

2013

Town of Beaufort

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[PERSONNEL POLICY MANUAL]

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1. GENERAL PROVISIONS

A. POLICY OVERVIEW

It is the policy of the Town to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The Personnel Policy and all rules and regulations adopted pursuant thereto shall be binding on all Town employees. The Town Manager, Town Attorney, members of the Town Board of Commissioners and advisory boards and committees will be exempted except in sections where specifically included.

The Town Manager and all managerial/supervisory personnel are responsible for administration of these personnel policies and procedures. Employees, volunteers and independent contractors are to report anything perceived to be improper to their supervisor, or the Town Manager. The Town believes strongly in an Open Door Policy and encourages employees to talk with their supervisor, Department Head, or the Town Manager concerning any problem. This Policy contains many, but not necessarily all of the rules, regulations, and conditions of employment for Town personnel. 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. This Personnel Policy is also intended to provide guidelines covering public service by Town employees and is not a contract.

The provisions of this handbook may be amended and supplemented from time to time without notice and at the discretion of the Town Manager and the Board of Commissioners.

B. AT WILL EMPLOYMENT

To the maximum extent permitted by law, the employment practices of the Town shall operate under the legal doctrine known as "employment at will." Within Federal and State law, all employees serve at the pleasure of the Town of Beaufort. This policy does not create an employment contract or term between the Town and its employees, nor does this policy vest the employee with property or liberty interest in their positions and does not grant any continuing expectation of future employment.

C. RESPONSIBILITIES OF THE TOWN BOARD OF COMMISSIONERS

The Town Board of Commissioners shall be responsible for establishing and approving personnel policies and may change the policies and benefits as necessary. They also shall make and confirms appointments when so specified by the General Statutes of North Carolina.

D. RESPONSIBILITIES OF THE TOWN MANAGER

The Town Manager shall be responsible to the Town Board of Commissioners for the administration and technical direction of the personnel program. The Town Manager shall appoint, suspend, and remove all Town employees except those whose appointment is otherwise provided for by law. The Town Manager shall make appointments, dismissals, and suspensions in accordance with the Town charter and other policies and procedures as defined by this Policy.

E. DEPARTMENTAL RULES & REGULATIONS

Because of the particular personnel and operational requirements of the various departments of the Town, 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 Town Manager, and shall not in any way conflict with the provisions of this Policy, but shall be considered as a supplement to this Chapter.

2. RECRUITMENT & HIRING

A. RECRUITMENT

1. RECRUITMENT SOURCES

When position vacancies occur, the Town Manager or his/her designee shall publicize these opportunities for employment, including applicable salary information and employment qualifications. 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 Town buildings in order that qualified employees and other interested candidates may apply for vacant positions. Individuals shall be recruited from a geographic area as wide as necessary to ensure that well-qualified applicants are obtained for Town service. Equally qualified internal applicants may be given first priority for the position.

2. JOB ADVERTISEMENTS

When a vacancy occurs, the job(s) will be posted internally as well as externally in local newspapers, professional publications, and other relevant publications in order to establish a diverse and qualified applicant pool. Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.

3. APPLICATION FOR EMPLOYMENT

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

4. APPLICATION RESERVE FILE

Applications shall be kept in an inactive reserve file for a period of two (2) years, in accordance with Equal Employment Opportunity Commission guidelines.

B. SELECTION & APPOINTMENT

Department Heads shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position. Prior to appointment, in addition to completing the required use of E-verify to check an employee's documentation, the Town may require additional screening information including but not limited to criminal background checks and credit reports. All selection devices administered by the Town shall be valid measures of job performance.

It is the policy of the Town to foster, maintain and promote equal employment opportunity. The Town 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, 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 with or without reasonable accommodation.

Before any commitment is made to an applicant either internal or external, the Department Head shall make recommendations to the Town Manager on the position to be filled, the salary to be paid, and the reasons for selecting the candidate over other candidates. The Town Manager shall approve appointments and the starting salary for all applicants.

C. PROBATIONARY PERIOD

An employee appointed or promoted to a permanent position shall serve a probationary period. Employees shall serve a six (6) month probationary period, with the exception of sworn police personnel and Department Heads who shall serve a twelve (12) month probationary period. During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Employees serving a twelve (12) month probationary period shall have a performance review at the end of six (6) months as well as before the end of twelve (12) months.

Employees serving a probationary period are not eligible to apply for other positions within the Town until they have successfully completed the probationary period evaluation and six (6) months as a full time employee. If it is in the best interest of the Town, this time period may be waived or extended upon approval of the Town Manager.

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 should 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 six (6) additional months.

Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in this policy. 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. Promoted and demoted employees who are on probation retain all other rights and benefits such as the right to use the grievance procedures.

D. EMPLOYMENT OF RELATIVES

The Town prohibits the hiring and employment of immediate family in positions within the same work unit. "Immediate Family" is defined as spouse, child, parent, brother, sister, grandparent, grandchild, son-in-law, daughter-in-law, parent-in-law, brother-in-law, sister-in-law, aunt, or uncle of the employee or spouse of the employee. The Town also prohibits the employment of any person into permanent position who is an immediate family member of individuals holding the following positions: Mayor, Mayor Pro Temp, member of the Board of Commissioners, Town Manager, Town Clerk, Finance Officer, or Town Attorney. Otherwise, the Town will consider

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

1. Result in a relative supervising relatives
2. Result in a relative auditing the work of a relative;
3. Create a conflict of interest with either relative and the Town; or
4. Create the potential or perception of favoritism.

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

3. EMPLOYEE RIGHTS & OBLIGATIONS

A. OPEN DOOR POLICY

The Town encourages employees who feel they have been treated unfairly or contrary to the Town's policies to discuss their concerns with their supervisor, or if they prefer with their Department Head, or the Town Manager. This includes work related problems or those of harassment or discrimination. The Town encourages employees to express their concerns about their employment with the Town. Please refer to the following policies – *Non-Discrimination and Equal Employment Opportunity Policy*, *Policy Against Harassment* and *Complaint Reporting* – below as to complaint procedures.

B. NON-DISCRIMINATION & EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of the Town of Beaufort that there shall be equal employment opportunity for all municipal employees and applicants without regard to race, creed, color, religion, sex, sexual orientation, age, national origin, marital or political status, veteran status, disability or handicap, genetic information or any other classification protected by federal, state or local law or regulation.

1. This policy applies to all areas of employment and includes recruitment, selection, promotion, demotion or transfer, layoff, recall, termination, rates of pay and other forms of compensation, selection for training and special assignments.
2. All levels of management through day-to-day actions, shall ensure the full integration of all employees into the work force in all occupations and at all levels regardless of the marital status, veteran status, disability or handicap or any other classification protected by federal, state or local law or regulation.
3. Employees are encouraged to report any instance of alleged discrimination or harassment by members of the public, vendors or employees of the Town workforce.

All inquiries and reports of discrimination should be directed to the Town Manager.

The Town of Beaufort is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the Town of Beaufort expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice and harassment. The Town will not tolerate discrimination or harassment of or by Town employees towards anyone, including any supervisor, co-worker, vendor, or citizen.

Violations of this policy will result in disciplinary action up to and including discharge or, in the event non-employees are found to be at fault, other appropriate action. Employees who feel they have been subject to discrimination, harassment or disrespect as prohibited above, are directed to the *Harassment Complaint Reporting*, noted below.

C. ANTI-HARASSMENT

1. POLICY AGAINST HARASSMENT

The Town is committed to maintaining a workplace free from harassment or intimidation of any employee or job applicant, male or female. The Town does not accept, condone or tolerate actions of harassment by any employee, vendor, member of the public or any other person associated with the Town on the basis of any personal characteristic, including, but not limited to race, creed, color, religion, sex, sexual orientation, national origin, age, marital or political status, veteran status, disability or handicap genetic information, or any other classification protected by federal, state or local law.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based on a person's protected status, such as race, creed, color, religion, sex, sexual orientation, civil union status, gender identity or expression age, national origin, marital or political status, veteran status, disability or handicap which can be reasonably accommodated without undue hardship genetic information, or any other classification protected by federal, state or local law or regulation. Harassment involves behavior that is personally offensive, fails to respect the rights of others, lowers morale and interferes with work effectiveness. Harassment may take different forms. Whatever form it takes, harassment is insulting and demeaning to the recipient and will not be tolerated in the workplace. The Town will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment.

2. APPLICABILITY

Town officials, appointees, managers, supervisors, employees, volunteers and outside contractors alike must comply with this policy and take appropriate measures to ensure that such conduct does not occur. Independent contractors, vendors and all other parties, engaged in a professional business relationship with the Town of Beaufort are also expected to abide by the policy.

3. SEXUAL HARASSMENT

Sexual harassment is defined as unwelcome, unsolicited conduct of a sexual nature or because of one's sex, which an employee reasonably regards as undesirable or offensive. It includes unwelcome sexual advances, requests for sexual favors and any other conduct of a physical, verbal or nonverbal nature where:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment, or creating an intimidating hostile or offensive employment environment.

Sexual harassment of non-employees by a Town employee is also prohibited. Unwelcome sexual advances toward non-employees such as, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

1. Submission to such conduct is made either explicitly or implicitly in exchange for a benefit;
2. Submission to or rejection of such conduct by an individual is used as the basis for a decision affecting the individual or creating an intimidating, hostile or offensive environment.

4.COMPLAINT REPORTING

Employees and non--employees who believe that they have been subject to harassment should report the incident directly to their supervisor or the Town Manager who will ask the employee to complete a Harassment Complaint Form (Appendix 1). The complaining party should specify the name of the alleged harasser and any and all witnesses to such alleged harassment. Completion of the written Complaint form is preferred but not required. Harassment does not have to occur on Town property during regular work hours to file a complaint under this policy. Under no circumstances shall an employee be required to make a report of harassment to the person he/she is accusing of harassment. Any employee who receives a complaint of harassment or of conduct which would violate this policy from a non--employee or has knowledge of harassment or conduct which would violate this policy, by any Town employee, agent, volunteer or representative, must report the matter to the Town Manager immediately. The failure to make such a report may subject the employee to discipline.

It is recommended, but not required, that an individual who believes that he/she has been subjected to harassment from either a co--worker or a supervisor should confront his/her harasser and make clear that such behavior is not welcome. Thereafter, the individual should immediately bring the matter to the attention of his/her immediate supervisor or Department Head. If this is not practical, or if the employee does not feel comfortable with this avenue of redress, the employee may bring the complaint directly to the Town Manager or other Town representative as set forth above.

The Town encourages employees who witness conduct which they believe violates the Town's *Policy Against Harassment* to report the violation pursuant to this complaint procedure. All supervisory personnel are required to ensure adherence to and compliance with this policy. Upon being informed of and/or witnessing possible harassment, supervisory employees are required to inform the Town Manager and take appropriate remedial action to stop the harassment.

The Town encourages the prompt reporting of complaints so that rapid response and appropriate action may be taken. Any complaint should be reported within 120 days to be considered current. Nevertheless, due to the sensitive nature of these problems, all complaints will be investigated, regardless of when they are filed.

5.INVESTIGATION PROCEDURES

The Town shall conduct an investigation into the harassment complaint to determine the merits of the allegations. The Town Manager shall designate an objective investigator to determine the validity of any complaint. The objective investigator may include the Town Manager or any third party deemed appropriate. The investigation shall be completed in a reasonable time to resolve the issue and minimize the effects of such investigation on the parties involved.

1. The investigation will, at a minimum, include an interview with the employee bringing the complaint and the accused. If the Town determines that the complaint has merit, the accused shall face appropriate disciplinary action based upon the severity of the complaint and any prior history of past charges against

the individual. Disciplinary action may include a written warning, suspension, demotion, and/or termination of employment. Any disciplinary action shall be consistent with applicable collective negotiations agreements and applicable due process safeguards.

2. All employees have a responsibility to cooperate fully with the investigation of harassment. Although the extent of each investigation will vary, discretion and cooperation are crucial at all levels.
3. In the event that the Town determines the complaint to be intentionally dishonest, appropriate disciplinary action may be taken against the employee who filed the complaint.

6. PRIVACY

To the extent possible, all persons involved in a harassment complaint will be given the utmost protection of privacy. Specifically, the Town will strive, both during and after the investigation, to maintain confidentiality to the fullest extent possible, including confidentiality of the identities of all persons involved or alleged to be involved in the incident, revealing only those particulars of the matter to the extent necessary for a thorough investigation. Any employee who unnecessarily compromises the confidentiality of an investigation will be subject to appropriate discipline.

7. RESPONSIBILITY OF SUPERVISORY PERSONNEL

Supervisors are to monitor the work environment to ensure that all subordinates comply with this *Policy Against Harassment*. When a supervisor learns of a violation of this policy, the supervisor shall assist the victim in reporting the alleged incident(s) of harassment. Alternatively, the supervisor shall report the matter to the Town Manager. Any supervisor who receives a harassment complaint from any employee must bring it to the attention of the Town Manager for resolution.

8. RETALIATION PROHIBITED

The Town encourages victims of harassment to bring their complaints to management by ensuring that no reprisals or retaliation will result from the good faith reporting of harassment. It is a violation of this policy for any personnel to retaliate against another because he or she filed a complaint or otherwise participated in the complaint procedure. Supervisors shall closely monitor the work environment for any forms of retaliation once an allegation has been made. This will include but not be limited to verbal remarks, irregular assignments or any other activity that may contribute to a hostile work environment. Any retaliatory conduct or recurrence of the offensive behavior should be reported immediately to the Town Manager.

Any employee with questions regarding the Town's *Policy Against Harassment* may contact the Town Manager.

D. VIOLENCE IN THE WORKPLACE

The Town of Beaufort maintains the policy that any violent acts or threats of the same, made by an employee against another person's life, health, well-being, and family or property or for the purpose of intimidation, are entirely unacceptable and cause for disciplinary action up to and including immediate dismissal. This policy applies to any threats made on Town property, at Town events, or under other circumstances that may negatively affect the Town's ability to conduct business. Such acts or threats of violence whether made directly or indirectly, by

words, gestures or symbols, infringe upon the Town's right or obligation to provide a safe workplace for its employees.

An employee who believes that he or she has been the target of violence or threats of violence or intimidation, or has witnessed or otherwise learned of violent conduct by another employee in the capacity described above, should contact the Town Manager and his or her immediate supervisor immediately.

1. PROHIBITED CONDUCT

The Town will not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities. This list of behaviors, while not inclusive, provides examples of conduct that is prohibited.

1. Causing physical injury to another person;
2. Making threatening remarks;
3. Aggressive, hostile or intimidating behavior that creates a reasonable fear of injury or loss to another person or to personal property or subjects another individual to emotional distress;
4. Intentionally damaging employer property or property of another employee;
5. Possession of a weapon while on company property or while on company business;
6. Committing acts motivated by, or related to, harassment or domestic violence.

2. REPORTING PROCEDURES

Any potentially dangerous situations must be reported immediately to a supervisor or the Town Manager. All reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. The Town will actively intervene at any indication of a possibly hostile or violent situation.

3. ENFORCEMENT

Threats, threatening or intimidating conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on the employer's premises will be reported to the proper authorities and fully prosecuted.

E. AMERICANS WITH DISABILITIES ACT

1. ADA POLICY STATEMENT

The Town is committed to complying with all applicable provisions of the Americans With Disabilities Act ("ADA") and the North Carolina Law Against Discrimination. It is the Town's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability, perceived disability or handicap so long as the employee can perform the essential functions of the job with or without accommodation. Consistent with this policy of nondiscrimination, the Town will provide reasonable accommodations to a qualified individual with a disability to allow them to perform their job. Accommodations will be made to employees who have made the Town aware of his or her disability or handicap, provided that such accommodation is reasonable and does not constitute an undue hardship on the Town.

Accommodations include modifications to facilities, equipment and work procedures, auxiliary aides, services and permanent reassignment to vacant positions. Employees who are reassigned to a different position shall receive the salary of their new position. Accommodations shall not be unduly expensive, extensive and disruptive or fundamentally alter the nature of the operation. ADA does not require the Town to offer permanent "light duty", relocate essential functions or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc. To be eligible for accommodations, individuals must:

1. Be able to perform the essential function of the position,
2. Not create a real safety hazard to themselves, co-employees or the public, and
3. Be otherwise qualified for the position in that they possess the prerequisites including education, experience, training, skills, licenses or certificates and other job-related requirements.

All decisions with respect to accommodations shall be made by the Town Manager.

Employees who believe they need a reasonable accommodation to perform the essential functions of their job should contact their immediate supervisor.

2. PROCEDURE FOR REQUESTING AN ACCOMMODATION

On receipt of an accommodation request, the employee's supervisor will meet with the employee to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the Town might make to help overcome those limitations.

The supervisor will make recommendations to the Town Manager to determine the feasibility of the requested accommodation considering various factors including, but not limited to, the nature and cost of the accommodation, and the accommodation's impact on the operation of the Town, including its impact on the ability of other employees to perform their duties and on the Town's ability to conduct business.

The supervisor will inform the employee of the decision on their accommodation request or on how to make the accommodation. If the accommodation request is denied, employees will be advised of their right to appeal the

decision by submitting a written statement explaining the reasons for the request to the Town Manager. If the request on appeal is denied, that decision is final.

The ADA does not require the Town to make the best possible accommodation, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs etc.).

An employee or job applicant who has questions regarding this policy or believes that he or she has been discriminated against based on a disability should notify the Town Manager. All such inquiries or complaints will be treated as confidential to the extent permissible by law.

F. ALCOHOL-FREE AND DRUG-FREE WORKPLACE

1. POLICY

The Town has a vital interest in maintaining a safe, healthy and efficient working environment. Being under the influence of drugs or alcohol on the job poses serious safety and health risks to the user and to those who work or come in contact with the user in the workplace. Accordingly, the use, sale, purchase, transfer, possession or being under the influence of illegal drugs or alcohol in the workplace poses unacceptable risks for safe, healthy and efficient operations and will be grounds for immediate discipline up to and including termination of employment.

The Town further expresses its intent, through this policy, to comply with federal, state and local rules, regulations and/or laws that relate to the maintenance of a workplace free from illegal drugs and alcohol.

As a condition of employment, all employees are required to abide by the terms of this Policy and to notify the Town of any criminal drug statute conviction for a violation no later than five (5) days after such conviction.

2. SCOPE

This Policy applies to all departments, all employees (including all contracted employees) and all job applicants. Employees who are required to maintain a CDL license as an essential function of their job, fire, police, and emergency services personnel will also be subject to additional procedures (including random testing) pursuant to federal law and regulations.

3. DEFINITIONS

ALCOHOL: Any beverage that contains ethyl alcohol (ethanol), including, but not limited to, beer, wine and distilled spirits.

TOWN PREMISES/FACILITIES: All property of the Town, including, but not limited to, the offices, facilities and surrounding areas of Town-owned or leased property, parking lots and storage areas. The term also includes all Town owned or leased vehicles and equipment wherever located, and includes all other premises or facilities visited by employees in the course of their employment.

ILLEGAL DRUG: Any drug which is not legally obtainable; any drug which is legally obtainable, but has not been legally obtained; any prescribed drug not legally obtained, not being used for the prescribed purpose or by the

prescribed person or not being used in the prescribed dosage or manner; and any drug being used for a purpose not in accordance with bona fide medical therapy. Examples include, but are not limited to, marijuana, hashish, cocaine, heroin, methamphetamine, phencyclidine (PCP), barbiturates and so-called designer or look-alike drugs. (Refer to Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812) and North Carolina General Statute 90-87(5)).

REASONABLE SUSPICION:A belief based on objective facts sufficient to lead a prudent person to conclude that a particular employee is under the influence of alcohol or drugs. Reasonable suspicion must be directed at a specific person and must be based upon specific and articulable facts and the logical inferences and deductions that can be drawn from those facts. Reasonable suspicion may be based upon things such as: observable phenomena – such as the direct observation of the possession or use of a drug or alcohol or the direct observation of physical symptoms of being under the influence of a drug or alcohol such as slurred speech, unsteady gait; a pattern of unusual or abnormal conduct or erratic behavior; information provided by a reliable and credible source; work-related accidents and deviations from safe working practices.

4.EMPLOYEE RESPONSIBILITIES

Each employee has the responsibility to:

1. Report to work at all times free of alcohol or illegal drugs and their effects;
2. Be aware of the Town’s Alcohol-Free and Drug-Free Workplace Policy;
3. Seek assistance for alcohol and other drug abuse or related problems through an approved program before job performance is impacted;
4. Support the Town’s efforts to eliminate alcohol and other drug abuse among employees.
5. Supervisors and other management personnel will be trained in detecting the signs and behavior of employees who may be using illegal drugs or alcohol at work.

5.AUTHORIZED USE OF PRESCRIBED MEDICATION

An employee undergoing prescribed medical treatment with any drug that may impair his/her ability to perform his/her job without posing a safety risk to himself/herself or others must report this treatment to the Town Manager who is required to maintain the confidentiality of any information regarding an employee’s medical condition in accordance with the Health Insurance Portability and Protection Act. . An employee may continue to work under the influence of a prescribed drug only if, after consultation with medical professionals, it is determined that such use does not pose a safety risk and the employee’s job performance is not negatively impacted and/or cannot be reasonably accommodated.

If justified by medical information and the employee’s work performance, the Town may restrict an employee’s work activity, place the employee on a leave of absence, or take other appropriate action in compliance with law.

6.REASONABLE SUSPICION TESTING

Whenever the Town has reasonable individualized suspicion that an employee is under the influence of alcohol or illegal drugs, the following procedures shall be applied:

1. An employee reasonably believed to be under the influence of alcohol or illegal drugs shall be immediately prevented from engaging in further work by his/her supervisor and department head and shall be prohibited from returning to work until negative test results are received. Any employee removed from a job for suspected drug or alcohol use will suffer no loss in pay provided the test result is negative.
2. The decision to test an employee shall be made by the Town Manager after consultation with legal counsel.
3. If the Town decides to test an employee, the employee will be given a direct order to submit to the test. Refusal on the part of the employee to submit to a test shall be considered misconduct and shall subject the individual to discharge.
4. The employee shall be transported in a reasonable amount of time to a qualified testing facility where a drug and/or alcohol screening will be administered. The employee will be required to sign a consent form prior to the test. Refusal to sign the consent form or intentional interference with the effective operation of the test shall be considered misconduct and shall be grounds for discharge.
5. The Town will afford the employee subject to testing the opportunity to list all prescription and non-prescription drugs they have used or recently used and the circumstances surrounding the use of such drugs and controlled substances.
6. The Town will allow a split sample to be taken so the employee may independently test the specimen at his/her own expense.
7. All alcohol and drug testing reports shall be treated in a confidential fashion and will only be revealed to those with a business need to know.

7. RANDOM TESTING

Employees who are required to hold a Commercial Driver's license for the purpose of performing their duties or as a condition of employment are subject to random drug testing as are all safety sensitive positions including fire, EMS and police.

8. POST-ACCIDENT TESTING

A post-accident test for drugs and/or alcohol shall be administered within 2 hours following the accident.

9. DISCIPLINARY ACTION

Any person violating any of the provisions of this policy, including testing positive for illegal drugs and/or alcohol, will be subject to discipline up to and including termination of employment. Disciplinary action taken may be appealed to the Town Manager, subject to applicable statutory appeal procedures. The determination of the Town Manager will be final and binding unless appealed pursuant to the "Disciplinary/Corrective Action Procedures" as stated in this policy.

At its discretion based on the individualized circumstances of the case, the Town may provide a one-time opportunity to the employee to enter and successfully complete a rehabilitation program that has been approved by the Town at the employee's own expense. Costs not covered under the employee's health insurance plan shall

be paid for by the employee. During rehabilitation, the employee will be prohibited from working and will be required to submit periodic updates to the Town. Upon successful completion of rehabilitation, the employee will be subject to unannounced drug and/or alcohol testing for a period of 36 months. In the event the employee fails to successfully complete the rehabilitation program or tests positive in a test conducted after rehabilitation, the employee will be terminated.

10. VOLUNTARY IDENTIFICATION

Employees who come forward and identify themselves as having a drug and/or alcohol abuse problem prior to being requested to take a test by the Town based on reasonable suspicion, will be provided the opportunity to successfully complete a rehabilitation program at his/her own expense.

G. ETHICS POLICY

1. OVERVIEW

The Town of Beaufort is committed to conducting its business with integrity underlying all relationships, including those with citizens, customers, suppliers, communities, and among employees. The highest standards of ethical business conduct are required of Town employees in performance of their responsibilities. Employees will not engage in conduct or activity that may raise questions as to the Town's honesty, impartiality or reputation or otherwise cause embarrassment to the Town. Employees will avoid any action, whether or not specifically prohibited in the personnel policies, which might result in or reasonably be expected to create an appearance of:

1. Using public office or public position for private gain;
2. Giving preferential treatment to any person or entity;
3. Losing impartiality;
4. Adversely affecting the confidence of the public in the integrity of the Town of Beaufort

Every employee has the responsibility to ask questions, seek guidance, report suspected violations and express concerns regarding compliance with this policy.

Employees with specific guidelines through licensing, certification etc., i.e. construction or code official or inspector, must also comply with such guidelines as required.

Employee concerns should be directed to the Town Manager for review and investigation. Retaliation against employees who use this reporting mechanism to raise genuine concerns will not be tolerated.

2. SOLICITATION & ACCEPTANCE OF GIFTS & FAVORS

The conduct of an employee in Town service shall be free from influence arising from gifts, favors, or special privileges in situations where it is reasonable to believe that such may be offered so as to affect the giver's interest or otherwise exert influence on the actions of the employee.

3. 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:

1. Engage in any political or partisan activity while on duty;
2. Use official authority of influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
3. 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;
4. Coerce or compel contributions from another employee of the Town for political or partisan purposes;
5. Use any supplies or equipment of the Town for political or partisan purposes; or
6. Be a candidate for nomination or election to office under the Town Charter;

Any violation of this section shall subject the employee to disciplinary action, including dismissal.

H. CONFLICT OF INTEREST

It is the policy of the Town of Beaufort that no officer or employee of the Town receive any personal or private benefit resulting from the activities of the Town or from the receipt of the Town of funds, from the State of North Carolina, or from any other source, apart from reasonable compensation for services rendered and reimbursement for reasonable expenses incurred in the conduct of the business of the Town. Further, officer or employee of the Town shall obtain any direct or indirect economic stake in any entity participating in the programs of the Town, and the Town shall not employ any individual who owns a stake in such entity.

I. OUTSIDE EMPLOYMENT

The Town has no intention of attempting to regulate what an employee does during his/her own time away from the job as long as off-duty activities do not represent a conflict of interest or reflect discredit to the Town. To avoid possible conflict of interest, the employee's outside employment shall be reported in writing to and approved by the Town Manager, through the Department Head. An employee is cautioned not to engage in outside activities that are so exhausting that one's physical or mental abilities are consistently impaired to the extent that his or her own Town service is adversely affected.

Examples of conflicts of interest in outside employment *include but are not limited to:*

1. Employment with organizations or in capacities that are regulated by the employee or employee's department; or
2. Employment with organizations or in capacities that negatively impact the employee's perceived integrity, neutrality, or reputation related to performance of the employee's Town duties.

J. SAFETY POLICY

The Town will provide a safe and healthy work environment and shall comply with the Occupational Safety and Health Act of North Carolina. The Town is equally concerned about the safety of the public. Consistent with this policy, employees will receive periodic safety training and will be provided with appropriate safety equipment. Employees are responsible for observing safety rules and using available safety devices including personal protective equipment. Failure to do so constitutes grounds for disciplinary action. Any occupational or public unsafe condition, practice, procedure or act must be immediately reported to the supervisor or Department Head. Any on-the-job accident or accident involving Town facilities, equipment or motor vehicles must also be immediately reported.

K. WORK PRODUCT OWNERSHIP

The Town retains legal ownership of the work product of all employees. Work product includes: written and electronic documents, audio and video recordings, system code, and any concepts, ideas or other intellectual property developed for the Town regardless of whether the intellectual property is actually used by the Town. No work product created while an individual is employed by the Town can be claimed, construed or presented as their property, even after their commission with the Town is terminated or the relevant project completed. If any individual requests use of a document created by them, the release of said document shall be with the written authorization of the Town Manager.

4. EMPLOYMENT

A. DEFINITIONS

EMPLOYEEAn “employee” of the Town of Beaufort is a person who regularly works for the Town on a wage or salary basis. “Employees” may include exempt, non-exempt, regular full-time, regular part-time, and temporary persons, and others employed by the Town who are subject to the control and direction of the Town in the performance of their duties.

EXEMPTEmployees are classified as such if their job duties are exempt from the overtime provisions of the Federal and State Wage and Hour Laws. Employees in positions classified as Exempt shall be required to work a 40-hour workweek and any additional hours needed to fulfill the responsibilities of the position. The weekly salary established for such employees shall be their total compensation for all the time worked. Overtime pay shall only be granted to these employees in unusual circumstances and with the approval of the Town Manager.

NON-EXEMPTEmployees whose positions do not meet FLSA criteria and who are eligible for overtime compensation.

REGULAR FULL-TIMEEmployees who have completed their respective probationary period and who are regularly scheduled to work 35 or more hours per week. They are eligible for the Town’s benefit package, subject to the terms, conditions, and limitations of each benefit program.

REGULAR PART-TIMEEmployees who have completed their respective probationary period and who are regularly scheduled to work less than 35 hours per week. Regular part-time employees may be eligible for some benefits sponsored by the Town, subject to the terms, conditions, and limitations of each benefit program.

TEMPORARY (FULL-TIME OR PART-TIME)Those whose performance is being evaluated to determine whether further employment in a specific position or with the Town is appropriate or individuals who are hired as interim replacements to assist in the completion of a specific project or for vacation relief. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until they are notified of a change. They are not eligible for any of the Town’s benefit programs.

B. COMPENSATION

1. THE PAY PLAN

The pay plan includes the Basic Salary Schedule and the Assignment of Grades and Ranges (Appendix II).

2. ADMINISTRATION AND MAINTENANCE

The Town 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 pay 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 Town, and other factors. To this end, each budget year, the Town Manager shall make comparative studies of all factors affecting the level of salary ranges including the consumer price index, anticipated changes in surrounding employer plans, and other relevant factors, and will recommend to the Board of Commissioners such changes in salary ranges as appear to be pertinent. Such changes shall be made in the salary ranges such that the hiring rate, all intervening rates and the maximum change according to the market.

Periodically, the Town Manager shall recommend that individual salary ranges be studied and adjusted as necessary to maintain market competitiveness. Such adjustments 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 the Board of Commissioners.

3. STARTING SALARIES

All persons employed in positions approved in the position classification plan shall be employed within the hiring salary range for the classification in which they are employed; exceptionally well qualified applicants may be employed at a starting salary of 5-15% above the hiring rate of the established salary range upon approval by the Town Manager.

4. TRAINEE DESIGNATION AND PROVISIONS

Applicants being considered for employment or Town 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 Town 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 two grades below the hiring rate 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 Town Manager, the trainee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the hiring rate established for the position for which the employee was trained.

5. MERIT PAY

Upward movement within the established salary range for an employee is not automatic, but rather based upon specific performance-related criteria. Procedures for determining performance levels and performance pay increases or other performance-related movement within the range shall be established in procedures approved by the Town Manager. An employee is eligible for a performance evaluation with merit pay, subject to the quality of work performed, at the one year anniversary of the hire date and every year thereafter on that anniversary date. Merit Pay shall be based upon available funds and by approval of the Board of Commissioners.

MERIT PAY - BONUS FOR TOP OF SALARY RANGE EMPLOYEES Employees who are at the maximum amount 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 in the same amounts as employees who are within the salary range. Merit bonuses shall be awarded in lump sum payments and do not become part of base pay. Merit Bonus Pay shall be based upon available funds and by approval of the Board of Commissioners.

6. SALARY CHANGES

PROMOTIONS

The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility. When an employee is promoted, the employee's salary shall normally be advanced to the minimum rate of the new position, or to a salary which provides an increase of 10%, whichever is greater. In the event of highly skilled and qualified employees, shortage of qualified applicants, or other reasons related to the merit principle of employment, the Town Manager, with approval of the Board of Commissioners, may set the salary at an appropriate rate in the range of the position to which the employee is promoted that best reflects the employees qualifications for the job and relative worth to the Town. In no event, however, shall the new salary exceed the maximum rate of the new salary range. In setting the promotion salary, the Town shall consider internal comparisons with other employees in the same or similar jobs. Promoted employees will be required to complete a six-month probationary period. Annual evaluation date will not be changed due to promotion.

DEMOTIONS

When an employee is demoted to a position for which qualified, the salary shall be set at the rate in the lower pay range which provides a salary commensurate with the employees' qualifications to perform the job and consistent with the placement of other employees within the same classification in that salary range when the demotion is not the result of discipline. If the current salary is within the new range, the employee's salary may be retained at the previous rate if appropriate. If the demotion is the result of discipline, the salary shall be decreased at least 5%. Salaries of demoted employees may be no greater than the maximum of the new range.

TRANSFERS

The salary of an employee who is reassigned to a position in the same grade shall not have his/her annual salary or evaluation date changed by the reassignment.

GRADE CHANGES

An employee whose position is given a new a grade having a higher salary range shall receive a pay increase of approximately 5% or an increase to the hiring rate of the new pay range, whichever is higher. If the employee has completed probation, the employee's salary shall be advanced to at least the probation completion amount (minimum) in the new range. If the position is changed to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary.

8. TRANSITION TO A NEW SALARY PLAN

The following principles shall govern the transition to any new salary plan:

1. No employee shall receive a salary reduction as a result of a transition to a new salary plan.
2. All employees being paid at a rate lower than the hiring rate established for their respective classes shall have their salaries raised to the new minimum for their classes.
3. All employees being paid at a rate below the maximum rate established for their respective classes shall be paid at a rate listed in the salary schedule if a step plan is in use; all employees not at a listed rate shall have their salaries raised to a listed rate.
4. All employees being paid at a rate above the maximum rate established for their respective classes shall be maintained at that salary level until such time as the employee's salary range is increased above the employee's current salary.

9. EFFECTIVE DATE OF SALARY CHANGES

All salary changes, excluding merit pay 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 Town Manager.

10. OVERTIME PAY

Employees of the Town can be requested and may be required to work in excess of their regularly scheduled hours as necessitated by the needs of the Town and determined by the Department Head. Overtime work should normally be approved in advance by the Department Head or Town Manager.

To the extent that local government jurisdictions are so required, the Town will comply with the Fair Labor Standards Act (FLSA). The Town 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 will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7 day period; 171 hours for police and 212 hour for fire personnel in a 28 day cycle). Hours worked beyond the FLSA established limit will be compensated in either time or pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, or holidays be included in the computation of hours worked for FLSA purposes. Compensatory leave requires approval by the Town Manager when creating a balance that exceeds 40 hours. Department Heads will report all overtime hours to the payroll administrator. Employees who are non-exempt will be paid for the compensatory leave balance at the end of the fiscal year.

Whenever practicable, Department Heads will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be paid in accordance with the FLSA.

Employees who hold a full-time position within any Town department and works part-time with another department within the Town will be compensated for any total worked hours over their normal scheduled hours. The department where the part-time duties are performed will be responsible for compensation to the employee.

Employees receive one hour for meal periods. Any employee whose meal period is less than 30 minutes shall be compensated for the full 30 minutes.

Employees in positions determined to be "exempt" from the FLSA 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 Town Manager. Such compensatory time is not guaranteed to be taken and ends without compensation upon separation from the organization. Exempt employees will lose any leave they have at the end of the fiscal year. Exempt positions include (but are not limited to):

1. Town Manager
2. Finance Director
3. Assistant Town Manager
4. Fire Chief/Director of Emergency Services
5. Planning Director
6. Police Chief
7. Public Works Director
8. Town Clerk

11. CALL-BACK AND STAND-BY PAY

CALL-BACK

Non-exempt employees will be guaranteed a minimum payment of two (2) 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. Exempt employees are not eligible for call-back and stand-by pay.

STAND-BY

Non-exempt employees required to be on "stand-by" duty will be paid for eight (8) hours of work for each week of stand-by time they serve. Stand-by compensation for less than one (1) full week shall be determined by the ratio of .065 hours of pay per one (1) 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 telephone or otherwise substantially restrict personal activities in order to be ready to respond when called. A stand-by pay week begins on Monday and ends on Sunday with the regular work week.

12. COMPENSATION FOR TRAVEL

Travel time is compensable to all employees provided that the time occurs during the course of the regular work day. However, if two or more employees commute together to any Town required classes, meetings, or conferences before the beginning of the work day, travel time for both the driver and passenger(s) will be compensable.

13. LONGEVITY PAY

Full-time employees of the Town are compensated for consecutive years of service with the Town by payment of an annual longevity supplement based on the following table. Employees hired after June 30, 2013 are not eligible for Longevity Pay.

Years of Service Longevity Amount

0 – 1	\$ 125
2 - 4	\$ 250
5 - 9	\$ 350
10 - 14	\$ 500
15 - 19	\$ 600
20 plus	\$ 750

14. PAYROLL

DEDUCTIONS

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 Town Manager as to capability of payroll equipment and appropriateness of the deduction.

PAYDAY

Employees are paid on a bi-weekly basis.

DIRECT DEPOSIT

Employees are required to submit direct deposit information to the Human Resource Officer upon hire. The Town does not remit salary payments via check.

C. WORK SCHEDULE

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

1. CALL-BACK & STAND-BY

The Town provides a continuous twenty-four (24) hour a day, seven (7) 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 Town is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary actions up to and including dismissal by the Town Manager.

2. INCLEMENT WEATHER

Town departments will remain open during periods of inclement weather unless otherwise authorized by the Town Manager or his/her designee for delayed opening, early closing, or other deviation. The Town Manager or his/her designee will implement policies and procedures for delayed opening, early closing, or other deviations from normal operations.

It shall be at the discretion of the Department Head to determine what positions within his/her department are considered essential. Essential personnel shall be defined as those employees who are required to carry on the operations of the department during a disaster or in inclement weather.

3. COMMERCIAL DRIVER LICENSE REQUIREMENTS

Many positions within the Town of Beaufort require employees to obtain a Commercial Driver License (CDL). If an applicant does not have a CDL, a requirement of employment will be to obtain a CDL within a six month probationary period for continued employment. Any employee already in town service must maintain their CDL while employed. A revocation of a CDL will result in the dismissal of an employee.

4. INMATE CUSTODIAL AGENT

The Town of Beaufort participated in the employment of NC Department of corrections inmates. Town personnel in the Public Works department are required as part of employment to attend the Department of Correction Inmate Orientation Training. Successful completion of the training will result with employees being designated as Custodial Agents. Employees will be required to maintain their Custodial Agent designation in order to remain employed with the town. Actions resulting in the revocation of the Custodial Agent designation may result in dismissal from employment.

D. PERFORMANCE EVALUATION

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 and placed in the employee's personnel file. Procedures for the performance evaluation program are included as Appendix III.

Members of the Board of Commissioners will do an annual evaluation of the Town Manager in written form and will discuss the findings of the reports with the Town Manager in closed session at the close of a regular Board of Commissioners meeting. The evaluations will be done by all Commissioners on a standard form and the review will be done as close to the employment anniversary date of the Town Manager as possible. Original copies of the evaluations are to be placed in the Town Manager's personnel file following the evaluation.

1. PROMOTION

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range. The Town 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 Town experience is essential or exceptional qualifications of an internal candidate so indicate, the Town will consider external and internal candidates for selection rather than automatically promoting from within. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Internal candidates shall apply for promotions using the same application process as external candidates.

2. DEMOTION

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary grade. Demotion may be voluntary or involuntary. 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 disciplinary demotion shall follow the disciplinary procedures outlined in this chapter.

An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a voluntary demotion. A voluntary demotion is not a disciplinary action and is made without using the below-referenced disciplinary procedures.

3. TRANSFER

Transfer is the movement of an employee from one position to a position in a grade 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 grade level shall make a recommendation to the Town 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 the following chapter. An employee who has successfully completed a probationary period may be transferred into the same grade level without serving another probationary period.

E. SEPARATION & REINSTATEMENT

1. TYPES OF SEPARATIONS

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

SUSPENSION

1. Suspension is an action taken by the Town Manager or by a Department Head with the consensus of the Town Manager whereby pay may be discontinued for an exempt and non-exempt employee (as defined while the employee is temporarily relieved of all duties and responsibilities).
2. Suspension shall be used to allow time for the investigation, hearing or trial of an employee against whom an allegation of wrongdoing has been made. If the allegation proves false, the employee may be reinstated without loss of compensation.
3. Suspension shall also be used as a disciplinary action to penalize an employee for misconduct, insubordination, or to correct poor work habits. Disciplinary suspensions shall be without pay and the duration of disciplinary suspensions shall vary with the seriousness of the offense. Such disciplinary suspension shall follow the disciplinary procedures outlined in this chapter.

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 (2) weeks. Failure to provide minimum notice shall result in forfeiture of payment for accumulated vacation leave unless the notice is waived upon recommendation of the Department Head and approval by the Town Manager. Three (3) 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 (2) weeks of a notice with a physician's certification or comparable documentation.

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, organizational 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 (2) weeks of notice 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.

DISABILITY

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

VOLUNTARY RETIREMENT

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

DEATH

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

DISMISSAL

An employee may be dismissed in accordance with the provisions and procedures of the disciplinary procedures outlined in this chapter.

2. 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 Town Manager. An employee who is reinstated in this manner shall be re-credited with his or her previously accrued sick leave.

REHIRING

An employee who resigns while in good standing may be rehired with the approval of the Town Manager, and may 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. Any employee who is re-hired shall accrue vacation time at the new employee rate unless otherwise approved by the Town Manager as a condition of employment.

F. DISCIPLINE POLICY

All employees are expected to meet the Town's work performance standards. The intent of the *Disciplinary/Corrective Action Procedure* is to formally document problems and provide the employee with a reasonable time to improve performance. The process should encourage development by providing employees with guidance in areas that need improvement such as poor work performance, attendance problems, personal conduct, general compliance with the Town's policies and procedures, and other disciplinary problems.

The Town Manager retains the sole authority to demote, suspend, or dismiss employees.

1. 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 or Town Manager. 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 Town 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. Improper use of leave privileges;
7. 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;
9. Failure to meet work standards over a period of time; or
10. Failure to follow the chain of command to address work-related issues.

2. DISCIPLINARY/CORRECTIVE ACTION PROCEDURE

Should a supervisor believe that an employee is not conforming to the Town's policies and rules or to specific instructions, or has acted improperly, or has performed unsatisfactorily, the following actions will occur:

1. **COUNSELING**The supervisor shall meet with the employee as soon as possible in one or more counseling sessions to discuss specific performance problems. The supervisor shall maintain a written record of the counseling session that includes the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set.
2. **VERBAL REPRIMAND**The supervisor will verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The supervisor will place in the employee's **official personnel file** a record of the verbal reprimand including the date, time, and what was discussed with the employee.
3. **WRITTEN REPRIMANDA** written reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence (i.e., termination) if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with a signed acknowledgement of receipt should be placed in the employee's

official personnel file along with a record of the discussion. If the employee disputes the validity of the reprimand, he/she may attach written comments.

4. **TOWN MANAGER REVIEW** Should a supervisor consider the offense(s) sufficiently serious to warrant consideration by the Town Manager, the employee will be so advised and a meeting arranged with the Town Manager at the earliest possible date. All facts should be detailed and documented in writing and, if possible, a determination will be made at that time of disciplinary action, if any.
5. **SUSPENSION** Upon review, the Town Manager may, after consultation with the supervisor and/or the Department Head, make the decision to suspend an employee. Disciplinary suspensions are for the purpose of communicating the seriousness of the performance deficiency, not for the purpose of punishment and should not generally exceed three days (24 hours) for nonexempt employees. Suspensions for exempt employees may be for one or more full work days imposed in good faith for disciplinary reasons for infractions of workplace conduct rules. Such disciplinary deductions may only be made in full day increments.
6. **DEMOTION** Demotions are appropriate when an employee has demonstrated inability to perform successfully in the current job, but shows promise and commitment to performing successfully in a lower level job. If after suspension or demotion, the employee's performance does not reach an acceptable level, the employee may be dismissed.
7. **DISMISSAL** Following a complete review of the employee's personnel file and all other facts used to determine if there is sufficient cause, the Town Manager may dismiss an employee.

3. APPEALS CONFERENCE

In the event an employee disagrees with the decision of the Town Manager, he or she has the following optional course of action. Upon notification of suspension, demotion, or dismissal, the employee has three (3) business days to submit a written request to the Human Resource Officer for an Appeals Conference. Conference attendees include the employee, the Department Head, the Human Resource Officer, the Town Manager and a representative of the employee's choosing. If the employee's chosen representative is legal counsel, the Town Attorney shall also attend. At this conference, the employee may present any response to the proposed disciplinary action. Additionally, his/her representative will have the opportunity speak on his/her behalf. The Department Head, Human Resource Officer, and Town Manager will consider the employee's response, the information provided by the representative, and will, within three (3) business days following the conference notify the employee, in writing, of the final decision. This notice shall contain a written statement of the reasons for the action.

4. DETRIMENTAL PERSONAL CONDUCT DEFINED

Detrimental personal conduct includes behavior of such a serious detrimental nature that the functioning of the Town 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:

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 Town funds or for personal use of equipment or supplies;
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 serving 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 an employee(s) and/or the public on the basis of sex or any other protected class status; or
14. Stated refusal to perform assigned duties, flagrant violation of work rules and regulations, or serious malfeasance of work responsibilities.

5. DISCIPLINARY ACTION FOR DETRIMENTAL PERSONAL CONDUCT

With the approval of the Town Manager, an employee may be placed on disciplinary suspension, demoted, or dismissed without prior warning for causes relating to personal conduct detrimental to Town 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.

6. 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 or Town Manager, be in the best interest of the Town, the Department Head or Town Manager may suspend the employee for part or all of the proceedings as a non-disciplinary action. In such cases, the Town 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.
3. 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 vacation leave and sick leave shall be maintained during the period of suspension.

G. GRIEVANCE PROCEDURES

1. PURPOSE

To foster sound employee-employer relations through communication and reconciliation of work-related problems, the Town provides employees with an established procedure for expressing employment related concerns.

2. DEFINITION

A grievance is defined as any matter of concern or dissatisfaction arising from an employee's working conditions, subject to the control of the Town.

These procedures DO NOT APPLY to the following:

1. Changes in employment status, pay, or tenure resulting from disciplinary procedures. The above Discipline Policy shall apply.
2. Discrimination or harassment as the policies included herein on *Non-Discrimination and Equal Employment Opportunity* and *Anti-Harassment* shall apply.
3. Grievances against performance evaluations. All objections to performance evaluations shall be recorded in writing and attached to the performance review.

3. COVERAGE

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

4. POLICY

Every employee shall have the right to present a grievance in accordance with these procedures free from interference, coercion, restraint, discrimination, penalty or reprisal. Employees will be allowed such time off from their regular duties as may be necessary and reasonable as determined by the Department Head or the Town Manager to prepare and present a grievance. The Town will attempt to resolve the complaint within a reasonable period of time while preserving the confidentiality and privacy of those involved to the extent feasible.

5. PROCEDURE

If an employee believes that he/she has a legitimate work-related complaint, the employee is encouraged to first attempt to resolve the issue(s) through discussions with his/her immediate supervisor. The Supervisor shall not exceed his/her authority nor the discretion within which he/she may act. If informal discussions do not result in a satisfactory outcome, the procedures for filing a formal grievance are as follows:

STEP ONEAn employee must file a grievance in writing, with the immediate supervisor and the Human Resource Officer within five (5) working days of the date of the incident giving rise to the grievance. The immediate supervisor shall meet with the employee within five (5) working days of receipt of the grievance and attempt to resolve the grievance informally. If informal resolution efforts fail, the immediate supervisor shall issue a written decision on the grievance not later than five (5) working days following the meeting. If the immediate supervisor is the subject of the grievance, then Step Two applies.

STEP TWOIf the employee is dissatisfied with the response at Step One, the employee may file the grievance in writing with the Department Head within five (5) working days of receipt of the immediate supervisor's written decision. The grievance shall state concisely the basis for the complaint. The Department Head shall meet with the employee within five (5) days of receipt of the Step Two grievance, shall review the decision at Step One, and shall make an independent determination on the merits of the grievance. Within five (5) working days of the meeting with the employee, the Department Head shall issue a written decision, providing a copy to the Human Resource Officer. If the Department Head is the subject of the grievance, then Step Three applies.

STEP THREEIf the employee is dissatisfied with the response at Step Two, the employee may forward the written grievance to the Town Manager within five (5) working days of receipt of the Step Two decision. The employee may either request a decision, with or without representation, from the Town Manager or request a hearing before a Grievance Panel. A Grievance Panel is assembled on an as needed basis by the Human Resource Officer and consists of the Human Resource Officer, a representative of the employee's choosing, and a third-party chosen by the two aforementioned Panel members. If the employee requests a decision directly from the Town Manager, s/he will render a written decision within fifteen (15) working days of receipt of the grievance. If the employee or the appointing authority requests the services of the Grievance Panel, it shall submit its recommended decision to the Town Manager within fifteen (15) calendar days of the hearing.

6. FINAL DECISION ON THE GRIEVANCE

Upon receiving the recommended decision of the Grievance Panel, the Town Manager shall inform the employee and the Department Head, in writing, of the final decision. The final decision will be furnished within ten (10) working days of receipt of the recommended decision of the Grievance Panel.

7. MAINTENANCE OF RECORDS

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

5. EMPLOYEE BENEFITS

A. ELIGIBILITY

All full-time and part-time employees of the Town are eligible for employee benefits as provided for below. Benefits are subject to change at the Town's discretion. Temporary employees are eligible only for Workers' Compensation and FICA.

B. WORKERS' COMPENSATION

All employees of the Town (full-time, part-time, and temporary) are covered by the North Carolina Workers' 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 Workers' Compensation Act is on the injured employee. Such claims must be filed by the employee with the North Carolina Industrial Commission within thirty (30) days from date of injury unless reasonable excuse is made to the satisfaction of the Industrial Commission for not giving such notice and the Commission is satisfied that the employer has not been prejudiced thereby. The Human Resources Officer will assist the employee in filing the claim. (Also see Worker's Compensation Leave)

C. SOCIAL SECURITY

Social Security is federal government insurance to provide an employee with income in his/her senior years. Disability and death benefits are also provided by Social Security.

The cost for Social Security is paid through an automatic payroll tax. The Town matches the amount that is deducted from the employee's payroll check for payment into the Social Security Trust Fund.

D. UNEMPLOYMENT COMPENSATION

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

E. GROUP HEALTH INSURANCE

The Town provides group health and hospitalization insurance programs for full-time employees and their families. Full-time employees may, if they so desire, purchase available group health through the Town for themselves or for themselves and qualified dependents. The Town may contribute an amount of the cost of coverage for a full-time employee, with the remainder of the cost payable by the employee.

Employees who retire may remain on the Town group health plan to age 65. Retirees are eligible for premium supplements based on criteria established by the Town Board of Commissioners.

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

F. LIFE INSURANCE

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

G. RETIREMENT

Each full-time employee shall enroll in the North Carolina Local Governmental Employees' Retirement System when eligible as a condition of employment. New hires who are current members of the North Carolina Local or State Government Employees' Retirement Systems shall be covered under the retirement system by the Town on their first day of employment.

The Town 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 Town Board of Commissioners.

H. 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 Town service. Employees may be reimbursed for tuition up to five hundred dollars (\$500) 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 and approval of Town Manager, subject to availability of funds.

I. HOLIDAYS AND LEAVES OF ABSENCE

The policy of the Town is to provide vacation leave, sick leave, and holiday leave to all full-time employees, and to provide proportionately equivalent amounts to employees having average work weeks of different lengths. Employees shall accrue leave proportionately with each payroll.

1. HOLIDAYS

The Town shall observe the following holidays and others as observed by the State of North Carolina, and as may be amended by the State. Town staff will be notified of the holiday schedule at the beginning of each calendar year. When a holiday, other than Christmas, falls on Saturday or Sunday, the preceding Friday shall be observed for a Saturday holiday and the following Monday shall be observed for a Sunday holiday:

- New Year's Day
- Martin Luther King's Birthday
- Friday before Easter
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Friday after Thanksgiving Day
- Christmas - 3 days designated as follows:
When Christmas falls on: Workdays Off
Sunday: Friday, Monday, Tuesday
Monday: Monday, Tuesday, Wednesday
Tuesday: Monday, Tuesday, Wednesday
Wednesday: Tuesday, Wednesday, Thursday
Thursday: Wednesday, Thursday, Friday
Friday: Thursday, Friday, Monday
Saturday: Friday, Monday, Tuesday

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.

Compensation When Work is Required or Regularly Scheduled Off for Shift Personnel : As a **benefit**, all Town employees receive (13) paid holidays per year. When a holiday occurs, each employee receives payment for that day without having to actually come to work.

- A "work" day is defined per department, as follows:
 - Administration, Planning, Public Works, Public Utilities: **8 hours**
 - Fire Department: **10.6 hours**
 - Police Department: **8.4 hours**
- Holiday hours are defined as beginning at Midnight and ending at 11:59 pm on the calendar day of the holiday.
- Some employees, however, **WILL** be required as part of their duties, to work on Thanksgiving Holidays and Christmas Holidays. When this occurs, these employees will be compensated for their work at time and a half,

or 1.5 times their regular rate. The exceptions are Thanksgiving Day and Christmas Day when employees who work will be paid double-time, or twice their regular rate. **This compensation is separate, and in addition to, the paid hours of holiday time they receive as a benefit. (Effective 1-15-2016)**

2. VACATION LEAVE

DESCRIPTION

Vacation leave is intended to be used for rest and relaxation, and may be used for medical appointments. Vacation leave may also be used by employees who wish to observe religious holidays other than those granted by the Town. Employees who wish to use leave for religious observances must request leave from their respective Department Heads. The Department Head will attempt to arrange the work schedule so that an employee may be granted vacation leave for the religious observance. Vacation leave for religious observance may be denied only when granting the leave would create an undue hardship for the Town.

ACCRUAL RATE

Each full employee of the Town shall earn vacation leave at the following schedule. Vacation leave shall be computed by multiplying an employee's total annualized regular work hours (as specified by the employee's approved departmental work schedule) by the employee's corresponding leave percentage determined by the employee's years of service. The result equals annual vacation leave hours. These hours shall be accrued at a rate of 1/12 monthly. A regular full-time employee shall earn paid vacation according to his or her length of service with the Town of Beaufort as follows:

Years of Service

- 0 – 2: 10 days per year
- 3 – 9: 12 days per year
- 10- 19: 15 days per year
- 20-24: 18 days per year
- 25+ : 20 days per year

MAXIMUM ACCUMULATION

Vacation leave may be accumulated without any applicable maximum until December 31 of each year. Employees are not eligible to receive pay for vacation time not taken. However, if the employee departs from service, payment for accumulated vacation leave shall not exceed 30 days. On the last payroll of the calendar year, any employee with more than 30 days may have the excess accumulation over 30 days converted to sick leave so that only 30 days are carried forward to January 1 of the next calendar year.

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 employee shall receive no special consideration either in having vacation leave scheduled or in receiving any exception to the maximum accumulation. This provision may be waived in case of natural disasters, upon approval of the Town Manager.

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 Town. Department Heads are responsible for ensuring that approved vacation leave does not hinder the effectiveness of service delivery. Vacation may be taken in one hour (1 hour) increments.

PAYMENT UPON SEPARATION

An employee who has successfully completed six (6) months of the probationary period will normally be paid for accumulated vacation leave upon separation not to exceed 30 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 Town Manager when deemed to be in the best interest of the Town. Employees who are involuntarily separated shall receive payment for accumulated vacation leave subject to the 30 day maximum. Employees dismissed for criminal conduct may be determined ineligible to receive vacation pay.

PAYMENT UPON DEATH

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

USE BY PROBATIONARY EMPLOYEES

Employees serving a probationary period following initial employment may accumulate vacation leave but shall not be permitted to take vacation leave during the probationary period unless approved in a pre-employment agreement. Employees shall be allowed to take accumulated vacation leave after six (6) months of service.

3. SICK LEAVE

DESCRIPTION

Sick leave may be granted to a probationary or regular 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 be used when an employee must care for a member of his or her immediate family who is ill. "Immediate family" shall be defined as spouse, child, parent, brother, sister. This also includes various combinations of "step", "half", and adopted relationships.

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

MANNER OF TAKING

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave, or not later than one (1) hour after the beginning of a scheduled workday. Such notice shall include the nature of the absence and the expected duration. All efforts should be made to speak directly to one's supervisor; any voicemail messages should be followed by additional attempts to make personal contact. Sick leave may be taken in one (1) hour increments.

ACCRUAL RATE AND ACCUMULATION

Sick leave for regular full-time employees shall accrue at a rate of one day per month of service or twelve (12) days per year. Monthly accrued sick leave for full-time employees working other than the basic work schedule shall be pro-rated via the following formula:

Monthly accrued sick leave (in hours) = The number of hours worked per week divided by 40, then multiplied by 96 (12 days x 8 hrs/day), then divided by 12

In the event an employee has five (5) consecutive years (60 months) of continuous employment, and terminates employment in good standing, he/she shall be compensated at a rate of fifty dollars (\$50) per day of accumulated sick leave for a maximum of sixty (60) days. For employees with less than five (5) years of continuous service, all sick leave shall end and terminate without compensation when the employee resigns or is separated from the Town, except as stated for employees terminated due to reduction in force.

Upon retirement, consistent with the provisions of the North Carolina Local Government Employee's Retirement System, one (1) month of credit is allowed for each twenty (20) days, or any portion thereof, of sick leave to an employee's creditable service. In lieu of this provision, employees may elect the aforementioned payout option of fifty (\$50) per day for a maximum of sixty (60) days.

TRANSFER FROM PREVIOUS EMPLOYER

The Town may accept the transfer of all sick leave hours for employees from other employers who are participants of the Local or State Employees Retirement System. The sick leave amount must be certified by the previous employer and transfer eligibility is determined by the Town Manager at the time of hire.

ABUSE AND REQUIREMENT OF MEDICAL CERTIFICATION

Abuse of sick time shall not be tolerated and shall subject the employee to disciplinary action. Examples of abuse of sick leave shall include but are not be limited to: taking unapproved leave; failure to notify a supervisor in advance of the need to take a personal day; use of all sick time accrued; taking leave as soon as it is earned; or falsifying the reason for the use of sick time.

The employee's supervisor or Department Head may require a physician's certificate stating the nature of the employee's or family member'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."; however, a physician's certificate does not excuse the abuse of leave privileges.

The employee shall be required to present a certified doctor's note of illness if the employee has been absent for more than three (3) consecutive days and also 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:

- a. Employees shall not be on duty when they might endanger their health or the health of other employees; and
- b. 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.

4. FAMILY & MEDICAL LEAVE

DESCRIPTION

The Town will grant up to 12 weeks of family and medical leave per calendar year to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid (coordinated with the Town'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 Town'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 (12) month period immediately before the date when the FMLA time begins.

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

- a. the birth of a child and in order to care for that child;
- b. the placement of a child for adoption or foster care;
- c. to care for a spouse, child, or parent with a serious health condition; or
- d. 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 Town 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 vacation 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 Town Manager.

CERTIFICATION

In order to qualify for leave under FMLA, the Town 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 Town Manager.

The employee is expected to return to work at the end of the time frame stated in the medical certification, unless he/she has requested additional time in writing under the Town's Leave Without Pay policy.

RETENTION AND CONTINUATION OF BENEFITS

When an employee is on leave under FMLA (maximum of 12 weeks in a year), the Town will continue the employee's health benefits during the leave period at the same level and under the same conditions 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 Town 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 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 Town's group insurance plans at his or her own expense, subject to any regulation adopted by the Council and the regulations of the insurance carrier.

5. BEREAVEMENT LEAVE

Bereavement leave may be used for death in the employee's immediate family. "Immediate family shall be defined as spouse, child, parent, brother, sister." Full-time employees are granted three (3) days for any single 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 Town Manager. Bereavement Leave is for use if you need to help make arrangements or your emotional lee is so you will not be able to complete work assignments.

6. 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, vacation, or compensatory time during the first waiting period. The employee shall supplement workers' compensation payments after they begin with sick leave, vacation, or compensatory time, 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 Town's group insurance plans. When workers' compensation leave extends long enough for the waiting period to be reimbursed, the employee shall return the reimbursement check to the Town and have leave hours re-instated for all time covered by paid leave. In such cases, the Town will pay the employee for any unpaid time that is owed to the employee.

7. MILITARY LEAVE

Regular employees who are members of an Armed Forces Reserve organization or National Guard shall be granted two calendar weeks per year for military leave without pay. On rare occasions due to annual training being scheduled on a federal fiscal year basis, an employee may be required to attend two periods of training in one calendar year. For this purpose only, an employee shall be granted an additional ten days of military leave during the same calendar year. If the compensation received while on military leave is less than the salary that would have been earned during this same period as a Town employee, the employee shall receive partial compensation equal to the difference. The effect will be to maintain the employee's salary at the normal level during this period. If such duty is required beyond this ten workdays, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status, and the provisions of that leave shall apply. While taking military leave, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the Town during this period. Employees who are eligible for military leave have all job rights specified by the Vietnam Veterans Readjustment Act.

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:

- a. Applies for reinstatement within ninety (90) days after the release from military service; and
- b. Is able to perform the duties of the former position or similar position; or
- c. 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 Town. 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.

8. CIVIL LEAVE

A Town 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 Town 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.

9. PARENTAL SCHOOL LEAVE

A Town employee who is a parent, guardian, or person standing in loco parentis (in place of the parent) may take up to four hours of unpaid leave annually to involve him or herself in school activities of his or her child(ren). This leave is subject to the three following conditions:

- a. The leave must be taken at a time mutually agreed upon by the employee and the Town;
- b. The Town may require the employee to request the leave in writing at least 48 hours prior to the time of the desired leave; and
- c. The Town may require written verification from the child's school that the employee was involved at the school during the leave time.

Paid leave (vacation time) taken by an employee to attend to school activities of his or her child shall count towards the fulfillment of this provision by the Town.

10. LEAVE WITHOUT PAY

A full or part-time employee may be granted a leave of absence without pay for a period of up to twelve (12) months by the Town Manager. The leave shall be used for reasons of personal disability after both sick leave and vacation have been exhausted, sickness or disability of immediate family members, continuation of education,

special work that will permit the Town to benefit by the experience gained or the work performed, or for other reasons deemed justified by the Town 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 Town Manager. Upon returning 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.

6.EMPLOYEE CODE OF CONDUCT

A. ATTENDANCE, PUNCTUALITY & DEPENDABILITY

Attendance, punctuality, and dependability are essential at all times. As such, employees are expected at work on all scheduled workdays and during all scheduled work hours and to report to work on time. When an employee is going to be late or absent, he/she should speak directly to his/her supervisor or department head at least one hour prior to his/her scheduled starting time. If it is necessary for the employee to leave a message, and his/her supervisor returns the call, the employee is responsible for following up with his/her supervisor prior to the close of business on the day in question.

An employee who fails to contact his/her immediate supervisor or his/her designated representative may be considered as having voluntarily resigned. A careful record of absenteeism and lateness is kept by the employee's supervisor and becomes part of the employee's personnel record. To the extent permitted by law, absenteeism and lateness lessen an employee's chances for advancement and may result in corrective disciplinary action up to and including dismissal.

B. APPEARANCE

It is expected that each employee will dress appropriately, maintaining a neat, well-groomed appearance at all times. Work assignments determine which type of clothing is appropriate and supervisors will advise employees of what is acceptable attire. If an employee is unsure if something is appropriate to wear to work, he/she will check with his/her supervisor. Foot apparel is mandatory.

Uniforms are required for certain jobs and are to be worn in accordance with applicable departmental standards. Uniforms are the property of the Town and must be returned to the Town upon termination of employment, or the employee will be financially responsible for replacing the uniform.

If provided with identification (i.e. T-shirt or ID badge) employees are required to wear it while representing the Town. The identification card is the property of the Town and must be returned to the Town when upon termination of employment.

Employees are responsible for observing safety rules and wearing any personal protective equipment as required.

C. TOBACCO USE/SMOKING POLICY

The Town has adopted a tobacco-free, smoke-free policy for all buildings AND vehicles. Town facilities shall be tobacco-free, smoke-free and no employee or visitor will be permitted to use tobacco or smoke anywhere in Town buildings or vehicles. Employees of legal age are permitted to smoke only outside Town buildings in designated areas. Excessive breaks are not acceptable and employees should plan their time accordingly.

Tobacco Use/Smoking encompasses chewing tobacco, cigarettes as well as electronic smoking devices.

Any violation of this policy may result in appropriate corrective disciplinary action, up to and including dismissal.

D. USE OF TOWN SUPPLIES & EQUIPMENT

Town equipment, materials, tools and supplies shall not be available for personal use or be removed from Town property except in the conduct of official Town business. Town employees are not to use Town equipment or vehicles for private purposes.

Vehicles owned by the Town shall be cared for by an employee in the same responsible way that he would care for his own. Such vehicles are to be used exclusively for official Town business, except that by special approval by the Town Manager. An employee may be directed to take the vehicle home when doing so shall serve the best interest of the Town. Use of Town vehicles for commuting to and from work shall usually be limited to an employee who is subject to emergency call-back work.

Equipment, materials, tools and supplies that are used for public training or educational purposes must have prior approval of the Town Manager.

E. E-MAIL AND INTERNET CODE OF CONDUCT

Access to the Internet has been provided to public employees for the benefit of Beaufort and its residents. It allows employees to connect to information resources around the state, the country and the world. Every employee has a responsibility to maintain and enhance the Town's public image and to use the Internet in service of the Town of Beaufort. Personal internet use must be kept to an absolute minimum and must not interfere with employee productivity. To ensure that all employees are responsible, productive Internet users and are protecting the Town's public image, the following guidelines have been established for using the Internet.

1. CONFIDENTIALITY, PRIVACY AND MONITORING

All Town computer systems, including e-mail and Internet connections, are the property of the Town. All documents, information and data created, stored and/or copied to the Town's computer system are the property of the Town and may not be copied or in any form transmitted to any third party other than in the ordinary course of business on behalf of the Town. Employees using the Town's computer systems are cautioned that e-mail and Internet systems do not provide complete confidentiality and Town employees have no right to privacy when they use Town systems. The Town has the right to access, monitor and disclose the contents of any file or electronic message composed, sent received or viewed on Town computer systems for any business purpose, including but not limited to breaches of security, violations of Town policy or other computer system or e-mail misuse.

All business communication is to be done through the beaufortnc.org email account. Employees should be aware and understand that the use of personal e-mail accounts to engage in Town business may result in those personal accounts being subject to the provisions of the Open Public Records Act (OPRA) and/or other statutes pertaining to access to government records.

2.ACCEPTABLE USES OF THE INTERNET

Employees accessing the Internet are representing the Town. All communications should be for professional reasons. Employees are responsible for seeing that the Internet is used in an effective, ethical and lawful manner. Databases may be accessed for information as needed for Town business. E-mail may be used for business contacts.

3.UNACCEPTABLE USES OF THE INTERNET

The Internet should not be used for personal gain or advancement of individual views. Solicitation of non-Town business or any use of the Internet for personal gain is strictly prohibited. Use of the Internet must not disrupt the operation of the Town network or the networks of other users.

4.SOFTWARE

To prevent computer viruses from being transmitted through the system, there will be no unauthorized downloading of any software. All software downloads will be done through the Town's authorized Information Technology Contractor.

5.COPYRIGHT ISSUES

Copyrighted materials belonging to third parties may not be transmitted by Town Employees on the Internet. One copy of the copyrighted material may be downloaded for your own personal use in research. Users are not permitted to copy, transfer, rename and/or delete information or programs belonging to other users unless given express permission to do so by the owner. Failure to observe copyright or license agreements may result in disciplinary action or legal action by the copyright owner.

6. E-MAIL COMMUNICATIONS & INSTANT MESSAGING

All employees are responsible for the content of all text, audio or images that they place or send over the Internet. Fraudulent, harassing or obscene messages are prohibited. All messages communicated on the Internet should have the sender's name attached. No messages will be transmitted under an assumed name. Users may not attempt to obscure the origin of any message. A generic signature of name, title, and contact number should be included in your e-mail communications. Information published on the Internet should not violate or infringe upon the rights of others. No abusive, profane or offensive language may be transmitted through the system. Employees are prohibited from expressing personal opinions through the use of the Town's Internet names and connections.

Notwithstanding the Town's right to read and retrieve any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. Any exception to this policy must receive prior approval from the Town Manager. Employees should not attempt to gain access to another employee's messages without the latter's permission. All computer passwords and login names must be submitted to the Information Technology Contractor. No codes may be used that are unknown to the Information Technology Contractor.

F. PERSONAL WEBSITE & SOCIAL MEDIA POLICY

Social networking, both professional and personal, is a popular way to connect with friends, foster relationships and create a complex group of online networks and online communities. However, these new communication and networking opportunities also create new responsibilities for those who engage in social networking. Employees who choose to use or contribute to online media are not only impacting their personal image, but may be potentially impacting the image of the Town. The purpose of this policy is to provide reasonable guidelines for online behavior for employees of the Town.

1. GENERAL RULE

When communicating in social media, you ACT AT YOUR OWN RISK. Employees must never engage in communication which injures the reputation of the Town or its clients or which discloses confidential information. Employees should remain mindful that what one says or does, even if not otherwise connected to the Town, may be seen by others who will make judgments based upon what one places online. An employee's position with the Town could thus be impacted by personal Internet activities.

2. SCOPE

This Internet Postings Policy applies, but is not limited, to use of the following multimedia and social networking websites:

- Facebook, Twitter, Google+, LinkedIn, You-Tube, etc.
- Websites and Blog Site(s) including Personal Blog(s)
- Wikis such as Wikipedia and any other site(s) where text can be edited or posted
- Social bookmarks such as Digg and Delicious

All activities—postings, comments, videos, and images--on these sites are referred to as "Internet postings" in this Policy. Please be aware that a violation of this policy may result in disciplinary action up to and including termination of employment by the Town.

3. CONTENT

If an employee posts information that is in any way related to the Town, its residents, or his/her employment, they are urged to use common sense. If an employee is unsure about information disclosed in any particular posting, he or she should contact his/her immediate supervisor. Internet posting(s) should reflect personal points of view, not the point of view of the Town. Employees are personally responsible for all online activity conducted on Town equipment, with a Town email address, and/or communications traceable back to the Town's domain name. This includes activity conducted on personal social networks that reference his/her affiliation with the Town or one's status as an employee of the Town. When posting, an employee should neither claim nor imply he/she is speaking on behalf of the Town unless authorized by the Town Manager to do so. If an employee identifies his/herself as a Town employee in any manner on any internet posting, comment on any aspect of the Town's business, or post a link to the Town, the following disclaimer must be included in an openly visible location: "the views expressed on this post are mine and do not necessarily reflect the views of Town or anyone associated/affiliated with the Town."

Also, please be respectful when responding to negative posts. Your Internet postings should not violate any other applicable Town policy, including, but not limited to, the following: Anti--Harassment Policy, Non--Discrimination and Equal Employment Opportunity Policy, and E--Mail and Internet Code of Conduct Policy. Notwithstanding the above, no employee shall be disciplined for using social media to engage in protected concerted activity under the Employer-Employee Relations Act. Employees must agree that the Town shall not be liable, under any circumstances, for any errors, omissions, loss or damages claimed or incurred due to any of your Internet postings. The Town may request, in its sole and absolute discretion, that an employee temporarily or permanently confine his/her website, web log or other commentary to topics unrelated to the Town if it believes this is necessary or advisable to ensure compliance with laws or regulations.

4. USE OF TOWN COMPUTER EQUIPMENT

Town equipment and resources shall not be used for personal internet and social media use. Violation of this rule may lead to disciplinary action up to and including dismissal.

G. CELL PHONE POLICY

This policy outlines the use of personal cell phones at work, the personal use of business cell phones, and the safe use of cell phones by employees while driving.

1. PERSONAL CELLULAR PHONES

While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of the Town phone system. Personal calls or text-messaging during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees are therefore asked to make the vast majority of personal calls and texts on non-work time and to ensure that friends and family members are aware of the Town's policy. Flexibility will be provided in circumstances demanding immediate attention. Abuse of this policy may result in disciplinary action including removal of the cell phone during work hours. The Town will not be liable for the loss of personal cellular phones brought into the workplace.

2. TOWN-PROVIDED CELLULAR PHONES

Where job or business needs demand immediate access to an employee the Town may issue a business cell phone to an employee for work-related communications. To protect the employee from incurring a tax liability for the personal use of this equipment, such phones are to be used for business reasons only. Each employee will be provided with a plan that allows a specific number of minutes on a monthly basis. If an employee exceeds the allowable monthly minutes, and the overage is due to business, use the employee should notify the Town so alternative plans may be reviewed. In the event the overage is due to personal use, the employee will be responsible for reimbursing the Town for the overage charge and may be subject to disciplinary action up to and including dismissal.

Employees in possession of Town equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone

in good working condition within the time period requested (for example, 24 hours) may be expected to bear the cost of a replacement.

Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

3.SAFETY ISSUES FOR CELLULAR PHONE USE

Employees using a Town vehicle **MUST** use a hands free device. Further, employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business must use a hands free device. Safety comes before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options, refrain from discussion of complicated or emotional discussions and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area. Text messaging while operating a Town vehicle is strictly prohibited.

In situations where job responsibilities include regular driving and accepting of business calls, hands-free equipment will be provided to facilitate the provisions of this policy. Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result, and may be subject to disciplinary action.

APPENDIX I: HARRASSMENT COMPLAINT FORM

APPENDIX II: SALARY SCHEDULE AND ASSIGNMENTS OF GRADES/RANGES

APPENDIX III: PERFORMANCE EVALUATION FORM

ADDENDUM 1: POLICE DEPARTMENT- STANDARD WORK PERIOD & OVERTIME PAY