

# **The City of Oxford**

## **Personnel Policy Manual**



**ADOPTED MARCH 11, 2014**  
by the  
**Board of Commissioners**



# City of Oxford

## Mission, Vision & Values

### **Mission**

The mission of the City of Oxford is to serve and improve our community by providing high quality, affordable services, sound planning for growth and development, and offering the highest possible quality of life - while maintaining the public's trust through open communication and ethical standards at all times.

### **Vision**

The City of Oxford will partner with the community to build upon the charm and character of our historic, vibrant, and walkable city to create an extraordinary quality of life for all.

### **Core Values**

The elected officials, staff, and volunteers of the City of Oxford value and commit to model the following:

- **HONESTY**  
in all of our dealings with citizens, fellow workers, and other organizations
- **INTEGRITY**  
in every action and service
- **EQUAL TREATMENT**  
for everyone with DIGNITY, COURTESY, and RESPECT
- **RESPONSIBILITY**  
for our decisions and actions
- **TEAMWORK**  
within our organization and our community
- **OPEN AND TRANSPARENT COMMUNICATION**  
with all parties
- **EXCELLENCE**  
in every deed
- **MAXIMIZING COST EFFECTIVE SERVICES**  
for our community

# City of Oxford Personnel Policy Manual

BE IT RESOLVED by the City Board of Commissioners of the City of Oxford that the following policies apply to the appointment, classification, benefits, salary, promotion, demotion, dismissal, and conditions of employment of the employees of the City of Oxford:

## ARTICLE I. GENERAL PROVISIONS

<i>Section 1.</i> Purpose of the Policy	6
<i>Section 2.</i> At Will Employment	6
<i>Section 3.</i> Merit Principle	6
<i>Section 4.</i> Responsibilities of the City Board of Commissioners	6
<i>Section 5.</i> Responsibilities of the City Manager	6
<i>Section 6.</i> Responsibilities of the Human Resources Director	7
<i>Section 7.</i> Application of Policies, Plan, Rules, and Regulations	8
<i>Section 8.</i> Departmental Rules and Regulations	8
<i>Section 9.</i> Definitions	8
<i>Section 10.</i> Policy on Sexual Harassment	9
<i>Section 11.</i> Workplace Violence Policy	10

## ARTICLE II. POSITION CLASSIFICATION PLAN

<i>Section 1.</i> Purpose	12
<i>Section 2.</i> Composition of the Position Classification Plan	12
<i>Section 3.</i> Use of the Position Classification Plan	12
<i>Section 4.</i> Administration of the Position Classification Plan	12
<i>Section 5.</i> Authorization of New Positions and the Position Classification Plan	12
<i>Section 6.</i> Request for Reclassification	13

## ARTICLE III. THE PAY PLAN

<i>Section 1.</i> Definition	13
<i>Section 2.</i> Administration and Maintenance	13
<i>Section 3.</i> Personnel Actions	14
<i>Section 4.</i> Starting Salaries	14
<i>Section 5.</i> Probationary Pay Increases - revised March 11, 2014	14
<i>Section 6.</i> Merit Pay	14
<i>Section 7.</i> Merit Pay Bonus	14
<i>Section 8.</i> Salary Effect of Promotions, Demotions, Transfers, and Reclassifications	15
<i>Section 9.</i> Salary Effect of Salary Range Revisions	15
<i>Section 10.</i> Transition to a New Salary Plan	16
<i>Section 11.</i> Overtime Pay Provisions	16
<i>Section 12.</i> On Call Policy	17
<i>Section 13.</i> Call Back Pay Policy	18
<i>Section 14.</i> Payroll Deduction	19
<i>Section 15.</i> Hourly Rate of Pay	19
<i>Section 16.</i> Pay for Acting in a Higher Level Classification	19

## ARTICLE IV. RECRUITMENT AND EMPLOYMENT

<i>Section 1.</i> Equal Employment Opportunity Policy	19
---	----

<i>Section 2.</i>	Implementation of Equal Employment Opportunity Policy	19
<i>Section 3.</i>	Recruitment, Selection and Appointment	20
<i>Section 4.</i>	Probationary Period	20
<i>Section 5.</i>	Promotion	21
<i>Section 6.</i>	Demotion and Reassignment	21
<i>Section 7.</i>	Transfer	22
<i>Section 8.</i>	Lateral Transfer	22
<i>Section 9.</i>	Unsolicited Resumes	22
<i>Section 10.</i>	Criminal Background Check	22

**ARTICLE V. CONDITIONS OF EMPLOYMENT**

<i>Section 1.</i>	Work Schedule	23
<i>Section 2.</i>	Political Activity	23
<i>Section 3.</i>	Outside Employment	23
<i>Section 4.</i>	Dual Employment	24
<i>Section 5.</i>	Employment of Relatives	24
<i>Section 6.</i>	Harassment Prohibited	24
<i>Section 7.</i>	Solicitation and Acceptance of Gifts and Favors	25
<i>Section 8.</i>	Performance Evaluation	25
<i>Section 9.</i>	Safety	25
<i>Section 10.</i>	Work Attendance During Extreme Weather	26
<i>Section 11.</i>	Reimbursement for Use of Personal Vehicle	26
<i>Section 12.</i>	Personal Indebtedness	26
<i>Section 13.</i>	Surrender of Property	26
<i>Section 14.</i>	Payment of Taxes	26
<i>Section 15.</i>	Internet and Computer Policy	27
<i>Section 16.</i>	E-Mail Privacy	28
<i>Section 17.</i>	Computer Games	29
<i>Section 18.</i>	Employee Dress Code	29

**ARTICLE VI. EMPLOYEE BENEFITS**

<i>Section 1.</i>	Eligibility	30
<i>Section 2.</i>	Group Health Insurance	30
<i>Section 3.</i>	Group Life Insurance	31
<i>Section 4.</i>	Other Optional Group Insurance Plans	31
<i>Section 5.</i>	Retirement	31
<i>Section 6.</i>	Supplemental Retirement Benefits	31
<i>Section 7.</i>	Social Security	32
<i>Section 8.</i>	Workers' Compensation	32
<i>Section 9.</i>	Unemployment Compensation	32
<i>Section 10.</i>	Tuition Assistance Program	32
<i>Section 11.</i>	Lateral Entry from Other Gov't Employers or Other Gov't Services	33
<i>Section 12.</i>	Law Enforcement Separation Allowance	33
<i>Section 13.</i>	Employee Assistance Program	33
<i>Section 14.</i>	Longevity Pay	36
<i>Section 14.</i>	Wellness Programs and Policies	36

**ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE**

<i>Section 1.</i>	Policy	37
<i>Section 2.</i>	Holidays	37
<i>Section 3.</i>	Holidays: Effect on Other Types of Leave	37
<i>Section 4.</i>	Holidays: Compensation When Work is Required or Regularly Scheduled Off for Shift Personnel	38
<i>Section 5.</i>	Vacation Leave	38
<i>Section 6.</i>	Vacation Leave: Use by Probationary Employees	38
<i>Section 7.</i>	Vacation Leave: Accrual Rate	38
<i>Section 8.</i>	Leave: Pro-rated	38
<i>Section 9.</i>	Vacation Leave: Maximum Accumulation	39
<i>Section 10.</i>	Vacation Leave: Manner of Taking	39
<i>Section 11.</i>	Vacation Leave: Buy Back Policy	39
<i>Section 11.</i>	Vacation Leave: Payment upon Separation	40
<i>Section 12.</i>	Vacation Leave: Payment upon Death	40
<i>Section 13.</i>	Sick Leave	40
<i>Section 14.</i>	Sick Leave: Accrual Rate and Accumulation	40
<i>Section 15.</i>	Sick Leave: Medical Certification	41
<i>Section 16.</i>	Bereavement Leave	41
<i>Section 17.</i>	Family and Medical Leave	41
<i>Section 18.</i>	Leave Without Pay	42
<i>Section 19.</i>	Parental School Leave	43
<i>Section 20.</i>	Family Medical Leave and Leave Without Pay: Retention and Continuation of Benefits	43
<i>Section 21.</i>	Workers' Compensation Leave	43
<i>Section 22.</i>	Military Leave	44
<i>Section 23.</i>	Reinstatement Following Military Service	44
<i>Section 24.</i>	Civil Leave	44
<i>Section 25.</i>	Shared Vacation Leave	45

**ARTICLE VIII. SEPARATION AND REINSTATEMENT**

<i>Section 1.</i>	Types of Separations	45
<i>Section 2.</i>	Resignation	45
<i>Section 3.</i>	Reduction in Force	46
<i>Section 4.</i>	Disability	46
<i>Section 5.</i>	Voluntary Retirement	46
<i>Section 6.</i>	Death	46
<i>Section 7.</i>	Dismissal	46
<i>Section 8.</i>	Reinstatement	46
<i>Section 9.</i>	Rehiring	47
<i>Section 10.</i>	Payment of Vacation Upon Retirement or Other Termination	47

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

<i>Section 1.</i>	Unsatisfactory Job Performance Defined	47
<i>Section 2.</i>	Communication and Warning Procedures Preceding Disciplinary Action For Unsatisfactory Job Performance	47
<i>Section 3.</i>	Disciplinary Action for Unsatisfactory Job Performance	48
<i>Section 4.</i>	Detrimental Personal Conduct Defined	48
<i>Section 5.</i>	Disciplinary Action for Detrimental Personal Conduct	48
<i>Section 6.</i>	Pre-dismissal Conference	48
<i>Section 7.</i>	Non-Disciplinary Suspension	49
<i>Section 8.</i>	Substance Abuse Policy	49

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

<i>Section 1.</i>	Policy	50
<i>Section 2.</i>	Grievance Defined	50
<i>Section 3.</i>	Purposes of the Grievance Procedure	50
<i>Section 4.</i>	Grievance Procedure	51
<i>Section 5.</i>	Role of the Human Resources Director	52
<i>Section 6.</i>	Grievance and Adverse Action Appeal Procedure for Discrimination	52

**ARTICLE XI. RECORDS AND REPORTS**

<i>Section 1.</i>	Public Information	53
<i>Section 2.</i>	Access to Confidential Records	54
<i>Section 3.</i>	Personnel Actions	54
<i>Section 4.</i>	Records of Former Employees	54
<i>Section 5.</i>	Remedies of Employees Objecting to Material in File	54
<i>Section 6.</i>	Penalties for Permitting Access to Confidential Records	55
<i>Section 7.</i>	Examining and/or Copying Confidential Material without Authorization	55
<i>Section 8.</i>	Destruction of Records Regulated	55

**APPENDICES** - for additional information on any Appendix, see Human Resources Director

<i>Appendix A - Substance Abuse and Testing Policy</i>	56
<i>Appendix B - The City of Oxford's Wellness Program</i>	62
<i>Appendix C - The Health Insurance Portability And Accountability Act (HIPAA)</i>	63
<i>Appendix D - The Family and Medical Leave Act</i>	65
<i>Appendix E - Affordable Care Act</i>	66
<i>Appendix F - Law Enforcement Separation Allowance</i>	74
<i>Appendix G - North Carolina General Statutes § 160A-168 Privacy of Employee Personnel Records</i>	75

**ARTICLE I. GENERAL PROVISIONS**

## **Section 1. 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 and to establish a personnel system to recruit, select, develop and maintain an effective and responsible workforce. This policy is established under authority of Chapter 160A, Article 7, of the General Statutes of North Carolina.

## **Section 2. At Will Employment**

The City of Oxford is an “at will” employer. Nothing in this policy creates an employment contract or term between the City and its employees. No person has the authority to grant any employee any contractual rights of employment. A contract for life does not exist.

## **Section 3. Merit Principle**

All appointments and promotions shall be made solely on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same salary range. No applicant for 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, or age. Age 18 is the minimum age for consideration for full-time employment.

## **Section 4. Responsibilities of the City Board of Commissioners**

The City Board of Commissioners shall be responsible for establishing and approving personnel policies, the position classification and pay plan, and may change the policies and benefits as necessary. They also shall make and confirm appointments when so specified by the general statutes, City Charter or Code. The Board of Commissioners shall prescribe the office hours, workdays & holidays to be observed by the various offices and departments of the City.

## **Section 5. Responsibilities of the City Manager**

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

The City Manager shall supervise or participate in:

- a) recommending rules and revisions to the personnel system to the City Board of Commissioners for consideration;
- b) making changes as necessary to maintain an up to date and accurate position classification plan;
- c) preparing and recommending necessary revisions to the pay plan;
- d) determining which employees shall be subject to the overtime provisions of FLSA;

- e) establishing and maintaining a roster of all persons and authorized positions in the municipal service, setting forth each position and employee, class title of position, salary, any changes in class title and status, and such data as may be desirable or useful;
- f) developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the City;
- g) performing such other duties as may be assigned by the City Board of Commissioners not inconsistent with this Policy; and
- h) appointing an employee to the role of Human Resources Director.

**Section 6. Responsibilities of the Human Resources Director**

The responsibilities of the Human Resources Director are to make recommendations to the City Manager on the following:

- a) recommending rules and revisions to the personnel system to the City Manager for consideration;
- b) recommending changes as necessary to maintain an up to date and accurate position classification plan;
- c) recommending necessary revisions to the pay plan;
- d) recommending which employees shall be subject to the overtime provisions of FLSA;
- e) maintaining a roster of all persons in the municipal service
- f) establishing and maintaining a list of authorized positions in the municipal service at the beginning of each budget year that identifies each authorized position, class title of position, salary range, any changes in class title and status, position number and other such data as may be desirable or useful;
- g) developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the City;
- h) developing and coordinating training and educational programs for City employees;
- i) periodically investigating the operation and effect of the personnel provisions of this Policy; and
- j) performing such other duties as may be assigned by the City Manager not inconsistent with this Policy.
- k) monitor salary administration to insure compliance with existing policies.

**Section 7. Application of Policies, Plan, Rules, and Regulations**

The personnel policy and all rules and regulations adopted pursuant thereto shall be binding to all



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

## **Section 8. Departmental Rules and Regulations**

Because of the particular personnel and operational requirements of the various departments of the City, each department is authorized to establish supplemental written rules and regulations applicable only to the personnel of that department. *However, all such rules and regulations must be approved by the City Manager in writing, and be included in the Personnel Manual, prior to implementation.* No departmental rule or regulation shall in any way conflict with the provisions of this Policy. Every departmental rule and regulation shall be considered a supplement to this Policy. Department policies shall not take effect until approved, signed by the Human Resources Director and City Manager, and included in the personal manual. Copies of all department policies shall be kept in the Human Resources Office.

## **Section 9. Definitions**

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

Full-time employee. An employee who is in a position for which an average workweek equals at least 30 hours, and hired into that position for at least 12 months.

Part-time employee. An employee who works less than 30 hours and hired in that position for at least 12 months.

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

Temporary employee. An employee, not in a regular position, and works less than 1000 hours in a 12-month period.

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

Regular Employee. A position authorized for the budget year for a full twelve months and budgeted for thirty or more hours per week. All City positions are subject to budget review and approval each year by the City Board of Commissioners and all employees' work and conduct must meet City standards. Therefore, reference to "regular" positions or employment should not be construed as a contract or right to perpetual funding or employment.

## **Section 10. Policy on Sexual Harassment**

This policy will establish guidelines for all City of Oxford personnel, which ensures that sexual harassment will not be tolerated and proper procedures will be followed if sexual harassment does occur.

Employees of the City of Oxford have the right to work in an environment free from sexual harassment. Sexual harassment, like all forms of prohibited discrimination, will not be sanctioned or tolerated, whether such harassment is committed by members of supervision or by non-supervisory employees.

Specifically, no supervisor shall threaten or insinuate, directly or indirectly, that an employee's refusal to submit to sexual advances will adversely affect the employee's continued employment, evaluation, wages, advancement, assigned duties or any other condition of employment or career development.

Other sexually harassing conduct in the workplace, whether committed by supervisory or non-supervisory personnel, is also prohibited. Sexually harassing conduct includes: offensive sexual flirtations, advances and propositions; repeated verbal abuse of a sexual nature; graphic, verbal commentaries about an individual's body; and sexually degrading words directed to an individual. Further, such harassment could be deemed to occur should physical or verbal contact take place even if intended only in jest.

The following criteria will be used by the City of Oxford in determining whether the conduct of any employee is considered sexual harassment:

- a) whether refusal to submit to sexual advances is made as an implicit or explicit term or condition of employment;
- b) whether a positive or negative response by an employee to sexual advances results in or affects any employment decision affecting that employee; and
- c) whether the conduct, purposefully or not, interferes with the affected employee's job performance or creates a threatening or hostile work environment.

Every complaint will be thoroughly investigated by the Human Resources Director and/or the City Manager. Where violations of City of Oxford policies are found, such violations will be dealt with promptly, fairly and firmly with disciplinary action, which may include termination of employment.

An unjustified charge of sexual harassment against any individual will not be overlooked if the intent of the charge is to injure an innocent employee. This caution should not be interpreted as discouraging the reporting of real sexual harassment. It is intended solely to protect the innocent from false charges and, further, to let each employee know that such perpetrators will also be subject to disciplinary action, including termination.

Managers and supervisors are responsible for responding appropriately to any conduct toward their subordinates by any personnel, supervisory or non-supervisory, that can be defined as sexual harassment.

All complaints from any employee, whether supervisory or non-supervisory personnel, should be referred to the supervisor, the Human Resources Director, or the City Manager. In the event the

supervisor is the problem or no action is taken, the employee is urged to go directly to Human Resources or to the City Manager. All complaints will be thoroughly investigated and acted upon by the Human Resources Director, the Department Head, and the City Manager. The telephone number for the Human Resources Director is 603-1115. The telephone number for the City Manager is 603-1100.

## **Section 11. Workplace Violence Policy**

Purpose. It is the City of Oxford's policy is to provide a safe work environment. For this reason, the City has adopted a zero tolerance policy for workplace violence. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion that involves or affects the City of Oxford or that occurs on City property will not be tolerated. Violations of this policy will result in disciplinary action up to and including termination in the case of employees, and may result in arrest and/or prosecution of anyone.

Definition. By "threats or acts of violence", include conduct against persons or property that is sufficiently severe, offensive, or intimidating so as to alter the employment conditions at the City of Oxford, or to create a hostile, abusive, or intimidating work environment for one or more City of Oxford employees.

General examples of prohibited workplace violence include, but are not limited to, the following:

- a) All threats or acts of violence occurring on City property, regardless of the relationship between the City and the parties involved in the incident.
- b) All threats or acts of violence not occurring on City property but involving someone who is acting in the capacity of a representative of the City of Oxford.
- c) All threats or acts of violence not occurring on City property involving an employee of the City of Oxford if the threats or acts of violence affect the legitimate interests of the City of Oxford.
- d) Any threats or acts resulting in the conviction of an employee or agent of the City of Oxford, or of an individual performing services on the City's behalf on a contract or temporary basis, under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests and goals of the City of Oxford.

Specific examples of conduct that may be considered "threats or acts of violence" prohibited under this policy include, but are not limited to, the following:

- a) Hitting or shoving an individual.
- b) Threatening to harm an individual or his/her family, friends, associates, or their property.
- c) The intentional destruction or threat of destruction of property owned, operated, or controlled by the City of Oxford.
- d) Making harassing or threatening statements by telephone, letter or other forms of written or electronic communication.
- e) Intimidating or attempting to coerce an employee to do wrongful acts that would affect the

business interests of the City.

- f) Harassing surveillance, also known as “stalking”, the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his or her safety.
- g) Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on City property.

The City of Oxford’s prohibition against threats and acts of violence applies to all persons involved in the City’s operation, including but not limited to City personnel, contract and temporary workers, and anyone else on City of Oxford property. Violations of this policy by any individual on City property, or by any individual acting off of City property when his/her actions affect the public interest or the City’s business interests will be followed by legal action, as appropriate. Violation by an employee of any provisions of this policy may lead to disciplinary action up to and including termination. This policy and any sanctions related thereto are to be deemed supplemental to the City’s personnel policy and provisions related thereto, and applicable state and federal laws.

Each employee of the City and every person on City of Oxford property are encouraged to report incidents of threats or acts of physical violence of which he/she is aware. In cases where the reporting individual is not a City employee, the report should be made to the City of Oxford Police Department. In cases where the individual is a City employee, the report should be made to the reporting individual’s immediate supervisor, a management level supervisory employee if the immediate supervisor is not available, and to the Human Resources Director.

Each supervising employee shall promptly refer any such incident to the appropriate management level supervisor, who shall take corrective action in accordance with the City’s personnel policy and any applicable memoranda of understanding. Concurrently with the initiation of any investigation leading to a proposed disciplinary action, the management level supervisor shall report the incidents of threats or acts of physical violence to the Oxford Police Department, who shall make a follow up report to the Human Resources Director.

## **ARTICLE II. POSITION CLASSIFICATION PLAN**

### **Section 1. Purpose.**

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

### **Section 2. Composition of the Position Classification Plan**

The classification plan shall consist of:

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

### **Section 3. Use of the Position Classification Plan**

The classification plan is to be used:

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

### **Section 4. Administration of the Position Classification Plan**

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

### **Section 5. Authorization of New Positions and the Position Classification Plan**

New positions shall be established upon recommendation of the City Manager and approval of the City Board of Commissioners. New positions shall be recommended to the City Board of Commissioners with a recommended class title after which the City Manager shall either allocate

the new position into the appropriate existing class, or revise the position classification plan to establish a new class to which the new position may be allocated. The position classification plan, along with any new positions or classifications shall be approved by the City Board of Commissioners and on file with the Human Resources Director. Copies will be available to all City employees for review upon request.

### **Section 6. Request for Reclassification**

Position reclassification requests can be done one time per year as part of the budget process. Any employee who considers the position in which he/she is classified to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall transmit the request to the Department Head. The Department Head shall submit the request to the Human Resources Director no earlier than February 1<sup>st</sup>, but no later than March 1<sup>st</sup>. Upon receipt of such request, the Human Resources Director shall study the request, determine the merit of the reclassification and recommend any necessary revisions to the classification and pay plan to the City Manager by April 1<sup>st</sup>. The City Manager will study the request and evidence produced by the HR Director, and if determined to be valid, the City Manager will include it in the department's budget for the upcoming fiscal year.

(Amended at 8/12/14 Board Meeting)

## **ARTICLE III. THE PAY PLAN**

### **Section 1. Definition**

The pay plan includes the basic salary schedule and the "List of Classes Arranged by Grade" adopted by the City Board of Commissioners. The salary schedule consists of the minimum, midpoint, and maximum rates of pay for all classes of positions, and a designation of exempt or nonexempt.

### **Section 2. Administration and Maintenance**

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

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the City, and other factors. To this end, each budget year the Human Resources Director shall make comparative studies of all factors affecting the level of salary ranges including the consumer price index, anticipated changes in surrounding employer plans, and other relevant factors, and will recommend to the City Manager such changes in salary ranges as appear to be pertinent. Such changes shall be made in the salary ranges such all rates change according to the market. Periodically, the City Manager shall recommend that individual salary ranges be studied and adjusted as necessary to maintain market competitiveness. Such adjustments will be made by increasing or decreasing the assigned salary grade for the class and adjusting the rate of pay for employees in the class when the action is approved by the City Board of Commissioners. Pay for existing, regular employees will be protected within the class. Regular employees reclassified will

be paid within the new salary grade.

### **Section 3. Personnel Actions**

When a determination is made to hire a new employee, or to make any change in the job status or wages of an existing employee, a Personnel Action Form (PAF) is required in order to make such actions official. No person may begin working for the City, and no job or wage change will become effective until a Personnel Action Form is approved by the Human Resources Director and the City Manager.

**Procedure for Personnel Action Forms:** Any Department Head or Supervisor, who wishes to hire a new employee or make a change in an existing employee's status or wages, must fill out a PAF. The PAF must be signed by the Department Director and sent to the Human Resources Director. If the Human Resources Director approves the PAF, it will be sent to the City Manager for his/her approval. The PAF will then be sent to Payroll for processing. A copy of the processed PAF will be kept in the employee's Personnel File.

### **Section 4. Starting Salaries**

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

### **Section 5. Probationary Pay**

Effective March 11, 2014, new employees will be paid at least the Minimum Salary for the position for which they were hired. All employees will serve a six month Probationary Period to insure that their performance is acceptable and that employees who are in the process of attaining required certifications or for some other reason do not meet all of the requirements for the position at the time of hiring attain those certifications and/or requirements during the Probationary Period; failure to successfully complete the Probation Period may result in termination of employment.

### **Section 6. Merit Pay**

Upward movement within the established salary range for an employee is not automatic, but rather based upon specific performance-related criteria. Employees may be considered for advancement within the established salary range based on the quality of their overall performance. Procedures for determining performance levels and performance pay increases or other performance-related movement within the range shall be established in procedures approved by the City Manager.

### **Section 7. Merit Pay Bonus**

Employees who are at the maximum amount of the salary range for their position classification are eligible to be considered for a Merit Bonus at their regular performance evaluation time. Merit bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation and in the same amounts as employees who are within the salary range. Merit bonuses shall be awarded in lump sum payments and do not become part of base pay.

## **Section 8. Salary Effect of Promotions, Demotions, Transfers, and Reclassifications**

Promotions. The purpose of the promotion pay increase is to recognize and compensate the employee for taking on a substantial amount of additional responsibility. When an employee is promoted, the employee's salary shall be advanced to the minimum rate of the new position, or to a salary that provides an increase up to 5% over the employee's salary before the promotion. In the event of highly skilled and qualified employees, shortage of qualified applicants, or other reasons related to the merit principle of employment, the Department Director may recommend in writing, to the Human Resources Director, that the salary be set at an appropriate rate within the salary grade of the position to which the employee is promoted that best reflects the employee's qualifications for the job. The Human Resources Director shall take into account the salaries, qualifications of other employees in the same classification, any applicable compression issues, and the overall salary structure for the City. Following approval by the Human Resources Director, the recommended salary must be approved by the City Manager. In no event, however, shall the new salary exceed the maximum rate of the new salary grade. The new salary shall not take effect until the Human Resources Director and City Manager have approved the applicable Personnel Action Form.

Demotions. Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. Demotion may be voluntary or involuntary. When an employee is demoted to a position for which he or she is qualified, the salary shall be decreased proportionately to the decreased workload and/or level of responsibility and set within the new salary range. The new salary will be determined by the department head along with the recommendation from the Human Resources Director and approved by the manager.

Transfers. The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary range shall not be changed by the reassignment.

Reclassifications. An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase of approximately 5% or an increase to the minimum rate of the new pay range, whichever is higher.

If the position is reclassified to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary.

(Amended September 9, 2014 Board Meeting)

## **Section 9. Salary Effect of Salary Range Revisions**

When a class of positions is assigned to a higher salary range, employees in that class shall receive a pay increase up to 5%, or to the minimum rate of the new range, whichever is higher. When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum rate established for the new class, the salary of that



employee shall be maintained at that level until such time as the employee's salary range is increased above the employee's current salary. Salary increases shall be made at the beginning of the next pay period.  
(Amended at 8/12/14 Board Meeting)

### **Section 10. Transition to a New Salary Plan**

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

No employee shall receive a salary reduction as a result of the transition to a new salary plan.

- a) All employees being paid at a rate lower than the hiring rate established for their respective classes shall have their salaries raised at least to the new minimum rate for their classes.
- b) All employees being paid at a rate below the maximum rate established for their respective classes shall be paid at a rate within the salary schedule.
- c) All employees being paid at a rate above the maximum rate established for their respective classes shall have their salaries maintained at that salary level with no increases until such time as the employees' salary range is increased above the employees' current salary.

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

### **Section 11. Overtime Pay Provisions**

Employees of the City can be requested, and may be required, to work in excess of their regularly scheduled hours as necessitated by the needs of the City and approved by the Department Head. Overtime work should be approved in advance by the Department Head or City Manager. Overtime funds should be available in the current Department budget.

To the extent that local government jurisdictions are so required, the City will comply with the Fair Labor Standards Act (FLSA). The Human Resources Director shall determine which jobs are "non-exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions effective 1-01-03.

Effective 7/1/16, non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position. Police and Fire will receive monetary pay for hours worked in excess of 86 hours and 106 hours, respectively in a 14-day cycle at a rate of time and one half. Those employees who work schedules based on a FLSA 40-hour week (37.5 or 40 hour schedules) will be paid at a rate of straight time up to 40 and at a rate of time and one half over 40. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, or holidays be included in the computation of hours worked for FLSA purposes. When time off within the work period cannot be granted, overtime worked will be paid. In the event of a disaster declared by the State/Federal Government, all overtime hours shall be paid at the rate of one and one half. (Adopted 11-12-2003)

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. Employees in positions determined to be Exempt from the FLSA (as Executive, Administrative, or

Professional staff) will not receive pay for hours worked in excess of their normal work periods. However, these employees may earn compensatory time under the following terms and conditions:

- A) Compensatory time shall be accrued on an hour-for-hour basis, without regard to FLSA limits. Exempt employees may accrue up to a maximum of 40 compensatory hours.
- B) Compensatory time shall be taken at the convenience of the department and at the sole discretion of the supervisor at a time, which will least obstruct the operation of the department.
- C) Compensatory time may not be transferred to any other type of leave.
- D) Unused compensatory time is lost when an exempt employee is separated from City service, regardless of the situation.
- E) Exempt employees will record earned and used compensatory time on their normal timesheets and signed and approved by the City Manager.

All employees must use their accumulated comp time before using any other available time (sick, vacation, holiday or unpaid time) in all situations when an employee will be absent from work. (See Article VII. Holidays and Leaves of Absence)  
(Amended April 12, 2016 Board Meeting)

## **Section 12. On Call Policy**

Purpose. The City provides a continuous twenty-four hour, seven day a week service to its customers. Therefore, it is necessary for certain employees to respond to any reasonable request for duty any hour of the day or night. One of the conditions of employment with the City is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. This includes all City recognized Holidays.

On Call. All City of Oxford departments that are designated to provide 24-hour services and that require employees to be on call, will meet the following requirements:

- a) The following departments are the only departments with “on call” employees:  
Water/sewer, streets, WWTP and police detectives
- b) The department supervisor shall assign all eligible and competent employees in the department to the “on call” rotation.
- c) The one person from each department “on call” shall serve for seven consecutive days.
- d) Each employee on call will receive pay for the “on call” earnings at that employee’s hourly rate, or overtime rate, if applicable.
- e) If a Holiday occurs when an employee is “on-call”, he/she receives his/her normal holiday pay, plus his/her hourly rate for the time incurred.

Discipline. If the 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 as per the discipline policy Article IX.  
(Amended April 12, 2016 Board Meeting)

### **Section 13. Call Back Pay Policy**

Purpose. The City provides a continuous twenty-four hour, seven day a week service to its customers. Therefore, it is necessary for certain employees to respond to any reasonable request for duty any hour of the day or night. One of the conditions of employment with the City is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position.

Call Back Pay. All City of Oxford departments that are designated to provide 24-hour services require their employees to be called back for emergency situations. This policy applies to any employee who after working their regular hours has departed and receives a call back to work. Employees called back, will meet the following requirements:

- a) 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.
- b) Each employee called back will receive his/her hourly rate of pay for the “call back” earnings.
- c) 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.
- d) All full-time Firefighter/Engineers and volunteer firefighters shall be issued a VHF pager that shall be activated by Granville County 911 upon the receipt of an emergency call for service. When the pager receives the appropriate tone sequence, it shall alert the wearer with a tone or vibration.

If a full-time Firefighter/Engineer responds to the call for service, he shall be compensated for two hours at his/her current hourly rate in accordance with the latest edition of the City of Oxford Employee Manual if the following criteria are met:

- The employee must respond to the call for service and sign the callback register himself/herself.
- In the event of a cancellation while in route to the emergency, the employee may respond to the Oxford Fire Department within ten (10) minutes of the initial dispatch and sign the callback register. Anyone responding after the allotted time shall not be allowed to sign the register or qualify for the callback pay. It shall be the responsibility of the Officer in charge or the Fire

Discipline. If the 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 as per the discipline policy Article IX.

(Amended April 12, 2016 Board Meeting)

#### **Section 14. Payroll Deduction**

Deductions shall be made from each employee's salary, as required by law. Additional deductions may be made upon the request of the employee on determination by the City Manager as to capability of payroll equipment, associated increase in workload, and appropriateness of the deduction. Alimony, IRS and personal bankruptcy deductions will result in a \$2 flat fee for each separate deduction per pay period to cover administrative costs. Child support deductions will result in a \$2 flat fee for each separate deduction per pay period to cover administrative costs.

#### **Section 15. Hourly Rate of Pay**

The hourly rate for employees working other than 40 hours per week, such as police officers working an average 42 hours per week, will be determined by dividing the average number of hours scheduled per year into the annual salary for the position.

#### **Section 16. Pay for Acting in a Higher Level Classification**

An employee who is formally designated, through the PAF process, to perform the duties of a job that is assigned to a higher salary grade than that of the employee's regular classification shall receive an increase for the duration of the "Acting" assignment. The employee shall receive a salary adjustment to the minimum level of the job in which the employee is acting or an increase of 5%, whichever is greater. The salary increase shall be temporary and upon completion of the assignment, the employee shall go back to the salary he or she would have had if not assigned in the "Acting" role, taking into account any increases the employee would have received if they had not been placed in the "Acting" role. The Department Head will be responsible for creating a PAF to reduce the employee's salary appropriately.

### **ARTICLE IV. RECRUITMENT AND EMPLOYMENT**

#### **Section 1. Equal Employment Opportunity Policy**

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

#### **Section 2. Implementation of Equal Employment Opportunity Policy**

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

equal employment matters shall be posted in conspicuous places on City premises in places where notices are customarily posted.

### **Section 3. Recruitment, Selection, and Appointment**

Recruitment Sources. When position vacancies occur, Human Resources Department shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Information on job openings and hiring practices will be provided to recruitment sources, including organizations and news media available to minority applicants. In addition, notice of vacancies shall be posted at designated conspicuous sites within departments if practical. Individuals shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that well-qualified applicants are obtained for City service. The North Carolina Employment Security Commission may be used as a recruitment source. 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.

Post First. All positions will be posted internally. Where there is an excellent chance for the position to be filled internally, by promotion, the position may not be advertised externally.

Job Advertisements. Jobs will be advertised in local newspapers, professional publications, and other relevant publications in order to establish a diverse and qualified applicant pool. Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.

Application for Employment. All persons expressing interest in employment with the City shall be given the opportunity to file an application for employment for positions that 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. Department Heads, with the assistance of the Human Resources Director, shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position, including criminal history where job-related using the DCI when needed. All selection devices administered by the City shall be valid measures of job performance.

Appointment. Before any commitment is made to an applicant either internal or external, the Department Head shall make recommendations to the Human Resources Director including the position to be filled, the salary to be paid, and the reasons for selecting the candidate over other candidates. The Human Resources Director and Department Head shall recommend approval of appointments and the starting salary for all applicants to the City Manager. The City Manager shall approve appointments and the starting salary for all applicants, by way of a Personnel Action Form.

### **Section 4. Probationary Period**

An employee appointed or promoted to a regular position shall serve a probationary period. Employees shall serve a six-month probationary period. Employees hired as “trainees” shall remain on probation until the provisions of their traineeship are satisfied. During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Employees serving six-month probation shall have a

probationary review at the end of six months.

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

Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in this policy.

A promoted employee who does not successfully complete the probationary period may be transferred or demoted to a position in which the employee shows promise of success. If no such position is available, the employee shall be dismissed. Promoted and demoted employees who are on probation retain all other rights and benefits such as the right to use of the grievance procedures.

### **Section 5. Promotion**

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

### **Section 6. Demotion and Reassignment**

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. Demotion may be voluntary or involuntary. A voluntary demotion may be called a reassignment. An employee whose work or conduct in the current position is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. Such disciplinary demotion shall follow the disciplinary procedures outlined in this Policy.

An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a reassignment. A reassignment is not a disciplinary action and is made without using the above-referenced disciplinary procedures. However, the appropriate salary adjustments should be made as agreed upon by the department head and Human Resources Director and approved by the City Manager. (ref. Article III, Section 8)  
(Amended September 9, 2014 Board Meeting)

## **Section 7. Transfer**

Transfer is the movement of an employee from one position to another position in a class in the same salary range. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual application process. The Department Head wishing to transfer an employee to a different department or classification shall make a recommendation through the Human Resources Director 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. An employee who has successfully completed a probationary period may be transferred into the same classification without serving another probationary period. The employee's salary will be adjusted up, down or remain the same, depending on the recommendation of the receiving department head and Human Resources Director, and approval of the City Manager.  
(Amended September 9, 2014 Board Meeting)

## **Section 8. Lateral Transfer Employees from Other Governmental Employers**

See Article VI, Section 11  
(Revised in the July, 2015 Board of Commissioners Meeting)

## **Section 9. Unsolicited Resumes**

Applications and resumes are taken for specific vacancies and not generally for future vacancies. All vacant positions are listed with the Employment Security Commission and are possibly advertised elsewhere. Unsolicited resumes are not kept.

## **Section 10. Criminal Background Check**

The purpose of this policy is to insure that all candidates for employment with the City of Oxford are screened for any criminal background information to protect the citizens of the City and its employees. The existence of a criminal record does not constitute an automatic bar of employment. The nature of the offense, the time elapsed since its occurrence and its relevance to the position for which the candidate is applying will all be taken into consideration. Safety is the primary objective of this policy.

Applicants will be asked to sign an authorization to conduct a background check form and sign a FCRA (Fair Credit Reporting Act) disclosure after the candidate has signed a written conditional offer of employment letter. Human Resources will be responsible for performing the criminal background check. In the event the records check is contrary to documentation on the application or something discovered causes concern surrounding the candidate's ability to adequately perform the functions and duties of the position applied for or the safety of the employees or the public, the offer of employment may be rescinded.  
(Amended September 9, 2014 Board Meeting)

This Section left intentionally blank

## **ARTICLE V. CONDITIONS OF EMPLOYMENT**

### **Section 1. 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. The workweek is defined as seven consecutive days. Full-time, non-exempt, employees (other than public safety shift employees) normally work five days per workweek and are subject to the overtime provisions. Non-exempt personnel in the administrative office(s) shall work five days per workweek and are also subject to overtime provisions for hours worked in excess of 40 in the workweek. Public safety employee's work schedule(s) will be established and maintained in accordance with FLSA.

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

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

### **Section 2. Political Activity**

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

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

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

### **Section 3. 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. The Department Head will review such employment for possible conflict of interest, decide whether to



approve the work, and then submit a record of the employment and review to the personnel file. Conflicting or unreported outside employment are grounds for disciplinary action up to and including dismissal. Documentation of the approval of outside employment will be placed in the employee's personnel file.

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

- a) employment with organizations or in capacities that are regulated by the employee or employee's department; employment with organizations or in capacities that negatively impact the employee's perceived integrity, neutrality, or reputation related to performance of the employee's City duties.

#### **Section 4. Dual Employment**

Deleted

(Amended September 9, 2014 Board Meeting)

#### **Section 5. Employment of Relatives**

The City prohibits the hiring and employment of immediate family in regular positions, part-time positions, seasonal positions, or contracted positions within the same work unit. "Immediate Family" is defined in Article VII, Section 13. The City also prohibits the employment of any person into a regular, part time or seasonal 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 Director, Human Resources Director, City Clerk, or City Attorney. Otherwise, the City will consider employing family members or related persons in the service of the City, provided that such employment does not:

- a) result in a relative supervising relatives, even if resulting from a reduction in force;
- b) result in a relative auditing the work of a relative;
- c) create a conflict of interest with either relative and the City; or
- d) create the potential or perception of favoritism.

This provision shall not apply retroactively to anyone employed when the provision is adopted by the City. This provision shall not apply retroactively to any person who is actively working full-time for the City as of March 12, 2013.

#### **Section 6. Harassment Prohibited**

The City prohibits harassment in any form that is based on sex, race, color, religion, national origin, age, and/or disability. Harassment is defined as conduct that culminates in tangible employment action or is sufficiently severe or pervasive 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. Sexual harassment includes repeated offensive sexual remarks, continual or repeated comments about an individual's body and offensive sexual language.

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. The employee may file the complaint directly with the City Manager if it involves a Department Head. The Human Resources Director will insure that an investigation is conducted into any allegation of harassment and advise the employee and appropriate management officials of the outcome of the investigation.

Employees who are found to be engaged in harassment are subject to disciplinary action up to and including dismissal. Employees making complaints of harassment are protected against retaliation from alleged harassers or other employees. Employees witnessing harassment shall also report such conduct to an appropriate City official.

### **Section 7. Solicitation and Acceptance of Gifts and Favors**

No official or employee of the City shall solicit or accept any gift, favor, or thing of value (more than \$30) that may tend to influence such employee in the discharge of the employee's duties, or grant in the discharge of duty an improper favor, service, or thing of value.

### **Section 8. Performance Evaluation**

Supervisors and/or Department Heads shall conduct Performance Evaluation conferences with each employee at least once a year. These performance evaluations shall be documented in writing and placed in the employee's personnel file. Procedures for the performance evaluation program shall be published by the City Manager.

### **Section 9. Safety**

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

**This Section left intentionally blank**

## **Section 10. Work Attendance During Extreme Weather**

Many of the City's departments must function at all times regardless of weather. These include Police, Fire, and Public Works divisions including Streets and Distribution and Collection System. Employees in these departments who are considered essential are required to report to work. Department heads will exercise their best judgment for each weather situation as to which employees are considered essential.

Non-emergency Administrative Personnel. If City offices are closed due to extreme weather, non-exempt, non-emergency employees will receive Paid Time Off (PTO) for work hours missed due to the closing, for a maximum of five workdays. If City offices are closed for more than five workdays, the City Manager and Board of Commissioners must approve PTO for any additional days that City offices are closed. If City offices are open during extreme weather, non-exempt, non-emergency employees may use accrued time, or leave without pay, if they are absent from work due to the extreme weather.

Transportation of Administrative Personnel. City vehicles will not be used to transport non-essential administrative employees to the work site. If a department is unsure about the essential nature of an employee, the City Manager will be consulted to make the determination.

## **Section 11. Reimbursement for Use of Personal Vehicle**

The City will reimburse an employee for use of their personal vehicle for City business when authorized by the City Manager and when a City vehicle is not available. The rate of reimbursement will be equal to the federal rate per mile. Expenses are to be submitted on proper form.

## **Section 12. Personal Indebtedness**

It is expected that each employee of the City will keep his/her financial affairs arranged in such a way that the City will not be embarrassed by excessive personal indebtedness.

## **Section 13. Surrender of Property**

An employee who is suspended or discharged shall be required to return all City-owned property, including, but not limited to equipment, keys, and uniforms. Failure to return City-owned property may result in the withholding of the employee's final paycheck. Exempt employees must sign a document upon employment, whereby they agree to the return of all City property and also agree that payment for unreturned City-owned property may be deducted from their final wages or accruals.

## **Section 14. Payment of Taxes**

All employees are expected to pay all taxes owed to the City, county, state and federal government. Any employee found in violations of this section will be warned of his responsibilities and the consequences of failure to pay his taxes. On the second offense, termination may be effected.

## **Section 15. Internet and Computer Policy**

The City of Oxford maintains technological resources to facilitate operations and communications, to improve access to and exchange of information, to increase efficiency and productivity, to connect citizens to government, and to assist City employees in providing effective and high quality services to the public.

The effective utilization of computer and telecommunications networks, whether local or global, relies upon users adhering to established standards of proper conduct. This policy defines the responsibilities of employees of the City Of Oxford while using Internet services provided with public funds. In general, it requires appropriate, efficient, ethical, and legal utilization of network resources. If a user violates any of these provisions, his or her access to the resources will be denied, and disciplinary action will be taken. This resource, as with any other public resource, demands that those entrusted with the privilege of its use, be accountable. Therefore, use of City Internet resources must be in direct support of the assigned duties and responsibilities of the user.

Information technology resources are the sole property of the City of Oxford. The City reserves the right to inspect technology systems, including any and all files stored thereon, and monitor communications for improper use at any time without advance notice or consent. The use of technology resources is not necessarily secure, private, or anonymous. Business telephone calls may be monitored or recorded for legitimate business purposes such as providing training, instruction, or protection against abusive calls.

The following guidelines shall apply:

- a) Use of Internet resources must be supportive of organizational objectives and be consistent with the mission and business of the City Of Oxford.
- b) Users must abide by copyright, contract, and other local, state, and federal laws and City administrative directives and policies, as well as individual department guidelines.
- c) Use of Internet resources for commercial use or profit is prohibited.
- d) Internet accounts are to be accessed only by the authorized owner of the account. Confidentiality of passwords and user accounts must be protected. Individual users will be held accountable for use of their account by others.
- e) Intentional use of Internet resources to access, transmit, or process obscene material, inappropriate text or graphic files, or files dangerous to the integrity of the network are prohibited. Usage will be monitored.
- f) Using technology resources to post personal messages to external news groups, bulletin boards, or other public forums that are not job related is prohibited. Employees must not give the appearance that they are acting in an official capacity or that the City endorses or sanctions their personal activities or beliefs.

- g) Making long distance phone calls, except in an emergency is prohibited. Personal long distance phone calls should be made by using a personal calling card.
- h) Users must abide by generally accepted network etiquette.
- i) Users must abide by the acceptable use policy of any accessed network.
- j) Users and their departments are jointly responsible for understanding the terms of this policy and monitoring the continued applicability of this resource to the user's assigned duties and responsibilities.
- k) Loading software onto City equipment without the approval and guidance of a supervisor and the Information Technology Specialist is prohibited. Software includes, but is not limited to, computer games, screen savers, chat programs, customized cursors, freeware, shareware, and non-City email programs.
- l) The installation of hardware onto City computers, networks, phones, or office equipment without the approval and guidance of a supervisor and the Information Technology Specialist is prohibited. Hardware includes, but is not limited to, desktop computers, laptop computers, printers, disk storage devices, Random Access Memory (RAM), and monitoring devices.
- m) Using sensitive or confidential data from City applications for any purpose other than carrying out defined job duties, and/or transmitting sensitive or confidential data to non-City parties including, but not limited to, citizens, contractors, organizations, and members of the press, without the permission of a Department Head is prohibited
- n) The City shall close an employee's accounts and terminate access to files, email, networks, and other technology resources when the individual's employment with the City ends, unless it is in the City's best interest to maintain that access. Access to a separated employee's email and files may be provided to a replacement employee if it is in the City's best interest to do so.
- o) All files, hardware and software are the property of the City. Deleting files, removing software or equipment for the purpose of "cleaning up" a computer or workspace prior to ending employment with the City is prohibited.
- p) Employees shall report promptly any security problem or misuse of any City system to their immediate supervisor or to the City Manager.

## **Section 16. E-Mail Privacy**

All employees should be aware that confidentiality of electronic mail cannot be assured and that any communications which need to remain confidential should not be sent over the Internet. People tend to speak freely through e-mail because they falsely assume their messages are private and will be read only by the person receiving it. Even when an e-mail message is erased, it is still retained for a period of time. There are now firms in existence who specialize in finding incriminating information in computer systems, including files deleted months or years ago that still reside inside backup tapes, diskettes, or hard drives. Employees should have no expectation of

privacy in the use of any City-owned equipment.

### **Section 17. Computer Games**

Computer games are not to be played by employees during work hours. To do so may result in disciplinary action.

### **Section 18. Employee Dress Code**

Employees should project a professional image for our citizens, potential employees, and community visitors. We can do this by observing a “Business Casual” standard of dress.

The following items are inappropriate for City Hall employees, Management Team members, all Part-Time Office Workers, and Temporary Office Workers:

- Clothing that reveals cleavage, back, chest, mid-section, or under garments
- Jeans or Denim pants (Jeans that are not frayed or faded may be worn on Fridays.)
- Sweatpants or Exercise clothing
- Shorts
- Tee shirts
- Spandex or biking pants
- Mini or Strapless Dresses
- Any clothing with potentially offensive words, terms, logos, pictures, or slogans
- Flip-flops made for water or beach (Thong-type, non-beach, sandals are allowed, but please be cautious, as these may present a safety hazard.)

#### **Employee Responsibility**

If an employee wears unacceptable clothing, he/she will be counseled not to wear the inappropriate item to work again. If the problem persists, the employee may be sent home to change clothes and will receive a verbal warning. (All policies about the use of personal time will apply.) Progressive disciplinary action will be applied if dress code violations continue.

#### **Exclusions**

- This policy does not cover employees who are covered under the City’s Employee Uniform Policy.
- Nature of work: Some members of the Management Team, as well as employees of the Parks and Recreation Department, may wear jeans, tee-shirts, athletic shoes, or shorts\* when their job duties require such attire.

NOTE: Short-shorts, hot-pants, frayed or torn shorts, will not be allowed under any circumstances.

## ARTICLE VI. EMPLOYEE BENEFITS

### Section 1. Eligibility

All full-time and part-time employees of the City are eligible for employee benefits as provided for in this Article, which are subject to change at the City's discretion. Temporary employees are eligible only for workers' compensation and FICA.

### Section 2. Group Health Insurance

The City provides group health insurance and wellness programs for full-time employees and their families. Employees are eligible 60 days from date of employment. Employees who are scheduled to work 30 hours or more per week on a continuous year-round basis may, if they so desire, purchase available group health through the City for themselves or for themselves and qualified dependents. The cost of coverage paid for a full-time employee shall be paid by the City with any additional costs for dependent premiums being paid by the employee.

Information concerning cost and benefits shall be available to all employees from the Human Resources and/or Payroll Office.

Employees are encouraged to participate in the City's Wellness Initiative. See Appendix B for details:

Retiree Health Insurance: The City provides health insurance for employees equal to a single employee's coverage for employees who meet one of the following criteria upon retirement:

- a) Age 65 or older and have been employed by the City of Oxford as a full-time employee for at least twenty (20) years;
- b) Age 62 or older and have been employed by the City of Oxford as a full-time employee for twenty-two (22) years;
- c) Age 55 or older and have been employed by the City of Oxford as a full-time employee for at least twenty-five (25) years; or
- d) Have been employed full-time by the City of Oxford for at least 30 years regardless of age.
- e) Any person eligible for this benefit must be employed with the City of Oxford for required service years, and previous service with other employers does not count toward service requirements for retiree health benefits.
- f) If, after retiring from the City of Oxford, a retiree finds other employment and has medical insurance through the other employer, the retiree forfeits the medical insurance from the City of Oxford.
- g) Employees hired after July 1, 2010 are not eligible for Retiree Health Insurance Benefits.

Service time does not have to be continuous. Other conditions, which must be met, are:

- a) Health insurance must be instituted upon retirement and not at a later date.

- b) Upon becoming eligible for Medicare, the employee will receive a Medicare supplement policy; benefits under this policy may vary.
- c) An employee who is dismissed for unsatisfactory job performance or detrimental personal conduct may not be eligible for this benefit.

See Appendix C for HIPPA information

**HIPPA is an acronym for Health Insurance Portability and Accountability Act of 1996. The Act is designed to protect health insurance coverage for workers and their families**

### **Section 3. Group Life Insurance**

After 60 days of service, life insurance coverage is provided at no cost to the employee, according to terms and conditions as described in the Life Insurance Certificate providing for insuring the lives of employees. Benefits for regular full time employees shall be \$10,000 and \$15,000 for department heads. Employees may elect to purchase at their own expense life coverage for family members subject to the stipulations of the insurance contract.

### **Section 4. Other Optional Group Insurance Plans**

The City makes other group insurance plans available to employees as authorized by the City Manager or Board of Commissioners.

### **Section 5. Retirement**

Each employee who is expected to work for the City more than 1,000 hours annually shall join the North Carolina Local Governmental Employees' Retirement System on the first day of employment 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. Cost to employee will be 6% of salary, pretax.

### **Section 6. Supplemental Retirement Benefits**

The City provides both, a voluntary 401-K and a 457 Deferred Compensation program for its employees. Both plans are available to full time employees and the 457 is available to part time and elected officials. The City will contribute matching funds to the 401k accounts of employees that are not sworn law enforcement personnel up to 5%.

Each law enforcement officer shall receive 401-K benefits as prescribed by North Carolina State Law and beginning on the first day of employment, (as directed in Chapter 143 Article 12d and 12e of the General Statutes of NC).

(Amended April 12, 2016 Board meeting)



## **Section 7. Social Security**

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

## **Section 8. Workers' Compensation**

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

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee, and such claims shall be filed with the Human Resources Director within two days of the date of injury. A claim will be filed with the Industrial Commission.

When an employee is absent from work for 3 or more days due to a Worker's Comp injury, the employee's Worker's Comp leave will also be concurrently designated as Family and Medical Leave.

## **Section 9. Unemployment Compensation**

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

## **Section 10. Tuition Assistance Program**

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

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

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 City service. Tuition, registration fees, laboratory fees, and books are eligible expenses. Expenses that are not directly associated with the course(s) (such as parking) are not eligible. Employees may be reimbursed for up to \$1000 per fiscal year of eligible expenses, subject to availability of funds. Proof of satisfactory completion of the courses at a grade level of "C" or better will be required for reimbursement.

In exchange for reimbursement, the city expects continued employment of the employee for a minimum period of one year from the date of course(s) completion. In the event the employee leaves prior to the end of the one year period, the employee will owe back the entire amount received from this program in the preceding fiscal year.

Initial requests for tuition assistance shall be submitted to the Department Head on a "Tuition Reimbursement Assistance Application" (available in the Human Resources office) *prior to course registration* and are subject to review by the Human Resources Director and approval of the City

Manager, and to availability of funds in the respective department's training line item account. Requests for tuition assistance shall include documentation of applicable fees expected to be incurred for successful completion of the course(s).

Upon completion of the course(s), employees shall submit a request for reimbursement, including proof of satisfactory completion of the course(s), to the Department Head who shall in turn forward to Human Resources for inclusion in the employee's personnel file along with the original request for tuition assistance.

(Revised in the October, 2018 Board of Commissioners Meeting)

### **Section 11. Lateral Entry from Other Governmental Employers or Other Governmental Services**

New employees who have previous employment with other governmental agencies may begin benefits accrual based on the number of years of employment with the previous governmental employer (last employer). Eligible governmental employers include. Any other entity that is a member of the North Carolina LGERS Retirement System. New employees who have previous qualified experience begin vacation accrual, and other benefits that may be applicable immediately and at the rate prescribed by their number of years of experience with other qualifying employers. Vacation will be accrued according to the Vacation Accrual Rate by all Oxford employees. Sick leave balances up to 240 hours may be transferred into the City of Oxford, but vacation and compensatory leave balances may not be transferred.

Employees hired prior to July 1, 2010 are eligible for Post-Retiree Health Insurance (see Article VI, Section 2); however, service from other employers does not count toward service credit for Post-Retiree Health insurance.

(Revised in the July, 2015 Board of Commissioners Meeting)

### **Section 12. Law Enforcement Separation Allowance – See Appendix F**

### **Section 13. Employee Assistance Program**

Applicability. This policy and procedure applies to all departments of the City of Oxford.

Policy. The City of Oxford recognizes that a wide range of behavioral problems can affect an employee's job performance. Examples of such behavioral problems include alcohol and/or drug abuse, marital or family distress, or other problems, which cause emotional instability. These problems may result in deterioration of job efficiency. In most instances, the employee will overcome such behavioral problems independently and the effect on job performance will be negligible. In some instances, normal supervisory assistance will serve as either motivation or guidance by which such problems can be resolved so the employee's job performance will return to an acceptable level. In some cases, however, neither the efforts of the employee nor supervisor have the desired effect on resolving the employee's problems and unsatisfactory performance persists over a period of time, either consistently or intermittently.

The intent of the Employee Assistance Program is to help the employee to overcome the problem and to restore that employee to full job efficiency. The program is designed to identify the problem at the earliest possible stage, motivate the employee to seek help, and to direct the employee to the appropriate assistance.

The City of Oxford believes it is in the interest of the employee, the employee's family, and the City to provide an employee service, which deals with such persistent problems. For the Employee

Assistance Program to be successful, the following must be carried out:

- a) Behavioral problems, which affect work performance and attendance, are legitimate concerns of management. Management recognizes that these behavioral problems can be successfully treated provided they are identified early and referral is made to the appropriate resource.
- b) Behavioral problems requiring assistance include alcohol abuse, drug abuse, marital or family distress, mental or other problems that cause emotional illness.
- c) The purpose of the Employee Assistance Program is to assure employees that if such behavioral problems are the cause of unsatisfactory job performance that they will receive an offer of assistance to help resolve such problems in an effective and confidential manner.
- d) No employee will have their job security or promotional opportunities jeopardized because of participation in the program.
- e) Strict confidentiality is essential and will be maintained.
- f) Employees are encouraged to use the Employee Assistance Program voluntarily when they need professional help or guidance.
- g) If an employee has not sought help independently for a behavioral problem, it will be the responsibility of the supervisor and/or the Department Head to follow a procedure, which will insure that no employee with a behavioral disorder will fail to have benefit of diagnosis and treatment.
- h) Any expenses incurred in seeking assistance beyond that which is covered by medical insurance, will be the responsibility of the employee.
- i) It is the employee's responsibility to cooperate in the designated treatment or rehabilitation plan. After a reasonable opportunity for progress, normal disciplinary procedures, up to and including job dismissal, will apply unless there is noticeable improvement in job performance.
- j) The program is also available to the immediate family members of our employees.
- k) When the employee utilizes this policy, implementation will not require or result in any special regulations or privileges from the standard personnel policies applicable to job performance.

Procedure. Any employee may use the Employee Assistance Program on a self-referral basis by contacting the employee counselor directly. When an employee's job performance begins to decline, the supervisor, and/or Department Head will:

- a) Be alert to changes in work and behavior patterns.

- b) Not attempt to counsel with employees relative to personal problems.
- c) Document particular instances in which an employee's job performance fails to meet minimum standards or in which individual behavior patterns seem to be changing or deteriorating. (Ex – an employee whose attendance and productivity has been good suddenly begins to miss time from work or their productivity slips for unexplained reasons.)
- d) Conduct normal corrective/disciplinary interviews when the documented record of unsatisfactory performance calls for it. At the conclusion of the interview, inform the employee that the Employee Assistance Program is available if a personal problem exists.
  - 1) Review all recorded instances of behavior problems with the employee.
  - 2) Explain precisely why the level of job performance is considered unsatisfactory.
  - 3) Allow employee to give reasons for actions or failures.
  - 4) Make suggestions for corrections as they apply to job performance.
  - 5) Document the interview.
  - 6) If employee's performance continues to be unsatisfactory, conduct the next corrective/disciplinary interview (In accord with Article IX of Personnel Policy.) Conclude with an offer to the employee to utilize the Employee Assistance Program.
  - 7) Inform the employee that failure to improve the job performance will result in other disciplinary action up to and including job dismissal.
  - 8) Review all aspects of the situation with the Human Resources Leader.
  - 9) Confirm the significant points of the interview to the employee in writing using the normal disciplinary procedures.
  - 10) If deterioration of performance continues, conduct a third interview with the Human Resources Leader present. Conclude by offering the employee the service of the Employee Assistance Program or accepting the prescribed disciplinary action for continued unsatisfactory performance.
  - 11) If the employee refuses help, normal disciplinary procedures will apply.
  - 12) Employees who are participating in the Employee Assistance Program whose performance either does not improve or continues to deteriorate are subject to normal disciplinary procedures.

**Section 14. Longevity Pay**

Full -time employees of the City are compensated for continuous years of service with the City by payment of a longevity supplement based on continuous years of service. Continuous service is continuous employment including any approved leave. Previous employment with the City in which an employee has been re-hired is not counted in the calculation of continuous years of service.

Longevity amounts shall be as follows:

Continuous Years of Service	Longevity Pay Amount
1 – 4 Years	\$100
5 – 9 Years	\$300
10 – 14 Years	\$400
15 – 19 Years	\$500
20 – 24 Years	\$750
25+ Years	\$1000

Longevity pay will be calculated effective the date of the employee’s anniversary and will be issued with the 1<sup>st</sup> payroll in the month following the employee’s anniversary date.  
(Revised in the October, 2018 Board of Commissioners Meeting)

**Section 14. Wellness Programs and Policies – See Appendix B**

This section left intentionally blank

[Type text]

## ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

### Section 1. Policy

The policy of the City is to provide vacation, sick leave, and holiday leave to all full-time and part-time employees, and to provide proportionately equivalent amounts to employees having average scheduled workweeks of different lengths. Leave balances should accrue with each bi-weekly payroll at a pro-rated amount when employees work or are on a paid leave status. Leave balances should be printed on payroll checks or provided to employees with each paycheck, including net accrued sick leave, vacation, holiday leave, and compensatory leave.

### Section 2. Holidays

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

- New Year's Day
- Martin Luther King's Birthday
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day and the day after Thanksgiving
- Christmas Eve, Christmas Day, and the day after Christmas

When any recognized holiday falls on Saturday or Sunday, the following Monday will be the designated holiday. However, any conflict in the date of the holiday shall be determined by the City Manager.

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 prior approved leave by their supervisor. Vacation time may be scheduled with holidays with permission of supervisor.

If Christmas falls on:	Days off are:
Sunday	Thursday, Friday, Monday
Monday	Monday, Tuesday, Wednesday
Tuesday	Monday, Tuesday, Wednesday
Wednesday	Tuesday, Wednesday, Thursday
Thursday	Wednesday, Thursday, Friday
Friday or Saturday	Thursday, Friday, Monday

### Section 3. Holidays: Effect on Other Types of Leave

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

[Type text]

#### **Section 4. Holidays: Compensation When Work is Required or Regularly Scheduled Off for Shift Personnel**

Shift employees required to perform work on regularly scheduled holidays will be paid for hours actually worked in addition to any holiday pay to which they are entitled. If a holiday falls on a regularly scheduled off-duty day for shift personnel, the employee shall receive the hours for paid holiday leave. Departments with employees working a shift schedule on the true holiday rather than the designated holiday will be paid Holiday pay in accordance with this policy. (Amended September 9, 2014 Board Meeting)

#### **Section 5. Vacation Leave**

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

#### **Section 6. Vacation Leave: Use by Probationary Employees**

Deleted

(Revised in the July, 2015 Board of Commissioners Meeting)

#### **Section 7. Vacation Leave: Accrual Rate**

Each full-time employee of the City shall earn vacation (hours/year) at the following schedule, prorated by the average number of hours in the workweek (Section 15):

Years of Service	7.5 Hour Employee (hours/year)	8 Hour Employee (hours/year)	12 Hour Employee (hours/year)	24 Hour Employee (hours/year)
1-3	75	80	84	112
4-5	90	96	101	135
6-10	105	112	118	157
11-15	120	128	134	180
16-20	135	144	151	202
21+	150	160	168	225

#### **Section 8. Leave Pro-rated**

The City of Oxford has employees that work varying hours and schedules. Police and Fire work under the FLSA 7k exemption, however, for all others the “work week” as defined by the city is 40 hours; consistent with FLSA overtime regulations. Holiday, annual, and sick leave earned by full-time employees with fewer or more hours than the basic work week shall be determined by the following formula:

- a) The number of hours worked by such employees shall be divided by the number of hours in the basic work week (usually 40 hours)
- b) The proportion obtained in step 1 shall be multiplied by the number of hours of leave

[Type text]

earned annually by employees working the basic workweek.

- c) The number of hours in step 2 divided by 12 shall be the number of hours of leave earned monthly by the employees concerned, or divided by 26 shall be the number of hours of leave earned biweekly.

(Revised in the July, 2015 Board of Commissioners Meeting)

### **Section 9. Vacation Leave: Maximum Accumulation**

Vacation leave may be accumulated without any applicable maximum during the calendar year until December 31 of each year. Effective the last payroll in the calendar year, any employee with more than 30 days of accumulated leave shall have the excess accumulation removed so that only 30 days are carried forward to January 1 of the next calendar year. Employees are not eligible to receive pay for vacation time in excess of the 30 days. Employees may have the excess vacation amount converted to sick leave on a one-to-one conversion. If the employee separates from service, payment for accumulated vacation leave shall not exceed 30 days.

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

An employee continues to accumulate vacation while on vacation and sick leave, and an employee must be on pay status more than 15 days of the month in order to earn vacation for that month.

### **Section 10. Vacation Leave: Manner of Taking**

Employees shall be granted the use of earned vacation leave upon request in advance at those times designated by the Department Head that will least obstruct normal operations of the City. Department Heads are responsible for insuring that approved vacation leave does not hinder the effectiveness of service delivery. Vacation may be taken in one-hour (1 hour) increments.

### **Section 11. Vacation Leave: Buy Back Policy**

The City of Oxford will “buy-back” up to 40 hours of annual leave from its’ employees accrued balance once per year.

- An employee must have a minimum balance of annual leave **in excess** of 100 hours on his/her last timesheet in November.
- An employee may “sell” any/all accrued leave in excess of the 100 hours up to a maximum of 40 hours. (Employee must have a minimum of 100 left in his/her accrual balance after “sell back”)
- An employee wishing to sell back up to 40 hours of their annual leave must complete the City of Oxford’s *Annual Leave Buy-Back Program* form\*\*.
- The completed form must be signed by Employee’s supervisor and turned in with their last timesheet of November.



[Type text]

Payment will be calculated at the employee's current rate of pay, as of November 30<sup>th</sup>. Payment will be made, via direct deposit, separate from your biweekly payroll. All applicable payroll taxes will apply to this program.

\*\*Forms can be obtained from the Human Resources Department.  
(Revised in the October, 2018 Board of Commissioners Meeting)

### **Section 11. Vacation Leave: Payment upon Separation**

An employee who has successfully completed six months of the probationary period will normally be paid for accumulated vacation leave upon separation, subject to the 30 day maximum, provided written notice is given to the supervisor at least two weeks in advance of the effective date of resignation. Any employee failing to give the written notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the City Manager when deemed to be in the best interest of the City.

As an employee terminates employment for any reason, to include retirement, any vacation time due him/her will be paid in lump sum in the final regular paycheck. Employees may not use vacation to extend notice nor while working a notice except with the authorization of the City Manager. Employees terminated for cause shall forfeit vacation time.

### **Section 12. Vacation Leave: Payment upon Death**

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

### **Section 13. Sick Leave**

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

Sick leave may be used when an employee must care for a member of his or her immediate family who is ill.

Sick leave may also be used to supplement Workers' Compensation Disability Leave during the one week waiting period before Workers' compensation benefits begin.

"Immediate family" shall be defined as spouse, child, parent, brother, sister, grandparent or grandchild. This also includes various combinations of step, half, and adopted relationships.

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.

(Revised in the July, 2015 Board of Commissioners Meeting)

### **Section 14. Sick Leave: Accrual Rate and Accumulation**

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

[Type text]

Local Government Employees' Retirement System.

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

### **Section 15. Sick Leave: 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 capacity to resume duties, for each occasion on which an employee uses sick leave or whenever the supervisor observes a "pattern of absenteeism." The employee may be required to submit to such medical examination or inquiry as the Department Head deems desirable. The Department Head shall be responsible for the application of this provision to the end that:

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

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

### **Section 16. Bereavement Leave**

An employee may use up to three (3) consecutive workdays with pay for death in the employee's immediate family. "Immediate Family" is defined as spouse, child, parent brother, sister grandparent or grandchild. This also includes various combinations of step, half and adopted relationships. Such paid leave may not exceed three days for any one occurrence, or a maximum of 24 paid hours. Additional leave time required for such occurrence may be charged to **sick leave** when approved by the department head and/or City Manager. Employees may attend funerals of non-family members or more remote family members by using vacation or compensatory time upon approval by the department head. The City may request documentation for this leave whenever there is a pattern of absenteeism demonstrated by the employee or for other reasons as needed.

(Revised in the July, 2015 Board of Commissioners Meeting)

(Revised in the October, 2018 Board of Commissioners Meeting)

### **Section 17. Family and Medical Leave**

**\*\*\*\*See Appendix D for detailed FMLA Policies**

The City will grant up to 12 weeks of family and medical leave per rolling *twelve months* to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid (coordinated with the City's Vacation and Sick Leave policies), unpaid, or a combination of paid and unpaid. Unpaid leave will be granted only when the employee has exhausted all appropriate types of paid leave. Additional time away from the job beyond the 12-week period may be approved in accordance with the City's Leave without Pay policy.

To qualify for FMLA coverage, the employee must have worked for the employer 12 months or 52

[Type text]

weeks; these do not have to be consecutive. However, the employee must have worked 1,250 hours during the twelve-month period immediately before the date when the FMLA time begins.

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

- a) the birth of a child and in order to care for that child;
- b) the placement of a child for adoption or foster care;
- c) to care for a spouse, child, or parent with a serious health condition; or
- d) the serious health condition of the employee.
- e) For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

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. This policy covers illness of a serious and long-term nature resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that results in a period of incapacity or more than three days would be considered a serious health condition.

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

An employee taking leave for the birth of a child may use paid sick leave for the period of actual disability, based on medical certification. The employee shall then use all paid vacation, comp, and holiday 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 or City Manager.

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

### **Section 18. 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, parental leave, 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. Non-paid leave can only be used after all other leaves are exhausted.

If paid or non-paid leave is taken due to illness of the employee, illness of the employee's immediate family member, or if leave is taken within the first twelve months of the birth or adoption of a baby by the employee, then the leave will be counted as Family and Medical Leave.

See Appendix D for Detailed FMLA Policies

[Type text]

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. Employee may be responsible for payments of medical, dental, vision, and life insurance as determined by the City Manager.

### **Section 19. 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;
- b) The City may require the employee to request the leave in writing at least 48 hours prior to the time of the desired leave; and
- c) The City may require written verification from the child's school that the employee was involved at the school during the leave time.

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

### **Section 20. Family Medical Leave and Leave Without Pay: Retention and Continuation of Benefits**

When an employee is on leave under FMLA (maximum of 12 weeks in a year), the City will continue the employee's health benefits during the leave period at the same level and under the same 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 Board of Commissioners and the regulations of the insurance carrier.

### **Section 21. 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

[Type text]

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. 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.

**NOTE:** Workers' Compensation Leave will run concurrently with Family and Medical Leave.

## **Section 22. Military Leave**

**See Appendix D for information on Family and Medical Leave in regard to 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 these 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 23. Reinstatement Following Military Service**

The City will fully comply with the requirements of USERRA and other related federal regulations. An employee called to extended active duty with the United States military forces, who does not volunteer for service beyond the period for which called, shall be reinstated with full benefits provided the employee:

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

## **Section 24. Civil Leave**

A City employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to

[Type text]

the City any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty.

### **Section 25. Shared Vacation Leave**

The purpose of this is to provide a vehicle for employees to share their personal vacation time with fellow employees under situations in which the receiver is on Family and Medical Leave and has exhausted all their comp time, sick time and vacation time and is still not able to return to work.

As active employees are out of work due to approved FMLA, and other employees wish to share from their personal account of vacation time, they may do it under the following conditions:

- 1) The donor must have 40 hours left in their account after the gift.
- 2) The beneficiary must not be on leave for a Worker's Compensation injury.
- 3) The beneficiary must not solicit fellow employees, but may make Human Resources aware of their need. Human Resources will make the employee's need known in as a discreet a manner as possible.
- 4) The rate will be paid at the rate of the beneficiary.

As any active employee has exhausted their entire balance of comp time, sick time, and vacation time, they may make their need known in the Human Resources office. The gifts will be anonymous to the beneficiary. Donors cannot give any of their sick time hours as this is not a benefit that is funded and reserved.

[Type text]

## ARTICLE VIII. SEPARATION AND REINSTATEMENT

### Section 1. Types of Separations

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

### Section 2. Resignation

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is two *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. Sick leave will only be approved during the final two weeks of a notice with a physician's certification or comparable documentation.

**Rehiring:** An employee who resigns while in good standing may be rehired with the approval of the City Manager, and the Head of the hiring Department. The employee will be regarded as a new employee, subject to all of the City's policies, rules and regulations.

### Section 3. Reduction in Force

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

Reinstatement: An employee who is separated because of reduction in force may be reinstated within one year of the date of separation, upon recommendation of the Department Head and approval of the City Manager. An employee who is reinstated in this manner shall receive credit for previously accrued sick leave. An employee in good standing who is separated due to reduction in force shall be given the first opportunity to be rehired in the same or a similar position within one year of the separation, and will be accorded the same benefits as a lateral entry employee.

### Section 4. Disability

The City will comply with the Americans with Disabilities act 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.

[Type text]

### **Section 5. 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 6. Death**

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

### **Section 7. Dismissal**

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

### **Section 8. Reinstatement**

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

### **Section 9. Rehiring**

An employee who resigns while in good standing may be rehired with the approval of the City Manager and Department Director, 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.

### **Section 10. Payment of Vacation Upon Retirement or Other Termination**

As an employee terminates employment for any reason, to include retirement, any vacation time due him/her will be paid in lump sum in the final regular paycheck. Employees may not use vacation to extend notice nor while working a notice except with the authorization of the City Manager.

## **ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE OR DETRIMENTAL PERSONAL CONDUCT**

### **Section 1. Unsatisfactory Job Performance**

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

### **Section 2: Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance**



[Type text]

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 writing by the supervisor and given to the Human Resources Director for inclusion in employee's file in the Human Resources office.

An employee whose job performance is unsatisfactory over a period of time should normally receive at least two documented warnings, one of which may be in the final written warning, from the supervisor 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. All disciplinary actions are to be signed by the Supervisor and employee and routed forthwith to Human Resources. 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. Final written warning must be reviewed by the Human Resources Director prior to giving the warning to the employee.
- b) If performance does not improve, a written recommendation should be sent to the Director of Human Resources for disciplinary action such as suspension, demotion, or dismissal.
- c) Immediate Suspension

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 3 scheduled workdays.

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 3. Disciplinary Action for Unsatisfactory Job Performance**

A regular 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 recommended by the Director of Human Resources and approved by the City Manager prior to giving final notice to the employee. However, in cases where the employee's conduct is so egregious that it warrants immediate suspension, the Department Director may suspend the employee immediately for a maximum amount of time equal to one regular work shift, and report the suspension immediately thereafter to the Human Resources Director. Any additional suspended time must be recommended by the Human Resources Director and approved by the City Manager.

### **Section 4. Detrimental Personal Conduct Defined**

[Type text]

The City reserves the right to take disciplinary action for detrimental misconduct as determined by the City Manager.

### **Section 5. 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 personal conduct. Such actions may be taken to 1) avoid undue disruption of work; 2) to protect the safety of persons or property; or 3) for other serious reasons.

### **Section 6. Pre-dismissal Conference**

Before dismissal action is taken, whether for failure in personal conduct or failure in performance of duties, the City Manager and Human Resources Director may conduct a pre-dismissal conference. The City Manager will determine if any additional persons attend the pre-dismissal conference. At this conference, the employee may present any response to the proposed dismissal to the City Manager, Department Head, or Human Resources Director. The City Manager or Department Head will consider the employee's response, if any, to the proposed dismissal, and will, within three working days following the pre-dismissal conference, notify the employee in writing of the final decision. If the employee is dismissed, the notice shall contain the decision and employee's appeal rights, under the City's grievance procedure. The Human Resources Director shall monitor this process in its entirety.

### **Section 7. Non-Disciplinary Suspension**

During the investigation, hearing, or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct, or during the course of any civil action involving an employee, when suspension would, in the opinion of the Department Head 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 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.

### **Section 8. Substance Abuse Policy**

The City has established policies and procedures related to employee substance abuse in order to insure the safety and well-being of citizens and employees, and to comply with any state, federal,

[Type text]

or other laws and regulations.

**See Appendix A** for the City's complete Substance Abuse Policy.

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

### **Section 1. Policy**

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

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 2. 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 3. 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.

[Type text]

#### **Section 4. Grievance Procedure**

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

Step 1. Prior to the submission of a formal grievance, the employee should discuss the issue with his/her supervisor, Department Head, the Human Resources Director, or City Manager, to resolve the issue informally if possible. However, the employee is not required to do so, and the employee can file a formal grievance with the Human Resources Director or City Manager without prior discussion with anyone. If the employee chooses to discuss the issue with the Supervisor or Department Head, then the Supervisor or Department Head must record notes of the discussion and forward those notes immediately to the Human Resources Director.

Either the employee or the supervisor may involve the respective Department Head and Director of Human Resources 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 the Human Resources Director. Mediation may be used at any step in the process when mutually agreed upon by the employee and relevant City supervisor or Manager. Mediation is the process where a neutral party assists the parties in conflict with identifying mutually agreeable solutions or understandings.

Step 2. 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 seven calendar days of the event or within seven calendar days of learning of the event or condition. The supervisor shall respond to the grievance within seven 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 Human Resources Director.

Step 3. 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 seven calendar days after receipt of the response from Step 1. The Department Head shall respond to the appeal, stating the determination of decision within seven calendar days after receipt of the appeal.

Step 4. 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 Human Resources within seven calendar days after receipt of the response from Step 2. The Director of Human Resources shall respond to the appeal, stating the determination of decision within seven calendar days after receipt of the appeal.

Step 5. If the grievance is not resolved to the satisfaction of the employee at the end of Step 2, the

[Type text]

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 shall notify the City Board of any impending legal action.

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 5. Role of the Human Resources Director**

Throughout the grievance procedure, the roles of the Human Resources Director 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 Director 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 6. 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 Director 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 1. Public Information

**See Appendix G: North Carolina General Statutes § 160A-168 Privacy of employee personnel records, updated February 2012, for more detailed information.**

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

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

NOTE: All requests for Public Information must be made to the City Manager. The City Manager will determine the method of disseminating the requested information.

[Type text]

## **Section 2. 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/her duly authorized agent may examine all portions of his/her personnel file except letters of reference solicited prior to employment.
- b) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- c) An official of an agency of the State or Federal Government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the City Manager to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of the personnel records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
- d) An employee may sign a written release to be placed in his/her personnel file that permits the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- e) The City Manager, with the concurrence of the City Board of Commissioners, may inform any person of the employment, non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a City employee, and the reasons for that action. Before releasing that information, the City Manager shall determine in writing that the release is essential to maintaining the level and quality of City services. The written determination shall be retained in the City Manager's office, is a record for public inspection, and shall become a part of the employee's personnel file.

## **Section 3. Personnel Actions**

The Human Resources Director, with the approval of 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, normally in the Human Resources office. 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 records, letters of recommendation, and other personnel-related documents.

## **Section 4. Records of Former Employees**

The provisions for access to records apply to former employees as they apply to present employees. All inquiries about former employees must be referred to the Human Resources Director. These include requests for references, job verification, and all other kinds of inquiries.

## **Section 5. 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.

[Type text]

### **Section 6. 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 7. 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 8. Destruction of Records Regulated**

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

**APPENDICES** may be found on the attached pages.



**The City of Oxford  
Personnel Manual – Adopted December 2013**

## **APPENDICES**

### **Substance Abuse Policy**

#### **Appendix A**

##### **I. Purpose**

It is the policy of the City to provide a safe, healthy and efficient work environment for its employees and to protect the public that it serves by establishing and maintaining an alcohol and drug-free workplace. Alcohol and drug abuse is a problem of serious concern and one which affects all segments of the community, including the workplace.

##### **II. Applicability**

1. Applicants who have been offered employment must undergo a drug screen test as part of the hiring process.
2. All employees are covered under this *Substance Abuse Policy* and are subject to post-accident or post-incident testing.
3. Employees serving in positions determined to be safety sensitive are subject to random and “follow-up” testing, when applicable.
4. Employees who must hold a Commercial Driver’s License (CDL) as a requirement for the job are subject to random and “follow-up” testing as required by the U.S. Dept of Transportation, if applicable.

##### **III. Prohibited Conduct for All City Applicants and Employees**

The following conduct is expressly prohibited and violations will result in disciplinary action up to and including termination:

1. Possession, consumption, manufacturing, distribution, dispensation or being under the influence of an unauthorized controlled substance, an illegal drug, drug paraphernalia or alcohol while on duty, on City premises, in City-supplied vehicles, or in any City work area. Law enforcement officials shall be notified, as appropriate, where criminal activity is suspected.
2. Sale, use, or possession of illegal drugs; or possession with intent to sell illegal drugs.
3. Off-premises abuse of alcohol or controlled substances when these activities adversely affect job performance, job safety, or the public’s confidence in an employee’s ability to perform their duties in an adequate and effective manner, or any use of illegal drugs or abuse of prescription drugs for which he/she does not have a doctor’s prescription.

##### **IV. Drug Screening Criteria**

The City of Oxford will consider an employee for a drug screening test under the following circumstances:

1. PRE-EMPLOYMENT Applicants who have been offered employment with the City of Oxford will be required to undergo a drug screening test as part of the hiring process. The City will withdraw an

[Type text]

offer of employment made to any applicant whose drug screen test reveals the presence of illegal drugs or prescription drugs without a valid prescription.

2. POST-ACCIDENT or INCIDENT All full time and part time employees will be tested for the presence of controlled substances and/or alcohol following an on-the-job accident/incident that involves the following:
  - a. A fatality;
  - b. Bodily injury requiring medical attention or professional medical treatment (W/C). The employee is tested only if circumstances indicate that such bodily injury (whether to an employee or citizen or both) may have been caused, at least in part, by the employee; or
  - c. Property damage ***reasonably expected*** to be in excess of \$500.00, if circumstances suggest that an employee may have contributed to the accident/incident (to be determined by the dept. head or supervisor in charge, if after hours).

A post-accident drug and/or alcohol test will be administered as soon as possible, but not more than eight (8) hours following the time of the accident. Refusal to test could result in disciplinary action including termination.

3. REASONABLE SUSPICION TESTING When there is reasonable suspicion that any employee on duty has alcohol or drugs in his/her system, the employee will be tested. Reasonable suspicion must be based on specific, objective facts or reasonable inferences drawn from facts that would cause a reasonable person to suspect that the employee is or has been using drugs or alcohol. Facts supporting a reasonable suspicion determination include, but are not limited to, any one or more of the following:
  - a. Direct observation of prohibited drug or alcohol use;
  - b. Slurred speech;
  - c. Odor of marijuana or alcohol about the person;
  - d. Inability to walk a straight line;
  - e. Physical or verbal altercation;
  - f. Behavior that is so unusual that it warrants summoning a supervisor or anyone else in authority (i.e. confusion, disorientation, lack of coordination, marked personality changes irrational behavior);
  - g. Possession of drugs or alcohol;
  - h. A report of prohibited drug or alcohol use provided by a reliable and credible source; or
  - i. Arrests, citations, and deferred prosecutions associated with drugs or alcohol.
4. FEDERAL OR STATE MANDATED SUBSTANCE ABUSE TESTING City employees who are subject to federal or state mandated substance abuse testing, including but not limited to Department of Transportation regulations, will be tested pursuant to such testing requirements notwithstanding this *Substance Abuse Policy*.
5. RANDOM TESTING An employee that is entrusted with preserving public health/safety or the safety of other employees has a special responsibility to maintain physical and mental fitness for duty at all times while on the job. Testing may be conducted on a random basis on employees that hold safety-sensitive positions, chosen by a method that provides an equal probability that any employee from a group of employees will be selected. Safety-sensitive positions within the City of Oxford are defined as:
  - a. All sworn law enforcement personnel;

[Type text]

- b. Positions (full-time, part-time, or contract) requiring the consistent and frequent operation of heavy equipment or motor vehicles as a primary task;
- c. Positions working around large equipment or with potential for hazards;
- d. Positions working with youth and/or those required to drive citizens or clients;
- e. Positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees, or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace; and
- f. Other positions as required by law, or as designated by the Human Resources Director, due to the specific safety-sensitivity of individual jobs.

**“Current” classifications of safety sensitive positions with the City are:** sworn law enforcement officers (as stated above), all employees in the City’s utilities and street departments (Public Works), Fire Department personnel and Waste Water Treatment Plant personnel. This list can/will be updated as necessary.

6. **METHOD FOR RANDOM TESTING** All safety sensitive personnel are assigned a number that will be kept in the HR office on an Excel spreadsheet, and updated as needed. Once per month, preferably on the 1<sup>st</sup> day of the month, or as soon as possible thereafter, the list of numbers will be placed into the website <https://www.random.org/lists/> by the HR Director with a witness present to attest it was only run once (truly random). 4 names will be drawn each month; 2 from PD and 2 from the combined other safety sensitive departments to avoid the possibility of all random names coming from one dept. source. This should produce an equal distribution of testing. Once the names are drawn, the work schedules of the employees to be tested will be determined. The tests will be conducted by the HR director, or his/her designee and the dept. head will not be made aware of the random name until the day of the test. Because of the convenience of the saliva screen, and the fact that there are not hazmat materials to be disposed of, the HR director will go to the employee’s worksite to conduct the random test in a private location.

## V. Relief from Duty

An employee may be placed on administrative leave for the balance of the work shift when tested under *Section (2) Post Accident or Incident*. An employee may be placed on administrative leave pending the outcome of the test results when tested under *Section (3) Reasonable Suspicion*.

Employees will normally be placed on annual leave or leave-without-pay while awaiting results of a post-accident/incident or reasonable suspicion drug test (since the employee is considered to be awaiting disciplinary action if the test is positive, use of sick leave is not authorized during this period). If the test is negative or if it is lost, employees may choose to utilize annual leave or take the lost work time as leave-without-pay.

## VI. Testing Procedures

For convenience, efficiency and cost-effectiveness, the City is conducting its own drug testing utilizing a 5-panel saliva screen. It is considered to be more accurate than urine sampling because it cannot be substituted or tampered with, and is done in the presence of witnesses. The 5 panels of drugs tested for are **1) marijuana (THC- cannabis, marijuana, and hashish), 2) cocaine (COC- cocaine, crack), 3) opiates (OPI- opiates and heroine), 4) methamphetamine (MAMP- methamphetamine and ecstasy) and 5) amphetamine (AMP- amphetamine)**. The alcohol saliva swab is done separately. **These saliva screenings are for negative confirmations only;** a positive or inconclusive result sends the applicant or employee directly to Granville Health Systems with an escort for clinical lab testing and review of a MRO (Medical Review Officer).

[Type text]

1. CONSENT Before a drug or alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting release of test results to those City officials with a need to know. The consent form shall provide space for employees to acknowledge that they have been notified of the City's *Substance Abuse Policy* and to indicate current or recent use of prescription or over-the-counter medication. They are also given the "**Procedure Card**" on administering the saliva screening to read and shown the sealed screening kit before it is opened to verify there has been no contamination or tampering.
2. REFUSAL TO CONSENT Any employee who refuses to consent to a drug and/or alcohol test is subject to disciplinary action up to and including termination. Any final applicant who refuses to consent to a drug and/or alcohol test will have the offer of employment withdrawn.
3. CONFIDENTIALITY All information from an employee or applicant's drug and alcohol test is confidential and only those with a need to know are informed of the test results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee or applicant. The results of a positive drug test shall not be released until the results are confirmed by the MRO.
4. SPECIMEN COLLECTION
  - a. *Pre-Employment.* Applicants who refuse to take the tests will not be hired. The applicant will be required to sign and submit the consent form and the saliva swab test can be done while the payroll paperwork is being filled out.
  - b. *Post-Accident or Incident and Reasonable Suspicion.* Saliva swab testing will be done by the Human Resources Director or designee. The employee shall be escorted to a private office or location, along with his supervisor or department head.

After the sample and results are obtained- if negative, the employee will return to work, if applicable. In the case of a negative result for reasonable suspicion, the employee will be questioned as to why he/she may be showing signs of fatigue, etc., and the department head can decide whether or not the employee should remain at work. The supervisor will use every reasonable means to insure that the employee reaches his or her destination safely.
  - c. *Follow-up.* Follow-up testing takes place when a saliva test has rendered a positive or inconclusive result. Human Resources will contact the lab and schedule a lab visit, hopefully immediately.
  - d. *Random.* Employees designated for random testing are assigned a number in an Excel spreadsheet. *See item 6. Above.*
5. TESTING REQUIREMENTS All drug and/or alcohol testing of employees and applicants shall be conducted in compliance with the Controlled Substance Examination Act, Article 20 of Chapter 95 of the North Carolina General Statutes. "Follow-up" testing, if necessary shall be conducted at medical facilities or laboratories selected by the City. To be considered a testing site, a medical facility or lab should have the following factors:
  - a. Testing procedures which ensure privacy to employees and applicants consistent with the prevention of tampering;
  - b. Methods of analysis which ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive test results;

[Type text]

- c. Chain of custody procedures which ensure proper identification, labeling, and handling of test samples;
  - d. Retention and storage procedures which ensure reliable results on confirmatory test of original samples.
6. POSITIVE TEST RESULTS An employee whose drug test yields a positive result shall be given a second test at a certified lab. If the confirmation test results are positive, then the employee will be notified of the positive test results and will have an opportunity to rebut verbally or explain in writing the tests results. The City may, in its discretion, take this explanation into account in making any employment decision. A confirmation of the test results by the MRO shall be considered FINAL.

## VII. Communication of Test Results

1. NEGATIVE TEST RESULTS If the drug screening test result is negative, the laboratory will so advise the designated City official who will inform the employee or job applicant.
2. POSITIVE TEST RESULTS If the drug screening test result is positive, the laboratory will so advise the designated City official and the following action shall be taken:
  - a. A job applicant shall be informed of the positive test results verbally by the Human Resources Director (or his/her designee) of the test results and that the *Conditional Offer of Employment* has been withdrawn.
  - b. A current employee shall be informed of the positive test results verbally by the Human Resources Director (or his designee) and the HR Director will also inform the City Manager.
  - c. The City Manager will schedule a pre-dismissal conference between the employee, the Department Head, and the Human Resources Director. Protocol described in **ARTICLE IX, Section 6. Pre-Dismisal Conference** of the Personnel Policy will be followed. Employees who hold a CDL will be subject to the Department of Transportation regulations for positive test results. The City will complete and submit Forms CDL-8 or CDL-9, whichever may be the case.

Factors to be considered by the supervisor in determining the appropriate response to a positive test result include the nature of the position to which assigned, the extent of performance deficiencies, the seriousness of accidents or incidents, the employee's work history, and existence of past disciplinary actions. Mandatory EAP referral, leave (either with or without pay), and/or disciplinary action up to and including termination may result; and
  - d. If suspension or termination from employment is recommended by the City Manager, the employee shall be notified in writing. The employee has a right to appeal the decision per the Personnel Policy, **ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL**.

[Type text]

**VIII. Failure of an Employee to Cooperate**

Employee compliance with the City of Oxford's *Substance Abuse Policy* is mandatory. Failure or refusal of any employee to fully cooperate and participate in the program, sign any required document or submit to a drug and/or alcohol screening test will be grounds for termination of employment, unless a compelling, satisfactory reason is provided.

Employees who continue employment while undergoing counseling or rehabilitation will be required to meet all established standards of conduct and job performance. Employees who have been referred for counseling or rehabilitation under this policy shall be required to fully cooperate and participate in their rehabilitation program and adhere to the recommendations of the City Manager. Employees who have been referred to counseling or rehabilitation as a result of a positive drug or alcohol test may be required to undergo drug screening tests at any time for a period of up to two years. If an employee receives a subsequent positive drug test after counseling and/or rehabilitation they are subject to immediate termination.

**IX. Summary**

Employees are encouraged to voluntarily request counseling or rehabilitation before their substance abuse leads to disciplinary or other work-related problems. No employee will have their job security jeopardized by such a good faith request.

No part of this policy, nor any of its procedures, is intended nor shall be construed to affect the City of Oxford's right to manage its workplace, to discipline its employees or to change the "at will" nature of employment with the City. Since it is impossible to anticipate every situation which may arise under this policy, the City Manager should be contacted to resolve any situation not addressed herein. This contact should be made before action is initiated, if at all practical.

[Type text]

## Appendix B

### The City of Oxford's Wellness Program

The City of Oxford Wellness Requirements are as follows:

1. Wellness screening through the City's Wellness Initiative Program (onsite assessment) or through member's physician.
2. Age appropriate cancer screenings per American Cancer Association guidelines (PAP, mammogram & colonoscopy).
3. Participation in the provider's Personal Care Management (PCM) program or Disease Management Program.

Cancer Screens include

1. PAP tests every three years for females (with exception of those with hysterectomy).
2. Mammogram test annually for females over 40 years old.
3. Colonoscopy of anyone 50 years old or older every 5 years (unless physician specifies otherwise).

If an employee fails to meet the above wellness requirements during the current calendar year, the individual will pay 10% more premium for the next policy year.

**PARTICIPATION IS ENTIRELY VOLUNTARY and ALL SCREENING RESULTS ARE CONFIDENTIAL. RESULTS OF ANY HEALTH RELATED SCREENING ARE ONLY AVAILABLE TO THE INDIVIDUAL EMPLOYEE.**

#### **Wellness Time**

Employees are allowed to use thirty minutes, twice per week, to exercise or engage in a Wellness Activity (walking, using a gym, etc.) during their paid work time. The "Wellness Time" must be approved by their supervisor, and may not be used to arrive at work late or to leave early.

#### **Wellness for Others**

##### **Donating Blood or Blood Plasma**

An opportunity for Employees to provide a Public Service:

Employees will be allowed a maximum of 2 hours Paid Time Off (PTO) to donate Blood or Blood Plasma at the local Red Cross or a local facility/place approved by the Red Cross. PTO for the donation of Blood or Blood Plasma may only be used by the employee once in a 3-month period. The employee must obtain prior approval from the Supervisor and provide written documentation substantiating the time and date of the donation upon their return to work. The Supervisor must have the PTO approved by the Department Head.

(amended at Commissioner's Agenda Meeting, 6/2/2014)

## Appendix C

### The Health Insurance Portability and Accountability Act (HIPAA)

U.S. Department of Labor  
Employee Benefits Security Administration  
December 2004

The Health Insurance Portability and Accountability Act (HIPAA) offers protections for millions of American workers that improve portability and continuity of health insurance coverage.

#### HIPAA Protects Workers And Their Families By

- Limiting exclusions for preexisting medical conditions (known as preexisting conditions).
- Providing credit against maximum preexisting condition exclusion periods for prior health coverage and a process for providing certificates showing periods of prior coverage to a new group health plan or health insurance issuer.
- Providing new rights that allow individuals to enroll for health coverage when they lose other health coverage, get married or add a new dependent.
- Prohibiting discrimination in enrollment and in premiums charged to employees and their dependents based on health status-related factors.
- Guaranteeing availability of health insurance coverage for small employers and renewability of health insurance coverage for both small and large employers.
- Preserving the states' role in regulating health insurance, including the states' authority to provide greater protections than those available under federal law.

#### Preexisting Condition Exclusions

- The law defines a preexisting condition as one for which medical advice, diagnosis, care, or treatment was recommended or received during the 6-month period prior to an individual's enrollment date (which is the earlier of the first day of health coverage or the first day of any waiting period for coverage).
- Group health plans and issuers may not exclude an individual's preexisting medical condition from coverage for more than 12 months (18 months for late enrollees) after an individual's enrollment date.
- Under HIPAA, a new employer's plan must give individuals credit for the length of time they had prior continuous health coverage, without a break in coverage of 63 days or more, thereby reducing or eliminating the 12-month exclusion period (18 months for late enrollees).

#### Creditable Coverage

- Includes prior coverage under another group health plan, an individual health insurance policy, COBRA, Medicaid, Medicare, CHAMPUS, the Indian Health Service, a state health benefits risk pool, FEHBP, the Peace Corps Act, or a public health plan.

#### Certificates of Creditable Coverage



[Type text]

- Certificates of creditable coverage must be provided automatically and free of charge by the plan or issuer when an individual loses coverage under the plan, becomes entitled to elect COBRA continuation coverage or exhausts COBRA continuation coverage. A certificate must also be provided free of charge upon request while you have health coverage or anytime within 24 months after your coverage ends.
- Certificates of creditable coverage should contain information about the length of time you or your dependents had coverage as well as the length of any waiting period for coverage that applied to you or your dependents.
- For plan years beginning on or after July 1, 2005, certificates of creditable coverage should also include an educational statement that describes individuals' HIPAA portability rights. A new model certificate is available on EBSAs Web site.
- If a certificate is not received, or the information on the certificate is wrong, you should contact your prior plan or issuer. You have a right to show prior creditable coverage with other evidence — like pay stubs, explanation of benefits, letters from a doctor — if you cannot get a certificate.

### Special Enrollment Rights

- Are provided for individuals who lose their coverage in certain situations, including on separation, divorce, death, termination of employment and reduction in hours. Special enrollment rights also are provided if employer contributions toward the other coverage terminates.
- Are provided for employees, their spouses and new dependents upon marriage, birth, adoption or placement for adoption.

### Discrimination Prohibitions

- Ensure that individuals are not excluded from coverage, denied benefits, or charged more for coverage offered by a plan or issuer, based on health status-related factors.

This fact sheet has been developed by the U.S. Department of Labor, Employee Benefits Security Administration, Washington, DC 20210. It will be made available in alternate formats upon request: Voice phone: 202.693.8664; Text telephone: 202.501.3911. In addition, the information in this fact sheet constitutes a small entity compliance guide for purposes of the Small Business Regulatory Enforcement Fairness Act of 1996.

## Appendix D

### The Family and Medical Leave Act - FMLA

#### LEAVE ENTITLEMENT

Eligible employees may take up to 12 workweeks of leave in a 12-month period for one or more of the following reasons:

- The birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care;
- To care for a spouse, son, daughter, or parent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

An eligible employee may also take up to 26 workweeks of leave during a "single 12-month period" to care for a covered service member with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the service member. The "single 12-month period" for military caregiver leave is different from the 12-month period used for other FMLA leave reasons. See Fact Sheets 28F: Qualifying Reasons under the FMLA and 28M: The Military Family Leave Provisions under the FMLA.

Under some circumstances, employees may take FMLA leave on an intermittent or reduced schedule basis. That means an employee may take leave in separate blocks of time or by reducing the time he or she works each day or week for a single qualifying reason. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operations. If FMLA leave is for the birth, adoption, or foster placement of a child, use of intermittent or reduced schedule leave requires the employer's approval.

The 12-month period The City of Oxford uses to measure FMLA usage is a "rolling" 12-month period measured backwards from the date of the initial need of the FMLA entitlement.

The City of Oxford requires employees to "substitute" (run concurrently) accrued paid leave, such as sick or vacation leave, to cover the FMLA leave period. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employer's normal leave policy. **NOTE: The City of Oxford requires that all employees use all of their accrued comp time, vacation leave, sick leave concurrently with the use of FMLA leave. The City of Oxford also requires employees to use FMLA leave concurrently with any Worker's Comp leave that the employee takes.**

## APPENDIX E AFFORDABLE CARE ACT

### ELIGIBILITY POLICY FOR HEALTH PLAN COVERAGE OFFERED BY CITY OF OXFORD AS REQUIRED BY THE PPACA

This Eligibility Policy for Group Health Plan Coverage Offered by City of Oxford shall be used to determine whether certain Employees of the City are eligible to participate in the City of Oxford Group Health Plan. This Policy is intended to comply with the Federal Poverty Level safe harbor described in Internal Revenue Service (“IRS”) Final Regulations published on February 2, 2014 under Section 4980H of the Internal Revenue Code of 1986, as amended, and this Policy shall be interpreted, construed, and limited in accordance with such intent.

- I. Definitions.** The following definitions apply for purposes of this Policy.
- a. **Employee** means a person who is classified as an employee by the City of Oxford under the common-law standard (anyone who performs services for you is your employee *if you can control what will be done and how it will be done*)
  - b. **Break in Service** means a period of time during which an Employee does not have an Hour of Service credited to the Employee.
  - c. **Date of Hire** means the day on which a New Employee first performs an Hour of Service for the City of Oxford.
  - d. **Eligible Employee** means an Employee who has been classified as eligible to participate in Health Coverage pursuant to this Policy.
  - e. **Employment Break Period** means a period of at least four consecutive weeks (disregarding any Special Unpaid Leave of Absence- FMLA, Military Leave, etc.), measured in weeks, during which an Employee is not credited with Hours of Service.
  - f. **Full-Time Employee** means an Employee who is employed by City of Oxford with respect to a Measurement Period, for at least the Minimum Hours.
  - g. **Hour of Service** means: (i) each hour for which an Employee is paid by City of Oxford, or entitled to payment, for performing duties for the City; and (ii) each hour for which an Employee is paid by the City, or entitled to payment, for vacation, holiday, sickness, jury duty, military duty or leave of absence even though no duties are performed during those time periods.
  - h. **Initial Administrative Period** means the full month immediately following the New Employee’s Initial Measurement Period.
  - i. **Initial Measurement Period** means the period beginning on the first day of the month following the New Employee’s Date of Hire or the Date of Hire if the New Employee’s Date of Hire is the first day of the month, and concluding on the last day of the twelfth month thereafter.

**Example:** Bert, who started work on February 12, 2015, has an Initial Measurement Period from March 1, 2015 through February 29, 2016.

- j. **Initial Stability Period** means the first day of the month following the Initial Administrative Period and concluding on the last day of the twelfth month thereafter.

**Example:** Bert, who started work on February 12, 2015, will have an Initial Stability Period from April 1, 2016 through March 31, 2017.

- k. **Look-Back Measurement Method** means the method by which the City of Oxford determines an Employee's status as a full-time employee by averaging an Employee's Hours of Service over the course of an Initial or Standard Measurement Period.
- l. **Minimum Hours** means the minimum number of hours required for an individual to average at least 30 Hours of Service per week during a Measurement Period. For example, the Minimum Hours for a fifty-two (52) week Standard Measurement Period would be 1560 Hours of Service (which is the period observed by the City of Oxford). There are special rules for calculating an Employee's Minimum Hours if he or she incurs an Employment Break Period or takes a Special Unpaid Leave of Absence. These rules are explained in Section V(b) of this Policy.
- m. **New Employee** means an Employee who has not yet worked for one complete Standard Measurement Period.
- n. **Ongoing Employee** means an Employee who has worked for at least one complete Standard Measurement Period.

**Example:** Bert, who started work on February 12, 2015, will become an Ongoing Employee on January 1, 2017 because he will have been an Employee for one complete Standard Measurement Period, running from October 4, 2015 through October 3, 2016.

- o. **Health Coverage** means health insurance plan coverage offered by the City to its Employees.
- p. **Part-Time Employee** means a new Employee who the City of Oxford reasonably expects to be employed less than the Minimum Hours during the Initial Measurement Period.
- q. **Policy** means this Eligibility Policy for Health Plan Coverage Offered by the City.
- r. **Seasonal Employee** means an Employee who is hired into a position for which the customary annual employment is six months or less.
- s. **Standard Administrative Period** means the period from October 4 to December 31 of each calendar year.

- t. **Standard Measurement Period** means each twelve (12) month period from the first day of the first payroll period beginning on or after October 4 to the last day of the first payroll period ending on or after the next following October 3.

***Example:** The first Standard Measurement Period for Bert, who started work on February 12, 2015, will run from October 4, 2015 through October 3, 2016.*

- u. **Standard Stability Period** means the twelve (12) month period immediately following the Standard Administrative Period that applies to Ongoing Employees. The Standard Stability period is from January 1 to the next following December 31.

***Example:** The first Standard Stability Period for Bert, who started work on February 12, 2015, will run from January 1, 2017 through December 31, 2017.*

- v. **Special Unpaid Leave of Absence** means an unpaid leave of absence taken by a New Employee or an Ongoing Employee on account of jury duty, or pursuant to regulations established by the Family and Medical Leave Act of 1993 or the Uniformed Services Employment and Reemployment Rights Act of 1994.

## II. Determination of Plan Eligibility for Ongoing Employees

- (a) Tracking. The City will maintain a record of the Hours of Service of each Ongoing Employee during each Standard Measurement Period. At the conclusion of each Standard Measurement Period, the City of Oxford will determine whether each Ongoing Employee worked at least the Minimum Hours over the duration of the Standard Measurement Period.
- (b) Eligible. If an Ongoing Employee worked at least the Minimum Hours during the Standard Measurement Period, the Ongoing Employee will be classified as an Eligible Employee for the Standard Stability Period that starts at the end of the Standard Administrative Period. The City will notify the Ongoing Employee of this determination and will offer enrollment in Health Coverage to the Ongoing Employee, effective on the first day of the Standard Stability Period.
- (c) Stability. Except for in cases of Material Changes in Employment Status as provided in Section II(e) below, if the City classifies an Ongoing Employee as an Eligible Employee at the end of a Standard Measurement Period, the Employee will remain an Eligible Employee for the duration of the following Standard Stability Period, regardless of the number of Hours of Service actually worked by the Employee during the Standard Stability Period, so long as the Ongoing Employee remains employed and otherwise eligible for Health Coverage.

***Example:** If Bert worked at least the Minimum Hours from October 4, 2015, through October 3, 2016 (the Standard Measurement Period), then, so long as he is employed and otherwise eligible, he will be permitted to enroll in Health Coverage, effective January 1, 2017 through December 31, 2017 (the*

*Standard Stability Period), regardless of his Hours of Service during this Stability Period.*

- (d) Not Eligible. Except as provided in Section II(e) below, if an Ongoing Employee did not work at least the Minimum Hours during the Standard Measurement Period, then the Ongoing Employee will not be classified as an Eligible Employee for the Standard Stability Period that starts immediately at the end of the Standard Administrative Period, regardless of the number of Hours of Service actually worked by the Employee during that Standard Stability Period.

***Example:*** *If Bert did not work at least the Minimum Hours from October 4, 2015, through October 3, 2016 (the Standard Measurement Period), he will not be eligible to enroll in Health Coverage for the January 1, 2017 through December 31, 2017 Standard Stability Period, regardless how much he works during 2017. His eligibility to enroll in Health Coverage on January 1, 2017 will depend on whether he works at least the Minimum Hours during the October 4, 2015, through October 3, 2016 Standard Measurement Period.*

- (e) Material Change in Employment Status.

(i) Change to Full-Time Status. If an Ongoing Employee is classified as a Part-Time Employee, Variable Hour Employee or Seasonal Employee, but subsequently after the end of the eligibility waiting period and after the end of the Employee's Initial Measurement Period the Employee has a material change in his or her employment status, the Employee will be treated as an Eligible Employee, as of the date of the material change in their employment status. For purposes of this Subsection (e), a "material change in employment status" is a material change in the position of employment or other employment status that, had the Employee begun employment in that new position or status, the Employee would have reasonably been expected to work at least the Minimum Hours during the Standard Measurement Period.

(ii) Change to Part-Time Status. If an Ongoing Employee is classified as a Full-Time Employee, but subsequently, either before or after the end of the Initial Measurement Period, has a change in employment status such that if the Employee had begun employment in the new position or status, the Employee would have been reasonably expected to be employed less than the Minimum Hours, then [Company Name] may apply the Monthly Measurement Method to that Employee beginning on the first day of the fourth full month following their change in status. [Company Name] must maintain the Ongoing Employee's status as a full-time employee during the first three full months after the change in status. This special rule only applies if the Employee was offered minimum value health coverage no later than the first day of the calendar month following the Employee's initial three full calendar months of employment through the month of the change in status, and only if the Employee actually averages less than 30 Hours of Service per

week during the first three full calendar months after their change in status. [Company Name] will continue to apply the Monthly Measurement Method through the end of the first full Measurement Period that would have applied had the Employee remained under the Look-Back Measurement Method.

### III. Determination of Plan Eligibility for New Employees

- (a) Classification of New Employees. New employees shall be classified as Full-Time, Part-Time, Variable or Seasonal. For a new Employee who is reasonably expected at the Employee's start date to be a Full-Time Employee (and not a Seasonal Employee), [Company Name] shall determine the Employee's status based on the Employee's Hours of Service under the Monthly Measurement Method until the Employee becomes an Ongoing Employee. The status of new Employees who are classified as Part-Time, Variable or Seasonal Employees shall be determined under the Look-Back Measurement Method as set out below.
- (b) Tracking. Under the Look-Back Measurement Method, [Company Name] will maintain a record of the Hours of Service of each New Part-Time and Seasonal Employee during the individual's Initial Measurement Period. At the conclusion of the Initial Measurement Period, the City will determine whether the Employee worked at least the Minimum Hours during the Initial Measurement Period.
- (c) Eligible. If the New Part-Time, Variable or Seasonal Employee worked at least the Minimum Hours during the Initial Measurement Period, the New Employee will be classified as an Eligible Employee for his or her Initial Stability Period. The City of Oxford will notify the New Employee of its determination and will offer enrollment in Health Coverage to the New Employee, effective on the first day of the Initial Stability Period.
- (d) Initial Stability Period. Except as provided in Section III(f) below, if the City classifies a New Part-Time or Seasonal Employee as an Eligible Employee at the end of the Initial Measurement Period, the New Employee will remain an Eligible Employee during the Initial Stability Period, regardless of the number of Hours of Service actually worked by the New Employee during the Initial Stability Period, so long as the New Employee remains employed and otherwise eligible for coverage.
- (e) Not Eligible. Except as provided in Section III(f) below, if a New Part-Time, Variable or Seasonal Employee did not work at least the Minimum Hours during the Initial Measurement Period, then the New Employee will not be classified as an Eligible Employee and will not be eligible to participate in Health Coverage during the Employee's Initial Stability Period, regardless of the number of Hours of Service actually worked by the New Employee during the Initial Stability Period.
- (f) Material Change in Employment Status During Initial Measurement Period. If an Employee is initially categorized as a New Part-Time, Variable or Seasonal Employee, but subsequently, during the Employee's Initial Measurement Period, has a material change in their employment status, the New Employee will be treated as

an Eligible Employee for purposes of Health Coverage, as of the date of the material change in their employment status. For purposes of this Subsection (f), a “material change in employment status” is a material change in the position of employment or other employment status that, had the Employee begun employment in that new position or status, the Employee would have reasonably been expected to work at least the Minimum Hours during the Initial Measurement Period.

#### IV. Transition from New Employee to Ongoing Employee

- (a) Tracking. Once a New Full-Time, Part-Time, Variable or Seasonal Employee has been employed for an entire Standard Measurement Period, the New Employee must be tested for full-time status based on that Standard Measurement Period, at the same time and under the same conditions as other Ongoing Employees.

***Example:** Bert, who started work on February 12, 2015, has an Initial Measurement Period of March 1, 2015 through February 29, 2016. He will be tested for eligibility during his Initial Measurement Period and during the Standard Measurement Period that runs from October 4, 2015, through October 3, 2016.*

- (b) Eligible. A New Part-Time or Seasonal Employee who works the Minimum Hours during either the Initial Measurement Period or during a Standard Measurement Period must be treated as an Eligible Employee during the entire associated Initial Stability Period and/or Standard Stability Period. A New Full-Time Employee who works the Minimum Hours during a Standard Measurement Period must be treated as an Eligible Employee during the entire associated Standard Stability Period.
- (c) Not Eligible During Initial Stability Period. In contrast, if a New Part-Time or Seasonal Employee does not work the Minimum Hours during their Initial Measurement Period, but does work the Minimum Hours during the overlapping or immediately following Standard Measurement Period, the Employee must be treated as an Eligible Employee for the entire Standard Stability Period that relates to the Standard Measurement Period, even if the Standard Measurement Period begins before the end of the Initial Stability Period. Thereafter, the Employee’s eligibility is determined under the Ongoing Employee rules.

***Example:** See the chart below for a summary of Bert’s eligibility during his Initial and Standard Measurement Periods and his Initial and Standard Stability Periods.*



<b><i>Bert's Initial Measurement Period</i></b>	<b><i>Bert's Initial Stability Period</i></b>	<b><i>Bert's First Standard Measurement Period</i></b>	<b><i>Bert's First Standard Stability Period</i></b>
<i>March 1, 2015 to February 29, 2016</i>	<i>April 1, 2016 to March 31, 2017</i>	<i>October 4, 2015 to October 3, 2016</i>	<i>January 1, 2017 to December 31, 2017</i>
<i>Works Minimum Hours</i>	<i>Eligible</i>	<i>Works Minimum Hours</i>	<i>Eligible</i>
<i>Does Not Work Minimum Hours</i>	<i>Not Eligible</i>	<i>Works Minimum Hours</i>	<i>Eligible</i>
<i>Works Minimum Hours</i>	<i>Eligible</i>	<i>Does Not Work Minimum Hours</i>	<i>Not Eligible</i>

**V. Rehires and Leaves of Absence**

(a) Rehired Treated as Ongoing or New Employee. Solely for purposes of this Policy, an Employee who resumes providing service to the City of Oxford after a Break in Service will be treated as a New Employee subject to an Initial Measurement Period if the Employee was gone for either:

- (i) thirteen (13) or more consecutive weeks; or
- (ii) at least four consecutive weeks and the Break in Service period was longer than the period of service immediately prior to the Break in Service.

If the Break in Service period is less than both (i) and (ii), then the Employee shall be treated as an Ongoing Employee when rehired.

(b) Rehire Treated as Ongoing Employee.

(i) If an Employee is treated as an Ongoing Employee pursuant to Section V(a), then the rehired Employee retains the status the Employee had with respect to the Stability Period in progress when the Employee is rehired. Specifically, if the Employee was an Eligible Employee for that Stability Period and had enrolled in Health Coverage, the Employee will be eligible to re-enroll as of the Employee's rehire date, or as soon as administratively practicable, for the rest of the Stability Period. If the Employee prior to the Break in Service had been offered Health Coverage and had declined, the Employee will not be offered another opportunity to enroll for that Stability Period. If the Employee was not an Eligible Employee for the Stability Period in progress upon the Employee's rehire, then the Employee will not be eligible to re-enroll until the beginning of the next Stability Period, assuming the Employee works the Minimum Hours of Service during the ongoing Measurement Period.

(ii) If an Employee is treated as an Ongoing Employee pursuant to Section V(a), and the Employee is returning from an Employment Break Period or a Special Unpaid Leave of Absence, then for any Measurement Period that is in progress during the Employment Break Period or the Special Unpaid

[Type text]

Leave of Absence, the Employee's Minimum Hours will be equal to the product of thirty (30) times the difference between the number of weeks in the Measurement Period, less the number of weeks the Employee was on the Employment Break Period or the Special Unpaid Leave of Absence.

**Example:** Bert is on an unpaid FMLA leave for four weeks during a Measurement Period, so his Minimum Hours for the Measurement Period will equal 30 times 48 weeks (which is 52 weeks less four weeks of leave).

- (c) Rehire Treated as New Employee. If an Employee is treated as a New Employee under Section V(a), then the Employee will start another Initial Measurement Period on rehire, and will follow the rules of Section III.

(Revised at July, 2015 Board of Commissioners Meeting)

[Type text]

## Appendix F

### Law Enforcement Separation Allowance

§ 143-166.42. Special separation allowances for local officers.

- (a) On and after January 1, 1987, every sworn law enforcement officer as defined by G.S. 128-21(11d) or G.S. 143-166.50(a)(3) employed by a local government employer who qualifies under this section shall receive, beginning in the month in which the officer retires on a basic service retirement under the provisions of G.S. 128-27(a), an annual separation allowance equal to eighty-five hundredths percent (0.85%) of the annual equivalent of the base rate of compensation most recently applicable to the officer for each year of creditable service. The allowance shall be paid in equal installments on the payroll frequency used by the employer. To qualify for the allowance, the officer shall:
  - (1) Have (i) completed 30 or more years of creditable service or (ii) have attained 55 years of age and completed five or more years of creditable service; and
  - (2) Not have attained 62 years of age; and
  - (3) Have completed at least five years of continuous service as a law enforcement officer as herein defined immediately preceding a service retirement. Any break in the continuous service required by this subsection because of disability retirement or disability salary continuation benefits shall not adversely affect an officer's qualification to receive the allowance, provided the officer returns to service within 45 days after the disability benefits cease and is otherwise qualified to receive the allowance.
- (b) As used in this section, "creditable service" means the service for which credit is allowed under the retirement system of which the officer is a member, provided that at least fifty percent (50%) of the service is as a law enforcement officer as herein defined.
- (c) Payment to a retired officer under the provisions of this section shall cease at the first of:
  - (1) The death of the officer;
  - (2) The last day of the month in which the officer attains 62 years of age; or
  - (3) The first day of reemployment by a local government employer in any capacity.

Notwithstanding the provisions of subdivision (3) of this subsection, a local government employer may employ retired officers in a public safety position in a capacity not requiring participation in the Local Governmental Employees' Retirement System, and doing so shall not cause payment to cease to those officers under the provisions of this section.

- (d) This section does not affect the benefits to which an individual may be entitled from State, local, federal, or private retirement systems. The benefits payable under this section shall not be subject to any increases in salary or retirement allowances that may be authorized by local government employers or for retired employees of local government.
- (e) The governing body of each local employer shall determine the eligibility of employees for the benefits provided herein.
- (f) The governing body of each local employer shall make the payments set forth in subsection (a) of this section to those persons certified under subsection (3) of this section from funds available

Statute last amended 2009

## Appendix G

### North Carolina General Statutes § 160A-168 Privacy of Employee Personnel Records

- (a) Notwithstanding the provisions of G.S. 132-6 or any other general law or local act concerning access to public records, personnel files of employees, former employees, or applicants for employment maintained by a City are subject to inspection and may be disclosed only as provided by this section. For purposes of this section, an employee's personnel file consists of any information in any form gathered by the City with respect to that employee and, by way of illustration but not limitation, relating to his application, selection or non-selection, performance, promotions, demotions, transfers, suspension and other disciplinary actions, evaluation forms, leave, salary, and termination of employment. As used in this section, "employee" includes former employees of the City.
- (b) The following information with respect to each City employee is a matter of public record:
- (1) Name.
  - (2) Age.
  - (3) Date of original employment or appointment to the service.
  - (4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the City has the written contract or a record of the oral contract in its possession.
  - (5) Current position.
  - (6) Title.
  - (7) Current salary.
  - (8) Date and amount of each increase or decrease in salary with that municipality.
  - (9) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that municipality.
  - (10) Date and general description of the reasons for each promotion with that municipality.
  - (11) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the municipality. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the municipality setting forth the specific acts or omissions that are the basis of the dismissal.
  - (12) The office to which the employee is currently assigned.
- (b1) 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.
- (b2) 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.
- (c) All information contained in a City employee's personnel file, other than the information made public by subsection (b) of this section, is confidential and shall be open to inspection only in the following instances:

[Type text]

- (1) 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.
- (2) A licensed physician designated in writing by the employee may examine the employee's medical record.
- (3) A City employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- (4) By 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.
- (5) An official of an agency of the State or federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution (of the employee), or for the purpose of assisting in an investigation of (the employee's) tax liability. However, the official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
- (6) 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.
- (7) 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 non-employment, 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.

(c1) Even if considered part of an employee's personnel file, the following information need not be disclosed to an employee nor to any other person:

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

(c2) The City council may permit access, subject to limitations they may impose, to selected personnel files by a professional representative of a training, research, or academic institution if that person certifies that he will not release information identifying the employees whose files are opened and that the information will be used solely for statistical, research, or teaching purposes. This certification shall be retained by the City as

[Type text]

long as each personnel file examined is retained.

- (c3) Notwithstanding any provision of this section to the contrary, the Retirement Systems Division of the Department of State Treasurer may disclose the name and mailing address of former local governmental employees to domiciled, nonprofit organizations representing 2,000 or more active or retired State government, local government, or public school employees.
- (d) The City council of a City that maintains personnel files containing information other than the information mentioned in subsection (b) of this section shall establish procedures whereby an employee who objects to material in his file on grounds that it is inaccurate or misleading may seek to have the material removed from the file or may place in the file a statement relating to the material.
- (e) A public official or employee who knowingly, willfully, and with malice permits any person to have access to information contained in a personnel file, except as is permitted by this section, is guilty of a Class 3 misdemeanor and upon conviction shall only be fined an amount not more than five hundred dollars (\$500.00).
- (f) Any person, not specifically authorized by this section 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 Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in excess of five hundred dollars (\$500.00). (1975, c. 701, s. 2; 1981, c. 926, ss. 1-4; 1993, c. 539, ss. 1084, 1085; 1994, Ex. Sess., c. 24, s. 14(c); 2007-508, s. 7; 2008-194, s. 11(e); 2010-169, s. 18(f).)

*Statute last amended: February 21, 2012*