



WARRENTON
North Carolina

PERSONNEL MANUAL



THE TOWN OF WARRENTON PERSONNEL MANUAL

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BE IT RESOLVED by the Board of Commissioners of the Town of Warrenton, North Carolina that the following policies apply to the appointment, classification, benefits, salary, promotion, demotion, dismissal, and conditions of employment of the Town of Warrenton

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POLICY

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

None of the benefits or policies set forth herein are intended, because of their publication, to confer any rights or privileges upon employees or to entitle them to be or remain employed by the Town. The contents of this document and procedure herein are presented as a matter of information. They are not conditions of employment.

These personnel policies are not a binding contract, but merely a set of guidelines for the implementation of personnel policies. The Town explicitly reserves the right to modify any of the provisions of these policies at any time and without any notice to employees. Notwithstanding any of the provisions within these policies, employment may be terminated at any time, either by the employee or by the Town, with or without cause and with or without advance notice.

ARTICLE I. GENERAL PROVISIONS

Section 1. Purpose

The purpose of these policies is to establish a personnel system that will recruit, select, develop and maintain an effective and responsible work force. These policies are established under the authority of Chapter 160A, Article 7 of the General Statutes of North Carolina.

Section 2. Application of Policies, Rules and Regulations

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

The Town Administrator shall be included and covered by the provisions of the following Articles and Sections:

Article 1, Section 4; Article 4, Section 1, 3, 4, 5, 6, 7, 8, 10, 12; Article V, Section 12, 15; Article VI; Article VII, Section 3, 4, 6, 7, 10, 11, 13, 14, 15; Article XI; Article XII.

Section 3. Definitions

Adverse Action. A demotion, dismissal, reduction-in-pay, layoff, suspension, or undesirable transfer.

Completed Year. A period of twelve (12) calendar months in which the employee is in active pay status or is receiving Worker's Compensation payments while on leave without pay.

Full-time Employee. An employee, either regular or temporary, who is regularly scheduled to work the number of hours per workweek designated by the Town Board as full-time.

Grievance. A claim or complaint based upon an event or condition which affects the circumstance under which an employee works, allegedly caused

by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.

Probationary Employee. A person appointed to a budgeted position who has not completed the probationary period.

Probationary Period. The initial six (6) months (12 months for Sworn Law Enforcement Officers) of employment or promotion representing the period of observable work performance to determine the suitability and ability of the employee to satisfactorily perform the duties and responsibilities of the position. The Probationary Period may be extended up to an additional six (6) months but shall not exceed twelve (12) months (18 months for Sworn Law Enforcement Officers).

Part-time Employee. An employee, either regular or temporary, who is regularly scheduled less than the number of hours per workweek designated by the Town Board as full-time

Regular Employee. An employee who has successfully completed the prescribed probationary period shall be considered regular. However, all Town positions are subject to budget review and approval each year by the Town Board, and all employees' work and conduct must meet standards of performance and behavior. Therefore, reference to regular employees or regular positions should not be construed as a contract or right to perpetual funding or employment.

Temporary Employee. A person appointed to serve in a position for a defined time period, usually less than six months but may not exceed twelve months.

Section 4. Merit Principle

The purpose of this policy and the rules and regulations set forth is to establish a fair and uniform system of modern personnel administration for all employees of the Town. The Town shall embrace the following merit system principles in administering its personnel program:

Applicants and employees shall be assured of fair treatment in all aspects of personnel administration without regard to age, sex, race, color, religion, national origin, political affiliation, non-disqualifying disability, marital status, or military or veteran status.

- (a) Individuals shall likewise be treated with proper regard for their privacy and constitutional rights as citizens.
- (b) Employees shall be recruited, selected, trained, and advanced on the basis of their ability, knowledge, skill, and performance.
- (c) Employees shall be retained on the basis of the adequacy of their performance. They shall be guided in ways to correct inadequate performance and separated when inadequate performance cannot be corrected.
- (d) Employees shall be protected against coercion or partisan political purposes.
- (e) Employees may receive equitable and adequate pay and benefits and eligible employees may receive merit pay increases based upon their performance subject to the availability of funds.

Section 5. Responsibility of Town Board

The Town Board shall be responsible for establishing and approving personnel policies and rules, including the classification and pay plan. The Town Board may also make changes to the policies and benefits as necessary. The Town Board shall make and confirm appointments when so specified by the general statutes.

The Town Board will adopt or provide for rules and regulations, resolutions or ordinances concerning personnel policies and other measures that promote the hiring and retention of capable, diligent, and honest employees under the authority of Chapter 160A-164 of the North Carolina General Statutes, to be administered by the Town Board. The Town Board will prescribe the office hours, workdays, and holidays to be observed by the various offices and departments of the Town.

Section 6. Responsibility of the Town Administrator

The Town Administrator shall be responsible for assisting in the preparation and maintenance of the position classification plan and the pay plan and shall perform such other duties in connection with a modern personnel program as are required. The Town Administrator shall serve as the Town's Personnel Officer pursuant to N.C.G.S § 160A-162(a). All matters dealing with personnel shall be routed to the Town Administrator, who shall maintain a complete system of personnel files and records. The Town Administrator may perform any

or all of these duties and responsibilities and may assign the clerical matters to a staff employee. The Town Administrator shall perform such other duties as may be assigned by the Board of Commissioners not inconsistent with this Policy.

Section 7. Responsibility of Department Heads

The head of each Town department, with the approval of the Town Administrator, shall appoint, suspend and remove Town officers or employees assigned to their department. The head of each Town department shall recommend to the Town Administrator the employment of an application, suspension of and/or termination of Town officers or employees assigned to his/her department.

ARTICLE II. POSITION CLASSIFICATION PLAN

Section 1. Adoption

The position classification plan, as amended from time to time, is hereby adopted as the position classification plan for the Town.

Section 2. Allocation of Positions

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

Section 3. Administration of the Position Classification Plan

The Town Administrator shall be responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. Department Heads shall be responsible for bringing to the attention of the Town Administrator (1) the need for new positions, and (2) material changes in the nature of duties, responsibilities, working conditions or other factors which may affect the classification of any existing position.

When the Town Administrator finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the existing class specification shall be revised or reallocated to the appropriate class within the existing classification plan, or the position classification plan shall be amended establishing a new class to which the position may be allocated.

Section 4. Amendment of Position Classification Plan

Classes of positions shall be added and deleted from the position classification plan by the Town Administrator. All changes to the position classification plan shall be submitted to the Town Board for approval. N.C.G.S. § 160A-162.

ARTICLE III. RECRUITMENT AND EMPLOYMENT

Section 1. Statement of Equal Employment Opportunity

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 applicants' qualifications for the job and award, with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to age, sex, race, color, religion, national origin, political affiliation, non-disqualifying disability, marital status, or military or veteran status.

The Town's intent is to create and maintain an environment that is respectful of fairness and equity for employees, applicants and customers and ensure compliance with State and Federal laws.

Section 2. Implementation of EEO Policy

All personnel responsible for recruitment and employment shall continue to review regularly the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable performance-related job requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of age, sex, race, color, religion, national origin, political affiliation, non-disqualifying disability, marital status, or military or veteran status.

Notices with regard to equal employment matters shall be posted in conspicuous places within Town-buildings where notices are customarily posted.

Section 3. Recruitment

All opportunities for employment shall be publicized, including applicable salary ranges and employment qualifications. Information on job openings and hiring practices shall be provided to recruitment sources including organizations and news media serving the appropriate labor market. In addition, notice of vacancies shall be posted at designated conspicuous sites within Town buildings. Individuals shall be recruited from a geographic area as wide as is necessary to insure that well qualified applicants are obtained for Town service.

Section 4. Job Announcements

Employment announcements shall contain assurances of equal employment opportunity and shall comply with federal and state statutes regarding discrimination in employment matters.

Section 5. Applications for Employment

All persons expressing interest in employment with the Town shall be given the opportunity to file an application for employment when a position is vacant or when the Town is advertising to fill such positions.

Section 6. Applications Kept on File

All applications received for each vacancy posted shall be retained for a period of 2 years in accordance with records retention policy.

Section 7. Qualifications Standards

- 1) Employees shall meet the employment standards established by the position classification plan and such other reasonable, job-related minimum standards of character, aptitude, knowledge, skills, abilities, and physical condition, as may be established by the Town Administrator with the advice and recommendation(s) of Department Heads.
- 2) Qualifications shall be reviewed periodically to assure that requirements are fair and conform to the actual job performance requirements.
- 3) The Town may employ an applicant in a trainee capacity who does not meet all minimum qualifications for a particular job if the deficiencies can be eliminated through orientation and on-the-job training.

Section 8. Selection

Department Heads shall make such investigations and conduct such examinations as deemed appropriate to assess fairly the aptitude, education and experience knowledge and skills, character, physical fitness, and other qualifications required for positions in the service of the Town. All selection devices administered by the Town, or by persons or agencies for the Town, shall be valid measurers of job requirements.

Section 9. Appointments

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

qualifications and if the Town would continue any historical discriminatory employment practices by automatically promoting or transferring the current employee without considering other applicants, then the Town must carefully consider the qualifications of other applicants in filling this position.

ARTICLE IV. CONDITONS OF EMPLOYMENT

Section 1. Work Period

The work period is defined as seven consecutive days. Full-time, non-exempt, employees (other than law enforcement shift employees) normally work five (5) eight (8) hour days per work period and are subject to the overtime provisions set forth in Article IV, Section 9 of these policies. Law Enforcement employee's work schedule(s) will be established and maintained in accordance with FLSA and work periods will be set as 28 consecutive days. Non-exempt police officers, regardless of rank, are subject to overtime after 171 hours of work over 28 consecutive days.

Exempt employees in administrative, professional or managerial positions shall work the number of hours necessary to assure the satisfactory performance of their duties.

When the activities of a particular department require some other schedule to meet work needs, the Town Administrator may authorize a deviation from the normal schedule.

Section 2. Volunteer Services

The Town encourages and shall permit employees to participate as members of a volunteer emergency service to the extent that such volunteer activities do not interfere with the employee's responsibilities in their Town service. However, no employee will be required or will be allowed to volunteer his or her time to the Town to perform the same or similar work performed as a regular employee.

Section 3. Safety

It is the intent of the Town to provide for an ongoing program that assures a safe, healthy work environment for all employees and complies with all safety laws and regulations. To that end, each supervisor shall be responsible for:

- 1) Providing safe work procedures and environments;
- 2) Implementing safety policies and programs;
- 3) Informing and training employees in safe work habits;
- 4) Detecting and correcting unsafe practices and conditions;
- 5) Investigating accidents and preparing accident reports;

- 6) Encouraging employees to report unsafe conditions and to submit safety suggestions.

Likewise, each Town employee shall be responsible for:

- 1) Developing and maintaining safe work habits;
- 2) Promptly reporting all accidents and injuries;
- 3) Pointing out what are believed to be dangerous practices and working conditions;
- 4) Assisting with investigations of accidents;
- 5) Taking proper care of safety equipment;
- 6) Wearing proper clothing and avoiding loose sleeves, cuffs, rings, bracelets and long hair around moving machinery; and,
- 7) Knowing the location and use of fire extinguishers, the location of fire exits and the best method for reporting a fire.

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

Section 4. Ethics Policy and Procedure

1) POLICY AND PURPOSE

The purpose of this policy is to establish a standard of ethical behavior and conduct for all employees of the Town of Warrenton. The Town expects its employees, regardless of full-time, part-time, seasonal, or volunteer status, to adhere to the highest ethical standards possible in the performance of any and all duties related to job function. The standards set forth in this policy do not stand in place of recognized law. Rather, this policy exists to promote the Town's core values of leadership, integrity, teamwork, and excellence in service to citizens of the Town of Warrenton. The Town desires to promote public confidence that all employees of the Town of Warrenton dedicate themselves to high quality customer service and that employees of the Town would never commit or participate in actions to betray that trust. The Town seeks to protect the public and its interests from the practice of unethical behavior by its employees through the existence of this policy.

2) ETHICS

The Town defines ethics as the moral principles that govern a person's behavior or the conducting of an activity. Employees of the Town will always be ethical

without exception.

Employees will not reveal confidential information or use such information for speculation or personal gain. Employees will not use their position to obtain confidential information about any person(s) or entity if it does not relate to the performance of their official job duties. Any request by an employee of the Town of Warrenton for information deemed to be public record shall be submitted to the Town Administrator as a formal public records request under the Media/Public Records Policy.

Employees are prohibited from accepting special treatment. Employees should decline any gift valued at more than twenty-five dollars (\$25) for themselves or their family. Employees will not use their position with the Town for personal benefit such as employment or profit, for either themselves or their families. Any privileges awarded to an employee from the Town as a result of that employee's position should never be used to improperly benefit other entities. All vehicles, equipment, materials, money, or property owned by the Town are not to be used for personal convenience or gain. Employees should follow established procedures in the use of Town property. Employees serving in supervisory role will not use that position to take advantage of a subordinate for personal benefit or the benefit of other employees. The Town expects that its employees will make administrative and financial decisions that preserve the programs and services offered by the Town to address the needs of Town citizens.

3) BEHAVIOR AND CONDUCT

Employees should demonstrate the core values of the Town – leadership, integrity, teamwork and excellence. The Town expects its employees to be customer service-oriented towards both the public and co-workers and perform all job duties and responsibilities to the best of their ability. Employees will maintain public confidence in their office and performance through professional conduct and appearance. Employees should promote respect between fellow employees and members of the public.

Employees will act professionally when interacting with other employees whom they have the potential to influence. An employee will not pressure another employee nor seek or grant personal favors. Town employees should avoid even the appearance of improper behavior.

4) CONFLICTS OF INTEREST

It is paramount that employees avoid conflicts of interest, or their appearance, to maintain impartiality and transparency. The Town defines conflicts of interest as when an employee is unable to be fair and impartial in choosing between the interests of the Town and his or her own personal interests. To avoid this, employees should not engage in activities that conflict with the performance of official job duties. If an employee feels that they do have or may have a conflict of interest, they will contact their supervisor or manager to inform of the

situation that may cause a conflict of interest or presents the appearance of conflicting interests.

In accordance with NC General Statute 14-234, no Town employee will participate in any contracts or influence the Town's selection of or conduct of business with a corporation, person, or firm proposing to do business with the Town if the employee has a personal relationship or any financial interest in the company. Neither will he or she solicit or receive any benefit, including a promise of future employment, in exchange for influencing the award of a contract by the Town. No employees shall accept any gifts, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to his/her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Town where the acceptance may influence his/her judgment, nor shall any employee accept any gift, or grant in the discharge of his/her duties any improper favor, service or thing. This is a serious breach of faith and any employee violating the provisions of this section shall be subject to disciplinary action up to and including dismissal.

Failure to disclose conflicts of interest is grounds for disciplinary action up to and including dismissal and any participation of the officer or employee in the matter shall be null and void.

No elected official, officer, or employee of the Town of Warrenton shall participate in the award or administration of an American Recovery and Reinvestment Act (ARRA) funded project or purchase if that person, that person's spouse, or a member of the person's immediate family has a financial or any other interest in the company selected for award.

Town Management, Department Heads, and the Town Clerk are prohibited from purchasing surplus property from the Town of Warrenton. In addition, if any employee is involved in determining which property should be declared surplus, and/or the value, he/she (or their spouse) cannot purchase the property. NC General Statute § 14-234.1 prohibits any public officer or employee from getting a financial benefit based on non-public information that the employee has, because of his/her job.

5) LAWS

Employees will uphold the Constitution, laws, and regulations of the United States as well as those of state and local governments, and will not engage in activities that undermine that authority. Employees' illegal actions off-duty may be cause for disciplinary action by the Town. Reporting unlawful or improper actions is appropriate. Employees are expected to use the proper chain of command when possible, or contact the Town Administrator for further investigation. Employees should set a public example of respect for the laws. Laws governing their duties are especially important, and even actions in private carry a public message.

Section 5. Political Activity Restricted

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 of America. However, no employee shall:

- 1) Engage in any political or partisan activity while on duty;
- 2) Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;
- 3) Be required as a duty of employment or as a condition for employment, promotion, or tenure of office to contribute funds for political or partisan purposes;
- 4) Coerce, solicit or compel contributions for political or partisan purposes by another employee of the Town;
- 5) Use any supplies or equipment of the Town for political or partisan purposes; or,
- 6) Be a candidate for the Town Board or partisan election. However, if the employee is a candidate for non-partisan election, (except the Town Board), the employee must take a leave of absence without pay 30 days prior to the primary election. If successful in any primary election, the leave without pay must be extended until the day after the general election. If successful, the NC General Statutes concerning dual office holding shall apply. Any violation of this section shall subject such employee to disciplinary action up to and including dismissal.

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

Section 6. Outside Employment

The work of the Town will take precedence over other occupational interests of employees. All outside employment for salaries, wages, or other compensation and all self-employment must be reported to and approved by the employee's Department Head and Town Administrator. Outside employment causing or perceived as a conflict of interest shall be disapproved. The Town Board shall be responsible for final interpretation. Conflicting outside employment will be grounds for disciplinary action up to and including dismissal.

Section 7. Limitation of Employment of Relatives

- 1) The members of an immediate family shall not be employed in the same administrative department at the same time. Neither shall two (2) members of an immediate family be employed at the same time if such employment would result in an employee directly or indirectly supervising a member of the immediate family.
- 2) This policy shall not be retroactive, and no action will be taken concerning those members of the same family employed in conflict with (a) above prior to the adoption of this policy.
- 3) Immediate family is defined for the purpose of this section as spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law and adopted relationships that can be derived from those names, or anyone living as a part of the same household.

Section 8. Conformance to Immigration Law Requirements

The Town complies with E-Verify requirements and all employees are required to furnish proof of citizenship or other required documents indicating a legal right to work in the United States. Copies of the completed form I-9 shall be a permanent part of their personnel file.

Section 9. Confidential Information

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

Section 10. Substance Abuse and Controlled Substances

No employee shall use or consume intoxicating substances while on duty. Nor shall an employee report for duty while under the influence of an intoxicant, or non-prescribed controlled substances. Any employee using medication or a controlled drug by prescription which may affect job performance or safety, shall notify their supervisor. No employee shall use or consume unlawful substances at any time. At the Town's discretion, or as may be required by insurance coverage, an employee may be required to undergo drug and alcohol testing if there is reasonable suspicion that the employee may have consumed or may be under the influence of an intoxicant or non-prescribed controlled substances.

Section 11. Use of Town Owned Equipment

The Town Board specifically forbids the personal use of any Town owned equipment or supplies by any employee, elected or appointed official or individual, unless authorized by the Town Administrator. Should authorization be granted, use will be limited to the use specified in the authorization.

Use of Town owned vehicles is governed by the following:

- 1) Vehicles owned by the Town may be provided to one or more employees in connection with Town business and shall be used only on Town business. When the vehicle is not used in the Town's business, it is kept on the Town's business premises. Pursuant to federal and state law, neither the employee, nor any individual whose use would be taxable to the employee, may use the Town vehicle for personal use.
- 2) For bona fide non-compensatory business reasons, the Town may require certain employees to commute to and from work in Town vehicles that are not exempted by IRS regulations. In accordance with federal and state law, an employee may not use the Town owned vehicle for personal use other than commuting. Under those conditions the Town will account for commuting use as specified and required in IRS regulations.

Section 12. Travel and Expense Reimbursement

Employees, elected and appointed officials will, from time to time, be involved in out-of-town travel to attend schools, business meetings, conferences, etc. All reasonable expenses (e.g., meals, lodging, etc.) shall be reimbursed at actual costs, while traveling in a personal car, will be reimbursed at a mileage rate consistent with prevailing IRS limits for non-taxable reimbursements authorized by the Town Board.

Employees attending meetings, conferences, etc., where lodging is offered and available at the institution, shall be required to use such accommodations.

Reimbursement for meal expenses shall be guided by reasonableness. Meal expenses shall ordinarily be reimbursable only when incurred on out-of-town travel or when the meal itself is the occasion of a business meeting. All travel claims must be supported by detailed documentation, usually in the form of receipts or similar vouchers.

The Town Administrator may deny reimbursement of any questionable, unsupported, or excessive expense claims submitted by employees.

Any violation of the provisions in this section shall be deemed improper conduct and may subject the employee to discharge or other disciplinary action.

ARTICLE V. THE PAY PLAN

Section 1. Adoption

The schedule of pay grades and salary ranges assigned, as amended from time to time, is hereby adopted as the pay plan for the Town.

Section 2. Administration and Maintenance of the Pay Plan

The Town Administrator shall be responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide equitable compensation for all positions, reflecting differences in duties and responsibilities, the rates of pay for comparable 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; the Town Administrator shall, from time to time, make comparative studies of all factors affecting the levels of salary ranges and shall recommend to the Town Board such changes in salary ranges as appear to be warranted.

Section 3. Use of Salary Ranges

Salary ranges are intended to furnish administrative flexibility in recognizing individual performance among employees holding positions in the same class by rewarding employees for meritorious service. The following general provisions will govern the granting of increases within the pay range:

- 1) The minimum rate established for the class is the normal hiring rate, except in those cases where unusual circumstances appear to warrant appointment at a higher rate. Appointment above the grade minimum may be made with the approval of the Town Administrator when deemed necessary and in the best interest of the Town. Above-the-minimum appointments will be based on such factors as the qualifications of the applicant being higher than the desirable education and experience for the class, a shortage of qualified applicants available at the grade minimum, the refusal of qualified applicants to accept employment at the grade minimum, or other similar factors.
- 2) All grade pay above the minimum is reserved to reward employees for meritorious service. Each year, the Town Administrator may require Department Heads to consider the eligibility of employees to receive salary increases and to recommend such advancement or retention at

the same rate. Department Heads shall consider all factors affecting employee performance and shall submit their recommendations in writing, giving the reasons to advance or retain the employee at the same rate. All such advancements and retentions in the salary range must be approved by the Town Administrator.

Section 4. Payment at a Listed Rate

All employees covered by the salary plan shall be paid at a listed rate within the salary range established for their respective job classes except for employees in a 'trainee status", or employees whose present salaries are above the established maximum rate following transition to a new pay plan.

Section 5. Salary of Trainee

An applicant hired or an employee promoted to a position in a higher grade, who does not meet all the established requirements of the position, may be appointed at a rate in the pay plan below the minimum established for the position. In such cases, a plan for training, including a time schedule, will be prepared.

Trainee salaries may be no more than two grades below the minimum salary established for the position for which the person is being trained. An employee will remain in the trainee grade until the Department Head determines that the trainee is qualified to assume the full responsibilities of the position. The Department Head shall review the progress of each employee in a trainee status monthly, or more frequently as necessary, to determine when the trainee is qualified to assume the full responsibilities of the position. Provided, however, that a trainee shall not be in such status for longer than one (1) year.

Section 6. Probationary Period of Employment

Prior to receiving an appointment, each employee will satisfactorily complete a probationary period of six (6) months, except that police officers shall serve a probationary period of twelve (12) months. This time period is to be considered a continuation of the selection process. A probationary employee may be dismissed, with or without cause and without right of appeal, at any time during the probationary period. A regular employee serving a probationary period following a promotion shall be demoted as provided in Section 8 of this article if unable to perform assigned duties of the new job satisfactorily.

A probationary employee whose work is unsatisfactory shall receive a written warning before being terminated by the Department Head. If the employee's

work is not satisfactory during the probationary period, the employee may be terminated.

In unusual cases, for specific reasons approved by the Town Administrator, the probationary period may be extended for a maximum of an additional six (6) months. In such cases, the employee must be notified of the purpose of the extension, the conditions and performance expectations, and the length of time of the extension.

Section 7. Promotion

Department Heads shall endeavor to anticipate retirements and turnover and to have employees trained to assume positions of greater responsibility. In filling vacancies, an effort shall be made to promote qualified employees from within the Town work force before seeking an outside replacement.

When a vacancy occurs, the supervisor and Department Head in whose department the vacancy occurs shall review all applications received, including those from current Town employees wishing to be promoted into the position. If a current Town employee is chosen for promotion, the Department Head shall forward the employee's name to the Town Administrator with recommendations for salary and reasons for selecting the employee over other applicants. After receiving such comments, the Town Administrator shall make an appointment; if appropriate, and determine the starting salary.

Candidates for promotion shall be chosen on the basis of existing or anticipated job openings, on their qualifications, and on their work records. Employees being promoted must meet the qualification standards to include education, training, and experience for the classification to which the promotion is being made.

Section 8. Demotion

Any employee who fails to maintain high standards of personal conduct, or whose work in his present position is unsatisfactory, may be demoted provided the employee shows promise of becoming a satisfactory employee in another position. Such a demotion shall be preceded by the warning procedures outlined for cases involving inability to perform duties or failure in performance of duties. An employee who wishes to accept a position with less complex duties and responsibility may be demoted for reasons other than unsatisfactory performance of duties or failures in personal conduct.

In all cases involving demotion the employee shall be provided with written notice citing the recommended effective date, reasons for demotion, and appeal rights available, if any.

Section 9. Transfer

An employee who has successfully completed a probationary period may be transferred to the same or similar class in a different department. As vacancies occur in other departments to which an employee would be eligible for transfer, the employee shall notify his or her supervisor of interest in the transfer and submit notice of a desire for transfer to the various Department Head(s) for consideration. If a Department Head wishes to hire that employee, the employee must request a transfer to that specific department and have the transfer approved by the Town Administrator.

Section 10. Pay Rates in Promotion, Demotion, Transfer, Reclassification and Completion of Probationary Period

When an employee is promoted, demoted, transferred, or reclassified, the rate of pay for the new position will be established in accordance with the following rules:

- 1) **Promotion:** An employee who is promoted shall receive a 5% pay increase in base salary or an increase to the minimum for the new pay grade, whichever is higher.
- 2) **Demotion:** The salary of an employee who is demoted shall be reduced to no less than the minimum of the lower pay grade and shall be based on consideration of the employee's skills, knowledge and abilities, as well as seniority when compared to other employees in the same class.
- 3) **Transfer:** An employee transferring from a position in one grade to a position in another grade assigned the same pay range shall continue to receive the same salary.
- 4) **Reclassification:** An employee whose position is reclassified to a class having a higher salary range shall receive a 5% pay increase in base salary or an increase to the minimum for the new pay grade, whichever is higher. If the position is reclassified to a lower pay range and the employee is receiving a salary above the maximum established for the new grade, the salary of the employee shall be maintained at that level until such time as the employee's pay range is increased above the employee's current salary.
- 5) **Probationary Period:** An employee who successfully completes the probationary period is entitled to a (5%) increase, or the minimum of pay grade. However, the probationary increase for Police Officers may

be granted at the 6-month point rather than at the end of the state required 12-month probation.

Section 11. Effect of Salary Range Revisions

When the Town Board approves a rate change in salary ranges, or the Town Board changes the range for a class of positions, the salaries of employees whose positions are allocated to that class shall be affected as follows:

- 1) When a class of positions is assigned to a higher pay range, employees in that class shall receive a 5% pay increase or an increase to the minimum for the new range, whichever is higher.
- 2) When a class of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged. If this assignment to a lower pay range results in an employee being paid at a rate above the maximum established for the new class, the salary of the employee shall be maintained at that level until such time as the employee's pay range is increased above the employee's current salary.
- 3) When an adjustment is made to a pay range to reflect market changes, employees in classes within that pay range may or may not receive the adjustment, depending on the Town's financial condition.

Section 12. Pay for Part-Time Work

The pay plan established by this policy is for full-time service. An employee appointed for less than full-time service will be paid an amount determined by using the hourly rate of the position classification assigned.

Section 13. Performance Evaluation

A supervisor shall evaluate performance beginning with the employee's first day on the job. Through open communications with his or her supervisor, the employee should obtain a clear understanding of what is expected related to job performance and a periodic assessment of his or her job strengths and weaknesses.

A formal evaluation shall be completed for an employee prior to the completion of his or her probationary period and at least once each year thereafter. The Town's

performance evaluation program provides a system for appraising the employee's work.

Section 14. Merit System

When the quality of an employee's performance is worthy of special recognition, the employee's salary may be advanced within the same assigned salary grade. Such merit pay raise shall be done only after recommendation of the Department Head and based on the quality of the individual's work performance.

Following successful completion of an employee's probationary period, the quality of his or her performance shall continue to be reviewed and appropriate instruction and counsel shall be provided in methods for improving job performance.

Merit pay increases shall not be awarded automatically. When an employee's productivity, behavior, attendance or work quality need to be improved, the Department Head shall deny a merit salary increase with the approval of the Town Administrator, and the employee shall be told where improvement needs to be made.

A merit pay increase may be granted with the approval of the Town Administrator to eligible full-time employees in accordance with the following provisions:

- 1) When a new employee has completed a year of continuous service following the initial probationary period.
- 2) A promoted employee may be eligible for a merit increase after a year of continuous service from the date of promotion.
- 3) When such an increase will not exceed the maximum salary rate for the class of his position.
- 4) When the work of the employee is determined to be "definitely above average" or "outstanding", as documented on the employee's performance evaluation, the employee may be granted a merit pay increase.

Section 15. Merit Bonus Plan

The purpose of the merit bonus is to reward employees who have reached the top step in their salary range when their work performance is determined to be meritorious. 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.

Section 16. Effective Date of Salary Changes

Salary changes approved shall be effective on the annual review date, at the beginning of the next pay period for promotions/demotions, or at such specific date as may be provided by procedures approved by the Town Board.

Section 17. Overtime Pay Provisions

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

To the extent that local government jurisdictions are so required, the Town will comply with the Fair Labor Standards Act (FLSA). The Town Administrator, following FLSA regulations, 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 positions (usually 40 hours in a 7 day period); hours beyond the FLSA established limit will be compensated in the appropriate manner outlined in the next paragraph. In determining eligibility for overtime in a work period, only hours actually worked shall be considered, unless the period worked includes holidays, in which case holidays will be considered worked days.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the same 40 hour week for non-exempt employees to avoid paying overtime. Or the department heads may schedule time off during the same pay-period based on one and one-half times the number of hours worked in excess of

40 in a workweek, instead of paying overtime. When time off within the same pay-period cannot be granted, overtime worked will be paid at a time-and-one-half rate or taken as compensatory time at a time-and-one-half rate, in accordance with FLSA regulations.

In determining the number of hours worked by an employee within a given week, time spent on vacation, sick leave, ~~and holidays~~ will not be counted as time worked. Such time off must be included in straight-time pay, but is not included in computing hours of work for overtime pay.

Employees in positions determined to be "exempt" from FLSA (as Executive, Administrative or Professional staff) will not receive pay for hours worked in excess of their normal work periods. These employees may be granted occasional compensatory leave by their Department Heads where the convenience of the department allows.

During any absence, employees will utilize accrued comp time hours before utilizing vacation or sick leave.

Provisions for Law Enforcement – (more than 40 hours in some weeks)
EXAMPLE The “work period” will consist of 28 consecutive days. In the workweek period of 28 consecutive days the employee shall receive, for tours of duty, which in the aggregate exceed 171 hours, compensation at a rate of one and one-half times the regular hourly rate at which employed.

Section 18. Call-Back Pay and On-Call Pay

The Town of Warrenton must provide a variety of critical emergency services 24 hours a day, seven days a week. Need for these services may occur when employees with necessary skills are not on duty. As a result, the Town must be assured that skilled employees are always readily available by placing some employees on standby status. At other times 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 position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary action up to and including dismissal by the Town Administrator.

Call-Back Pay. Non-exempt employees will be guaranteed a minimum payment of two hours of wages for being called back to work outside of normal working hours when not on call. Non-exempt employees will be paid at the established hourly rate of pay for hours worked outside their normal schedule if they are actually required to return to work and will receive overtime for eligible overtime

hours. The minimum of two hours pay is guaranteed for non-exempt employees who are called back or actual hours worked whichever is greater. "Call-back" provisions do not apply to previously scheduled overtime work (scheduled one or more days in advance). If more than one callback occurs within a given shift, total callback time cannot exceed two hours unless the work time exceeds two hours.

Section 19. 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 Administrator as to capability of payroll equipment, associated increase in workload and appropriateness of the deduction.

Section 20. Return of Town Property

An employee who leaves employment with the Town, whether by way of voluntary resignation, suspension or termination shall be required to return all items of equipment and supplies; including uniforms, owned by the Town. Return of such equipment must precede the issuance of such an employee's final paycheck.

Section 21. Pay for Professional Development

Employees hired on or after July 1, 2014, shall be eligible to receive a 5% salary adjustment after the successful completion and upon receipt of certification of approved courses of study determined to be critical to town operations. Employees hired on or before June 30, 2014, shall be eligible to receive a one-dollar per hour salary adjustment after the successful completion and upon receipt of certification of approved courses of study determined to be critical to Town operations.

ARTICLE VI. HARRASMENT POLICY

No discrimination shall be exercised, threatened, or promised against or in favor of any applicant or employee because of his/her age, sex, race, color, religion, national origin, political affiliation, non-disqualifying disability, marital status, or military or veteran status.

The Town opposes sexual harassment by supervisors and co-workers in any form. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Any employee who believes that he or she may have a complaint of discrimination or sexual harassment may follow the Grievance Procedure described in this Policy or may file the complaint directly with a Department Head, Town Administrator or other Town official. The Town Administrator will ensure that an investigation is conducted into any allegation of discrimination or sexual harassment and advise the employee and appropriate management officials of the outcome of the investigation.

Discrimination or Harassment in any form shall not be tolerated and may lead to dismissal of the offender(s).

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Policy

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

Section 2. Accumulated Leave: Manner of Taking

Employees shall be granted the use of earned vacation, compensatory time, and holiday 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 leave does not hinder the effectiveness of service delivery. Time shall be taken in the following manner: one hour minimum, then in quarter hour (15 minute) increments. There is no minimum leave requirement for sick leave, however the quarter hour (15 minute) increments shall apply.

Employees are cautioned not to retain excess accumulated leave until late in the fiscal year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted leave at any one time. If an employee has excess leave accumulation during the latter part of the fiscal year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having leave scheduled or in receiving any exception to the maximum accumulation.

Section 3. Holidays

The following days, and other days as the Town Board may designate, are holidays with pay for employees and appointed officers of the Town working the basic workweek.

New Year's Day	Labor Day
Martin Luther King, Jr. Birthday	Veterans Day
Good Friday	Thanksgiving Day
Memorial Day	Day After Thanksgiving
Independence Day	Christmas Day

When a recognized holiday, other than Christmas Day, falls on Saturday or Sunday, the holiday shall be observed on Monday following the holiday.

When Christmas Day falls on the day of the week indicated below, the days set forth will be observed as holidays:

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

For employees having a workweek with greater or fewer hours than the basic workweek, holiday leave shall be granted in the same proportion as their workweek is to a forty-hour (40) workweek. (See Article VII, Section 6 of these polices.)

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

Section 4. Holidays: Effect on Other Types of Leave

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

Section 5. Holidays: Compensation for Working Holidays

Except for police officers, employees required to perform work on regularly scheduled holidays may be granted "holiday compensatory time off" or paid at their overtime rate for the hours actually worked in addition to any holiday pay to which they may be entitled. "Holiday compensatory time" shall be granted whenever feasible and taken within three (3) months from the time it is earned.

Section 6. Vacation Leave

Vacation leave may be used for the employee's rest and relaxation and may also be used for medical appointments, personal illness, illness in the immediate family.

1) Initial Appointment

Probationary Employees serving a probationary period following initial appointment may earn vacation leave but shall not be permitted to take vacation leave during the probationary period unless the denial of such

leave will create an unusual hardship. Vacation leave may be taken during this period only with the prior approval of the appointing authority.

2) Vacation Leave - Manner of Accumulation

Each full-time employee shall be granted vacation leave based upon length of service completed as the Town's employee at the following rates:

Years of Completed Service	Hours Granted Each Month	Hours Granted Each Year	Days Granted Each Year
Less than 10 years	6.67 hours	80 hours	10 days
10 but less than 20 years	8 hours	96 hours	12 days
20 years or more	10 hours	120 hours	15 days

Vacation leave earned by employees having a workweek with greater or fewer hours than the basic workweek shall be determined in accordance with the formula set forth in Section 6 of this Article.

3) Vacation Leave – Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until the last pay period in June. Effective the last pay period in June, any employee with more than the maximum accrued limit of accumulated leave shall have the excess accumulation removed so that only the accrued limit, 30 days, is carried forward to July 1 of the next fiscal year.

The excess vacation time will be converted to the employee's sick leave account. Employees shall not be paid for any excess vacation leave.

Employees are cautioned not to retain excess accumulation of vacation leave until late in the calendar year. Due to the necessity to keep all Town functions in operation, large numbers of employees cannot be granted vacation leave at any one time. If any 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 rule.

However, if an employee separates from service with the Town at any point during the year, payment for accumulated vacation leave shall not exceed 30 days, any other accumulated vacation shall convert to sick leave.

4) Vacation Leave – Manner of Taking Leave

Vacation leave may be taken as earned by a regular employee subject to the approval of the supervisor. A maximum of ten (10) days may be taken during any 45-day period except during an emergency. During any absence, an employee must use their comp time balance before using vacation leave hours.

5) Vacation Leave – Prior Service Recognition

When the employee is hired and at the end of any probationary period, the Town may recognize prior years of service with a previous employer. Such prior service must: (1) be documented by the previous employer; (2) the previous employer must have participated the State of North Carolina Teachers and Employees Retirement System or in the State of North Carolina Local Governmental Employees' Retirement System; and (3) the employee did not withdraw any accumulated contributions from the previous employer when leaving employment.

If recognized by the Town, the prior years of service will be treated as though it were earned with the Town of Warrenton for the sole purpose of calculating vacation accrual. It is the employee's responsibility to provide documentation from their previous employer within two (2) months of beginning employment with the Town.

6) Separation - Pay for Accrued Vacation Leave

If an employee gives notice to the Town of his/her intent to leave the Town's employment and the employee continues to work for the Town for at least two weeks after giving during the notice, that Employee shall be paid for vacation leave accumulated up to the date of separation. Said payment shall be limited to a maximum of 30 days of accrued vacation leave.

NOTE:

Employees who do not give proper notice of their resignation to the Town, and continue to work during the notice period, will forfeit all accumulated vacation leave and will not be paid for their accumulated vacation upon termination.

Likewise, Employees who are terminated by the Town forfeit all accumulated vacation leave and will not be paid for their accumulated vacation upon termination.

7) Payment for Accrued Vacation Leave Upon Death

In the case of a deceased employee, payment for unpaid salary, vacation leave, and travel must be made, upon establishment of a valid claim, to the deceased employee's administrator or executor. In the absence of an administrator or executor, payment must be made to the Clerk of Superior Court of the county of the deceased employee's residence. Payment of accumulated vacation leave shall be subject to a maximum of 30 days, at the employee's current rate of pay.

Section 7. Sick Leave

Sick leave with pay is not a right, which an employee may demand but a privilege granted by the Town Board for the benefit of an employee when sick. Sick leave shall be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examination 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 spouse or child. During any absence, an employee must use any "comp time" before using sick leave hours.

Notification of the need to take sick leave should be submitted to the employee's supervisor prior to the leave, when possible, or not later than two (2) hours after the beginning of a scheduled workday.

1) Sick Leave – Manner of Accrual

Each full-time regular and probationary employee working the basic workweek of 40 hours shall accrue sick leave at a rate of 8 hours per month (96 hours annually).

Sick leave accrued by employees having a workweek with greater or fewer hours than the basic workweek shall be determined in accordance with the formula set forth in Section 6 of this policy.

2) Sick Leave – Maximum Accrual

Sick leave shall continue to accrue so long as the employee is employed with the Town.

3) Sick Leave - Physician's Certificate

To avoid abuse of sick leave privileges, a statement from a medical doctor or other acceptable proof may be required by the employee's supervisor or Department Head. Said statement must give the nature of the illness and the employee's physical capability to resume duties

4) Sick Leave - Previous Leave Credit

Sick leave accumulated by each Town employee shall be retained as of the effective date of this policy. This policy does not provide for any retroactive credit to be calculated to grant current employees more sick leave based on a higher rate of accrual this policy may provide.

5) Sick Leave – Transfer From Previous Employer

When the employee is hired and at the end of any probationary period, the Town may accept sick leave earned with a previous employer. Such prior sick leave must: (1) be documented by the previous employer; (2) the previous employer must have participated in the State of North Carolina Teachers and Employees' Retirement System or in the State of North Carolina Local Governmental Employees' Retirement System; and

(3) the employee did not withdraw any accumulated contributions from the previous employer when leaving employment or apply it toward retirement credit.

If recognized by the Town, the sick leave will be treated as though it were earned with the Town of Warrenton. It is the employee's responsibility to provide documentation from their previous employer within two (2) months of beginning employment with the Town. Up to forty (40) hours of the transferred sick leave will be credited to the employee upon completion of the probationary period and the remaining balance will be credited to the employee upon completion of one (1) year service.

6) Sick Leave-Return to Work

When an employee has been under the care of a medical professional and has been absent and unable to work for three (3) or more consecutive days, as the result of an illness or injury, the employee may only return to work with a written statement from the treating medical professional. The note shall state whether the employee can return to full-duty, without restrictions; or, the employee may return to work, with stated restrictions. Notwithstanding the provisions of the North Carolina Workers' Compensation Act and the Americans with Disabilities act, if the employee is released to return to work with stated restrictions the Town may consider those restrictions and attempt to locate suitable work for the employee but is under no obligation to do so.

Section 8. Calculation of Vacation Leave and Sick Leave

Vacation leave, and sick leave earned by regular employees having a workweek or work shift with greater or fewer hours than a 40-hour workweek or 8-hour work shift, shall be determined proportional to the 40-hour employee. This is done so that the same percentage in time off with pay is granted. Calculations are made as follows:

- 1) The number of hours granted annually to 40-hour employees shall be divided by 2080 hours (the number of hours annually in a 40-hour workweek). This percentage of time off is then applied to the Vacation number of hours worked by employees with greater or fewer hours than 40-hour.
- 2) The proportion obtained is earned and deducted from the employee accrual on an hour for hour basis.

Example: A 40-hour per week employee with 4 years of service is entitled to 80 hours of vacation leave annually, (10 days)

which is 3.85% of their total time. An employee working 2912 hours annually with 4 years of service is entitled to (2912 x 3.85% = 112) 112 hours of vacation leave annually.

Section 9. Leave Without Pay Policy

A regular or probationary employee may be granted a leave of absence without pay for up to one (1) year by the Town Administrator. The employee shall apply in writing to the Town Administrator for leave, stating the reason and the length of time for the leave of absence request.

The employee is obligated to return to duty within, or at the end of, the time determined appropriate by the Town Administrator. 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 should 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.

An employee shall retain all unused vacation and sick leave while on leave without pay. An employee ceases to earn or accrue 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, subject to any regulations adopted by the Town Administrator and the regulations of the respective insurance carriers.

Section 10. 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 accumulated vacation and sick leave in lieu of Workers' Compensation Leave. Once all leave has been exhausted, the employee will automatically continue in a Worker's Compensation leave status. Upon reinstatement, an employee's salary will be computed on the basis of the last salary earned plus any increment or other salary increase to which the employee would have been entitled during the disability covered by Workers' Compensation.

Under the North Carolina Workers' Compensation Act, employees may be compensated for absence from work due to injury or illness covered by the Act, subject to the following leave provisions:

There is a mandatory 7 calendar day waiting period before Workers' Compensation salary benefits begin. For this waiting period, employees may use sick leave, vacation leave, or accrued compensatory time.

Beginning on the 8th calendar day following the injury or illness, employees who have not returned to work shall be placed in a Workers' Compensation Leave Without Pay status until their return to work. Accrued leave cannot be used while in Leave Without Pay status.

Employees in leave without pay status will retain all accumulated sick and vacation leave while receiving Workers' Compensation benefits. An employee on Workers' Compensation leave may be permitted to continue to be eligible for benefits under the Town's group insurance plans.

Upon reinstatement, an employee's salary will be computed on the basis of the last salary plus any salary increase to which the employee would have been entitled during the absence covered by Workers' Compensation benefits. After returning to work, employees shall be required to use sick or vacation leave for any additional absences for doctor visits, physical therapy, and other required medical care except where any full or partial workday absence may be eligible for Workers' Compensation payment.

Any period of leave for a Workers' Compensation disability that qualifies as a "serious health condition" under the Family and Medical Leave Act (FMLA), will run concurrently with FMLA leave.

The Town of Warrenton's personnel policies shall continue to apply to an employee on Workers' Compensation leave in the same manner as they would apply to an employee who continues to work, or is absent while on some other form of leave.

An employee is prohibited from moonlighting or performing other outside work during any kind of leave including workers' compensation leave.

After a one-year (52-week) leave of absence on Workers' Compensation leave, employment with the Town will be terminated to allow the Town to fill the position. The employee will be eligible for rehire and given priority for qualified job openings upon a physician's statement certifying the employee's ability to return to work. The Town reserves the right to separate the employee prior to 52-weeks.

Temporary employees will be placed in a leave without pay status and will receive all benefits for which they may be adjudged eligible under the Workers' Compensation Act.

Section 11. Death Leave

An employee may have up to three (3) days leave at full pay granted when attending the funeral of an immediate family member as defined in Article IV, Section 7(3) of these policies. Additional time to settle affairs of the family may

be taken with the approval of the Department Head and should be charged to vacation leave. Leave to attend funerals of other than the immediate family may be granted by the Department Head and charged to vacation leave.

Section 12. Temporary Disability Leave

Accumulated sick leave is available to employees for the period of temporary disability in the same manner as for any other illness.

Leave without pay may be used by the employee prior to, during or after the disability ends as long as a doctor's certification continues to support the disability.

The employee may elect to use accumulated vacation leave (1) before going on sick leave, (2) after accumulated sick leave has been exhausted, and/or (3) after the temporary disability has ended. If an employee is temporarily disabled and has exhausted all accumulated sick leave, that employee may be eligible to receive leave without pay for personal disability under the provisions of Section 7 of this article. If an employee wishes to retain all accumulated sick leave and vacation leave, leave without pay may be taken for the entire period.

Reinstatement to the same position or one of like classification, seniority and pay shall be made upon the employee's return to work.

Section 13. Military Leave

Regular employees who are members of the National Guard or Armed Forces Reserve will be allowed two (2) calendar weeks' military training leave annually. This leave is without pay; however, the employee may elect to use Vacation leave to cover part or all of the military leave.

If such military duty is required beyond this two (2) calendar week's period, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status. While taking military leave with partial pay or without pay, 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 members of the National Guard or Reserves retain all employment protects as provided in the Uniformed Services Employment and Re-employment Rights Act.

Section 14. 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 vacation or sick leave. Any court fees paid to the employee shall be retained by the employee. While on civil leave, benefits and leave shall accrue as though on regular duty.

Section 15. Educational Leave With Pay

A leave of absence with pay during regular working hours will be granted to an employee to take courses required by the Town as a condition of employment. The Town shall reimburse the employee for tuition, fees, and books for the courses, provided the employee submits a receipt for such expenses.

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

Section 16. Adverse Weather

Adverse weather conditions occasionally disrupt work schedules and interfere with normal work-related activities. Regular employees are encouraged to report to work. However, the Town recognizes that factors such as transportation, school closings, and childcare arrangements are considerations. Non-required personnel are permitted to determine for themselves whether they can travel to and from work safely. For any lost time from work, as a result of adverse weather conditions, employees will be allowed to use accrued vacation leave, compensatory time, leave without pay or make up the time lost. Any request to make up the time lost must be approved by the Department Head and Town Administrator, and must not result in overtime. This accommodation to make up the time lost shall only apply to adverse weather conditions and the approval to do so is not guaranteed.

In serious adverse weather, the Town Administrator may close or open late to the general public in the interest of safety. The Town Administrator, in consultation with the Mayor, will determine all decisions to delay or close the Town offices related to adverse weather or other emergency conditions. When the Town's schedule is altered, operational status will be available through news media outlets, Town email, Internet and normal supervisory channels. Employees whose presence is not required will not be docked leave or pay for regularly-scheduled work hours missed due to official closings or late openings. Employees who are not required by their departments to work during a Town closing but who do, in fact, work during the closed time frame must be paid their regular rate for all hours worked but will not receive paid time off.

Departments providing emergency and critical services 24 hours/day will remain open and employees will be required to work as usual. All law enforcement and other designated essential personnel work hours will continue to be set at the

discretion of the respective Department Head and Town Administrator. In addition, there may be cases when department necessity may require that employees who had not been designated as essential personnel must report to work (or remain at work) during an emergency situation (i.e. maintenance or snow removal) and will work such hours as needed. All employees required to work during adverse weather or emergency situation must be paid at their regular rate for all hours worked (or overtime when warranted). Failure to report to work when required may result in disciplinary action.

ARTICLE VIII. SEPARATION AND REINSTATEMENT

Section 1. Types of Separation

All separations of employees from positions in the service of the Town shall be designated as one of the following types and shall be accomplished in the manner indicated:

- 1) **Resignation**: A minimum of two (2) weeks' notice is expected of all resigning personnel. Such notice should be given to the Department Head (or in the case of Department Heads, to the Town Administrator). Employees who do not give proper notice (2 weeks for most employees) will not be paid for their accumulated vacation leave balance upon termination. Three days without reporting to work or contacting the appropriate official shall be considered a voluntary resignation.
- 2) **Reduction in Force**: In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's past performance, organizational needs, and seniority, in that order, in determining those employees to be retained. Employees who are laid off because of reduction in force shall be given at least one (1) pay period notice of anticipated layoff. No regular employee shall be separated while there are temporary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary employee.
- 3) **Disability**: An employee may be separated for disability when the employee cannot perform the required duties because of a physical or mental impairment and reasonable accommodations, as required by the Americans with Disabilities Act (ADA), cannot be made. The separation may be initiated by the employee or the Town but, in all cases, it shall be supported by medical evidence as certified by a competent physician. The Town may require an examination at its expense and performed by a physician of its choice. Before an employee is separated for disability, a reasonable effort shall be made to locate alternative positions within the Town's service for which the employee may be suited.
- 4) **Voluntary Retirement**: An employee who meets the conditions set forth under the provision of the North Carolina Local Government Employees' Retirement System may elect to retire and receive all benefits earned under the retirement plan.

- 5) **Death**: All compensation due in accordance with Article VII, Section 4 of these policies will be paid to the designated beneficiary of a deceased employee. The date of death shall be recorded as the separation date for computing compensation due.
- 6) **Dismissal**: If the appointing authority determines that a dismissal action is appropriate, such dismissal shall be effective at the end of the calendar day. A written summary giving the circumstances and facts leading to the dismissal shall be prepared. A copy of the summary shall be mailed to the employee by certified mail and one copy shall be filed in the employee's personnel file.
- 7) **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 Administrator.

An employee who enters extended active duty with the Armed Forces of the United States, the Public Health Service or with a Reserve Component of the Armed Forces will be granted reinstatement rights as allowed by the Uniformed Services Employment and Re-Employment Rights Act.

An employee who is reinstated shall be credited with previous service and previously accrued sick leave and will receive all benefits provided in accordance with this policy and state law. The salary paid a reinstated employee shall be as close as reasonably possible, given the circumstance of each employee's case, to the salary step previously attained by the employee in the salary range for the previous class of work, plus any across-the-board pay increases.

- 8) **Rehiring**: An employee who resigns while in good standing may be rehired with the approval of the Town Administrator and may be regarded as a new employee, subject to all of the provisions of rules and regulations of this Policy. An employee in good standing, who is separated due to a reduction in force, shall be given the first opportunity to be rehired in the same or a similar position.

**ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND
DETRIMENTAL PERSONAL CONDUCT**

Section 1. Unsatisfactory Job Performance

A. Failure in Performance of Duties

Failure in the performance of duties includes any aspects of the employee's job which are not performed as required to meet the standards set by the Town Administrator.

The following causes relating to failure in the performance of duties are representative, but are not inclusive, of all those considered to be adequate grounds for suspension, demotion or dismissal:

- 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) Repeated improper use of leave privileges;
- 7) Habitual pattern of failure to report for duty at the assigned time and place.
- 8) Failure to complete work within time frames established in work plan or work standards; or
- 9) Failure to meet work standards over a period of time.
- 10) Failure to acquire or maintain any certifications or licenses required to perform the essential job functions as defined in the job description.

B. Disciplinary Action for Unsatisfactory Job Performance

An employee may be suspended, demoted, or dismissed because of unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory.

When a Department Head recommends that an employee be suspended, demoted, or dismissed, the Department Head shall provide the employee with written notice of unsatisfactory job performance, the recommended disciplinary action, effective date of action, and the employee's recourse(s), if any, available to the employee.

Prior to making a decision to terminate employment, the employee will have the opportunity to discuss the dismissal and the reasons for the dismissal recommendation with the supervisor and Town Administrator.

C: Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance

When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor should meet with the employee as soon as possible in one or more counseling sessions to discuss specific performance problems. A brief summary of these counseling sessions should be noted in the employee's file by the supervisor. An employee whose job performance is unsatisfactory over a period of time should normally receive at least two warnings from the supervisor before disciplinary action resulting in dismissal is taken by the Town Administrator. In each case, the supervisor should record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set. If the employee's performance continues to be unsatisfactory, then the supervisor should use the following steps:

- 1) A final written warning from the supervisor serving notice upon the employee that corrected performance must take place immediately in order to avoid suspension, demotion, or dismissal.
- 2) If performance does not improve, a written recommendation should be sent to the Town Administrator.

D: Pre-Disciplinary Conference

Before suspension, demotion, or dismissal action is taken, for unsatisfactory performance, the Department Head or Town Administrator will provide the employee with a written notice of proposed disciplinary action, which will include the nature of the proposed action, its recommended effective date, the reasons for the action, and a date and time for a pre-disciplinary conference. At this conference, the employee may present any response to the proposed disciplinary action to the Department Head or Town Administrator. The Department Head or Town Administrator will consider the employee's response, if any, to the proposed disciplinary action, and will, within three working days following the pre-disciplinary conference, notify the employee in writing of the final decision to take disciplinary action. The notice of the final disciplinary action by the Department Head or Town Administrator will contain a statement of the reason for the action and the employee's appeal rights.

Section 2. Detrimental Personal Conduct

An employee may be suspended, demoted or dismissed for causes relating to personal conduct detrimental to Town service without warning in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons.

A. 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. The following examples relating to failure in personal conduct are representative, but are not inclusive, of all those considered to be adequate grounds for suspension, demotion, or dismissal:

- 1) Fraud in securing appointment;
- 2) Conduct unbecoming a public officer or employee;
- 3) Conviction of a felony or of a misdemeanor which would adversely affect performance of duties, or the entry of a plea of "no contest" to either;
- 4) Misappropriation of Town funds or property;
- 5) Falsification of Town records for personal profit or to grant special privileges;
- 6) Reporting to work under the influence of alcohol or narcotic drugs or partaking of such things while on duty or while on public property, except that prescribed medication may be taken within the limits set by a physician so long as medically necessary;
- 7) Willful damage or destruction of property;
- 8) Willful acts that would endanger the lives and property of others;
- 9) Acceptance of gifts in exchange for "favors" or "influence";
- 10) Incompatible outside employment or conflict of interest;
- 11) Engaging in political activity prohibited by this Policy;
- 12) Harassment of any employee(s) and/or the public on the basis of sex or any other protected class status;
- 13) Stated refusal to perform assigned duties or flagrant violation of work rules and regulations;
- 14) Insubordinate conduct or behavior towards any employee holding a superior position to that employee or any such conduct or behavior about any supervisor in that supervisor's absence but in the presence of other employees of the Town;

- 15) Any conviction resulting in the loss of the employee's North Carolina driving privileges when that employee's essential duties and tasks require the operation of motor vehicles;
- 16) Willful and/or intentional refusal to obey any lawful order or assignment of a supervisor of that employee.

B. Disciplinary Action for Detrimental Personal Conduct

An employee may be suspended, without prior warning, by the Department Head for causes related to personal conduct in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. When a Department Head suspends an employee he shall tell the employee to leave Town property at once and remain away until further notice.

C: Communication and Warning Procedures Preceding Disciplinary Action for Detrimental Personal Conduct

In situations not warranting immediate suspension, the Department Head or Town Administrator will provide the employee with a written notice of proposed disciplinary action, which will include the nature of the proposed action, its recommended effective date, the reasons for the action, and a date and time for a pre-disciplinary conference.

D: Pre-Disciplinary Conference

At the Pre-disciplinary conference, the employee may present any response to the proposed disciplinary action to the Department Head or Town Administrator. The Department Head or Town Administrator will consider the employee's response, if any, to the proposed disciplinary action, and will, within three working days following the pre-disciplinary conference, notify the employee in writing of the final decision to take disciplinary action. The notice of the final disciplinary action by the Department Head or Town Administrator will contain a statement of the reason for the action and the employee's appeal rights.

E. 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 Administrator, be in the best interest of the Town, the Department Head or Town Administrator may suspend the employee for part or all of the proceedings as a non-disciplinary action. In such cases, the Town Administrator may:

- 1) Temporarily relieve the employee of all duties and responsibilities

and place the employee on paid or unpaid leave for the duration of the suspension, or

- 2) Assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities.

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

Section 3. Employee Appeal

A regular employee wishing to appeal a personal action, including demotion, suspension or dismissal, may present the matter in accordance with the provisions of the grievance procedure prescribed in Article X of these policies.

ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION **APPEAL**

Section 1. Policy and Purpose

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

Employees utilizing the grievance procedure shall not be subjected to retaliation or any form of harassment from supervisors or employees for exercising their rights under the grievance procedure. Supervisors, or other employees who violate this policy, shall be subject to disciplinary action up to and including termination from the Town.

Section 2. Grievance Defined

A grievance is any dispute concerning the interpretation or application of this personnel policy, or any other policy, practice or procedure affecting working condition for the Town. A grievance might involve alleged safety or health hazards, unfair or discriminatory supervisory practices, misapplication of department work rules, unsatisfactory physical facilities or equipment or other complaints related to conditions of work or disciplinary action. Complaint processes involving issues covered by other parts of this policy are excluded from this procedure. Nothing herein shall be interpreted to change the status of any employee from that of an employee at will.

Section 3. Purpose

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

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

- 6) Providing employees with a procedure by which they may appeal disciplinary actions which have been taken against them.

Section 4. Procedure

When an employee has a claim or complaint concerning employment with the Town, the successive steps described below are to be taken toward resolution of the matter. The number of days indicated at each step of the grievance procedure should be considered as the maximum number of working days allowed for presentation of and response to the grievance at that level. However, when mutually agreed upon, the time limits given below may be extended by those concerned.

Informal Resolution. Prior to the submission of a formal grievance, the employee and supervisor are encouraged to meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the respective Department Head as a resource to help resolve the grievance. If the grievance is to be filed with and considered by the Department Head, the Pre-Disciplinary Conference shall satisfy the Informal Resolution.

Employees (Applicants) who use this procedure shall be free from discrimination, coercion, restraint or reprisal.

Step One. The employee with a grievance shall present the matter orally or in writing to the Department Head within ten (10) working days of its occurrence or within ten (10) working days of the time the employee learns of its occurrence. If the exact date cannot be established for the occurrence of a grievance circumstance, the ten (10) working day limit will be waived, but the employee should file the grievance within a reasonable time period. The grievance shall specify the relief that he/she expects to gain through the use of this procedure. The Department Head should be and is encouraged to consult with any employee or officer deemed necessary to reach a correct, impartial, and equitable determination and shall give the employee an answer as soon as possible, but within five (5) working days.

Step Two. If the decision is not resolved in Step 1, or if the employee fails to receive an answer within the designated period provided in Step 1, the employee may file the grievance in writing with the Town Administrator within ten (10) working days. The grievance shall specify the relief expected from the use of this procedure.

The Town Administrator, or other person designated by the Town Board, shall hold a hearing thereon, consult with whatever sources

deemed appropriate, and allow the employee to examine all the evidence and to present his/her case.

NOTE: For a grievance against the Town Administrator the employee will advise the Mayor, who will appoint a Town Board Committee to hear the grievance and render their recommendation to the Town Board at its next regularly scheduled monthly meeting in a closed session for personnel.

The Town Administrator shall review the case data and render a decision in writing within fifteen (15) working days after receipt, with one copy sent to the employee by certified mail and one copy placed in the employee's personnel file. Final approval of the decision must be considered and approved by the Town Board of Commissioners. There shall be no appeal from this decision.

Section 5. Discrimination and Adverse Action Appeal Procedure

Any applicant for Town employment, Town employee, or former Town employee who has reason to believe that employment, promotion, training, or transfer was denied him or her, or that demotion, layoff, or termination of employment was forced upon him or her because of age, sex, race, color, religion, national origin, political affiliation, non-disqualifying disability, marital status, or military or veteran status shall have the right to appeal directly to the Town Administrator using the grievance procedure outlined in Section 3 of this article if so desired: An employee or applicant must appeal an alleged act of discrimination within thirty (30) calendar days of the alleged discriminatory action. Nothing is contained herein that shall discourage, deny or influence an employee, applicant for employment or former employee from filing a claim or complaint with the appropriate federal or state department or agency.

Section 6. Back Pay Awards

Back pay and benefits may be awarded to reinstated employees in suspension, demotion, improper dismissal, and discrimination cases.

ARTICLE XI. EMPLOYEE BENEFITS

Section 1. Eligibility

All full-time employees of the Town are eligible for employee benefits as provided for in this Article. Part-time regular employees are eligible for sick leave and vacation benefits. Benefits are subject to change at the Town's discretion.

Section 2. Health Insurance

The Town offers group hospitalization, life insurance and a separate death benefit offered through the Town of Warrenton's current Health Insurance provider. The Town may make other group insurance plans available for its employees upon authorization of the Town Board of Commissioners.

Section 3. Social Security

The Town, to the extent of its lawful authority and power, has extended social security benefits for its eligible employees and eligible groups and classes of such employees.

Section 4. Retirement Benefits

Each employee who works in a position that is expected to have duties requiring 1,000 hours or more in any given twelve (12) month period and those duties will exist for longer than a year shall join the North Carolina Local Governmental Employees' Retirement System, when eligible, as a condition of employment.

Section 5. Law Enforcement - 401K & Separation Allowance

The Town provides contribution to a 401K plan for active sworn law enforcement personnel and provides a monthly separation allowance to retired law enforcement officers as required the General Statutes of North Carolina.

Section 6. Workers' Compensation

All employees of the Town (regular 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, and such claims must be filed by the employee with the North Carolina Industrial Commission within two years from date of injury. The Town Administrator or Department Head will assist the employee in filing the claim, if requested.

Section 7. Unemployment Compensation

In accordance with 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 Division of Employment Security office, where a determination of eligibility will be made.

Section 8. Sick Leave Recognized as Creditable Service at Time of Retirement

In accordance with current Retirement System regulations, at the time of an employee's retirement, each 20 days (160 hours) of accrued and unused sick leave will be recognized and counted as one additional month of creditable service. An employee's eligibility for this calculation is determined by the Retirement System at the time of retirement and is subject to Retirement System rules and regulations at the time of retirement.

ARTICLE XII. PERSONNEL RECORDS AND REPORTS

Section 1. Personnel Records Maintained

Such personnel records as are necessary for the proper administration of the personnel system will be maintained by the Town Administrator or his designee. The Town shall maintain, in personnel records, only information that is relevant to accomplishing personnel administration purposes.

Section 2. Public Personnel Records Defined

In compliance with G.S. § 160A-168(b), subject to any revision thereof, the following information, with respect to each Town employee, is a matter of public record:

- 1) Name.
- 2) Age.
- 3) Date of original employment or appointment to the service.
- 4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the Town has the written contract or a record of the oral contract in its possession.
- 5) Current position.
- 6) Title.
- 7) Current salary.
- 8) Date and amount of each increase or decrease in salary with that municipality.
- 9) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that municipality.
- 10) Date and general description of the reasons for each promotion with that municipality.
- 11) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the municipality. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the municipality setting forth the specific acts or omissions that are the basis of the dismissal.
- 12) The office to which the employee is currently assigned.

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

Section 3. Access to Personnel Records

As required by G.S. § 160A-168, any person may have access to the information listed in Section 2 of this Article for the purpose of inspection, examination, and copying during the regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Town Board may adopt. The access to such information shall be governed by the following provisions:

- 1) Upon request, the record of disclosure shall be made available to the employee to whom it pertains.
- 2) Any individual examining a personnel record may have a copy the information made. Any available photocopying facility may be provided and the cost may be assessed to the individual.
- 3) Any person denied access to any record shall have a right to compel compliance with these provisions by application to a court for a writ of mandamus or other appropriate relief.

Section 4. Access to Confidential Information

All information contained in the Town employees personnel file, other than the information listed in Section 2 of this Article will be maintained as confidential in accordance with the requirements of G.S. § 160A-168 and shall be open to inspection only in the following instances:

- 1) The employee or his duly authorized agent may examine all portions of his personnel file, except (1) letters of reference solicited prior to employment, and (2) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.
- 2) A licensed physician designated in writing by the employee may examine the employee's medical record.
- 3) A Town employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- 4) By order of a court of competent jurisdiction, any person may examine such portion of the employee's personnel file as may be ordered by the court.
- 5) An official of an agency of the State or Federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of the personnel records to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an

investigation of the employee's tax liability. However, such official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.

- 6) An employee may sign a written release, to be placed with his/her personnel file, which permits the person with custody of the file to provide; either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- 7) The Town Administrator, with concurrence of the Town Board, may inform any person of the employment or non-employment, promotion, demotion, suspension, or other disciplinary reasons for that personnel action. Before releasing the information, the Town Administrator shall determine in writing that the release is essential to maintaining the public trust and confidence in the administration of services or to maintain the level and quality of Town services.

This written determination shall be retained in the office of the Town Clerk, and is a record available for public inspection and shall become part of the employee's personnel file.

Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.

A record shall be made of each disclosure and placed in the employee's file (except of disclosures to the employee and the supervisor.)

Section 5. Records of Former Employees

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

Section 6. Records of Applicants

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

Section 7. Remedies of Employees Objecting to Material in File

An employee who objects to material in his file may place in the file a statement relating to the material considered to be inaccurate or misleading. The employee

may seek the removal of such material in accordance with established grievance procedures.

Section 8. Penalty for Revealing Confidential Information

G.S. § 160A-168 provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee's personnel file, except as permitted by the statute, is guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed five hundred dollars.

Section 9. Penalty for Unauthorized Viewing or Copying

G.S. § 160A-168 provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined in the discretion of the court but not in excess of five hundred dollars.

Section 10. Destruction of Records Regulated

No person may destroy, sell, loan, or otherwise dispose of any public record except in accordance with G.S. § 121-5. Whoever unlawfully removes a public record from the offices where it is usually kept, or whoever alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined in an amount provided in G.S. § 132-3.

ARTICLE XIII. IMPLEMENTATION OF POLICY

Section 1. Prior Policies Repealed

All prior policies or resolutions regarding matters contained in this policy are hereby repealed and superseded.

Section 2. Severability

If any provision of these policies or any rule, regulation or order thereunder or the application of such provision to any person or circumstances is held invalid, the remainder of these policies and the application of such remaining provisions of these policies or such rules, regulations or orders to persons or circumstances other than those held invalid will not be affected thereby.

Section 3. Violations of Policy Provisions

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

Section 4. Review and Update

The policies and procedures contained within this Personnel Manual, as well as all job descriptions, shall be reviewed and updated every five years, or sooner, as may be appropriate and necessary.

Section 5. Effective Date

These policies shall become effective on 1 July 2014.

ARTICLE XIV. Whistleblower

Section 1. Whistleblower provisions.

(1) It is the policy of the town that town employees shall be encouraged to report verbally or in writing to their supervisor, department head, the town's ethics officer, human resources director, or other appropriate authorities, evidence of activity by a town employee, officer or agent constituting:

- (a) A violation of local, state or federal law, rule or regulation;
- (b) Fraud;
- (c) Misappropriation of town resources;
- (d) Substantial and specific danger to the public health and safety; or
- (e) Gross mismanagement, a gross waste of monies, or gross abuse of authority.

(2) Further, it is the policy of this town that town employees be free of intimidation or harassment when reporting such matters of public concern to the appropriate oversight or enforcement personnel or agency, including offering testimony to or testifying before the same.

(3) No head of any town department, or member of a town board or commission or other town employee, officer or agent exercising supervisory authority shall discharge, or recommend the discharge of, threaten or otherwise discriminate against a town employee, officer or agent regarding the town employee's or officer's compensation, terms, conditions, location, or privileges of employment or otherwise retaliate against the employee, officer or agent because the town employee, officer, or agent or a person acting on behalf of the employee, officer or agent reports or is about to report, verbally or in writing, any activity described herein, unless the town employee, officer or agent knows or has reason to believe that the report is inaccurate.

(4) No town employee, officer or agent shall retaliate against another town employee, officer or agent because the employee, officer or agent has refused to carry out a directive which may constitute a violation of a local, state or federal law, rule or regulation, or poses a substantial and specific danger to public health and safety.

(5) Notice of the above Whistleblower provisions shall be made a part of the Town's HR Policies and made available to town employees for work related information.

ARTICLE XV. Voluntary Shared Leave

VOLUNTARY SHARED LEAVE GUIDELINES

It is the intent of this policy to allow one or more employee(s) to assist another employee by voluntarily donating leave in cases of extremely serious and prolonged health conditions where personal illness or injury requires the employee to be away from work to the point of exhausting all forms of paid leave. Shared leave may not be utilized for incidental, normal, short-term or sporadic medical conditions such as colds, stomach viruses, flu, allergies, or similar conditions unless they require inpatient care or continuing treatment by a health care provider. Absences from work resulting from Worker's Compensation claims are also excluded. The Town Administrator, with input from the Finance Director, shall have the final authority to make determinations on a case-by-case basis of when this policy may be applied.

Definitions

Health Condition - For the purposes of this policy, health condition pertains to the health condition of an employee, spouse or child that is likely to require an employee's absence from duty for a prolonged period of time. Health condition means an illness, injury or impairment, or physical or mental condition that involves any period of incapacity. The period of incapacity may be as a result of inpatient care due to, but not limited to, pregnancy; in connection with the treatment of a chronic condition such as asthma, diabetes, epilepsy; or that which is long-term or permanent in nature, such as cancer.

Prolonged Period of Time - A prolonged period of time is considered to be a minimum of 15 consecutive workdays.

Extremely Serious and Prolonged Health Conditions - Extremely serious and prolonged health conditions shall include, but are not limited to: conditions associated with life threatening injury or illness, serious complications arising from medically necessary surgery, or the treatment of chronic conditions such as asthma, diabetes, or epilepsy. Such extremely serious and prolonged health conditions also include treatment of conditions that are long-term or permanent in nature such as cancer or AIDS.

Health Care Provider - The following qualify as health care providers. This list is not exhaustive.

- Licensed doctors of medicine, optometry, ophthalmology, or podiatry;
- Clinical psychologists;
- Chiropractors (in certain cases);
- Nurse-midwives;
- Official Christian Science practitioners;
- Dentists;

- Nurse practitioners;
- Clinical social workers.

Spouse - Spouse means a husband, wife, or partner as defined or recognized under North Carolina state law for the purposes of marriage.

Child - Child means a biological, adopted, legal ward, or step or foster son or daughter. The child must be under the age of 18 or age 18 and older and incapable of self-care due to a mental or physical disability at the time that voluntary shared leave is requested. This term does not include sons or daughters “in-law.”

Voluntary Shared Leave - Voluntary shared leave may be in the form of sick leave and vacation leave accrued to any regular full-time employee of the Town of Warrenton.

Eligibility for Donated Leave

Regular full-time employees who have successfully completed their probationary period shall be eligible for consideration to receive voluntary shared leave. The employee must have exhausted all available forms of paid leave such as sick leave and vacation leave, as well as any accrued compensatory time before requesting consideration for receipt of voluntary shared leave. Use of voluntary shared leave must be for the sickness or injury of the employee, spouse or child. Sick leave or vacation leave may be voluntarily donated by full-time employees. After the donation, the donating employee must still have a minimum of forty (40) hours of sick leave if the donation is to be taken from the donating employee’s accrued sick leave balance. After the donation, the donating employee must still have a minimum of forty (40) hours of vacation leave if the donation is to be taken from the donating employee’s accrued vacation leave balance.

Guidelines:

1. Leave must be donated on an individual basis from one eligible employee to another eligible employee in accordance with the provisions of this policy.
2. The employee donating leave cannot receive any form of remuneration for the leave donated. Only sick leave and vacation leave can be donated.
3. Voluntary shared leave may not be used without prior written approval of the Town Administrator, or the Human Resources Manager with the approval of the Town Administrator.
4. If the recipient employee separates from employment due to resignation, termination, retirement, or death, participation in the program ends immediately, and the donated leave balance will be returned to the donor employee(s) whose donated leave has not been applied to the recipient employee’s leave balance.
5. Leave can only be donated in whole day increments (8 hours or police equivalent).
6. Leave balances will be verified by the Finance Department.

7. Donated leave will be retained by the recipient employee until such time that it is applied to the recipient employee's approved period of absence resulting from his or her current, ongoing health condition. If the recipient employee separates from employment or dies while employed with the Town of Warrenton, the remaining unused donated leave will revert to the donor employee(s) whose donated leave has not yet been applied to the recipient employee's leave balance.
8. Once leave is shared, it cannot be retracted by the donor employee. All approved and completed donations are final and will not be reassigned except as provided in Section 7 above.
9. Voluntary Shared Leave is NOT job protected leave and in no way conveys any guarantees above and beyond those provided by the Family and Medical Leave Act.
10. It shall be the Town Administrator's responsibility to review the facts of each request for Voluntary Shared Leave and to make a fair and impartial determination, with input from the Finance Director, regarding approval or denial of the request. If the request for Voluntary Shared Leave is denied, the employee may not file a grievance or appeal the determination, as the Town Administrator's decision is final.

APPENDIX A. Cell Phone Usage Policy

Policy: This policy outlines the use of personal cell phones at work, the personal use of business and/or personal cell phones and the policy regarding the safe use of cell phones by employees.

Personal Cellular Phones

While at work, employees are expected to exercise discretion in using personal cellular phones. Personal calls during the work hours, regardless of the phone used can interfere with employee productivity, safety and may be distracting to others. Employees are encouraged to make personal calls during breaks and lunch and to ensure that friends and family members are aware of the Town's policy. The Town will not be liable for the loss of personal cellular phones brought into the workplace. Cellular telephones may not be used to defame, harass, intimidate, or threaten any other person. Employees are prohibited from using their cell phones in any illegal, illicit or offensive manner while at work.

Personal Use of Town-Provided Communication Devices

Where job or business needs demand immediate access to an employee, the Town may authorize issue of a business cell phone, beeper and/or two-way radio for work-related communications. In order to protect the employee from incurring a tax liability for the personal use of equipment, such equipment should be used for business reasons only.

All employees understand that while some de minimis personal use is inevitable, a Town provided phone is intended for business calls only. The call detail records generated from assigned cell phones are records of the Town and may, on occasion, be subject to internal and outside audits by the Town and/or official agencies.

Employees in possession of Town equipment (e.g., cellular phones, pagers, radios, etc.) are expected to protect the equipment from loss, damage or theft. Upon resignation, termination of employment, or at any time upon request, the employee will be asked to produce the equipment for return or inspection. Employees unable to present the equipment in good working condition within a

reasonable time period (i.e., 24 hours) will 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. Any outstanding debt will be deducted from the employee's final pay check in accordance with federal and state wage and hour rules and regulations.

Cellular Phone Use while Operating a Vehicle

Employees whose job responsibilities include driving or equipment operation will refrain from using their phone/communication device while driving a Town vehicle or while driving any other vehicle (rented, leased, borrowed, or their own vehicle) while conducting Town business.

Drivers shall comply with all federal, state, and local laws and regulations regarding the use of mobile technology devices including cell phones and texting. Incoming or outgoing cellular phone calls or texts are not allowed while driving. Sending or reading text messages, emails, dialing cellular phones, viewing television, videos, or DVD's and inputting data into laptop computers, personal digital assistants or navigation systems are prohibited while driving. The cellular phone voicemail feature should be on to store incoming calls while driving and all message retrievals and calls and/or texts should be made after the vehicle is safely parked.

In situations where job responsibilities include regular driving and acceptance of business calls, hands-free equipment may be provided to facilitate the provisions of this policy. Under no circumstances are employees required to place themselves at risk to fulfill business needs.

Accidents incurred while the driver is using a cellular phone may be considered to be preventable and the driver may be subject to disciplinary action. Employees who are charged with traffic violations resulting from the use of their phone while driving will be responsible for all financial liabilities (fines associated with citations) that result from such actions.

Failure to follow this policy may result in disciplinary action, including and up to termination.

Applicable North Carolina General Statute

§ 20-137.4A. Unlawful use of mobile telephone for text messaging or electronic mail.

(a) Offense. - It shall be unlawful for any person to operate a vehicle on a public street or highway or public vehicular area while using a mobile telephone to:

- (1) Manually enter multiple letters or text in the device as a means of communicating with another person; or
- (2) Read any electronic mail or text message transmitted to the device or stored within the device, provided that this prohibition shall not apply to any name or number stored in the device nor to any caller identification information.

(a1) Motor Carrier Offense. - It shall be unlawful for any person to operate a commercial motor vehicle subject to Part 390 or 392 of Title 49 of the Code of Federal Regulations on a public street or highway or public vehicular area while using a mobile telephone or other electronic device in violation of those Parts. Nothing in this subsection shall be construed to prohibit the use of hands-free technology.

(b) Exceptions. - The provisions of this section shall not apply to:

- (1) The operator of a vehicle that is lawfully parked or stopped.
- (2) Any of the following while in the performance of their official duties: a law enforcement officer; a member of a fire department; or the operator of a public or private ambulance.
- (3) The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system.
- (4) The use of voice operated technology.

(c) Penalty. - A violation of this section while operating a school bus, as defined in G.S. 20-137.4(a)(4), shall be a Class 2 misdemeanor and shall be punishable by a fine of not less than one hundred dollars (\$100.00). Any other violation of this section shall be an infraction and shall be punishable by a fine of one hundred dollars (\$100.00) and the costs of court.

No drivers' license points or insurance surcharge shall be assessed as a result of a violation of this section. Failure to comply with the provisions of this section shall not constitute negligence per se or contributory negligence per se by the operator in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a vehicle. (2009-135, s. 2; 2012-78, s. 9.)

Appendix B. Email Policy

The Town of Warrenton has established this policy to address the access and disclosure of electronic mail messages created, sent or received by Town employees using the Town's electronic mail system.

Warrenton intends to honor the policies set forth below, but must reserve the right to change them at any time as may be required by changing technologies.

1. The Town maintains an electronic mail system that is provided to assist in the conduct of business.
2. The electronic mail system hardware is Town property. Additionally, all messages composed, sent, or received on the electronic mail system are and remain the property of the Town. They are not the private property of any employee.
3. The electronic mail system may not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non-related solicitations.
4. The electronic mail system is not to be used to create any offensive or disruptive messages. Among those which are considered offensive, are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability.
5. The electronic mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.
6. The Town reserves and intends to exercise the right to review, audit, intercept, access and disclose all messages created, received or sent over the electronic mail system for any purpose. The contents of electronic mail properly obtained for legitimate business purposes may be disclosed without the permission of the employee.
7. The confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and read the message. Further, the use of passwords for security does not guarantee confidentiality.
8. Notwithstanding the Town's right to retrieve and read 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 by the employee.

9. Employees shall not use a code, access a file, or retrieve any stored information, unless authorized to do so. Employees should not attempt to gain access to another employee's message without the latter's permission.
10. Any employee who discovers a violation of this policy shall notify their supervisor.
11. Any employee who violates this policy or uses the electronic mail system for improper purposes shall be subject to discipline, up to and including discharge, as outlined in the Personnel Policies.

Appendix C. Internet Usage Policy

Access to the Internet has been provided to employees for the benefit of the organization and allows employees to connect to information resources around the world. Every employee has a responsibility to maintain and enhance the Town's public image, and to use the Internet in a productive manner. 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.

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. Internet Relay Chat channels may be used to conduct official business, or to gain technical or analytical advice. Databases may be accessed for information as needed. E-mail may be used for business contact.

Unacceptable Use of the Internet

The Internet should not be used for personal gain or advancement of individual views.

Solicitation 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. It must not interfere with employee productivity.

Communications

Each employee is 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 shall have your name attached. No messages will be transmitted under an assumed name. Users may not attempt to obscure the origin of any message. Information published on the Internet should not violate or infringe upon the rights of others. No abusive, profane or offensive language is transmitted through the system. Employees who wish to express personal opinions on the Internet are encouraged to obtain their own usernames on other Internet systems.

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 Information Services.

Copyright Issues

Copyrighted materials belonging to entities other than the Town may not be transmitted by employees on the Internet. One copy of copyrighted material may be downloaded for your own personal use in research. Users are not permitted to copy, transfer, rename, add 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 by the Town or legal action by the copyright owner.

Security

All messages created, sent or retrieved over the Internet are the property of the Town of Warrenton, should be considered public information. The Town reserves the right to access and monitor all messages and files on the computer system as deemed necessary and appropriate. Internet messages are public communication and not private. All communications including text and images can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.

Harassment

Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about an individual or group's race, religion, national origin, physical attributes, or sexual preference will be transmitted.

Violations

Violations of any guidelines listed above may result in disciplinary action up to and including termination. If necessary the Town will advise appropriate legal officials of any illegal violations.

**TOWN OF WARRENTON
INTERNET CODE OF CONDUCT
ACKNOWLEDGEMENT FORM**

As an employee of the Town of Warrenton, I _____,
recognize and understand that the Town's e-mail systems are to be used for
conducting the town's business only. I understand that use of this equipment for
private purposes is strictly prohibited. Further, I agree not to use a password that
has not been disclosed to my supervisor. I agree not to access a file or retrieve
any stored communication other than where authorized unless there has been
prior clearance by an authorized town representative.

I am aware that the Town reserves and will exercise the right to review, audit,
intercept, access and disclose all matters on the Town's e-mail systems at any
time, with or without employee notice, and that such access may occur during or
after working hours. I am aware that use of a password or code does not restrict
the Town's right to access electronic communications. I am aware that violations
of this policy may subject me to disciplinary action, up to and including discharge
from employment.

I acknowledge that I have received a copy of the policy. I also acknowledge that
I have read and that I understand this notice.

Signature of Employee

Date

CC: Employee
File

Appendix D. Social Media Policy

1. PURPOSE

The role of technology in today's workplace is continually expanding and includes social media communication tools that facilitate interactive information sharing, interoperability and collaboration. Commonly used social media sites, such as Facebook®, Twitter®, MySpace™, YouTube®, Flickr® and LinkedIn®, have large loyal user bases and are increasingly important outreach communications tools for local government entities. Moreover, a social networking presence has become a hallmark of a vibrant and transparent communications strategy. Social networking improves interactivity between the town and the public, and it reaches populations that do not use traditional media as frequently as others. Therefore, departments are encouraged to enhance their communications strategies by using social networking sites. In doing so: however, departments must take care to choose the types of social networks that make the most sense for their type of information and that give emphasis to tools that provide more information across multiple outlets to the broadest audience.

All communication tools should be used in ways that maximize transparency, maintain the security of the network and are appropriately professional. Social media is no exception and; therefore, the application of social media within departments must be done thoughtfully and in a manner that will minimize risk. In addition, social media users should be aware that these types of communications are public records and must be maintained for periods of time as determined by the public records law. This policy provides guidelines intended to ensure that social networking sites, maintained by departments are secure and appropriately used and managed. These guidelines are designed to protect Town employees and ensure consistency for departments incorporating social media into their mission.

2. GUIDELINES

2.1 IMPLEMENTATION

Every department must have a clear communications strategy and take the time to determine if and how social media fits into this strategy. Those departments choosing to utilize social networking sites should designate an employee(s) within the department to lead this activity. The following questions should be considered when determining whether the use of social media is appropriate:

- Who is the media meant to reach? Is this my target audience?

- What is the department attempting to communicate? Can it be effectively communicated using this media?
- Does the department want to elicit feedback from citizens? What media is best suited to allow for the type of interaction desired?
- Who is responsible for managing the department's account? Will this person represent the department appropriately? Have they been properly trained in the use of social media?
- What are the department's responsibilities regarding collection and records retention including preservation of social media content? What does the records retention schedule require for these records? How do we collect and store the media content?

When a department decides to use a form of social media that is deemed beneficial to its mission it should first establish employee boundaries for using the service. It is important for department heads and supervisors to communicate expectations for appropriate usage for the media within the workplace.

There should be an authorization process for employees wishing to create an account for the benefit of the department with the department head, or designee, must evaluate all requests for usage, verify staff being authorized to use social media tools and confirm completion of online training for social media. The department head, or designee, is also responsible for maintaining a list of all social networking application domain names in use, the names of all employee administrators of these accounts, as well as the associated user identifications and passwords currently active within their respective departments. Should the employee who administers the account be removed as administrator, or no longer be employed by the department, the department head, or designee, should immediately change all passwords and account information to maintain department control. Departments must send the name of the person designated to oversee department sites along with site name and type to _____ who is responsible for maintaining a master list.

_____ will provide assistance to help determine the best method to archive the content. Any department social networking usage implemented prior to the approval and implementation of this policy must be reviewed by the department head, or designee, to ensure and bring into compliance with these guidelines.

In summary, department heads, or designees, will:

- Oversee and confirm decisions regarding social media sites including authorization of sites.
- Evaluate requests for usage.
- Verify staff being authorized to use social media tools.

- Maintain a list of social media domains, active account logins and passwords.
- Change passwords if employee is removed as administrator in order to maintain department control.
- Ensure social media material is archived including providing a list of all social media URLs and contact information.

2.2 ACCEPTABLE USE

All use of social networking sites by departments must be consistent with all applicable laws, regulations and policies including the Electronic Communications Policy and all information technology security policies. This includes the department and Town acceptable use policies and any applicable Records Retention and Disposition Schedules or policies, procedures, standards or guidelines promulgated by the North Carolina Department of Cultural Resources. All usage must be in compliance with the before mentioned policies as well as the guidelines in this document.

Separate Personal and Professional Accounts:

Employees should be mindful of blurring their personal and professional lives when administering social media sites.

Personal Use:

The Town supports every employee having personal social networking sites; however, those sites must remain personal in nature and be used to share personal opinions or non-work related information. This helps ensure a clear distinction between sharing personal and town views. In addition, **employees should never use their Town e-mail account or password in conjunction with a personal social networking site** and employees should never refer or link to their personal site(s) from their town site. Employees should remain mindful of their responsibilities under the Town's E-Mail Policy and Internet Ethics Policy when posting on the Internet.

Professional Use:

All departments related communication through social media outlets should remain professional in nature. Employees must not use social networking sites for political purposes, to conduct private commercial transactions or to engage in private business activities. Sites containing anything racially or sexually discriminating or of a political or religious nature are prohibited. Employees must remain mindful that inappropriate usage of social media are grounds for disciplinary action up to and including termination of employment. Thus, if an account is used for business, the entire account, regardless of any personal views, is subject to these guidelines, including the collection and preservation provisions.

Be Clear As To Identity:

When creating social media accounts that require individual identification, Town employees should use their actual name, not pseudonyms. However, using actual names can come with some risks. Any employee using his or her name as part of a department's application of social media should be mindful of the following:

- Do not assume privacy. Only post information that you are comfortable disclosing.
- Use different passwords for different accounts (both social media and existing work accounts). Using the password for all accounts increases the vulnerability of the accounts being compromised.

Terms of Service:

Employees should be aware of the Terms of Service (TOS) of the particular form of media. Each form of social media has its own unique TOS that regulate how users interact using that particular form of media. Any employee using a form of social media on behalf of a department should consult the most current TOS in order to avoid violations. If the TOS contradicts town policy then the _____ should be made aware and a decision made as to whether the use of such media is appropriate.

Content of Posts and Comments:

Employees using social media to communicate on behalf of a department should be mindful that any statements made are on behalf of Town government; therefore, employees should use discretion before posting or commenting. Once these comments or posts are made they can be seen by anyone and may not be able to be withdrawn. Consequently, communications should include no form of profanity, obscenity or copyright violations. Likewise, confidential or non-public information should not be shared. Employees should always consider whether it is appropriate to post an opinion, commit oneself or one's department to a course of action, or discuss areas outside of one's expertise. If there is any question or hesitation regarding the content of a potential comment or post, it is better not to post. There should be great care given to screening any communication made on behalf of the department using this social media as improper posting and use of social media tools can result in disciplinary action.

Posts and Comments Are Public Record:

Like e-mail, communication via department related social networking sites is a public record. This means that both the posts of the employee administrator and any feedback by other employees or non-employees, including citizens, can become part of the public record. Information on social media sites has little or no historical value; therefore, content will not be retained in most cases. Because others might not be aware of the public record law, departments should include the following statement on the social networking site:

Representatives of government communicate via this site.

Consequently any communication via this site (whether by an employee or the general public) may be subject to monitoring and disclosure to third parties and is considered public.

The Town of Warrenton Comment Policy:

These social media sites provide the opportunity to present matters of public interest in town government, including its many residents, businesses and visitors. We encourage you to submit your questions, comments and concerns, but please note this is a moderated online discussion site and not a public forum. It should be further noted that service requests should not be submitted through comments on any town government social media site. Service requests must be submitted through established procedures.

Once posted, Town government reserves the right to delete submissions that contain:

- Vulgar language.
- Personal attacks of any kinds.
- Offensive comments that target or disparage any ethnic, racial or religious group.

Further, town government also reserves the right to delete comments that are:

- Spam or include links to other sites.
- Clearly off topic.
- Advocate illegal activity.
- Promote particular services, products or political organizations.
- Infringe on copyrights or trademarks.
- Use personally identifiable medical information.

Please note that the comments expressed on these sites do not reflect the opinions or positions of the Town government or its officers and employees. If you have any questions concerning the operation of this online moderated discussion site, please contact the_____.

2.3 SECURITY

To safeguard employees and departments it is imperative to be mindful of how to prevent fraud or unauthorized access to either the social media site or the county network. In almost every case where an attacker accesses a system without authorization, they do so with the intent to cause harm. The harm intended may be mild, such as:

- Making unofficial posts, tweets or messages, possibly of an embarrassing nature, that will be seen by the public as official messages.
- Using the compromised site to spread malware, or

- Encouraging users to either click on links or download unwanted applications that the attacker has added to the site.

In some cases, the intended harm may be more serious. For instance, attackers could access the network and obtain information that could be used to compromise or disable the system, employees or citizens. In this scenario, attackers could acquire information such as:

- Confidential information about employees or citizens.
- Sensitive security information.
- Data about public safety plans, or,
- Defenses currently in place against attacks on public facilities.

Methods Used to Breach IT Security:

It is important to note that security related to social media is fundamentally a behavioral issue, not a technology issue. In general, employees unwittingly providing information to third parties pose a risk to the core network. Consequently, employees should know the major threats they may face and how to avoid falling prey. Prevalent social media security risks include third-party spear phishing, social engineering, spoofing and web applet attacks.

As a result of the relative vulnerability of social media sites to these security exploits, it is important to be cautious when using such sites. In order to prevent potential harm, users of social networking should minimize the amount of information an attacker is likely to gain from a successful attack. For example, individual user IDs and passwords should not be duplicated across multiple sites. In this way, if one site is compromised, the attacker cannot also gain access to other sites for which the user is authorized.

In particular, because of the importance of proper operation of the network and the sensitivity of information stored on systems within the network, a employee must never use a current password as a password on any other site.

If departments participate in social networking, they should:

1. Ensure that employees are made aware of which information to share, with whom they can share with and what not to share.
2. Provide security awareness training regarding the risks of information disclosure when using social media and make them aware of various attack mechanisms as described in this document.
3. Educate employees about specific social media threats before they are granted access to social media websites.

2.2 RECORDS MANAGEMENT AND PRESERVATION

Communication through department related social media is considered a public record under North Carolina General Statutes, Chapter 132 and will be managed as such.

- All comments or posts made to department account walls or pages are public.
- In the spirit of transparency in Town government, account administrators who receive messages through the private message service offered by the social media site should direct the user to contact them at a public e-mail address maintained by their department. Alternatively, account administrators could reply to the inquiry using their town e-mail account. Departments should set all privacy settings to moderated. Comments expressing an opposing view point must be allowed.

Departments must assume responsibility for public records and adhere to the schedule of collection for social networking sites set by the North Carolina State Archives.

Conclusion

Social media is an effective and efficient way for agencies to communicate with and participate in the larger community. It will continue to shape and support the way agencies communicate and collaborate with constituents as they strive to provide an accountable and transparent government. As departments use social media they need to strike a balance between providing access to information and securing the Town's core network. To find that balance, each department needs to assess its risks. This document is meant to help departments and their users understand these risks and outline some best practices for social media usage.