



CHARTERED IN 1951

# Personnel Policy Manual

*Developed under the authority of the Town  
Board of Commissioner's by the Town  
Manager's Office and the Human Resources  
Department*



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Dear Employee:

Welcome to the Town of Spring Lake! We are excited to have you as a part of our talented and diverse team of employees. The Town of Spring Lake is a unique municipality, requiring input and contribution from every team member. This policy manual contains key policies and expectations of the Town of Spring Lake as your employer. You will find the information both necessary and informative and are encouraged to use the manual as the vital resource it is intended to be.

The Town of Spring Lake is committed to outstanding service to our citizens and visitors. Providing an outstanding quality of life to our community is our top priority. As a part of our team, you will discover that your involvement will not only benefit the Town, but will also be a rewarding experience to you on both a professional and personal level. We expect you to own the results of your innovation and productivity and be an active participant in the growth and development of your career and of the Town of Spring Lake's future.

Welcome aboard, and we look forward to your contribution!

Sincerely,

Town Manager  
Town of Spring Lake

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*Nothing in this manual is to be construed to create a contract between the Town and its employees. Any benefit, rule, or provision provided in this manual may be modified or withdrawn at any time without notice, except as provided by federal or state law.*

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# CHAPTER I

# ADMINISTRATION



## **I. ADMINISTRATION**

### **A. PERSONNEL ADMINISTRATION**

#### **Section 1: Authority**

##### **(a) General**

With the exception of matters reserved by state law or the Town charter to the Town Council, the general and final authority for personnel administration rests with the Town Manager. This Personnel Policy Manual provides statements of policy and establishes procedure relating to personnel administration that are necessary to effectively and efficiently manage Town operations. It is issued by the Town Manager under the authority of the Town Council.

##### **(b) Scope of Authority**

The Town Manager possesses the authority to administer Town operations. The Town Manager's authority includes, but is not limited to:

1. Discipline, discharge, or release of employees pursuant to the Town Charter and procedures described in this handbook;
2. Direct the work forces;
3. Hire, assign, or transfer employees;
4. Determine the mission of Town departments;
5. Determine the methods, means, and allocation/assignment of personnel needed to carry out the Town's mission;
6. Introduce new or improved methods or facilities or change such methods or facilities;
7. Determine reasonable work schedules and establish the methods and processes by which such work is performed;
8. Require the performance of duties stated and intended in job descriptions, with the understanding that every duty is not always described;
9. Determine position availability.

1. Authorizing lateral assignments;
  2. Freezing, hiring, and promoting;
  3. Authorizing delay in position uses due to budget, facilities, or other business necessity; or
  4. Authorizing temporary assignment into a vacancy.
10. Recommend to Board of Commissioner's the addition/deletion of positions, reclassification of positions, and/or reassignment of employees to different positions with different classifications and pay as required by business necessity.

**(c) Delegated Authority**

The Town Manager may delegate authority to Department Directors in the following areas:

1. Discipline, discharge, or release of employees pursuant to the procedures described in this handbook;
2. Direct the work forces;
3. Hire, assign, or transfer employees;
4. Recommend the mission of specific departments;
5. Determine the methods, means, and allocation/assignment of personnel needed to carry out the department's mission;
6. Introduce new or improved methods or facilities or change such methods or facilities;
7. Recommend work schedules and establish the methods and processes by which such work is performed;
8. Require the performance of duties stated and intended in job descriptions, with the understanding that every duty is not always described;
9. Recommend positions, reclassification of positions, and/or the reassignment of employees to different positions with different

classifications and/or pay; and

10. Fiscal responsibility of the Division.

**(d) Administration of Policy**

Proper policy administration includes selecting goals and encouraging the discharge of duties above the minimum standards. The provisions of this manual create high standards of conduct so that training and performance can be aimed at the highest levels and may, in appropriate cases, be the basis for internal discipline. This manual provides general information about Town policies, procedures, expectations, and benefits. The information in this manual, however, cannot anticipate every situation or answer every question regarding your employment. Therefore, the policies set forth in this manual may not cover all situations. The Town Manager shall make interpretive decisions for those situations that are not specifically covered by this manual and may, in the best interest of Town operations, override any provision in this manual.

The intent of this Personnel Policy Manual is compliance with all applicable Federal and State laws. In the event of a change in law or a conflict in Federal or State law with the contents of this manual, the Federal and/or State law shall supersede the policies contained within this manual.

**Section 2: "At Will" Employment**

All employment relationships are at the will of the Town of Spring Lake and the employee. Employees may resign or quit at any time for any or no reason, with or without cause or notice. Similarly, the Town of Spring Lake may discharge an employee at any time for any reason, with or without cause or notice.

This manual is not intended to and does not create an employment contract between the Town and its employees. Your employment is for no specified period of time, and this manual does not limit your right or the Town's right to terminate your employment at any time for any reason or no reason.

**Section 3: Departmental Operating Rules**

Departmental operating rules and regulations related to employment matters, not in conflict with this manual, may be used and/or established by the Department Directors. To the extent there are any questions as to the controlling rule, the rule requiring the most stringent level of employee performance shall govern.

#### Section 4: Revisions to Manual

This manual may be amended in whole or in part from time to time at the sole discretion of the Town in order to maintain legal compliance, operative effectiveness, and desired workplace conditions. Amendments will be available to all employees upon adoption.

#### Section 5: Personnel Records

##### (a) Establishment and Retention

Master personnel files on all employees are established and maintained by the Human Resources Department. These files shall be located at Town Hall under the supervision of the Director, Human Resources and Risk Management, and shall contain all records and actions taken. Files for terminated employees shall be retained as required under all applicable record retention laws. The practice of maintaining copies of these files or portions thereof within the departments is strongly discouraged. If departmental records must be maintained (e.g. CALEA requirements in the Police Department), these records must be kept in a secure location so as to ensure the confidentiality of protected information. These records are subject to disclosure pursuant to any Open Records Act request and must be destroyed in accordance with the Town's Records Retention schedule. The Town Records Manager shall determine the time limit that personnel records shall be kept on file and shall make the final disposition in accordance with State or Federal laws.

##### (b) Inspection of Records

1. An employee has the right to review and request copies of his/her personnel file. These requests will be facilitated by the Director, Human Resources and Risk Management. The employee may be charged a nominal fee per copy.
2. All personnel records/files of employees covered under these policies shall be subject to inspection and protection in accordance with State Open Records laws. Information which is obtained in the course of official duty shall not be released by any employee other than by those charged with this responsibility as part of their official duties.

##### (c) Changes to Records

It is the responsibility of the employee to notify the Town of any personal data changes, such as name, address, phone number, emergency contact

information, change in beneficiaries, etc. Name changes will require legal documents as back-up (e.g. marriage certificate, divorce decree, etc.)

Section 6: Personnel Policy Manual

(a) Scope

The provisions of this manual apply to all employees of the Town of Spring Lake, North Carolina, both on and off duty, unless otherwise indicated, restricted by authority, or limited by law.

(b) Not a Contract

This manual does not constitute a contract of employment or benefits. Nothing in this handbook should be construed as a guarantee of continued benefits from, or employment by, the Town of Spring Lake. Benefits provided are subject to change or revocation with or without notice. All employees are subject to discharge with or without cause.

(c) Changes

The Town Manager reserves the authority to recommend, modify, revoke, amend, suspend, interpret, terminate, or change any or all of the provisions of this manual. Except in the case of emergency, employees will be given appropriate notice of any change.

(d) Titles/Headings

The use of titles or headings in this manual shall not govern, limit, modify, or affect the scope of meaning or intent of any provision.

(e) Validity/Severability

Any statement in a directive found to be illegal, incorrect, or inapplicable shall not affect the validity of the remaining contents.

(f) Distribution

Every Town employee will have access to a copy of this manual and copies of amendments and revisions as they are adopted.

**(g) Compliance**

All provisions of this manual are applicable to regular full-time, part-time, probationary, seasonal, and temporary employees, except where otherwise noted in the manual.

**(h) Official Copy**

An official copy of the Town of Spring Lake, North Carolina, Personnel Policy Manual containing the latest revisions is maintained by the Human Resources Manager and can be found in the offices of such department.

Section 7: Definitions

The following words and phrases shall have the following meanings. All other words not defined herein shall have the common and ordinary dictionary meanings, unless a different meaning is required by the context.

**(a) Days**

Unless otherwise provided, “days” refers to business days, rather than calendar days or shift days.

**(b) Demotion**

Demotion is defined as the change of an employee from a position in one grade to a position in another grade at a lower level. Demotions may be to one or more grade levels lower than the current employee status.

**(c) Department Director**

The highest administrative employee of a division, whether indicated as Director, Chief, or other job title or rank.

**(d) Employee**

- Regular Full-time Employee: Any employee filling an approved, budgeted position with a regularly scheduled work week of forty (40) hours per week.
- Regular Part-time Employee: Any employee filling an approved, budgeted position with a regularly scheduled work week of less than thirty (30) hours per week.

- Fire Shift Employee: Those employees designated as fire protection personnel and assigned to a shift other than the regular work week.
- Police Shift Employee: Those employees designated as police protection personnel and assigned to a shift other than the regular work week.
- Probationary Employee: Those newly hired employees who are in their “original probation period” and those employees who have changed positions and are in the “position probation period.”
- Temporary or Seasonal Employee: Any employee filling a position for a specified length of time, for either long- or short-term work assignments.

(e) Exempt Employee

An employee defined according to the federal Fair Labor Standards Act (FLSA) to be subject to equal pay provisions, but exempt from overtime pay provisions. An exempt employee’s compensation is based on an annual salary basis, and there is no compensation for hours worked in excess of the defined work week.

(f) Non-Exempt Employee

An employee defined according to the FLSA to be subject to equal pay, minimum wage, and overtime provisions. For regular employees, hours worked in excess of the 40-hour work week will be paid at a rate of 1½ times the employee’s regular rate of pay. For police shift employees, hours worked in excess of the 171-hour 28-day work period will be paid at a rate of 1½ times the employee’s regular rate of pay. For fire shift employees, hours worked in excess of the 212-hour 28-day work period will be paid at a rate of 1½ times the employee’s regular rate of pay. Non-exempt employees take annual, sick, holiday, or other types of leave in quarter hour increments.

(g) On-the-Job Injury

An on-the-job injury is an injury arising out of employment or sustained in the course of employment.

**(h) Overtime Rate**

The overtime rate of pay is one and one-half (1½) times the regular rate of pay for non-exempt employees.

**(i) Promotion**

A promotion is defined as the change of an employee from a position in one grade to a position in another grade of a higher level.

**(j) Reassignment**

Reassignment is defined as the movement of an employee not otherwise covered by demotion, promotion, or reclassification. The terms reassignment and transfer may be used interchangeably.

**(k) Reclassification**

A reclassification is defined as a position whose classification is altered due to job duties and responsibilities. Reclassifications can be to a higher, lower, or same pay grade.

**(l) Relative**

For purposes of this manual, relatives are defined as follows:

- Spouse
- Parent or Step-parent
- Parent-in-law
- Child or Step-child
- Sister or Step-sister
- Brother or Step-brother
- Sister-in-law
- Brother-in-law
- Son-in-law
- Daughter-in-law
- Grandparent or Step-grandparent
- Grandparent-in-law
- Grandchildren



**(m) Supervisor**

The term supervisor shall apply to any employee formally assigned to supervisory responsibilities for personnel and operations of a work unit within a larger department of Town government. Department Directors and the Town Manager should be understood to be supervisors of individuals who report directly to them.

**(n) Unauthorized Absence**

Failing to report for duty or failure to remain at work as scheduled without proper notification, authorization, or excuse.

**(o) Work Week**

The work week is established as Monday through Sunday.

**B. ATTENDANCE & WORK HOURS**

**Section 1: Policy Statement**

In order to maintain a high level of responsiveness to the Town of Spring Lake citizenry, it is important that employees follow established work hours, avoid tardiness and unauthorized absences, and follow reporting requirements.

**Section 2: General Provisions**

**(a) General Business Hours**

All offices of the Town will be kept open continuously from 8:00 a.m. to 5:00 p.m. Monday through Friday during a regular work week. Unless otherwise approved by the Town Manager, the regular work day is from 8 a.m. to 5 p.m. Each department may schedule alternate work schedules to meet their needs and the needs of citizens with approval of the Town Manager.

**(b) Hours Worked**

Employees must actually work all hours in the work period before receiving overtime pay/compensatory time. The established work periods for Town employees are:

Police Officers	171 hours/28 days
Firefighters	212 hours/28 days

All Others

40 hours/7 days

Annual, sick, holiday, or other types of leave will not count as hours worked for calculating overtime pay or for the purpose of determining eligibility for Family and Medical Leave (FMLA).

**(c) Attendance Requirements**

Maintaining good attendance is a condition of employment and an essential job function of every employee. An employee will refrain from unauthorized absences or tardiness; abusing sick leave; absences or tardiness that causes significant disruption of service; and excessive amount of time off the job, regardless of reason. An employee absent from the job without proper authorization for three consecutive workdays may be considered to have resigned his/her position without notice, unless exigent circumstances are demonstrated upon review on a case-by-case basis.

Specific attendance requirements may be established by Department Director as needed to ensure operation effectiveness.

**(d) Additional Work**

All employees are required to work in excess of their regularly scheduled hours, when necessary, as determined by department management. Such additional work assignments may be rotated and allocated among employees qualified to perform the duties. Excess hours may be required or granted for a specific period of time or on a regular basis as operating circumstances warrant. Additional work by non-exempt employees must be approved in advance by the employee's supervisor. This includes, but is not limited to, work before or after regular work hours, working a Town-sponsored Special Event, etc.

**(e) Travel Time**

When a non-exempt employee travels on Town business or attends a training class/conference outside of his/her normal work schedule, it will be at the discretion of his/her Department Director to determine if the employee should leave from his/her home or from his/her Town work facility. Traveling hours for non-exempt employees may be calculated as work time and could possibly create overtime pay.

Should travel require an employee to fly rather than drive, time spent at airports waiting on flights is considered work time and should be paid according to the Fair Labor Standards Act (FLSA).

Non-exempt employees traveling during their normal work hours will be compensated as their normal work schedule; employees traveling on their scheduled off day will be compensated as any other workday.

**(f) Time Increments**

Hourly computations for the purpose of compensation and the use of annual, sick, holiday, or other types of leave will be computed in quarter hour increments for non-exempt employees.

**(g) Meal Breaks**

Meal time should be at least thirty (30) minutes in length, not to exceed 60 minutes. Meal times may occasionally vary to accommodate medical or personal appointments. Allowances are made for the Public Works crews when laying asphalt or during severe weather response. Other rest periods/breaks of short duration during the day should not be disruptive to operations, should not exceed fifteen (15) minutes in length, and should be approved by the employee's supervisor. In compliance with the Fair Labor Standards Act, meal time during a shift is not considered compensable time, unless the employee is required to respond to calls or to perform other work during the meal time (e.g. Police Officers, Camp Counselors, Fire Shift Employees, etc.).

**Section 3: Alternative Work Schedules****(a) General Provisions**

Subject to operational requirements, regular full-time employees may work an alternative work schedule that requires the employee to work outside the normal work hours of 8:00 a.m. to 5:00 p.m. Monday through Friday.

**(b) Approval Process**

Any change in an employee's work schedule must be based on operational need and must be approved in writing by the Department Director prior to implementation. In addition, the Town Manager and the Human Resources Manager must approve any change in an employee's work schedule to ensure there is no conflict with statutory/regulatory requirements or Town policy.

**(c) Restrictions**

- The Town may cancel or suspend an employee's alternative work schedule at any time, for any or no reason.
- Daily and weekly work schedules can be modified at the Town's discretion to meet changing operational needs.
- Approval of an alternative work schedule does not prohibit employees from working more than their regularly scheduled work hours.
- Employees can be required to depart from their alternative work

schedule as necessary, to work additional hours, to attend training, or for other business purposes as determined by the Town.

- No alternative schedule will be approved that has the potential to unduly increase the Town's overtime pay liability or that results in an inconvenience to, or disruption of, the Town's business.

## C. EMPLOYEE STATUS CHANGES

### Section 1: Policy Statement

Employees may undergo any number of changes in status and/or compensation. The purpose of this policy is to identify and describe the more common of these changes.

### Section 2: General Provisions

#### (a) Requirement

All new hires, promotions, demotions, reassignments, or transfers are contingent on position availability, the employee meeting the minimum qualifications, and the availability of funds in the discretion of the Town Manager and Town Council.

#### (b) Compensation

Status changes described in this manual may affect compensation, based on position classification and availability of funds.

- (c) A Personnel Change Form must be completed to document all status changes.

### Section 3: Probation Period Requirements

#### (a) Policy Statement

It is the purpose of the probationary period to provide a time by which both employee and employer can decide whether to continue employment. Probationary employees and supervisors should utilize the time to examine all aspects of the job and related performance.

#### (b) Original Probation Period

All newly hired employees are subject to a one (1) year probationary period in the position to which they are hired (the "Original Probation Period"). Uncertified Police Officers have a one (1) year probationary period from the date they become certified. New hires who fail to complete the probationary period at an acceptable level shall be terminated from employment.

**(c) Position Probation Period**

Employees who are promoted, demoted, or transferred to a different position are subject to a six (6) month probationary period in the new position (the “Position Probation Period”). This includes Public Safety employees. If the employee fails to successfully complete a “position probation period” following promotion, he/she shall be reinstated in his/her former position at his/her former rate of pay if the position is vacant. If the position is not vacant, the employee may be assigned to any vacant position for which he/she is qualified at a rate of pay within the salary range of the vacant position. If no vacant position for which he/she is qualified is available, the employee will be terminated. If the employee fails to successfully complete a “position probation period” following demotion or transfer, he/she may be assigned to any vacant position for which he/she is qualified at a rate of pay within the salary range of the vacant position. If no vacant position for which he/she is qualified is available, the employee will be terminated.

When an employee advances or progresses within a position, he/she is not subject to a six (6) month Position Probation Period (e.g., Maintenance Tech I to Maintenance Tech II, Maintenance Tech II to Maintenance Tech III, etc.).

**(d) Extension of Probation**

The probationary period may be extended one time for a period not to exceed ninety (90) days by the Department Director with notice to the Human Resources Manager. If the probationary period is to be extended, the employee will be notified in writing.

**(e) Probation Period Restrictions**

Employees in a probationary status are not eligible for reassignment, promotions, or voluntary transfer unless specifically approved by the Town Manager.

**(f) Grievance Appeal Rights**

New employees in their original probationary status do not have grievance or appeal rights in connection with disciplinary action or termination of employment.

**Section 4: Regular Status**

An employee who satisfactorily completes the probationary period is moved to regular status at the recommendation of the Department Director and approval of the Town Manager.

## Section 5: Promotions, Progressions, and Demotions

### (a) Eligibility for Promotion

Employees may be eligible to promote to higher classified positions based on qualifying skills and demonstrated performance.

### (b) Eligibility for Progression/Advancement

Employees may be eligible to progress or advance within a classified position based on qualifying skills and demonstrated performance. A progression/advancement is generally within the same salary grade.

### (c) Reasons for Demotion

Employees may be demoted as the result of failure to meet minimum performance standards established for their position, disciplinary action, job elimination, or reasonable accommodation. A recommendation for demotion must be in writing and must contain the reasons why it is necessary to recommend demotion rather than alternative personnel actions. Only Department Director, in consultation with the Human Resources Manager, may authorize a demotion. The Department Director shall notify the employee in writing.

## Section 6: Reassignment

### (a) Management Reassignment

An employee may be reassigned to a position in the same rank or classification with different duties and responsibilities at the discretion of the Division Director.

### (b) Temporary Reassignment to Modified/Light Duty

Any employee may be temporarily reassigned to modified, lighter, or safer duties when the employee is unable to perform his/her current duties based on a medical certification by a physician, or when continued performance of current duties may aggravate a present medical condition/problem as diagnosed by a physician. The Town may require an employee to be examined by an appropriate health professional of the Town's choice if the employee provides insufficient information from his/her treating physician (or other health care professional) to substantiate that he/she is unable to perform current duties. Every reasonable effort will be made to reassign the employee to other duties within the same department. During the reassignment period, the employee will be required by the Human Resources Department to provide periodic reports regarding the employee's

ability to perform duties.

If a reassigned employee is unable to resume, with reasonable accommodations, his/her original duties within three (3) months of reassignment, the Human Resources Department may, with approval of the Town Manager, assign the employee to a vacant position in another classification for which the employee is qualified and able to perform (with or without accommodations), and at a salary comparable to that of other employees in the same classification. If no vacancy exists in another classification for which the employee is qualified (with or without accommodations), the employee may be terminated from employment.

**(c) Temporary Reassignment to Higher Classification**

Employees may be temporarily assigned to an acting status in a higher position having different duties and responsibilities when:

1. An existing position is vacant or the incumbent is or will be absent from work for at least thirty (30) days;
2. Operational effectiveness precludes dispersing the duties of the position among other equally classified employees;
3. The employee meets the minimum qualifications of and is capable of performing the assigned duties of the higher-level position; and
4. The Town Manager approves the temporary acting status in writing prior to the reassignment.

**(d) Employee-Sought Reassignment**

Employees may voluntarily seek transfers to equally or lower classified available positions for which they are qualified. Such transfers may not be granted if the Town Manager determines that it is not in the best interest of Town operations.

**Section 7: Reclassification of a Position**

**(a) General Overview**

Reclassification of a position may occur at the request of a Department Director and upon approval of the Town Manager when the job duties actually performed and/or the minimum qualifications of the position have significantly changed since the job description was written. Reclassification may result in a position being placed in a higher, lower, or same classification. Employees whose positions are reclassified will be given written notice of the reclassification by the Human Resources Department and will not be subject to a "position probation period."

**(b) Approval**

All requests for reclassifications should be submitted to the Human Resources Manager, who will review and evaluate based on the Factor Evaluation System (FES). A recommendation to reclassify a position must be approved by the Town Manager and the Town Council.



## **D. NEPOTISM & NON-FRATERNIZATION**

### **Section 1: Nepotism**

#### **(a) Policy Statement**

It is the Town's policy that relatives, as defined earlier in the definition section, will not be employed in regular full-time or part-time positions where:

1. One relative would have the authority to supervise, appoint, remove, discipline, or evaluate the performance of the other;
2. One relative would be responsible for auditing the work of the other;
3. Other circumstances exist which would place the relatives in an actual or reasonably foreseeable conflict between the Town's interest and their own.

#### **(b) Options**

1. Voluntary movement of either or both employees based on availability of positions in other departments and qualifying skills of the employee(s).
2. Involuntary reassignment of the more senior employee to an available position of equivalent status/grade based on qualifying skills of the employee.
3. Resignation or dismissal from Town service.

### **Section 2: Non-Fraternization**

#### **(a) Policy Statement**

Romantic or sexual relationships between a manager/supervisor and a direct report employee can cause real or perceived conflicts of interest. In order to prevent these conflicts, the Town prohibits such relationships or any conduct that is intended or may reasonably be expected to lead to the formation of a romantic or sexual relationship between a manager/supervisor and an employee in a direct reporting relationship. This policy applies regardless of whether or not both parties freely consent to such relationships. Should a manager desire to date or become involved

with a direct report employee, the manager should first resign from his/her position with the Town.

Should two employees within the same department, but not in a direct reporting relationship, desire to become involved in a romantic relationship, they should disclose the relationship to the Department Director who shall then make a decision regarding the effect of the relationship on work product and work flow within the department. If, in the judgment of the Department Director, the relationship between two employees within the department creates a negative effect on departmental operations, then the more senior employee will be asked to transfer or resign his/her position with the Town.

## **E. HIRING AND SELECTION**

### **Section 1: Policy Statement**

The Town is committed to employ, in its best judgment, the most highly qualified candidates for approved positions in compliance with all applicable employment laws. It is the policy of the Town to provide equal employment opportunity for all employment to all applicants and employees.

Human Resources' authorization is required to initiate any action for an open position including any recruitment efforts, advertising, or interviewing. The extension of any offers of employment to any prospective candidate will be made by the Human Resources Department or the Town Manager.

### **Section 2: General Provisions**

#### **(a) Equal Employment Opportunity**

The Town of Spring Lake provides equal opportunity to all employees and applicants without regard to race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, genetic information, or status as covered veterans in accordance with applicable Federal, State, and local laws. This policy applies to all terms and conditions of employment including, but not limited to, recruitment, placement, promotion, disciplinary action, termination, reduction in force, transfers, leaves-of-absence, compensation, working conditions, training, and benefits.

#### **(b) The Americans with Disabilities Act**

The Americans with Disabilities Act (ADA) prohibits, under certain circumstances, discrimination based on disability in the areas of employment, public services, and public accommodations. ADA requires employers to reasonably accommodate qualified individuals with disabilities. It is the Town of Spring Lake's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. The Town of Spring Lake will provide reasonable accommodations to both employees and members of the public, if so requested.

#### **(c) Selection Criteria**

Selection for employment with the Town of Spring Lake is generally based on job-related qualifications and is contingent on satisfactory results of such

exams or tests as either required by law or administered due to job-related duties.

**(d) Minimum Age**

The minimum age for employment with Town is 18 for all position except fire personnel and law enforcement officers, who must be 21.

Exceptions to the minimum age are provided for under the law if the applicant procures an employment certificate form the County Department of Social Services. The Town does not have a mandatory retirement age.

**Section 3: Application Process**

**(a) Acceptance of Applications**

As a general policy, no applications/resumes will be accepted unless the Town has posted vacancies.

**(b) Recruitment Requests**

Upon a vacancy, the Department Director should notify the Human Resources Manager. An announcement will be posted for a vacancy stating the position, the minimum qualifications, the salary or salary range, and how to apply. This announcement will be posted for a minimum of three (3) business days. The Department Director may, at his/her discretion, choose to consider only qualified Town employees for an existing vacancy. Should a position, however, become vacant within a 90-day time frame after the same position has been filled, the Town may choose not to re- post an announcement for a vacancy if there are additional qualified candidates to consider from the previous posting. The 90-day time frame will begin with the candidate's hire date from the original posting.

**(c) Job Bid Program**

An internal employee may bid on any posted vacancy by submitting a Job Bid Form that may be obtained from the Human Resources Department. Like external candidates, in order to be considered for a vacancy, the employee must meet the minimum qualifications as stated in the announcement that is posted for the vacancy. Qualified employees will be considered along with qualified outside candidates for the position. The Town is under no obligation to fill a vacancy with an internal candidate.

**(d) Forms and Submission**

External candidates for a position must apply electronically through the Spring Lake Town website for each vacancy of interest. Occasionally, the Human Resources Department may accept hard-copy employment applications or resumes for specific open positions. Internal candidates must submit a Job Bid Form to the Human Resources Department to indicate interest in a vacancy. Additional information outside the initial employment application or Job Bid Form may be required from candidates.

**(e) Examinations**

As determined by the Department Director and the Human Resources Manager, the selection process may include, but not necessarily be limited to, one or more of the following: oral interviews, evaluation of experience and training, written/computerized/performance skills test, physical ability skills test, driver history, criminal history, truth verification testing, psychological testing, drug test, and reference and background checks. Any written or performance skills test must be valid as to its ability to test for job performance and must not be discriminatory. Candidates for those positions designated as physically demanding and/or safety-sensitive may be required to undergo post-offer physical examinations at the Town's expense prior to employment.

**(f) Falsified or Omitted Material**

Omission or falsification of any material fact on an application or resume or any other official agency documentation disqualifies an applicant for consideration of employment, transfer or promotion. Disciplinary action may be taken against a current employee for an omission or falsification, up to and including termination, regardless of when the omission or falsification is discovered.

**Section 4: Selection****(a) Job-Related Criteria**

Selection for employment with the Town of Spring Lake is based on job-related criteria that may include, but is not limited to:

1. Possession of the necessary knowledge, skills, abilities, training, education, licenses, certifications, and experience required for the position.
2. Satisfactory results on performance tests and/or physical or psychological examinations, or drug and alcohol tests.

3. Satisfactory results on criminal history, driving record, and employment and education reference checks.

**(b) Nepotism**

All provisions of the nepotism policy in this manual will be adhered to during the selection process. For further information, please refer to the Nepotism Policy.

**(c) Position Control**

It is the responsibility of the Human Resources Manager to maintain a Townwide “Personnel Summary” and “Open Positions Report” in order to track authorized positions and the status thereof. These reports are utilized to maintain position control.

**Section 5: Salary Increases to Offers of Employment for Advanced Education**

When an offer of employment is extended to a potential candidate by Human Resources or the Town Manager, additional compensation may be added to the salary offer if a candidate holds a degree that is not required as part of the minimum requirements of the position as stated in the position job description. A candidate, however, will only be compensated for the highest-level degree that he/she has attained at the time of the offer. The following additional compensation may be added to the salary offer:

Associate’s Degree	\$750.00 annually
Bachelor’s Degree	\$1,250 annually
Master’s Degree	\$1,500 annually

For example, if we make an offer to a potential candidate for a position that does not require a degree, but at the time of the offer, the candidate has a bachelor’s degree, we will add \$1,250 to his/her compensation for recognition of the bachelor’s degree.

This increase is a one-time increase that recognizes the educational efforts and knowledge that these individuals bring to the Town.

#### Section 6: Eligibility Register/Promotion Registry

In coordination with the Human Resources Department, the Fire and Police Departments may create an eligibility register/promotion registry to fill vacancies for the rank of Sergeant and Lieutenant. In order to evaluate the promotional potential of interested employees, candidates shall participate in evaluation techniques such as a written exam, assessment center, oral interview, etc. These techniques will measure the following: organization and planning, interpersonal relations, problem-solving ability, leadership skills, oral and written communication skills, and decision-making. Simulation exercises may be utilized in the assessment center. This process will identify personnel qualified for promotion to Sergeant and Lieutenant and will create a standing promotion register for future positions. An employee's existence on an Eligibility Register/Promotion Registry, however, does not guarantee a promotion should the individual's performance decline or become below satisfactory, etc. This promotion register will generally be valid for a minimum of one (1) year up to a maximum of three (3) years unless the register is exhausted. Further details of this process are available in the departments' Standard Operating Procedures.

#### Section 7: Re-Employment

To be considered for re-employment, a former employee must have demonstrated acceptable prior service with the Town and must meet the current minimum qualifications for the position for which he/she is applying. Re-hired employees are subject to the conditions of employment and benefits of a newly hired employee. Upon approval of the Town Manager, employees re-hired within a 90-day time frame may have their benefit waiting periods waived, and their original hire date reinstated. Re-hired employees are subject to the Defined Benefits Pension Plan document requirements for waiting periods and eligibility for participation.

An employee who enters extended active duty with the Armed Forces of the United States, the Public Health Service, or a reserve component of the Armed Forces will be granted reinstatement rights provided under federal law. An employee who is reinstated from extended active-duty service shall be credited with previously accrued sick leave.

#### Section 8: Emergency and Provisional Employment

The Town Manager may approve emergency and provisional employment for not more than 6 months without advertising the vacancy when the position must be filled immediately.

## Section 9: Contract Employment

### (a) General Overview

Personnel from temporary employment agencies or contract employees outside an agency may be utilized from time to time by the Town to facilitate business needs. The temporary agency is responsible for hiring, training, assigning, disciplining, and terminating its contract personnel. For performance purposes, contract personnel assigned a Town project will be supervised by the Department Director or designee. Contract employees are not eligible to receive Town benefits. Contract employees outside an agency must supply their own equipment, manage their own schedule, and be responsible for their own payroll tax payment and filing.

### (b) Requests for Contract Employment

Requests for contract personnel must be placed through the Human Resources Department, will be reviewed by both Human Resources and Finance, and are subject to availability of funds. Temporary assignment must be approved by the Financial Director, Director of Human Resources, and Town Manager prior to the engagement of the contract service. The Director of Human Resources will coordinate the assignment once approval has been issued.

## Section 10: Other Employment

### (a) General Overview

The Town recognizes that employees may seek additional employment during their off hours to earn additional income or develop new skills and experience. Despite any other outside employment, a Town job is the primary employment responsibility for a full-time employee. Working extended hours while at a secondary job may adversely affect the health, endurance, and productivity of employees. The Town does not consider outside employment to be an excuse for poor job performance, tardiness, absenteeism, or refusal to work overtime or travel when required by the Town. Outside employment also presents the opportunity for conflicts of interest.

### (b) Outside Employment

Outside employment is subject to written approval by the Town Manager. The Town Manager may delegate approval of secondary employment to the



Police Chief and Fire Chief for employees in those departments. A Town employee may not engage in any business, trade, occupation, or profession that:

1. Brings the Town into disrepute;
2. Reflects discredit upon the employee as an employee of the Town;
3. Interferes with the performance of the employee's Town duties;
4. Presents a conflict of interest;
5. Results in misuse of Town property or funds;
6. Results in use of the Town position for unethical and/or illegal personal gain;
7. Violates department policy or procedure; or
8. Decreases the health or endurance of employees or adversely affects their productivity.

**(c) Dual Town Employment & Volunteer Time**

Generally, employees may not hold more than one regular compensated position with the Town. Exceptions to this policy must be approved by the Director of HR, and the Town Manager. If an employee is allowed to hold two compensated part-time positions, the Department Director must ensure that the employee does not work more than an average of 30 hours/week.

**(d) Prohibitions**

1. Department Directors are prohibited in engaging in any form of outside employment without the specific approval of the Town Manager.
2. No employee shall engage in any employment or business where the work of the secondary employer has been in the last twelve (12) months or is currently the subject of an investigation by the employee's Town department.
3. If an employee is on leave for personal medical reasons (sick leave, Workers' Compensation, FMLA, short-term or long-term disability, etc.), he/she is not able to engage in outside employment without the specific approval of the Town Manager.

4. No employees shall engage in outside employment while on duty.

(e) Approval

1. An employee must obtain permission in writing from the Department Director or his/her designee before accepting any other employment or engaging in any other business. The prescribed form should be used for.
2. Presents a conflict of interest;
3. Results in misuse of Town property or funds;
4. Results in use of the Town position for unethical and/or illegal personal gain;
5. Violates department policy or procedure; or
6. Decreases the health or endurance of employees or adversely affects their productivity.

## **F. PERFORMANCE MANAGEMENT**

### **Section 1: Policy Statement**

The job performance of all employees is important to the success of Spring Lake. “Performance Talks” are held with employees on an annual basis, and the single most important purpose of a Performance Talk is to improve future performance. A Performance Talk is an exchange of information and feedback between the supervisor and his/her employee. The Performance Talk form does not utilize numerical or descriptive ratings, but the goal is to have a meaningful discussion regarding the employee’s performance and contribution to his/her department and the Town. It is an ideal opportunity to provide coaching, positive feedback, suggestions for improvement, and even a discussion regarding the employee’s career goals.

### **Section 2: General Provisions**

#### **(a) Timing**

The performance of employees will be discussed and documented:

1. At the conclusion of three (3) months, six (6) months, and the one-year probationary period for new employees.
2. At the conclusion of any probationary period (e.g. Original Probation Period, Position Probation Period, Performance Improvement Plan, etc.).
3. At least annually for all full-time and part-time employees.

#### **(b) Performance Discussion**

Informal Performance Talks by the supervisor throughout the year are encouraged. The purpose is to foster communication, assure common understanding of purpose and expectations, and to assist in detecting problems as they develop.

### **Section 3: Performance Talk Process**

#### **(a) The Manager/Supervisor**

1. No employee should have any doubt as to whom he/she is accountable for his/her work performance at any given time. If the employee has worked in a different position/department or for a different supervisor during the year, the manager/supervisor will consult with the previous supervisor(s) to gain input/information for the Performance Talk. All aspects of an

employee's work performance for the entire year should be considered in the Performance Talk discussion.

2. The Town Manager will have Performance Talks with Department Directors/Chiefs reporting directly to the Town Manager.

**(b) Steps in the Performance Talk Process**

1. The employee should do a self-evaluation and consider his/her own performance and accomplishment of objectives during the previous twelve (12) months and provide further information to the immediate supervisor by answering narrative questions.
2. The immediate supervisor should review performance expectations and objectives for the employee and ensure that they are realistic and attainable during the next rating period.
3. The supervisor should establish a meeting time to conduct the performance talk with the employee.
4. The Performance Talk should begin with a review of how the employee feels he/she performed in each area and how the immediate supervisor can offer support and assistance to the employee to improve future performance. The primary role of the supervisor at this point is to actively listen and ask questions.
5. Then the supervisor should provide feedback on performance and goal-setting for the coming year.
6. All Performance Talk forms and any related documentation shall be forwarded to the Human Resources Department for inclusion in the official personnel files.

**(c) Performance Talk Discussion**

1. The following performance factors are included in the discussion between non-management employees and their immediate supervisors:
  - Job Knowledge and Technical Skills
  - Customer Service and Public Relations
  - Communication
  - Team Player

- Problem Solving
  - Safety
  - Ethics, Values, and Integrity
  - Miscellaneous
2. The following performance factors are included in the discussion between management/supervision employees and their immediate supervisors:
    - Strategic Thinking and Decision-Making
    - Recruiting and Staff Development
    - People Management
    - Public Relations
    - Fiscal Management
    - Ethics, Values, and Integrity
    - Relationship Building Skills/Communication
  3. The employee should be asked to sign his/her Performance Talk form. The employee's signature does not indicate agreement with the supervisor's comments, but represents an acknowledgement of the Performance Talk. Should an employee refuse to sign the Performance Talk form, the supervisor should write "refused to sign" on the form with the appropriate date.
  4. The employee should be given a copy of his/her Performance Talk form.

**(d) Appeal of Performance Talk**

If an employee disagrees with the supervisor's comments, the employee may write a letter of explanation stating his/her concerns with the comments. Any submission from an employee on his/her Performance Talk will be included along with the Performance Talk form in his/her personnel file after the review by the Department Director and the Human Resources Manager.

## **G. TERMINATION OF EMPLOYEE STATUS**

### **Section 1: Policy Statement**

Employees leave the Town of Spring Lake workforce under various conditions that include retirement, resignation, involuntary terminations, reductions in force, etc. Regardless of the reason, the end of employment shall be conducted in a discreet, respectful, and efficient manner. Procedures may exist affecting the employee's final pay and disciplinary action appeals. Employees should make themselves aware of these procedures.

### **Section 2: Separation of Employment**

#### **(a) Resignation**

An employee is encouraged to submit a written notice of resignation to his/her Department Director at least two (2) weeks prior to the effective date of the resignation. When resigning employment with the Town, the employee must actually work a full two-week notice in order to be considered leaving in "good standing" unless exceptional circumstances exist. The resignation notice should indicate the reason for resigning and the last working day or shift with the Town of Spring Lake. An employee may be requested to leave immediately. Employees will not be allowed to use annual leave or other leave (except sick time) during the notice period unless it was scheduled prior to giving notice. If the employee is requested by the Town not to work through the notice period, the employee will be paid "wages in lieu of notice" through the effective date of his/her resignation (maximum of two weeks), and will be considered leaving "in good standing." Employees who voluntarily resign from the Town will be paid their unused leave balances, except sick leave, catastrophic sick leave, and floating holidays.

An employee who is absent from work three consecutive days or shifts without reporting to their supervisor the reason for his absence shall be considered to have terminated his employment without notice, and notation to this effect shall be recorded on the employee's service record.

#### **(b) Retirement**

An employee must give written notice of intent to retire to his/her Department Director as soon as possible, but no less than thirty (30) calendar days prior to the intended retirement date. This notice is required in order to facilitate a smooth transition of job responsibilities and timely processing of retirement benefits. The retirement notice should indicate the last working day or shift with the Town of Spring Lake. Prior to the retirement

date, Human Resources will meet with the employee to discuss the retirement process and any required paperwork.

1. Upon retirement, the employee shall be paid for any unused leave balances and sick leave will be converted into years of services.

**(c) Pending Disciplinary Action**

An employee whose resignation or retirement notice is tendered and accepted after the initiation of a disciplinary action forfeits his/her right to appeal the disciplinary action.

**(d) Failure to Report for Three (3) Working Days**

An employee who is absent from work for a period of three (3) working days without notifying his/her supervisor of the reasons for his/her absence and without receiving permission to remain away from work shall be considered as having quit without notice and not in good standing, provided, however, that the failure to contact his/her supervisor was not caused by unavoidable emergency circumstances. Such an employee is not normally eligible for re-employment. The official termination date will be on the day following the third consecutive day with no notification. An employee who “quits without notice” under these circumstances will be paid his/her unused leave balances except sick leave, catastrophic sick leave, and floating holidays.

**(e) Involuntary Termination**

Employees who are involuntarily terminated from the Town will be notified of the reasons for the dismissal and the date of the dismissal.

**(f) Loss of Job Requirement(s)**

Any employee who is unable to do his/her job adequately because of loss of, or inability to obtain, a necessary license or other requirement may be terminated if another position for which he/she is qualified is unavailable. The effective date will be the last day worked.

**(g) Death of Employee**

All compensation due to an employee who dies while employed by Town will be paid to the estate of the deceased employee. The date of death shall be recorded as the separation date for computing compensation due.

**(h) Exit Interview**

After receiving written notice of voluntary resignation or retirement, the Department Director shall notify the Human Resources Manager and will forward the original written notice of resignation or retirement to Human Resources. The Human Resources Department will schedule an exit interview with the employee.

**(i) Separation Notice and Notification of Benefits**

All employees who leave employment with the Town either voluntarily or involuntarily will receive a Separation Notice. Employees will also receive information related to discontinuation of benefits, COBRA, final pay, etc.

**(j) Town Property**

All Town property (including rented uniforms) assigned to the employee is considered an advance of wages and must be returned in proper working condition before receiving the final paycheck. The value of unreturned items will be deducted from the final payout to the extent allowed by law.

**Section 3: Reduction in Work Force****(a) Statement of Policy**

A reduction-in-force may result in the separation of employee(s) due to abolishment of a position, a shortage of funds or work, a need to increase efficiency, a material changes in the duties or organizational unit of the Department, or for any other reason. No reduction-in-force shall be made for the purpose of dismissing an employee for incompetence, misconduct, or for other reasons, except as included in this Section. The reduction does not reflect discredit upon the service of the employee.

**(b) Procedures**

A reduction-in-force can be recommended by the Board of Commissioners, the Town Manager, the Human Resources Manager, and/or a Department Director. Any reduction must be approved by the Town Manager prior to becoming effective.

Prior to the reduction-in-force, the affected Department Director and the Human Resources Manager may consider work records, performance history, assigned duties, job skills, and length of service in determining which employees shall be eliminated in the affected job class. If it is found that two or more persons in the Department in which the reduction-in-force is to be made have equal job skills and performance history, the reduction



may be based upon seniority. No regular full-time or part-time employee shall be eliminated while another person is employed on a temporary basis in a position within the same job class if the employee is willing to accept the temporary assignment. In evaluating employees for purposes of a reduction, care should be taken to accurately evaluate all employees. An employee shall not be terminated based on race, color, creed, religion, sex, national origin, age, disability, genetic information, or any other category protected by Federal and/or State law. Prior to a reduction-in-force, the names and job titles of the employees scheduled for termination shall be submitted to the Town Manager for approval. Regular employees shall be notified in writing at least fourteen (14) days prior to the effective date of termination due to reduction-in-force.

(c) Lateral Transfers or Demotions to Preserve Employment

Prior to a reduction-in-force and in an effort to avoid termination of employment, the Town Manager may direct a lateral transfer or demotion as necessary to place an employee into a position for which he/she is qualified rather than terminate his/her employment if a vacancy exists.

## H. USE OF TOWN PROPERTY & EQUIPMENT

### Section 1: Policy Statement

The Town of Spring Lake is committed to providing a safe workplace and has a substantial investment in the property and equipment used to provide employees the tools for the effective and efficient accomplishment of Town business. The appropriate use of facilities, vehicles, equipment, and other items of Town property is expected from employees. Additionally, this policy governs the use of the Town's computer and electronic communications systems, which includes telephone, cellular phone, voice mail, fax machines, Internet, electronic mail (e-mail), wireless internet connections, and other computer usage.

### Section 2: General Provisions

#### (a) Use of Equipment

All facilities, vehicles, furniture, supplies, and equipment provided and/or used in the course of employment, including without limitation, the telephone, computer, and electronic communications system, are the property of the Town of Spring Lake and may only be used for approved purposes (collectively the "Property").

**(b) Privacy**

No employee shall have an expectation of privacy in any Property. This includes the use of the computer and electronic communications system, including, but not limited to, the e-mail and voice mail messages he/she creates, stores, sends, and receives, and the Internet sites he/she visits.

**(c) Inspection of Property**

Employees may be assigned and/or authorized the use of Town-owned vehicles, lockers, desks, cabinets, computers, etc., for the convenience of the Town and its employees. Management reserves the right to search Town property assigned to employees and documents in employee desks, lockers, file cabinets, etc. The Town has the right to monitor any and all aspects of its computer and electronic communications system, including, but not limited to, monitoring sites visited by users on the Internet, reviewing material downloaded or uploaded by users to the Internet, and reviewing e-mail sent and received by users. Such monitoring may be conducted without prior notice. Use of the Town's property automatically constitutes consent to such monitoring, including, but not limited to, GPS tracking on vehicles.

**(d) Proper Authorization**

An employee shall not, regardless of value, take Town Property without authorization. The use of Town Property for personal gain or for other than official duty-related use is forbidden.

**(e) Discipline**

Repayment for loss or damage may be required under this Chapter in addition to, or in lieu of, disciplinary action. Required repayment under this Chapter may be made by payroll deduction from the employee's pay as necessary to recoup the amount to be recovered.

**Section 3: Electronic Communications Systems**

**(a) General Provisions**

"Electronic Communications Systems" is defined as Internet, electronic mail, telephone, voice mail, facsimiles, pagers, cellular phones, 800 MHz radios, computer and computer networks, directories, and files. Employees will not have privacy rights with respect to any activity using these Town-provided Electronic Communications Systems. All data, including e-mail messages composed, sent, and received on Town Electronic Communications Systems, are the property of the Town of Spring Lake.

**(b) Professionalism**

At all times users have the responsibility to use Electronic Communications Systems in a professional, ethical, and lawful manner. Users should use the same care in drafting e-mail and other electronic documents as they would for any other written communications. Users should always strive to use good grammar and correct punctuation. Anything created or stored on the Electronic Communications Systems may be reviewed by others, and the quality of communications is a direct reflection upon the Town.

**(c) Appropriate Use**

Personal use of the Electronic Communications Systems is a privilege that may be revoked at any time. Occasional, limited, and appropriate personal use of the Electronic Communications Systems is permitted if the use does not:

1. Interfere with any other user's work performance and productivity and is not excessive per management's discretion;
2. Compromise the integrity of the Electronic Communications Systems;  
or
3. Violate any other provision of this policy or any other policy, guideline, or standard of the Town of Spring Lake and any local, State or Federal laws.

**(d) Inappropriate Use**

Under no circumstances should the Electronic Communications Systems be used for sending, transmitting, intentionally receiving, copying, or storing any communication that is fraudulent, harassing, racially offensive, sexually explicit, pornography, profane, obscene, intimidating, defamatory, or in the Town's sole opinion otherwise unlawful or inappropriate. Users encountering or receiving this kind of material should immediately report the incident to their supervisor, IT Department, and Human Resources Department. Exceptions are limited to police investigations into criminal activities, which may require the use of the Internet for information and intelligence gathering. This is permissible with the prior approval of the Police Chief. A general rule of thumb is: Do not send anything by e-mail that you would not want printed in the newspaper. Other prohibited uses of the Electronic Communications Systems, include, but are not limited to:

1. Utilizing "social networking" sites (i.e. Facebook) for non-work-related purposes;

2. Use of e-mail for illegal or unlawful purposes, including copyright infringement, obscenity, libel, slander, fraud, defamation, plagiarism, harassment, intimidation, forgery, impersonation, soliciting for illegal pyramid schemes, and computer tampering (e.g. spreading of computer viruses).
3. Compromising the integrity of the Town and its business in any way;
4. The advertisement of personal business or conducting personal business activities. Sharing e-mail account passwords with another person or attempting to obtain another person's e-mail account password. E-mail accounts are to be used by the registered user only.
5. Sending communications to third party e-mail systems or networks with the intent of circumnavigating Spring Lake Town's Acceptable E-Mail Policy, Acceptable Use Policy, Information Security Policy, or security procedures is prohibited.
6. Sending personal information, such as account numbers, passwords, etc., by unencrypted e-mail. These items should be communicated using secure e-mail, regular mail or in person.
7. Opening e-mail attachments from unknown or unsigned sources. Attachments are the primary source of computer viruses and should be treated with utmost caution.

(e) Misuse of Software

Users who become aware of any misuse of software or violation of copyright law should immediately report the incident to the IT Department. Files obtained from sources outside the Town include files downloaded from the Internet, files attached to e-mail, and files provided by citizens or vendors. These files may contain dangerous computer viruses that can damage the Town's computer network. Users should never download files from the Internet, accept e-mail attachments from outsiders, or use disks from non-Town sources without first scanning the material with Town-approved virus checking software. If a user suspects that a virus has been introduced into the Town's network, he/she should notify the IT Department immediately. Without prior written authorization from the IT Department, users may not do any of the following:

1. Copy software for use on their home computers or to other computers;
2. Provide copies of software to any independent contractors of the Town or to any third person;

3. Install software on any of the Town's workstations or servers;
4. Download any software from the Internet or other online service to any of the Town's workstations or servers;
5. Modify, revise, transform, recast, or adapt any software; and
6. Reverse-engineer, disassemble, or decompile any software.

**(f) Passwords**

Authorized users will be given a log-in name that allows access to the network. The user will have a personalized password, which should be obscure in nature and not divulged to others. Any user with knowledge of any password that is not his/her own shall report it to his/her supervisor immediately. No employee shall attempt any unauthorized access to the system.

**(g) Public Records and Disclosure**

An electronic message (e-mail) sent or received by the Town's Electronic Communications System in the conduct of public business with Town-provided resources is subject to the Open Records Law and is considered a public record. E-mails stored and accessible are still public records and must be produced upon request. E-mail communications are also subject to Records Retention laws.

The Town Clerk will coordinate with the IT Department for the gathering of the public record Electronic Communications System documents in response to an Open Records Request following all applicable State laws.

**(h) Reporting an Information Breach**

In the course of preparing and sending communications via e-mail systems, there is an inherent risk of an information breach if a communication was sent to an incorrect recipient. If a communication is sent in error that meets any of the following criteria:

- Contains attachment(s) which have information that can be classified as Personally Identifiable Information (e.g. payroll records, employee records, financial statements, SSN, credit information, etc.)
- Contains language or information that could expose Spring Lake Town to litigation.

- Contains information not specifically listed here, but which poses a risk to Spring Lake Town, its employees, or citizens. Immediate notification of such data breach must be communicated to the Finance Director/Chief Information Officer or his/her designee(s) within one (1) hour of discovery of such breach.

## **I. SAFETY & ACCIDENT REPORTING**

### **Section 1: Policy Statement**

The Town of Spring Lake is committed to providing a safe workplace and focuses its efforts through the Town Safety Program. In accordance with this, employees are expected to take an active role in promoting workplace safety by reporting unsafe working conditions and by noting where fire extinguishers, first-aid kits, and emergency exits are located. Additionally, employees are required to participate in identifying and correcting, where possible, the underlying causes of accidents and unsafe conditions.

### **Section 2: General Provisions**

#### **(a) Management Responsibility**

The Town Manager has the final authority and accountability for the Town Safety Program. The Town Manager is responsible for providing leadership for the safety and health activities, evaluating its effectiveness and implementing improvements as need and providing necessary resources to support the achievement of a safe operation.

The Safety Coordinator will coordinate all aspects of the safety and health program and will serve as a resource and in-house consultant on job safety and health matters.

Department Directors is responsible for overseeing the supervisors' safety performance and accident prevention efforts.

Department Supervisors are responsible for developing the proper attitudes toward safety and health in those they supervise and for ensuring that services and operations are performed with the utmost regard for the safety and health of personnel involved, including themselves.

#### **(b) Safety Committee Responsibility**

The Town Safety Committee is comprised of representatives from each Division that are heavily involved in all areas of the Safety Program for their Division. The individual Safety Committee members report to their Department Director or designee. The Human Resources Manager or

designee chairs the Safety Committee and is responsible for the Safety Program, quarterly Safety Committee meetings, and semi-annual meetings with the Department Directors and Town Manager. The Safety Committee is responsible to:

1. Ensure that the Town Safety Program is implemented on a consistent and uniform basis throughout all areas of their division.
2. Conduct annual self-inspections, to evaluate all areas, equipment operations, and jobs for safety and loss prevention, and to submit this report to the Human Resources Manager or designee. The Human Resources Manager will review these reports with the Department Directors.
3. Develop an employee safety awareness and training program. The individual Safety Committee members are responsible for making recommendations to the Department Directors for safety awareness within their divisions. Specific equipment training should be given at the department level while general safety training will be provided through the Human Resources Department for all affected departments.
4. The Safety Committee will meet quarterly with the Human Resources Manager to discuss specific safety topics, their division's safety activity and training over the previous quarter, a review of the previous quarter's accidents and Workers' Compensation Injuries/illnesses, and other pertinent areas of concern.

**(c) Employee Responsibility**

Employees are responsible for exercising care and good judgment in preventing accidents and for observing safety rules and procedures when performing their duties. Employees are required to:

1. Report all accidents to their supervisor immediately;
2. Report any unsafe work conditions, equipment, or practices to their supervisor as soon as possible;
3. Attend scheduled safety meetings and activities; and
4. In the event of an injury resulting in lost work time, continued contact with the supervisor and the Human Resources Department is required for the purpose of keeping records on the expected return to work status.

**(d) Equipment Repair**

An employee has a responsibility to report the need for repairs of any Town-owned or leased property issued to the employee. No employee shall alter, repair, or in any way change, add to, or remove any parts or accessories of any Town-owned or leased Property without the permission of the Department Director.

Section 3: Safety Program

The following areas of concern will be included in the Safety Program:

- Identification, appraisal, and correction of accident loss and hazard-producing conditions and practices.
- Development of safety, accident, and loss prevention methods, procedures, and programs.
- Communication of safety and accident and loss prevention information to all employees.
- Measurement and evaluation of the effectiveness of the Safety Program.
- Development, implementation, and presentation of safety materials to all employees.
- Coordination of accidents and losses with the Town insurance program, commercial insurance, and Workers' Compensation.

Section 4: Personal Protective Equipment

The Town will provide directly, or through an allowance approved in the annual budget each year, items of personal protection. Supervisors will direct use of personal protective items when warranted, and employees are expected to comply with such direction.



## Section 5: Vehicle Use and Operation

### (a) Vehicle Operator Qualifications

It is the Town's policy to provide a Town vehicle to be used by an employee when an employee is asked to perform duties that require him/her to go from one location to another, attend training, run errands for the Town, or any duties that would require transportation. In order to operate a Town-owned vehicle in the course of business, an employee must:

1. Be at least 18 years of age;
2. Have a valid North Carolina Driver's License for the class of vehicle to be driven or a valid Driver's License from the state in which the employee resides which allows the employee to legally operate a Town vehicle on North Carolina roads;
3. Have an acceptable Motor Vehicle Record (MVR);
  - (a) The State of North Carolina has an established point system in which a driver loses his/her license when he/she reaches 12 points in a 3-year period. The Town's policy will follow the same point system as established by the State. Department Directors will be notified when employees have 10 or more points in the prior 3-year period to allow the Director an opportunity to notify the employee before he/she reaches the maximum points. This notification will allow the employee an opportunity to reduce his/her points through various programs offered at local driver's training facilities.
  - (b) An employee whose primary duty is to drive a Town vehicle that does not have an acceptable driving history must be relieved of such duties and assigned to a non-driving position or non-driving duties until his/her 24-month record reflects an acceptable driving history. If a non-driving position is not available, the employee may be terminated.
4. Be otherwise qualified under Federal and State regulations to drive the Town vehicle; and
5. Be trained and authorized to operate the vehicle.

### (b) Designated Drivers

1. The Human Resources Department will maintain a list of designated drivers in all Divisions. This list will be updated annually.

2. Volunteer firefighters and auxiliary police may be included on the list of designated drivers if they meet all criteria as stated in this policy.
3. Community service workers are prohibited from operating Town vehicles.

**(c) License Review and Motor Vehicle Record Checks**

1. The Town will check motor vehicle records of all applicants prior to making offers of employment. As part of the hiring process, applicants will be required to sign a written consent form allowing the Town to check motor vehicle records at any time prior to or during their employment.
2. Each year the Divisions will require every designated employee that drives a Town vehicle to furnish proof of a valid driver's license. Copies of driver's licenses should be considered confidential and maintained in a secure file with limited access. Designated drivers not having a valid license must be reported to Human Resources and may be subject to termination.
3. To ensure the maintenance and validity of driver's licenses, driving records of employees who operate Town vehicles will be examined by the Human Resources Department on a bi-annual basis. An employee having an unacceptable MVR, as described above, may be subject to termination. All MVR's will be considered confidential and maintained in a secure file with limited access in the Human Resources Department. NOTE: Driving records of employees who operate Town vehicles within the Police Department will be examined on an annual basis by the Police Department.

**(d) Notification Procedures**

Employees who operate vehicles in the course and scope of their employment must notify their supervisor:

1. When their driver's license becomes invalid or suspended for any reason. Such employees will immediately be prohibited from operating vehicles on Town business.
2. When they receive a citation for any violation while operating a Town vehicle. The employee will be responsible for paying any fine or penalty incurred and will be subject to disciplinary action, up to and including termination. Failure to report a citation received may also be grounds for disciplinary action, up to and including termination.

(e) Operation of Vehicles

1. Employees shall operate any vehicle used for Town business in a careful and prudent manner and shall obey the laws, policies, regulations, and procedures of the Town and State pertaining to such operation.
2. Town vehicles are to be used only as required for the performance of job duties. Town staff assigned a take-home vehicle and on-duty Public Safety personnel may use a Town vehicle to go to lunch. Under no other circumstances should Town vehicles be used for personal business or pleasure unless stated in the "Take Home Vehicle Policy."
3. Employees may not use Town vehicles to transport family members or other unauthorized persons without the permission of the Town Manager or as stated in the "Take Home Vehicles Policy." Employees may, however, offer temporary assistance to a motorist with a disabled vehicle who is in need of emergency assistance.
4. While operating a Town vehicle, employees are prohibited from patronizing stores or any establishment that would result in public criticism. Employees (excluding Public Safety personnel in the proper performance of their duties) are also prohibited from operating the vehicle in a manner (e.g. speeding, reckless driving, violating parking laws, etc.) that would result in public criticism. Violation of this section may result in disciplinary action.
5. Town vehicles may be used to transport an employee to the doctor or hospital when a Workers' Compensation injury occurs. For all Workers' Compensation follow-up office visits, the employee must use his/her personal vehicle. Mileage for personal vehicle usage may be reported to and reimbursed through our Workers' Compensation insurance carrier.
6. Department Heads shall inspect the vehicle daily prior to driving in accordance with the department protocols. This is particularly critical when vehicles are operated by multiple drivers. Failure to perform daily inspections may result in disciplinary action, up to and including termination. Any defective equipment shall be reported immediately to the driver's supervisor, and the driver will complete and submit an Equipment Service Request Form to his/her supervisor. The supervisor will ensure that the completed request form is forwarded to the Public Works Department so that repairs can be made.
7. Drivers are responsible for fueling vehicles assigned to them.
8. Drivers are responsible for the daily inside cleaning of vehicles; removal of drink cans, food wrappers, paper, and excessive soil; and for ensuring that vehicles are washed and waxed on a regular basis.

9. Tobacco use in Town-owned or leased vehicles is prohibited.
10. Vehicles left unattended will be secured with engine off and the key removed from the ignition and retained by the driver. An exception to this guideline may be public safety vehicles as authorized.
11. Drivers shall adhere to all Town safety procedures for vehicle operation and also to any additional departmental procedures for vehicle operation. When available, a spotter must be used when backing any vehicle with limited visibility. A walk-around inspection must be made prior to backing if no spotter is available.

**(f) Duty Restrictions**

A physical, mental, or driving skill impairment that cannot be reasonably accommodated that affects an employee's ability to safely operate a motor vehicle, or failure to comply with the driver qualifications outlined in this Chapter, precludes that employee from operating any Town-owned or leased vehicle for Town business. If the operation of a vehicle is an essential job duty, an attempt will be made to place the employee in a non-driving position. If such a position is not available, the employee will be immediately relieved of duty. If the vehicle prohibition is due to suspected physical or mental impairment, the employee will be subject to a health fitness evaluation as outlined in this manual.

**(g) Personal Vehicle Usage**

The Town encourages employees not to use their own personal vehicles while on Town business. Should an employee, however, choose to drive his/her own personal vehicle, he/she will assume all liability for all property damage to his/her personal vehicle or to others that occurs in the normal course of use and shall waive any claims that may arise against the Town as a result of any such property damage. Since the Town does not accept liability of an employee's vehicle, it is always in the best interest of the employee to use a Town vehicle if at all possible.

**Section 6: Seat Belt Use Policy**

**(a) Statement of Policy**

Seat belts shall be used by all persons (driver and passengers) in a Town vehicle when the vehicle is operating, in any personal vehicle when said personal vehicle is being used for Town of Spring Lake business, and on all Town construction equipment when equipped with a seat belt and rollover protection.

**(b) Scope**

This policy applies to all employees driving Town vehicles, all occupants riding in Town vehicles, and all employees using construction equipment that is equipped with seat belts and rollover protection.

**(c) Responsibilities**

Department Heads – The Department Heads shall be responsible for ensuring that safety belt systems are maintained in operating condition for all Town vehicles and existing construction equipment that is equipped with seat belts and rollover protection. Also, any new Town vehicle or construction equipment purchased should be required to have seat belt systems as part of their standard equipment whether purchased new or used.

1. Department Director and the Human Resources Manager – The Department Director, Human Resources Manager or designee shall emphasize the Town's seat belt policy in employee orientation and shall periodically remind employees of this policy in employee communications. New employees shall be required to sign a pledge to wear seat belts as a condition of employment.
2. Each Department Director – It is the responsibility of each Department Director to ensure that this policy is communicated to each employee and that each employee complies with this policy. Department Directors are responsible for initiating disciplinary action, up to and including termination, to employees who violate this policy.

**(d) Enforcement**

1. It shall be the duty of each employee to abide by the aforementioned policy, and it shall be the responsibility of each Department Director to properly and equitably enforce this policy.
2. Employees who violate any section of this policy, whole or in part, are subject to disciplinary action, up to and including termination.

## Section 7: Hands Free Policy

An employee's only job when operating a Town vehicle should be safe driving. It is imperative that the employee focuses on driving, staying alert to distractions and changing traffic conditions, and eliminating, unless it is an emergency, the use of electronic devices as required in this policy while operating a Town motor vehicle. The Town's goal is to minimize the likelihood that our vehicles, or an employee's vehicle while traveling for work, will be involved in motor vehicle accidents that not only potentially endanger the employee's life, or the lives of other employees, but also endangers members of the public that we might come into contact with.

### (a) Statement of Policy

The use of handheld electronic devices (e.g. Cellular telephones, notebook or tablet computers, handheld organizers, MP3 players, pagers, etc.) while operating a Town motor vehicle or personal car on Town business is prohibited. All employees are responsible for, and will be held accountable for, safe driving at all times. Employees are required to adhere to the following:

1. Only return calls, e-mails, text messages, etc., when you are lawfully parked and no longer driving and have moved your vehicle to a safe location off the roadway.
2. Avoid multiple tasks when driving, such as trying to take notes while using a wireless telecommunications device.

### (b) Scope

This policy applies to all employees driving Town vehicles and to employees driving personal vehicles while traveling for work.

### (c) Exceptions

1. Emergency Uses Exception -- Use of a hand-held cellular phone is permitted while reporting a traffic accident, medical emergency, fire, an actual or potential criminal or delinquent act, or road condition which causes an immediate and serious traffic or safety hazard.
2. Hands Free Technology Exception -- Although most states' "hands free" laws allow for the use of voice recognition software and wireless devices to allow drivers to use their phones while driving, this "hands free" technology does not eliminate the cognitive distraction caused by being involved in a phone conversation. If you receive a call that needs immediate attention, we recommend that you advise the caller that you will call them back as soon as you can exit the roadway/highway and find a safe place to park.

3. Public Safety Exception – Although law enforcement and certified fire personnel are exempt from this policy during the performance of their official duties, they are still required to adhere to all safety precautions. All efforts should be exercised to ensure the use of wireless telecommunications devices are not a contributing factor in an accident.

(d) Enforcement

1. It shall be the duty of each employee to abide by the aforementioned policy, and it shall be the responsibility of each Department Director to properly and equitably enforce this policy.
2. Employees who violate any section of this policy, whole or in part, are subject to disciplinary action, up to and including termination.

Section 8: Repair and Replacement

The Department Head is responsible for preventive maintenance and repairs on all Town vehicles to ensure that they are maintained in a safe and cost-effective manner. Other Town employees shall not attempt to make mechanical repairs on vehicles. Maintenance costs will be closely monitored to determine when a vehicle should be declared surplus. Emergency vehicles which are sometimes driven at high rates of speed in emergency situations will not be maintained as emergency vehicles after reaching 125,000 miles. If it is determined by the Town Manager that it would be cost effective to transfer the vehicle to a department which would require less demanding service from the vehicle, the vehicle may be transferred with the approval of Town Manager. If the condition of the vehicle is poor and maintenance records indicate that it would not be cost effective to retain the vehicle in the Town fleet, the vehicle will be declared surplus by Board of Commissioners and auctioned at surplus sale regardless of mileage.

Any vehicle damaged in an accident will be inspected by the Town Manager, and a determination will be made as to the feasibility of repairs being made by Town staff. If the vehicle cannot be repaired “in house,” estimates will be obtained from at least two repair shops. The vendor giving the lowest estimate will generally be selected to make repairs unless special circumstances exist which would necessitate the selection of a more costly vendor. If it is determined that repairing a damaged vehicle is not cost effective, the vehicle will be declared surplus and auctioned at the next Town surplus sale or surpluses, but retained by the Town to be used for parts.

If at any time the Town Manager deems a Town vehicle to be unsafe, irreparable, or too costly to repair, the vehicle may be declared surplus by Board of Commissioners and auctioned at surplus sale regardless of mileage.

## Section 9: Accident Involvement

### **(a) Report Required**

All of the following, collectively referred to throughout this Section as an “Accident,” shall be reported to the immediate supervisor by the employee involved in the event and by any Town employee who witnesses the event:

1. All injuries to an employee or other person occurring during the course of business;
2. All accidents involving Town-owned or issued vehicles or equipment, whether or not occurring during the course of business;
3. All accidents involving personal vehicles or equipment used during the course of business; and
4. All property damage occurring during the course of business.

### **(b) Employee Responsibilities**

Unless transported from the accident scene for medical treatment, the employee involved in a job-related accident involving a vehicle or equipment will:

1. Render aid to other parties if possible and necessary;
2. Report the Accident and any injuries immediately to local law enforcement in the event of a vehicular accident. The Fayetteville County Sheriff’s Department must be called in to make a report on any accident involving a Town vehicle or a private vehicle owned by an employee of the Police Department. If the Fayetteville County Sheriff’s Department is unavailable, the North Carolina State Patrol must be contacted, and the official report filed by that agency. A copy of the report will be forwarded to the Human Resources Department when received from the agency.
3. Immediately notify his/her supervisor or designee as soon as possible;
4. Obtain name, address, phone number, and name of insurance company of other party.
5. Record the name, address, and phone number of any witnesses and note the specifics of the Accident circumstances, if possible;
6. Be courteous, but not make or sign any statement for anyone other than



the police officer responding to the scene;

7. Remain at the scene until excused by law enforcement personnel;
8. Not discuss or reveal information or provide statements to non-Town personnel subsequent to the Accident. This does not prohibit cooperation with law enforcement investigations outside the Town's jurisdiction;
9. Arrange towing of damaged Town vehicle, if necessary; and
10. Submit to all requested post-Accident testing as directed by the supervisor or other Town Management representative.

**(c) Administrative Accident Investigation**

1. The supervisor or other designated employee will conduct an administrative investigation into the circumstances of the Accident and will complete an Accident/Incident Report that includes a statement of the facts and analysis as to cause. The report will also include recommendations of any corrective action necessary to prevent recurrence of such Accidents. After a review by the Department Director, the Accident/Incident Report will be submitted as soon as possible to the Human Resources Department.
2. The Human Resources Department will investigate the accident and review the police report, if applicable, and the Accident/Incident Report containing all pertinent information, including suspected cause, employee actions, and recommended corrective action. The Accident/Injury Report will be forwarded to the Town Manager for his/her review.

**(d) Examinations and/or Tests**

An employee who is involved in a reportable Accident may be required to undergo examinations and/or tests as specified in the Performance of Duty Standards and Substance Abuse Testing chapters of this manual.

**Section 10: Workplace Violence Policy**

**(a) Statement of Policy**

The Town is concerned about the well-being and personal safety of its employees and anyone doing business with the Town. The Town consequently strictly prohibits workplace violence. Acts of violence and/or threats of violence, whether expressed or implied, toward individuals in the

Town workplace are prohibited and will not be tolerated. All reports of incidents will be taken seriously and will be addressed appropriately. This policy defines prohibited conduct, as well as general procedures and potential responsive steps in the unfortunate event that workplace violence occurs despite these preventive measures. In addition, except where authorization has been provided by a Department Director or his/her designee, non-Town issued firearms, weapons, ammunition, or explosives in Town buildings are strictly prohibited. Town property includes facilities and Town-owned vehicles. If an employee intends to bring a weapon such as a pocket knife to work, the employee must receive prior authorization to do so from his/her Department Director or the Department Director's designee.

**(b) Scope**

This prohibition against threats and acts of violence (including domestic violence) applies to all persons involved in the operation of the Town, including but not limited to, the Town personnel, contract and temporary workers, and anyone else on Town property.

**(c) Definition of Workplace Violence**

1. Workplace violence is any conduct that is severe, offensive, or intimidating enough to make an individual reasonably fear for his/her personal safety or the safety of family, friends, or property. Examples of workplace violence include, but are not limited to, threats or acts of violence or behavior that cause a reasonable fear or intimidation response that occurs on Town premises, no matter what the relationship is between the Town and the perpetrator or victim of the behavior, or off Town premises, where the perpetrator is someone who is acting as an employee or representative of the Town at the time, where the victim is an employee who is exposed to the conduct because of work for the Town, or where there is a reasonable basis for believing that violence may occur against the targeted employee or others in the workplace.
2. Domestic violence is defined as a pattern of coercive tactics carried out by an abuser against an intimate partner (the victim) with the goal of establishing and maintaining power and control over the victim. Where the abuser's tactics include any of the above-described conduct on Town premises, this policy applies. Where such tactics include any of the above-described behaviors off Town premises, this policy applies where the abuser is someone who is acting as an employee or representative of the Town at the time, where the victim is an employee who is exposed to the conduct because of work for the Town, or where there is a reasonable basis for believing that violence may occur against the victim or others in the workplace. The term "intimate partner" includes people who are legally married to each other, people who

were once married to each other, people who have had a child together, people who live together or who have lived together, and people who have or have had a dating or sexual relationship, including same sex couples.

**(d) Reporting Complaints**

If you observe the possession of unauthorized non-Town issued weapons in Town buildings, or if you are subjected to or threatened with firearms by a co-worker or member of the public, or if you become aware of another individual who has been subjected to or threatened with violence, you must report this information to your supervisor, Department Director, or the Human Resources Manager immediately. Supervisors must report all potential violations to the Human Resources Manager, and Human Resources will handle them appropriately. Do not assume that any violation or threat is not serious. All complaints will be thoroughly investigated, and all complaints that are reported to management will be treated with as much confidentiality as possible. Employees who become angry, upset, or concerned with the actions of a co-worker, supervisor, member of the public, or the Town in general are encouraged to seek assistance from the Human Resources Manager.

A 9-1-1 call may be appropriate first, in the good judgment of the employees or managers involved. Under this policy, decisions may have to be made quickly to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing. Nothing in this policy is intended to prevent quick action to stop or reduce the risk of harm to anyone, including requesting immediate assistance from law enforcement or emergency response resources.

Any Town employee who finds a weapon of any type must contact the Police Department immediately.

Failure to report any threats or acts of violence in violation of this policy appropriately is itself a violation of this policy and may subject any employees involved to discipline, up to and including termination.

Retaliation against anyone for reporting an actual or suspected violation of this policy in good faith will not be tolerated and will subject the individual engaging in the retaliation to discipline, up to and including termination. Any complaints about retaliation should be reported in the same manner as violations of this policy are to be reported.

**(e) What to Expect from the Town**

All incidents of violence and threats of violence that are reported will be taken seriously and investigated.

**(f) Town Expectations of Targeted Employees**

Stay Away Orders: The Town reserves the right to seek orders of protection (also known as restraining orders or stay away orders) against any person who violates the Workplace Violence Policy. Additionally, employees themselves may seek and obtain orders of protection against individuals outside of the workplace. Employees so protected are obligated to immediately notify the Human Resources Manager and their supervisor if (a) an order of protection extends to the workplace; or (b) they reasonably believe that their safety (or the safety of others) in the workplace is affected by the order of protection. Employees should provide written notification of:

1. The existence of any such order and provide a copy of the order;
2. Any violations or attempted violations of the order;
3. Any changes to the order that affect the workplace; and
4. The order being lifted.

Employees who are subject to orders of protection requiring them to stay away from or refrain from contacting other individuals who are or may be in the workplace (including employees, customers, vendors and others) must immediately notify the Human Resources Manager and provide a copy of the order.

Upon being notified of an order of protection, Human Resources will contact the reporting party to gather information about the individual and assess the situation. The Town will make every effort to maintain confidentiality of such orders with the understanding that it will use the information as necessary to maintain safety in the workplace.

**(g) Search Policy**

If the Town reasonably suspects that an employee either has or may have violated this policy or that the employee possesses evidence that others pose a threat of workplace violence as defined by this policy, the Town may request the individual to submit to a search of his or her person, personal effects, vehicles, and locker. In addition, the Town may conduct searches of any Town property including for instance work stations and areas, including desks, lockers, credenzas, file cabinets, computers and computer-stored information, voicemail, e-mail, business records, Town vehicles, and any other property or equipment owned by the Town, at any time, without notice to or permission from affected employees, for purposes of enforcing the no violence policy. If an individual is asked to submit to a search and refuses, that individual will be

considered insubordinate and will be subject to discipline, up to and including termination.

Searches will be conducted by a supervisor with a second witness and may or may not be conducted in the presence of the person whose property is searched. Any weapons or evidence of violations of this policy will be confiscated and may be turned over to law enforcement, as appropriate. Any illegal activity discovered during an inspection is subject to referral to the appropriate law enforcement authorities.

**(h) Assistance Programs/Services**

The Town provides all employees and family members with a no-cost Employee Assistance Program (EAP) that has professionals trained to handle domestic violence cases. These professionals provide counseling, support, and referrals. In addition, the EAP is a resource for employees who want to learn more about domestic violence or to find out how to help a friend, family, or co-worker. Many community agencies provide free services for safety planning, counseling, support groups, shelter, and legal assistance. Please contact the Human Resource Department if you need additional information.

## J. TAKE HOME VEHICLES

### Section 1: Policy Statement

It is the Town's policy that all Town vehicles be operated in a careful, safe, and prudent manner consistent with all policies, regulations, and procedures of the Town and with all local and State laws. Town vehicles will be maintained in a safe and cost-effective manner and will be used only for intended purposes. Further, to promote good public relations, employees are expected to display courteous and considerate driving habits when operating a Town vehicle.

### Section 2: General Provisions

#### (a) Eligibility

Employees whose job requirements meet the following criteria may be authorized by the Town Manager to drive a Town vehicle home:

1. Drivers of Town vehicles must possess a valid State of North Carolina Motor Vehicle License required for the type of vehicle being operated or a valid Driver's License from the state in which the employee resides which allows the employee to legally operate a Town vehicle on North Carolina roads;
2. The employee, required by job description, must regularly return to work on Town business, which includes checking facilities when problems arise or those required to respond to emergency or medical situations to evaluate the scene.
3. The employee must have completed generally six months of employment and reside within 30 miles of his/her work facility (i.e. Town Hall, Public Works, Police Department, or Fire Department).
4. Take home privileges are authorized by the Town Manager. The following positions have been authorized to take home a Town vehicle:

Town Manager	Public Works Superintendent/Director
Fire Chief	Public Works On-Call Employees
Assistant Fire Chief/Operations	Police Officers

5. The Department Directors reserve the right to remove take-home vehicle privileges from employees for severe disciplinary reasons, poor cleanliness, poor maintenance, at-fault accidents, traffic complaints, or excessive wear or abuse.

**(b) Vehicle Assignment**

1. At their discretion, take home vehicles will be assigned by the Department Director. Vehicle assignments are based on availability.
2. All vehicle assignments are subject to recall at any time.

**(c) Mileage**

1. Those employees assigned take home vehicles will have mileage deducted from their pay at the following rates:

Mileage (one-way)

Cost to Employee

30 Miles outside the Town

Requires approval and determination of cost by the Town Manager

2. Employees with take home vehicles will be required to sign a “Take Home Vehicle User Agreement.”

**(d) Business Use**

1. Except as specified in this manual, Town vehicles are furnished for official Town business and may not be used for personal reasons without express written consent by the applicable Department Directors.
2. Employees with “take home” privileges are authorized to make stops while traveling to and from work for legitimate reasons (i.e. Doctor/dentist appointment, exercise gym, etc.).
3. Employees are allowed to transport immediate family members to and from work, school, and day care while in route to and from work themselves. Under no circumstances will family members be allowed to ride in the rear seat of a patrol vehicle equipped for prisoner transports with the cage and plastic seating. Immediate family member passengers are not covered by the Town’s umbrella of automobile insurance coverage.

4. While operating a take home vehicle, employees are prohibited from patronizing bars, package stores, or any establishment that would result in public criticism. Violation of this section shall result in discontinued privileges from the program.
5. No passengers except those expressly allowed in this policy may be transported in take home vehicles unless they are connected to Town business or unless authorized by the Department Director or Town Manager.
6. Town vehicles may be used to transport an employee to the doctor or hospital when a Workers' Compensation injury occurs. For all Workers' Compensation follow-up office visits, the employee must use his/her personal vehicle. Mileage for personal vehicle usage may be reported to and reimbursed through our Workers' Compensation insurance carrier. When on duty, employees that have assigned take home vehicles will be allowed to use the Town vehicles for local (Coweta or Fayette County) follow-up visits due to not having their personal vehicles available at work.
7. Participation in the Take Home Vehicle Program will be suspended for those Public Safety employees driving marked Public Safety vehicles who are assigned to light duty or while on an injury-related absence. This policy is to protect an employee from being called upon by the public to perform a task from which he/she is restricted or a task that could aggravate his/her injury. Once an employee is returned to full duty, he/she may again participate in the Take Home Vehicle Program.

**(e) Off Duty Use of Take-Home Vehicles**

1. While not on duty, police officers and emergency personnel operating their assigned vehicles will take police and emergency response action as necessary. The employee will notify 9-1-1 via radio of the action, and the responsible jurisdiction will be notified by 9-1-1. Once on scene, the responsible jurisdiction will take over as soon as feasible.
2. Officers and emergency personnel will not respond to routine calls for service while off duty.
3. Police Officers and emergency personnel will monitor their radios while operating their take home vehicles off duty and will answer radio calls directed to them according to the Department's SOP.



(f) Driver's Responsibilities

1. Drivers must be thoroughly familiar with State and local laws governing motor vehicle operations and must adhere to those laws.
2. Drivers must at all times adhere to Town and Department policies and procedures which regulate the operation, maintenance, and cleanliness of Town vehicles.
3. Drivers shall inspect the vehicle daily prior to driving in accordance with the Fleet Manager's inspection protocols.
4. Employees who are assigned a Town vehicle are responsible for ensuring the preventative maintenance and repair schedule is met on the vehicle through the Public Works maintenance shop. Failure to ensure proper repair and maintenance may result in disciplinary action, up to and including discontinued privileges from the program.
5. Emergency personnel and Police Officers will have their badges and duty weapons, if applicable, immediately available while traveling in marked take home vehicles at all times. This includes while attending training or other authorized off-duty use of the take home vehicle. Emergency personnel and Police Officers will be properly dressed while in plain clothes in their take home vehicles.
6. Drivers are responsible for fueling vehicles assigned to them.
7. Tobacco use in Town-owned or leased vehicles is prohibited.

## **K. TOBACCO-FREE ENVIRONMENT AT TOWN FACILITIES**

### **Section 1: Policy Statement**

Consistent with the public health concerns addressed by the adoption of the North Carolina Smoke Free Air Act of 2005, all Town enclosed buildings and vehicles are hereby declared to be smoke-free areas. In addition, based upon the maintenance and cleanliness issues presented by the use of smokeless tobacco that gives rise to increased facilitated costs and resulting public health concerns, all Town enclosed buildings and vehicles are hereby declared to be tobacco-free areas.

### **Section 2: General Provisions**

The following rules relative to smoking, electronic smoking devices, e-cigarettes, vaporizers, and the use of other tobacco products have been established:

#### **(a) Prohibited Use**

1. Smoking, electronic smoking devices, e-cigarettes, vaporizers, and the use of other tobacco products are prohibited in all Town buildings and Town vehicles;
2. Smoking, electronic smoking devices, e-cigarettes, vaporizers, and the use of other tobacco products by Town employees are prohibited at the front entrance of Town buildings except during inclement weather if the entrance is the only covered area of the building;
3. Smoking, electronic smoking devices, e-cigarettes, vaporizers, and the use of other tobacco products are prohibited in the seating area, stage, restrooms, covered area, or around the fringes of the Amphitheater when citizens/patrons congregate prior to a show, at intermission, etc.;
4. Smoking, electronic smoking devices, e-cigarettes, vaporizers, and the use of other tobacco products are prohibited in or around bleachers or restrooms at all Town ball fields when citizens are present;
5. Smoking, electronic smoking devices, e-cigarettes, vaporizers, and the use of other tobacco products are prohibited at other outdoor facilities (parks, pools, etc.), in or near restrooms, and other areas when citizens are present; and

#### **(b) Responsibility**

1. Employees are responsible for policy compliance. Town staff should ensure that users of Town facilities are aware of this policy and that they adhere to it.
2. Violators at Town facilities should be reported to any Town staff member that is present. The staff member will advise the violator to refrain from using the tobacco product or to leave the facility. If no Town staff member is present, violators may be reported to the Police Department.

# Chapter II

## Compensation & Benefits

## II. COMPENSATION & BENEFITS

### A. COMPENSATION

#### Section 1: Policy Statement

The Town of Spring Lake's compensation philosophy is to maintain a competitive pay structure for the purpose of recruiting and retaining an effective and efficient workforce. The pay structure is designed to pay employees based on what their job is worth; ensure they appropriately move through the salary range for their classification; and recognize performance through merit pay, where applicable. The pay plan is designed to comply with Federal and State law, including the Fair Labor Standards Act (FLSA). All aspects of the pay plan are contingent upon the availability of funds as determined at the sole discretion of the Board of Commissioners.

#### Section 2: Pay System

##### (a) Pay Period

All Town employees will be paid on a bi-weekly basis. The work week will start with the beginning of a shift on Monday and end at the conclusion of any shift which began on Sunday. The actual pay date will be Thursday following the end of a pay period. When a pay date falls on an official Town holiday, employees will be paid on the date preceding the holiday.

##### (b) Time Increments

All regular hours earned by non-exempt employees will be in increments of the nearest quarter hour.

##### (c) Combination of Pay

When receiving any type of accrued leave (annual, sick, holiday, etc.), short-term disability benefits, Workers' Compensation benefits, etc., for absences from work, the combination of the pay received cannot exceed the employee's normal pay.

##### (d) Employee Time Records and Payroll Deadline

All non-exempt employees are required to record their work time daily either by utilizing a time clock or by completing an electronic time sheet. Employees must accurately record actual hours worked including starting time, ending time, and meal breaks. All-time records must be submitted by the employee and approved by the Department Director.

The employee time records are approved by the Department Directors no later than noon on Monday of payroll week. Special submission deadlines may be established by the Finance Department during holiday weeks.

(e) Direct Deposit

Participation in the direct deposit program is strongly encouraged for all Town employees. All pay-related items, such as reimbursements, may flow through the regular pay cycle.

(f) Types of Pay Other Than Base Rate

1. Overtime Pay

Overtime work is work performed by a non-exempt employee which exceeds the regular work week as defined in the Fair Labor Standards Act (FLSA).

a. When Overtime is Earned

All overtime pay must be pre-authorized by the supervisor and is earned by non-exempt employees according to the following schedule:

Type of Employee	When Overtime is Earned
Police Officer	Over 171 hours in a 28-day cycle
Firefighter	Over 212 hours in a 28-day cycle
All Other Non-Exempt Employees	Over 40 hours in a 1-week period

Compensation for overtime hours shall be at time-and-a-half for hours worked in excess of the regular schedule. Overtime will be earned in 15-minute increments. Annual, sick, holiday, or other types of leave will not be considered as hours worked for overtime computation purposes.

b. Exempt Employees

Exempt employees are not eligible for overtime pay.

2. Compensatory Time

It shall be the Town's policy to allow the accrual of Compensatory Time (Comp Time) in lieu of payment for overtime hours worked by non-exempt

employees to reduce the cost of overtime wages and to assist employee productivity and effectiveness without extra cost to the Town. Comp Time is defined as time off granted to a non-exempt employee to offset overtime hours worked by the employee. Comp Time cannot be accrued unless the non-exempt employee actually works overtime in the pay period. The accrual of Comp Time for exempt employees is not allowed. (The Human Resources Department maintains a list of exempt positions.)

Each department may decide to utilize Comp Time. The Department Director is responsible for making that decision. Employees must agree to receive Comp Time in lieu of overtime payment.

a. Accrual

Comp Time will accrue at a rate of one and one-half hours for each hour of employment for which overtime compensation is otherwise required and where the employee has not accrued Comp Time beyond the maximum limit that the Town has established. Comp time will be earned in 15-minute increments. Accrual of Comp Time must be approved in advance by the employee's supervisor except in cases of emergency. Supervisors are expected to organize their projects and tasks appropriately to minimize Comp Time accruals.

The maximum accrual of Comp Time is limited to 48 hours for all employees that are employed with the Town of Spring Lake. An employee who reaches this threshold shall, for additional overtime hours of work, be paid overtime compensation. Supervisors should attempt to schedule the utilization of Comp Time as it is accrued.

b. Utilization

Comp Time accrued should be utilized (redeemed) at a time mutually agreeable to the employee and supervisor. This time will also be utilized with the least amount of disruption to productivity and effectiveness to minimize hardship. Use of Comp Time must be approved in advance by the employee's supervisor except in cases of emergency. The use of Comp Time upon employee request must be permitted unless to do so would unduly disrupt the department's operations. In order to prevent the excessive accrual of Comp Time and to avoid the extra overtime liability to the Town, a supervisor may compel an employee to utilize Comp Time.

If an employee with accrued Comp Time is promoted to an exempt position, all accrued Comp Time will be paid out as overtime prior to the effective date of the promotion.

### 3. On-Call Status

Some operational divisions in the Town may designate non-exempt employees to be on-call to provide for after-hours service needs. Any on-call policy shall be determined by the applicable Department Director with approval of the Town Manager depending upon the needs of the individual department and appropriations in the fiscal budget.

- a. Restricted On-Call means the time spent on-call on or away from Town premises under conditions that prevent the employee from using the time for personal activities. The employee on Restricted On-Call status is required to report for any on-call assignment that arises during the applicable on-call period. This category of on-call is compensatory. Employees on a Restricted On-Call status will be paid one hour per day at their regular rate and will receive pay for such time actually worked if called to respond to an emergency.
- b. Unrestricted On-Call means the time spent on-call on or away from Town premises under conditions that do not prevent the employee from using the time for personal activities. The employee on Unrestricted On-Call status may choose to report for an on-call assignment, but is not required to do so. Unrestricted On-Call status is not compensatory, except for such time actually worked, should the employee report for an on-call assignment. Employees will not be compensated for time spent on unrestricted on-call status. Employees will be paid their regular rate for time actually worked.

### 4. Call Back Pay

A call back occurs when there is an emergency or after-hours service need for which an employee reports to work as a result. A call back does not include additional hours of work scheduled in advance.

- a. A non-exempt employee (full-time and part-time) responding to a call back will be credited the greater of two hours or the actual time worked on the call back assignment.
- b. Travel time is included in the calculation of call back hours.

c. Exempt employees are not eligible for call back compensation.

5. Mandatory Meeting Pay

If a non-exempt employee is required to attend a mandatory meeting held during the employee's regularly scheduled day off, the employee will be paid a minimum of two (2) hours pay. This applies to part-time and full-time employees.

6. Cellphone Reimbursement

To support employees who are required to use their personal cellphones for work-related purposes, the Town of Spring Lake offers a monthly cellphone stipend of \$50. This stipend is available to eligible employees whose job duties necessitate regular use of a personal mobile phone for work communication, as determined by their department head or supervisor.

The stipend will be paid semimonthly in the amount of \$25, and it will be included in the employee's regular paycheck. The cellphone stipend is non-taxable, provided it meets the IRS guidelines for reimbursements related to business use of a personal phone.

Eligibility for the stipend and the specific terms of the arrangement will be determined by the employee's role and responsibilities. Employees should consult with their supervisor for further details regarding eligibility and requirements.

7. Acting Status Pay

Employees who are temporarily re-assigned to perform the duties of a higher classification for thirty (30) consecutive days or more may receive a compensation increase for the duration of the temporary assignment. The appropriate increase shall be equivalent to 5% of base pay or as recommended by the Human Resources Manager, but at no time should be less than the minimum pay range for the temporary assignment classification.

8. Final Pay

Upon end of employment, employees will receive any compensation due on the following regular pay period. Employees will be paid at their base rate for any unused accrued annual leave balances. Only those employees who retire from Town employment or who die while in Town service will be paid for any accrued sick leave according to the guidelines in this manual.



### Section 3: Compensation Plan

#### (a) Pay Plan

1. The Town will maintain a Classification and Pay Plan, including a complete inventory of all positions in the Town's service, accurate job descriptions, specific salary grades with minimum and maximum pay ranges, and EEO categories. The plan will standardize titles, by categorization of every job by class on the basis of similarities in duties and responsibilities, each of which are indicative of a definite range of duties and responsibilities and have the same meaning throughout assigned departments. The Classification and Pay Plan will be designed to provide comparable pay for comparable work and to provide a pay range for each grade of positions, which will enable the Town to recruit and retain qualified employees, as well as compete in the job market with other private and public employers. All aspects of the pay plan are contingent upon the availability of funds as determined in the sole discretion of the Town Council.
2. As part of the Town's Pay Plan, pay ranges are established based on market rates. Each range will consist of a minimum, first quartile, midpoint, third quartile, and maximum, except for the Town Manager position whose range will be considered open. The pay rates for certain temporary, seasonal, and part-time positions are established by the Town Manager outside of the Classification and Pay Plan.

#### (b) Administration

The primary responsibility for day-to-day administration of the Classification and Pay Plan rests with the Town Manager or designee, as follows:

1. The Human Resources Manager is charged with the maintenance of the Classification and Pay Plan and its administration so that it will reflect the duties performed by each employee and the grade to which each position is allocated. A copy of the official plan shall be available for review in the Human Resources Department under reasonable conditions during business hours.
2. It is the responsibility of the Human Resources Manager to examine the nature of the positions as they are created and to allocate them to an existing grade in conformity with this section; to make such changes as are necessary in the duties and responsibilities of existing positions; to periodically review the entire Classification and Pay Plan; and to recommend appropriate changes in the plan to the Town Manager. The Town Manager shall submit recommendations to the Town Council.
3. The Human Resources Manager will facilitate the requests for newly authorized positions or changes in duties of an existing position. The Department Director must submit a proposed job description or recommended changes in duties to Human Resources. The Human Resources Manager will review the actual or

suggested duties and/or changes and will make a recommendation to the Town Manager and Town Board of Commissioner's for approval. Ultimate approval for new positions and the elimination of positions shall be by the Town Council.

4. A formal Classification and Pay Study will be conducted as needed or at a minimum of every five years. Based on these studies and recommendations of the Director, Human Resources and Risk Management, the Town Manager shall recommend to the Board of Commissioner such increases, reductions, or amendments of the Classification and Pay Plan as is deemed necessary to maintain the fairness and adequacy of the plan.

**(c) Use of the Classification & Pay Plan**

The Classification and Pay Plan is to be used:

1. As a guide in recruiting and evaluating candidates for employment;
2. In determining lines of promotion and in developing employee training programs;
3. In determining salary to be paid for various types of work; all employees covered by the Classification and Pay Plan shall be paid at a salary or hourly rate established for their respective positions.
4. In providing uniform job terminology understandable to all Town officials and employees and by the public;
5. To ensure that the official job title represented on the Classification and Pay Plan shall be used in all organizational charts and other personnel, accounting, budget, appropriation, and financial records.
6. It should be general practice for newly hired employees to be hired at the minimum pay rate of the applicable grade for the position. The Town of Spring Lake recognizes that in some instances it may be necessary to hire employees above the minimum pay rate of the applicable grade for the position. If there has been a demonstrated inability to recruit at the minimum salary or if an applicant possesses exceptional qualifications, the Human Resources Manager, with the consensus of the Department Director, may recommend a higher salary/hourly rate. The Town Manager may approve the employment of applicant(s) at a higher rate than the minimum, but should be mindful of internal equity when extending offers above the minimum.

**(d) Maintenance of Pay Ranges**

The Town Manager or designee may make or cause to be made such comparative studies as he/she deems necessary of the factors affecting the level of salary ranges prior to the preparation of the annual budget, as well as at other times during the year. On the basis of information derived from such studies, the Town Manager may make recommendations for changes in salary ranges as deemed necessary to maintain the fairness, adequacy, and competitiveness of the overall salary structure.

## Section 4: Changes in Salary

### (a) Standard Salary Adjustments

Subject to annual budget appropriation, performance of the departments, and the Consumer Price Index (CPI), standard salary adjustments may be established annually. The Pay Plan will be adjusted according to the standard salary adjustment.

### (b) Salary Increases for Merit

The goal of merit increases is to reward the most productive and the highest performing employees who exceed the expectations of their roles. Rewarding deserving employees can go a long way in retaining top talent, building loyalty, and boosting morale, and it can in turn incentivize others to do better. Merit pay sends a powerful message about what employee efforts and contributions the Town wants to recognize. Justification for a merit increase is important because of the message it sends and because of the financial investment the pay increase represents.

Written recommendations for merit increases may be submitted twice per year (typically March and October) by department management. Final approval of all merit increases rests with the Town Manager. The amount of the merit increase for full-time employees is established each year, and part-time employees may receive an amount equal to half of the full-time employee's merit increase. The Town Manager reserves the right to make additional pay adjustments as necessary for business operations or to address any internal equity issues.

### (c) Salary Changes Due to Promotions

The pay for employees receiving a promotion will be the greater of either the minimum of the pay grade of the promoted position or a ten (10) percent increase. The Town Manager may allow a greater increase in order to address any internal equity issue.

### (d) Salary Changes Due to Reclassification

The pay for an employee whose position is reclassified to a higher pay grade will be the greater of either the minimum of the pay grade of the reclassified position or a ten (10) percent increase. If the pay for an employee whose position has been reclassified to a lower pay grade exceeds the maximum of the salary grade, the employee's pay will be "frozen" until such time that the maximum of the salary grade exceeds the employee's pay.

(e) Salary Changes Due to Demotion

The pay changes for employees receiving a demotion will be as follows:

1. Demotions Based on Performance

The pay for employees receiving a demotion based on performance will be decreased by a minimum of five (5) percent. At the Department Director's request, the Town Manager may allow a greater or lesser decrease in order to address any internal equity issue.

2. Voluntary Demotions (not performance based)

The salary of an employee who voluntarily demotes to a position in a lower pay grade based on a personal decision to do so will be determined upon the recommendation of the Department Director, but will not exceed the maximum of the lower pay grade.

3. Involuntary Demotions (not performance based)

The salary of an employee who has been involuntarily demoted due to business needs or for accommodation purposes and not based on performance will not experience any change in pay if the employee's salary falls within the lower salary grade and is comparable to employees within the same salary grade.

(f) Other Salary Increases

1. The Town Manager reserves the right to make additional pay adjustments as necessary for business operations or to address any internal equity issues provided that funds are available.
2. Special increases and cash bonuses must be approved by Board of Commissioners and shall be effective on the date approved by the Board.

(g) Progression from Uncertified Police Officer to Certified Police Officer

When an Uncertified Police Officer becomes a Certified Police Officer, his/her hourly rate shall move to the minimum of the pay grade for Certified Police Officer, and any compensation increases that the employee has received for advanced education degrees, COLA's, etc., should be added to the minimum rate of the pay grade for Certified Police Officer.

(h) Progression from Uncertified Firefighter/EMT to Certified Firefighter/EMT

When an Uncertified Firefighter/EMT becomes a Certified Firefighter/EMT, his/her hourly rate shall move to the minimum of the pay grade for Certified Firefighter/EMT, and any compensation increases that the employee has received for advanced education degrees, COLA's, etc., should be added to the minimum rate of the pay grade for Certified Firefighter/EMT.

(i) Progression for Maintenance Technicians, Buildings & Grounds Maintenance Technicians, and Mechanics

Maintenance Technicians, Buildings & Grounds Maintenance Technicians, and Mechanics should be evaluated for job proficiency and should be compensated at a pay rate commensurate with their technical skill levels. To accomplish this goal, the following criteria have been established:

1. Maintenance Technicians and Buildings & Grounds Maintenance Technicians

Maintenance Technicians and Buildings & Grounds Maintenance Technicians will be hired at level I, II, or III based on their education, years of experience, and their technical skill level as demonstrated by the pre-employment interview, written test, and practical examination.

Once employed and after one year of service with the Town, a Maintenance Technician or a Buildings & Grounds Maintenance Technician may test and be considered for advancement to a technician II or III position, as long as the employee has the minimum years of related experience as required by the specific job description. In order to progress to a technician II or III position, the employee must pass a written examination, practical examination, and a supervisor evaluation to demonstrate his/her technical skill level. If the employee passes all requirements for a technician II or III, he/she would receive a five (5) percent progression increase for each level. If an employee fails to pass any portion of this process, he/she may take the examination/evaluation again after ninety (90) days. Once an employee has progressed to a Technician Level II, he/she is not eligible to be considered for the next level until he/she completes six (6) months as a technician II.

2. Mechanics

The Town's goal is to hire skilled, experienced Mechanics, and every effort will be made to hire Mechanics who possess at least four (4) Automotive Service Excellence (ASE) certifications. If a Mechanic who does not hold four (4) ASE's is hired, he/she must obtain four (4) certifications within twelve (12)

months of employment; upon obtaining the four (4) ASE's, he/she would receive a five (5) percent progression increase. Thereafter, Mechanics will receive a five (5) percent progression increase for each two (2) additional ASE certifications received. The total of all progression increases, however, cannot exceed fifteen percent (15%).

(j) Employees at Maximum of Pay Range

Should an employee's pay rate reach the maximum of his/her assigned range, and an increase (COLA, market, or merit) is granted to employees, the affected employee will receive a one-time, lump-sum payment which will be in an amount equal to the increase. If the employee is a non-exempt employee, the affected employee will receive a one-time, lump-sum payment which will be in an amount equal to a percentage of the employee's total annual income (including overtime pay) paid by the Town for the preceding 12 months. If the pay scale is adjusted by the increase (e.g. COLA), a one-time lump sum payment will not be needed.

Section 5: Salary Overpayments

All overpayments will be repaid to the Town regardless of where the error was made or who made it. A reasonable repayment schedule will be coordinated with Finance and approved by the appropriate Department Director.

Section 6: Career Development Plan (CDP)

(a) Purpose

The purpose of this policy is to provide a method whereby employees are afforded opportunities to increase their skill level, so that there is an available pool of employees, within the Town, with talent capable of assuming broader responsibilities at a higher level. Additionally, the Career Development Plan will allow employees to develop within their own positions with additional training and/or certifications, thus providing citizens of Spring Lake Town highly qualified and capable employees at all levels and departments.

(b) Scope

This policy applies to all full-time employees and all part-time employees who work a minimum of 25 hours or more per week.

(c) Policy

Under this policy, Department Directors will be responsible for:

1. Developing a Career Development Plan (CDP) for the employees within their respective divisions/departments;
2. Identifying key training classes and organizations specifically related to their department, in which employees can successfully develop. These classes should be reflected in the list of approved training classes and should be updated on a regular basis;
3. Adequately budgeting and scheduling employee training;
4. Ensuring that current and newly hired employees are notified of the Career Development Plan; and
5. Working with employees to help them develop a career-oriented training class schedule which will assist them in their job duties.

**(d) Procedures**

1. The description and procedures of the Division's/Department's Career Development Plan may be found in the individual divisions/departments. Consult with your manager to gather further information regarding the Career Development Plan that applies to you.

**B. EMPLOYEE BENEFITS – LEAVE TYPES**

**Section 1: Policy Statement**

The Town of Spring Lake believes that employees should have the opportunity to enjoy time away from work to help balance their work and personal lives. Town management recognizes that employees have diverse needs for time off from work. Because of this, the Town has established leave practices to address the balance, as well as to protect the financial well-being of employees during certain absences from work. Employees are accountable and responsible for managing their own leave balances to allow for adequate reserves if there is a need to cover unanticipated events requiring time away from work.

**Section 2: Overview of Requirements & Restrictions**

**(a) General Provisions**

Except as provided otherwise in this chapter, the following apply to all paid leave benefits:

1. Approval of leave is subject to operational requirements of the department, and any request for paid leave may be denied or rescheduled due to staffing needs;



2. Paid leave cannot be advanced;
3. All requests for leave must be submitted in writing using the required leave request form with as much notice as possible;
4. An employee in an unpaid leave status will not accrue annual leave, sick leave, or holiday hours. This will not, however, constitute a break in service for accrual rate purposes; and
5. Employees shall record paid leave in quarter hour increments.

**(b) Unpaid Leave Status**

1. A leave of absence without pay will not be approved under normal circumstances. All requests for leave without pay must be in writing and must be approved by the Town Manager.
2. Annual leave, sick leave, and holiday hours will not be accrued during leave without pay status.
3. Holiday pay is neither accrued nor paid while an employee is on leave without pay status.
4. Please note that while an employee is on leave of absence without pay, there is no job protection by the Town, except as required by law.
5. Employees may continue, at their sole expense, their insurance coverages while on leave of absence without pay. In order to continue coverage, the employee must contact the Human Resources Department to arrange for payment of premiums.

**Section 3: Annual Leave**

**(a) Eligibility and Guidelines**

It is the policy of the Town to provide annual leave for eligible employees. Employees are not entitled to “cash out” accrued leave outside the end of the employment process. Annual leave guidelines include:

1. Annual leave is accrued by and granted to regular full-time employees and police and fire shift employees;
2. Eligible employees while on authorized paid annual leave will continue to accrue annual and sick leave hours;

3. Eligible employees can take leave immediately once hours have been accrued and approved by Department management; and
4. Pay for annual leave shall be at the employee's regular rate of pay in effect for the employee's regular job on the pay date immediately preceding the employee's vacation period.

**(b) Annual Leave Accrual Rate**

1. Employees will accrue annual leave hours based on their full-time hire date with the Town, unless approved at a higher rate by the Town Manager;
2. All eligible employees accrue annual leave hours on the following basis: The accrual rate increases on the first day of the pay period that includes the employee's anniversary date.
3. The following chart reflects the bi-weekly accrual rates for Town employees:

Years of Service	Accrued on a semi-monthly basis	Hours/Year
<b>Regular Full-time Employees</b>		
1 Years	2	48
2 to 5 Years	4	96
6 to 10 Years	5	120
11 to 15 Years	6	144
16 to 19 Years	7	168
20+ Years	8	192
<b>Full-Time Police Shift Employees</b>		
1 Years	2.14	51.3
2 to 5 Years	4.28	102.6
6 to 10 Years	5.34	128.25
11 to 15 Years	6.41	153.90
16 to 19 Years	7.48	179.55
20+ Years	8.55	205.20
<b>Full-time Fire Shift Employees</b>		
1 Years	2.84	68.08
2 to 5 Years	5.67	136.15
6 to 10 Years	7.09	170.19
11 to 15 Years	8.51	204.23
16 to 19 Years	9.93	238.27
20+ Years	11.35	272.31

4. A new employee who does not begin employment at the beginning of a bi-weekly pay period must work at least half of the pay period to accrue annual leave for that pay period.

5. An employee separating from Town service will not receive annual leave for his/her last bi-weekly pay period unless he/she works half of his/her last pay period.

(c) Use and Scheduling of Annual Leave

1. Whenever possible, employees will be allowed to take annual leave at times most convenient to them. However, in order to ensure continued smooth operation and to maintain a high level of quality in the delivery of service to the citizens of Spring Lake Town, the Town reserves the right to limit the number of employees that may be absent from a given department at any one time. Where there is a conflict in the annual leave choices of two (2) or more employees who cannot be spared at the same time, the department management will determine who will take leave;
2. When a holiday occurs during the period an employee is on authorized annual leave with pay, annual leave shall not be charged for the holiday; If an employee is called in to work during his/her authorized annual leave, he/she may choose to take an additional day of annual leave, or he/she may be paid for annual leave for that day worked plus his/her regular day's pay. If a non-exempt employee is called in to work, but the work does not require a full shift to complete, the employee will be credited the greater of two hours or the actual time worked on the call back assignment plus his/her authorized annual leave. An employee, however, shall not be required to interrupt his/her authorized annual leave (vacation) to perform work for the Town unless a crisis or emergency situation arises.
3. Upon request, employees shall be granted the use of annual leave at those times designated by the departments' supervisor that will least obstruct the normal operation of the department. Any employee who utilizes annual leave must obtain an approved leave authorization form from the departments' supervisor prior to the use of leave. Department Directors shall obtain an approved leave authorization form from the Town Manager prior to the use of annual leave.
4. Annual leave may accumulate without any applicable maximum until the last pay cycle in December of each calendar year. On the first pay cycle in January, any accrued annual leave in excess of two hundred forty (240) hours shall be converted to sick leave. This converted leave may be used in the same manner as accrued sick leave.
5. When an employee transfers from one department to another within the Town, annual leave will be transferred. Annual leave accrued from another employer will not be transferred to the Town.
6. Employees serving a probationary period following the initial appointment shall

not be permitted to take annual leave during the probationary period unless the denial of such leave will create an undue hardship for the employee. Any annual leave granted during this period shall be approved by the Town Manager. Law enforcement and fire personnel, who are mandated to serve a one-year probationary period, shall be allowed to use annual leave after six months of satisfactory service.

**(d) Termination of Employment**

1. An employee who submits a written resignation, shall receive payment for accumulated annual leave subject to the provisions of this Article. The payment of terminal annual leave is subject to the employee having completed six (6) or more months of continuous service and provided the resignation notice was submitted to the employee's supervisor at least two (2) weeks in advance of the effective date of resignation. Employees shall not be paid for accumulated annual leave while still in employment with the Town
2. An employee who is involuntarily separated due to misconduct shall not be entitled to the payment of accumulated annual leave. An employee who is involuntarily separated without fault on their part or for performance related terminations shall receive payment for accumulated annual leave subject to the provisions of this Article.
3. An employee who separates from employment and is eligible for payment of annual leave shall be paid annual leave accumulated to date of separation, not to exceed a maximum of two hundred forty (240) hours of accumulated annual leave. An employee separated may not earn or exhaust annual leave beyond such employees last physical working day.
4. Employees who are issued equipment or office related materials and documents must return all issued items or annual leave payment will be withheld until the items are returned. If said items are not returned in a reasonable amount of time, as designated by the department supervisor, the replacement cost of those items shall be calculated and withheld from the final annual leave payment.
5. The estate of an employee who dies while employed by the Town shall be entitled to payment for all accumulated annual leave, not to exceed a maximum of two hundred forty (240) hours of accumulated annual leave.

**Section 4: Regular Sick Leave**

**(a) Eligibility**

It is the policy of the Town to provide sick leave with pay for eligible employees. Sick leave is a privilege and may be used when an employee is

incapacitated due to personal illness or injury or has a medical/dental/optical appointment. In addition, sick leave may be used to attend to the illness/injury or medical/dental/optical appointment of an immediate family member as described below.

1. Regular full-time employees and police and fire shift employees are deemed eligible employees for sick leave purposes.
2. Eligible employees while on authorized paid sick leave will continue to accrue annual and sick leave hours.
3. Eligible employees can take leave immediately once hours have been accrued and approved by department management.

(b) Sick Leave Accrual Rate

1. The following chart reflects the bi-weekly accrual rates for sick leave for eligible Town employees. The accrual will begin immediately upon hire.
2. Eligible employees may accrue regular sick hours up to a maximum cap. Once the maximum cap has been reached, as described by the chart below, the employee will not continue to accrue regular sick leave hours.

7. Use of Sick Leave

1. Sick leave may be used for appointments for medical, dental, or optical examinations or treatment when such appointments cannot be reasonably scheduled during non-working hours. Examination appointments generally should be approved at least one (1) work day in advance by the Department Director or designee. Sick leave can also be used for unplanned sick absences. In unplanned circumstances, an employee should make every attempt to report to his/her supervisor within one (1) hour of the scheduled starting time the reason for absence. Where a relief employee is required in a department which must provide 24 hours sustained service, the employee must report his/her absence two (2) hours before the designated reporting time. Failure to comply with the reporting requirements may lead to the employee being charged with leave without pay on the affected payroll.

Annual Accrual Rate- In Hours	
Regular Full-Time Employees	96 hours
Full- Time Police Shift Employees	102.6 hours
Full-Time Fire Shift Employees	136.15 hours

2. Eligible employees may also use sick leave to attend to the illness/injury of an immediate family member. For purposes of this policy, immediate family member shall include children, spouse, parents, grandparents, grandchildren, or any person identified as a dependent on the employee's most recent tax return.
3. A Department Director or designee may require employees to provide doctor's certificates for periods of absence.
4. If an employee is absent for more than three (3) consecutive days for personal or family illness, he/she shall be required to provide a physician's certificate upon his/her return attesting to his/her inability to have reported to work during this absence.
5. Department management will be responsible for monitoring abuse of the sick leave privilege, and employees may be subject to disciplinary action, up to and including termination, for any abuse of the sick leave benefit.
6. If an employee who sustains an on-the-job injury/illness which necessitates the employee's absence from work, he/she may use sick leave or other available leave during the Workers' Compensation waiting period. Once Workers' Compensation begins to make payments to the employee, the employee may use sick leave or other available leave to offset the difference between the statutory Workers' Compensation rate and the employee's regular rate of pay.

#### **8. Payment of Sick Leave**

1. Pay for sick leave shall be at the employee's regular rate of pay in effect for the employee's regular job on the pay date immediately preceding the employee's sick leave period.
2. Sick leave is not compensable during employment or upon termination of employment for any reason. Unused sick leave shall be counted in computing creditable service in accordance with the North Carolina Local Government Employees of the date of employment with the Town Retirement System regulations with regard to sick leave credit.

### **Section 5: Other Leave Types**

#### **(a) Bereavement Leave**

1. Full-time employees may be granted up to 24 hours of bereavement leave with pay upon the death of a member of the employee's immediate family. Immediate family is defined in the definition section. Hours do not have to be taken simultaneously. An employee may receive up to 24 hours bereavement

leave with pay per death regardless of the number of hours worked in the week. Example: If an employee has worked 18 hours on Monday and Tuesday, he/she would still be paid an additional 24 hours for bereavement for Wednesday through Friday, for a total of 42 hours for the week. The 42 hours would be paid at straight time because the employee did not work more than 40 hours that week.

2. Employees must request bereavement leave by contacting their supervisor.
3. The 24 hours of bereavement leave may be extended under unusual circumstances with the approval of the Town Manager.
4. When attending a funeral of an individual other than immediate family member as defined in the definition section, the employee must use his/her banked leave time (except sick pay) to cover his/her absence from work.
5. Employees attending a funeral of a Town employee may be granted up to a maximum of three (3) hours of paid time to attend the funeral during their normal scheduled work hours; banked leave time (except sick pay) must be used to cover absences exceeding three (3) hours.
6. Employees serving as officials or delegates representing Spring Lake Town at funerals for Police Officers or Firefighters that have died while in the line of duty shall be paid up to a maximum of two (2) hours to attend the funeral during their normal scheduled work hours; those attending on their off day will not be paid for this time.
7. There is no accumulation of bereavement leave, and no payment upon separation from Town employment.

**(b) Civil Leave**

1. An employee [full-time, part-time, and temporary or seasonal (if applicable)] shall be given time off with pay up to a maximum of eighteen (18) days per calendar year when performing jury duty or required by proper authority to be a witness in legal proceedings, unless he/she is a litigant (plaintiff, defendant, or other principal party) or has any other personal or familial interest in the proceedings. Time off for jury duty exceeding eighteen (18) days will be granted without pay, unless an employee has other paid leave (excluding sick leave) available.
2. An employee's compensation will not be penalized for time away from work for civil leave up to the maximum of eighteen (18) days per calendar year.
3. An employee should be paid for time off for civil leave (up to 18 days per calendar year) regardless of the number of hours he/she has worked in the work

week. Example: If an employee works 28 hours from Monday through Wednesday, and he/she attends jury duty on Thursday and Friday of the same week, he/she should be paid 16 hours civil leave, for a total of 44 hours for the week. The 44 hours would be paid at straight time because the employee did not work more than 40 hours that week.

4. An employee must report his/her need for civil leave in advance to his/her supervisor. An employee is required to present a statement from the court indicating jury service.
5. Employees are not required to turn over to the Town any fees received for performance of these functions.
6. An employee must return to work if excused from jury duty, etc., during working hours unless excused by his/her Department Director or designee.
7. All employees subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the Town are considered to be working.



(c) Voting

Early or absentee voting is preferred. However, an employee shall be given time off, as coordinated with his/her Department Head, up to a maximum of two (2) hours to vote in any election for which he/she is registered and qualified if the employee begins work less than two (2) hours after the polls open or leaves work less than two (2) hours before the polls close.

(d) Military Leave

1. Employees are entitled to military leave in accordance with State and Federal laws.
2. “Ordered military duty” means any military duty performed in the service of the State or of the United States including, but not limited to, attendance at any service school or schools conducted by the Armed Forces of the United States by an employee as a voluntary member of the national Guard or of any reserve force or reserve component of the Armed Forces of the United States pursuant to orders issued by competent State and Federal authority.
3. An employee shall be paid his/her salary or other compensation for any and all periods of absence while engaged in the performance of ordered military duty and while going to and returning from such duty, not exceeding a total of 18 days in any one federal fiscal year (October 1<sup>st</sup> – September 30<sup>th</sup>). In the event the Governor declares an emergency and orders an employee to ordered military duty as a member of the National Guard, any such employee, while performing such duty, shall be paid his/her salary or other compensation for a period not exceeding 30 days in any one federal fiscal year.
4. When an employee is called to active duty or inducted into the military of the United States, he/she shall automatically be granted a leave of absence for the duration of such military service as prescribed by U.S. Public Law 93-508. The employee should present a copy of his/her official orders to his/her department management and the Human Resources Manager as soon as received.

When an employee is called to active duty during a declared conflict, the Town shall, if the employee’s total military compensation is less than the employee’s Town salary, compensate the employee for earnings to equal his/her Town salary at the time of activation for up to 18 months of active-duty military service.

5. The period an employee has to make application for reemployment or report back to work after military service is based on time spent on military duty. For service of less than 31 days, the employee/service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period. For service of more than 30 days but less than 181 days, the employee/service member must submit an application for reemployment within 14 days of release from service. For service of more than 180 days, an application for reemployment must be submitted within 90 days of release from service.

Service members convalescing from injuries received during service or training may have up to two years from the date of completion of service to return to their jobs or apply for reemployment. See 38 U.S.C. § 4312 (e)(2)(B) for further information.

6. When an employee is on military leave that exceeds 30 days, he/she is generally removed from the Town's insurance benefits because he/she and his/her dependents go onto the insurance coverage provided by the military. This is a COBRA-eligible event. If the employee chooses to continue his/her insurance coverage through the Town, he/she may do so under COBRA up to a maximum of 24 months.
7. When on paid military leave, eligible employees will accrue holiday, annual leave, and sick leave time. When on unpaid military leave, eligible employees will NOT accrue holiday, annual leave, and sick leave time.
8. Eligible employees on military leave (whether paid or not) accrue floating holidays. Employees will need to request the use of a floating holiday(s), as this type of leave time expires at the end of the calendar year.
9. Eligible employees can also request to use other banked time (annual leave, comp, holiday, floating holiday) while on unpaid military leave.

**(e) Family and Medical Leave**

Pursuant to the federal Family and Medical Leave Act, ("FMLA"), 29 U.S.C. §2601, et seq., an employee may be eligible for a Family and Medical Leave of Absence for up to twelve (12) weeks of unpaid leave in any twelve-month period for one or more of the following:

- The birth of a child and care of a newborn child ("bonding time");
- Placement of a child for adoption or foster care and to bond with child;
- The serious medical condition of a parent, spouse, or child; or

- The employee's own serious medical condition that prevents him/her from performing the functions of his/her job.

For purposes of this Section, a "12-month period" means a rolling twelve (12) months measured backward from the date the employee uses any FMLA leave.

If the provisions in this manual conflict or come into conflict with the FMLA as it presently exists or is amended from time to time, the provisions contained in the FMLA shall control.

#### 1. Eligibility

To be eligible for leave, an employee must have been working for the Town of Spring Lake for at least twelve months and must have worked at least 1,250 hours during the twelve-month period prior to the request for leave. Eligible employees under FMLA shall be entitled to leave upon the conditions and limitations of FMLA.

#### 2. Designation of FMLA Leave

As the employer, it is the Town's obligation to designate leave as FMLA-qualifying whenever it becomes aware of an FMLA-qualifying event. It is not up to the employee to pick and choose when he/she wants to use FMLA time, even if he/she has sick time or other forms of paid leave in the bank.

#### 3. Concurrent Utilization of Paid Leave and/or Compensatory Time

An employee who has an FMLA-qualifying event is required to utilize short-term disability benefits (if applicable), all accrued leave, and/or compensatory time available as part of the 12-week leave period. If the available paid leave for the employee is less than twelve working weeks, the additional weeks of leave necessary to obtain the twelve work weeks of leave available under the FMLA shall be provided without compensation. In any event, any combination of leave, compensatory time, and/or unpaid family and medical leave shall not exceed twelve (12) weeks. Use of short-term disability benefits, leave, and/or compensatory time, or any combination thereof, must be used concurrently with FMLA leave. FMLA requests will be retroactively dated to the date on which the serious health condition commenced. If the employee is absent on unpaid FMLA leave, he/she will not continue to accrue holiday hours or annual, sick, or other types of leave during this unpaid FMLA leave.

#### 4. Concurrent Workers' Compensation and FMLA Leave

An employee qualifying for Workers' Compensation Leave must run any FMLA leave concurrently with that of all concurrent and/or intermittent Workers' Compensation Leave if the leave qualifies under FMLA. The employee must elect to use either Workers' Compensation benefits or paid leave (if available) during the FMLA period.

#### 5. Intermittent Leave or Reduced Schedule Leave

Leave for "bonding time" as defined by FMLA may not be taken intermittently or on a reduced schedule. Leave for a serious health condition of a qualifying family member or of the employee may not be taken on an intermittent basis or on a reduced leave schedule unless medically necessary. The taking of any leave intermittently or on a reduced schedule basis shall reduce the total amount of FMLA leave that has been approved for the eligible employee according to the actual hours of leave taken. For example, if an eligible employee takes ten (10) hours of leave intermittently over twenty (20) business days, the employee's bank of available FMLA leave will be reduced only by ten (10) hours and not by twenty (20) days.

If an eligible employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, the Town reserves the right to transfer the employee temporarily to an available equivalent position for which the employee is qualified that better accommodates recurring periods of absence.

#### 6. Spouses Employed by Same Employer

In any occasion in which a husband and wife are eligible for leave under the FMLA and are both employed by the Town, the aggregate number of work weeks of leave to which both shall be entitled may be limited to twelve (12) work weeks during any 12-month rolling period, in the case where leave is taken for childbirth, adoption, foster care, or to care for a sick parent.

#### 7. Foreseeable Leave

In any case in which the necessity for leave under the FMLA is foreseeable, based on an expected birth or placement of a child or based on planned medical treatment or supervision, the employee shall provide the Human Resources Manager or designee with written application for the leave and certification no less than thirty (30) days before the date the leave is to begin.

In a case where the necessity for leave is based on planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not

to disrupt unduly the operations of the Town, subject to the approval of the health care provider and shall provide the Human Resources Manager with at least thirty (30) days' notice before the date the leave is to begin. If the date of the treatment requires leave to begin in less than thirty (30) days, the employee shall provide such notice as is practicable.

8. Certification of Serious Health Conditions

An eligible employee who needs leave for a serious health condition of the employee or a qualifying family member shall submit certification from an appropriate health care provider to the Human Resources Manager when requesting leave.

Certification shall be on the U.S. Department of Labor Certification Form and shall state:

- a. the date on which the serious health condition commenced;
- b. the probable duration of the treatment or condition;
- c. the appropriate medical facts within the health care provider's knowledge;  
and
- d. the estimated amount of time the employee needs to care for the qualifying family member or a statement of the extent to which the employee is unable to perform the essential functions of the employee's position.
- e. the appropriate medical facts within the health care provider's knowledge;  
and
- f. the estimated amount of time the employee needs to care for the qualifying family member or a statement of the extent to which the employee is unable to perform the essential functions of the employee's position.

In any case in which the Human Resources Manager has reasonable doubt as to the validity of the certification, the Human Resources Manager may require the employee to obtain the opinion of a second health care provider at the expense of the Town. If the second opinion differs from the original certification, the Human Resources Manager may require the employee to obtain the opinion of a third health care provider designated or approved jointly by the Human Resources Manager and the employee at the expense of the Town. The opinion of the third health care provider shall be considered to be final and shall be binding on both the Town and the employee. The Human Resources Manager may also require that the employee obtain subsequent re-certification on a reasonable basis.

## 9. Accruals and Benefits during FMLA Leave

The employee, while on paid FMLA leave, is entitled to accrue annual leave, sick leave, and holidays during the periods of paid leave. For the purposes of pension or retirement plans, any period of FMLA leave will be treated as continuous service for the purposes of vesting and eligibility to participate.

FMLA time will not be counted as part of an employee's probationary period, but will be added to the remaining probationary period, extending the ending date of the probationary period.

During any period of leave, the Town will maintain any medical insurance provided by the Town to the employee for the duration of the leave at the level and under the condition's coverage would have been provided if the employee had continued in employment continuously for the duration of such leave. The employee will continue to be responsible for his/her share of the cost. In addition, the employee's dental, vision, life, and disability coverage (if applicable) will continue as long as the employee pays his/her share of the costs in a timely manner.

## 10. Return to Duty from FMLA Leave

As a condition for return to duty, the employee shall be required to provide certification from the employee's health care provider that the employee is able to resume work. NOTE: If there are additional department requirements (e.g. fitness-for-duty evaluation by Town-appointed physician), the employee must comply with these requirements as well before resuming work. Upon expiration of the period of leave pursuant to the FMLA, the employee shall be returned to his/her former position or a position of equal grade and pay, provided that the employee has complied with the terms of the leave and reported for return of duty at the appropriate time. While the employee shall be restored to a position of employment without loss of employment benefits accrued prior to the date on which the leave commenced, the employee shall have no greater rights than those in effect prior to the commencement of the leave.

An exception to the employment restoration provisions of the policy may be made if the employee on leave is an exempt employee and is among the highest paid ten percent (10%) of the Town's employees, and restoring employment of the employee would result in substantial and grievous economic injury to the Town.

## 11. Military Family Leave Entitlements

- a. Eligible employees with a spouse, son, daughter, or parent on active duty or call to active-duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address

certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

- b. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is:
  - (1) A current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his/her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.
  - (2) A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

## 12. Procedures

To designate an absence as Family and Medical Leave, the following procedures must be followed:

- a. An employee must state a need for a Family and Medical Leave of Absence to his/her supervisor/manager or to Human Resources; or once an employee's absence appears to be protected under the FMLA, the supervisor/manager will direct the employee to Human Resources, or Human Resources may reach out to the employee to discuss FMLA.
- b. Human Resources will complete the U.S. Department of Labor "Notice of Eligibility and Rights and Responsibilities" form and will send the form to the employee.
- c. To receive leave for the care of a child, parent, or spouse with a serious health condition, the employee must provide certification from the health care provider who is treating the child, parent, or spouse, including the date on which the condition commenced; the probable duration of the condition; the appropriate medical facts regarding the condition; and an estimate of the time needed to care for the individual involved (including any recurring medical treatment).

- d. To receive leave due to an employee's serious health condition, the employee must provide certification from a licensed health care provider who is treating his/her own serious health condition as set forth herein.
- e. If an employee's absence appears to qualify for FMLA, Human Resources may require the employee to provide certification from a licensed health care provider who is treating the employee or his/her child, parent, or spouse with a serious health condition.
- f. Once medical certification forms and any supporting documentation are received by Human Resources, Human Resources will complete the U.S. Department of Labor "Designation Notice." This "Designation Notice" will designate the leave as either approved or not approved or will request additional information. Copies of the "Designation Notice" will be given to the employee, his/her supervisor/manager, and the Department Director.
- g. If an employee refuses to provide required certification, Human Resources may designate the absence as approved leave under the FMLA based on the information provided or received.
- h. If the employee is needing military family leave, the appropriate U.S. Department of Labor certification form must be completed and submitted to the Human Resources Department for approval/denial.

**(e) Leave for Disaster Relief Aid**

- 1. When volunteering his/her services for a declared State or National disaster, the employee may use either accrued leave time (except sick leave) or leave without pay for up to a maximum of three (3) weeks per fiscal year.
- 2. Military leave would not be granted unless the employee is called for "ordered military duty" as explained in the "Military Leave Policy."
- 3. Neither annual leave, sick leave, nor holidays are accrued during any period of unpaid leave.



**(f) Administrative Leave**

A Department Head, Human Resources or the Town Manager, with notification to the Human Resources Department, may place an employee on Administrative Leave when:

1. An employee is being investigated by the Town for possible misconduct; he/she may be placed on paid administrative leave.
2. An employee is being investigated by a law enforcement agency for possible violation of a criminal law; he/she may be placed on unpaid administrative leave if the leave is an extended one.
3. An employee who is a resident of Spring Lake and who chooses to run for elected municipal office (Mayor or Board of Commissioners). When an employee qualifies as a candidate for a Spring Lake municipal election, he/she shall be placed on unpaid administrative leave for the duration of the election and any necessary subsequent run-off. Employees who are not elected shall be reinstated to their positions. Employees who are successfully elected to office will become elected officials, and their employment with the Town will terminate.
4. An employee may be placed on Administrative Leave in any instance where it is considered to be in the best interest of the Town and/or the employee. Written notification must be provided by the official who placed the employee on Administrative Leave to the Payroll Department with instructions that the leave shall be with or without pay.

The purpose of Administrative Leave is to provide an investigatory opportunity or to relieve the employee of his/her duties when it is deemed in the best interest of the Town and the employee. Designation of the leave as “Administrative Leave” is to prevent any possible stigma against an employee during a period of Administrative Leave.

The decision to place an employee on Administrative Leave is entirely discretionary. An extended Administrative Leave may be granted without pay at management’s discretion. Certain acts of misconduct or criminal arrests may be more suitable for immediate termination as determined by the Department Director and the Human Resources Manager.

**(g) Leave Due to Inclement Weather or Other Emergencies**

The continuity of critical operations/services during adverse weather or other emergency conditions is essential. Departments may be required to maintain the minimum level of staffing needed to provide such services. Under conditions of emergencies and/or closings, critical operation personnel may be required to work when other employees are not required to work, regardless of the weather and regardless of whether the Town is “closed.”

Department Directors and/or their designees are responsible for defining and notifying those employees who are “critical operation personnel” in a given situation. During inclement weather, an emergency, and/or closing, critical operation personnel must report to work. (NOTE: An employee may be designated as part of the critical operation personnel in one given situation and non-critical operation personnel in another situation.) The decision to designate an individual as part of the critical operation personnel is determined by the Department Director or his/her designee.

1. Employee Notification – In the event of inclement weather and/or other emergencies, employees should check the Town website and listen to local newscasts for delayed opening or closing information. Unless otherwise notified by these means or by direct communication from the Town of Spring Lake, all employees are to assume that the Town will be open for business regardless of any weather or other emergency condition.

Non- critical operation personnel should make every effort to report to work when the Town is open unless his/her personal safety or the safety of his/her family is at risk. A non-critical operation employee who is not able to report to work must follow the normal “call-in” procedures to report his/her absence.

If a non-critical operation employee makes every effort to report safely to work, but cannot, and notifies his/her supervisor of his/her absence according to the normal “call-in” procedures, the employee’s absence will be charged against any accrued annual leave or other leave balances (excluding sick leave) or compensatory time. If no such accrued leave exists, the employee will not be compensated.

## 2. Closings and Delayed Openings

- a. Full Closing – If Town offices are fully closed, employees who are not designated as critical operation personnel will be excused from work. Critical operation personnel may be required to report to work. Critical operation personnel who do not report to work during closed status when required to do so may be subject to disciplinary action up to and including termination of employment.
- b. Early Closing – If Town offices are closed early, employees who are not designated as critical operation personnel may be excused from work. Critical operation personnel may be required to remain at work. Critical operation personnel who do not remain at work when required to do so during closed status may be subject to disciplinary action up to and including termination of employment.
- c. Delayed Openings – If the opening of Town offices is delayed, critical operation personnel may be required to report to work for normal or extended work hours. All non-critical operation personnel are expected to report at the announced time. If an employee reports later than the announced opening time, the employee will be charged any accrued annual leave or other leave balances (excluding sick leave) or compensatory time for the period of absence between the delayed opening time and the time the employee actually reports for duty. If no such accrued leave exists, the employee will not be compensated.
- d. Partial Closings/Locations – If the emergency or other circumstance is limited to a portion of Town offices, employees may be relocated to an unaffected designated area of the Town.

## 3. Compensation

- a. Non-exempt critical operation personnel who are required to work during inclement weather or other emergency events will receive the following compensation:
  - (1) Regular pay for all hours worked.
  - (2) Non-exempt critical operation personnel will also receive regular pay for the same hours that non-critical operation personnel receive when not reporting to work.

Example 1: If, due to inclement weather, a non-critical operation employee does not report to work for one work day (8 hours) due to a Town “closing,” the critical operation personnel who work on that work day when the Town is “closed” will receive an additional eight (8) hours of pay.

Example 2: If, due to inclement weather, the Town delays opening for two hours, the non-critical operation employee will receive two

- (2) hours pay; the critical operation employee who is working even though the Town has a delayed opening will receive an additional two (2) hours of pay as well.
  - (3) Non-exempt critical operation personnel cannot bank inclement weather pay. Inclement weather is paid out at the time it is given.
  - (4) Non-exempt critical operation personnel may also earn overtime pay according to the Town's Overtime Policy.
  - (5) If a non-exempt critical operation employee is called into work when the Town is officially closed, it is considered a call back for emergency reasons, and the employee shall be compensated according to the call back pay policy when applicable.
- b. Non-exempt non-critical operation personnel (full-time) will be paid regular pay for the hours that the Town offices are officially closed (up to 8 hours per day) for inclement weather or another emergency event. Non-exempt non-critical operation personnel whose work schedule exceeds 8 hours per day will be paid regular pay for the hours that the Town offices were officially closed (up to 8 hours per day). He/she will be charged any accrued annual leave or other leave balances (excluding sick leave) or compensatory time for the remaining hours of his/her shift. If no such accrued leave exists, the employee will not be compensated.

Non-exempt non-critical operation part-time employees will be paid regular pay for the hours that they are scheduled to work when the Town offices are officially closed for inclement weather or another emergency event.

- c. Exempt critical operation personnel (as determined by the Department Director or his/her designee) who are required to work during inclement weather or other emergency events will receive the following compensation:
- (1) Regular salary.
  - (2) Exempt critical operation personnel will also receive pay at their determined hourly rate for the same hours that non-critical operation personnel receive when not reporting to work.
  - (3) Exempt critical operation personnel cannot bank inclement weather pay. Inclement weather is paid out at the time it is given.
  - (4) Exempt critical operation personnel do not earn overtime pay.
- d. Exempt non-critical operation personnel will be paid their regular salary for the hours that the Town offices are officially closed for inclement weather or another emergency event. They are not eligible for additional pay or overtime pay.

- e. Employees on leave (whether exempt or non-exempt) during inclement weather or other emergency events will be treated as though the inclement weather or other emergency event had not occurred.

Example 1: If an employee is out on Workers' Compensation leave, he/she would continue to receive Workers' Comp pay at 66-2/3% (as determined by the Workers' Comp Insurance) and could utilize any other accrued leave balances (sick, annual, banked holiday, etc.) or compensatory time to make-up the difference in his/her regular pay (up to 100%). The employee would not receive additional pay for inclement weather or another emergency event.

Example 2: If an employee is out on short-term disability, he/she would continue to receive short-term disability payments at 60% (as determined by the short-term disability insurance carrier) and could utilize any other accrued leave balances (sick, annual, banked holiday, etc.) or compensatory time to make-up the difference in his/her regular pay (up to 100%). The employee would not receive additional pay for inclement weather or another emergency event.

Example 3: If an employee is out on military leave, he/she would continue to receive military pay (up to 18 days per federal fiscal year) as long as he/she has not exhausted his/her 18 days. The employee would not receive additional pay for inclement weather or another emergency event.

Example 4: If an employee is out on unpaid FMLA, he/she would not receive pay for inclement weather or another emergency event.

#### (h) Holidays

1. The Town observes the following holidays and such other days as may be designated by Board of Commissioners:

New Years Day	Labor Day
Martin Luther King Day	Veterans Day
Presidents Day	Thanksgiving Day
Good Friday	Day After Thanksgiving
Memorial Day	Christmas Eve
Juneteenth	Christmas Day
Independence Day	2 Floating Holiday (Birthday)

When a holiday falls on a Saturday, the preceding Friday shall be declared a holiday for Town employees. When a holiday falls on a Sunday, the following Monday shall be declared a holiday for Town employees.

2. Regular full-time employees receive eight (8) hours for holiday pay. Full-time police shift employees receive eight (8) hours for holiday pay, while full-time fire shift employees receive eight (8) hours for holiday pay. Part-time, temporary, and seasonal employees are not eligible for holiday pay except as specified below.
3. In order to receive pay for an observed holiday, regular full-time, non-exempt employees must work the scheduled work day immediately before and after the observed holiday or must not be absent without an excused leave approved in advance. If an employee's absence is due to illness, the employee must present a doctor's note covering the absence in order to be paid for the holiday. In like manner, should an employee miss the day before or after a two-day holiday (e.g. Thanksgiving and the day after Thanksgiving or Christmas Eve and Christmas Day) and should he/she fail to bring a doctor's note, he/she would lose the two-day holiday pay.
4. Regular full-time employees receive two (2) paid floating holidays at the beginning of each calendar year. Newly hired full-time employees and employees transitioning from part-time to full-time receive paid floating holidays during their first calendar year of employment according to the following:

Hire Date / Transition Date	Floating Holidays Received
January 1 – March 31	2.0 days
April 1 – June 30	1.5 days
July 1 – September 30	1.0 day
October 1 – December 31	.5 day

Floating holidays must be used by December 31<sup>st</sup> each year, or they will be lost. In addition, unused floating holidays will not be paid out upon separation of employment.

5. When eligible employees are required to work on a holiday, they shall be remunerated according to one of the following:
  - a. Regular full-time non-exempt employees will be paid their regular pay plus an additional eight (8) hours pay.
  - b. However, if a calendar holiday falls on the weekend (e.g. Christmas Eve, Christmas Day, New Year's Day, or Independence Day) and if the Town observes a different day for the holiday, those regular full-time non-exempt shift employees who work the actual calendar holiday will be paid the additional 8 hours holiday pay. At no time will employees receive more than nine (9) holidays and two (2) floating holidays in a calendar year.
  - c. Regular Full-Time Exempt Employees – Department Heads have the

authority to arrange the schedules of the employees that they supervise.

6. When an observed holiday falls on an employee's normally scheduled off day, the employee will be paid for the holiday. At no time will employees receive more than nine (9) holidays and two (2) floating holidays in a calendar year.
7. Holiday Observance for Non-Public Safety Departments with 7-Day Operations: Non-Public Safety facilities that are open seven days a week will close on the actual holiday, and if the observed day is other than the actual holiday (i.e. Christmas on Sunday with the observed holiday on Monday), the facility will also be closed on the observed day. Employees will receive pay for the observed day.

## 9. GROUP BENEFIT PLAN

### Section 1: Policy Statement

It is the policy of the Town of Spring Lake to provide its employees with various insurance, retirement, and educational assistance benefits. The benefits plan is designed to provide a supplemental package of programs which contribute to the physical, mental- health, and well-being of the employee and his/her dependents. The plan is designed to enhance the attractiveness of working for the Town and to aid the Town's competitiveness in recruitment and retention efforts.

### Section 2: General Provisions

#### 1. Administration

The primary responsibility for the day-to-day administration of the benefits plan shall rest with the Human Resources Manager within the limits of these policies and procedures, as well as the actual plan documents that govern the particular benefit. Availability of benefit packages, questions on benefits, and employee discussion regarding benefits can be obtained from the Human Resources Manager.

#### 2. Eligibility

Eligibility for health insurance, death benefits, retirement benefits, and educational assistance benefits shall include regular full-time employees.

- Employee contributions deducted via payroll will begin the month of the employee's eligibility.
- Benefit eligibility will expire at the end of the last day of the month that the employee worked for the Town.
- All employees and police and fire volunteers shall have access to the Employee Assistance Program (EAP).

#### 3. Qualified Status Changes

Due to the pre-tax nature of many of our benefit plans (including spending accounts), IRS regulations determine when an employee can and cannot make changes to his/her benefit elections after he/she has enrolled (referred to as qualified status changes). Benefit elections that an employee makes remain in effect for the entire plan year, unless the employee has a qualified status change.



During the Open Enrollment period, the employee has the opportunity to change his/her benefit elections for the following plan year.

All paperwork related to changing an employee's benefits due to a qualified status change must be completed within 31 days of the date the status change occurred, and the employee must provide documentation proving the qualifying event (for example, a marriage certificate). The changes become effective on the date of the qualified change. The following are examples of qualified status changes:

- Loss or gain of coverage through the employee's spouse
- Birth or adoption of a child
- Loss of eligibility of a covered dependent
- Marriage, divorce or legal separation, or annulment
- Death of a covered spouse or child
- Change in employment status

#### 4. Benefits Continuation

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Town of Spring Lake's health plan for a certain period of time provided by law when a qualifying event would normally result in the loss of eligibility.

Under COBRA, the employee or qualified beneficiary pays the full cost of coverage at the Town of Spring Lake's group rates, plus an administrative fee of 2%.

Certain deadlines and application requirements will apply. Please consult the Human Resources Department if you wish to apply for COBRA benefits.

### Section 3: Benefits Offered

The Town of Spring Lake intends to provide a comprehensive benefit package to aid in the recruitment and retention of employees. Benefits will include, but are not limited to: medical insurance, dental insurance, vision coverage, life and AD&D insurance, EAP, Flexible Spending Accounts (FSA's), retirement, and educational assistance. We will annually publish a document that details our benefit plans. The actual plan documents, rather than any summary statements in this Chapter, should be relied upon in determining an employee's rights and obligations.

#### Section 4: 401(k) Contribution

The Town of Spring Lake is committed to supporting the financial well-being of its employees by offering a 401(k)-retirement savings plan. To encourage participation and help employees save for their future, the Town will contribute 1% of an employee's eligible earnings to their 401(k) account, provided the employee also contributes at least 1% of their own earnings to the plan.

Employees must contribute a minimum of 1% of their salary to be eligible for the Town's 1% matching contribution. This Town contribution will be made on a per-pay-period basis, in accordance with the plan's guidelines.

### 10. WORKERS' COMPENSATION

#### Section 1: Policy Statement

It is the intent of the Town of Spring Lake to comply with the provisions of the Workers' Compensation Laws of the State of North Carolina. All Town of Spring Lake employees and elected officials who are injured on the job are protected by the North Carolina Workers' Compensation Act. The provisions of this Act are the exclusive remedy for employees injured on the job and provide benefits and procedures for obtaining benefits for occupational injuries and diseases arising out of and in the course of an employee's employment with the Town of Spring Lake.

#### Section 2: Responsibility

Workers' Compensation can be a very complex environment if proper procedures are not followed. Specific responsibilities lie with the Human Resources Department, all supervisors, and the employee.

##### 1. Human Resources

The Human Resources Manager is responsible for the management of the Town's Workers' Compensation program in accordance with the provisions of the North Carolina Workers' Compensation Act and other Federal, State, or local regulations.

##### 2. Supervisors

Town of Spring Lake supervisors are responsible for ensuring that their employees report all on-the-job injuries to them immediately or as soon as possible following the occurrence of the injury. Supervisors will ensure that a written report of the injury is completed and submitted to the Department Director who will then forward it to the Human Resources Manager within a twenty-four-hour time period. Serious injuries should be reported immediately by phone to the Human Resources Manager and the Town Manager.

### 3. Employees

All Town of Spring Lake employees are required to report all on-the-job injuries to their supervisor immediately, when possible, but in all cases no later than twenty-four (24) hours after the occurrence of the injury. The employee is obligated to cooperate with the Workers' Compensation program directives and activities, and any fraudulent activity will be grounds for termination.

### Section 3: Procedures

- (a) An employee injured on the job must report the injury to his/her supervisor immediately on the forms prepared and provided by the Human Resources Department, even if no medical treatment is necessary. A record of the injury should be made in case medical treatment is needed in the future.
- (b) The employee's supervisor must follow the appropriate procedures prescribed for reporting the injury which includes completion of the Injury/Illness Report form.
- (c) An employee injured by an accident arising out of or in the course of employment shall not be charged for any absence from duty due to the injury on the day of the injury if the employee is not allowed by the Workers' Compensation doctor to return to work on the day of the injury. The employee will be paid for any time missed from work on the day of the injury.
- (d) There is a seven-calendar day waiting period before Workers' Compensation income benefits are due. The employee is eligible to receive medical benefits during the seven-day waiting period. Beginning with the first day after an on-the-job injury and continuing through the seventh day following the injury, the injured employee may elect to be compensated by using his/her available sick or other leave balances. If the employee, however, chooses not to be compensated by using his/her available sick or other leave balances or if the employee does not have an adequate balance of leave time to cover the first seven days, and if the disability lasts for twenty-one (21) consecutive days, Workers' Compensation benefits (at 66- 2/3% of weekly salary) will be paid retroactive for the first seven days. The first seven days of disability are not reimbursable unless the employee is disabled more than the 21 consecutive days. If the employee has been compensated with his/her leave time for the initial seven-day period, the employee will not be reimbursed with Workers' Compensation benefits for this same period.
- (e) Beginning with the eighth day following the injury, the employee will be compensated with the statutory Workers' Compensation rate of 66-2/3% of weekly salary up to the maximum prevailing rate required by the Workers' Compensation Law. Once Workers' Compensation begins to make payments to the employee, the employee may use sick leave or other available leave to offset the difference between the statutory Workers' Compensation rate and the employee's regular rate of pay.
- (f) Workers' Compensation income benefits may not be payable if the employee is injured while engaged in willful misconduct or if the injury is due to the use of alcohol or drugs or the misuse of controlled substances.
- (g) An employee may be placed on leave for a job-related injury for up to a maximum of twelve (12) weeks at the direction of a Workers' Compensation physician.

- (h) An employee out of work on Workers' Compensation who does not return to work when released to do so by a qualified physician may be terminated.
- (i) If the employee is unable to return to his/her regular position, the Town may provide a modified/light duty assignment that is approved by the Workers' Compensation physician to the employee for a period of up to three (3) months. The Town has no obligation to create a light duty assignment if work is not available. The light duty job does not have to be at the employee's regular rate of pay, does not have to be full-time, and does not have to be the same type of job as the employee's regular job.
- (j) If the employee is unable to return to his/her regular position at the end of twelve (12) weeks of leave or is unable to resume, with reasonable accommodations, his/her regular position after three (3) months, the employee may request in writing additional leave time or an extension of a reasonable accommodation such as light duty from the Town Manager. The Town Manager's decision will be final. Once all leave has been exhausted and the employee is still unable to resume, with reasonable accommodations, his/her regular position, the Human Resources Department may, with the approval of the Town Manager, assign the employee to a vacant position in another classification for which the employee is qualified and able to perform (with or without accommodations), and at a salary comparable to that of other employees in the same classification. If no vacancy exists in another classification for which the employee is qualified (with or without reasonable accommodations), the employee may be terminated from employment.
- (k) Volunteer Firefighters and Auxiliary Police Officers are covered by the Town's Workers' Compensation Program.
- (l) Workers' Compensation leave must run concurrent with Family and Medical Leave (FMLA).

#### Section 4: Coverage Not Provided

Community service workers are not covered by the Town's Workers' Compensation insurance. Community service workers must sign a waiver agreeing to use provided safety equipment and to assume all personal liability associated with the work being performed.

### 11. EDUCATIONAL ASSISTANCE PROGRAM

#### Section 1: Policy Statement

The Educational Assistance Program, administered by the Human Resources Department, has been designed to assist employees with long-term educational goals. Reimbursable expenses include tuition, registration and application fees, books, and other required fees. The cost of supplies, parking, gasoline, student activity cards, and other related items are excluded.

##### 1. Eligibility

To be eligible for educational assistance benefits, an employee must be a regular full-time employee with at least six (6) months of service and must be enrolled in a degree program at an accredited college or university, a diploma program at a certified technical school, or an approved GED program. Educational assistance benefits may also be utilized to obtain a Commercial Driver's License (CDL). In order to be approved, the coursework must be job-related or relevant to a position with the Town. Coursework not directly related to the employee's current job must have Town Manager approval.

##### 2. Application and Approval

The eligible employee must complete an Educational Assistance Program Application; the Application must be approved prior to the beginning of classes or coursework each semester/quarter, or reimbursement will not be made available. An employee must receive approval from the Department Director and the Human Resources Manager.

##### 3. Reimbursement

An employee who takes approved classes/coursework may be reimbursed one hundred percent (100%) up to a maximum of \$1500 per calendar year of tuition costs, registration and application fees, books, and other required fees under the following terms and conditions:

- The class/course has been successfully completed with a minimum grade of "C" at the undergraduate level and "B" at the graduate level;

- Classes/coursework covered by grants and scholarships (i.e. Hope Grant, etc.) are not eligible for reimbursement; and
- The employee shall submit proof of tuition payment, other receipts eligible for reimbursement, and a copy of his/her grade(s) to Human Resources within ten (10) days after receiving his/her grade(s).

#### 4. Re-Payment

Consistent with the Educational Assistance Program Application that the employee signs and submits prior to beginning classes/coursework, if the employee voluntarily leaves employment with the Town within twelve (12) months of the conclusion of the class/course for which the employee received educational assistance benefits, the employee shall be responsible for full re-payment of the educational assistance amount to the Town. In an effort to collect the amount owed to the Town, the Town will deduct the amount of educational assistance from the employee's final paycheck to the extent allowed by law. If this deduction does not provide full re-payment to the Town, the employee shall be responsible to pay the difference to the Town.

# Chapter III

## Employee Relations



### III.EMPLOYEE RELATIONS

#### A. EMPLOYEE ORIENTATION/TRAINING

##### Section 1: Policy Statement

The Town of Spring Lake, as an employer, is committed to ensuring that all employees receive adequate job training. It is the Town's belief that employees must be properly trained and supervised to achieve their maximum potential and to perform their duties in a manner which is beneficial to the Town.

##### Section 2: General Provisions

##### (a) Employee Orientation

Upon initial employment an employee shall complete an orientation process. The Human Resources Department and the employing Division shall have a role in ensuring that the employee is familiarized with Town and departmental rules, policies, benefits, and procedures.

1. The Human Resources Department shall be responsible for the initial New Hire Orientation, including initial employment paperwork, benefits information and enrollment, review of employee's job description, policy acknowledgements, issuance of Town identification card and Personnel Policy Manual, etc.
2. The employing Division shall be responsible for introduction to other departmental employees; tour of departmental facilities; explanation of divisional/departamental SOP's, rules, and procedures; explanation of performance expectations; and other pertinent information.

##### (b) Training

##### 1. Initial Training

Each department shall establish a training program for newly hired employees and shall set standards of proficiency which are required for each job function. Each new employee shall complete a period of on-the-job training, the length of which will be dependent upon knowledge and skill level at time of employment.

Before any new employee is allowed to operate any Town vehicle or equipment, the employee must be evaluated on operating the vehicle or equipment.

Safety should be emphasized throughout the training process, and the Town's commitment to providing a safe working environment should be understood by all

employees. The initial training period is the most opportune time to assist the new employee in establishing safe work habits.

## 2. Continuing Training

The Town strives to provide continuing internal and external training opportunities to Town staff. When seminars and workshops pertinent to an employee's job duties are available, the Town will attempt to schedule employees to attend. The employee's supervisor will make the determination on the suitability of all workshops and seminars and will make recommendations to the Department Director who will give final approval before the employee attends.

## B. STANDARDS OF CONDUCT

### Section 1: Policy Statement

All employees are expected to maintain acceptable standards of conduct, efficiency, and economy in the performance of their work. All employees are expected to maintain minimum standards of conduct both on and off duty in order to:

1. Promote impartial, objective, and effective performance of their duties;
2. Avoid activities that are averse to the Town's interest or that adversely affect the Town's reputation;
3. Ensure safe and efficient operations; and
4. Encourage a high degree of confidence in and support for Town operations.

The following list of standards of employee conduct is not intended to be all inclusive of every type of conduct prohibited. Other standards of conduct are established throughout this manual, and other standards may be established and published by Departments as operations deem necessary. Moreover, generally accepted standards of conduct shall apply even where not specifically stated. Failure to abide by these standards of employee conduct may result in disciplinary action, up to and including termination.

### Section 2: General Provisions

#### (a) Conformance to Law

An employee shall obey and not engage in any conduct prohibited by the laws of the United States, North Carolina, or any other state or political subdivision thereof. Conduct described as a violation of such laws may be cause for disciplinary action, regardless of whether charges are filed or prosecuted or whether the employee is

adjudicated guilty or not guilty.

**(b) Violation of Rules**

An employee shall not commit any act contrary to good order and discipline or any act constituting a violation of any of the provisions of the rules and regulations of the Town and its departments.

**(c) Ethics**

1. No elected official, appointed officer, or employee of the Town or any agency or political entity to which this manual applies shall knowingly:
  - a. Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of official duties or which would tend to impair the independence of his/her judgment or action in the performance of official duties;
  - b. Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of official duties or would tend to impair the independence of his/her judgment or action in the performance of official duties;
  - c. Disclose confidential information concerning the property, government, or affairs of the Town or governmental body by which engaged without proper legal authorization or use such information to advance the financial or other private interest of himself/herself or others;
  - d. Accept any valuable gift (exceeding \$100), whether in the form of service, loan, object, or promise, from any person, firm, or corporation which to his/her knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which he/she is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
  - e. Represent other private interests in any action or proceeding against this Town or any portion of its government; or
  - f. Vote or otherwise participate in the negotiation, or in the making of any contract, on behalf of the Town with any business or entity in which he/she has a financial interest.
2. Any appointed officer or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any

Department of the Town shall disclose such private interest to the Town Manager. The Mayor or any Board Member who has a private financial interest, directly or indirectly, in any contract or matter pending before the Town Board of Commissioner's shall disclose such private interest, and such disclosure shall be entered on the records of the Town Council, and he/she shall disqualify himself/herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this manual applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

3. No elected official, appointed officer, or employee of the Town or any agency or entity to which this manual applies shall use property owned by such governmental entity for personal benefit, convenience, or profit, except in accordance with policies promulgated by the Board of Commissioners or the governing body of such agency or entity.
4. Any violation of this Section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the board of Commissioners; and
5. Except as authorized by law, no member of the Board shall hold any other elective Town office or other Town employment during the term for which elected.

### Section 3: Attention/Dereliction

#### (a) Attention

Except when approved in Fire Services, an employee shall remain awake, alert, observant and occupied with Town business when on the job. Employees are expected to perform their job duties:

1. Timely, promptly, and without undue delay;
2. Without unnecessary supervision;
3. Ensuring they are engaged productively at all times or as directed;
4. Demonstrating appropriate initiative and dependability in the quality, volume, and prioritization of job duties; and
5. Avoiding excessive tardiness, excessive absenteeism, and unexcused absences.

#### (b) Insubordination

An employee shall adhere and execute any and all lawful orders of a supervisor, including those relayed from a supervisor through another employee. A lawful order is any order in keeping with the performance of any duty, issued either verbally or in writing by the Department Director or any other supervisor, direct or indirect. The willful disobedience of any order lawfully issued by a supervisor or any insolent, uncooperative, or abusive language or conduct toward a supervisor shall be insubordinate.

#### Section 4: Competence, Judgment, & Supervision

##### (a) Competence

An employee shall maintain sufficient qualifications and competence to properly perform the assigned duties and responsibilities of the position. The employee's efforts shall be directed and coordinated in a manner that demonstrates and maintains the highest standards of efficiency in carrying out the functions and objectives of the Town. Failure to do work at an acceptable level of competence as determined by the applicable supervisor may be grounds for disciplinary action, up to and including termination.

##### (b) Judgment

An employee shall exercise sound judgment relevant to the conduct and performance of duty.

##### (c) Supervision

A supervisor shall, in accordance with Department management expectations:

1. Demonstrate qualities of leadership necessary for the position;
2. Maintain a positive attitude in support of Department decisions and goals;
3. Exercise appropriate supervision of subordinates and responsibilities;
4. Effectively plan, develop, and coordinate supervision and training of subordinates;
5. Observe and appropriately counsel subordinates;
6. Take appropriate action when a subordinate fails to perform; and
7. Properly account for all funds and property under his/her control.

#### Section 5: Fitness for Duty

An employee must be physically and mentally fit to perform essential job functions.

**(a) Evaluation for Fitness**

When it is reasonably suspected that the physical or mental impairment of an employee constitutes a hazard to individuals or property or may prevent the employee from effectively performing the essential job functions of the position, the employee may be required to submit to an evaluation of fitness for duty by a physician of the Town's choosing and expense. All such testing must be approved by the Town Manager and shall be coordinated by the Human Resources Manager.

**(b) Periodic Evaluation**

An employee may be required to take periodic examinations and/or undergo a program of treatment to qualify for continued employment, to the extent allowable by law.

**(c) Disclosure Required**

An employee who is notified or otherwise becomes aware of a physical or mental impairment that affects or reasonably threatens to affect his/her ability to perform essential job functions shall report the condition immediately to the Department Director.

**(d) Status During Evaluation**

Pending completion of the fitness for duty evaluation, the employee may be required to use accrued leave, may be placed in an unpaid or paid leave status, or may be temporarily reassigned, depending on the circumstances and the length of the evaluation period.

**Section 6: Absences & Reporting**

**(a) Unauthorized Absence**

No employee shall be absent without authorization. This includes failure to report for work at the assigned time and place or leaving a place of duty or assignment without authorization.

**(b) Reporting for Work**

An employee shall report to work on time and be physically and mentally fit at the time and place specified by the supervisor and remain physically and mentally fit throughout the work day.

**(c) Reporting Absence**

An employee who cannot report to work due to illness or emergency shall notify the immediate supervisor within the time limits established by the Department Director. Failure to do so may result in an unauthorized unexcused absence.

**(d) Fictitious Reporting**

Employees reporting absences or reasons for absences shall be truthful and without attempt to deceive any supervisor or official of the Town.

**Section 7: Response**

**(a) Responding to Calls for Service**

No employee shall fail to respond timely to official calls for service, dispatched calls, notices of assignment, subpoenas, or any other method of direction to perform.

**(b) Requests for Assistance**

When the public requests assistance or advice or makes complaints or reports, the employee shall gather all information in an official and courteous manner and shall judiciously act upon the situation consistent with prescribed procedures.

**Section 8: Personal Appearance**

**(a) Expectation**

All employees must maintain a neat and well-groomed appearance.

**(b) Dress Guidelines**

The following guidelines apply:

1. All employees, regardless of their duties, responsibilities, or title, will be professionally groomed and attired at all times while at work or representing the Town in non-work settings. The Town reserves the right to address unprofessional, provocative or sexually inappropriate, or otherwise unprofessional attire with disciplinary action.
2. Uniformed personnel shall wear a clean and complete uniform (including shoes/boots) and shall adhere to dress standards established by their Department.
3. Employees required to wear uniforms in the Public Safety Departments will follow the rules and regulations regarding uniforms found in their department

SOP's.

4. Employees required to wear uniforms in the Public Works Department (except Mechanics) and the Water/Sewer Department will be issued an authorized quantity of uniforms and boots initially and may purchase replacements annually not to exceed \$450. This annual allowance may be used for uniforms, coats, and/or boots whichever is needed, but these items must be purchased through a preferred provider as established by the Town.
5. Employees required to wear a uniform will receive a uniform allowance that aligns with the fiscal year budget. Each employee will be provided an allowance of \$130 to replace shoes or boots purchased through the Town's preferred provider. Employees will be responsible for any costs exceeding the \$130 allowance. The difference may be paid through payroll deduction, cash, or check.

The employee shall be responsible for reimbursing the Town for replacement uniforms lost or damaged due to negligence by the employee.

(c) The following rules and regulations apply to all uniformed Town personnel:

1. Employees are responsible for maintaining all uniforms provided by the Town and are expected to make minor repairs to them (i.e. replace buttons, repair small tears, etc.). Where uniforms are provided by rental contract, the employee shall report the need for repairs as soon as they are apparent and shall report any failure by the rental company to provide the needed repairs.
2. Uniform wear is limited to enroute to and from work, while on the job, or at official departmental/Town functions. While it may be necessary for the employee to make brief stops enroute to or from work, employees may not wear uniforms in any establishment that would bring discredit to the Town or its operations.
3. Shirts shall be buttoned at all times.
4. Shirt tails shall be tucked in at all times.
5. Belts shall be worn at all times.
6. Insignias, when worn, shall be in good condition and properly placed on uniforms.
7. Violation of Town or Divisional uniform rules and regulations shall result in appropriate disciplinary action.
8. Caps shall be optional. However, if a cap is worn, only the Town- issued cap or a cap with no logo shall be worn with the uniform.



9. Any item of personal clothing visible while worn with the Town uniform shall be approved by the Department Director prior to wearing. There shall be no logos, lettering, etc., visibly showing on the personal clothing.
10. All articles provided for the safety of the employee will conform to O.S.H.A. standards and shall be properly used by the employee. Hard hats, safety goggles, safety vests, lightweight coveralls, noise dampeners, and other necessary equipment shall be kept at the employee's work station.
11. Non-uniformed field personnel shall adhere to dress standards established by their Departments. No clothing with inappropriate messages is allowed, and no shorts or sandals are permitted when safety is a concern. Jeans may be worn.
12. Office Personnel are permitted to dress in a business casual manner. Employees should use good judgment to make reasonable decisions regarding their appearance and attire, including appropriateness for work-related occasions. At a minimum, all clothing should provide a professional appearance: not be dirty, wrinkled, unkempt, provocative, or otherwise inappropriate for the job duties of the individual. Employees should remain mindful of our commitment to a workplace of dignity and respect and dress and present themselves accordingly.

Every Friday (unless specified differently) is casual day. Suitable blue jeans and tennis shoes in good condition are allowed on "Casual Fridays." However, no shorts, clothing with inappropriate messages, jogging suits/sweatpants, or clothing which exposes the midriff or back are allowed. When in doubt about the appropriateness of particular attire, the attire should not be worn.

13. Management reserves the right to determine appropriateness of attire. Any problems with what are considered inappropriate attire will be discussed with the employee. The employee will be asked to go home and change and will not be compensated for time away from work to change inappropriate attire. If the problem continues, disciplinary action, up to and including termination, will be taken.

## Section 9: Professional Conduct

### (a) Courtesy

Employees shall be courteous to the public and fellow employees. An employee's conduct should always be civil, orderly, and courteous. Employees shall be diplomatic and tactful, controlling their temper and exercising patience and discretion in all situations. Employees should refrain from using coarse, violent, profane, or insolent language.

### (b) Conduct Unbecoming or Prejudicial to Good Order

An employee's conduct at all times, both on and off the job, shall reflect favorably

on the employee and the Town. Unbecoming conduct includes acts that tend to bring the Town into disrepute, discredit the employee, or tend to impair or interfere with the operation of the Town or employee.

(c) Unprofessional Conduct

Inappropriate conduct includes, but is not limited to:

1. Uncooperative attitude, including, but not limited to, disrespect to a supervisor, co-worker, or the public;
2. Conflict of interest;
3. Reporting to work/or working under the influence of drugs and alcohol; any involvement in the manufacture, distribution, possession, or use of illegal, non-prescription drugs or illegally obtained prescription drugs;
4. Use of abusive or obscene language;
5. Violation of telephone/computer usage/or political activity policy;
6. Theft, abuse, or misuse of Town property or vehicles, violations of traffic laws while driving a Town vehicle, failure to report damage or destruction of Town property to a supervisor, loaning property or equipment of the Town without permission or proper authority;
7. Allowing unapproved non-employee to work for Town or on Town property or in Town facility;
8. Illegal gambling;
9. Falsifying absences/records/making false claims;
10. Falsifying time worked or payroll records;
11. Fighting or any other form of workplace violence;
12. Sabotage;
13. Deliberate damage to Town property;
14. Acceptance of a bribe;
15. Mishandling cash or other Town property;
16. Discriminatory attitude or prejudice concerning another person, to include gossip;

17. Conviction of or admission of a felony or a crime of moral turpitude, and/or arrests that bring discredit to the Town or otherwise threaten to interfere with the Town operations;
18. Acts during duty hours which are incompatible with public service;
19. Failure to pass the Police Academy successfully or any required certification for any given position;
20. Falsification or destruction of official records or documents or use of official position for personal benefit, profit, or advantage;
21. When duly and properly called as a witness before any Town Board, Appeals Board, State or Federal judicial or administrative tribunal, and when before such tribunal, failing to answer truthfully any question concerning performance of official duties with the Town;
22. Failure to report an occupational injury or accident during the shift on which it occurred;
23. Absence due to incarceration;
24. Use of any form of physical abuse toward the public, supervisors, or other employees, or making threats to the public, supervisors, or other employees;
25. Violating any lawful official regulation or order or failing to obey any proper directive made and given by a superior officer;
26. Guilty of disgraceful conduct;
27. Careless or negligent with the monies or other property of the Town;
28. Failure to pay or make reasonable provisions for future payment of debt to such an extent that such failure is detrimental to the Town image or reputation;
29. Use of, or threatening to use, or attempting to use personal or political influence to secure employment benefits, including, but not limited to, promotion, leave of absence, transfer, change of pay rate, or character of work;
30. Violating the established procedures during an examination process or obtaining information, through unauthorized or illegal means, which provides an unfair advantage on an examination;
31. Failure to acquire or maintain a valid license, registration, or certification when such license, registration, or certification is required and specified in the job description of the position occupied by the employee;

32. Wasted time, inefficiency, and/or loitering during working hours;
33. Sleeping while on duty except for when approved for Fire Department personnel;
34. Failure to perform work at an acceptable level of competence as determined by the supervisor or Department Director;
35. Violation of Town ordinances, administrative regulations, or departmental rules;
36. Falsification of information on an application/job bid form or during a pre-hire interview or examination which had not been detected previously;
37. Use of Town equipment or facilities for unauthorized personal use or benefit;
38. Use of Town employees to perform work or duties for the personal benefit or gain of another Town employee;
39. Use of any tobacco product in any Town building or vehicle;
40. Violation of safety and health rules and established safety standards, including unsafe acts;
41. Refusal to submit to a drug/alcohol test as required by Town policy;
42. Refusal to be examined by a Town authorized, licensed physician when so directed;
43. Unlawful use of a wireless telecommunications device (e.g. cellular telephone, portable telephone, text-messaging device, stand-alone computer, etc.) while operating a Town-owned motor vehicle or commercial motor vehicle on any highway unless (a) the employee is reporting a traffic accident, medical emergency, fire, an actual or potential criminal or delinquent act, or road condition which causes an immediate and serious traffic or safety hazard; or (b) the employee is a law enforcement officer, firefighter, emergency medical services personnel, or other similarly employed public safety first responder during the performance of his/her official duties. The use of an earpiece, headphone device, or device worn on a wrist to conduct a voice-based communication; a voice-based communication which is automatically converted by such device to be sent as a message in a written form; the use of such device for navigation of such vehicle or for global positioning system purposes; or use of a telecommunications device while in a motor vehicle which is lawfully parked is not prohibited.
44. Abuse of leave policies; and/or

45. Possession of and/or selling of a weapon of any type, particularly firearms, while within Town buildings. The only exception is local, State, and Federal law enforcement officers, police, or arson investigators acting in the line of duty.

**(d) Immoral Conduct**

An employee shall at all times maintain high standards of moral conduct in personal affairs and shall not be a participant in any incident involving moral corruption that may impair the employee's ability to perform as a Town employee or cause the Town to be brought into disrepute.

**Section 10: Other Standards**

**(a) Identification**

An employee must furnish his/her name, job title, and department name to any person requesting that information as a result of actions taken by the employee in the course of Town business. Employees are required to obtain an official Town-issued identification badge and to have it available for inspection during business hours.

**(b) Examinations and/or Tests**

Upon order of the Department Director, in consultation with the Human Resources Manager, for matters related to duty performance and investigations, an employee shall submit to any medical, chemical, drug, alcohol, ballistics, or other test, polygraph, fingerprinting, or counseling program authorized by law, and shall sign any related authorization forms.

**(c) Horseplay/Rough Play**

No employee shall engage in horseplay or rough play while on the job or in any Town facility. Injuries as a result of horseplay/rough play are not considered within the scope of employment and may not be covered under Workers' Compensation.

**(d) Fighting**

An employee shall not engage in unnecessary violence or harassment toward any person, except where authorized by law, even in the event of provocation.

**(e) Firearms and Lethal Weapons**

Except for employees commissioned by the Town of Spring Lake as Police Officers, Town employees are prohibited from possessing firearms while on duty or in any Town facility or vehicle, regardless of whether the employee possesses a

firearms license.

**(f) Fraudulent Employment**

No employee shall procure or maintain employment in the Town by means of willful misrepresentation or omission of any fact concerning the employee's personal history, qualifications for employment, or physical condition.

**(g) Acceptance of Gifts and Gratuities**

An employee shall not accept gifts, gratuities, or loans from organizations, business concerns, or individuals with whom he/she has official relationships in the course of Town government business. It is particularly important that employees involved in contracting and purchasing guard against relationships that might be construed as evidence of favoritism, coercion, unfair advantage, or collusion. Any accepted gifts must not exceed a monetary value of \$50 to ensure compliance with ethical standards and maintain the integrity of our operations.

**C. DISCIPLINE**

**Section 1: Policy Statement**

The Town of Spring Lake believes that each employee desires to provide quality public service by meeting high standards of job performance and conduct and by following established policies, procedures, regulations, and practices.

The primary purpose of disciplinary action is to correct or prevent the recurrence of employee performance or conduct that is detrimental to quality job performance or to the interest of the citizenry, the employee, the Town, or other employees. The Town's discipline policies emphasize the employee's responsibility for the consequences of his/her own behavior with a focus on communicating expectations for changes in behavior and needed improvement.

When an employee's conduct does not meet standards or results in deficiencies in job performance or violations of law, Town regulations, or rules, it is the policy of the Town to take appropriate action to improve and/or correct the conduct or performance or, if necessary, remove the employee from the Town workforce through application of disciplinary actions. Disciplinary action should be carried out privately and confidentially.

**Section 2: General Provisions**

**(a) Level of Discipline**

Disciplinary action will be consistent with the nature of the deficiency or infraction involved and with other relevant factors. In reaching a decision as to the level of discipline to be applied, the supervisor should consider such factors as the type and

severity of the infraction, the results of the infraction, the employee's work record, prior disciplinary actions, and any mitigating circumstances which may be relevant to the situation.

(b) Format and Location of Disciplinary Actions

All disciplinary action should be documented in writing on the designated form. The supervisor shall ensure that the Disciplinary Action Form is filled out completely and accurately and that needed signatures are obtained. An employee's signature does not indicate agreement with the disciplinary action, but represents an acknowledgement of receipt of the form. Should an employee refuse to sign the form, the supervisor should write "refused to sign" on the form with the appropriate date. The employee should be given a copy of the disciplinary action form. The original disciplinary action form should be maintained in the employee's personnel file in the Human Resources Department. All appeals by employees must be in writing. All responses to, and decisions on, appeals must be in writing.

(c) Progressive Discipline

While it is expected that disciplinary action be exercised progressively, the circumstances of any particular situation, as well as the nature of the deficiency and the violation in any particular situation, may preclude the exercise of a less severe discipline option. Typical disciplinary actions may include oral or written reprimand, suspensions (with or without pay), performance improvement plan (PIP), demotions, and termination. Employee actions/behavior of a serious nature may be cause for immediate termination while bypassing any or all other levels of disciplinary action. Reference Progressive Discipline Chart on the following page.

(d) Suspension of Exempt Employees

Except in the case of a major safety violation, any unpaid suspension of an exempt employee must be made in full-week increments only. Major safety violation suspensions may be made in full day increments.

(e) Disciplinary Options

Only Department Directors in coordination with the Human Resources Manager are authorized to demote or terminate employees. The Department Director or a designee may suspend employees or place an employee on a performance improvement plan (PIP) in coordination with the Human Resources Manager.

(f) Impact of Disciplinary Action

An employee's record is not "cleared" of disciplinary action at the beginning of a calendar or fiscal year. Generally, an employee's record will be cleared after one year of satisfactory performance and/or behavior, but the disciplinary action form

will remain in the personnel file.

(g) Probationary Employees

New employees in a probationary status do not have appeal rights to disciplinary action or termination of employment.

ACTION	USE	RESPONSE / APPEAL
Oral Counseling	A private discussion between a supervisor and employee.  Documents kept in Human Resources.	No appeal
Oral Reprimand	An oral warning/instruction from the supervisor to the employee.  Documents kept in Human Resources.	No appeal
Written Reprimand	A written warning/admonishment from the supervisor to the employee.  The supervisor, Department Director, and Human Resources should be involved at this level.  Documents kept in Human Resources.	Employee has five calendar days to appeal to the Department Director or through the chain of command to the next level supervisor. Appeal does not go beyond the next level of supervision of the supervisor issuing the reprimand.
Suspension	Relief from duty for a specified amount of time.  Requires coordination with Human Resources.  Documents kept in Human Resources.	Employee has five calendar days to appeal to the Department Director. After the Department Director's decision, the employee has five calendar days to appeal to the Town Manager. The final decision rests with the Town Manager.



Performance Improvement Plan (PIP)	<p>Probationary period for a specified amount of time, generally 90 days, to ensure that <u>performance</u> deficiencies are understood and that management is <u>coaching</u> the employee to improve.</p> <p>Requires coordination with Human Resources.</p> <p>Documents kept in Human Resources.</p>	No appeal
Demotion	<p>Reduction in rank or classification consistent with deficiency of the violation. This is not an option for probationary employees.</p> <p>Requires coordination with Human Resources.</p> <p>Documents kept in Human Resources.</p>	Employee has five calendar days to appeal to the Department Director. After the Department Director's decision, the employee has five calendar days to appeal to the Town Manager. The final decision rests with the Town Manager.
Termination	<p>Involuntary separation of employee from Town employment.</p> <p>Requires coordination with the Human Resources Manager.</p> <p>Documents kept in Human Resources.</p>	Employee has five calendar days to appeal to the Department Director. After the Department Director's decision, the employee has five calendar days to appeal to the Town Manager. The final decision rests with the Town Manager.

## D. GRIEVANCES

### Section 1: Policy Statement

The Town of Spring Lake is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, or question receives a timely response. The Town strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect and are encouraged to offer positive and constructive criticism.

If employees disagree with established rules of conduct, policies, or practice, they may express their concern through a grievance process. No employee shall be penalized, formally or informally, for voicing a complaint in a reasonable, professional manner using the grievance process. While a formal grievance process is in place, employees are encouraged to first informally discuss any issue with their immediate supervisor.

### Section 2: General Provisions

#### (a) Scope

The grievance procedure provides an avenue for any eligible employee to obtain management review of work-related issues that are felt to adversely affect the employee, for which no other means of response, review, appeal or resolution for is provided in this manual. Grounds for submission of a grievance include:

1. Unfair application, interpretation, or violation of Town or Department regulations; or
2. Acts of retaliation as a result of utilization of the grievance process.

#### (b) Statement of Grievance

At each step in the process, the written grievance must include the following:

1. A statement of the grievance and the facts upon which it is based;
2. A description of the specific wrongful act and harm done to the grieving employee; and
3. A statement of the remedy or adjustment sought.

#### (c) Probationary Employees

New employees in a probationary status do not have grievance rights.

### Section 3: Grievance Steps

#### (a) Step One – Department Director

The employee should first seek to resolve the issue informally. If unable to do so, the employee should file a written grievance to the Department Director within five

(5) calendar days of the incident or when the employee became aware of the incident. The Department Director will attempt to resolve the matter and submit a written response to the employee within five (5) calendar days after receipt. Note: In Public Safety Departments, it is expected that grievances follow the chain of command. Under no circumstances will a grievance be allowed to extend beyond 25 calendar days.

#### (b) Step Two – Director, Human Resources and Risk Management/Town Manager

If the Department Director is unable to resolve the grievance or the response is unacceptable to the employee, the employee must within five (5) calendar days of receiving the response file the written grievance to the Human Resources Manager. Within ten (10) calendar days of receipt of the grievance, the Director, Human Resources and Risk Management, will investigate the grievance and shall issue a recommendation concerning the employee's grievance to the Town Manager. The Town Manager shall review the grievance and the recommendation and shall make a final decision within ten (10) calendar days of receipt. The Human Resources Manager will forward a copy of the Town Manager's decision to the employee. The Town Manager's decision is final.

### Section 4: Areas That Cannot Be Grieved

The following areas CANNOT be grieved:

- (a) Issues which are pending or which have been concluded by other administrative or judicial procedures;
- (b) Management's rights to assign work and/or establish work processes;
- (c) Budget allocations and expectations and organizational structure, including the persons or number of persons assigned to particular jobs or departments;
- (d) The content of a Performance Talk;
- (e) The selection of an individual by the Division Head or Town Manager to fill a position through appointment, promotion, or transfer, except when the employee can show adverse effect because of unlawful discrimination;

- (f) Any matter which is not within the jurisdiction or control of the Town;
- (g) Internal security practices established by the Town Manager and/or Town Council;  
and
- (h) Decisions, practices, resolutions, or policies made or passed by the Board of Commissioners or the Town Manager.

## E. WORKPLACE DISCRIMINATION & HARASSMENT

### Section 1: Policy Statement

It is the policy of the Town of Spring Lake that harassment and discrimination of any kind will not be tolerated, and complainants will be protected from reprisal. Employees and non-employees are encouraged to come forward to discuss any situation that they deem inappropriate. The Town of Spring Lake expressly prohibits any form of unlawful discrimination and employee harassment based on race, color, religion, gender, sexual orientation, national origin, age, disability, genetic information, or veteran status. Improper interference with the ability of Town of Spring Lake employees to perform their expected job duties is absolutely not tolerated.

### Section 2: Discriminatory Harassment

The EEOC's definition of harassment is:

“Unlawful harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, genetic information, sexual preference or disability, or that of his/her relatives, friends, or employees, and that

- (a) has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
- (b) has the purpose or effect of unreasonably interfering with an individual's work performance; or
- (c) otherwise adversely affects an individual's employment opportunities.”

All employees, supervisors, and Elected Officials are expected to avoid any behavior or conduct that could reasonably be interpreted as harassment. Any form of harassment is a violation of this Policy and will be treated as a disciplinary matter. For purposes of this Policy, the term “discriminatory harassment” may include, but is not limited to, any of the following:

- (a) Offensive remarks, comments, jokes or slurs pertaining to an individual's race, color, national origin, religion, sex, gender, disability, age, genetic information, veteran status, citizenship, sexual orientation, or other protected group status;
- (b) Offensive pictures, drawings, posters, photographs, reading materials, computer monitors, or other tangible items, or communications including e-mail that are reasonably offensive or that reasonably exploit an individual's race, color, national origin, religion, sex, gender, disability, age, genetic information, veteran status, citizenship, sexual orientation, or other protected group status;

- (c) Threatening reprisals based on an employee's race, color, national origin, religion, sex, gender, disability, age, genetic information, veteran status, citizenship, sexual orientation, or other protected group status; or
- (d) Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance and/or conduct that creates an intimidating, hostile, or offensive working environment.

### Section 3: Sexual Harassment

#### (a) Definition

The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964, including and not limited to, 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 an employment decision; and
3. Such conduct has the purpose or effect of interfering with an individual's work performance or creating a hostile or intimidating environment.

#### (b) Quid Pro Quo

Quid Pro Quo literally means "this for that" and exists when submission to, or rejection of, such conduct is used as a basis for employment decisions such as raises or promotions or affects public services.

#### (c) Hostile Environment

Hostile Environment includes any lewd sexual conduct, pictures, words, or touching that interferes with a person's job performance or creates an intimidating, offensive working or public service environment even if there are no occurrences of tangible or economic loss.

#### (d) Prohibited Behavior

Behavior prohibited by this policy can include, but is not limited to, unwelcome sexual remarks or compliments, sexual jokes, sexual innuendo or propositions, sexually suggestive gestures or facial expressions, sexual remarks about a person's clothing or body, exhibiting sexually explicit publications or materials, kissing, touching, and sexual contact.

#### Section 4: Complaint Procedure and Investigation

If an employee feels that he/she has been subjected to discrimination or harassment, regardless of whether it is by a fellow worker, a supervisor, or a member of the general public, the employee may direct the offender to immediately stop the behavior. The employee will then report the incident(s) immediately to his/her Department Director and/or the Human Resources Manager. If the Department Director is involved in the behavior, the report should be made to the Human Resources Manager. If the Human Resources Manager is involved in the behavior, the report should be made to the Town Manager. Any supervisor who receives a complaint related to discrimination or harassing or offensive behavior or who has reason to believe that such behavior is occurring shall report these concerns to the Human Resources Manager and/or the Town Manager. At any point, the employee who feels he/she has been subject to discrimination or harassment may go outside the chain of command of his/her department and go to the Human Resources Department or to the Town Manager.

All reports of discrimination or harassing or offensive behavior will be investigated promptly, fairly, and discreetly. Investigatory procedures may vary from case to case depending upon the circumstances. The investigation will be conducted as confidentially as possible. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential whether the employee is the accused person, the complainant, or merely a potential witness. Persons who are interviewed are prohibited from discussing the matter outside the course of the investigation with co-workers, friends, or management. The Town will keep the information it gathers as confidential as possible, consistent with State and Federal laws and the needs of the investigation.

#### Section 5: Corrective Action

If management concludes that a complaint of discrimination or harassment has merit, appropriate action will be taken. Resolutions can include, but not necessarily be limited to, an apology, a transfer, direction to stop the discriminatory or offensive behavior, counseling or training, verbal or written warning, suspension with or without pay, or termination. In the event that discrimination, harassment, or offensive behavior reoccurs, it should immediately be reported to the Human Resources Manager or to the Town Manager. Any employee found to be acting in a discriminatory or harassing manner will be subject to disciplinary action, up to and including termination. Non-employees may be reported to the appropriate law enforcement agency and/or barred from the premises.

## F. SUBSTANCE ABUSE & DRUG AND ALCOHOL TESTING

### Section 1: Policy Statement

The Town has a vital interest in maintaining a safe, healthy, and efficient working environment free from the adverse effects of employee drug and alcohol abuse. Employee drug and alcohol abuse poses serious safety and health risks to the user and to those who work or come in contact with the user in the workplace. Accordingly, the Town does not and will not tolerate any employee's consumption, possession, sale, distribution or making arrangements to distribute, manufacturing, or presence in the body of illegal drugs or alcoholic beverages on Town work time, while on Town or customer property (including in personal vehicles while on Town property or offsite at customer property during Town work time), during lunch or breaks when an employee is scheduled to return to work, while in Town vehicles, while offsite during attendance at training or meetings in connection with an employee's work for the Town and/or while using, occupying, performing, or engaging in any activity on Town property and facilities. The Town further expresses its intent, through this policy, to comply with Federal, State and local laws and regulations that relate to the maintenance of a workplace free of illegal drugs and alcohol. If possession of an illegal substance is necessary in the course of a police investigation, the Police Chief may grant a waiver to this policy for a finite period of time.

### Section 2: Application

This policy applies to all Town employees (whether full-time, part-time, seasonal, or temporary), volunteers, interns, and any other individuals performing services on the Town's behalf, whether paid or unpaid. For purposes of this policy section, all such persons shall be referred to herein as Town employees. Visitors, vendors, and contractors are governed by this policy to the extent they are on Town Premises or in Town vehicles and will not be permitted to conduct business if found to be in violation of this policy.

### Section 3: Definitions

For purposes of this Substance Abuse and Drug and Alcohol Testing Policy (the "Policy"), the following definitions apply:

#### (a) Alcohol or Alcoholic Beverages

Any beverage or substance that contains alcohol manufactured for the primary purpose of personal consumption, including, but not limited to, beer, wine, and distilled spirits.

#### (b) Town Premises

Includes all property, facilities, land, platforms, buildings, structures, fixtures, installations, parking lots, and vehicles, whether leased or used by the Town of



Spring Lake government or its officials, managers, supervisors, employees, or other agents. This definition also includes locations other than Town offices, including all other locations of Town-sponsored recreational, social, or educational events, and any place where a Town of Spring Lake employee is located while traveling to or from such location in the course and scope of his/her duties on behalf of the Town, including an employee's own vehicle when the employee is using it on Town business, or when the vehicle is parked on Town property. This definition shall not be interpreted to imply that the Town assumes or accepts responsibility for any wrongful, tortious, negligent, or criminal acts of any person whom it employs when such person is not acting pursuant to a Town supervisor's instruction in furtherance of the Town's business, nor shall it constitute a waiver of any immunity which the Town of Spring Lake or its officials or employees might have under Federal, State, or local laws or ordinances.

(c) Controlled Substances

Any drug or substance the law prohibits individuals from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring, including, without limitation, all drugs listed as controlled substances under Title 16 of the Official Code of North Carolina Annotated. This definition encompasses any measurable amount of any drugs or controlled substances such as amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or other drugs made unlawful under Federal or State laws, or a metabolite of any such substances, "look-alikes," "designer drugs" having the same or similar psychotropic effects, marijuana, hallucinogens (whether natural or synthetic), inhalants, unauthorized prescription drugs, or any other substances that are mood-altering, mind or consciousness-affecting, or which are likely to have an effect upon a person's perceptions, sensations, thought processes, self-awareness, emotions, or other mental or physiological or psychological reactions or behavior. It also includes urinalysis or other substances, natural or synthetic, of a similar nature or purpose designed or used to alter a urine specimen or to conceal illicit chemical substances or other metabolites in an initial screening test.

(d) Impaired

The condition of being weakened, diminished, or damaged, or of functioning poorly, incompetently, uncontrollably, or with less control or ability, due to the consumption, use, or abuse of illegal drugs, controlled substances, and/or alcohol, or if the employee's drug test results indicate the presence of an illegal drug or controlled substance in an amount that constitutes a positive test under accepted scientific standards.

(e) Legally Obtained Drug

This includes prescription drugs and over-the-counter medications.

(f) Over-The-Counter Medication

Includes any drug or substance that does not require a prescription, but which has the capacity to affect a person physically, mentally, or emotionally or which could otherwise affect a person's ability to perform.

(g) Prescription Drug

Any drug or substance that is attainable only by lawful prescription from a licensed physician.

(h) Reasonable Suspicion

A belief based on objective facts sufficient to lead a prudent person to conclude that a particular Town employee has used, consumed, is impaired by, or is under the influence of illegal drugs, controlled substances, and/or alcohol. Reasonable suspicion must be directed at a specific person and must be based upon specific and articulable facts and the logical inferences and deductions that can be drawn upon such things as observable phenomena, such as direct observation of the possession or use of an illegal drug, controlled substance, and/or alcoholic beverage or the direct observation of physical symptoms of being impaired by or under the influence of illegal drugs, controlled substances, and/or alcohol, such as slurred speech, unsteady gait, a pattern of unusual or abnormal conduct or erratic behavior, odor of the employee, information provided by a reliable and credible source, and/or involvement in a work-related accident, and/or deviation from safe working practices.

(i) Safety-Sensitive Positions

Positions of employment with the Town where a lapse of judgment or impaired physical/mental ability in performing any essential job function could reasonably result in a significant threat of harm to the employee, fellow employees, citizens, inmates, or others. Safety-sensitive positions include, but are not limited to, those which, as a part of the essential job functions, (1) require the performance of la

enforcement duties as a POST-certified law enforcement officer; (2) require or involve possession of a firearm; (3) require or involve providing emergency medical, rescue, or fire suppression services; (4) require or involve interacting with incarcerated persons; (5) require or involve interacting with persons who are on probation for drug charges; (6) directly involve the enforcement of drug laws; (7) directly involve access to, the handling of, or the testing of illegal drugs that have been seized by, confiscated by, or taken into custody by law enforcement; (8) require or involve performing duties essential to drug interdiction; (9) primarily require or involve maintenance or operation of a motor vehicle, motorized equipment, heavy machinery, or heavy equipment; (10) require the holding of a commercial driver's license (CDL); and (11) require or involve performing duties which directly affect public health or safety.

#### Section 4: Prohibitions

The Town prohibits all Town employees from engaging in the following conduct or behavior while performing Town business, while on Town property or Town premises, while on customer property performing Town business, while in use of Town property, or while operating or riding in a Town vehicle and/or conducting Town business:

- (a) The use or consumption of illegal drugs, controlled substances, and/or alcohol;
- (b) The possession of illegal drugs, controlled substances, and/or alcohol;
- (c) The abuse of prescription medications and over-the-counter medications;
- (d) Being impaired by and/or under the influence of illegal drugs, controlled substances, and/or alcohol;
- (e) The manufacture, sale, purchase, transfer, dispensing of, and/or distribution of illegal drugs, controlled substances, prescription medications, and/or alcohol; and/or
- (f) The use of Town property to store, conceal, or transport illegal drugs, controlled substances, and/or alcohol.

#### Section 5: Use of Legally Obtained Drugs

The abuse and/or inappropriate use of legally obtained drugs while on the job, while performing Town business, while on Town Premises, while in operation of a Town vehicle, or while in operation of any other equipment or vehicle in performance of Town business is prohibited and shall constitute grounds for disciplinary action, up to and including termination. The following policies shall apply to the use of legally obtained drugs:

- (a) Town employees must not be on the job, on call, on Town Premises, operating a

Town vehicle, or operating any other equipment or vehicle while in performance of Town business while impaired due to any drug, legal or illegal, that renders the Town employee unfit for duty. An employee is “unfit for duty” if the employee’s use of legally obtained drugs jeopardizes his/her ability to work safely and efficiently.

- (b) A Town employee who is using legally obtained drugs must notify his/her immediate supervisor of any and all known or experienced symptoms and probable adverse side effects that may impact the employee’s performance, alertness, or create an unsafe situation. An employee’s failure to notify the Town constitutes grounds for disciplinary action, up to and including termination. A Town employee is not expected to notify the Town of legally obtained drugs that are unlikely to impact the employee’s performance, alertness, or create an unsafe situation.
- (c) Town employees using legally obtained drugs while on the job shall do so in strict accordance with physician and/or manufacturer’s directions. It is the employee’s responsibility to notify the prescribing physician of the duties required by the employee’s position and to ensure that the physician approves the use of the prescription medication while the employee is performing his/her duties. Should an employee move to another position requiring different duties while using legally obtained drugs on the job, it is the employee’s responsibility to notify the prescribing physician of the new position and duties and to ensure that the physician approves the use of the prescription medication while the employee is performing his/her new duties.
- (d) Any prescription medication brought onto Town or customer property or taken aboard Town vehicles must be retained in its original container labeled with the names of the employee and the prescribing physician.
- (e) No Town employee may take another person’s medication.

#### Section 6: When Drug Testing is Required

##### (a) Job Applicants

All applicants for full-time, part-time, seasonal, and temporary positions of employment with the Town will be tested for drugs after a conditional offer of employment has been extended. No such applicant or new hire shall be permitted to report for duty until the results of the drug test are obtained.

##### (b) Transfers to Safety-Sensitive Positions (Effective 11/1/13)

Town employees who are transferred, reclassified, promoted, or demoted from a non-safety-sensitive position into a safety-sensitive position will be tested for drugs before performing any job duties in the new position.

**(c) Reasonable Suspicion**

All Town employees will be subject to immediate testing when there is reasonable suspicion that the employee has used or misused drugs or alcohol in violation of this policy. Any Town employee who is required to take a reasonable suspicion test will be immediately placed on administrative leave with pay pending the results of the test and confirmation of the results. Supervisors or Directors who suspect that an employee is under the influence of drugs or alcohol shall document all credible evidence and shall seek confirmation of the observations from the Human Resources Manager before transporting the employee for testing. The Human Resources Manager may confer with another employee with training generally consistent with the DOT's Reasonable Suspicion training before the employee is transported for testing. A reasonable suspicion test may be required based upon, but not limited to, the following:

1. The personal observation of the Town employee's job performance, appearance, behavior, speech, or odor by the Supervisor or Director creating a reasonable suspicion that the Town employee has used drugs or alcohol in violation of this policy;
2. Personal observation of the Town employee by another individual who has fully disclosed the observation to the Town;
3. Observation of the Town employee by a nurse or physician engaged in the treatment or evaluation of a work-related injury who has disclosed such observations to the Town;
4. Information from a law enforcement agency received by the Town;
5. Specific and objective facts indicating that a Town employee's drug or alcohol use may have caused or been a contributing factor to an on-duty motor vehicle accident. The following facts, if present, may independently or collectively, depending upon the circumstances, give rise to reasonable suspicion in this instance:
  - a. The appearance, behavior, speech, or odor of the Town employee immediately prior to or after the accident;
  - b. The Town employee left the scene or attempted to leave the accident scene without legal authority or permission to do so;
  - c. The Town employee acted contrary to a safety rule, established safety practice, or otherwise engaged in demonstrably unsafe behavior for which there is no reasonable explanation;

- d. The Town employee was arrested or received a traffic citation;
  - e. The Town employee or any person received medical attention as a result of the accident; or
  - f. The Town employee has been involved, as a contributing factor, in a pattern of repetitive on-duty accidents, whether or not they involved actual or potential injury.
6. Specific and objective facts indicating that a Town employee's drug or alcohol use may have caused or been a contributing factor to an on-duty accident involving the use of motorized equipment, heavy machinery, or heavy equipment. The following facts, if present, may independently or collectively, depending on the circumstances, give rise to reasonable suspicion in this instance:
- a. The appearance, behavior, speech, or odor of the Town employee immediately prior to or after the accident;
  - b. The Town employee left the accident scene or attempted to leave the accident scene without legal authority or authorization to do so, or failed to report the accident to the appropriate individual, or otherwise attempted to keep appropriate persons from learning about the accident or the extent of the accident;
  - c. The Town employee acted contrary to a safety rule, established safety practices, or otherwise engaged in demonstrably unsafe behavior without a reasonable explanation;
  - d. The Town employee or any other person received medical attention as a result of the accident; or
  - e. The Town employee has been involved, as a contributing factor, in a pattern of on-duty accidents, whether or not they involved actual or potential injury.
  - f. Additionally, any supervisor or Director who has not participated in Reasonable Suspicion training may require a reasonable suspicion test(s) for drugs or alcohol when a supervisor or Director who has participated in Reasonable Suspicion training or the Human Resources Manager has reviewed the underlying facts and agrees that reasonable suspicion exists to require a test.

**(d) Required Testing After Certain Accidents**

1. Drug and alcohol testing must be performed within policy guidelines when any Town employee while in the performance of Town business is the apparent cause of an accident/injury that results in required immediate medical treatment of himself/herself or medical treatment of another injured person. (Refer to Police Department policy which governs whether or not a drug test must be performed in “use of force” incidents.)

The following are exceptions to this policy:

- When an employee driving a Town vehicle bumps a curb resulting in a damaged rim and/or flat tire;
  - When a flying rock breaks a glass window or windshield while an employee is driving a Town vehicle;
  - When an employee driving a Town vehicle is struck by a deer;
  - When an employee driving a Town vehicle is parked (e.g. parking lot), and another vehicle hits the Town vehicle;
  - When an employee is stung by an insect or bit by an animal; and
  - When an employee comes in contact with poison ivy/poison oak/poison sumac.
2. Drug and alcohol testing must be performed within policy guidelines when any Town employee holding a safety-sensitive position, while in operation of a Town vehicle, equipment, or heavy machinery, or while in operation of any other vehicle or equipment while in the performance of Town business, is the apparent cause of an accident that results in: (1) a fatality; or (2) a citation issued to the Town employee; or (3) an injured person requiring immediate medical treatment; or (4) damage to Town property; or (5) damage to any other property.
  3. Alcohol and drug test(s) required after any of the above accidents shall be completed within six (6) hours or less of such an accident. This testing is to be performed in addition to any drug or alcohol test(s) that may be ordered by law enforcement authorities. The involved Town employee must report immediately for testing or be subject to disciplinary action, up to and including termination.

**(e) Random Testing (Effective 11/1/13)**

All Town employees holding safety-sensitive positions will be subject to random drug testing, as follows:

1. Tests will be ordered on a random, unannounced basis from the pool of identified Town employees holding safety-sensitive positions.
2. A computerized random selection method and test rates as adopted by the

Human Resources Manager will be used to select Town employees, thereby allowing each Town employee an equal chance of being tested each month. Random selection test rates are subject to change as determined by the Human Resources Manager.

3. A Town employee's name will remain in the pool after being selected so that every employee will have an equal chance of being tested each time selections are made. Therefore, it is possible that a Town employee holding a safety-sensitive position who is randomly selected for testing may be randomly selected again during the same year.
4. Human Resources will notify the supervisor or Director when an employee has been selected through the random process. The employee will report to the testing facility taking with them the authorization form and a photo ID. The supervisor or Director is not to inform the employee that he/she has been chosen for the test until immediately prior to the time the employee is given his/her notice.
5. Town employees are allowed to continue working pending the results of the test. If the testing facility notifies the Town that the Town employee has produced a non-negative sample, the employee will be placed on paid administrative leave pending the confirmation of the results. If the employee has a confirmed positive sample, Human Resources will contact the appropriate Director with the results.
6. All information received by the Town of Spring Lake as a result of any testing procedure is considered confidential, but may be entered into evidence or disclosed in any civil action or administrative proceedings when the information is relevant to the Town's defense in any such action or proceedings.

**(f) After-Care Testing**

In accordance with EAP Policy, employees returning to work from an approved treatment program for drug or alcohol abuse may be subject to unannounced testing at the discretion of the Human Resources Manager for a period of one (1) year following the Town employee's return to work.

**(g) Return to Duty Testing (Effective 11/1/13)**

All Town employees in safety-sensitive positions who are absent from work for more than thirty (30) days, for any reason, or following any Workers' Compensation leave, medical leave, or short-term disability leave shall be tested for drugs immediately upon returning to work and before performing any job duties.



## Section 7: Procedures for Testing

- (a) Alcohol screening will be conducted using a federally approved evidential breath-testing device or the use of a swab/saliva test performed by an approved independent medical facility. In the event that it is not reasonable under the circumstances to conduct an alcohol test based on a breath test or a swab/saliva test, the Town reserves the right to test for the presence of drugs or alcohol by a blood test analysis.
- (b) All drug tests shall be administered and accounted for by an approved laboratory and/or medical facility that are operating in compliance with the Town policy. Testing will involve an initial screening test(s) and confirmation of non-negative tests by gas chromatography/mass spectrometry (GC/MS) analysis, or other test(s) that are approved by the Town Manager for screening and confirmation of drugs or alcohol in a person's system. Tests will be certified, to the fullest extent possible under the circumstances, by a laboratory that is contracted with the Town.
- (c) In the event of a non-negative test result, the individual will be required to undergo a retest within 48 hours. If the subsequent test also returns a non-negative result, it will be classified as a negative result for the purposes of our policy. This protocol ensures that any potential discrepancies are addressed promptly and fairly, maintaining the integrity of our testing process while prioritizing the well-being of our employees.
- (d) Upon notification by the testing laboratory of a confirmed positive result for drugs, the Town employee may request, within three (3) calendar days of such notification, that the remaining portion of his/her specimen undergo a second confirmation test at his/her expense. If the test conducted by the laboratory is negative for the presence of drugs, a third test may be made at the Town's sole expense. The results of the third test will be determinative. If the results from the third test are negative, all prior positive tests will be disregarded and shall not be the basis for any disciplinary or adverse action. This option of a confirmation test is contingent upon there being enough of the specimen remaining to allow for a confirmation test.
- (e) Any Town employee ordered to be tested based upon reasonable suspicion shall be immediately removed from duty, escorted to the testing facility, and taken home (unless other suitable arrangements have been made to transport the Town employee). Under no circumstances will the Town employee be allowed to drive himself/herself home. The Town employee shall be placed on administrative leave with pay pending the results of the test and any confirmation tests, if applicable. If a non-negative test is explained or negated by the testing laboratory and/or subsequent confirmation testing, the Town employee shall be reinstated.

## Section 8: Investigation of Prohibited Drug and Alcohol Use and Searches

All Town-issued, Town-owned, or Town-leased equipment, property, and facilities, including, but not limited to, desks, workstations, file cabinets, lockers, vehicles, computer equipment, or any other property or equipment owned, leased, or provided by the Town is subject to inspection at any time and for any reason. No employee shall have any privacy interest whatsoever in any Town-issued, Town-owned or Town-leased equipment, property, and facilities. If a search uncovers evidence of Town employee wrongdoing, illegal activity, or Town employee violations of Town rules or policies, the evidence may be used to support disciplinary action, up to and including termination. In cases involving suspected illegal activities, the evidence may be turned over to appropriate legal authorities. The Town also reserves the right to conduct searches on Town property of Town employees and/or their personal property when, in the Town's view, there is a reasonable suspicion that a Town employee is buying, selling, transporting, or otherwise in possession of illegal drugs or controlled substances on the Town's property or during working time. A refusal to submit to, or cooperate with, a search may result in immediate discipline, including discharge.

### **(a) Consent for Testing**

Prior to date of hire, all Town employees and job applicants are required to sign a consent form consenting to any and all frequency of drug and/or alcohol test(s) set forth in this policy and permitting the release of test results to the Town and/or the MRO. Signed consent forms shall be kept on file by the Human Resources Department and are enforceable for the duration of employment.

### **(a) Refusals to Undergo Testing**

The Town has a Zero Tolerance Policy regarding test refusals. As such, any Town employee so refusing to immediately proceed as directed will be subject to disciplinary action, which action may include termination from employment.

Other actions that constitute a test refusal occur when a Town employee:

1. Fails to appear for any test within a reasonable time, as determined by the Town, after being directed to do so by the Town;
2. Fails to remain at the testing site until the testing process is complete;
3. Fails to provide a urine, breath, saliva, or blood specimen for any drug or alcohol test required;
4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of his/her provision of a specimen;
5. Fails to provide a sufficient amount of urine or breath when directed, and it has

been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;

6. Fails or declines to take a second test the Town or collector has directed the Town employee to take;
7. Fails to undergo a medical examination or evaluation as directed by the MRO as part of the verification process;
8. Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, tampers with any element of the testing process, behaves in a confrontational or obstructive way that disrupts the collection process, refuses to be escorted to the designated collection site when so directed, or is physically absent resulting in the inability to conduct testing).
9. Town employees who refuse to submit to a test or test positive for alcohol or illegal drugs may be disqualified for unemployment compensation benefits by the Department of Labor.
10. Town employees who refuse to submit to a test or test positive for alcohol or unlawful drugs following a workplace injury may be disqualified for Workers' Compensation benefits.

**(b) Confidentiality**

All reports of test results for drug and alcohol, searches, or any employee referral, or participation in an assistance program or treatment program for addictive disorders will be maintained in strict confidence. Any person authorized to have access to such confidential information, who, without authorization, discloses it to another person shall have engaged in gross misconduct and will be subject to severe disciplinary action, up to and including termination. The confidentiality of such information shall not apply to any use by or communication to the Town's attorneys, or where the information is relevant to the Town's defense in an administrative proceeding or civil action. Such information may also be disclosed to the extent required by any Federal, State, or local law, statute, ordinance, or regulation.

**(c) Discipline for Violations of Policy**

**1. Immediate Removal from Duty**

A Town employee who tests non-negative for drugs or alcohol shall immediately be relieved from duty, placed on administrative leave with pay, and sent home pending disciplinary action. If the non-negative test is explained or negated by the MRO and/or subsequent confirmation testing, the Town employee shall be reinstated.

2. Disciplinary Action

A Town employee who violates any provision of this policy is subject to discipline, up to and including termination. If terminated, the Town employee will not be eligible for rehire.

3. Immediate Termination

The following reasons shall result in immediate termination of a Town employee:

- a. Manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, or selling, or otherwise transferring an illegal drug(s) or controlled substance(s) while on the job, on call, on Town property, while operating Town equipment or vehicles, or while operating any other equipment or vehicles on Town business.
- b. Operating Town motorized equipment while unfit for duty due to the use of drugs and/or alcohol.
- c. Conviction for violation of any drug law.
- d. Refusing to consent to or to take a drug or alcohol test pursuant to this policy.
- e. Failure to appear at the designated collection site to take a drug or alcohol test when so directed.
- f. A confirmed positive test for drugs or alcohol.

**(d) Employee Assistance Program (EAP)**

The Town cares about the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. While many employees solve their problems either on their own or with the help of family and friends, sometimes employees need professional assistance and advice. The Town will maintain an Employee Assistance Program (EAP) that provides confidential access to professional counseling services for help in confronting personal problems such as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress. The EAP is available to all Town employees and their immediate family members, offering problem assessment, short-term counseling, and referral to appropriate community and private services.

1. The EAP is strictly confidential and is designed to safeguard the employee's privacy and rights. Information given to the EAP counselor may be released only if requested by the employee in writing. All counselors are guided by a Professional Code of Ethics. Personal information concerning employee participation in the EAP is maintained in a confidential manner. No information related to an employee's participation in the program is entered into the personnel file.
2. In certain situations, Town Management may make a direct referral to the EAP.
  - a. The following information will be made available to the Human Resources Manager when management makes a directed referral:
    1. The Town employee kept or did not keep the appointment with the EAP counselor; A referral for treatment/assistance was made by an EAP counselor and was accepted or rejected by the Town employee; and/or
    2. The Town employee did or did not complete the EAP recommended treatment/assistance.
  - b. A Town employee's failure to successfully complete the treatment plan or to release the information regarding his/her participation may result in disciplinary action.
    1. There is no cost for Town employees to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also let Town employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the Town employee.

*Nothing in this manual is to be construed to create a contract between the Town and its employees. Any benefit, rule, or provision provided in this manual may be modified or withdrawn at any time without notice, except as provided by federal or state law.*

2. Town employees desiring assistance or consultation through the EAP are encouraged to contact the EAP directly or Human Resources for further information regarding an EAP counselor.

## G. SOCIAL MEDIA POLICY

### Section 1: Purpose and Intent

The purpose and intent of this policy is to establish guidelines for employees who engage in social media activity as defined herein. This policy is not intended to prohibit any employee's personal expression in general or through social media in particular; however, because such activity can adversely affect the efficiency and effectiveness of the Town of Spring Lake operations, as well as undermine public trust and confidence, a certain amount of regulation is necessary and appropriate. This policy therefore attempts to strike a reasonable balance between the employees' interest in engaging in social media activity and the Town of Spring Lake's interest in preventing unnecessary disruption to or interference with its operations and relationship to the public it serves.

### Section 2: Definitions

- (a) For purposes of this policy, the term "social media" is defined as the online technologies through which employees and other individuals engage in "social media activity" as defined below. In most cases, the term refers to internet-based websites such as Facebook®, Twitter®, LinkedIn®, Google+®, YouTube®, Tumblr®, X, and Blogger®. Online social media technologies covered by this policy also include, but are not limited to, such applications as web logs/blogs, video logs/vlogs, message boards, podcasts, and wikis.
- (b) For purposes of this policy, the term "social media activity" is defined as the act of sharing information or otherwise communicating through social media, including, but not limited to, the posting, uploading, reviewing, downloading, and/or forwarding of text, audio recordings, video recordings, photographs/images, symbols, or hyperlinks.

### Section 3: Scope of Policy

- (a) This policy applies to all employees of the Town of Spring Lake without regard to whether their social media activity is conducted in or outside the workplace, while on or off-duty, or anonymously or through the use of pseudonyms.
- (b) This policy applies to all employees of the Town of Spring Lake without regard to job title, position, or rank; however, with the approval of the Town Manager, the Police Department and any other department or affiliated agency of the Town of Spring Lake having special or unique concerns pertaining to its employees' social media activity may adopt and implement more restrictive SOP's or other internal rules narrowly designed to address such concerns.

#### Section 4: Prohibitions on Social Media Activity

- (a) All employees of the Town of Spring Lake should remain mindful that, as public servants, they are generally held to higher standards than the general public with regards to their on-duty and off-duty conduct, professionalism, and ethics. As a result, certain social media activity that may be tolerated or even acceptable in the private sector may nevertheless constitute a violation of this policy.
- (b) Each employee of the Town who engages in social media activity must take personal responsibility for ensuring that such activity is consistent with all policies of the Town, including, but not limited to, those pertaining to making false or misleading statements, promoting or endorsing violence or illegal activity, promoting or endorsing the abuse of alcohol or drugs, disparaging individuals or groups, or otherwise engaging in conduct unbecoming an employee of the Town, bringing discredit to the Town, or interfering with or detrimental to the mission or function of the Town.
- (c) Employees must refrain from engaging in any social media activity which disqualifies them from performing, or in any way reasonably calls into question their ability to objectively perform, any essential function of their jobs. Examples of such functions include, but are not limited to, making hiring or promotion decisions or recommendations, conducting Performance Talks, and determining eligibility for programs.
- (d) While any employee, at his/her discretion, may engage in social media activity with any other employee(s) consistent with the prohibitions, limitations, and restrictions, and guidelines of this policy, no employee may be required or otherwise compelled to engage in such activity with another employee.
- (e) No employee, whether for purposes of engaging in social media activity or otherwise, may disclose or otherwise reveal any privileged or confidential information of the Town of Spring Lake, any other current or former employee of the Town, or any applicant for employment with the Town.

#### Section 5: Limitations and Restrictions on Social Media Activity

- (a) Employees are strongly discouraged from disclosing or otherwise revealing their status as employees of the Town of Spring Lake through social media and, except as otherwise authorized in advance by the Town Manager, are strictly prohibited from directly or indirectly representing themselves to be speaking on behalf of the Town of Spring Lake. Similarly, in the absence of prior approval, employees' social media activity should not reveal or depict the Town's adopted logos, seals, symbols, uniforms, patches, badges, or similar items identified with the Town.
- (b) Except as otherwise authorized in advance by the Town Manager, if an employee's status as an employee of the Town is disclosed, revealed, or otherwise made apparent in connection with his/her social media activity, his/her social media activity must include a prominently displayed disclaimer to the effect that the activity reflects only the employee's personal views or opinions and not those of the Town of Spring

Lake; provided, however, that no disclaimer will shield an employee from the imposition of appropriate corrective and/or disciplinary action for social media activity which violates this policy. Employees should recognize that social media activity is generally more likely to violate this policy and other policies of the Town if their status as Town employees is disclosed or revealed in connection therewith.

- (c) Except as otherwise authorized in advance by the Town Manager, no employee may utilize Town computers or equipment for purposes of engaging in social media activity.
- (d) Except as otherwise authorized in advance by the Town Manager, no employee, whether for purposes of engaging in social media activity or otherwise, may post or upload any information, audio recordings, video recordings, photographs/images, etc., from Town computers or equipment.
- (e) To preserve the continuity of the Town of Spring Lake's message, to ensure accuracy, and to avoid unnecessary confusion in the community, except as otherwise authorized in advance by the Town Manager, employees should refrain from engaging in any social media activity that purports or serves to announce or explain the details of Town programs, projects, activities, or events.
- (f) Exceptions to the above-stated limitations and restrictions may be authorized by the Town Manager; provided, however, that any request for such an exception represents a promise by the employee that, if approved, the disclosure of information, photographs, audio, video, etc., via social media activity will be fully consistent with the letter and spirit of this and all other policies of the Town, any internal SOP's or rules adopted by his/her Department Director, as well as any laws pertaining to copyrights, trademarks, trade secrets, patents, and privacy and reputational rights.
- (g) The Town of Spring Lake reserves the right to require any employee to remove immediately any posted or uploaded text, audio recordings, video recordings, photographs/images, etc., (even if previously approved) if such posted material constitutes a violation of this policy or other Town policies.

#### Section 6: Application to Other Policies

All personnel policies of the Town of Spring Lake relating to employee conduct apply equally to conduct that occurs through social media. This includes, but is not limited to, policies relating to discrimination, harassment, retaliation, workplace violence, conflicts of interest, and political activity. Any conflicts or inconsistencies between this policy and any one or more other policies shall be resolved by the Human Resources Manager.

#### Section 7: Duty to Report

All employees have an ongoing duty to report any violations of this policy by any other employee. The Town considers this duty to report to be a critical component of its efforts to enforce this policy, and thereby ensure the safety, well-being, morale, and efficiency of its employees, preserve its reputation and goodwill in the community, and avoid or minimize unnecessary disruptions to or interference with its operations and service to the



public.

#### Section 8: No Expectation of Privacy in Social Media Activity

- (a) Town employees should be aware that social media activity is not secure or private, even if active steps are taken to restrict access. Once information has been posted or exchanged via social media, it is generally trackable, traceable, and accessible indefinitely. For this reason, and consistent with the Town's current "Use of Town Property and Equipment" policy, employees should have no expectation of privacy in any social media activity conducted in the workplace and/or on-duty or in any social media activity which otherwise directly or indirectly relates to or affects the Town, any of its departments, or its employees.
- (b) The Town reserves the right to inspect or monitor any social media activity engaged in by its employees using Town-owned computers or other electronic equipment or devices. In addition, employees may be required to provide access to any social media websites or other applications in which they participate upon a determination by the Town that there is reasonable suspicion to believe that such access will reveal evidence of a violation of this policy or any other Town policy.

#### Section 9: Corrective and/or Disciplinary Action and Other Potential Consequences

- (a) Employees engaging in social media activity in violation of this policy will be held accountable, and corrective and/or disciplinary action, up to and including termination of employment, may be taken in accordance with the Town's disciplinary policies.
- (b) If an employee is sued in part due to his/her social media activity under circumstances where the Town would ordinarily provide a defense and/or indemnify the employee, the Town reserves the right to withhold or withdraw such defense or indemnification in the event any such activity is found to violate this policy or any other policy of the Town.

#### Section 10: Interpretation and Application

- (a) Nothing in this policy is intended to or will be applied in a manner that violates any employee's constitutional rights, including rights to freedom of speech, expression, and association, or Federal or State rights to engage in any statutorily-protected activity.
- (b) Any employee unsure about the application of this policy to any particular social media activity should seek guidance from his/her Department Director before engaging in such activity.
- (c) This policy is intended for internal use of the Town only and should not be construed as establishing a higher duty or standard of care for the purposes of any third-party civil claims against the Town or its employees. A violation of this policy by an employee provides only a basis for corrective and/or disciplinary action against such employee by the Town.

*Nothing in this manual is to be construed to create a contract between the Town and its employees. Any benefit, rule, or provision provided in this manual may be modified or withdrawn at any time without notice, except as provided by federal or state law.*

## H. PUBLIC SAFETY PHYSICALS

### Section 1: Policy Statement

Police Officers, and both career and volunteer Firefighters, must take a physical examination prior to employment/appointment and thereafter as required by the Divisions' SOPs to determine fitness for duty.

### Section 2: General Provisions

#### (a) Timing

Sworn Police Officers certified after January 1, 2012, are required to have physical exams once every three years in accordance with North Carolina rules, while Firefighters (career and volunteer) are required to take medical physical exams annually. These physicals will be paid for by the Town and will be scheduled, when possible, during the employee's regular shift.

#### (b) Physical Examination

1. Medical exams will be consistent with Federal and State laws governing medical exams for respective public safety personnel and will adhere to Law Enforcement/Fire professional standards, regulations, and guidelines.
2. Physical examinations will be conducted by the designated department physician(s).
3. The department physician will provide exam results that state, "Fit for Duty" or "Not Fit for Duty" to the Department Director or his/her designee. If the employee/volunteer receives a "Not Fit for Duty" from the physician, the employee/volunteer will be advised by that physician of the corrective measures that are needed for a return to "Fit for Duty" status. If medical treatment is needed to correct the situation, the employee/volunteer should contact his/her personal physician for treatment.

Every effort will be made to enable the employee/volunteer to continue working or volunteering in a support capacity while medical problems are being treated/corrected, and the employee/volunteer returns to full, unrestricted duty.

4. All personnel will strictly adhere to the federal Health Insurance and Portability Accountability Act (HIPAA) rules and regulations.

## I. TREATMENT FOR POTENTIAL EXPOSURE TO INFECTIOUS DISEASE

### Section 1: Policy Statement

The Town will provide appropriate medical attention following potential exposure to an infectious disease for employees in Public Safety or any employee that might be exposed while on duty.

### Section 2: General Procedures

- (a) When a potential exposure occurs, the employee should notify his/her supervisor immediately. The supervisor should assume responsibility to call the office of the physician selected by the Town immediately to ensure that the employee receives the appropriate treatment for the potential exposure.
- (b) The potential exposure should be checked at the physician's office the same day if possible and then continue with the scheduled follow-up procedures as arranged by the physician's office. If the potential exposure occurs after office hours and the physician cannot be contacted, the employee may seek treatment from an emergency facility/hospital.
- (c) The physician or his/her associate will make contact with the appropriate medical facility to obtain any test results or information on the individual that may have potentially exposed the employee.
- (d) Based on the information obtained, the physician or his/her associate will determine whether an employee needs immediate treatment (within two hours); if there is no immediate danger, the employee should go to the physician's office the next business day.
- (e) If it is after office hours and immediate treatment is necessary, the physician or his/her associate will meet the employee to administer treatment, or the employee may be directed to an emergency facility/hospital for treatment.

## J. EMPLOYEE REFERRAL INCENTIVE PROGRAM

### Section 1: Policy Statement

The Employee Referral Incentive Program was established because management recognizes that the most effective recruitment tool is our current employees. Our employees know firsthand all the benefits of working for the Town and how we foster a culture of collaboration, teamwork, and the highest service to our residents and visitors.

### Section 2: General Provisions

#### (a) Requirements

To qualify for the referral incentive, the current employee must e-mail the Human Resources Department (or forward through chain of command) with the recommended candidate's name prior to the candidate applying (electronically or paper resume/application) for an opening with the Town. Then the Human Resources Department will ask the referring employee to complete an Employee Referral Form. Once a candidate has applied for a position with the Town, the candidate cannot be recommended/referred by an employee under this program.

#### (b) Eligibility

This incentive is applicable to full-time and part-time current employees who recruit another full-time or part-time employee(s). However, the following employees are not eligible for this incentive:

- Seasonal employees
- Volunteers
- Town Manager, Directors, and Chiefs
- Elected officials
- Politically appointed employees
- Any employee whose primary job is to recruit employees (e.g. police recruiters), any employee in Human Resources, or any relationship deemed as a conflict of interest by the Director of Human Resources & Risk Management.
- Any employee who is part of the hiring/selection process (interview, calls for references, etc.).
- Any current employee who recruits a relative regardless of the department that the employee is hired into.

A current part-time employee who becomes a full-time employee does not qualify as recruitment under this program.

A volunteer who becomes an employee does not qualify as recruitment under this program.

An individual who has a prior association with the Town (contract individual, temporary through an agency, prior employee, etc.) who becomes an employee does not qualify as recruitment under this program.

(c) Amount of Referral Award and Distribution Method

If all guidelines are satisfied, the referring incumbent employee will be eligible for a total of \$1000 per referral.

A payment of \$500 will be made to the referring employee after the new employee has successfully been hired and begun employment, and then a second payment of \$500 will be made to the referring employee after the new employee successfully completes 90 days of employment or completion of field training in the Public Safety Departments.

At any point, should either the referring employee or the new employee leave the Town for any reason, the referring employee will not be entitled to further payment.

## K. EMPLOYEE AWARDS

### Section 1: Policy Statement

Employee awards have been established to recognize those Town employees who have performed or provided a notable act or exemplary achievement or service for the Town of Spring Lake. Any employee (full-time or part-time) of the Town may be nominated and may participate in the awards.

### Section 2: Employee Recognition

Employees are eligible to receive the following Town awards:

#### (a) Service Awards

All employees will be recognized for their longevity. Employees will be awarded at the following service designations: less than a year (hired prior November 30<sup>th</sup> each year), 1-5 years, 5-10 years, 10-15 years, 15-20 years and over 20 years. Employees will receive a Certificate of Recognition and service pin.

#### (b) Retirement Award

Any retiring employee who has faithfully served the Town is eligible for this award. A reception should be held by the retiring employee's Division at a Town facility during normal working hours with all Town employees, along with other guests, invited to attend (unless the employee chooses not to have a reception). The retiring employee shall receive a retirement gift (no cash or gift card) from the Town valued as follows:

15 years of service	\$200
20 years of service	\$300
25 years of service	\$400
30 years of service	\$500

A maximum of \$300 should be allotted for the reception. Approval of the Town Manager is required if additional funds are needed. Employees retiring from the Town may continue to receive complimentary annual Town pool/gym passes for them, their spouses, and their children (under age 26) who reside with them, and they may participate in the Town's Wellness Program exercise classes when offered.

#### (c) Team Awards

The Team Award is designed to acknowledge and celebrate individual team members who exemplify outstanding performance and commitment to our shared values. Department heads are encouraged to recognize those who consistently demonstrate integrity, initiative, and a positive attitude in their work. This award highlights the importance of individual contributions to the team's success and

fosters a culture of appreciation and collaboration. By publicly acknowledging these achievements, we aim to inspire others and reinforce our commitment to excellence.

Spring Lake Town Personnel Policy Manual  
(Approved by Board of Commissioners on 9/02/2021)

Employee Acknowledgment Form

This Personnel Policy Manual describes the policies and procedures of the Town of Spring Lake, North Carolina, and I understand that I should consult Human Resources regarding any questions not answered in the Personnel Policy Manual. I acknowledge that I am an employee at-will and have entered into my employment with the Town of Spring Lake voluntarily and further acknowledge that there is no specified length of employment. Any employment agreement that would alter my status as an employee at-will must be specified and executed in writing by the Town Manager and myself, and approved by the Town Council. No other agreements will be enforceable or change my status as an employee at-will.

This Personnel Policy Manual replaces and supersedes any earlier personnel practice, policy, or guideline. However, since the policies and procedures described within this manual are subject to change from time to time, I acknowledge that revisions may occur. I understand that such changes may supersede, modify, or revoke existing policies. The Town Manager has the power to change the policy and may do so at any time without notice.

Furthermore, I acknowledge that the Personnel Policy Manual is neither a contract of employment nor a legal document. I have received a copy of the Town of Spring Lake Personnel Policy Manual, and I understand that it is my responsibility to read and comply with the policies contained in the manual and any revisions made to it.

Employee Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_