necessary revisions to the classification and pay plan to the City Manager.

ARTICLE III. THE PAY PLAN

Section 1. Definition

The pay plan includes the basic salary schedule and the "Assignment of classes to ranges adopted by City Council." The salary schedule consists of ranges with a minimum or beginning and maximum and ranges of pay for all classes of positions.

Section 2. Administration and Maintenance

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

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the City, and other factors. To this end, from time to time the Human Resources Manager shall make comparative studies of all factors affecting the level of salary ranges and will recommend to the City Manager such changes in salary ranges as appear to be pertinent. Such assignments will be made by increasing or decreasing the assigned salary grade for the class and adjusting the rate of pay for employees in the class when the action is approved by City Council.

Section 3. Starting Salaries

All persons employed in positions approved in the position classification plan shall be employed at the minimum salary for the classification in which they are employed; however, exceptionally well qualified applicants may be employed above the minimum of the established salary range.

Section 4. Trainee Designation and Provisions

Applicants being considered for employment or City employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred by the City Manager to a “trainee” status. In such cases, a plan for training, including a time schedule must be prepared by the department head. “Trainee” salaries may be no more than 10% below the minimum salary established for the position for which the person is being trained. A new employee designated as “trainee” shall be regarded as a probationary employee.

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

Section 5. Performance Evaluation and Merit Pay Increases

Supervisors and/or Department Heads shall conduct Performance Evaluation conferences with each employee at least once a year. These performance evaluations shall be documented in writing. As a result of performance evaluations, employees may be considered for merit pay increases within established salary ranges, or for performance awards based on job performance as it relates to established City and departmental goals and objectives, and on conformance with performance evaluation policies developed by the City Manager.

Section 6. Merit Pay Bonus

Employees who are at the top step of the salary range for their position classification are eligible to be considered for a merit bonus at their regular performance evaluation time. Merit bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation and shall be the same percentage of annual salary as employees within the salary range with the same performance level. Merit bonuses shall be awarded in lump sum payments and do not become part of base pay.

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

Promotions, Demotions, Transfers and Reclassifications are events which will require an evaluation of an employee's salary. This evaluation shall be conducted to determine an employee's overall performance and to evaluate the employee's salary in order to properly compensate the employee for this change in duties and responsibility.

Section 8. Salary Effect of Salary Range Revisions

When a class of positions is assigned to a higher or lower salary grade, an evaluation of the employee in that class shall be conducted to determine an employees overall performance and to evaluate the employees salary in order to properly compensate the employee for this change in duties and responsibility.

Section 9. Effective Date of Salary Changes

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

Section 10. Overtime Pay Provisions

Employees of the City can be requested and may be required to work overtime hours as necessitated by the needs of the City and determined by the Department Head.

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

Non-exempt employees in the general work force will be paid at a straight time rate for hours up to the FLSA established limit for their positions (usually 40 hours in a 7 day period); non-exempt sworn law enforcement officers in the police department shall be paid one and one half times their regular rate of pay for all hours in excess of 171 hours in a designated 28 day work period. Non-exempt fire personnel in the fire department shall be paid one and one half times their regular rate of pay for all hours in excess of 212 hours in a designated 28-day work period. In determining eligibility for overtime in a work period, only hours actually worked shall be considered. Pay for time not worked, such as vacation leave and sick leave, will not be counted when determining these threshold hours for overtime eligibility.

Whenever practical, departments 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 at time and one half rate or taken as compensatory time at time-and-one-half rate, in accordance with FLSA regulations. Use of compensatory time will be determined by the Department Head.

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 where the convenience of the department allows and in accordance with procedures established by the City Manager. Such compensatory time is not guaranteed to be taken and ends without compensation upon separation from the organization.

However, in the event of a natural disaster, as declared by the President, the Governor or the Mayor, “Exempt” employees with the approval of the City Manager shall be provided incentive pay or with paid time off on an hour-for-hour basis when they work beyond their scheduled hours.

Section 11. Call-back and Stand-by Pay

The City provides a continuous twenty-four hour a day, seven day 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 City is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary actions up to and including dismissal by the City Manager.

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

Stand-by. Non-exempt employees required to be on “stand-by” duty will be paid for four hours of work for each week (approximately 128 hours $\{(7 \times 24) - 40\}$), excluding work time) of stand-by time they serve. Stand-by compensation for less than one full week shall be determined by the ratio of .023 hours of pay per one hour of stand-by time. Hours actually worked while on stand-by are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week. Stand-by time is defined as that time when an employee must remain near an established (land line) telephone.

Section 12. Payroll Deduction

Deductions shall be made from each employee’s salary, as required by law. Additional deductions may be made upon the request of the employee on determination by the City Manager as to capability of payroll equipment and appropriateness of the deduction.

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Equal Employment Opportunity Policy

It is the policy of the City to foster, maintain, and promote equal employment opportunity. The City shall select employees on the basis of the applicant's qualifications for the job and award them, with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to age, sex, race, color, religion, national origin, disability, political affiliation, sexual orientation or marital status. Applicants with physical disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of duties.

Section 2. Implementation of Equal Employment Opportunity Policy

All personnel responsible for recruitment and employment will continue to review regularly the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of age, sex, race, color, religion, disability, national origin, political affiliation, sexual orientation or marital status. Notices with regard to equal employment matters shall be posted in conspicuous places on City premises in places where notices are customarily posted.

Section 3. Recruitment, Selection and Appointment

Recruitment Sources. When position vacancies occur, the Human Resources Manager shall publicize these opportunities for employment, including applicable salary information and employment qualifications. **A vacancy announcement shall be posted for at least three workdays in specified location for each department.**

Information on job openings and hiring practices will be provided to recruitment sources, including organizations and news media available to minority applicants. In addition, notice of vacancies shall be posted at designated conspicuous sites within each department. Individuals required to fill the position, shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that well qualified applicants are obtained for City service. The North Carolina Employment Security Commission shall normally be used as a recruitment source.

Job Advertisement. Employment advertisements shall contain assurance of equal employment opportunity and shall comply with Federal and State statutes.

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

Applicant Pool. A group of applicants interested in a certain area of employment in which there are no available openings. These applicants meet the minimum requirements for employment in that area. When an opening occurs, selections will be made from the applicant pool for interviews for a position.

Application Reserve File. After the active period of six months, applications shall be kept in an inactive reserve file for two (2) years, in accordance with Equal Employment Opportunity Commission guidelines and the Records Retention Schedule issued by the NC Division of Archives and History.

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

Appointment. Before any commitment is made to an applicant either internal or external, the Department Head shall make recommendations to the Human Resources Manager with a recommendation of the position to be filled, the salary to be paid, and the reasons for selecting the candidate over other candidates. The Human Resources Manager shall recommend approval of appointments and the starting salary for all applicants to the City Manager who will make the final decision.

Section 4. Probationary Period

An employee appointed or promoted to a permanent position shall serve a probationary period. Employees shall serve a twelve-month probationary period.

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

Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire without stating a reasons and without following the steps outlined in this Chapter. An employee serving a probationary period following initial appointment may be dismissed with or without cause and without right of appeal at any time during the probationary period. A promoted employee who does not successfully complete the probationary period may be transferred or demoted to a position in which the employee shows promise of success. If no such position is available, the employee shall be dismissed.

Section 5. Promotion

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

Section 6. Demotion

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. An employee whose work or conduct in the current position is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. Such demotion shall follow the disciplinary outlined in this chapter. An employee who wishes to accept a position with less complex duties and responsibility may be demoted for reasons other than unsatisfactory performance of duties or failures in personal conduct.

Section 7. Transfer

Transfer is the movement of an employee from one position to a position in a class in the same salary range. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual application process. The department head wishing to transfer an employee to a different department or classification shall make a recommendation to the City Manager with the consent of the receiving department head. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this chapter. An employee who has successfully completed a probationary period may be transferred into the same classification without serving another probationary period.

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Medical Examination

All full-time employees shall be required to pass a medical examination which may include a substance abuse test, a complete physical, psychological evaluation, or any other testing that may be required to carry out or withstand the prescribed tasks of the position being filled. Such medical examinations will be based on bona fide occupational standards that are reasonably related to the position in question.

Section 2. Work Schedule

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

Section 3. Certifications

All employees of the City of Roanoke Rapids hired into a position which requires certifications, state certifications, licenses, etc. must successfully complete certifications and licenses prior to the expiration of their current certifications to avoid possible interruption of employment. Failure to obtain the required certifications, state certification, licenses etc. which are required to perform your job may result in demotion, suspension or dismissal.

Section 4. Political Activity

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States. However, no employee shall:

- a) Engage in any political or partisan activity while on duty;
 - b) Use official authority or influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
 - c) Be required as a duty of employment or as condition for employment, promotion or tenure of office to contribute funds for political or partisan purposes;
 - d) Coerce or compel contributions from another employee of the City for political or partisan purposes;
 - e) Use any supplies or equipment of the City for political or partisan purposes; or
 - f) Be a candidate for nomination or election to office under the City Charter;
- Any violation of this section shall subject the employee to disciplinary action including dismissal.

Section 5. Outside Employment

The work of the City will take precedence over other occupational or special interest of employees, which may interfere or be perceived as creating a conflict or interference. All outside employment for salaries, wages, or other compensation and all self-employment must be reported to and approved by the employee's department head and City Manager. Outside employment causing or perceived as a conflict of interest shall be disapproved. The City Manager shall be responsible for final interpretation. Conflicting outside employment will be grounds for disciplinary action up to and including dismissal.

Section 6. Employment of Relatives

Employment of family members is permitted provided the following conditions are met: (a) two or more members of an immediate family shall not be employed within the same department or unit if such employment will result in one supervising a member of his or her immediate family; or (b) two or more of an immediate family shall not be employed where one member will occupy a position with influence over the other's employment, promotions, salary administration, or other related management or personnel considerations. The term immediate family is defined in Article VII, Section 12. These provisions shall also apply if two current employees marry.

Section 7. Personal Indebtedness

It is expected that each employee of the City will keep his/her financial affairs and obligations arranged in such a way that the City will not be embarrassed by personal indebtedness and irresponsibility. City employees are expected to pay federal, state and local taxes and other financial obligations such as court ordered child support, personal loans, bankruptcy payments, etc. in a fiscally responsible manner as directed and/or due.

Section 8. Sexual Harassment

The City prohibits sexual harassment by 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 condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonable interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Any employee who believes that he or she may have a complaint or sexual harassment may follow the Grievance Procedure described in this Chapter or may file the complaint directly with the City Manager, Human Resources Manager, department head, or other City official. The Human Resources Manager will insure that an investigation is conducted into any allegation of sexual harassment and advise the employee and appropriate management officials of the outcome of the investigation.

Section 9. Acceptance of Gifts and Favors

No official or employee of the City shall accept any gift, favor, or thing of value that may tend to influence such employee in the discharge of the employee's duties, or grant in the discharge of duty an improper favor, service or thing of value.

Section 10. Surrender of Property

An employee who is suspended or discharged shall be required to return all items of equipment and supplies, including uniforms, owned by the City. Return of such equipment must precede the issuance of such an employee's final paycheck.

Section 11. Conformance to Immigration Law Requirements

All employees are required to furnish proof of citizenship or other required documents indicating a legal right to work in the United States. Copies of the completed form I-9 shall be a permanent part of their personnel file.

Section 12. Confidential Information

No appointed official or employee shall, without the approval of his department head, disclose confidential information concerning the property, government, or affairs of the City. Nor shall they, under any circumstance, use such information to advance the financial or other private interest of themselves or others.

Section 13. Safety

Safety is the responsibility of both the City and employees. It is the policy of the City to establish a safe work environment for employees. The City shall establish a safety program including policies and procedures regarding safety practices and precautions and training in safety methods.

Department Heads and Supervisors shall be responsible for:

- a) Providing safe work procedures and environments;
- b) Implementing safety policies and programs;
- c) Informing and training employees in safe work habits;
- d) Detecting and correcting unsafe practices and conditions;
- e) Investigating accidents and preparing accident reports;
- f) Encouraging employees to report unsafe conditions and to submit practical safety suggestions;

Likewise, each City employee shall be responsible for:

- a) Developing and maintaining safe work habits;
- b) Promptly reporting all accidents and injuries;
- c) Pointing out what are believed to be dangerous practices and working conditions;
- d) Assisting with investigations of accidents;
- e) Taking proper care of safety equipment;
- f) Wearing proper clothing and avoiding loose sleeves, cuffs, rings, bracelets and long hair around moving machinery; and
- g) Knowing the location and use of fire extinguishers, the location of fire exits and the best method for reporting a fire;
- h) Abiding by all safety laws and regulations.

Employees shall follow 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. In addition to the above provisions, the City will maintain a safety manual which detail safety related procedures and responsibilities. Employees shall be expected to comply with those provisions.

ARTICLE VI. EMPLOYEE BENEFITS

Section 1. Eligibility

All full time employees of the City of Roanoke Rapids are eligible for employee benefits as provided in this article which is subject to change at the City's discretion.

Section 2. Group Health and Hospitalization Insurance

The City provides group health and hospitalization insurance programs for full-time employees.

Information concerning cost and benefits shall be available to all employees.

Section 3. Group Life Insurance

The City may elect to provide group life insurance for each full-time employee subject to the stipulations of the insurance contract. Employees may elect to purchase additional coverage and/or to insure other family members under this plan at their expense subject to the stipulations of the insurance contract.

Section 4. Other Optional Group Insurance Plans

The City may make other group insurance plans available to employees upon authorization of the City Manager and City Council.

Section 5. Retirement

Each employee who is expected to work for the City more than 1,000 hours annually shall join the North Carolina Local Governmental Employee's Retirement System as a condition of employment. Employees are placed under the Retirement System from the first day of employment. Upon adoption of this policy manual, employees shall have the right to purchase the one-year waiting period.

Section 6. Supplemental Retirement Benefits

The City may provide supplemental retirement benefits for its full time employees. Each law enforcement officer shall receive 401-K benefits as prescribed by North Carolina State law. Each general employee may receive supplemental benefits as approved by the City Council.

Section 7. Social Security

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

Section 8. Workers' Compensation

All employees of the City (full-time, part-time, and temporary) are covered by the North Carolina Worker's Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisors at the time of the injury in order that appropriate action may be taken at once.

Responsibility for claiming compensation under the Worker's Compensation Act is on the injured employee, and the employee must file such claims with the North Carolina Industrial Commission within two years from date of injury. The department head will assist the employee in filing the claim.

Section 9. Unemployment Compensation

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

Section 10. Tuition Assistance Program

Full-time employees who have completed initial probation may apply for tuition reimbursement for courses taken on their own time, which will improve their skills for their current job or prepare them for promotional opportunities within the City service. Tuition, registration, fees, laboratory fees, and student fees are eligible expenses. Employees may be reimbursed eligible expenses up to a total of three hundred fifty dollars (\$350) per fiscal year. Satisfactory completion of the courses will be required for reimbursement. Requests for tuition assistance shall be submitted to the department head prior to course registration and are subject to the review of City Manager, subject to availability of funds.

Section 11. Longevity Pay

A program of longevity pay may be provided to recognize and reward the length of service of City employees. The annual payment will be made the first week in December to those full-time employees who are employed by the City on December 1, and who have completed the required number of years of service as of June 30 of the year the payment is made.

Employees shall receive longevity pay as follows:

Employees hired before 11/1/95

5-9 years 2% of annual earnings
10-14 years 4% of annual earnings
15 + years 6% of annual earnings

Employees hired on or after 11/1/95

2-4 years \$100
5-9 years \$300
10-20 years \$500
Over 20 years \$700

Employees who retire after June 30 shall receive longevity pay based upon their earning and each month of service completed since the preceding June 30. Longevity payments to retired employees shall be paid on the December payment data and **pro-rated based on their date of retirement.**

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Policy

The policy of the City is to provide annual leave, sick leave, and holiday leave to all full-time employees.

Section 2. Holidays

The following days, and other such days as the City Council may designate, are holidays with full pay for employees and officers of the City:

New Year's Day	Labor Day
Martin Luther King's Birthday	Columbus Day
Good Friday	Veteran's Day
Memorial Day	Thanksgiving (Thursday and Friday)
Independence Day	Christmas (see schedule below)

When any recognized holiday falls on Saturday, the preceding Friday will be the designated holiday and when a recognized holiday falls on Sunday the following Monday will be the designated holiday. When Christmas Day falls on the day of the week indicated below, the days set forth will be observed as holidays.

Sunday	-	Monday and Tuesday
Monday	-	Monday and Tuesday
Tuesday	-	Monday, Tuesday, and Wednesday
Wednesday	-	Tuesday, Wednesday, and Thursday
Thursday	-	Wednesday, Thursday, and Friday
Friday	-	Thursday and Friday
Saturday	-	Friday and Monday

In order to receive a paid holiday, an employee must have worked the day before and the day after the holiday(s), or have been given approved leave.

Section 3. Holiday: Effect on Other Types of Leave

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

Section 4. Holiday: Compensation for Police and Fire Department Shift Personnel

(Revision approved by City Council on 3/10/09)

In lieu of time off, each Police Department shift employee will receive 8 hours of holiday pay for each officially observed City holiday. Holiday pay will be paid at each employee's regular rate of pay, and will be included in the check immediately following the pay period during which the holiday occurs.

In lieu of holiday pay, each Fire Department shift employee will be granted compensatory time off at a rate of 10.8 hours for each officially observed City holiday. Each January, the Fire Chief shall set a "calendar day" during which shift employees will schedule all holiday

compensatory time off for the calendar year. The Fire Chief shall determine the method used to schedule days off, taking into account both employee rank and length of service.

Section 5. Vacation Leave

Vacation leave may be used for rest and relaxation, school appointments, medical appointments and other personal needs.

Section 6. Vacation Leave: Use by Probationary Employees

Employees serving a probationary period following initial employment may accumulate vacation leave. All employees, other than fire personnel, shall be allowed to take accumulated vacation leave after six months of service. Due to the unique shift scheduling of the Fire Department, fire personnel shall be allowed to take vacation after 12 months of service.

Section 7. Vacation Leave: Accrual Rate

Each full time employee of the City shall earn annual leave at the following schedule, prorated by the average number of hours in the workweek.

<u>Years of Service</u>	<u>Days Accrued Per Year</u>
0-4	10
5-9	12
10-14	15
15-19	18
20 +	20

Section 8. Vacation Leave: Maximum Accumulation

Annual leave may be accumulated to a level equivalent to the maximum leave that can be earned in a two-year period. As of December 31, any employee with leave balances in excess of the maximum accumulation shall have that excess balance transferred to sick leave.

Employees are cautioned not to retain excess accumulated vacation leave until late in the year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the-excess balance may be transferred to sick leave.

Section 9. Vacation Leave: Manner of Taking

Employees shall be granted the use of earned vacation leave upon request in advance at those times designated by the department head which will least obstruct normal operations of the City. Department heads are responsible for insuring that approved vacation leave does not hinder the effectiveness of service delivery.

Section 10. Vacation Leave: Payment upon Separation

An employee who has successfully completed six months of the probationary period will normally be paid for accumulated vacation leave upon separation not to exceed 40 days, provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation. Any employee failing to give the notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the City Manager when deemed to be in the best interest of the City. Employees who are involuntarily separated shall receive payment for accumulated annual leave subject to the 40 day maximum. Any excess vacation above the accumulated maximum payout that is not used may be rolled over to sick leave.

An employee who is retiring will be given the option to accept vacation payout or allow it to be converted to sick leave, so that it may be credited toward the employee's length of service under LGERS.

Section 11. Vacation Leave: Payment upon Death

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

Section 12. Sick Leave

Sick leave may be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others.

Sick leave may also be used for death in the employee's immediate family, but may not exceed three days for any one occurrence. Additional leave time required for such occurrence may be charged to vacation or other approved leave when approved by the department head and/or City Manager.

Sick leave may also be used to supplement Worker's Compensation Disability Leave both during the waiting period before worker's compensation benefits begin, and afterward to supplement the remaining one third of salary, except that employee may not exceed the regular gross salary amount using this provision.

“Immediate family” shall be defined as spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus various combinations of half, step, in-law and adopted relationships that can be derived from those names, or anyone living as a part of the same household.

Notification of the desire to take sick leave should be submitted to the employee’s supervisor prior to the leave or not later than 30 minutes after the beginning of the scheduled workday.

Section 13. Sick Leave: Accrual Rate and Accumulation

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

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

8 hour Employees			
Sick Leave	Vacation	Years of Employment	Maximum Accumulation
3.692 (2080 Annual)	3.076	0-4	160
	3.692	5-9	192
	4.615	10-14	240
	5.538	15-19	288
	6.152	20 +	320

Fire Department (24 Hours)			
Sick Leave	Vacation	Years of Employment	Maximum Accumulation
4.984 (2756 Annual)	4.153	0-4	216
	4.984	5-9	260
	6.23	10-14	324
	7.476	15-19	388
	8.307	20 +	432

Police Department (12 Hours)			
Sick Leave	Vacation	Years of Employment	Maximum Accumulation
3.876 (2190 Annual)	3.23	0-4	168
	3.876	5-9	202
	4.846	10-14	252
	5.815	15-19	302
	6.461	20 +	336

Voluntary Shared Leave Policy. The voluntary Shared Leave Policy is to provide economic relief for employees who are likely to suffer financial hardship because of a prolonged absence or frequent short-term absence caused by a serious medical condition.

Only full-time employees are eligible to receive donated leave. In order to be eligible to receive donated leave, the employee at the time of receipt must have exhausted all sick leave and have no more than 40 hours of vacation leave.

In cases of serious medical condition, an employee may apply for or be nominated by a third person acting on the employee's behalf to become a recipient of leave transferred from the vacation or sick leave account of another employee. The City Manager shall approve or disapprove all requests for receipt of donated leave. The intent is to allow one employee to assist another in case of a crisis.

1. The donated leave may be used for immediate family members as define in **Section 12. Sick Leave.**

All leave donations must be to a designated employee and approved by the City Manager for a receipt of donated leave and may not be made to pool or bank.

All donations shall be made in writing and signed by the donating employee. The employee to receive the donation of leave shall be named and the amount and type of leave donated shall be specified.

1. After approval by the City Manager the employee donating the leave shall personally present the "Donation of Leave Form" to the Human Resources Department. All applications received shall be recorded according to date and time received.
2. Any unused leave that has been donated shall be returned to the donors.

Any eligible employee may donate annual leave. A donating employee may not donate annual leave in an amount in excess of forty (40) hours to one person in a twelve (12) month period.

An employee may normally receive no more than 720 hours, (90 days) of donated leave, either continuously or for the same condition on a recurring basis during a twelve month period. After 720 hours has been used, the City Manager may extend this limit on a month-to-month basis for up to twelve months.

Holidays occurring while the employee is using donated leave will be paid. Annual vacation and sick leave will continue to be earned by the employee while he/she is using donated leave.

Section 13. (a) Sick Leave Transfer from State or Local Government Organizations

An employee who has credible service in the State or Local Government Employee's Retirement System may transfer his or her sick leave balance from the organization(s) in which the retirement service was gained. Transferred sick leave may only be used towards retirement.

Section 14. Sick Leave: Medical Certification

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

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

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

Section 15. Leave Pro-rated

Holiday, annual, and sick leave earned by full-time employees with more hours than the basic work week shall be determined by the following formula:

- 1) The number of hours worked by such employees shall be divided by the number of hours in the basic workweek (usually 40 hours).
- 2) The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic workweek.
- 3) The number of hours in step 2 divided by 12 shall be the number of hours of leave earned monthly by the employees concerned.

Section 16. Family and Medical Leave

The City will grant up to 12 weeks of family and medical leave during any 12-month period to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid (coordinated with the City's Vacation and Sick Leave policies), unpaid, or a combination of paid and unpaid. Unpaid leave will be granted only when the employee has exhausted all appropriate types of paid leave.

Additional time away from the job beyond the 12-week period may be approved in accordance with the City's Leave without Pay Policy.

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

Family and medical leave can be used for the following reasons:

1. The birth of a child and in order to care for that child;
2. The placement of a child for adoption or foster care;
3. To care for a spouse, child, or parent with a serious health conditions; or
4. The serious health condition of the employee.

A serious health condition is defined as a condition which requires inpatient care at a hospital, hospice, or residential medical care facility or a condition which requires continuing care by a licensed health care provider. This policy covers illness of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition which results in a period of incapacity or more than three days would be considered a serious health condition.

If a husband and wife both work for the City and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (not parent in-law) with a serious health condition, the husband and wife together may only take a total of 12 weeks leave under FMLA.

An employee taking leave for the birth of a child may use paid sick leave for the period of actual disability, based on medical certification. The employee shall then use all paid annual leave for the remainder of the 12-week period.

The request for the use of leave must be made in writing by the employee and approved by the department head and City Manager.

An employee who takes leave under this policy will return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority.

Section 17. Medical and Family Leave – Certification

In order to qualify for leave under this law, the City requires medical certification. This statement from the employee's or the family member's physician should include the date when the condition began, its expected duration, diagnosis, and brief statement of treatment. For the employee's own health condition, it should state that the employee is unable to perform the essential functions of his/her position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and the employee's presence would be beneficial or desirable.

This certification should be furnished at least 30 days prior to the needed leave unless the employee's or family member's condition is a sudden one. The certification should be furnished as soon as possible (no longer than 15 days from the date of the employee's request). The certification and request must be made to the department head and filed with the City Manager.

Section 18. Leave Without Pay

A full-time employee may be granted a leave of absence without pay for a period of up to twelve months by the City Manager. The leave shall be used for reasons of personal disability after both sick leave and annual leave have been exhausted, sickness or disability of immediate family members, continuation of education, special work that will permit the City to benefit by the experience gained or the work performed, or for other reasons deemed justified by the City Manager.

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

**Section 19. Family Medical Leave and Leave Without Pay:
Retention and Continuation of Benefits**

When an employee is on leave under FMLA (maximum of 12 weeks in a year), the City will continue the employee's health benefits during the leave period at the same level and under the same condition as if the employee had continued to work. If an employee chooses not to return to work for reasons other than a continued serious health condition, the City will require the reimbursement of the amount paid for the employee's health insurance premium during the FMLA leave period.

Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit.

An employee shall retain all unused vacation and sick leave while on FMLA Leave and Leave Without Pay. An employee ceases to earn leave credits on the date leave without pay begins. The employee may continue to be eligible for benefits under the City's group insurance plans at his or her own expense, subject to any regulation adopted by the City Council and the regulations of the insurance carrier.

Section 20. Workers' Compensation Leave

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave or vacation during the first waiting period. The employee may also elect to supplement worker's compensation payments after they begin provided that the combination of leave supplement and workers' compensation payments does not exceed normal compensation. An employee on workers' compensation leave may be permitted to continue to be eligible for benefits under the City's group insurance plans.

While on workers' compensation leave, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained on the job during this period.

Section 21. Military Leave

Regular employees who are members of an Armed Forces Reserve organization or National Guard shall be granted ten (10) workdays per calendar year for military leave with full pay. If military duty is required beyond the ten (10) workdays per year, the employee will be placed on Leave without Pay Status. However, the employee can opt, prior to being placed on Leave without Pay Status, to use any and all accrued annual leave as the employee chooses.

While taking military leave, the employee's leave credits and other benefits shall continue to accrue as if the employee were actively working with the City during this period. Employees who are eligible for military leave have all job rights specified by the Veterans Readjustment assistance Act.

Section 22. Reinstatement Following Military Service

An employee called to extended active duty with the United States military forces, who does not volunteer for service beyond the period for which called, shall be reinstated with full benefits provided the employee:

- 1) Applies for reinstatement within ninety days after the release from military service; and
- 2) Is able to perform the duties of the former position or similar position; or

- 3) Is unable to perform the duties of the former position or a similar position due to disability sustained as a result of the military service, but is able to perform the duties of another position in the service of the City. In this case the employee shall be employed in such other position as will provide the nearest approximation of the seniority, status, and pay which the employee otherwise would have been provided, if available.

Section 23. Civil Leave

A city employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the City any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty.

Section 24. Educational Leave with Pay

A leave of absence at full or partial pay during regular working hours may be granted to an employee to take one course which will better equip the employee to perform assigned duties upon the recommendation of the department head, and with the approval of the City Manager.

Education leave at full or partial pay for a period not to exceed twelve calendar months may be granted to an employee to take one or more courses that will better equip the employee to perform assigned duties upon the recommendation of the department head and the City Manager and with the approval of the City Council. An employee granted such extended educational leave with pay shall agree to return to the service of the City upon completion of training and remain in the employ of the City for a period of twice the educational leave received, or the employee shall reimburse the City for all compensation received while on educational leave.

An employee on educational leave with full pay shall continue to earn leave credits and other benefits to which City employees are entitled. An employee on educational leave with partial pay shall earn proportional leave credits.

Section 25. Light Duty

In the event of an injury, either on duty or off duty related, an employee is expected to return to duty when authorized by competent medical authority. Some light duty may be authorized but only with work within the department assigned and only within work limits described by the medical authority. The department head is responsible for supervision and assignment of light duty within these guides. If light duty is not available within the department, the City Manager may make accommodations within other departments. Once released by the medical authority the employee is expected to return to perform the full range of regular work within the position description of the position assigned.

Section 26. Law Enforcement Separation Allowance

- A. The City of Roanoke Rapids shall provide a special Separation Allowance to Law Enforcement Officers that retire on a service retirement and meet the following criteria:
 - 1. Has (a) completed thirty (30) or more years of creditable service or, (b) attained fifty-five (55) years of age and completed five (5) or more years of creditable service; and
 - 2. Has not attained sixty-two (62) years of age; and
 - 3. Has completed at least five (5) years of continuous service as a law enforcement officer immediately prior to service retirement.
- B. Payment of the separation allowance will cease when the officer dies, or is re-employed in any capacity by the state, county, or any municipal department, agency or institution, or political subdivisions including local municipalities and counties that participate in the Local Government Retirement System. This payment will cease on the last day of the month in which the officer attains 62 years of age.

ARTICLE VIII. SEPARATION AND REINSTATEMENT

Section 1. Types of Separations

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

Section 2. Resignation

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is two weeks. Failure to provide minimum notice shall result in

forfeit of payment for accumulated annual leave unless the notice is waived upon recommendation of the department head and approval by the City Manager.

Three consecutive days of absence without contacting the immediate supervisor or department head may be considered to be a voluntary resignation. Sick leave will only be approved during the final two weeks of a notice with a physician's certification or comparable documentation

Section 3. Reduction in Force

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

Section 4. Disability

An employee who cannot perform the required duties because of a physical or mental impairment may be separated for disability. Action may be initiated by the employee or the City. In cases initiated by the employee, such action must be accompanied by medical evidence acceptable to the City Manager. The City may require an examination, at the City's expense, performed by a physician of the City's choice.

Section 5. Voluntary Retirement

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

Section 6. Death

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

Section 7. Dismissal

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

Section 8. Reinstatement

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

Section 9. Rehiring

An employee who resigns while in good standing may be rehired with the approval of the City Manager, and shall be regarded as a new employee, subject to all of the provisions of rules and regulations of this Chapter. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position.

ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT

Section 1. Disciplinary Action for Unsatisfactory Job Performance

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

Section 2. Unsatisfactory Job Performance Defined

Unsatisfactory job performance includes any aspects of the employee's job, which are not performed as required to meet the standards set by the department head. Examples of unsatisfactory job performance include, but are not limited to, the following:

- 1) Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- 2) Careless, negligent or improper use of City property or equipment;
- 3) Physical or mental incapacity to perform duties;
- 4) Discourteous treatment of the public or other employees;
- 5) Absence without approved leave;
- 6) Repeated improper use of leave privileges;
- 7) Habitual pattern of failure to report for duty at the assigned time and place;

- 8) Failure to complete work within time frames established in work plan or work standards;
or
- 9) Failure to meet work standards over a period of time.

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

When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor should meet with the employee as soon as possible in one or more counseling sessions to discuss specific performance problems. A brief summary of these counseling sessions should be noted in the employee's file by the supervisor. An employee whose job performance is unsatisfactory over a period of time should normally receive at least two written warnings from the supervisor before disciplinary action resulting in dismissal is taken by the City Manager.

After the issuance of two written warnings an employee will automatically be placed on probation for a period of six (6) months. In each case, the supervisor should record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set. If the employee's performance continues to be unsatisfactory, then the supervisor should use the following steps:

- 1) A final written warning from the supervisor serving notice upon the employee that corrected performance must take place immediately in order to avoid suspension, demotion or dismissal.
- 2) If performance does not improve, a written recommendation should be sent to the City Manager for disciplinary action such as suspension, demotion, or dismissal. Disciplinary suspensions should not generally exceed one workweek (usually 40 hours).

Section 4. Disciplinary Action for Detrimental Personal Conduct

With the approval of the City Manager and employee may be placed on disciplinary suspension, demoted, or dismissed without prior warning for causes relating to personal conduct detrimental to City service in order to 1) avoid undue disruption of work; 2) to protect the safety of persons or property; or 3) for other serious reasons. Disciplinary suspension should not normally exceed one workweek (usually 40 hours).

Section 5. Detrimental Personal Conduct Defined

Detrimental personal conduct includes behavior of such a serious detrimental nature that the functioning of the City may be or has been impaired; the safety of persons or property may be or have been threatened; or the laws of any government may be or have been violated. Examples of detrimental personal conduct include, but are not limited to, the following:

Section 5. Detrimental Personal Conduct Defined (contd)

- 1) Fraud or theft;
- 2) Conviction of a felony or the entry of a plea of nolo contendere thereto;
- 3) Falsification of records for personal profit, to grant special privileges, or to obtain employment;
- 4) Willful misuse or gross negligence in the handling of City funds;
- 5) Willful or wanton damage or destruction to property;
- 6) Willful or wanton acts that endanger the lives and property of others;
- 7) Possession of unauthorized firearms or other lethal weapons on the job;
- 8) Brutality in the performance of duties;
- 9) Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary;
- 10) Engaging in incompatible employment or servicing a conflicting interest;
- 11) Request or acceptance of gifts in exchange for favors or influence;
- 12) Engaging in political activity prohibited by this chapter;
- 13) Harassment of employee(s) and/or the public on the basis of sex or any other protected class status;
- 14) Conduct unbecoming a public officer or employee;
- 15) Stated refusal to perform assigned duties or flagrant violation of work rules and regulations; or
- 16) Personal actions that adversely impact an employee's ability to achieve the purpose(s) of the position.
- 17) Conduct which may give the appearance of a conflict of interest or impropriety which may negatively impact the City.
- 18) Failure to handle personal financial affairs and personal indebtedness in such a way as to not embarrass the City (see Article V, Section 7).

Section 6. Pre-disciplinary Conference

Before suspension, demotion, or dismissal action is taken, whether for failure in personal conduct or failure in performance of duties, the City Manager, or a department head will conduct a pre-disciplinary conference. At this conference, the employee may present any response to the proposed disciplinary action to the City Manager or department head. The City Manager or department head will consider the employee's response, if any, to the proposed disciplinary action, and will, within three working days following the pre-disciplinary conference, notify the employee in writing of the final decision to take disciplinary action. The notice of the final disciplinary action by a department head shall contain a statement of the reasons for the action and the employee's appeal rights. The notice of the final disciplinary action by the City Manager will contain a statement of the reason for the action, as the decision of the City Manager is final.

Section 7. Non-Disciplinary Suspension

During the investigation, hearing, or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct, or during the course of any civil action involving an employee, when suspension would, in the opinion of the department head, be in the best interest of the City, the department head may suspend the employee for part or all of the proceedings as a non-disciplinary action. In such cases, the City Manager may:

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

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

Section 8. Substance Abuse Policy

The City may establish policies and procedures related to employee substance abuse in order to insure the safety and well being of citizens and employees and to comply with any state, federal, or other laws and regulations.

Section 9. Employee Appeal

An employee who has completed the initial probation may appeal the disciplinary action in accordance with the grievance procedure; except that the employee shall be required to do so within fifteen days from written notice of said disciplinary action.

ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Section 1. Policy

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

Section 2. Grievance Defined

A grievance is a claim or complaint by an employee based upon an event or condition, which affects the circumstances under which an employees works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.

Section 3. Purposes of the Grievance Procedure

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

- 1) Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
- 2) Encouraging employees to express themselves about the conditions of work which affect them as employees;
- 3) Promoting better understanding of policies, practices, and procedures which affect employees;
- 4) Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures; and
- 5) Increasing the sense of responsibility exercised by supervisors in dealing with their employees.

Section 4. Procedure

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

Informal Resolution. Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the respective department head as a resource to help resolve the grievance.

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

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

Step 2. If the grievance is not resolved to the satisfaction of the employee by the supervisor, the employee may appeal, in writing, to the appropriate department head within ten calendar days after receipt of the response from Step 1. The department head shall respond to the appeal, stating the determination of decision within ten calendar days after receipt of the appeal.

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

Role of the Human Resources Manager. Throughout the grievance procedure, the role of the Human Resources Manager shall be as follows:

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

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

Section 5. Grievance and Adverse Action Appeal Procedure for Discrimination

When an employee, former employee, or applicant, believes that any employment action is illegally discriminatory (i.e. Is based on age, sex, race, color, national origin, religion, creed, political affiliation, or non-job related disability), he or she has the right to appeal such action using the grievance procedure outlined in this Article (Section 4 above). While such persons are encouraged to use the grievance procedure, they shall also have the right to appeal directly to the Human Resources Manager or City Manager. Employment actions subject to appeal because of discrimination include promotion, training, classification, pay, disciplinary action, transfer, layoff, failure to hire, or termination of employment. An employee or applicant should appeal an alleged act of discrimination within thirty calendar days of the alleged discriminatory action, but may appeal for up to six month following the action.

ARTICLE XI. RECORDS AND REPORTS

Section 1. Public Information

In compliance with GS 160A-168, the following information with respect to each City employee is a matter of public record: name; age; date of original employment or appointment to the service; current position title; current salary; date and amount of the most recent increase or decrease in salary; date of the most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and the office to which the employee is currently assigned. Any person may have access to this information for the

purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the City may adopt.

Section 2. Access to Confidential Records

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

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

Section 3. Personnel Actions

The City Manager will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system.

Section 4. Records of Former Employees

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

Section 5. Records of Applicants

Applicants and other information gathered with respect to an applicant will be kept confidential in accordance with GS 160A-168. The City will not release this information without written permission from the applicant.

Section 6. Remedies of Employees Objecting to Material in File

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

Section 7. Penalties for Permitting Access to Confidential Records

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

Section 8. Examining and/or Copying Confidential Material without Authorization

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

Section 9. Destruction of Records Regulated

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