



CITY OF SALUDA
NORTH CAROLINA
PERSONNEL POLICY

Department Policies Attached

Amended and Restated
December 09, 2019

<p>MAYOR Fred Baisden CITY MANAGER Jonathan Cannon COMMISSIONERS Mark Oxtoby Paul C. Marion Stan Walker Robert Ross</p>
--

Article I.	GENERAL PROVISIONS	6
Section 1.01	Purpose of the Policy	6
Section 1.02	At-Will Employment.....	6
Section 1.03	Merit Principle	6
Section 1.04	Responsibilities of the City Board of Commissioners	6
Section 1.05	Responsibilities of the City Manager.....	6
Section 1.06	Responsibilities of the Human Resource Manager	7
Section 1.07	Application of Policies.....	7
Section 1.08	Departmental Guidelines.....	7
Section 1.09	Definitions.....	7
Article II.	POSITION INVENTORY	8
Section 2.01	Purpose.....	8
Section 2.02	Composition of the Position Inventory	8
Section 2.03	Use of the Position Inventory.....	8
Section 2.04	Administration of the Position Inventory.....	8
Section 2.05	Authorization of New Positions and Position Inventory.....	8
Article III.	COMPENSATION	8
Section 3.01	Definition	8
Section 3.02	Administration and Maintenance	8
Section 3.03	Starting Compensation.....	9
Section 3.04	Compensation within the Pay Scale.....	9
Section 3.05	Merit Bonuses	9
Section 3.06	Compensation effect of promotions and transfers.....	9
Section 3.07	Compensation effect of Pay Scale revisions	9
Section 3.08	Transition to a new Compensation Plan.....	9
Section 3.09	Effective Date of Compensation Change	10
Section 3.10	Overtime Pay Provisions.....	10
Section 3.11	Call back and Stand by Pay.....	11
Section 3.12	Payroll Deduction	11
Section 3.13	Hourly Rate of Pay.....	11
Section 3.14	Pay for Interim Assignments in a Higher Pay Scale Grade Position	11
Section 3.15	Pay Days and Pay Periods.....	11
Article IV.	RECRUITMENT AND EMPLOYMENT	12
Section 4.01	Equal Employment Opportunity Policy	12
Section 4.02	Implementation of Equal Employment Opportunity Policy.....	12
Section 4.03	Recruitment, Selection and Appointment	12

Section 4.04	Probationary Period.....	13
Section 4.05	Promotion.....	13
Section 4.06	Transfer	13
Article V.	CONDITIONS OF EMPLOYMENT	13
Section 5.01	Work Schedule.....	13
Section 5.02	Political Activity	13
Section 5.03	Outside Employment.....	14
Section 5.04	Dual Employment	14
Section 5.05	Employment of Relatives.....	14
Section 5.06	Harassment Prohibited	14
Section 5.07	Solicitation and Acceptance of Gifts as favors	15
Section 5.08	Performance Evaluation.....	15
Section 5.09	Safety	15
Section 5.10	Substance Abuse Policy	16
Section 5.11	Internet and Social Media Use	17
Section 5.12	Dress Code	17
Article VI.	EMPLOYEE BENEFITS.....	17
Section 6.01	Eligibility	17
Section 6.02	Group Health and Hospitalization.....	17
Section 6.03	Group Life Insurance	17
Section 6.04	Other Optional Group Insurance Plans	18
Section 6.05	Retirement.....	18
Section 6.06	Social Security	18
Section 6.07	Unemployment.....	18
Section 6.08	Workers' Compensation	18
Section 6.09	Tuition Assistance Program	19
Section 6.10	Law Enforcement Separation Allowance.....	19
Article VII.	HOLIDAYS AND LEAVES OF ABSENCE	19
Section 7.01	Policy	19
Section 7.02	Holidays	19
Section 7.03	Vacation Leave	19
Section 7.04	Maximum Accumulation	20
Section 7.05	Scheduling Leave.....	20
Section 7.06	Termination – Pay for Leave.....	20
Section 7.07	Payment upon Death	21
Section 7.08	Sick Leave.....	21

Section 7.09	Accrual Rate and Accumulation	21
Section 7.10	Transfer of Sick Leave from Previous Employer.....	21
Section 7.11	Medical Certification	21
Section 7.12	Family and Medical Leave.....	21
Section 7.13	Medical and Family Leave - Certification	23
Section 7.14	Leave Without Pay.....	23
Section 7.15	Family Medical Leave Retention and Continuation of Benefits.....	24
Section 7.16	Workers' Compensation Leave	24
Section 7.17	Military Leave.....	24
Section 7.18	Reinstatement Following Military Service	25
Section 7.19	Civil Leave.....	25
Section 7.20	Parental School Leave.....	25
Section 7.21	Adverse reaction to Smallpox Vaccination.....	26
Article VIII.	SEPARATION AND REINSTATEMENT	26
Section 8.01	Types of Separations.....	26
Section 8.02	Resignation.....	26
Section 8.03	Reduction in Force	26
Section 8.04	Disability.....	26
Section 8.05	Voluntary Retirement.....	27
Section 8.06	Death	27
Section 8.07	Dismissal.....	27
Section 8.08	Reinstatement.....	27
Section 8.09	Rehiring.....	27
Article IX.	UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT 27	
Section 9.01	Disciplinary Action for Unsatisfactory Job Performance	27
Section 9.02	Unsatisfactory Job Performance Defined.....	27
Section 9.03	Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance	28
Section 9.04	Disciplinary Action for Detrimental Personal Conduct	28
Section 9.05	Detrimental Personal Conduct Defined	28
Section 9.06	Possible Dismissal: Notice and Hearing	29
Section 9.07	Non-Disciplinary Suspension	29
Article X.	GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL.....	30
Section 10.01	Policy	30
Section 10.02	Grievance Defined	30
Section 10.03	Purposes of the Grievance Procedure	30

Section 10.04	Procedure	31
Section 10.05	Role of the Human Resources Officer	32
Section 10.06	Grievance and Adverse Action Appeal Procedure for Discrimination	32
Article XI.	RECORDS AND REPORTS	32
Section 11.01	Section 1. Public Information	32
Section 11.02	Access to Confidential Records	33
Section 11.03	Personnel Actions	34
Section 11.04	Records of Former Employees.....	34
Section 11.05	Remedies of Employees Objecting to Material in File	34
Section 11.06	Penalties for Permitting Access to Confidential Records	34
Section 11.07	Examining and/or Copying Confidential Material without Authorization	34
Section 11.08	Destruction of Records Regulated	34
Article XII.	POSITIONS	35
Section 12.01	City Clerk and Revenue Collector	35
Section 12.02	Customer Service Representative, Administrative Assistant and Finance Assistant ..	36
Section 12.03	Utility Maintenance Worker	38
Section 12.04	Police Chief.....	39
Section 12.05	Finance Officer	40
Section 12.06	Public Works Supervisor	41
Section 12.07	Police Sergeant.....	43
Section 12.08	Police Officer	44
Section 12.09	Senior Utility Maintenance Worker	45

Article I. GENERAL PROVISIONS

Section 1.01 Purpose of the Policy

It is the purpose of this policy and the rules and regulations set forth to establish a fair and uniform system of personnel administration for all employees of the city under the supervision of the City Manager. This policy is established under the authority of Chapter 160A, Article 7, of the General Statutes of North Carolina.

Section 1.02 At-Will Employment

The City of Saluda is an "at will" employer. Nothing in this policy creates an employment contract or term between the City and its employees. Any exception to this policy of "at will" employment must be expressly authorized in writing, approved by the Council, and executed by the officers designated by the Board of Commissioners.

Section 1.03 Merit Principle

All appointments and promotions shall be made on the basis of performance. No applicant for employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee because of such individual's race, color, religion, sex, national origin, political affiliation, non-disqualifying disability, age, sexual orientation, or gender identity.

Section 1.04 Responsibilities of the City Board of Commissioners

The City Board of Commissioners (Council) shall be responsible for establishing and approving personnel policies, the position inventory, compensation and may change the policies and benefits as necessary. Council also shall make and confirm appointments when so specified by the general statutes.

Section 1.05 Responsibilities of the City Manager

The City Manager shall be the chief administrator of the city. The manager shall be accountable to the Council for administering all municipal affairs placed in the City Manager's charge by them, and shall have the following powers and duties:

- a) The manager shall appoint and suspend or remove all city officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by law, except the city attorney, in accordance with such general personnel rules, regulations, policies, or ordinances as the council may adopt.
- b) The manager shall direct and supervise the administration of all departments, offices, and agencies of the city, subject to the general direction and control of the council, except as otherwise provided by law.
- c) The manager shall attend all meetings of the council and recommend any measures that he deems expedient.
- d) The manager shall see that all laws of the State, the city charter, and the ordinances, resolutions, and regulations of the council are faithfully executed within the city.
- e) The manager shall prepare and submit the annual budget and capital program to the council.
- f) The manager shall annually submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of the fiscal year.
- g) The manager shall make any other reports that the council may require concerning the operations of city departments, offices, and agencies subject to his direction and control.

- h) The manager shall perform any other duties that may be required or authorized by the council.
- i) The manager shall serve as the Human Resources Manager in the absence of someone in this capacity for the city.

Section 1.06 Responsibilities of the Human Resource Manager

- a) Recommend rules and revisions to the personnel policy to the City Manager for consideration including but not limited to;
 - a. Compensation
 - b. Position Classifications
- b) Administration of Compensation
- c) Establish and maintain a roster of all persons and authorized positions in municipal service, setting forth each employee, classification, compensation, any changes in status, and such data as may be required;
- d) Develop and administer recruiting programs to meet current and long-term requirements;
- e) Developing and/or training and education programs for City employees;
- f) Perform such other duties as may be assigned by City or City Manager

Section 1.07 Application of Policies

The personnel policy shall be applied to all City employees. The City Attorney, members of City Council and advisory boards and commissions will be exempted except in sections where specifically included. An employee violating any of the provisions of this policy shall be subject to corrective action up to and including termination of employment as well as prosecution under any civil or criminal laws which have been violated.

Section 1.08 Departmental Guidelines

Each department is authorized to establish supplemental written guidelines applicable to the personnel of that department. All such guidelines shall be subject to the approval of the Human Resource Manager and City Manager and shall not supersede the provisions of this Policy.

Section 1.09 Definitions

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

- a) **Full-time employee.** An employee who is in a position for which an average work week equals at least 30 hours.
- b) **Part-time employee.** An employee who is in a position for which an average work week of fewer than 30 hours.
- c) **Probationary employee.** An employee hired to be a full or part-time employee who has not completed the designated probationary period.
- d) **Non-exempt employee.** An employee paid hourly for total hours worked. **(amended 12/09/2019)**
- e) **Temporary employee.** An employee hired for a specific period of time or specific assignment.
- f) **Immediate Family.** shall be defined as spouse, child, parent, brother, sister, grandparent, grandchild, son or daughter-in-law, parent-in-law, brother or sister-in-law, aunt, uncle, of the employee or spouse or guardian of the employee or spouse. **(amended 11/11/2019)**

Article II. POSITION INVENTORY

Section 2.01 Purpose

The position inventory provides a complete catalog and description of all authorized and full-time employee positions in the City, and a description and specification for each position.

Section 2.02 Composition of the Position Inventory

The position inventory shall consist of:

- a) Titles of each position - (See Appendix 1)
- b) Minimum qualifications for each position - (See Appendix 1)
- c) Position description - (See Appendix 1)
- d) Compensation – (See Article III)

Section 2.03 Use of the Position Inventory

- a) A guide in recruiting and examining applicants for employment
- b) In determining compensation
- c) In determining employee development and training programs
- d) In determining departmental budgets
- e) In determining uniform terminology

Section 2.04 Administration of the Position Inventory

The City Manager shall be responsible for the administration of the Position Inventory and shall periodically review portions of the Position Inventory and recommend changes to City Council.

Section 2.05 Authorization of New Positions and Position Inventory

New positions shall be established upon recommendation of the City Manager and approval of the Board of Commissioners. Upon approval, the City Manager shall revise the position inventory. Copies will be available to all City employees for review upon request.

Article III. COMPENSATION

Section 3.01 Definition

Compensation includes the basic pay scale adopted by the Board of Commissioners. The pay scale consists of the hiring rate, minimum or beginning, midpoint, and maximum rates of pay for all positions. Compensation includes standard hours in the work week, probationary pay, promotions, transfers, merit pay, pay transitions, call back, stand by, overtime provisions, compensatory time, and interim assignments, for each position.

Section 3.02 Administration and Maintenance

The City Manager, assisted by the Finance Officer, shall be responsible for the administration and maintenance of Compensation. All employees shall be compensated at a rate within the pay scale for their position, except for employees whose existing compensation is above the established maximum rate on the pay scale.

Compensation is intended to be equitable for all positions, reflecting differences in the duties and responsibilities, the comparable compensation rates for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the City, and other factors. To this end, each budget year the City Manager and Finance Officer shall make comparative studies of all factors affecting the level of compensation including the consumer price index, anticipated changes in surrounding employer plans, and other relevant factors, and will recommend to the Board of Commissioners such changes in

compensation as appear to be pertinent. Such changes shall be made in compensation such that the hiring rate, all intervening rates, and the maximum rate according to the market.

Section 3.03 Starting Compensation

All persons employed shall be employed at the hiring rate; however, exceptionally well qualified applicants may be employed above the hiring rate upon recommendation of the City Manager and following budget amendment approval by the Board of Commissioners.

Section 3.04 Compensation within the Pay Scale

Movement within the pay scale for an employee is based upon performance-related criteria. Procedures for determining performance-related criteria and performance pay increases or other performance-related movement within the pay scale shall be established during the performance review process approved by the City Manager.

Section 3.05 Merit Bonuses

Merit bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation. Merit bonuses shall be awarded in lump sum payments and do not become part of base pay

A Merit Bonus is a one-time remuneration used to recognize individual achievements, such as accomplishment of improvement goals, additional job-related tasks, or projects. Each employee is given the opportunity to set individual goals in concurrence with their supervisor. Factors will include how well an employee has met the goals and objectives agreed upon in the last performance evaluation, and the employee's contribution to the success of their department and the City of Saluda. The range of possible Merit Bonuses will be approved each year during the City's budget process. Merit Bonuses are neither automatic or periodic. They are reserved for employees who show skills improvement and higher than average performance.

Performance evaluations (See Section 5.08)

Section 3.06 Compensation effect of promotions and transfers

- a) **Promotions.** The City Manager may set the compensation at an appropriate rate in the pay scale of the position to which the employee is promoted that best reflects the employee's qualifications and performance related criteria.
- b) **Transfers.** Whether the transfer is initiated by the employee or employer, the City Manager may set the compensation at an appropriate rate in the pay scale of the position to which the employee is transferred that best reflects the employee's qualifications and performance related criteria.

Section 3.07 Compensation effect of Pay Scale revisions

The Board of Commissioners may approve a position assignment to a higher pay scale grade and employee compensation with recommendation from the City Manager.

The Board of Commissioners may approve a position assignment to a lower pay scale grade. Current employee compensation remains unchanged. If this assignment to a lower pay scale grade results in an employee being compensated at a rate above the maximum rate established for the new position, the compensation of that employee shall be maintained at that level. After the position reassignment, new hires will be compensated within the new pay scale grade.

Section 3.08 Transition to a new Compensation Plan

The following principles shall govern the transition to a new compensation plan:

- a) No employee shall receive a reduction in compensation as a result of the transition to a new compensation plan.
- b) All employees being compensated at a rate lower than the hiring rate established for their respective positions shall have their compensation raised at least to the new hiring rate for their position.
- c) All employees being paid at a rate below the maximum rate established for their respective position shall be paid at a rate within the pay scale grade.
- d) All employees being paid at a rate above the maximum rate established for their respective position shall have their compensation maintained with no increases until such time as the position pay scale grade is increased.

Section 3.09 Effective Date of Compensation Change

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

Section 3.10 Overtime Pay Provisions

Employees of the City may be required to work in excess of their regularly scheduled hours as necessitated by the needs of the City and determined by the Department Head and /or City Manager. **(amended 11/11/2019)**

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

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period; 171 hours for police personnel in a 28 day cycle). Hours worked beyond the FLSA established limit will be compensated in either time or pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation or sick leave be included in the computation of hours worked for FLSA purposes. Compensatory leave balances may not exceed 80 hours. Any overtime worked after such maximum balances must be compensated in pay. **(amended 12/09/2019)**

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

In emergency situations, where employees are required to work long and continuous hours, the City Manager may approve compensation at time and one half for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe working conditions. In a FEMA declared emergency when extended long hours are required, exempt and nonexempt employees may be determined to be eligible for overtime compensation at a rate not to exceed double time at the authorization of the City Manager.

Employees in positions determined to be "exempt" from the FLSA (as Executive, Administrative or Professional staff) will not receive compensation for hours worked in excess of their normal work periods unless outlined in the employee's contract.

Section 3.11 Call back and Stand by Pay

The City provides a continuous twenty-four hour a day, seven day a week service to its customers. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. One condition of employment is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary actions up to and including dismissal by the City Manager.

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

Stand-by. Stand-by time is defined as that time when an employee must carry a communication device and must respond immediately to calls for service. Non-exempt employees required to be on "stand-by" duty will be paid for five hours of work for each week of stand-by time they serve. Employees on "stand-by" must be within 1 hours drive of Saluda to timely respond to calls for service. Hours actually worked while on stand-by are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week. Stand-by schedules require advance approval by the Department Head.

Section 3.12 Payroll Deduction

Deductions shall be made from each employee's salary, as required by law.

Section 3.13 Hourly Rate of Pay

Employees working in a part-time or temporary capacity with the same duties as full-time employees will work at a rate in the same pay scale grade as the full-time employees.

The hourly rate for employees working other than 40 hours per week, such as police officers working an average 42.75 hours per week, will be determined by dividing the average number of hours scheduled per year into the annual pay for the position.

Section 3.14 Pay for Interim Assignments in a Higher Pay Scale Grade Position

An employee who is formally designated for a period of more than two weeks by the City Manager to perform the duties of a job that is assigned to a higher Pay Scale Grade than that of the employee's regular position shall receive an increase for the duration of the interim assignment. The employee shall receive a compensation adjustment to the minimum level of the job in which the employee is acting. The compensation increase shall be temporary and upon completion of the assignment, the employee shall go back to the compensation he or she would have had if not assigned in the interim role, considering any increases the employee would have received if they had not been placed in the interim role.

Section 3.15 Pay Days and Pay Periods

All employees shall be paid on a weekly basis. Should a regular payday fall on a holiday, payroll will be processed on the workday that precedes the holiday. Salary changes approved after the first working day of a pay period shall become effective at the beginning of the next pay period, or at such specific date as may be provided by procedures approved by the City Manager.

Weekly payroll periods are established to run for seven (7) days, beginning on Monday and ending on Sunday. Direct deposit is mandatory for all employees.

Article IV. RECRUITMENT AND EMPLOYMENT

Section 4.01 Equal Employment Opportunity Policy

It is the policy of the City to foster, maintain a consistent recruitment program to promote equal employment and to identify and attract the most qualified applicants for all position vacancies. The City shall select employees based on the applicant's qualifications for the job and award them with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to age, sex (including pregnancy, gender identity and sexual orientation), race, color, religion, national origin, disability, or genetic information. Applicants with physical disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of essential duties with or without reasonable accommodation.

Section 4.02 Implementation of Equal Employment Opportunity Policy

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

Section 4.03 Recruitment, Selection and Appointment

Recruitment Sources. When position vacancies occur, the City Manager shall publicize these opportunities for employment, including applicable compensation information and employment qualifications. Information on job openings and hiring practices will be provided to recruitment sources, including organizations and news media available to minority applicants. In addition, notice of vacancies shall be posted at designated conspicuous sites within departments if practical. Individuals shall be recruited for a period sufficient to ensure that well-qualified applicants are obtained. The North Carolina Employment Security Commission shall be used as a recruitment source. Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes. In rare situations because of emergency conditions, high turnover, etc., the City may hire or promote without advertising jobs, upon approval of the City Manager.

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

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

Selection. The City Manager is responsible to investigate, interview, and conduct 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 City. All selection devices administered by the City or by persons or agencies for the City shall be valid measurers of job requirements.

Appointment. Before any commitment is made to an applicant either internal or external, the Department Head shall make recommendations to the City Manager including the

position to be filled, the salary to be paid, and the reasons for selecting the candidate over other candidates. The Board of Commissioners approves the budget to fund positions and the number of positions available to be filled within the city.

Section 4.04 Probationary Period

New Hires, promoted and transferred employees are required to follow the performance evaluation schedule for new hires as set forth in Article V, Section 5.08. Department Heads shall monitor an employee's performance and communicate with the employee concerning performance accomplishments, deficiencies and required improvements. If improvements are needed, communication must be provided to the employee in writing with defined timeframes to allow the employee to demonstrate accomplishment of the requested changes.

All required improvements, evaluations and performance measures shall be documented in the employees personnel file.

New Hires, promoted and transferred employees who do not perform as required for a position or as defined throughout the performance review process may be dismissed or transferred into a position in which the employee shows promise of success.

Section 4.05 Promotion

Promotion is the movement of an employee from one position to a vacant position in a higher Pay Scale Grade. It is the City's policy to promote from within when the applicant meets the qualifications of the position vacancy.

Section 4.06 Transfer

Transfer is the movement of an employee from one position to another position. If a vacancy occurs and an employee in another department is eligible for a transfer, the city employee shall apply for the transfer using the usual application process. The Department Head wishing to transfer an employee shall make a recommendation to the City Manager with the consent of the receiving Department Head. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this Policy.

Article V. **CONDITIONS OF EMPLOYMENT**

Section 5.01 Work Schedule

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

Section 5.02 Political Activity

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

- a) Engage in any political or partisan activity while on duty;
- b) Use official authority of influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
- c) Be required as a duty of employment or as condition for employment, promotion or tenure of office to contribute funds for political or partisan purposes;
- d) Coerce or compel contributions from another employee of the City for political

- or partisan purposes;
- e) Use any supplies or equipment of the City for political or partisan purposes; or
- f) Be a candidate for nomination or election to office under the City Charter;

Any violation of this section shall subject the employee to disciplinary action, in case of deliberate or repeated violation, may include dismissal.

Section 5.03 Outside Employment

The work of the City shall have precedence over other occupational interests of employees. All outside employment for salaries, wages, or commissions and all self-employment must be reported in advance to the employee's supervisor, who in turn will report it to the Department Head. Conflicting or unreported outside employment are grounds for disciplinary action up to and including dismissal. Employees are prohibited from performing outside employment while on Workers' Compensation Leave, Leave Without Pay status from City employment.

Section 5.04 Dual Employment

The City prohibits any employee from holding more than one position with the City if the combined positions will result in the employee working more than 40 hours per week in any week of the year. The City will consult FLSA regulations in all dual employment cases to ensure that the regulations are followed.

Section 5.05 Employment of Relatives

The City is committed to the highest standards of professional conduct and integrity and believes that familial relationships in the workplace can result in conflicts of interest, an appearance of conflict of interest, and situations that might impair objective judgement or create a hostile work environment. The City prohibits the hiring and employment of immediate family in regular positions. The City also prohibits the employment of any person into a regular position who is an immediate family member of individuals holding the following positions: Mayor, Mayor Pro Temp, City Board of Commissioners Member, City Manager, Finance Officer, Human Resources Officer, City Clerk, or City Attorney..

This provision shall not apply retroactively to anyone employed when the provision is adopted by the City. Should an immediate family member of a City employee be elected to the Board of Commissioners, the employee shall resign within six months. Should an employee become an immediate family member of another employee, one of the employees employment shall be terminated within six months. **(amended 11/11/2019)**

Section 5.06 Harassment Prohibited

The City prohibits sexual harassment or harassment on the basis of sex, race, color, religion, national origin, age, non-disqualifying disability, political affiliation, veteran status, or marital status. Harassment complaints or allegations will be investigated promptly. The City will act immediately to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action up to and including dismissal. Harassment is defined as conduct that culminates in tangible employment action, is sufficiently severe, or is pervasive enough to create a hostile work environment. 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 harassment may follow the Grievance Procedure described in this Policy or may file the complaint directly with the Human Resources Director or Department Head who will immediately notify the City Manager. Employees making complaints of harassment are protected against retaliation from alleged harassers or other employees.

Employees who are found to be engaged in harassment are subject to disciplinary action up to and including dismissal.

Section 5.07 Solicitation and Acceptance of Gifts as favors

No official or employee of the City shall solicit or accept any gift, favor, or thing of value (more than \$25) that may influence such employee in the discharge of the employee's duties, or result in the granting of an improper favor, service, or thing of value.

Section 5.08 Performance Evaluation

Employees on probationary status shall be evaluated at the end of the three-month probationary period at which time the employee shall be advised of his/her status (regular or terminated). Additionally, the new employee will receive a second evaluation after six months of employment.

Employees, other than probationary employees, shall be evaluated during annually based on the employee's hire date.

City Council is responsible for the City Manager's and Finance Officer's evaluation. In addition they are responsible for the evaluation of the City Clerk's Duties and Responsibilities to the Board with input from City Manager and Finance Officer. **(amended 11/11/2019)**

Once an Employee Performance Evaluation Form is completed, the evaluator shall arrange for a conference with the individual being evaluated. During the conference, the employee and evaluator shall discuss each portion of the form and the relationship between the employee's performance of the job and the description of the job itself. After signing the completed form, the evaluator shall send it to the City Manager. Upon review of the performance evaluation, the City Manager shall conduct a Performance Evaluation conferences with the employee.

Performance evaluations shall be documented in writing and placed in the employee's personnel file. Procedures for the performance evaluation program shall be published by the City Manager.

Section 5.09 Safety

The City of Saluda has a zero tolerance for violence. The intent of the Workplace Violence Policy, in addition to the Personnel Policy, is to ensure that everyone associated with the City, including employees and customers, never feels threatened by any employee actions or conduct. It is the policy of the City to establish a safe work environment for employees. Employees shall follow the safety policies and procedures and attend safety training programs as a condition of employment. Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal.

Section 5.10 Substance Abuse Policy

The City will provide a safe and productive work environment for all employees. Employees shall report for work and remain on the job in a condition in which they can safely and efficiently perform their job duties. All employees may be required to submit to random drug and alcohol testing as outlined in the paragraphs below.

- a) Types of Drug and Alcohol Tests Required
 - a. Pre-employment Testing – All applicants offered employment must successfully complete a drug screen prior to employment. The test results must indicate a verified negative drug test.
 - b. Post-Accident Testing – Any employee who is involved in an accident resulting in damage to property or injury to self or others may be requested to immediately submit to a drug and alcohol test.
 - c. Post-Incident Testing – Any police officer who is involved in an incident resulting in the discharge of a firearm regardless of whether damage to property or any personal injury occurs may be requested to immediately submit to a drug and alcohol test.
 - d. Random Testing – Testing must be conducted on a random, unannounced basis throughout the year on employees as determined by the City. Random testing for drugs and alcohol shall be conducted at the rate mandated by the US Department of Transportation. The US Department of Transportation requirements for Commercial Driver’s License holders are annual testing of a minimum of 10 percent of the CDL holders for alcohol and 50 percent of the CDL holders for drugs.
 - e. Reasonable Suspicion Testing – Any employee whose behavior demonstrates reasonable cause to believe he/she is under the influence of drugs or alcohol will be requested to immediately submit to a drug and alcohol test. The determination of reasonable suspicion must be based on specific observations concerning the appearance, behavior, speech, breath, or body odor of the employee.
- b) Prohibited Conduct
 - a. No employee shall refuse to submit to an alcohol or drug test required by preemployment, post-accident, post-incident, random, or reasonable suspicion. Refusal to submit to any of these requested test occasions will be grounds for employment denial or discharge.
 - b. The City expressly prohibits the possession, sale, use, distribution, dispensation, manufacture, purchase, or storage of illegal drugs or alcohol by City employees while at the workplace. Such an act is grounds for immediate termination.

Exemption: Police are exempt in the performance of their duty for the handling and transportation of contraband (i. e. drugs and alcohol).

- a) Disciplinary Action
 - a. Any employee engaging in the use of illegal drugs while on City property, City work sites, or City business, or who reports for duty under the effects of illegal drugs, is subject to disciplinary action, up to and including discharge.
 - b. Any employee engaged in the purchase, sale, possession, or transfer of any illegal drugs while on City property, City work sites, or City business will be removed from the workplace, placed on unpaid suspension, be subject to immediate discharge, and may be subject to criminal investigation and/or prosecution. **(See police exemption 2b)**

As required by the Federal Drug-free Workplace Act, if an employee is convicted of a violation of a criminal drug statute and the violation occurred while the employee was at work, the employee must notify his department head of the conviction within five (5) days after the conviction. Failure to notify the department head of the conviction will result in termination.

Section 5.11 Internet and Social Media Use

The City shall establish a separate policy and provide it to employees regarding Internet and social media use of City equipment and while on duty.

Section 5.12 Dress Code

Appropriate work attire is required of each employee based on their department and in keeping with the nature of the duties performed. All employees, both uniformed and non-uniformed, are expected to project and maintain a positive public image at all times. The Department Head or supervisor may give guidance to individual employees with questions or concerns.

Article VI. EMPLOYEE BENEFITS

Section 6.01 Eligibility

As an integral part of a comprehensive and competitive compensation program, the City offers a variety of benefits. Specific benefit programs will vary from time to time and the type, level, eligibility and cost of such programs are subject to change at any time at the sole discretion of the City. All full-time and part-time employees of the City are eligible for employee benefits, subject to any waiting period, as provided for in this Article which are subject to change at the City's discretion. Temporary employees are eligible only for Workers' Compensation benefits and FICA.

Section 6.02 Group Health and Hospitalization

The City provides group health and hospitalization insurance programs for full-time employees and their families and part-time employees. Employees who are scheduled to work 30 hours or more per week on a continuous year-round basis may purchase available group health through the City for themselves or for themselves and their qualified dependents. A prorated amount of the cost of coverage paid for a full-time employee shall be paid by the City with the remainder of the cost being paid by the employee. **(amended 11/11/2019)**

In addition, employees participating the City's health and hospitalization insurance program are eligible to receive reimbursements of health insurance deductible expenses paid by the employee of up to \$1,000 per fiscal year. The following are allowable medical, dental, and vision reimbursable expenses: co-pays, deductibles, and coinsurance; and prescription out-of-pocket costs. Medical care expenses must be primarily to alleviate or prevent a physical or mental disability or illness. They do not include expenses that are merely beneficial to general health, such as vitamins or vaccinations.

Any unused funds expire at the end of each fiscal year. Reimbursements will apply to the Fiscal Year in which the actual expense was paid out of pocket by the employee as evidenced by a receipt or statement of payment. All receipts or statements from the prior fiscal year shall be presented no later than October 1st for reimbursement of covered expenses.

Section 6.03 Group Life Insurance

The City may provide group life insurance for each employee subject to the stipulations of

the insurance contract. Life insurance may be provided by the City in an amount approved by the City, subject to appropriation.

Section 6.04 Other Optional Group Insurance Plans

The City may make other group insurance plans available to employees upon authorization of the City Manager or City Board of Commissioners.

Section 6.05 Retirement

Upon successful completion of 1,000 hours of employment, each employee of the City shall join the North Carolina Local Governmental Employees' Retirement System as a condition of employment. New hires who are current members of the NC Local or State Government Employees Retirement Systems shall be covered under the retirement system by the City on their first day of employment.

Additionally, the City may provide 401(k) benefits for its regular full and part-time employees as a percentage of salary as designated by the City Council, subject to appropriation by the City Council. Each sworn law enforcement officer shall receive 401(k) benefits beginning on the first day of employment as prescribed by North Carolina State Law.

Section 6.06 Social Security

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

Section 6.07 Unemployment

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

Section 6.08 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 leave provisions that may be found in the Personnel Policy. The employee is required to report all injuries arising out of and in the course of employment to their immediate supervisors at the time of the injury.

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.

Before returning to work, a statement from the attending physician certifying the employee's ability to return to work should be submitted to the City Manager.

Upon return to work, the 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 based upon performance and other compensation policies.

During the disability covered by Workers Compensation benefits, an employee continues to earn annual leave, sick leave, and will retain all accumulated sick or annual leave.

Employees may use sick leave and/or vacation both during the waiting period before Workers' compensation benefits begin, and afterward to supplement the remaining one-third of salary, except that employee may not exceed the regular salary amount using this

provision.

This provision also applies to reactions to small pox vaccinations administered to City employees under Section 304 of the Homeland Security Act. Such reactions shall be treated the same as any other workers compensation claims as regards leave and salary continuation.

Section 6.09 Tuition Assistance Program

Full-time employees who have completed initial probation may apply for tuition reimbursement for courses taken on their own time, which will improve their skills for their current job or prepare them for promotional opportunities within the City.

Tuition, registration, fees, laboratory fees, and student fees are eligible expenses. Employees may be reimbursed for up to \$1,000 per fiscal year of service for eligible expenses. Satisfactory completion of the courses will be required for reimbursement. Requests for tuition assistance shall be submitted to the Department Head prior to course registration and are subject to the review and approval of the City Manager, subject to availability of funds.

Section 6.10 Law Enforcement Separation Allowance

Every sworn law enforcement officer, as defined by N.C. Gen. Stat. § 128-21(11b) or N.C. Gen. Stat. § 143-166.50, shall be eligible for a separation allowance, as provided by N.C. Gen. Stat. § 143-166.42, in the amount specified in N.C. Gen. Stat. § 143-166.41(a).

If any such retired law enforcement officer works 1,000, or more, hours per year for a North Carolina Local Governmental Retirement System employer, they shall be mandated to become members of that retirement system and ineligible to continue receiving the Separation Allowance. Employment by any other North Carolina Retirement System employer shall not cause the retired officer to be ineligible.

Article VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 7.01 Policy

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

Section 7.02 Holidays

The City has adopted the State Holiday schedule and the Human Resources Director shall publish that schedule prior to the beginning of each calendar year. In order to receive a paid holiday, an employee must have worked the day before and the day after the holiday(s), or have been given approved leave. Non-exempt employees required to perform work on regularly scheduled holidays shall be granted compensatory time off or paid for total hours actually worked in addition to any holiday pay to which they are entitled. If total hours worked exceeds 40 (forty) hours, then overtime provisions are followed. Holiday pay is calculated at straight time except Christmas Eve and Christmas Day which shall be calculated at double time. If a holiday falls on a regularly scheduled off-duty day for non-exempt personnel, the employee shall receive the hours for paid holiday leave. **(amended 12/09/2019)**

Section 7.03 Vacation Leave

Vacation leave is paid time off. Vacation leave may be denied only when granting the leave

would create an undue hardship for the City.

The City has adopted the State Vacation Leave Schedule:

Years of Total Service	Hours Granted Each Month	Hours Granted Each Year	Days Granted Each Year
Less than 5 years	9 hrs. 20 mins.	112	14
5 but less than 10 years	11 hrs. 20 mins	136	17
10 but less than 15 years	13 hrs. 20 mins.	160	20
15 but less than 20 years	15 hrs. 20 mins.	184	23
20 years or more	17 hrs. 20 mins.	208	26

Employees serving a probationary period following initial employment may accumulate vacation leave but shall not be permitted to take vacation leave during the probation unless approved by City Manager prior to accepting employment.

Exemption: Employees previously accumulating hours in excess of these limits were grandfathered by City Council and will remain at their current accrual level until their years of service reach a new threshold.

Section 7.04 Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until December 31 of each year. However, if the employee separates from service, payment for accumulated leave shall not exceed 240 hours.

On December 31 of each year any employee with more than 240 hours of accumulated leave shall have the excess accumulation converted to sick leave so that only 240 hours are carried forward to January 1 of the next calendar year.

Section 7.05 Scheduling Leave

Vacation leave may be taken as earned by an employee subject to the approval by the Department Head. Department Heads are responsible for insuring that approved vacation leave does not hinder the effectiveness of service delivery.

Section 7.06 Termination – Pay for Leave

An employee who has successfully completed the probationary period will be paid for accumulated vacation leave upon separation not to exceed 240 hours, provided notice is given to the supervisor. In all instances, the minimum notice requirement is two calendar weeks.

Failure to provide minimum notice shall result in forfeit of payment for accumulated vacation unless the notice is waived upon recommendation of the Department Head and approval by the City Manager.

Section 7.07 Payment upon Death

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

Section 7.08 Sick Leave

Sick leave may be granted to an employee when continuing to work would be harmful to themselves or others, specifically when sickness, bodily injury, exposure to a contagious disease, or a required physical or dental exam, is a factor. Sick leave may be used when an employee must care for a member of his or her immediate family who is ill. Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave or according to departmental procedures. **(amended 11/11/2019)**

Notification of the desire 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.

Section 7.09 Accrual Rate and Accumulation

Sick leave shall accrue at the rate of eight (8) hours per month (96 hours per year).

Sick leave shall accumulate with no maximum accumulation, and may be used as credit for service consistent with the provisions of the North Carolina Local Government Employees' Retirement System.

All sick leave accumulated by an employee, not transferred as credit for service with the North Carolina Local Government Employees' Retirement System, shall end and terminate without compensation when the employee resigns or is separated from the City

Section 7.10 Transfer of Sick Leave from Previous Employer

The City will accept sick leave balances when documented by a previous employer when the employee worked for a previous employer covered by the State or Local Government Retirement System and the employee did not withdraw accumulated contributions from that employer when leaving employment. The sick leave will be treated as though it were earned with the City. The sick leave amount must be certified by the previous employer and it is the employee's responsibility to provide documentation from his or her previous employer within three (3) months of employment. Transferred sick leave will be credited to the employee upon completion of the probationary period.

Section 7.11 Medical Certification

The employee's supervisor or Department Head may require a physician's certificate stating the nature of the employee's or employee's family member's illness and the employee's physical capability to resume duties, for each occasion on which an employee uses sick or whenever the supervisor observes a "pattern of absenteeism."

If an employee fails to notify the Department Head of the illness and give an expected date of return to work, the employee will be placed on leave without pay until the absence is explained. To claim paid sick leave under false pretenses is considered a flagrant abuse of a valuable benefit and a serious violation of City policy. Claiming sick leave under false pretenses to obtain a day off with pay shall subject the employee to disciplinary action up to and including dismissal.

Section 7.12 Family and Medical Leave

The City provides up to 12 weeks of job-protected leave in accordance with the Family and Medical Leave Act of 1993 (FMLA). FMLA also includes a special leave entitlement that

permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. To qualify for FMLA coverage, the employee must:

- a) work for a covered employer;
- b) have worked for the employer for 12 months (or 52 weeks);
- c) have worked 1,250 hours during the twelve-month period immediately before the date when the FMLA time begins; and
- d) work at a location where at least 50 employees are employed by the employer within 75 miles.

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. The City may require medical certification to assess FMLA eligibility, as well as updates at reasonable intervals for continued certification.

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

- a) the birth of a child and in order to care for that child;
- b) the placement of a child for adoption or foster care;
- c) the care of a spouse, child, or parent with a serious health condition;
- d) the serious health condition of the employee; or
- e) military exigency.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition that requires continuing care by a licensed health care provider. Generally, a chronic or long-term health condition that results in a period of incapacity for more than three days would be considered a serious health condition. An employee who takes leave under this policy will return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority.

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

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

The request for the use of leave must be made in writing by the employee and approved by the Department Head and City Manager. The request for the use of leave must be made in writing by the employee and approved by the Department Head or City Manager.

"Military Exigency" is a qualifying exigency arising out of the fact that the fact that the employee's spouse, son, daughter, or parent is a military service member (reserve or national guard) under a call or order to federal active duty in support of a contingency operation. Qualifying events are:

- a) deployment of service member with seven or fewer days notice;
- b) military ceremonies and events such as family-assistance or informational programs related to the family member's active duty or call to active duty;
- c) urgent, immediate childcare or arranging for alternative childcare for the

- children of service members;
- d) attending school or daycare meetings relating to the child of service member;
- e) making financial or legal arrangements related to a family member's active duty status or call to active duty; or
- f) post-deployment activities for a period of ninety days after the termination of the service member's active duty status.

Military Caregiver Leave: An employee whose spouse, son, daughter, parent or next of kin is a current service member who is undergoing treatment, therapy, recuperation or outpatient treatment or has temporary disability retirement for injury or illness sustained in the line of duty, is eligible for 26 weeks of leave in a single 12 month period. During a single 12 month period, the employee is eligible for a total of 26 weeks of all types of FMLA leave.

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

Section 7.13 Medical and Family Leave - Certification

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

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

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

Section 7.14 Leave Without Pay

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

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

Section 7.15 Family Medical Leave Retention and Continuation of Benefits

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

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

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

Section 7.16 Workers' Compensation Leave

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave, vacation, or compensatory time during the first waiting period. The employee may also elect to supplement workers' compensation payments after they begin with sick leave, vacation, or compensatory time, provided that the combination of leave supplement and workers' compensation payments does not exceed normal compensation.

An employee on workers' compensation leave may be permitted to continue to be eligible for benefits under the City's group insurance plans. Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit.

When workers' compensation leave extends long enough for the waiting period to be reimbursed, the employee shall return the reimbursement check to the City and have leave hours reinstated for all time covered by paid leave. In such cases, the City will pay the employee for any unpaid time that is owed the employee.

Section 7.17 Military Leave

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

Section 7.18 Reinstatement Following Military Service

City will fully comply with the requirements of USERRA (Uniformed Services Employment and Reemployment Rights Act of 1994 as amended) and other related federal regulations.

USERRA provides that returning servicemembers are to be reemployed in the job that they would have attained had they not been absent for military service, with the same seniority, status and pay, as well as other rights and benefits determined by seniority. USERRA also requires that reasonable efforts (such as training or retraining) be made to enable returning servicemembers to qualify for reemployment. If the servicemember cannot qualify for the position, he or she must be reemployed, if qualified, in any other position that is the nearest approximation to the position and then to the pre-service position. USERRA also provides that while an individual is performing military service, he or she is deemed to be on a furlough or leave of absence and is entitled to the non-seniority rights accorded other similarly-situated individuals on non-military leaves of absence. The time limits for returning to work are as follows:

- a) Less than 31 days service: By the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight hour rest period. If this is impossible or unreasonable, then as soon as possible.
- b) 31 to 180 days: The employee must apply for reemployment no later than 14 days after completion of military service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible.
- c) 181 days or more: The employee must apply for reemployment no later than 90 days after completion of military service.
- d) Service-connected injury or illness: Reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing.

Health and pension plan coverage for servicemembers is also addressed by USERRA. Individuals performing military duty of more than 30 days may elect to continue employer sponsored health care for up to 24 months; however, they may be required to pay up to 102 percent of the full premium. For military service of less than 31 days, health care coverage is provided as if the servicemember had remained employed. USERRA pension protections apply to defined benefit plans and defined contribution plans as well as plans provided under federal or state laws governing pension benefits for government employees. For purposes of pension plan participation, vesting, and accrual of benefits, USERRA treats military service as continuous service with the employer.

Section 7.19 Civil Leave

A City employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation. While on civil leave, benefits and leave shall accrue as though on regular duty.

Section 7.20 Parental School Leave

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

- a) The leave must be taken at a time mutually agreed upon by the employee and the City.

Section 7.21 (amended 11/11/2019) Adverse reaction to Smallpox Vaccination

City employees identified under the Homeland Security Act as “first responders” (firefighters, police officers, paramedics, or other first responders) will be provided sick leave and salary continuation procedures if absent from work due to an adverse medical reaction resulting from the employee receiving in-employment vaccination against smallpox.

Article VIII. SEPARATION AND REINSTATEMENT

Section 8.01 Types of Separations

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

Section 8.02 Resignation

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is two calendar weeks. Failure to provide minimum notice shall result in forfeit of payment for accumulated vacation unless the notice is waived upon recommendation of the Department Head and approval by the City Manager.

Three consecutive days of absence without contacting the immediate supervisor or Department Head may be considered to be a voluntary resignation.

Section 8.03 Reduction in Force

The City has the authority to separate an employee whenever it is necessary due to shortage of funds or work, abolishment of a position, or other material change in duties or organization. Retention of employees in classes affected shall be based on systematic consideration, at a minimum, of the following factors:

- a) type of appointment,
- b) relative efficiency,
- c) actual or potential adverse impact on the diversity of the work force, and
- d) length of service.

Neither temporary, nor probationary employees in their initial 12 months of employment (or 24 initial months of employment for sworn law enforcement officers) shall be retained in positions where employees with a permanent appointment must be separated in the same position or department.

In the event of a workforce reduction, the City shall notify the employee in writing of separation as soon as possible and in any case not less than 30 calendar days prior to the effective date of separation. The written notification shall include the reasons for the reduction-in-force, expected date of separation, the employee’s eligibility for priority reemployment consideration, applicable appeal rights, and other benefits available.

Section 8.04 Disability

The City will comply with the Americans with Disabilities Act (ADA) and will make all responsible efforts to provide reasonable accommodation to employees who may be or become disabled. An employee who cannot perform the essential duties of a position because of a physical or mental impairment may be separated for disability. Action may be

initiated by the employee or the City. In cases initiated by the employee, such action must be accompanied by medical evidence acceptable to the City Manager. The City may require an examination, at the City's expense, performed by a physician of the City's choice.

Section 8.05 Voluntary Retirement

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

Section 8.06 Death

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

Section 8.07 Dismissal

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

Section 8.08 Reinstatement

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

Section 8.09 Rehiring

An employee who resigns while in good standing may be rehired with the approval of the City Manager, 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 9.01 Disciplinary Action for Unsatisfactory Job Performance

An employee may be placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory. All cases of disciplinary suspension, demotion, or dismissal must be approved by the City Manager prior to giving final notice to the employee. **(amended 11/11/2019)**

Section 9.02 Unsatisfactory Job Performance Defined

Unsatisfactory job performance includes any aspects of the employee's job which are not performed as required to meet the standards set by the Department Head or City Manager.

Examples of unsatisfactory job performance include, but are not limited to, the following:

- a) Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- b) Careless, negligent or improper use of City property or equipment;
- c) Physical or mental incapacity to perform duties after reasonable accommodation;
- d) Discourteous treatment of the public or other employees;
- e) Absence without approved leave;
- f) Improper use of leave privileges;

- g) Failure to report for duty at the assigned time and place;
- h) Failure to complete work within time frames established in work plan or work standards;
- i) Failure to meet work standards over a period of time; or
- j) Failure to follow the chain of command to address work-related issues.

Section 9.03 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 shall 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 shall 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 three warnings, the second and third should be in writing, before disciplinary action resulting in dismissal is taken by the City Manager. 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:

- a) 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.
- b) If performance does not improve, a written recommendation should be sent to the City Manager for disciplinary action such as suspension, demotion, or dismissal.

Disciplinary suspensions are for the purpose of communicating the seriousness of the performance deficiency, not for the purpose of punishment, and should not generally exceed three days (24 hours) for nonexempt employees. Suspensions for exempt employees shall be for one full work week in accordance with FLSA requirements to maintain exempt status.

Demotions are appropriate when an employee has demonstrated inability to perform successfully in the current job, but shows promise and commitment to performing successfully in a lower level job. If no other options are available, dismissal is appropriate.

If after suspension or demotion, the employee's performance does not reach an acceptable level, the employee may be dismissed.

Section 9.04 Disciplinary Action for Detrimental Personal Conduct

With the approval of the City Manager, an employee may be placed on disciplinary suspension, demoted, or dismissed without prior warning for causes relating to personal conduct detrimental to City service in order to 1) avoid undue disruption of work; 2) to protect the safety of persons or property; or 3) for other serious reasons.

Section 9.05 Detrimental Personal Conduct Defined

Detrimental personal conduct includes behavior of such a serious detrimental nature that the functioning of the City may be or has been impaired; the safety of persons or property may be or have been threatened; or the laws of any government may be or have been violated.

Examples of detrimental personal conduct include, but are not limited to, the following:

- a) Fraud or theft;
- b) Conviction of a felony or the entry of a plea of nolo contendere thereto;
- c) Falsification of records;
- d) Willful misuse or gross negligence in the handling of City funds or personal use of equipment or supplies;
- e) Willful or wanton damage or destruction to property;
- f) Willful or wanton acts that endanger the lives and property of others;
- g) Possession of unauthorized firearms or other weapons on the job;
- h) Brutality in the performance of duties;
- i) Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary;
- j) Engaging in incompatible employment or serving a conflicting interest;
- k) Request or acceptance of gifts in exchange for favors or influence;
- l) Engaging in political activity prohibited by this Policy;
- m) Harassment of an employee(s) and/or the public on the basis of sex or any other protected class status; or
- n) Harassment of an employee or the public with threatening or obscene language and/or gestures;
- o) Stated refusal to perform assigned duties, flagrant violation of work rules and regulations, or serious malfeasance of work

Section 9.06 Possible Dismissal: Notice and Hearing

Before dismissal action is taken, whether for failure in personal conduct or failure in performance of duties, department head or a designee thereof, along with other persons deemed necessary to the process, usually including the personnel director, will conduct a pre-dismissal hearing. This hearing will be held upon at least three business days' notice to the employee that a dismissal is being considered and the hearing will be held, unless the employee waives such notice or the particular circumstance require a different period. At this hearing, the employee may present any response to the proposed dismissal to the department head or designee. The department head will consider the employee's response, if any, to the proposed dismissal, and will, within three business days following the pre-dismissal hearing, notify the employee in writing of the final decision. If the employee is dismissed, the notice shall contain a statement of the reasons for the action and the employee's appeal rights.

If the hearing results in a decision to dismiss the employee, the employee may appeal this decision in writing to the city manager. Notice of appeal shall be delivered to the city manager within five business days of the date of the dismissal decision.

Upon a timely appeal of a dismissal decision the city manager will schedule a hearing. The employee shall appear at the hearing and may bring whatever documentation the employee deems appropriate, although voluminous documentation may be excluded at the city manager's discretion. The employee may request the right to bring one or more witnesses to testify to critical facts upon written application to the city manager, along with a brief statement as to the content of the proposed testimony. The city manager shall have discretion as to whether to permit such testimony.

Section 9.07 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 City Manager, be in the best interest of the City, the Department Head or City Manager may suspend the employee for part or all of the proceedings as a non-disciplinary action. In such cases, the Department Head or City Manager may:

- a) 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
- b) 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 compensation or benefits to which otherwise the employee would have been entitled had the suspension not occurred. If the employee is terminated following suspension, the employee shall not be eligible for any pay from the date of suspension; provided, however, all other benefits with the exception of accrued vacation and sick leave shall be maintained during the period of suspension.

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

Section 10.01 Policy

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

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

Section 10.02 Grievance Defined

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

Section 10.03 Purposes of the Grievance Procedure

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

- a) Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
- b) Encouraging employees to express themselves about the conditions of work which affect them as employees;
- c) Promoting better understanding of policies, practices, and procedures which affect employees;
- d) Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures; and
- e) Increasing the sense of responsibility exercised by supervisors in dealing with their employees.
- f) Encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship, and therefore, encouraging conflicts to be resolved at the lowest level possible of the chain of command; and
- g) Creating a work environment free of continuing conflicts, disagreements, and

negative feelings about the City or its leaders, thus freeing up employee motivation, productivity, and creativity.

Section 10.04 Procedure

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

Informal Resolution. Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the respective Department Head as a resource to help resolve the grievance. In addition, the employee or supervisor may request mediation from a local mediation services or other qualified parties to resolve the conflict, upon approval of City Manager. Mediation may be used at any step in the process when mutually agreed upon by the employee and relevant supervisor or Administrator. Mediation is the process where a neutral party assists the parties in conflict with identifying mutually agreeable solutions or understandings.

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

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

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

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

Department Heads. In the case of Department Heads or other employees where the City Manager has been significantly involved in determining disciplinary action, including

dismissal, the City may wish to obtain a neutral outside party to act as a mediator to assist in resolving the conflict.

Section 10.05 Role of the Human Resources Officer

As the acting Human Resources Manager, the City Manager may appoint a third party to perform the role of Human Resources Officer for a grievance if desired. The role may be performed by a contractor if desired. Throughout the grievance procedure, the roles of the Human Resources Officer shall be as follows:

- a) To advise parties (including employee, supervisors, and City Manager) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistency of application;
- b) To be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents.
- c) To give notices to parties concerning timetables of the process, etc.;
- d) To assist employees and supervisors in drafting statements; and
- e) To facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process; and
- f) To help locate mediation or other resources as needed.

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

Section 10.06 Grievance and Adverse Action Appeal Procedure for Discrimination

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

Article XI. **RECORDS AND REPORTS**

Section 11.01 Section 1. Public Information

In compliance with GS 160A-168, the following information with respect to each City employee is a matter of public record:

- a) Name.
- b) Age.
- c) Date of original employment or appointment to the service.
- d) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the city has the written contract or a record of the oral contract in its possession.
- e) Current position.
- f) Title.
- g) Current salary.
- h) Date and amount of each increase or decrease in salary with that municipality.

- i) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that municipality.
- j) Date and general description of the reasons for each promotion with that municipality.
- k) 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.
- l) The office to which the employee is currently assigned.

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

The city council shall determine in what form and by whom this information will be maintained. Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the city council may have adopted. Any person denied access to this information may apply to the appropriate division of the General Court of Justice for an order compelling disclosure, and the court shall have jurisdiction to issue such orders.

Section 11.02 Access to Confidential Records

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

- a) The employee or his duly authorized agent may examine all portions of his personnel file except (i) letters of reference solicited prior to employment, and (ii) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.
- b) A licensed physician designated in writing by the employee may examine the employee's medical record.
- c) A city employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- d) By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file as may be ordered by the court.
- e) An official of an agency of the State or federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be inspected to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution (of the employee), or for the purpose of assisting in an investigation of (the employee's) tax liability. However, the official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
- f) An employee may sign a written release, to be placed with his personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- g) The city manager, with concurrence of the council, or, in cities not having a manager, the council may inform any person of the employment or

nonemployment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a city employee and the reasons for that personnel action. Before releasing the information, the manager or council shall determine in writing that the release is essential to maintaining public confidence in the administration of city services or to maintaining the level and quality of city services. This written determination shall be retained in the office of the manager or the city clerk, and is a record available for public inspection and shall become part of the employee's personnel file.

Section 11.03 Personnel Actions

The City Manager will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system. There shall be one set of official personnel files, centrally located as designated by the City Manager. Any document not located there is not an official part of that employee's personnel record. These files shall contain documents such as employment applications and related materials, records of personnel actions, documentation of employee warnings, disciplinary actions, performance evaluations, retirement and insurance records, letters of recommendation, and other personnel-related documents.

Section 11.04 Records of Former Employees

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

Section 11.05 Remedies of Employees Objecting to Material in File

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

Section 11.06 Penalties for Permitting Access to Confidential Records

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

Section 11.07 Examining and/or Copying Confidential Material without Authorization

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

Section 11.08 Destruction of Records Regulated

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

Article XII. **POSITIONS**

Section 12.01 City Clerk and Tax Collector (**amended 11/11/2019**)

a) General Statement of Duties

Provides City Clerk duties in accordance with N.C.G.S. 160A-171. Provides Tax Collector duties in accordance with N.C.G.S. 105.350.

Provides administrative support to the City Manager. Serves as backup utility billing and collections clerk for the City of Saluda.

b) Distinguishing Features of the City Clerk and Tax Collector's Duties

As City Clerk, reports to the Board of Commissioners. It shall be the duty of the city clerk:

- a. to give notice of meetings of the council.
- b. to keep a journal of proceedings of the council.
- c. to be the custodian of all city records.
- d. to perform any other duties required by law or the council.

As Tax Collector, reports to the City Manager. It shall be the duty of each tax collector:

- e. To employ all lawful means to collect all property, dog, license, privilege, and franchise taxes with which he/she is charged by the governing body.
- f. To give such bond as may be required of him/her by the governing body under the provisions of G.S. 105-349.
- g. To perform such duties in connection with the preparation of the tax records and tax receipts as the governing body may direct under the provisions of G.S. 105-319 and 105-320.
- h. To keep adequate records of all collections he/she makes.
- i. To account for all moneys coming into his/her hands in such form and detail as may be required by the chief accounting officer of the taxing unit.
- j. To make settlement at the times required by G.S. 105-373 and at any other time the governing body may require him/her to do so.
- k. To submit to the governing body at each of its regular meetings a report of the amount he/she has collected on each year's taxes with which he/she is charged, the amount remaining uncollected, and the steps he/she is taking to encourage or enforce payment of uncollected taxes.
- l. To send bills or notices of taxes due to taxpayers if instructed to do so by the governing body.
- m. To visit delinquent taxpayers to encourage payment of taxes if instructed to do so by the governing body.

Distinguishing Features of administrative support and backup utility billing and collections clerk

As administrative support and backup utility billing and collections clerk, reports to the City Manager.

- a. Certifies the sufficiency of annexation petitions.
- b. Maintains a current roster of official board and committee members.
- c. Serves as backup utility billing clerk handling customer billing, account problems and collections..
- d. Performs administrative duties for the City Manager.
- e. Provides customer service to citizens for collection of various fees, messages,

- information about City services, issuing permits, reserving meeting rooms.
- f. Provides research help and compiles information as requested by the City Manager and Finance Officer.
- g. Required to manage confidential information in an appropriate manner.
- h. Perform other duties as requested.
- c) Recruitment and Selection Guide
 - a. An understanding and application of North Carolina General Statutes and of local ordinances governing the responsibilities of municipal clerks.
 - b. An understanding and application of North Carolina General Statutes and of local ordinances governing the responsibilities of tax collector.
 - c. Understands the organization and functions of municipal government.
 - d. An understanding of water and sewer utility billing and collections.
 - e. Understands the necessity of the City's customer service policies, standard and approved practices and procedures employed in the processing, safekeeping and utilization of official records and documents and demonstrates proper command of communication skills (written and spoken), and the necessity of effective working relationships with City officials, employees and the general public.
 - f. Competent in the use of Word Processing and computer programs.
- d) Physical Requirements
 - a. Able to perform basic life functions such as; climbing, kneeling, crouching, reaching, walking talking, hearing and repetitive motions. Able to lift, push or pull 10 pounds occasionally.
- e) Education and Experience
 - a. Two (2) year degree in business, administration or with three (3) to five (5) years' experience in financial, clerical or office management.
- f) Special Requirement
 - a. Obtain the Municipal Clerk Certification through the North Carolina Institute of Government within 3 years of hire date.

Section 12.02 Customer Service Representative and Administrative Assistant (**amended 11/11/2019**)

- a) General Statement of Duties
 - a. Performs responsible fiscal and administrative support task assisting customers, establishing and maintaining utility customer accounts, performing utility billing and other related tasks.
- b) Distinguishing Features of the Customer Service Representative and Administrative Assistant
 - a. An employee in this class is responsible for the activities which involve establishing and maintaining utility customer accounts; the generation and mailing of the utility bills; handling customer inquiries relating to utility billings and general City services; collecting utility bills, billing and collection of privilege licenses and other revenues, and coordinating with the field services functions.
 - b. Work involves multiple detailed procedural steps, and requires significant knowledge of the utility billing and collections process and computer applications.
 - c. Considerable tact, courtesy, and accuracy are required in these functions.
 - d. Work is performed under regular supervision and is evaluated through conferences, by accuracy and timeliness of customer service records and bills, and thoroughness of assigned responsibilities.

- c) Duties and Tasks
 - a. Establishes new customer accounts; insures proper initial readings are entered; monitors the billing cycle and assures that all records are submitted on a timely basis in order that established deadlines will be met.
 - b. Performs or coordinates uploading and downloading of meter reading devices and other aspects of the meter reading function; reviews and/or enters utilities readings, generates billing information, performs edits, and mails bills to customers; prints, bursts, and prepares bills for mailing.
 - c. Prints edit list and reviews after initial meter readings are downloaded; identifies potential mis-reads and other potential problems; determines which meters require re-reading; prepares list and prints and distributes overdue notices; prints, reviews, and distributes list of customers for disconnection for non-payment.
 - d. Coordinates with utility field personnel the meter reading functions and the connection and disconnection of utility services to customers; prepares work orders as needed.
 - e. Answers complaints from citizens, researches problems, and answers their questions; adjusts bills for leaks, incorrect meter readings, etc.
 - f. Bills and collects privilege licenses, collects taxes and other revenue payments through the mail or from walk-in payments; enters into data base.
 - g. Provides back up to the City Clerk on a variety of administrative and fiscal support tasks; monitors petty cash; signs out Town credit card; maintains an inventory of office supplies; makes copies; takes meeting minutes in the absence of the City Clerk.
 - h. Participates in planning and coordination of the Coon Dog Day festival.
 - i. Provides related duties as required.
- d) Recruitment and Selection Guidelines
 - a. Considerable knowledge of local policy, billing and customer service cycle regarding water systems.
 - b. Considerable knowledge of the utility billing software application and ability to operate hardware to produce accurate, timely bills.
 - c. Working knowledge of state statutes related to privilege license and utility billing and customer service.
 - d. Working knowledge of standard operating practices involved in modern office operation and serving the public.
 - e. Working knowledge of water meter operations.
 - f. Working knowledge of the principles and practices involved in paraprofessional accounting work and preparation of fiscal records.
 - g. Working knowledge of utility billing software and office technology.
 - h. Skill in collaborative conflict resolution and customer contact.
 - i. Ability to deal effectively with the public in a tactful and effective manner, including the bereaved.
 - j. Ability to create and maintain accurate records, reports, and files in support of a cash receipt and customer oriented operation.
 - k. Ability to operate calculator, computer terminal, cash register, and related office equipment at the desired level of speed and accuracy.
 - l. Ability to communicate effectively in oral and written forms.
 - m. Ability to establish and maintain effective working relationships with coworkers, public officials, and customers.
- e) Physical Requirements
 - a. Must be able to physically perform the basic life operational functions of

- fingerling, reaching, lifting, grasping, talking, hearing, and repetitive motions.
- b. Must be able to perform sedentary work exerting up to 10 pounds of force occasionally and/or a negligible amount of force frequently or constantly to lift, carry, push, pull or otherwise move objects.
- c. Must possess the visual acuity to prepare and use figures and statistics, operate a computer terminal, read maps and written material extensively.
- f) Education and Experience
 - a. Graduation from high school, supplemented by courses in business or accounting, and experience in a billing operation involving multiple step tasks and use of billing software; or an equivalent combination of education and experience.
- g) Special Requirement
 - a. Not Applicable.

Section 12.03 Utility Maintenance Worker (**amended 11/11/2019**)

- a) General Statement of Duties
 - a. Performs a variety of unskilled and semiskilled maintenance, repair and construction works on streets, buildings, grounds, cemeteries, water and sewer lines and appurtenances.
- b) Distinguishing Features of a Utility Maintenance Worker
 - a. Use of a variety of hand tools and operation of light and medium equipment to build, repair waste water plant, buildings and other infrastructure and to repair or replace water and sewer lines. Subject to working in both inside and outside environments. Employee will be scheduled for on-call duties. Call-back work is sometimes required. This employee is under the general supervision of the Public Works Supervisor and is evaluated through observation, discussion, and review of their job performance.
 - b. This employee is subject to hazards form both inside and outside environments. Potential extreme hot and cold weather, loud noises, vibrations, moving mechanical parts, electricity, hazardous chemicals with fumes, oils, gases, flammable liquids and bloodborne pathogens. Work is performed in accordance with departmental policy and State and Federal law.
- c) Duties and Tasks
 - a. Operates dump trucks, loaders, tampers, trenchers and other job related light and medium equipment.
 - b. Performs preventive maintenance and minor repairs to above mentioned equipment.
 - c. Assists in the installation of water and sewer taps.
 - d. Assists in the installation of fire hydrants.
 - e. Reads water meters and connects and disconnects service.
 - f. Assists in maintenance and repair of wastewater treatment plant.
 - g. Assists in inspection and repairs to the sewer pumping stations.
 - h. Assist in asphalt and concrete repair to streets, sidewalks, curbs and storm drains.
 - i. Mowing, mulching, planting, irrigating, and other landscape maintenance as required.
 - j. Perform related tasks as required.
- d) Recruitment and Selection Guidelines
 - a. Working knowledge of the use of hand tools and equipment used in construction and maintenance of utilities.
 - b. Knowledge of State and local laws and regulations pertaining to the operation

- of motorized equipment.
- c. Experience in the operation of dump trucks and loaders.
- d. Demonstrated knowledge of occupational hazards and safety precautions of utility construction and maintenance.
- e. Accountable for establishing and maintaining effective working relationships with employees, citizens and supervisors.
- f. Accountable for the completion of oral and written instructions.
- g. Accountable for preparation of written records of work activities.
- e) Physical Requirements
 - a. Must be able to physically perform the basic life operational functions of climbing, balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pushing, pulling, lifting, talking hearing and repetitive motions.
 - b. Must be able to perform heavy work exerting up to 100 pounds of force occasionally; 50 pounds of force frequently; and 20 pounds constantly.
- f) Education and Experience
 - a. High School diploma required.
 - b. Two years' experience in public works construction and maintenance desired.
- g) Special Requirements
 - a. Possession of a valid and appropriate North Carolina driver's license.

Section 12.04 Police Chief

- a) General Statement of Duties
 - a. Organizes, plans and directs the activities of the City's Police Department.
- b) Distinguishing features of the Police Chief's Duties
 - a. The Police Chief reports to the City Manager and has the responsibility for the protection of life and property through a varied program of enforcement; detection and prevention of crimes and accidents; planning and directing emergency response activities.
 - b. This employee establishes departmental policy, evaluates adherence to departmental policy, analyzes crime and accident trends, plans for and implements special enforcement activities, prepares state, federal and local reports, prepares and manages the departmental budget, and responsible for the supervision of all department personnel.
 - c. Responsibilities also involves frequent public contact requiring tact, firmness and decisiveness.
 - d. This employee is subject to hazards form both inside and outside environments. Potential extreme hot and cold weather, dangerous persons, loud noises, hazardous chemicals with fumes, oils, gases, flammable liquids and bloodborne pathogens.
- c) Duties and Responsibilities
 - a. Recruits, recommends for hire and oversees the training and assignments of civilian and sworn personnel for the department
 - b. Advises, directs and consults with subordinate officers concerning work performance, promotions, and discipline.
 - c. Promotes the department's goals and objectives to the general public through individual contact, addresses to civic groups, school groups, and other organizations.
 - d. Develops emergency response plans and oversees their implementation during emergency situations.
 - e. Schedules regular meetings with staff to clarify mission and objectives, insure

- that all are informed, and to obtain input on decisions and issues.
- f. Prepares and presents recommendations for annual departmental budget.
- g. Sets priorities and evaluates the department and personnel effectiveness.
- h. Prepares periodic reports of police activity within the City.
- i. Develops emergency response plans and oversees their implementation during emergency situations.
- j. Supervises routine patrol, criminal investigations and administration of the department.
- k. Performs other related duties as may be required.
- d) Recruitment and Selection Guidelines
 - a. Knowledge of State and Federal laws, local ordinances and policies of the Saluda Police Department, pertaining to search and seizure, traffic control, pursuit and arrest.
 - b. Five (5) years' experience in law enforcement having achieved the rank of Police Chief or Sargent.
 - c. Demonstrated proficient use of firearms, self-defense tactics and other police equipment.
 - d. Effective communication in both oral and written form.
 - e. Demonstrated sound judgement in routine and emergency situations.
 - f. Demonstrated skills in conflict resolution, team building, counseling, motivation, and performance evaluations.
- e) Physical Requirements
 - a. Must be able to physically stand, reach, walk and perform repetitive motions with arms, hands, and legs.
 - b. Occasional lifting, pulling or pushing of 20 pounds is required.
- f) Education and Experience
 - a. Two-year Degree in criminal justice supplemented by completion of the Basic Law Enforcement Training requirements as established by the North Carolina Criminal Justice Training and Standards Council for certified law enforcement officers.
 - b. Ten (10) years' experience with increasing responsibility in law enforcement.
- g) Special Requirements
 - a. Possession of a valid North Carolina driver's license.

Section 12.05 Finance Officer **(amended 11/11/2019)**

- a) General Statement of Duties
 - a. Performs professional and administrative functions in the performance of the financial activities of the city.
- b) Distinguishing Features of the Finance Officer's Duties
 - a. An employee in this job effects the disbursement and accounting of revenues and expenditures for the City.
 - b. Work includes but is not limited to budgetary accounting, accounts payable, preparation of required financial documents and reports related to the City's financial condition.
 - c. This employee is required to exercise judgement and initiative in planning and directing the fiscal control system.
 - d. Work is to be performed in accordance with established municipal finance procedures, local ordinances and North Carolina General Statutes governing the responsibilities of local government. The financial officer is responsible to schedule a yearly independent audit of the city's financial records.
- c) Duties and Responsibilities

- a. Fund accounting, financial reporting and analysis, and effects the disbursement of City funds.
- b. Reviews and monitors ongoing administration of the City's budget, revenues and expenditures.
- c. Reviews and provides guidance for the City's investments.
- d. Assist the auditors during the annual audit of the City's financial records.
- e. Leads the activities to correct and improve any findings of the annual audit.
- f. Responsible for maintenance of the City's accounting system; prepares journal entries and budget amendments.
- g. Prepares periodic statements of the City's financial condition to the City Board and the City Manager.
- h. Responsible for payroll and employee benefit programs.
- i. Responsible for the compliance of COBRA, FSLA, workers compensation, selective service and immigration requirements.
- j. Advises the Board, City Manager, and Departmental Staff in preparing and publishing the annual operating and capital budgets.
- k. Responsible for fixed asset accounting.
- l. Performs related duties as required.
- d) Recruitment and Selection Guidelines
 - a. Demonstrated knowledge of North Carolina General Statutes governing municipal financial practices and procedures.
 - b. Demonstrated understanding of the principals and practices of public finance administration and municipal accounting.
 - c. Proficient with current computer systems currently used by the City.
 - d. Evaluate, analyze and present financial records and reports.
 - e. Establish and maintain effective working relationships with the public, governmental officials and City employees.
- e) Physical Requirements
 - a. Lifting or pushing up to 20 pounds occasionally and up to 10 pounds frequently.
 - b. Visual acuity to read and analyze data and figures, perform accounting processes and to operate a computer terminal.
- f) Education and Experience
 - a. A degree in accounting or business from an accredited four-year college or university.
 - b. Three years-experience in the principals and practices of public finance administration and municipal accounting.
- g) Special Requirements
 - a. Obtain Finance Officer certification for the School of Government or Certified Public Accountant.

Section 12.06 Public Works Supervisor (**amended 11/11/2019**)

- a) General Statement of Duties
 - a. Performs technical and supervisory work organizing and directing the day-to-day operations of the Public Works Department, including streets, distribution and collection systems, grounds and cemetery maintenance.
- b) Distinguishing Features of the Public Works Supervisor's Duties
 - a. Works with the City Manager in developing budget recommendations, ordering supplies and departmental equipment. Trains employees in safety and work methods, prepares required reports, enforces rules and regulations and may be asked to handle citizen complaints. Receives direction from the

- City Manager who evaluates performance by review of reports, observation of work, timely completion of assignments and subordinate development.
- b. This employee is subject to hazards form both inside and outside environments. Potential extreme hot and cold weather, loud noises, vibrations, moving mechanical parts, electricity, hazardous chemicals with fumes, oils, gases, flammable liquids and bloodborne pathogens. Work is performed in accordance with departmental policy and State and Federal law.
 - c) Duties and Responsibilities
 - a. Plans the work activities of the department, makes inspections prior to work assignments to identify supplies and equipment needs.
 - b. Inspects work of the department while in progress and upon completion.
 - c. Coordinates with other municipal departments when required.
 - d. Supervises and participates in the maintenance and repair of water distribution and collection systems, waste water treatment plant, water meter reading, cemetery, City owned grounds and facilities.
 - e. Serves as back-up Operator in Response Control (ORC) for the water distribution and collection systems.
 - f. Ensures proper safety procedures and work methods are followed through coaching, evaluation and training of subordinates.
 - g. Assist the City Manager and Finance Officer in development of bid specifications.
 - h. Assist the City Manager in locating vendors and inspection of contract work.
 - i. Recommends changes in policy, procedures and programs to enable the department to meet the needs of the community.
 - j. Operates heavy equipment including back hoes, track hoes, skid steer loaders and dump trucks.
 - d) Recruitment and Selection Guidelines
 - a. Demonstrated knowledge of materials, maintenance practices and construction methods used in public works and utilities.
 - b. Experience and an understanding of state and federal laws applicable to services and operations supervised.
 - c. Accurate and timely submission of required records and reports.
 - d. Effective in maintaining good working relationships with City officials, citizens, contractors and city employees.
 - e. Proficient oral and written skills.
 - e) Physical Requirements
 - a. Must be able to perform operational functions of climbing, balancing, stooping, kneeling, crouching crawling reaching, standing, walking, pushing, pulling, talking, hearing and repetitive motions.
 - b. Must be able to perform heavy work exerting up to 100 pounds of force occasionally, 50 pounds of force frequently and 20 pounds constantly.
 - c. Must possess the visual acuity to operate equipment such as the loader and dump truck in a safe manner.
 - f) Recruitment and Selection Guidelines
 - a. High School Degree supplemented with technical training and three (3) to five (5) years' experience in maintenance and construction of streets, storm drainage systems, water, and/or sewer collection systems.
 - g) Special Requirements
 - a. Possession of grade B distribution system operator certificate and grade 1 sewer system operator certification.
 - b. Possession of a valid appropriate North Carolina driver's license.

Section 12.07 Police Sergeant

- a) General Statement of Duties
 - a. Performs administrative and general duty law enforcement work in the protection of life and property in the City.
- b) Distinguishing Features of a Police Sergeant's Duties
 - a. An employee in this job is assigned special administrative and supervisory work in addition to performing a full range of general law enforcement duties.
 - b. Work includes investigating complaints from citizens concerning department policies or officer conduct; problem solving with officers on shift activities and performance.
 - c. Assist the Chief with record keeping including time sheets, work schedules, court schedules, attendance reports, training records, application screening, background investigations, applicant communications and other administrative work as may be required.
 - d. Work involves frequent public contact requiring tact, firmness and decisiveness.
 - e. This employee is subject to hazards from both inside and outside environments. Potential extreme hot and cold weather, dangerous persons, loud noises, hazardous chemicals with fumes, oils, gases, flammable liquids and bloodborne pathogens. Work is performed in accordance with departmental policy and State and Federal law, supplemented with specific directions from the Police Chief.
 - f. This employee is under the general supervision of the Police Chief and is evaluated through observation, discussion and review of their job performance.
- c) Duties and Responsibilities
 - a. Assist the Police Chief with departmental supervisory and administrative work; fulfil Police Chief responsibilities in his/her absence.
 - b. Assist the Police Chief with records and reports, schedule employees to shift and court duty, monitor use of overtime, prepare weekly time sheets.
 - c. Assist the Police Chief with the hiring process; recruitment, application screening, conduct background investigations, and other duties as may be required.
 - d. Serves as a police officer on an assigned shift to enforce laws, crime investigation, complaints, automobile accidents, traffic control, charges and makes arrest, serves various court papers, testifies in court, and performs related work as required.
- d) Recruitment and Selection Guidelines
 - a. Knowledge of State and Federal laws, local ordinances and policies of the Saluda Police Department, pertaining to search and seizure, traffic control, pursuit and arrest.
 - b. Demonstrated use of firearms, self-defense tactics and effective use of other police equipment.
 - c. Effective communication in both oral and written form.
 - d. Act with sound judgement in routine and emergency situations.
 - e. Prepare and submit clear and concise activity reports.
 - f. Present accurate and effective court testimony.
 - g. Develop cooperative and effective public relations with the public.
 - h. Establish effective working relationships with co-workers, supervisors and public officials.

- e) Physical Requirements
 - a. Must be able to physically perform the basic life functions of standing, walking, hearing, kneeling, reaching, grasping, pushing, pulling, bending, climbing, crawling and repetitive motions.
 - b. Must be able to perform medium work exerting up to 50 pounds of force occasionally, 20 pounds of force frequently and 10 pounds of force constantly.
 - c. Must possess the visual acuity to operate a police vehicle and distinguish details and differences when observing people, places or things pertaining to law enforcement.
- f) Education and Experience
 - a. Two-year Degree in criminal justice supplemented by completion of the Basic Law Enforcement Training requirements as established by the North Carolina Criminal Justice Training and Standards Council for certified law enforcements officers.
 - b. Five years' experience in law enforcement preferred.

Section 12.08 Police Officer

- a) General Statement of Duties
 - a. Performs general duty law enforcement work to protect life and property in the City of Saluda.
- b) Distinguishing Features of a Police Officer's Duties
 - a. Incumbent performs a full range of general law enforcement duties: patrol the City during an assigned shift in a police car or on foot; preventing, detecting and investigating disturbances and crime; performing traffic control; apprehending suspects; and executing related assignments.
 - b. Incumbent must exercise good judgement, initiative, and control when executing related assignments.
 - c. Frequent contact with the public requires tact, firmness and decisiveness.
 - d. Performance shall be in accordance with departmental policy, State and Federal Law, supplemented with specific directions from superior officers.
 - e. Exposure to hazards associated with law enforcement can be expected. Incumbent shall be trained in current OSHA standards concerning these hazards. Hazards include but are not limited to: dangerous persons, hazardous spills, gases, flammable liquids, and bloodborne pathogens.
 - f. Performance is evaluated through observation, monitoring radio traffic, review of reports, adherence to department procedures incumbent's judgement and quarterly discussions with superior officers.
- c) Duties and Responsibilities
 - a. Patrols City streets in a police vehicle or on foot: examines premises of unoccupied residences or buildings; may maintain surveillance and observation for stolen vehicles, missing persons, or suspects; report damaged or dangerous streets, sidewalks, traffic lights, or any other hazardous conditions.
 - b. Responds to calls for assistance, suspicious activity, domestic disputes, loud and disruptive behavior: determines the nature of all situations and take legal or persuasive action as warranted.
 - c. Investigates traffic accidents, issues traffic citations, directs traffic and participates in emergency activities as required.
 - d. Performs investigations through observation, questioning of witnesses and gathering physical evidence.

- e. Serves warrants, arrest and processes suspects, serves papers as required transports to magistrate and/or County detention facilities; presents findings in court.
- f. Regulates and directs vehicular traffic during times of traffic congestion, at local schools, during accidents and traffic signal malfunctions.
- g. Proficient in radio communications so as to receive information/instructions or to report information/instructions.
- h. Maintain vehicles, weapons and other assigned equipment in standard working order.
- i. Prepares records and reports of activities.
- j. Advises the public on laws and local ordinances.
- k. Performs other related duties as assigned or required.
- d) Recruitment and Selection Guidelines
 - a. Knowledge of State and Federal laws, local ordinances and policies of the Saluda Police Department, pertaining to search and seizure, traffic control, pursuit and arrest.
 - b. Demonstrated proficient use of firearms, self-defense tactics and other police equipment.
 - c. Effective communication in both oral and written form.
 - d. Act with sound judgement in routine and emergency situations.
 - e. Prepare and submit clear and concise activity reports.
 - f. Present accurate and effective court testimony.
 - g. Develop cooperative and effective public relations with the public.
 - h. Establish effective working relationships with co-workers, supervisors and public officials.
- e) Physical Requirements
 - a. Must be able to physically perform the basic life functions of standing, walking, hearing, kneeling, reaching, grasping, pushing, pulling, bending, climbing, crawling and repetitive motions.
 - b. Must be able to perform medium work exerting up to 50 pounds of force occasionally, 20 pounds of force frequently and 10 pounds of force constantly.
 - c. Must possess the visual acuity to operate a police vehicle and distinguish details and differences when observing people, places or things pertaining to law enforcement.
- f) Education and Experience
 - a. High School Diploma and completion of Basic Law Enforcement Training as established by the North Carolina Justice Training and Standards Commission for certified law enforcement officers.
- g) Special Requirements
 - a. Must possess a valid North Carolina driver's license.

Section 12.09 Senior Utility Maintenance Worker (**amended 11/11/2019**)

- a) General Statement of Duties
 - a. This position performs a variety of unskilled, semi-skilled, and when appropriate, skilled tasks in the construction, maintenance, and repair of water and sewer lines, streets, buildings, grounds, cemeteries and other City facilities.
- b) Distinguishing Features of a Senior Utility Maintenance Worker
 - a. A Senior Utility Maintenance Worker is considered a lead worker in the absence of the Public Works Supervisor. This employee is subject to on call

- and call back work.
- b. This employee is under the general supervision of the Public Works Supervisor and is evaluated through observation, discussion, and review of their job performance.
- c. This employee is subject to hazards from both inside and outside environments. Potential extreme hot and cold weather, loud noises, vibrations, moving mechanical parts, electricity, hazardous chemicals with fumes, oils, gases, flammable liquids and bloodborne pathogens. Work is performed in accordance with departmental policy and State and Federal law.
- c) Duties and Responsibilities
 - a. As required: Serve as lead on a team, assist in providing training and work methods to new employees, act in the absence of the supervisor.
 - b. Performs semi-skilled work in the construction, replacement and repair of water and sewer lines'
 - c. Operates construction equipment such as dump trucks, loaders, tampers, trenchers and other related equipment.
 - d. Participates in the maintenance, inspection and repair of the waste water treatment plant, water and sewer lines and pumping stations.
 - e. Participates in asphalt and concrete repair to streets and sidewalks.
 - f. Fabricates and erects street signs.
 - g. Participates in snow removal, mowing, mulching, planting, irrigating and other landscape maintenance as required.
 - h. Cleans buildings, paints, replaces light bulbs, arranges furniture, and other building maintenance as required.
- d) Recruitment and selection Guidelines
 - a. Knowledge and use of hand tools, materials and equipment used in public works, utility construction and maintenance.
 - b. Can articulate an understanding of the OSHA requirements for the safety precautions and potential occupational hazards of this job.
 - c. Can understand and provide oral and/or written instructions for job tasks.
 - d. Experience in operating construction equipment such as dump trucks, loaders, tampers, trenchers and other related equipment.
- e) Physical Requirements
 - a. Must be able to perform operational functions of climbing, balancing, stooping, kneeling, crouching crawling reaching, standing, walking, pushing, pulling, talking, hearing and repetitive motions.
 - b. Must be able to perform heavy work exerting up to 100 pounds of force occasionally, 50 pounds of force frequently and 20 pounds constantly.
 - c. Must possess the visual acuity to operate equipment such as the loader and dump truck in a safe manner.
- f) Education and experience
 - a. High School Diploma with three (3) years' experience in semi-skilled maintenance or infrastructure construction.
- g) Special Requirement
 - a. Possession of a valid appropriate North Carolina driver's license.