

CITY OF LINCOLNTON

Personnel Policy



January 1, 2020

CITY OF LINCOLNTON PERSONNEL POLICY

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**CITY OF LINCOLNTON
PERSONNEL POLICY**

PREFACE

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

None of the benefits or policies set forth in these policies are intended because of their publication to confer any rights or privileges upon employees or to entitle them to be or remain employed by the City. The contents of this document are presented as a matter of information only. Although the City believes wholeheartedly in the plans, policies, and procedures described herein, they are not conditions of employment.

These personnel policies are not a binding contract, but merely a set of guidelines for the implementation of personnel policies. The City explicitly reserves the right to modify any of the provisions of these policies at any time and without any notice to employees.

Notwithstanding any of the provisions within these policies, employment may be terminated at any time, either by the employee or by the City, with or without cause and without advance notice.

ARTICLE I. GENERAL PROVISIONS

SECTION 1. GUIDING PRINCIPLE/PURPOSE:

The purpose of these policies is to establish a personnel system for the City which will recruit, select, develop and maintain an effective and responsible work force. All appointments and promotions of City employees subject to the authority of and exercised by the City Manager, or Manager's designee, shall be made on the basis of performance, fitness, and demonstrated ability. This policy also covers employment, employee benefits, working conditions, work expectations and rules, grievance procedures, position classification, and pay administration. These policies are established under the authority of Chapter 160A - Article 7 of the General Statutes of North Carolina.

SECTION 2. COVERAGE:

The provisions of this policy shall be applicable to all regular and probationary employees except as provided below:

1. Elected officials, City Manager and City Attorney shall be exempted from the provisions of these policies.
2. Part-time officials appointed by the Council, and employees of advisory or special boards and commissions who work an irregular schedule, shall be exempt from all provision of these policies.

SECTION 3. DEFINITIONS:

- (A) Probationary Employee. A person appointed to a budgeted position who has not yet completed the probationary period. (See Article II, Section 11 of these policies).

- (B) Part-time Employee. An employee, either regular or temporary, who is regularly scheduled less than the number of hours per work period designated by the Manager as full-time.
- (C) Full-time Employee. An employee, either regularly or temporary, who is regularly scheduled to work the number of hours per work period designated by the Manager as full-time.
- (D) Regular Employee. An employee who has successfully completed the prescribed probationary periods shall be considered regular. However, all City positions are subject to budget review and approval each year by the City Council, and all employee's work and conduct must meet standards of performance and behavior as established by the Manager. Therefore, reference to regular employees or permanent positions should not be construed as a contract or right to perpetual funding or employment.
- (E) Temporary Employee. A person appointed to serve in a position for a defined time period, usually less than six months.
- (F) Grievance. A claim or complaint based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment expectations.
- (G) Adverse Action. A demotion, dismissal, reduction in pay, layoff, suspension, or an involuntary transfer.
- (H) Immediate Family. Immediate family for purposes of these policies means employee's spouse, guardian, children, brother, sister, parent(s), in-laws of the

employee, grandparents, grandchildren, step-parents, step-children, and anyone living as a part of the household of the employee.

- (I) Disabled Person. Any person who has a condition that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment as defined by ADA.
- (J) Demotion. Demotion is a move from one position class to another position class which is assigned to a lower salary grade.
- (K) Promotion. Promotion is a move from one position class to another position class that is assigned to a higher salary grade.
- (L) Transfer. Transfer occurs when an employee is moved from one position class to another position class in the same pay grade.
- (M) Dismissal. Dismissal is a disciplinary action taken by the City whereby the offending employee is relieved of all duties and responsibilities and is discharged from the employ of the City.
- (N) Suspension. Suspension is an action taken by the City whereby the employee's pay is discontinued while they are temporarily relieved of all duties and responsibilities.
- (O) Reinstatement. An action taken by the City whereby a former employee, who had been laid off or otherwise left the service in good standing, is re-employed upon approval of the City Manager or their designee with the recommendation of the Human Resources Director.
- (P) Reduction in Force. A separation from employment resulting from an organizational change, lack of work, lack of funds or other reasons that reflect no discredit upon the affected employee(s).

SECTION 4. PERFORMANCE PRINCIPLES:

The purpose of this resolution and the rules and regulations set forth is to establish a fair and uniform system of modern personnel administration for all employees of the City. The City embraces the following performance system principles in administering its personnel program:

- (A) Applicants and employees shall be assured of fair treatment in all aspects of personnel administration without regard for political affiliation, religious creed, sex, national origin, color, race, or disabilities. Disabled persons shall be given equal consideration in all personnel actions providing their disabilities are not unreasonable barriers to the satisfactory performance of required duties. Individuals shall likewise be treated with proper regard for their privacy and constitutional rights as a citizen.
- (B) Individuals shall be treated with proper regard for their privacy and constitutional rights as citizens.
- (C) Employees shall be recruited, selected, trained, and advanced on the basis of their ability, knowledge, skill, and performance.
- (D) Employees shall be retained on the basis of the adequacy of their performance. They shall be guided in ways to correct inadequate performance and separated when inadequate performance cannot be corrected.
- (E) Employees shall be protected against coercion for partisan political purposes.
- (F) Employees shall receive equitable and adequate pay and benefits and eligible employees shall receive performance pay increases based upon their performance subject to the availability of funds.
- (G) Eligible employees shall receive performance pay increases based on the quality of their performance, subject to the availability of funds

SECTION 5. RESPONSIBILITY OF THE CITY COUNCIL:

The City Council shall establish personnel policies and rules, including the classification and pay plan and shall make and confirm appointments when so specified by law.

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

SECTION 6. RESPONSIBILITY OF THE CITY MANAGER:

The City Manager, as the chief executive officer, shall be directly responsible to the City Council for administration of all personnel matters. The City Manager shall: recommend rules and revisions to the personnel system to the Council for consideration; recommend revisions to the position classification plan to the Council for approval; prepare and recommend revisions to the pay plan to the Council for approval; determine which employees are exempt and non-exempt from FLSA; establish and maintain a roster of all persons in the municipal service, setting forth each officer and employee, class title of position, salary, and changes in class title and status, and such other data as may be deemed desirable and useful, develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the employment needs of the City; develop and coordinate training and educational programs for City employees; investigate periodically the operation and effect of the personnel provisions of this policy and at least annually report the findings and recommendations to the Council; and perform such other duties as necessary to accomplish the mission of the City not inconsistent with this policy, the City's charter, ordinances, resolutions, federal laws and as put forth in North Carolina G.S. 160A - 48. All matters dealing with personnel shall be routed through the City Manager, or Manager's designee, who shall maintain a complete system of personnel files and records. (The

City Manager may perform any or all of these duties and responsibilities or assign them to a staff employee).

SECTION 7. RESPONSIBILITY OF THE HUMAN RESOURCES DIRECTOR:

The Human Resources Director shall be responsible to the City Manager for the proper and efficient administration of the personnel system as delegated by the City Manager. The Human Resources Director shall be responsible for all phases of the personnel program delegated by the Manager such as: recruitment; employment; personnel records; the administration of the pay and classification plan; interpreting personnel policies; rules and regulations; recommending approval or disapproval of various personnel actions to include promotions, reclassifications, performance increases, and other similar personnel actions; the development of an appropriate employee orientation program and works with department heads in administering same; assists in the development and monitoring of appropriate safety and training programs for city employees and assist departmental supervisors in the administration of these programs; administers assessment centers for promotional or initial employment when deemed necessary and/or desirable; counsels employees with regard to pay related benefits, disciplinary matters when the department supervisor requests assistance, personnel policies and procedures, and other personnel matters; responsible for the administration of the City's performance evaluation system; recommendations to the City Manager to revise and/or improve the City's personnel administration. It is understood that the Human Resources Director shall keep all employee records, as required by law, and provide for the security of these records as outlined in the North Carolina General Statute 160A - 168.

SECTION 8. RESPONSIBILITY OF DEPARTMENT HEADS:

The head of each City department, with the assistance from the Personnel Administrator and approval of the City Manager, shall appoint, suspend and remove City officers or employees assigned to the department as prescribed in Chapter 160A -155 of the North Carolina General Statutes.

ARTICLE II. RECRUITMENT AND EMPLOYMENT

SECTION 1. STATEMENT AND EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of the Lincolnton City Council to foster, maintain, and promote equal employment opportunity. The City shall select employees on the basis of the applicants qualifications and without regard to age, sex, race, color, creed, religion, disability, national origin, or political affiliation except where specified age, sex, physical and mental requirements constitutes a bona fide occupational qualification necessary to job performance. Applicants with disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of duties.

SECTION 2. IMPLEMENTATION OF EEO POLICY

All personnel responsible for recruitment and employment shall continue to review regularly the implementation of this personnel policy and relevant practices to assure the equal employment opportunity based on reasonable performance related job requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of age, sex, race, color, creed, religion, national origin, or disability. Efforts to identify protected groups in the work force, such as women, minorities and/or disabled will be made to assist in recruiting applicants from these groups to maintain a work force that is representative of the City.

Notices with regard to equal employment matters shall be posted in conspicuous places on City government premises in places where notices are customarily posted. All notices, employment and recruitment materials will state that the City of Lincolnton does not discriminate on the basis of race, color, national origin, sex, religion, age and/or disabilities in employment or the provision services.

It is the intent of the Lincolnton City Council to offer equal employment opportunities to all citizens of our recruitment area and once a person is placed in a job, to assure this person of fair employment that guarantees “due process” in every aspect of the job.

SECTION 3. RECRUITMENT REQUIREMENTS:

- (A) When positions are to be filled within the City, department heads shall notify the City Manager, or Manager’s designee, concerning the number and classification of positions to be filled. The City Manager, or Manager’s designee, shall publicize these opportunities for employment including applicable salary ranges and employment qualifications. Information on job openings and hiring practices shall be provided to recruitment sources as determined by the City. Candidates for employment shall be recruited from as wide a geographic area as necessary to assure obtaining well qualified applicants. Qualified persons currently employed by the City, who submit applications, shall receive first consideration for filling those vacancies that represent a promotional opportunity unless such appointment will continue any appearance of historical discriminatory employment practices. If such is the case, the City must carefully consider the qualifications of other applicants in filling the position.
- (B) Each department head shall be responsible for assisting the Manager in recruiting employees for vacancies in their respective departments. Notice of vacancies shall be posted at designated conspicuous sites within the City buildings.

SECTION 4. JOB ANNOUNCEMENTS:

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

SECTION 5. TYPES OF EMPLOYMENT:

The employment status of each employee of the City shall be classified as one of the following:

Regular: Employment in positions authorized in the City's budget and for which funds are available to be filled on a full-time basis.

Part-time: Employment in positions authorized in the City's budget for which funds are only available for less than full-time employment or where employing person(s) on less than a full time basis best serves the City's needs.

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

Temporary: Employment in authorized or unauthorized positions in the City's budget where funds are only available for a specified period of work time.

Intern: Employment as a student fulfilling degree requirements

Temporary employees may be employed and paid subject to the availability of funds at a rate determined to be competitive within the local labor market with the approval of the City Manager.

SECTION 6. APPLICATIONS FOR EMPLOYMENT:

Applications for employment will only be accepted when a vacancy exists and recruitment is in progress. All persons expressing interest in employment with the City shall be given the opportunity to file an application for employment when a position is vacant or when the City is attempting to fill such positions. Applications will remain active for a period of six (6) months.

SECTION 7. APPLICATION RESERVE FILE:

Upon completion of a City application form, each applicant shall be informed of the current job openings. After the active period of six (6) months, applications shall be kept in a reserve file for two (2) years, in accordance with Equal Employment Opportunity Commission guidelines.

SECTION 8. QUALIFICATION STANDARDS:

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

SECTION 9. SELECTION:

The Human Resources Director, working with the department heads, shall make such investigations and have conducted such examinations as deemed appropriate to assess fairly the aptitude, education and experience, knowledge and skills, character, physical fitness, and other qualifications required for positions in the service of the City. These examinations may consist of medical, skills based, job knowledge and/or physical strength and agility tests. All selection devices administered by the City or by persons or agencies for the City shall be valid measures of bona fide occupational requirements.

SECTION 10. EMPLOYMENT:

Each department head shall be responsible for recommending for hire such employees as are authorized by the budget for their department. Before any commitment is made to an applicant or employee, the department head shall submit a completed application form to the Manager, through the Human Resources Director, with a recommendation as to the position filled, the salary to be paid and the reason(s) for selecting the particular applicant over others. The Human Resources Director will review the recommendation to determine compliance with all City, State, and Federal regulations and requirements and submit their findings, with the department's recommendation, to the Manager. After a thorough review, the Manager shall act on the recommendation.

SECTION 11. PROBATIONARY PERIOD OF EMPLOYMENT:

All new employees shall serve a probationary period of six (6) months (twelve (12) months for police and fire personnel). This time period is to be considered a continuation of the selection process and should be used as such. This is the time when the employer determines if the employee is right for the position and the employee can determine if the position is right for them. It is a period of training and adjustment. It serves as a trial period during which the employee must prove their ability to perform the work, to accept responsibility, to exhibit a desirable attitude, and to work well for the public and with their fellow employees. In extenuating circumstances, and with the approval of the City Manager, a probationary period can be extended for up to an additional three (3) months. However, only one extension period will be permitted. In such cases, the employee must be notified of the purpose of the extension, the conditions and performance expectations, and the length of time of the extension.

A new employee serving a probationary period may be dismissed at any time during the probationary period. A regular employee serving a probationary period following a promotion shall be demoted as provided in Section 14 of this article if unable to perform assigned duties of the new job satisfactorily.

Before the completion of the probationary period, the department head shall indicate in writing to the Manager that:

1. They have discussed the new employee's progress, accomplishments, strength, failures, and weaknesses with the new employee, and
2. The new employee is performing satisfactory work, and
3. The new employee should be given regular status, or
4. The new employee should be discharged.

New employees serving a probationary period shall receive all benefits provided in accordance with these policies with the following exceptions or as otherwise provided:

1. The employee may accumulate vacation leave but shall not be permitted to take vacation leave during the probationary period unless the denial of such leave shall create an unusual hardship. Vacation may be granted in such a case only with the approval of the City Manager. Fire and police personnel shall be allowed to take accumulated vacation leave after (6) months of employment.
2. The employee, if separated during the probationary period, shall not be eligible for terminal pay for accumulated vacation leave, nor shall they be entitled to exercise the right to appeal their separation.

SECTION 12. LIMITATION OF EMPLOYMENT OF RELATIVES:

- (A) Employment of an immediate family member of the Council of Lincolnnton is prohibited.
- (B) The members of an immediate family shall not be employed in the same administrative department at the same time. Neither shall two (2) members of an immediate family be employed at the same time if such employment would result in an employee directly or indirectly supervising a member of the immediate family, nor shall any employee's relative be hired without prior approval of the City Manager. Any department supervisor, when recommending employment to the

City Manager, must identify any family connection of the proposed employee to any employee already employed by the City.

Should an event occur that causes one or more employees to be in violation of the above policy, action must be taken to bring all in compliance. Such action may require one or more to leave the employment of the City of Lincolnton.

- (C) This policy shall not be retroactive, and no action will be taken concerning those members of the same family employed in conflict with (A) and/or (B) above prior to the adoption of this policy.
- (D) An immediate family member is defined in Article I Section 3 of these policies.

SECTION 13. PROMOTION:

- (A) Candidates for promotion shall be chosen on the basis of their job related experience, skill, knowledge, ability, the quality of their work records and their suitability for the higher level position without regard to age, sex, race, color, creed, religion, political affiliation, national origin, or disability. Performance appraisals and work records for all personnel meeting minimum qualifications for the position shall be carefully examined when openings for positions occur in higher classifications.

- (B) Vacancies in positions shall be filled as far as practicable by the promotion from among those already employed by the City and across departmental lines. However, consideration should be given to all qualified applicants who have been the objects of perceived historical discrimination.

- (C) If a current City employee is chosen for promotion, the supervisor shall forward their recommendation for review by the Human Resources Director. The recommendation should include the employee's name, recommended classification and salary and reasons for selecting the employee over other applicants. After considering the supervisor's and Human Resources Director comments, the City Manager shall make the appointment and determine the classification and starting salary.

The City may use the assessment center approach for determining the suitability of employees for promotion when deemed necessary or desirable. As a member of the International Personnel Management Association, the City should use their testing service when it is in the best interest of the City.

When all promotional qualifications of two or more employees are judged to be equal, the one with the longest service with the City shall be promoted, unless such a promotion will continue any perceived historical discrimination. Promoted employees shall be required to successfully complete a six months' testing period of employment in the new position. Pay on promotion shall be as outlined in Article IV Section 7(A) of these policies.

SECTION 14. DEMOTION:

The City may find it appropriate to demote an employee as a result of unusual circumstances such as:

- (A) When an employee becomes partially disabled, yet able to perform in a lower level position with less stringent physical demands that will not jeopardize their safety or welfare, or that of their co-workers;

- (B) When an employee is not satisfied with, or not able to meet the requirements of their position;

- (C) When a promoted employee fails to satisfactorily complete the promotional test employment period.

SECTION 15. TRANSFER:

Transfer can occur in one of two ways; initiation by the employee requesting a transfer or by the City initiating the transfer. It is the policy of the City to initiate the transfer of employees temporarily or permanently from one department to another when doing so will serve the City's best interest. This policy permits maximum utilization of manpower during peak workloads, emergency situations, and for shifting help to where it is needed most.

If a vacancy occurs and an employee in another department is eligible for a transfer and requests a transfer and is selected, the department head wishing to employ the employee shall request the transfer, subject to the approval of the current department head. Pay on transfer shall be as outlined in Article IV Section 7 (C) of these policies.

Any employee transferred without their having requested it may appeal the action in accordance with the grievance procedure outlined in these policies.

An employee who has successfully completed a probationary period may be transferred to the same or similar class in a different department without serving another probationary period.

SECTION 16. REINSTATEMENT:

An employee who has been separated because of a reduction in force or who resigned while in good standing may be reinstated within one year of the date of separation and credited with all previously accrued benefits that have not been paid to them. An employee who has been suspended for cause may be reinstated at the end of the suspension period at the same or a lower pay grade occupied by them at the time of suspension.

ARTICLE III. CLASSIFICATION PLAN

SECTION 1. PURPOSE:

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

SECTION 2. COMPOSITION OF THE POSITION CLASSIFICATION PLAN:

The classification plan shall consist of:

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

SECTION 3. USE OF THE POSITION CLASSIFICATION PLAN:

The classification plan is to be used:

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

SECTION 4. AMENDMENT OF POSITION CLASSIFICATION PLAN:

The City Manager or Manager's designee shall allocate each position covered by the classification plan to its appropriate class, and shall be responsible for the administration of the position classification plan. The Human Resources Director shall periodically review portions of the classification plan and recommend appropriate changes to the City Manager. Department Heads shall be responsible for bringing to the attention of the City Manager, or Manager's designee:

- a. the need for new positions, and
- b. material changes in the nature of duties, responsibilities, working conditions or other factors which may affect the classification of any existing positions.

SECTION 5. AUTHORIZATION OF NEW POSITIONS AND THE POSITION CLASSIFICATION PLAN:

New positions shall be established upon recommendation of the City Manager and approval of the City Council. Information regarding the establishment of new positions shall be presented to the Council with a recommended class title and salary grade. The position classification plan, along with any new positions or classifications shall be approved as necessary by the City Council and be on file with the Human Resources Department. Copies will be available to all City employees for review upon request.

SECTION 6. REQUEST FOR RECLASSIFICATION:

Any employee who considers the position in which classified to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall immediately transfer the request through the department head to the Human Resources Director. Upon receipt of such request, the Human Resources Director shall study the request, determine the merit of the reclassification, and recommend any necessary revisions to the classification and pay plan to the City Manager. When the City Manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the City Manager, or designee, shall;

- a. direct that the existing class specifications shall be revised;
- b. reallocate the position to the appropriate class within the existing classification plan, or
- c. recommend that the City Council amend the position classification plan to establish a new class to which the position may be allocated.

ARTICLE IV. THE PAY PLAN

SECTION 1. ADOPTION:

The pay plan includes the basic salary schedule and the “Assignment of Classes to Grades” as adopted by the City Council. Each position is assigned a classification title and each title is assigned to a salary grade with a specific salary range. Positions are assigned to grades within the pay plan based on the duties and responsibilities assigned. Salary ranges are set based on two components: competitiveness with the market and internal equity with similar position and occupational groups. The salary range consists of the minimum (normal hiring rate), mid-point, and maximum rates of pay for all classes of positions.

SECTION 2. MAINTENANCE OF THE PAY PLAN:

The City Manager, or Manager’s designee, shall be responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide equitable compensation for all positions reflecting, differences in duties and responsibilities, comparable rates of pay for positions in private and public employment in the area, changes in the consumer price index and the labor market, conditions of the economy, the financial conditions of the City, and other factors.

To this end, the City Manager or City Manager’s designee shall each year prior to the preparation of the annual budget make comparative studies of all factors affecting the levels of salary ranges, including internal relationships between classes to reduce or eliminate any inequities, and shall recommend to the Council such changes in salary ranges as appear to be warranted. Such adjustments to be made at the direction of the City Council.

Periodically the City Manager may feel that substantial change has taken place in the organization and labor market, and may, with the Council’s approval, contract for a complete review of all positions, personnel policies, pay and benefits by an outside consultant or agency.

SECTION 3. TRANSITION TO PAY PLAN:

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

- (1) No employee shall receive a salary reduction as a result of the transition to a new pay plan.
- (2) All employees being paid at a rate lower than the minimum rate established for their respective classes shall have their salaries raised to the new minimum for their classes consistent with Section 5 of this Article.
- (3) All employees being paid at a rate below the maximum rate established for their respective classes shall be paid at a rate listed in the salary schedule; all employees not at a listed rate in the salary schedule shall have their salaries raised to a listed rate consistent with Section 5 of this Article.
- (4) All employees being paid at a rate above the maximum rate established for their respective classes shall remain at their present salaries as long as the maximum rate is below the employees' present salaries.

SECTION 4. USE OF SALARY RANGES:

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

- (A) The minimum rate established for the class is the normal hiring rate, except in those cases where unusual circumstances appear to warrant appointment at a higher rate. A beginning salary above the minimum rate of the applicable range may be made with the approval of the City Manager when deemed necessary and in the best interest of the City. Salaries above minimum rate will be based on such factors as the qualifications of the applicant being higher than the required education and experience for the class, a shortage

of qualified applicants available at the entry level salary, the refusal of qualified applicants to accept employment at the entry level salary, or other similar factors.

(B) All salaries above minimum are reserved to reward employees for performance above that required. Each year, the City Manager may require department heads to consider the eligibility of employees to receive salary increases and to recommend such advancement or retention at the same rate. Department heads shall consider all factors affecting employee performance and shall submit their recommendations in writing, giving the reasons whether to advance or retain the employee at the same rate. All such advancements and retentions must be approved by the City Manager.

SECTION 5. PAYMENT OF A LISTED RATE:

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

SECTION 6. SALARY OF A TRAINEE:

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

Trainee salaries may be no more than 5 percent below the minimum rate established for the position for which the person is being trained. An employee will remain in the trainee status until the department head determines that the trainee is qualified to assume the full responsibilities of the position.

The department head shall review the progress of each employee in a trainee status every three (3) months, or more frequently as necessary, to determine when the trainee is qualified to assume full responsibilities of the position. Provided, however, that a trainee shall not be in such status for longer than one (1) year.

SECTION 7. PAY RATES IN PROMOTION, DEMOTION, TRANSFER, RECLASSIFICATION AND INTERIM :

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

(A) Promotion: A promotion is a move to a position with a higher salary grade. The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility. When an employee is promoted, the employee's salary shall normally be advanced to the minimum of the new salary grade, or to a salary which provides an increase of approximately 5% over the employee's salary before the promotion, whichever is greater. In the event of highly skilled and qualified employees, shortage of qualified applicants, or other reasons related to the merit principle of employment, the City Manager may set the salary at an appropriate rate in the range of the position to which the employee is promoted that best reflects the employees' qualifications for the job and relative worth to the City, taking into account the range of the position and the relative qualifications of other employees in the same classification. In no event, however, shall the new salary exceed the maximum rate of the new salary range. In setting the promotion salary, the City shall consider internal comparisons with other employees in the same or similar jobs.

(B) Demotion: A demotion is a move to a position in a lower salary grade. Demotions can be either voluntary, where the employee chooses to take a position in a lower salary grade, or involuntary/disciplinary, resulting from inefficiency in performance or as a

disciplinary action. When an employee is voluntarily demoted to a position for which qualified, the salary will likely be cut to reflect a decrease in job responsibilities. The new salary shall be set in the lower pay range that provides a salary commensurate with the employee's qualifications and is consistent with the placement of other employees within the same classification. If the demotion is the result of discipline, the salary shall be decreased at least 5%. If the salary of the demoted employee is above the maximum of the new range the employee's salary shall be maintained at that level until such time as the employee's salary range is increased above the employee's current salary.

(C) Transfer: An employee transferring from a position in one class to a position in another class assigned the same pay range shall continue to receive the same salary.

(D) Reclassification: A reclassification is a change in a position's salary grade and title due to a significant increase or decrease in job responsibilities and duties. An employee whose salary is below the minimum of the new salary grade will receive a salary increase at least up to the new minimum salary. If the current salary is above the new salary range minimum, there may be a pay increase based on increased job responsibilities and commensurate with the employee's qualifications and is consistent with the placement of other employees within the same classification. If the position is reclassified to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary.

(E) Interim: An employee who is formally designated to perform the duties of a job that is assigned to a higher salary grade than that of the employee's regular classification shall receive an increase for the duration of the interim or "acting" assignment. The employee shall receive a salary adjustment to the minimum rate of the job in which the employee is serving an interim appointment or an increase of 5%, whichever is greater. The salary increase shall be temporary and the employee shall return to the salary he or she would have had if not assigned in the interim status upon completion of the assignment.

SECTION 8. PAY RATES IN SALARY RANGE REVISIONS:

When the City Council approves a change in salary range for a class of positions, the salaries of employees whose positions are allocated to that class shall be affected as follows:

(A) When a class of positions is assigned to a higher pay range, employees in that class shall receive a 5% pay increase or an increase to the minimum salary of the new range, whichever is higher.

(B) When a class of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged. If this assignment to a lower pay range results in an employee being paid at a rate above the maximum salary established for the new class, the salary of the employee shall be maintained at that level until such time as the new classification's pay range is increased above the employee's current salary.

(C) When an adjustment is made to a pay range, to reflect market changes, employees in classes within that pay range may or may not receive the adjustment, depending on the City's financial condition. These adjustments should not be considered "performance increases".

SECTION 9. PAY FOR PART-TIME WORK:

The pay plan established by this policy is for full-time service. An employee appointed to less than full-time service will be paid a pro-rated amount determined by converting the established salary to an hourly rate.

SECTION 10. OVERTIME:

(A) Department heads shall arrange the work schedules of their employees to accomplish the required work within the appropriate workweek or work period. Employees shall be required to work overtime only in emergencies and the department head may order extensive overtime only with the approval of the City Manager. Overtime work shall be considered work performed by an employee which exceeds the overtime threshold established by the Fair Labor Standards Act, FLSA, for the designated workweek (or work period for law enforcement and fire employees qualifying under FLSA 7(k)). All overtime compensation shall comply with the Federal Fair Labor Standards Act (FLSA) as amended. The City Manager, or designee, in compliance with the FLSA and applicable regulations, shall determine which employees are salaried exempt pursuant to 29 CFR Part 541. All other employees are non-exempt and subject to the FLSA in areas such as hours of work and work periods, overtime compensation, and other provisions. Whenever practicable, departments will schedule time off on an hour-for-hour basis within the applicable workweek (or work period for law and fire employees subject to FLSA 7(k)), but not exempt under Part 541. When time off within the workweek (or work period for law and fire) cannot be granted to avoid overtime hours, overtime will be paid at a time-and-one-half the employees regular rate as defined by the FLSA.

Employees in positions determined to be exempt from FLSA and 29 CFR Part 541 (as Executive, Administrative, or Professional staff) are not eligible for overtime compensation.

(B) The following work periods shall be established for the purpose of overtime compensation:

(1) Public safety personnel, those subject to FLSA Section 7(k), shall be paid hourly for a two-week (14 day) work period. Employees whose work hours exceed the overtime threshold established by the FLSA (a maximum of 86 work hours for law enforcement and 106 work hours for firefighters, in each work period of 14 days), shall be paid one and one-half (1-1/2) their regular rate for overtime hours. If the employee's regular scheduled hours are less than the applicable 7(k) overtime threshold, the employee will be paid their regular hourly rate for the hours of work that exceed the schedule, but do not exceed the applicable 7(k) overtime threshold.

(2) All other non-exempt City employees shall be assigned to a 7 day workweek with a maximum of 40 work hours before accruing overtime.

(C) Employees required to work hours over the maximum allowed in the assigned work period shall be compensated for such overtime hours worked subject to the following provisions:

(1) The position does not meet the executive, administrative, or professional exemption tests set forth in the FLSA and 29 CFR Part 541, or any other available exemption in the FLSA.

(2) All overtime hours earned shall be paid at a rate of one and one-half (1-1/2) hours for each hour of overtime worked.

(3) The department supervisor has the responsibility and is accountable for monitoring their budget and reporting staffing needs and overtime costs to the City Manager, along with recommendation(s) to satisfy the problem.

(4) Vacation, sick and other types of leave shall not be counted as time worked during a work period, when computing overtime hours.

(5) When a holiday occurs, holiday hours will be counted towards regular hours worked. If actual hours worked and holiday hours combined exceed the assigned work period (as established in sub-section B 1&2), the overtime rate will apply to the excess hours.

(6) Department supervisors shall submit a report of all overtime work performed, periodically, as may be required in such format as prescribed by the City Manager, or Manager's designee.

(D) Employees of the City can be requested and may be required to work overtime hours as necessitated by the needs of the City and determined by the Department Head and/or immediate supervisor. No employee shall work overtime hours without the prior approval of his/her Department Head and/or immediate supervisor.

SECTION 11. PERFORMANCE PAY RAISES:

Annual performance pay increases of 2.5% or 5% on the applicable salary grade, may be granted to deserving regular full-time employees in accordance with the following provisions:

When a new employee has completed a year of continuous service or a current employee has completed a year of continuous service following the last performance increase, or when a promoted employee has completed a year of continuous service from the date of promotion and when the increase will not exceed the maximum salary rate for the class of position; and whose work is measured to be "definitely above average" on stated goals on the employee's performance evaluation, may be granted a 2 1/2% performance pay increase; or whose work is measured to be "outstanding" on stated goals on the employee's annual evaluation, may be granted a 5% performance pay increase.

In all performance pay increases, the supervisor must verify the availability of funds from the Finance Director, under their signature, to avoid over spending the budget.

SECTION 12. PERFORMANCE BONUS PLAN:

All regular full-time employees of the City are eligible for a maximum of five (5) performance bonus payments of 2 1/2% or 5% of the employee's base salary after reaching the maximum salary of the employee's pay grade. The performance bonus payment (if any) shall be awarded based upon the performance of the employee as reflected on their annual performance evaluation. Performance bonuses may be awarded every other year after the employee reached the maximum salary of the pay grade for their position classification.

Eligible performance bonus payments shall be made in a lump sum payment and will be payable generally at the discretion of the employee. If an employee fails to achieve a performance bonus payment in their eligible year, the employee shall become eligible again the following year, provided, however, that the employee shall not achieve more than one (1) performance bonus payment every two (2) years for a total of five (5) performance bonus payments.

The purpose of the performance bonus plan is to reward those employees who have reached the maximum salary in their pay grade with the potential of a 2 1/2% or 5% performance bonus when their work performance is determined to be above that required.

SECTION 13. EMPLOYEE INCENTIVE BONUS PLAN:

The City endeavors to encourage and reward employees to complete training, development, and certification programs that provide them with knowledge, skills, and abilities that will enable the City of Lincoln to become more flexible and adaptable, improve customer services, ensure work is performed in a safe manner, and develop capacity to provide continuous services at a high level into the future. This plan would cover training and certification beyond the minimum training and certification requirements listed in job descriptions and classification specifications, and any others that are required and specified upon hire or promotion. Successful completion of such courses of study is typically recognized by some type of certification or degree after completion of an outlined course of study, and is awarded by professional organizations and/or regulatory bodies. City employees may participate in the Incentive Plan in accordance with the following:

- The Employee Incentive Plan Evaluation Spreadsheet (Appendix A) should be reviewed to determine if the intended course of study is eligible for compensation; and
- The Certification and Training Request Approval form (Appendix A) must be completed by the employee and approved by the Department Head, Human Resources Director, and City Manager.
- Upon successful completion of the course of study, and receipt of the associated certificate, the employee will receive the applicable onetime bonus payment or salary increase the first available pay period following the eligibility date. The eligibility date will be the date the certificate for a pre-approved course of study is received in the Human Resources Department.
- The onetime bonus incentive payment will be based on the employee's base pay at the time of receipt of the certification as determined in accordance with the Employee Incentive Plan Evaluation Spreadsheet.
- Employees will only be eligible for one (1) bonus incentive payment in any given fiscal year.
- The continuation of the Employee Incentive Plan is contingent upon funds available as determined by the City Manager.

If the intended or desired course of study is not included in the Employee Incentive Plan Evaluation spreadsheet, the employee may bring this to the attention of their Department Head for consideration. The employee must provide written justification demonstrating how and why the course of study is job related, a copy of the outlined course of study, and the expected job related benefits upon completion. Upon review and consideration, the employee's Department Head and the Human Resources Director will make a determination regarding: 1. Applicability of the request, 2. Compensation amount if any, 3. Difficulty of completing the training or certification, 4. Improvement to customer services or on-the-job safety, and 5. Improved capacity to provide continuous services at a high level into the future. The City Manager will review the determination and have final approval.

If an employee fails to complete continuing education requirements and subsequently loses a certification that resulted in a bonus or continuing salary increase, the employee may be required to reimburse the bonus amount or be subject to a reduction in pay.

SECTION 14: ON-CALL PAY:

The City must provide a variety of critical services 24 hours a day, 7 days a week, and the need for these services may occur after business hours when employees who have the required skills are not on duty. As a result, the City must be assured that skilled employees are always readily available by placing some employees in an on-call status. One of the conditions of employment with the City is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. Employees who are serving on-call must be able to report to work quickly and be fit for duty. Because these requirements may restrict an employee's mobility and off-duty activities, the City offers compensation to on-call employees.

On-call compensation will apply to certain non-exempt employees who are required by their department to be in a state of on-call for a designated period of time to respond to after-hours emergencies. These employees will be compensated for one (1) hour of pay at straight time for

each day (day defined as a period of 24 consecutive hours) of on-call they serve. In order to qualify for on-call pay the following will apply:

1. On-call status in a work group must be regularly shared by more than one employee, and the assignments must be based on a rotating schedule.
2. The assignment must be on a recurring basis, not a one-time assignment.
3. The employee must serve on-call for a specified period (usually 7 consecutive days) which is designated ahead of time. The on-call period may differ depending upon departmental needs.
4. The beginning and ending of on-call times must be clearly established and communicated to the employee.
5. The employee must respond to the call within the time frame established by the department, and if needed, must report to work within the time frame established by the department. An employee who fails to respond within the designated time frame will be removed from the schedule, forfeit on-call pay for the entire rotation and be subject to disciplinary action for unsatisfactory job performance.
6. An employee may not receive on-call pay for any period in which he/she is in a leave status of any kind.

Time spent on-call does not count as hours worked for the purposes of:

1. Calculating eligibility for overtime
2. Meeting an employee's scheduled work hour requirements
3. Meeting eligibility requirements for Family Medical Leave
4. Sick, vacation, or any other leave accrual

Pay for hours actually worked while serving on-call are calculated beginning when the employee reports to the work site, and are added to the regular total of hours worked for the week.

Other factors related to on-call are as follows:

1. Employees may request in advance to have a substitute cover for them for a designated portion of the on-call time for reasons acceptable to and approved by the supervisor.
2. If an on-call employee becomes unable to remain in an on-call status or report to their assignment due to an emergency, the employee must notify the department designee as soon as possible.
3. The employee must be capable of performing all assigned duties, and be in a state of “work readiness”. Work readiness is defined as a state, whether physical, mental or emotional, in which an individual is ready, willing, and able to perform their assigned task competently and safely.

SECTION 15: CALL BACK COMPENSATION:

Any City employee except public safety, eligible for overtime compensation under this policy will be guaranteed a minimum of two (2) hours work time for being called back to work outside of normal working hours. No more than two (2) hours of guaranteed time per 24 hours will be credited regardless of the number of call backs. Should more than two (2) hours actual work be required for the purpose of the call back, then work time for the actual hours will be credited. Call back provisions do not apply to previously scheduled overtime work or employees who are called to work while serving in an On-Call capacity.

SECTION 16: PAYROLL DEDUCTIONS:

The law requires that the City of Lincolnton make certain deductions from every employee’s compensation. Among these are applicable federal or state taxes and local government deductions, if applicable. In addition, employees may authorize voluntary deductions from their pay as approved by the City Manager and City Council.

The City of Lincolnton offers programs and benefits beyond those required by law including retirement and health benefits. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs.

SECTION 17: PAY PERIODS:

The City utilizes a biweekly pay period system with 26 pay periods per year. The policy for payment when the normal pay day falls on a holiday shall be determined by the City Manager, or Manager's designee.

SECTION 18: EFFECTIVE DATES OF SALARY ADJUSTMENTS:

Approved salary adjustments shall become effective at the beginning of the next pay period or at such a later date as may be provided.

ARTICLE V. WORK CONDITIONS AND EXPECTATIONS

SECTION 1. WORKWEEK:

The work period for general government employees is defined as seven consecutive days (work week, 52 work periods per calendar year). The work period for Fire and Law Enforcement personnel shall be 14 calendar days. (26 work periods per calendar year)

(A) Many of the services performed by the City employees are essential and some must be provided day and night, every day of the year. Therefore, City employees may be required to work changing shifts and the number of hours per day may differ.

(B) Hours of work are generally as follows:

General Government Employees - 37.5 Hours or 40 Hours per work period as designated

Police Personnel - 86 Hours per work period

Fire Personnel - 106 Hours per work period

(Work period is further defined in Section 10B of Article IV)

Exempt employees in Executive, Administrative, or Professional positions shall work the number of hours necessary to assure the satisfactory performance of their duties.

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

SECTION 2. RESPONSIBILITY OF EMPLOYEE:

An employee of the City shall be expected to:

(A) Report to work on time and to remain on the job until the end of the tour of duty.

- (B) Perform all duties to the best of their ability and contribute a full day's work for a full day's pay.
- (C) Work well with other employees and accept additional assignments during peak workloads and emergency situations.
- (D) Request prior approval before taking a leave of absence and before leaving the work site.
- (E) Refrain from spreading rumors or engaging in other activities which have a disruptive influence on morals or work progress.
- (F) Displaying any attitudes, work habits, or job performance that in the opinion of their supervisor impedes the proper delivery of service(s) to the citizens of Lincoln.
- (G) Refrain from abusing sick leave privileges.
- (H) Read, understand, and follow all policies governing their conduct, whether it is personal or business.
- (I) Employees shall always be dressed in a way that is acceptable by community standards and in compliance with OSHA requirements and in uniforms, when uniforms are furnished by the City. Shorts, halters, and other clothing that are not normally worn in a professional setting will not be permitted. Under no circumstances will an employee be allowed to work without a shirt or chest covering.

SECTION 3. RESPONSIBILITY OF DEPARTMENT SUPERVISOR:

A department director/supervisor shall meet their responsibilities as directed by the City Manager, being guided by the City charter, ordinances, policies and adopted rules, regulations and directives. They shall meet their responsibilities by:

- (A) Dealing with all employees in a fair and equitable manner and upholding the principles of equal opportunity employment.
- (B) Developing and motivating employees to reach their fullest potential through continued education and training.
- (C) Making objective evaluations of individual work performance and discussing these evaluations with each employee so as to bring about needed improvements.
- (D) Keeping employees informed of their role in accomplishing the work of their unit and of conditions or changes affecting their work.
- (E) Making every effort to resolve employee problems and grievances and advising employees of their rights and privileges.
- (F) Informing all employees of safety rules and of potential hazards or exposure inherent in their work place.
- (G) Using only the necessary number of employees required to do a job safely and efficiently.
- (H) Leading by example - be at work on time - drive safely - practice good work habits - be seen at the work site - demonstrate how you want the public (citizen/customer) to be treated.

(I) Read and understand the words and phrases contained in these policies and counsel all employees in its meaning from time to time as needed.

SECTION 4. ATTENDANCE:

(A) Because City services are essential and continuous, an employee shall avoid unnecessary absences and tardiness. Attendance and punctuality are important responsibilities of the employee and/or supervisor, which may influence their future eligibility for a merit pay increase or promotion or for continued employment with the City.

(B) The employee shall be required to call their supervisor before the work day begins, when possible to advise them when illness prevents reporting to work, or when the employee expects to be late for work because of unusual and unavoidable circumstances. The employee must speak directly with their immediate supervisor.

(C) If an employee is away from their job for two consecutive scheduled work days, or more, without notice, it may be assumed that the employee has resigned and forfeited any claim to terminal pay for accumulated vacation (annual leave).

SECTION 5. PERFORMANCE EVALUATION:

(A) It is reasonable for an employee to expect to continue their service without a reduction in pay for as long as they continue to fulfill the basic performance requirements of their job and funds are available.

(B) A supervisor shall be evaluating performance from the employee's first day on the job. Through open and free communications with their supervisor, the employee shall

obtain a clear understanding of expected job performance and what are their strong and weak points.

(C) At least once during the probationary period, the appropriate department supervisor shall complete a formal evaluation of the employee's performance using such format and procedures as recommended by the City Manager, or Manager's designee. The employee must obtain an overall rating of satisfactory in order to be considered as a regular employee.

(D) All regular full-time employees shall be evaluated at least once annually, and such evaluation shall be utilized to determine the basis for a performance increase as provided in Article IV Section 11 or 12. The completed performance evaluation shall be placed in the employee's permanent personnel file kept in the office of the Personnel Administrator.

(E) The performance evaluation system provides a history of work progress of the individual employee with the City. The performance evaluation system shall be utilized as supporting documentation to determine eligibility for promotion and as a basis for demoting or discharging an employee. The supervisor should use the performance evaluation system as a tool for counseling employees and as a communication piece for discussing work progress, goals, problems and opportunities. During the evaluation period should the employee be disciplined in any manner for violating any of the terms and conditions of their employment, the employee has forfeited the right to a salary increase for the evaluation period.

(F) While the work progress of an employee is formally evaluated on a periodic basis as defined herein, the supervisor should continuously counsel employees with regard to work progress, job expectations, performance, and employee strengths and weaknesses. This serves to open communications between the supervisor and the employee and to build a better work environment.

SECTION 6. GIFTS AND FAVORS:

(A) The conduct of an employee in City service shall be free from influence arising from gifts, favors, or special privileges.

(B) It is the obligation of an official or employee of the City to refuse any personal gift, whether in the form of service, loan, thing of value or promise from any person who to the employee's or official's knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the City, or where it is reasonable to believe that such may be offered so as to affect the actions of the employee.

(C) No official or employee shall accept any gift, favor or thing of value that may tend to influence that employee or official in the discharge of duties.

(D) No official or employee shall grant in the discharge of duties any improper favor, service, or thing of value.

(E) No employee or official shall seek personal or financial advantage because of their position with the City.

SECTION 7. POLITICAL ACTIVITY RESTRICTED:

(A) Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. The City encourages an employee to exercise this responsibility to support all levels of government by voting for the political candidates and issues of their choice.

(B) Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic, social, fraternal, or political organizations in accordance with the Constitution and

laws of the State of North Carolina and in accordance with the Constitution and laws of the United States of America.

(C) However, no employee shall:

- (1) Engage in any political or partisan activity while on duty;
- (2) Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;
- (3) Be required as a duty of employment or as a condition for employment, promotion, pay raise or tenure of office to contribute to, solicit for, or act as custodian of funds for political or partisan purposes;
- (4) Coerce or compel contributions for political or partisan purposes by another employee of the City; or
- (5) Use any supplies or equipment of the City for political or partisan purposes;
- (6) Display any political advertisement in or on City property or equipment.

Any violation of this section shall be deemed improper conduct and subject such employee to disciplinary action up to and including dismissal.

SECTION 8. OUTSIDE EMPLOYMENT:

The City has no intention of attempting to regulate what an employee does during their own time away from the job, as long as off-duty activities do not represent a conflict of interest or reflect discredit on the City. The work of the City will take precedence over other occupational interests of employees. In order to make certain that no conflict of interest or situations likely to reflect discredit on the City exists, all outside employment for salaries, wages, or commission and all self-employment must be approved by the department director and recommended to the City Manager for final approval. Conflicting outside employment will be grounds for disciplinary action up to and including dismissal.

An employee is cautioned not to engage in outside activities that are so exhausting that one's physical and mental abilities are impaired to the extent that their City service is adversely affected.

SECTION 9. IMMIGRATION LAW REQUIREMENTS;

All employees are required to furnish proof of citizenship or other required documents indicating a legal right to work in the United States. Copies of the completed I-9 shall be a permanent part of their personnel file.

SECTION 10. CONFIDENTIAL INFORMATION:

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

SECTION 11. CONTROLLED SUBSTANCES:

No employee shall use intoxicating beverages or non-prescribed controlled drugs of any kind while on duty. Nor shall an employee report for duty while under the influence of an intoxicant or non-prescribed controlled drug. An employee using medication or a controlled drug by prescription which may affect job performance or safety, shall notify their supervisor upon reporting to work.

SECTION 12: USE OF CITY OWNED EQUIPMENT/PROPERTY:

The City of Lincolnton maintains and provides staff with appropriate resources to provide quality services in a timely and efficient manner to the Citizens of Lincolnton. Use of these resources shall be conducted in a manner which enhances the Citizen's confidence and trust in the staff of the City to serve the public.

(A) City buildings, facilities, or premises shall not be available for personal use except in the conduit of official City business.

(B) City equipment, materials, tools, supplies, etc are provided for the employee's use in his/her employment, and shall not be available for personal use, nor be removed from City property except in the conduct of official City business. The City reserves the right to inspect all areas and articles that are on City property, and any information or article which an employee considers private and/or personal should not be kept on City property.

(C) Vehicles owned by the City shall be cared for by an employee in the same responsible way that they would care for their own, and the policy of the City with regard to the use of City vehicles shall be as follows:

Employees operating a city vehicle are to obey the laws of the State of North Carolina and municipal ordinances and are held personally responsible should the operator ignore the applicable law.

The employee could or may be subject to the tax laws of the State of North Carolina and/or the United States of America by use of a City vehicle. The employee is responsible to keep records and report them should the use of the vehicle be ruled to be of compensatory value.

Notwithstanding anything to the contrary in the above paragraphs, use of City owned vehicles is governed by the resolution adopted by the Council on January 9, 1986 summarized in paragraphs (1) and (2) below. Further clarifications are covered in paragraphs (3) and (4).

(1) Vehicles owned by the City may be provided to one or more employees in connection with City business and shall be used only on City business. When the vehicle is not used in the City's business, it is kept on the City's business premises. The City premises and residence of any employee using the vehicle are at different locations. Pursuant to Federal and State law, the employee, nor an individual whose use would be taxable to the employee,

may use the City vehicle for personal use. The Council reasonably believes, based on City policy and state law, that no employee or any individual use these vehicles for personal use.

(2) For bona fide non-compensatory business reasons, the City may require certain employees to commute to and from work in City vehicles that are not exempted by IRS regulations. In accord with federal and state law, an employee may not use the City owned vehicle for personal use other than commuting. The City has a written policy forbidding personal use of any City vehicle and the employee using the vehicle is not an elected or appointed official. Under these conditions, the City will account for commuting use by including an appropriate amount in the employee's gross income, as specified in IRS regulations.

(3) Certain vehicles may be used to commute without any income being added to the employee's gross income. For example, a qualified specialized utility repair truck used to commute to enable the employee to respond in emergency situations to restore or maintain water or sewer services and not used for personal reasons is exempt from having an adjustment made to the employee's gross income.

(4) Use of clearly marked police vehicles to commute, and not used for personal use, are also exempt from the requirement to adjust the employee's gross income. Under certain conditions, an unmarked police vehicle used to commute and not for personal use may also qualify for this exemption.

SECTION 13: COMPENSATION FOR BUSINESS TRAVEL:

(A) Absence due to official business:

- (1) Regular pay will continue during any authorized absence from the City on official business. When an employee is away from the job on official City business or is participating in authorized training courses, or attending authorized professional conferences, it will be considered as officially working. This time will not be counted against their vacation or other authorized leave.
- (2) Employees absent from the City on official business will be covered by Workers' Compensation insurance in accordance with the "North Carolina Workers' Compensation Act"
- (3) The travel portion of the personnel policies applies to regular City employees, volunteer Fireman, Auxiliary Police, City Attorney, Mayor and Council Members.

(B) Reimbursement for travel expenses:

All full-time employees of the City and all elected or appointed officials of the City shall be entitled to travel, lodging, and meal expenses incurred in the course of their employment, elected term of office or in the performance of their duties as public officials. All non-elected or non-appointed travelers must have prior approval of the City Manager and their respective department supervisor, utilizing the appropriate form supplied by the City Manager or Manager's designee. Expenses can be advanced for meals, lodging, etc. Expenses are not to begin unless the following conditions are met:

(1) Meals will be reimbursed for trips of six (6) hours or more in duration.

(2) The City will reimburse an employee for use of their personal vehicle for City business when authorized by the City Manager. The rate of reimbursement will be equal to the amount allowed for tax deduction purposes by the IRS at the time of use and calculated on the shortest route possible.

(3) Authorized travelers are expected to depart as soon as practicable after the conclusion of their business or meeting, except no employee will be expected to travel between the hours of 10:00 p.m. and 7:00 a.m.

(4) Living expenses will not be paid to any employee for time they could have reasonably left their destination away from the City.

(5) The City Manager's travel, training and other business expenses shall be approved by the Mayor.

(6) The only contribution authorized to the benefit of a spouse is the registration fee, if one is required.

(7) Meal expenses shall be advanced or reimbursed, based on per diem amount. A schedule of allowable meal expenses shall be prepared by the City Manager, and approved by the City Council. Expenses that exceed the per diem amount shall be the responsibility of the traveler.

(8) At the conclusion of such travel, receipts shall be required to support all expenses relating to lodging, and any other incidental expenses where a receipt may be obtained. Receipts are not required for meals, mileage expense, taxi fare, or other incidental expenses where receipts are not normally given. Unused advance travel expense shall be turned in to the Finance Director at the time such

reconciliation of travel expense is made. The City Manager, or Manager's designee shall provide an appropriate travel expense form, including instructions, for use in requesting a travel advance and for reconciling such expenses at the end of the travel activity or trip.

(9) All exceptions to this policy will require City Council, or the City Manager's approval.

(C) Reimbursable Business Expenses:

By approval of the Mayor and/or City Manager, a normal business expense can be charged to the City or reimbursed to the individual incurring this expense.

Reasonable/reimbursable being defined as follows:

Joint meetings with Lincoln County, Council of Governments, State Agencies,

Federal Agencies, etc.;

Meetings with legitimate business clients;

Organized meals such as, Boy or Girl Scout Day, Government Day, etc.;

Meetings with the Mayor, City Council, City Attorney, and Department Supervisors where conducting City business can be accomplished more effectively.

The City Manager, or Manager's designee, will be responsible for providing appropriate forms to explain and account for these expenses. All reimbursements will require appropriate receipts and a full explanation to justify these expenses. The Finance Director shall keep a record of these expenses in a separate file and this file shall be audited each year.

SECTION 14: UNLAWFUL HARASSMENT:

The City of Lincolnton has sought to ensure a work and training environment for all employees, free from all forms of unlawful discrimination and conduct considered harassing, coercive or disruptive, including sexual harassment, based upon sex, race, color, religion, national origin, age, or disability. This policy applies to all employees of the City of Lincolnton and harassment in any form is contrary to this policy and will not be tolerated.

Employees are expected to treat each other with respect and consideration, realizing that standards for acceptable language and conduct in a congenial setting may be inappropriate for work. They are expected to show good judgment in the area of relations between the sexes and avoid actions which violate another person's right to a harassment-free workplace.

This policy applies not only to the workplace, but also to work-related functions, off-premises work and business travel.

Definitions

Unlawful harassment is unwelcome or unsolicited misconduct that undermines the integrity of the employment and training relationship. This could include, but is not limited to, unwelcome or unsolicited comments or conduct, racial or ethnic slurs, jokes about a person's physical characteristics, or any other behavior that creates a hostile working environment.

Sexual harassment is defined as unwelcome sexual advances or requests for sexual favors, as an explicit or implicit term or condition of employment, training status or when submission or rejection of the advance or request is the basis for a decision affecting employment or services provided.

Sexual harassment is also the intentional or repeated unwelcome verbal comments, sexually suggestive comments, jokes, or display of sexually oriented materials including pinup type calendars of either sex. The unwelcome intentional touching of a person's body is sexual harassment. Sexual harassment may also be non-verbal such as staring or making sexual

gestures. Physical contact of a sexual nature, including touching of intimate body areas, between consenting persons while at work in view of others is sexual harassment of other employees and clients and is strictly prohibited.

Occasional compliments of a socially acceptable nature are not sexual harassment. Sexual harassment is the behavior described above that is not welcome, is personally offensive, and interferes with work or training effectiveness, which no City of Lincoln employee, male or female, should be subjected to.

Employee/City of Lincoln Responsibility

City of Lincoln will not tolerate harassment, sexual or otherwise, of its employees by anyone; this includes co-workers, management, supervisors, non-management, customers, or anyone doing business with us. Management and supervisors are responsible to ensure that their respective areas are free from all forms of harassment. Any employee who feels he or she is being harassed should clearly inform the harasser that such conduct is offensive and to stop it. Regardless of whether the conduct is stopped or not, the employee should immediately report such violations to his or her immediate supervisor. Supervisors or other managers must immediately notify the Human Resources Director of any observed or reported behavior described above or upon the receipt of any complaint of harassment.

Employees, supervisors, and victims, who fail to immediately report any type of harassment will be subject to disciplinary action for failure to follow established policy.

Complaint Procedure

Victims of harassment must report such incidents immediately to their supervisor. Any employee or client who is a victim of harassment, but cannot go through their immediate supervisor must report the violation directly to the Human Resources Director or the City Manager. In cases where the harasser is the Human Resources Director or City Manager, the City Attorney will investigate the complaint.

Investigation Procedure

All complaints of harassment will be taken seriously. All allegations will be thoroughly investigated. If the investigation confirms the allegation(s) of harassment, the responsible employee(s) will be subject to disciplinary action as defined by policy, including immediate transfer or immediate discharge from employment or services.

1. The Human Resources Director or designated representative shall obtain a written dated complaint whenever possible.
2. The Human Resources Director must seek to resolve all such complaints. In doing so, the Human Resources Director may observe the work area unannounced and may interview persons to substantiate the complaint.
3. The investigation shall be conducted in a confidential manner, involving only parties that are necessary to the completion of a thorough investigation. Employees named in complaints will be given sufficient information about the allegation to provide them a reasonable opportunity to respond. The alleged victim and harasser will be made aware of the final results of the investigation. The accused is not entitled to the name of the accuser unless written permission to disclose is secured from the complainant.
4. The Human Resources Director shall maintain for three years a confidential file containing the written complaint, notes of observations, interviews, notes of disposition, and copies of all warnings pertaining to the incident.
5. If the allegations are confirmed, appropriate action must be taken to ensure the work and training environment is free of all forms of harassment. Where appropriate, remind the harasser and the supervisor that retaliatory action cannot be taken with the complainant or any one assisting with the investigation. Disciplinary action must be quickly administered to the harasser and will include as determined appropriate on a case

by case basis, reprimand, suspension, transfer, demotion, or dismissal from employment or services.

Equally serious are false accusations of harassment. Unwarranted accusations are demoralizing and slanderous. Such accusations can expose the accuser and the City of Lincolnton to litigation and damages. Furthermore, false accusations undermine the purpose of this policy. Disciplinary action, including termination, will be taken with any employee, or client who falsely accuses someone of harassment.

SECTION 15: PERSONAL INDEBTEDNESS:

It is expected that each employee of the City will keep their financial affairs arranged in such a way that the City will not be embarrassed by excessive personal indebtedness. Failure to satisfy a creditor's legitimate claim within a reasonable period of time shall result in appropriate disciplinary action.

SECTION 16. SURRENDER OF PROPERTY:

An employee who is terminated shall be required to return all items of equipment and supplies, including uniforms, owned by the City. Return of such equipment must precede the issuance of an employee's final salary check.

SECTION 17. CLOTHING ALLOWANCE:

Employees required to wear uniforms while on duty shall be furnished such uniforms by the City. The employee is responsible for the uniforms, will pay the cost of avoidable damage or loss, will wear them only when working for the City, will not allow anyone else to wear them and will return them to the City upon separation from employment with the City. Plain clothes police officers will be provided a clothing allowance in lieu of uniforms.

SECTION 18: SAFETY:

Personal safety is the responsibility of all concerned.

(A) Department heads and supervisors share responsibility for the following:

- (1) Providing safe work procedures and environments.
- (2) Implementing safety policies and programs.
- (3) Informing and training employees in safe work habits.
- (4) Detecting and correcting unsafe practices and conditions.
- (5) Investigating accidents and preparing accident reports.
- (6) Encouraging employees to report unsafe conditions and to submit practical safety suggestions.

(B) Each City employee is responsible for the following:

- (1) Developing and maintaining safe work habits.
- (2) Promptly reporting all accidents and injuries.
- (3) Pointing out dangerous practices and working conditions.
- (4) Assisting with investigations of accidents.
- (5) Taking proper care of safety equipment.
- (6) Wearing proper clothing and avoiding loose sleeves, cuffs, rings, bracelets, hanging earrings and long hair around moving machinery.

SECTION 19: SOLICITATIONS:

In order to prevent disruption of operations, solicitations and distribution of literature, unless sponsored by the City, will be limited as follows:

Solicitations on City property for any purpose during working hours are not permitted. Working time is the time an employee is expected to be performing their job duties and does not include break periods, meal time or other periods when employees are properly not engaged in performing their work.

Distribution of literature by employees is not permitted for any purpose during working hours, as defined above, or at any time in working areas of the City.

Non-employees may not solicit for any purpose or distribute literature in the City's building, property or work area at any time.

The United Way campaign will be conducted pursuant to special rules and regulations as an exception to this solicitation/distribution policy.

SECTION 20: SMOKE FREE AND E-CIGARETTE USE:

The City of Lincolnton is committed to providing a safe and healthy workplace which will contribute to the well-being of its employees and the visiting public. According to the Centers for Disease Control and Prevention (CDC), tobacco use and secondhand smoke exposure are leading causes for preventable illnesses and premature death in North Carolina and the nation. To this end, the City of Lincolnton adopts this smoke free and e-cigarette use policy as follows.

(A) All employees and other persons performing services or activities on behalf of the City of Lincolnton, including volunteers, and contractors, are prohibited from smoking or e-cigarette use at any time in the following:

- (1) In any building owned, leased, or occupied by the City of Lincolnton.
- (2) In any vehicle owned, leased, or controlled by the City of Lincolnton, and assigned to its employees; or facilities for official City of Lincolnton business.
- (3) City-owned employee parking lots and city grounds surrounding city owned buildings.
- (4) City parks and recreational facilities including grounds and parking areas.

(B) Smoking is defined as the "act of lighting, smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind". E-cigarettes refer to the use of any device containing a nicotine-based liquid or any other substance that is vaporized and inhaled to simulate the experience of smoking.

(C) The City will post signs in facilities and on property in a manner and location that adequately notifies smoking and e-cigarette use is prohibited.

(D) Education - Employees wishing to discontinue the use of nicotine products may obtain information about support systems and programs from the City of Lincolnton's health insurance provider and the Human Resources Department.

ARTICLE VI. LEAVES OF ABSENCE

SECTION 1. HOLIDAYS:

The following days, and other days as the City Council may designate, are holidays with pay for employees and officers of the City working the basic workweek. The schedule of actual dates observed for the holidays listed below will be published annually, and in most instances will coincide with the State of North Carolina's holiday schedule.

Holiday	Number of Days
New Year's Day	1
Martin Luther King, Jr.'s Birthday	1
Good Friday	1
Memorial Day	1
Independence Day	1
Labor Day	1
Veterans Day	1
Thanksgiving	2
Christmas	3

(A) When a designated holiday falls on Saturday, the preceding Friday will be observed and when the holiday falls on Sunday, the following Monday will be observed. All employees required to work on an observed holiday shall be paid at their regular rate of pay for actual hours worked on the holiday, if it is not feasible for the department head to grant compensatory time off. This shall be in addition to the regular rate of pay to compensate the employee for the designated holiday. Department heads shall submit a roster to the Finance Officer including the names of employees, position classification, and actual hours each employee worked on the holiday.

(B) Only regular full-time employees, who are in pay status on the scheduled work day before and the scheduled workday after the holiday shall be eligible for holiday pay.

For employees having a work week with greater or fewer hours than the basic work week, holiday leave shall be granted in the same proportion as their work week is to a forty (40) hour work week.

Employees who desire to spend certain holidays in religious devotion may be granted time off from their duties, provided that such time off is charged against accrued annual leave and/or earned compensatory time. Otherwise, such employees must be placed on leave without pay.

SECTION 2. EFFECT OF HOLIDAYS ON OTHER TYPES OF LEAVE:

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

SECTION 3. VACATION LEAVE:

Vacation leave shall be used for rest and relaxation and may be used for medical appointments.

(A) Initial Appointment

(1) Employees serving a probationary period following initial appointment may earn vacation leave but shall not be permitted to take vacation leave during the probationary period unless the denial of such leave will create an unusual hardship. Vacation leave may be taken during this period only with the prior approval of the City Manager. Fire and law enforcement personnel shall be allowed to take accumulated vacation leave after six (6) months of employment.

(2) Persons hired on or before the fifteenth (15) of the month earn vacation for that month. Those hired after the fifteenth (15) begin earning vacation on the first of the following month.

(B) Vacation Leave - Manner of Accumulation

(1) Any employee working the basic workweek of 40 hours shall earn vacation leave at the following rates:

<u>YEARS OF SERVICE</u>	<u>HOURS PER YEAR</u>
1 through 4	80 hours
5 through 9	96 hours
10 through 14	120 hours
15 through 19	144 hours
20 years and over	176 hours

(2) For employees having a work week with greater or fewer hours than the basic work week, vacation leave shall be granted in the same proportion as their work week is to a forty (40) hour work week.

(3) Vacation leave continues to accumulate while an employee is on approved paid leave.

(4) An employee on vacation cannot work for the City, nor is an employee authorized to use vacation that is accrued by another employee.

(5) An individual who leaves City employment before completing six (6) months full time employment is not eligible to be paid for accrued vacation. A regular employee will forfeit accrued vacation pay if they fail to leave under other than satisfactory conditions. (See Article VII, Section 1 (A)). However, for other circumstances of separation, an employee is entitled to be paid for accrued vacation as of the date of their departure.

(6) Vacation time may be taken as earned by a regular employee when mutually convenient for the City and the employee. Vacation requests and scheduling are subject to approval by the department director.

(7) City Council encourages all employees to take accumulated vacation time that is consistent with the policy.

(C) Vacation Leave - Maximum Accumulation

The maximum hours of vacation that can be carried from one year to the next is 240 hours. Any employee with more than 240 hours of accumulated leave during the last pay period of each calendar year shall have the excess accumulation removed so that only 240 hours are carried forward to the first pay period of the next calendar year. All excess vacation hours over 240 will be converted to the employee's sick leave account. If the employee separates from service, payment for accumulated vacation leave shall not exceed 240 hours.

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

(D) Vacation Leave - Manner of Taking Leave

Vacation leave may be taken as earned by a regular employee subject to the approval of the supervisor. Leave records will be maintained in the Manager's or designee's office. Each employee will be given the opportunity to take full vacation leave accrual as such leave is earned.

(E) Vacation Leave - Previous Leave Credit

Vacation leave credit accumulated by each employee as of the adoption of these personnel administration policies shall be retained as of the effective date of these policies.

SECTION 4. SICK LEAVE:

Sick leave with pay is not a right which an employee may demand, but a privilege granted by the Council for the benefit of an employee when sick. Sick leave shall be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, quarantine, required physical or dental examinations or treatment, or exposure to a contagious disease, when continuing

to work might jeopardize the health of others. Sick leave may be used when an employee must care for a spouse, child, or parent.

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave, when possible, or not later than two (2) hours after the beginning of a scheduled work day or as otherwise required by the department head. Unexcused absences are a serious matter and must be avoided.

(A) Sick Leave - Manner of Accrual

Each full-time regular and probationary employee working the basic work week of 40 hours shall accrue sick leave computed at the following rate:

Hours Accrued Each Month:	Hours Accrued Each Year:
8	96

For employees having a work week with greater or fewer hours than the basic work week, sick leave shall be granted in the same proportion as their work week is to a forty (40) hour work week.

Persons hired on or before the fifteenth (15) of the month accrue sick leave for that month. Those hired after the fifteenth (15) begin earning sick leave on the first of the following month. Sick leave continues to accumulate while an employee is on approved paid leave.

(B) Sick Leave - Maximum Accrual

Sick leave is allowed to accumulate without a maximum limitation. Credit for any unused sick leave will be added to length of service at retirement as outlined by the Local Government Employment Retirement System.

(C) Sick Leave - Physician's Certificate

The employee's supervisor or department head may require a physician's certificate concerning the nature of the illness and the employee's physical capacity to resume duties for each occasion

on which an employee uses sick leave. The employee may be required to submit to such medical examination, or inquiry as is deemed desirable. The department head shall be responsible for the enforcement of this provision to the end that (1) employees shall not be on duty when their presence may endanger their health or the health of other employees, and (2) there will be no abuse of sick leave privileges.

(D) Sick Leave - Previous Leave Credit

Sick leave credits accumulated by each City employee shall be retained as of the effective date of this policy.

(E) Use of Sick Leave

Sick leave is not to be abused and will be granted with pay only when the employee:

- (1) Calls their supervisor and gives proper notice;
- (2) Tells their supervisor the general nature and expected duration of the illness;
- (3) Keeps the supervisor informed, daily if necessary, of the status of the illness;
- (4) Failure to give proper notice, keep the supervisor informed or give an expected return date may cause the employee to be placed on leave without pay;
- (5) An employee will not work at the same time while on paid sick leave nor will an employee give accrued sick leave to another employee;
- (6) An employee absent from work for more than 60 consecutive scheduled work days because of sickness or injury shall file application for disability, early or service retirement or show evidence to the satisfaction of the department head that the disability is not permanent;
- (7) Using sick leave under false pretenses is a serious violation of City policy and would be grounds for dismissal.
- (8) No employee shall be paid for unused sick leave.

(F) Sick Leave on Separation

Employees who retire and who are not reinstated within (5) years, or are dismissed from City employment, shall lose all sick leave credit. No employee shall be paid for any accrued sick leave.

(G) Sick Leave – Transfer from Other NC Agencies/Entities

Unused sick leave earned from another North Carolina governmental agency/entity will be accepted and transferred to employees hired by the City of Lincolnton according to the following provisions:

1. Employee must be hired directly from another North Carolina governmental agency/entity.
2. Verification must be received from the previous jurisdiction stating the number of accumulated sick hours employee had at the time of their departure.
3. Sick leave hours will be added to the employee's sick leave account upon receipt of written verification from the previous jurisdiction.

SECTION 5. LEAVE WITHOUT PAY POLICY:

A regular or probationary employee may be granted a leave of absence, in increments of three months maximum, without pay for up to one (1) year by the City Manager. The leave shall be used for reasons of personal disability after both sick leave and the desired amount of vacation leave has been exhausted, continuation of education, special work that will permit the City to benefit by the experience gained or the work performed, or for other reasons deemed justified by the City Manager. The employee shall apply in writing through channel, to the City Manager for leave.

The employee is obligated to return to duty within, or at the end of, the time determined appropriate by the City Manager. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority and pay. If the employee decides not to return to work, the supervisor

should be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested, shall be considered a resignation.

(A) Leave Without Pay - Effect on Benefits

An employee shall retain all unused vacation and sick leave while on leave without pay. An employee ceases to earn or accrue leave credits for any month while on leave without pay for fifteen (15) or more days. The employee may continue to be eligible for benefits under the City's group insurance plans, subject to any regulations adopted by the Council and the regulations of the respective insurance carriers.

SECTION 6. WORKERS' COMPENSATION LEAVE

(A) **Purpose:** The purpose of this policy is to establish standards and guidelines for the administration of the North Carolina Workers' Compensation Act, Chapter 97 of the General Statutes, as it applies to the employees of the City of Lincolnton.

(B) **Coverage:** All full-time, part-time, and temporary employees occupying budgeted City positions shall be subject to this policy. In addition, volunteer fire fighters and law enforcement personnel, as well as paid interns shall be covered. Employees working on a contracted basis for the City shall not be covered, all of which is defined in the North Carolina Workers' Compensation Act.

Employees are entitled to benefits if they suffer an accident/injury or occupational disease while carrying out activities for the benefit of the City of Lincolnton under the North Carolina

Workers' Compensation Act. Injuries must "arise out of and in the course and scope of" the covered employment to be compensated. This program provides for payment of medical bills, physical and vocational rehabilitation, and financial compensation while the worker is disabled, either temporarily or permanently, and is unable to work. It also provides for lump sum payments (in some cases) for more serious injuries, and assures death benefits and compensation to the employee's dependents in the event the injury is fatal.

(C) **Reporting:** All accidents/injuries occurring during working hours must be immediately reported to the immediate supervisor **and all appropriate forms must be submitted to the Human Resources Department within 24 hours of the accident/injury.** If the supervisor/department head deems the accident/injury to require emergency medical attention, depending upon the severity of the nature of the injury, the employee shall be taken to the emergency room or an emergency medical response vehicle shall be called. In cases of non-emergency incidents, the employee shall report to the designated medical provider for the City of Lincolnton. If the approved provider's offices are closed, the employee shall report to the emergency room for medical attention.

(D) **Benefits:**

1. There is no compensation entitlement for the first seven (7) calendar days of disability under the North Carolina Workers' Compensation Act. Therefore, employees may use their accumulated vacation or sick leave (it is the employee's choice) until a determination has been received from the City's Workers' Compensation carrier that the first seven calendar days of disability have been satisfied. If the employee has exhausted his/her leave hours, he/she will be placed on Workers' Comp leave without pay immediately.
2. After a determination has been made and received from the City's Workers' Compensation carrier that the first seven days of disability have been satisfied by the employee, the employee will be placed on Workers' Compensation leave without pay and receive only benefits as provided by the North Carolina Workers' Compensation Act. If the disability continues more than twenty-one (21) calendar days, the employee is entitled to compensation from the Workers' Compensation carrier for the first seven (7) days.
3. In following the current leave without pay policy (Article VI, Section 5 of the Personnel Policy), when an employee is placed on Workers' Comp leave without pay, the employee will cease to earn vacation/sick leave credits for any month in which they are on leave without pay for fifteen (15) days or more. In addition,

employer/employee contributions to the NC Retirement System will not be reported when on leave without pay status, nor will the employee receive retirement service credit. Contributions to 401(k) will cease while an employee is on leave without pay status. All group insurances shall remain in effect while an employee is on leave without pay status.

4. Any salary increase that the employee would have normally received had he/she been in pay status, will be given in the first available pay period at the time the employee returns to work, without any retroactive benefit.

(E) Return to Work Policy:

Before an employee may return to work at full duty or light duty, the employee must provide a physician's note to their supervisor indicating he/she is released and capable of resuming duties, and what, if any, restrictions are in place. If the employee retains some temporary disability, which prevents successful performance in his/her original position, efforts will be made to place employee in a similar position if light duty is required. When the employee reaches maximum medical improvement, the City shall attempt to return the employee to his/her original position or similar position held prior to Workers' Compensation leave, or a position deemed suitable to fit medical restrictions. Reasonable accommodations will be attempted by the City in order to be in compliance with the Americans with Disabilities Act. If an employee who has been on Workers' Compensation leave is released to return to full duty by his/her physician, and refuses suitable employment in keeping with his/her capacity, the City has the right to determine appropriate separation procedures. Departments will be allowed to fill positions temporarily if the employee is not able to return to work after 30 days. The City will try to accommodate the employee to the point where it does not jeopardize the City's operations. However, when in the City's determination it is critical for the position to be filled, appropriate action may be taken to fill the position.

This policy is meant to be in compliance with Chapter 97 of the North Carolina General Statutes (the North Carolina Workers' Compensation Act). If any provision of Article VI, Section 6 of this amendment is inconsistent with the North Carolina Workers' Compensation Act, then the provisions of the North Carolina Workers' Compensation Act shall take precedence.

SECTION 7. BEREAVEMENT LEAVE

An employee may have up to three (3) days leave at full pay granted when attending the funeral of an immediate family member as defined in Article I Section 3 of these policies. Additional time to settle affairs of the family may be taken with the approval of the department head and should be charged to vacation leave. Leave to attend funeral of other than the immediate family may be granted by the department head and charged to vacation leave.

SECTION 8. TEMPORARY DISABILITY LEAVE:

Accumulated sick leave is available to employees for the period of temporary disability in the same manner as for any other illness. An employee desiring to take leave of absence from work for reasons caused by or contributed to by a temporary disability or recovery therefrom, shall apply in writing stating the nature of the condition, the anticipated dates and duration of the requested leave and the types of leaves requested. The supervisor shall forward the request to the City Manager for approval.

Leave without pay may be available for a period of time before the employee is disabled, when known in advance, and a period of time after the disability ends.

The employee may elect to use accumulated vacation leave;

- (1) before going on sick leave,
- (2) after accumulated sick leave has been exhausted, and/or
- (3) after the temporary disability has ended.

If an employee is temporarily disabled and has exhausted all accumulated sick leave, that employee may be eligible to receive leave without pay for personal disability under the provisions of Section 5 of this Article. If an employee wishes to retain all accumulated sick leave and vacation leave, leave without pay may be taken for the entire period.

Reinstatement to the same position or one of like classification, seniority and pay shall be made upon the employee's return to work. Failure to report at the expiration of a leave of absence, unless an extension is requested and approved, shall be considered a resignation.

Depending on the physician's advice and in consultation with the department head, an employee may alter the duration of the temporary disability leave. Sick leave can only be used for the time that the employee is medically disabled. Any leave preceding or following the period of medical disability shall be charged to vacation leave or leave without pay.

SECTION 9. MILITARY LEAVE:

Regular employees who are members of the National Guard or Armed Forces Reserve will be allowed two (2) calendar weeks of military training leave annually with pay. Any pay received from the military shall be deducted from the sum paid by the City to effect the same take home pay that would have been earned as a City employee. If such military duty is required beyond this two (2) calendar week period, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status. While taking military leave with pay or without pay, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the City during this period. Regular employees who are guardpersons and reservists have all job rights specified in the Veterans Readjustment Assistance Act .

SECTION 10. CIVIL LEAVE:

A City employee called for jury duty or as a court witness for the federal or state governments or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated vacation or sick leave. Law enforcement officers may not receive any witness fees for appearing in court in connection with their official duties. While on civil leave, benefits and leave shall accrue as though on regular duty.

SECTION 11. EDUCATIONAL LEAVE WITH PAY:

Any educational leave requires prior approval of the City Manager. A leave of absence at full pay during regular working hours may be granted to an employee to attend a seminar, or similar type normal job training, which will better equip the employee to perform assigned duties upon the recommendation of the department head and with approval of the City Manager.

An employee may receive tuition reimbursement for one (1) course at a time taken outside of working hours which will better equip the employee to perform assigned duties, subject to the approval of the department head and the City Manager, or Manager's designee. The City shall reimburse the employee for tuition, fees and books for the course, provided the employee submits a receipt(s) of course expenses and a notice of successful completion (passing grade or better) of the course. Educational leave with pay and educational reimbursements shall be made only in accordance with budgetary appropriations and requirements.

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

SECTION 12. REST PERIODS:

(A) The City makes no attempt to define or regulate a policy for rest periods or coffee breaks that can be uniformly applied to employees in all departments and divisions. Because there are numerous variations in work schedules and conditions, a department head and/or supervisor may establish an appropriate rest period policy that will best serve the City's interest.

(B) If it is feasible, a department head may provide two ten minute rest periods with pay per day within the building or at a job site. Rest periods are not considered accumulative nor mandatory. City business is always expected to take precedence over a rest period.

(C) It must be recognized that there may be circumstances which make designated rest periods impossible; therefore, the department head will address the situation accordingly.

SECTION 13. FAMILY MEDICAL LEAVE:

In accordance with the Federal Family and Medical Leave Act of 1993 and as amended also by the National Defense Authorizations Act of 2008, NDAA, the City of Lincolnnton provides unpaid leave (an authorized absence) from work for the circumstances listed below as specified and further defined in the FMLA and 29 CFR Part 825. FML may be unpaid leave, paid leave or a combination of both. The FMLA also provides certain benefit protections and job restoration for eligible employees on FMLA leave. The FMLA leave and protections are granted provided the eligible employee meets the notification and certification requirements in the FMLA regulations and the notice and reporting requirements of the City.

It is the policy of the City of Lincolnnton not to discriminate or retaliate against an employee for using FMLA leave or interfere with an employee's exercise of any right under the FMLA.

Eligible employees may qualify for FMLA leave for the following circumstances:

- 1) For birth of a child and to care for the newborn child.

- 2) For placement with the employee of a child for adoption or foster care.
- 3) To care for the employee's son or daughter (under age 18), spouse, or parent with a serious health condition.
- 4) When the employee is unable to perform any one of the essential functions of the job due to a serious health condition.
- 5) Military Exigency Leave - when the spouse, son, daughter, (includes adult children) or parent of an employee is a covered military member of the National Guard or Reserves on active duty (or has been notified of an impending call or order to federal active duty) in support of a contingency operation.
- 6) Military Caregiver Leave - To care for the employee's spouse, son, daughter, (includes adult children), parent, or next-of-kin, who is a covered service member, including members of the National Guard and Reserves, with a serious injury or illness sustained *in the line of duty while on active duty*.

FMLA Leave Entitlement

Eligible employees may qualify for up to 12-weeks of FMLA leave (authorized absence from work) in a 12-month period for circumstances #1 through #5 above. The 12-month period is a rolling 12-month period looking backward from the date the FMLA leave is to begin. The available leave will be reduced by any FMLA leave used during the 12 months immediately preceding the new FMLA leave.

Leave for birth of a child, adoption or foster care placement must be taken within 12 months of the birth or placement.

With military caregiver leave, circumstance #6 above, eligible employees may qualify for up to 26 weeks of leave in any single 12-month period. The single 12-month period begins at the point leave begins and is not a rolling 12 months. The maximum leave for all types of FMLA leave cannot exceed 26 weeks in the 12-month period.

Eligible Employees

An eligible employee is one who has been employed by the City of Lincoln for at least 12 months, without a break of seven years or more, and has worked at least 1,250 hours (hours worked - not counting paid or unpaid leave hours) during the 12-month period immediately preceding the start of qualifying FMLA leave. The 12 months of employment need not be consecutive. Employment prior to a break in service of seven years or more does not count. An employee who is not working, not active, not on paid leave, for example, on lay off, is not an eligible employee. (See exception for employees returning from military service subject to USERRA.) While the FMLA provides job protection, it does not protect the employee from a lay off. If a lay off occurs, and the employee absent on FMLA leave is included in the lay off, the FMLA leave and protections terminate upon the lay off.

FMLA Leave is a Legal Requirement

Unlike other types of leave provided by the City, FMLA leave and its benefit and job protections are a requirement of the law. Employees do not have the right to refuse FMLA leave or decline the FMLA leave designation for absences lawfully obtained for a qualifying FMLA purpose. Generally, any leave taken under the policies of the City, including workers' compensation leave for a work-related injury, that also qualifies as FMLA leave will be counted toward the employee's FMLA entitlement. The City may retroactively designate as FMLA leave, toward the employee's FMLA leave entitlement, any leave taken within the last 12 months that qualified for FMLA if the City learns after the fact that such leave qualified as FMLA leave.

Definitions

1. Child - a biological, adopted, or foster child, a stepchild, a legal ward or child for whom the employee is "in loco parentis," who is under eighteen (18) years of age, or if eighteen (18) years

of age or older is incapable of self-care because of mental or physical disability (circumstance #3). Son or daughter as provided for in the military exigency leave (circumstance #5), and military caregiver leave (circumstance #6), includes adult children over 18.

2. Parent - the biological parent of an employee, or an individual who stood "in loco parentis" to an employee when the employee was a son or daughter. The term does not include parents-in-law.

3. Spouse - husband or wife as defined by the state, including common law marriage if recognized by the state.

4. Serious health condition - an illness, injury, impairment, or physical or mental condition, including those resulting from a workplace illness or injury subject to workers' compensation, which involves:

A. Inpatient care (an overnight stay in a hospital, hospice, or residential medical care facility) including any period of incapacity or subsequent treatment in connection with such inpatient care. Does not include outpatient status.

B. Continuing treatment by a health care provider due to incapacity of **more than three** consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition that 1) requires in-person treatment by a health care provider at least once within seven days of the first day of incapacity; **and** 2) either a regimen of continuing treatment initiated by the health care provider during the first treatment (**or**) a second in-person visit to the health care provider for treatment within 30 days of the first day of incapacity.

- C. Any period of incapacity due to pregnancy, or prenatal care.
- D. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition that requires visits for treatment by a health care provider at least twice a year.

- E. A period of incapacity which is permanent or long due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of a health care provider, but need not be receiving active treatment by a health care provider.
- F. A period of incapacity which includes any leave of absence or time when an employee cannot perform an essential function of the job and includes non-work days.

5. Health care provider - a doctor of medicine or osteopathy who is authorized and licensed to practice medicine or surgery by the state. This also includes clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse-midwives, clinical social workers, physician assistants (who are authorized and practicing within state law), and Christian Science Practitioners.

6. "Military Exigency" Leave, (circumstance #5) - a non-medical leave (an authorized absence) that is available to an employee when their spouse, son, daughter, or parent is a member of the National Guard or Reserves, who either has been notified of an impending call or order to federal active military duty or who is already on active duty for reasons related to or affected by the family member's call-up or service in support of a contingency operation. A qualifying exigency is defined in Title 10 of the United States Code and is generally noted in the service member's orders. An employee whose family member is on active duty or call to active duty status as a member of the Regular Armed Forces is not eligible for this leave.

Qualifying exigency leave, not to exceed 12 weeks in a 12-month period, is available for eligible employees for eight general categories:

1. Short-notice deployment where the notice is seven days or less prior to the date of deployment. The employee is eligible for immediate leave up to the date of deployment (maximum seven days).
2. Military events and related activities. The employee may take leave to attend any related official ceremonies, programs, informational sessions, briefings sponsored or provided by the military, military service organizations, or Red Cross programs related to the event.
3. Childcare and school activities. The employee can take leave to arrange for childcare or attend to other needs with the child's school enrollment due to the qualifying event.
4. Financial and legal arrangements. Leave can be taken to take care of financial, banking, or other legal arrangements, including powers of attorney, making of or updating wills, etc. or other related legal matters arising out of the qualifying event. For a period of 90 days following the termination of the covered service member's active duty status, leave can also be taken to represent the covered member for the purpose of obtaining, arranging, or appealing service connected benefits.
5. Counseling. Leave is available to attend counseling provided by someone other than a health care provider for the employee, child, or covered family member as defined below (#7), including a child over 18 who is incapable of self-care because of a mental or physical disability, provided that the need arises from the active duty or call to active duty.
6. Rest and recuperation. Up to five days of leave is available to the employee for each incidence of R & R granted the covered service member.
7. Post-deployment activities. Leave can be taken to attend arrival ceremonies, briefings, events, other official ceremonies or programs sponsored by the military for a period of 90 days following termination of active duty status. Leave is also available to address issues that arise from the death of the covered military member while on active duty status.
8. Additional activities agreed to by the employer and employee.

Qualifying exigency leave is subject to the 12-week FMLA maximum in the rolling 12-month period including leave used by the employee for circumstances #1 through #4. For example, if the employee has used leave for another qualifying FMLA purpose, such as for child birth, a serious health condition, etc., in the previous 12 months, the remaining entitlement available for a qualifying exigency is reduced by the FMLA leave previously used.

7. "Next-of-kin" (circumstance #6) - the closest blood relative of the injured or recovering service member when no other family member is available to care for the service member.

8. Covered service member (circumstance #6) - is a current member of the armed forces, including the National Guard or Reserves, who has a serious injury or illness incurred *in the line of duty* on active duty for which he or she is undergoing medical treatment, recuperation, or therapy, or in outpatient status, or on the temporary disability-retired list. A serious injury or illness is one that renders the covered service member medically unfit to perform the duties of his or her office, grade, rank or rating. The FMLA serious health condition definition does not apply to this leave category.

9. Single 12-month period (circumstance #6) - begins on the first day the eligible employee takes leave to care for a covered service member and ends 12 months after that date. If the employee does not use all 26-weeks of leave, the remaining leave is forfeited for that qualifying event. Such leave is available on a per-covered-service member, per-injury basis such that the employee may be entitled to more than one period of 26 workweeks of leave. If such leave overlaps with other caregiver leave or other FMLA leave, the employee is limited to no more than 26 workweeks of leave in each single 12-month period. The single 12-month period for military caregiver leave is independent of the rolling 12-months of leave that determines entitlement for FMLA leave under circumstances #1 through #5. The maximum FMLA leave for all qualifying purposes cannot exceed 26 weeks in the single 12-month period.

Employee Right to Reinstatement

On return from FMLA leave, provided the employee has not exceeded the FMLA entitlement, the employee will be returned to the same position the employee held at the commencement of leave or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. If the employee is no longer qualified for the position because he or she was unable to attend training or meet certain qualifications due to the FMLA leave, the employee will be given a reasonable opportunity to fulfill these conditions or attend training upon returning to work. Benefits will be provided in the same manner and level, without a waiting or qualification period, as provided at the commencement of leave and subject to any changes in benefit levels that took place during the leave affecting the entire work force or benefit group. Employees returning from FMLA will not be required to re-qualify for benefits they received at the commencement of the FMLA. Vacation, sick leave or similar leave and benefits, including retirement contributions, do not accrue during unpaid FMLA leave.

If the employee is able to return to work before the scheduled date for return as documented in the leave request and certification, the employee must notify the City as soon as practical, preferably one week in advance, but no less than two business days (Saturday and Sunday are not business days), to request reinstatement. The City will attempt to accommodate requests for early reinstatement.

The employee is expected to return to work at the end of the time frame stated in the medical certification, unless additional leave time has been requested in writing. Failure to do so would be considered a resignation.

An employee on or returning from FMLA leave has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave.

A key employee may be denied job reinstatement, if such denial is necessary to prevent substantial and grievous economic injury to the operations of the City. A key employee is a salaried FMLA-eligible employee among the highest paid 10 percent of all employees determined by the total year-to-date earnings, including incentives and all bonuses, premium pay, and weeks of paid leave divided by the weeks in the year-to-date. The employee will be notified of their key employee status upon notice of the need for FMLA leave.

Return to Work Fitness for Duty Certification

An employee who is on FMLA leave due to their own serious health condition that made the employee unable to perform the employee's job, must provide a fitness-for-duty certification from their health care provider that they are able to safely perform, without undue risk of injury to themselves or others, all the essential functions of their position before they will be reinstated. The cost of the certification is borne by the employee. Job restoration will be delayed until the employee provides a complete and sufficient certification that the employee can safely perform the essential duties. The City will provide the employee with a copy of their job description for the health care provider to consider in their evaluation. The return-to-work certification must state, at a minimum, that the employee can safely perform all the essential duties of their position.

Military Leave Under USERRA

Employees may also qualify for military leave under the Uniformed Services Employment and Reemployment Rights Act, USERRA. Such leave does not count as FMLA leave. The USERRA requires that qualified service members concluding their tours of duty and are re-employed by the City, receive all benefits of employment that they would have obtained if they had remained employed except benefits of short-term compensation, such as accrued paid vacation and similar benefits. In determining eligibility for FMLA leave for an employee who has returned from military service and who qualifies for the USERRA protections, the time served performing the military service counts as employment for the FMLA 12-month employment eligibility requirement. Also, in determining if the employee has worked 1250 hours in the last twelve months, an employee returning from his or her National Guard or Reserve military obligation will be credited with the hours of service that would have been performed if the employee had remained at work using the employee's pre-service work schedule.

Intermittent Leave or Reduced Schedule FMLA Leave

Generally, FMLA leave is taken in blocks of time, for the duration of the need in whole workweeks. Leave for a serious health condition may be taken intermittently or on a reduced leave schedule when that type of scheduling is medically necessary for the employee's own serious medical condition or to care for the employee's spouse, child or parent due to a serious health condition. The health care provider must confirm with sufficient objective medical information that there is a medical necessity for intermittent or reduced schedule leave.

Intermittent and reduced schedule leave is also available for qualifying exigencies, (circumstance #5), and to care for an injured or ill covered service member, (circumstance #6).

If an employee requests intermittent leave or leave on a reduced schedule, the City may require that the employee transfer to a temporary alternative position for which the employee is qualified

and that better accommodates the intermittent or reduced schedule. The temporary position will have pay and benefits equivalent to the employee's regular position.

Intermittent or reduced schedule leave for the birth of child or placement of a child for adoption or foster care, (circumstances #1 and #2), is not a benefit under the FMLA and granted solely at the option of the City.

If Husband and Wife Both Work for the City of Lincoln

If the employee and spouse both work for the City, the total leave entitlement for birth of a child, placement of a child for adoption or foster care, or to care for a parent with a serious health condition is 12 total weeks combined in the 12-month period. For example, for the birth of a child, one employee may take eight weeks and the spouse takes four weeks, but the total for both the husband and wife cannot exceed 12 weeks. All such leave counts toward the maximum 12-week entitlement for all FMLA leave. Also, with military caregiver leave, (circumstance #6), the employee and spouse are limited to a combined total of 26 weeks of leave in a single 12-month period.

A FMLA Leave Week

A FMLA leave week is the regular work week as scheduled and worked by the employee. For example, if an eligible employee is scheduled for and works 32 hours a week, an FMLA week is the employee's 32 hour week. Likewise, an employee who regularly works 50 hours per week, the FMLA week is a 50-hour week. For example, if a full time employee, (40 hour employee) is taking reduced schedule leave and working half-time, 20 hours per week, the employee has 24 weeks of FMLA entitlement.

Paid and Unpaid Leave

The FMLA will run concurrently with the use of paid leave. If and when the paid accrued leave is exhausted, the remainder of FMLA leave will be without pay. If the employee is absent due to a workplace injury and is on workers' compensation leave, the FMLA leave will run concurrently. The granting and use of any accrued paid benefit leave simultaneously with workers' compensation leave will be according to the City's current policies and practices. Regardless of whether on paid or unpaid leave status, benefits will continue at the same level the employee would have been entitled to if he or she had not taken leave.

Employee Notice Requirements

When the need for FMLA leave is foreseeable, the employee must provide at least 30 days notice. When the employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must notify as soon as practicable their supervisor or other appropriate management member as established elsewhere in these policies. As soon as practicable means the same or next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the City's notice and procedures for requesting leave.

For foreseeable leave, the employee must provide sufficient information for the City to be aware that the circumstance may qualify as FMLA leave, and the anticipated timing and duration of the leave. For unforeseeable leave, the employee must provide sufficient information for the City to reasonably determine whether the FMLA will apply to the leave request. When seeking leave for the first time for a FMLA-qualifying reason, the employee need not expressly assert or reference his/her rights under the FMLA, but must provide specific details of the circumstance. Employees seeking leave due to a qualifying reason for which the City has previously granted FMLA leave to the employee must specifically reference either the qualifying reason for leave or the need for FMLA.

Calling in sick without providing more information will not be considered sufficient notice to comply with the City's absence policies nor will it meet the requirements to qualify for FMLA leave. Not following the call in procedures established by policy will result in disciplinary action including denying leave resulting in unauthorized absences.

Supervisor Responsibility

When employees inform their supervisors of the need to be absent from work, the supervisor must inquire as to the reason for the absence in order to determine if the absence may qualify for FMLA. The HIPAA, ADA and other privacy rules do not apply to direct communication between the City and the employee about the employee's condition or need for FMLA leave. However, the supervisor must not discuss or disclose such information to others except to report the absence to the Human Resources Department. If the employee is requesting the need to be absent due to a health reason, the supervisor must question the employee and obtain enough information to determine if the condition may be a serious health condition. The supervisor must then immediately, same day, report to the Human Resources Department the potential FMLA event.

Employer Notice Requirements and Procedures

The Notice to Employees of Rights Under FMLA is incorporated as part of this policy by express reference and is posted in conspicuous places on the City of Lincolnton designated bulletin boards with other required work place rights and protection posters. In addition, a copy of this policy and the Notice will be given to all employees upon employment.

Eligibility Notice: When an employee requests FMLA leave or when the City learns that leave qualifies as FMLA leave, the Human Resources Department will, within five business days, provide the employee with the eligibility notice notifying the employee of their eligibility status. If the employee is eligible, Part B will be completed indicating the employee's responsibilities regarding certification, benefits, reporting and other related matters. If certification is requested,

the employee has 15 days to return the form with complete and sufficient information. The HR Department will include the appropriate certification form for the leave type requested as explained below.

Certification of Health Care Provider Forms: If certification is required, the City will include with the Eligibility Notice the appropriate certification form, dependent upon whether the leave is due to the employee's own serious health condition or if the leave is needed to care for a family member with a serious health condition as identified in these policies. The employee must return the certification within the time limit specified complete, sufficient and legible. The certification is considered incomplete if one or more of the applicable entries have not been completed. The certification is considered insufficient if the information provided is vague, ambiguous, non-responsive or illegible. The City will notify the employee of the deficiencies and the employee will have seven days to provide a complete and sufficient certification. If the employee fails to provide a complete and sufficient certification, FMLA leave will be denied.

The Director of Human Resources of the City may contact the health care provider, provide a copy of the certification and request verification of the information. If the health care provider fails to respond, FMLA leave may be denied. The Director of Human Resources may also contact the health care provider to obtain clarification or explanation of information on the certification. The employee may need to provide a medical information release to the provider so that the provider can discuss the certification, condition, and limitations with the City. While the employee is not required to provide a medical release, the failure of the provider to verify and/or clarify information on the certification may result in denial of the FMLA leave and the designation of the leave as unauthorized. An employee's direct supervisor may not contact the employee's health care provider, even for limited information or clarification.

Further Information and Complaints

Employees who need additional information about the availability of FMLA leave should contact the Human Resources Department. Employees who believe they have been denied the opportunity to use FMLA leave or otherwise wish to file a complaint regarding their rights under the FMLA should report immediately the matter to the Human Resources Department.

SECTION 14. EDUCATION INVOLVEMENT OF CITY EMPLOYEES:

The City Council of the City of Lincolnnton recognizes the importance of excellence in education and commits its support of education through the participation of City employees in the educational process. All City employees are encouraged to actively participate in the educational system by attending parent-teacher conferences thereby becoming involved in the education and development of their children and when appropriate to volunteer in the schools.

In order to support City employees and to foster educational involvement, the City will permit employees time away from work in a certified pre-school, accredited private school or public school setting.

Educational time away from work is a privilege rather than an entitlement. Its use requires the advance approval of the department head or his or her designee. Validation of attendance at school activities may be required, if deemed necessary.

ARTICLE VII. SEPARATION, DISCIPLINARY ACTION AND REINSTATEMENT:

SECTION 1. TYPES OF SEPARATION:

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

(A) Resignation: A maximum of two (2) weeks notice is expected of all resigning personnel. Such notice should be given to the department head (or in case of department heads, to the City Manager).

Employees who do not give proper notice (2 weeks for most employees, 30 days for department heads) will not be paid for their accumulated vacation leave balance upon termination.

Two consecutive scheduled work days without reporting to work or contacting the appropriate official will be considered a resignation.

(B) Reduction in Force: Before an employee is subject to separation because of a reduction in force, the City shall make every reasonable effort to retain the employee through transfer and to make the necessary reduction through normal attrition if reasonably possible. In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's past performance, organizational needs, and seniority, in that order, in determining those employees to be retained. Employees who are separated from employment because of reduction in force shall be given at least one (1) pay period notice of anticipated layoff. No regular employee shall be separated while there are temporary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary employee.

(C) Disability: An employee may be separated for disability when the employee cannot perform the required duties because of a physical or mental impairment and reasonable accommodations, as required by the American with Disabilities Act (ADA), cannot be made. Action may be initiated by the employee or the City, but in all cases it shall be supported by medical evidence as certified by a competent physician. The City may require an examination at its expense and performed by a physician of its choice. Before an employee is separated for disability, a reasonable effort shall be made to locate alternative positions within the City's service for which the employee may be suited.

(D) Retirement: Firefighters and Law Enforcement officers shall automatically retire on the first day of the month following the month in which the employee reaches age seventy (70) unless the City Council grants a one (1) year extension. The City Council may grant extensions of employment until the employee reaches age seventy five (75). Such extensions shall be based upon the recommendation of the City Manager and upon findings of a medical examiner designated by the City. Retirement shall be mandatory for all firefighters and law enforcement officers subject to the provisions of this article upon the first day of the month following the month in which the employee reaches age seventy five (75). For all other City employees there is no mandatory retirement age.

(E) Dismissal: Dismissal is a disciplinary action taken by the City whereby the offending employee is relieved of all duties and responsibilities and is discharged from the employ of the City.

(F) Death: All compensation due in accordance with Article VI, Section 3 (G) of these policies will be paid to the designated beneficiary of a deceased employee. The date of death shall be recorded as the separation date for computing compensation due.

SECTION 2. DISCIPLINARY ACTIONS:

(A) An employee may be reprimanded, suspended, demoted, or dismissed for just cause.

(B) An employee who's work is unsatisfactory over a period of time shall be notified by the department head and/or supervisor in what way the employee's work is deficient and what must be done to be satisfactory

(C) An employee who is reprimanded, suspended, demoted, or dismissed for unsatisfactory performance of duties shall receive at least two written warnings before disciplinary action is taken. The supervisor and department head will record the dates of the warnings and corrective actions recommended, and place a copy in the employee's personnel file. An employee may be reprimanded, suspended, demoted, or dismissed for reasons of misconduct without prior warning or disciplinary action having been given to the employee.

(D) All disciplinary actions may be appealed in accordance with the city's grievance procedure.

(E) All disciplinary actions shall contain a statement outlining the employee's appeals rights, and shall contain the department head's and employee's signature. If the employee refuses to sign, then a witness must sign the disciplinary action acknowledging the employee's refusal to sign.

(F) Copies of all disciplinary actions shall be kept in the employee's permanent personnel file located in the Human Resources Director's office. Disciplinary actions not contained in the personnel file shall not be considered for subsequent disciplinary actions.

(G) Department heads may reprimand employees for just cause. Written reprimands do not require the approval of the City Manager, but must be documented. A copy of the reprimand shall be provided to the City Manager at the same time it is provided to the personnel department to be placed in the employee's personnel file.

(H) An employee may be suspended without notice by the department head for causes related to personal conduct in order to avoid undue disruptions of work, to protect the safety of persons or property, or for other serious reasons. When a department head suspends an employee without notice, the employee shall be required to leave City property at once and remain away until further notice. The department head shall notify the City Manager immediately.

(I) Before any disciplinary action is taken, whether for misconduct or unacceptable performance, the department head shall hold a predisciplinary conference with the employee. The department head shall provide the employee with a written notice of the proposed disciplinary action, which will include the nature of the proposed action, its recommended effective date, the reason for the action, and a date and time for the predisciplinary conference. At this conference, the employee may present any response to the proposed disciplinary action to the department head. The department head will consider the employee's response, if any, to the proposed disciplinary action and will within five (5) working days of the predisciplinary conference, notify the employee in writing of the final decision to be taken.

(J) An employee may receive a disciplinary suspension, or be dismissed, only with the approval of the City Manager. A disciplinary suspension should not normally exceed three (3) working days. A detailed report shall be furnished to the Manager, outlining the various violations that have occurred, including any past disciplinary actions contained in the employees personnel file. If the City Manager approves the recommended action, the department head then shall schedule a meeting with the employee, and inform the employee of the action to be taken.

(K) Any employee whose work in their present position is unsatisfactory or whose personal conduct is unsatisfactory or who has received repeated (two or more) disciplinary actions, may be demoted provided the employee shows promise of becoming a satisfactory employee in another position. Such a demotion shall be preceded by the procedures outlined in Article VII, Section 2 of these policies.

SECTION 3: INVESTIGATORY SUSPENSIONS:

(A) Investigatory suspension with or without pay may be used to provide time to investigate, establish facts, and reach a decision concerning an employee's status. The decision to suspend with or without pay, shall be made by the City Manager, after discussion with the department head. Investigatory suspension may be appropriately used to provide time to schedule and hold a predisciplinary conference. Also, the City may elect to use an investigatory suspension to avoid undue disruption of work or to protect the safety of person or property. An investigatory suspension shall not exceed forty-five (45) calendar days. If no action has been taken by management by the end of forty-five (45) calendar day, one of the following must occur: reinstatement of the employee, with full back pay if suspended without pay; appropriate disciplinary action based on the results of the investigation; or reinstatement of the employee with up to three (3) days pay deducted from back pay, if suspended without pay.

(B) Investigatory suspension of an employee shall not be used for the purpose of delaying an administrative decision on an employee's work status pending the resolution of a civil or criminal court matter involving the employee.

(C) An employee who has been suspended without pay for investigatory reasons may be reinstated with up to three (3) days pay deducted from his or her salary. The decision to deduct pay is to be based upon management's determination of the degree to which the employee was responsible for or contributed to the reasons for suspension. This period constitutes a disciplinary suspension without pay and must be effected in accordance with Section 2 (I) and (J) of this article. If the employee is terminated following the suspension, the employee shall not be eligible for any pay from the date of suspension.

ARTICLE VIII. GRIEVANCE PROCEDURE

SECTION 1. POLICY AND PURPOSE:

The grievance procedure provides an adequate and fair means for hearing matters of concern to city employees.

SECTION 2. DEFINITION:

This grievance procedure applies to all departments and all employees of the City. Any complaints or concerns about the circumstances under which an employee works may be grieved pursuant to this procedure. It may involve a perceived misinterpretation of policy, a lack of established policy or perceived unfair application of established policy. Disciplinary actions must be appealed in accordance with Section 4.

SECTION 3. PROCEDURE:

(A) Step One - An employee must file a grievance, either orally or in writing, with the immediate supervisor, within thirty (30) days of the date of the incident giving rise to the grievance. The immediate supervisor shall meet with the employee within five (5) working days of receipt of the grievance and attempt to resolve the grievance informally. If informal resolution efforts fail, the immediate supervisor shall issue a written decision on the grievance not later than five (5) working days following the meeting.

(B) Step Two - If the employee is dissatisfied with the response at Step One, the employee may file the grievance in writing to the department head, within five (5) working days of receipt of the immediate supervisor's written decision. The grievance shall state concisely the basis for the grievance. The department head shall meet with the employee within five (5) working days of

receipt of the Step Two grievance, shall review the decision at Step One, and make a determination on the grievance. The employee may request his immediate supervisor attend the meeting. Within ten (10) working days of the meeting with the employee, the department head shall issue a written decision.

(C) Step Three - If the employee is dissatisfied with the response at Step Two, the employee may forward the written grievance to the City Manager within five (5) working days of receipt of the Step Two decision. The employee may request a meeting with the City Manager. The City Manager shall meet with the employee within five (5) working days of receipt of the grievance. The employee may request his immediate supervisor and/or department head attend the meeting. The City Manager shall issue a written decision within ten (10) working days of the meeting. The City Manager's decision is final.

SECTION 4. GRIEVANCES INVOLVING DISCIPLINARY ACTION:

Any employee that receives disciplinary action in the form of a written reprimand, suspension, demotion, or dismissal, may file a grievance and request a meeting with the City Manager. Failure to file a grievance within ten (10) working days of receipt of the disciplinary action shall constitute a waiver of the right of appeal. The following process shall be followed.

(A) Upon receipt of the written grievance, the City Manager shall establish a date for the meeting. The meeting shall be within fifteen (15) days of the date the grievance is received.

(B) The City Manager shall notify the employee by certified mail of the date, time, and location of the meeting.

(C) The employee may have the assistance of legal counsel at the meeting, provided that the City Manager is notified at least five (5) working days in advance of the meeting.

(D) The employee may request his immediate supervisor and department head be present at the meeting.

(E) The City Manager shall issue a written decision within ten (10) working days of the meeting. The City Manager's decision is final.

SECTION 5. DISCRIMINATION APPEAL PROCEDURE:

Any applicant for City employment, City employee, or former City employee who has reason to believe that employment, promotion, training, or transfer was denied them, or that demotion, layoff, or termination of employment was forced upon them because of age, sex, race, color, national origin, religion, creed, political affiliation, or disability, except where specific requirements constitute a bona fide, occupational qualification necessary to proper and efficient administration, or any action prohibited under federal regulations 31CFR 55.55(D) of the Rehabilitation Act of 1973, as amended, shall have the right to appeal directly to the City Manager using the grievance procedure outlined in Section 3 of this article if so desired. An employee or applicant must appeal an alleged act of discrimination within thirty (30) days of the alleged discriminatory action.

SECTION 6. BACK PAY AWARDS:

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

ARTICLE IX. INSURANCE/RETIREMENT BENEFITS

SECTION 1. INSURANCE BENEFITS:

For employees hired prior to July 1, 2012: An employee who retires from the City with 20 or more years service shall receive the same health insurance coverage provided to full time employees. The employee is responsible for paying the City in advance for any family members' health coverage. The employee is also responsible for paying the City in advance for any dental insurance coverage on themselves or family members. The health insurance coverage on the retired employee will continue until his or her 65th birthday, or until they become eligible for Medicare benefits, whichever is sooner, at which time the City will delete the employee from the group coverage.

An employee who retires from the City with a disability status, and has 10 or more years service with the City, shall receive insurance benefits in the same manner as employees who retire with 20 or more years service. The employee must be classified as disabled by the Local Government Employees Retirement System, or the Social Security Commission. The employee will receive coverage until his or her 65th birthday, or until they become eligible for Medicare benefits, whichever is sooner.

For employee hired on or after July 1, 2012: An employee who retires from the City with 25 or more years service shall receive the same health insurance coverage provided to full time employees. The employee is responsible for paying the City in advance for any family members' health coverage. The employee is also responsible for paying the City in advance for any dental insurance coverage on themselves or family members. The health insurance coverage on the retired employee will continue until his or her 65th birthday, or until they become eligible for Medicare benefits, whichever is sooner, at which time the City will delete the employee from the group coverage.

An employee who retires from the City with a disability status, and has 15 or more years service with the City, shall receive insurance benefits in the same manner as employees who retire with 25 or more years service. The employee must be classified as disabled by the Local Government Employees Retirement System, or the Social Security Commission. The employee will receive coverage until his or her 65th birthday, or until they become eligible for Medicare benefits, whichever is sooner.

SECTION 2. UNEMPLOYMENT INSURANCE:

In accordance with Public Law 94-566 and Chapter 1124 of the Sessions Laws of 1977 of the North Carolina General Assembly, local governments are covered by unemployment insurance effective January 1, 1978.

City employees who are laid off or released from the City service may apply for unemployment compensation through the local office of the Employment Security Commission who will determine the employee's eligibility for this benefit.

SECTION 3. OLD AGE AND SURVIVOR'S INSURANCE

The City, to the extent of its lawful authority and power, has extended social security benefits for its eligible employees and eligible groups and classes of such employees. Each City employee shall be included in the Social Security program as a condition of employment.

SECTION 4. RETIREMENT BENEFITS:

The City provides retirement benefits for its employees through the Local Government Employees Retirement System (LGERS). Each employee is covered by the death benefit provided through LGERS. Detailed information is available in printed brochures available in the personnel office.

All new employees shall be required to participate in the City's retirement plan should they not be otherwise disqualified from participation.

SECTION 5. LAW ENFORCEMENT 401K AND SEPARATION ALLOWANCE:

The City provides contributions to the 401K plan for active law enforcement personnel and provides a monthly separation allowance to retired law enforcement officers as required in Chapter 143 Article 12D and Article 12E of the General Statutes of North Carolina.

SECTION 6. WORKERS' COMPENSATION:

All employees are covered with workers' compensation insurance as required by the General Statutes of North Carolina.

SECTION 7. CREDIT UNION MEMBERSHIP:

Employees of the City of Lincolnton are eligible for membership in the N.C. Local Government Employees' Credit Union. Administration of this credit union is being provided under contract with the N.C. State Employee's Credit Union.

SECTION 8. EMPLOYEE DEVELOPMENT:

Employees are encouraged to further develop their job related skills through continuing education and training. Limited funds may be available to help finance special courses of study or other training programs upon the approval of Council.

SECTION 9. UNIFORMS:

The City provides uniforms for certain personnel in public works, public utilities and public safety services. Employees are required to wear uniforms so they will easily be identified as City employees while working on or near private property. In addition to the identification factor, clothing furnished by the City represents a very significant financial benefit to the employee. The employee is responsible for the uniforms. Therefore, the costs of avoidable damage or loss of uniforms shall be paid by the employee. An employee will wear uniforms properly, will not allow them to be worn by other individuals and will wear them only during working hours or to and from work. Upon separation from employment, the employee shall return uniforms to the City and such return must precede the issuance of an employee's final check.

SECTION 10. REVIEW OF BENEFITS:

The City of Lincolnton Council reserves the right to review all city benefits as necessary, and may delete, modify, enhance or otherwise make changes, as in accordance with local, state and federal laws.

ARTICLE X. PERSONNEL RECORDS AND REPORTS

SECTION 1. PERSONNEL RECORDS MAINTENANCE:

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

The following information on each City employee shall be maintained:

- (a) Name;
- (b) Age;
- (c) Date of original employment or appointment to City service;
- (d) Current position title;
- (e) Current salary;
- (f) Date and amount of most recent change in salary;
- (g) Date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification;
- (h) Office to which employee is currently assigned.
- (i) Immigration for I-9

SECTION 2: ACCESS TO PERSONNEL RECORDS:

As required by G.S. 160A -168, any person may have access to the information listed in Section 1 of this Article for the purpose of inspection, examination, and copying, during the regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Council may adopt. Access to such information shall be governed by the following provisions:

(A) All disclosures of records shall be accounted for by keeping a written record (except for authorized persons processing personnel actions) of the following information: name of employee;

information disclosed; date information was requested; name and address of the person to whom the disclosure is made; and purpose for which information is requested. This information must be retained for a period of two years.

(B) Upon request, records of disclosure shall be made available to the employee to whom it pertains.

(C) An individual examining a personnel record may copy the information. Any available photocopying facilities may be provided and the cost may be assessed to the individual.

(D) Any person denied access to any record shall have a right to compel compliance with these provisions by application to a court for a writ of mandamus or other appropriate relief.

SECTION 3. CONFIDENTIAL INFORMATION:

All information contained in a City employee's personnel file, other than the information lists in Section 1 of this Article will be maintained as confidential in accordance with the requirements of G.S. 160A - 168 and shall be open to public inspection only in the following instances:

(A) The employee or duly authorized agent examine all portions of their personnel file, except, (1) letters of reference solicited prior to employment, and (2) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient.

(B) A licensed physician designated in writing by the employee may examine the employee's medical record.

(C) A City employee having supervisory authority over the employee may examine all material in the employee's personnel file.

(D) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.

(E) An official of any agency of the State or Federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such information is deemed by the department head to be necessary an essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.

(F) An employee may sign a written release, to be placed with their personnel file, that permits the person with the custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.

(G) The Council may inform any person of the employment or nonemployment, promotion, demotion, suspension, or other disciplinary reasons for that personnel action. Before releasing the information, the Council shall determine in writing that the release is essential to maintaining the level and quality of City services. This written determination shall be retained in the office of the City Clerk, and is a record available for public inspection and shall become part of the employee's personnel file.

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

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

SECTION 4. RECORDS OF FORMER EMPLOYEES:

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

SECTION 5. REMEDIES OF EMPLOYEES OBJECTING TO MATERIAL IN FILE:

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

SECTION 6. PENALTY FOR PERMITTING ACCESS TO CONFIDENTIAL FILE BY UNAUTHORIZED PERSON:

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

SECTION 7. PENALTY FOR EXAMINING AND/OR COPYING CONFIDENTIAL MATERIAL WITHOUT AUTHORIZATION:

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

SECTION 8. DESTRUCTION OF RECORDS REGULATED:

No public official may destroy, sell, loan, or otherwise dispose, of any public record except in accordance with G.S. 121-5, without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the offices where it is usually kept, or whoever alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined not less than ten dollars, not more than five hundred dollars as provided in G.S. 132-3.

ARTICLE XI. IMPLEMENTATION OF POLICIES

SECTION 1. CONFLICTING POLICIES REPEALED:

All policies, ordinances or resolutions that conflict with the provisions of these policies are hereby repealed.

SECTION 2. SEPARABILITY:

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

SECTION 3. VIOLATIONS OF POLICY PROVISIONS:

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

SECTION 4. EFFECTIVE DATE:

These policies shall become effective upon adoption.

APPENDIX

Appendix A

Certification and Training Request Approval Form

(This form is to be completed by employee and turned into department head.)

Employee Name:			
Department:			
		Yes	No
1.	Is the certification desired a requirement of your job description?		
2.	Is this certification/training on the list of pre-approved certifications/training? (If yes, skip questions 3-6.)		
3.	Is there an outlined course of study for the certification/training?		
4.	Will a certification be awarded as a result of the training?		
5.	Will a scored exam be taken?		
6.	Is the training/certification related to your profession?		
7.	What will your salary be at the time the certification is completed?	\$	
8.	Description of course, hours in class, days away from work:		

Employee Signature: _____

Date: _____

This section for management use only.

Evaluation of course (circle one)			
Level of difficulty	Very	or	Moderate
Incentive eligibility	Salary Increase: 2.5% or 5%	or	One Time Bonus 2.5% or 5%
Approximate amount of incentive: \$			

Department Head signature: _____ Date: _____

Human Resources Director signature: _____ Date: _____

City Manager signature: _____ Date: _____

Employee Incentive Plan Evaluation Per City of Lincoln Personnel Policy Article IV Section 13

Department	Certification/License/Degree	Scored Exam Yes or No	Difficulty Moderate or Very	Hrs of Classroom	Attaining/Maintaining	# Yrs Experience Required	Policy Test	In Job Description Requirement?	NIB No Incentive Bonus IB = Incentive Bonus SI = Special Incentive Type of Compensation bonus/increase %	
Fire	Executive Fire Officer Program w/National Fire Academy	Yes	Very	320+	NA	Nail Fire Academy pre-requisites, + 4 year course	Y	no	SI	5.0
	NCDOI Instructor Specialists (only one qualifies)	Yes/multiple	Very	varies by specialty	Continuing Education	AA+9 yrs, BA+6 yrs, + con educ hrs	Y	no	SI	2.5
	NC Advanced Firefighter Certification	No	Moderate	1130+	NA		Y	no	SI	5.0
Police	Law Enforcement Advanced Certificate	Yes	Very	1200	None	9 + 2 + BA, 4 + Assoc, 4-8 + points	Y	no	SI	5.0
	Law Enforcement Intermediate Certificate	Yes	Very	32 +	None		Y	no	SI	2.5
Water Treatment	Surface Water Treatment Certificate-C	Yes	Moderate	40	Continuing Education	NA	Y	Treatment Plant Op. and Plant Maint Mech	NIB	0.0
	Surface Water Treatment Certificate-B	Yes	Very	40+	Continuing Education	Must possess Class C for 1 yr.	Y	Sr. Plant Maint Mechanic	IB	5.0
	Surface Water Treatment Certificate-A	Yes	Very	40+	Continuing Education	Must possess Class B for 1 yr.	Y	WTP Superintendent	IB	5.0
	Physical/Chemical Certificate WW-I	Yes	Very	40	Continuing Education	NA	Y	WTP Superintendent	IB	5.0
	Physical/Chemical Certificate WW-II	Yes	Very	40+	Continuing Education	Must possess Class I for 1 yr.	Y	No	IB	5.0
	Micro Biological Lab Certificate	Yes	Moderate	40	Continuing Education	Must possess Class C for 1 yr.	Y	No	IB	2.5
	Physical/Chemical Lab Certificate Backflow and Cross Connection Certificate	Yes	Moderate	40	Continuing Education	re-certify every 5 years	Y	No	IB	2.5
	Water Pollution Control Collection Operator Class I	Yes	Moderate	40	Continuing Education	NA	Y	No	IB	2.5
Distribution & Coil	Water Pollution Control Collection Operator Class II	Yes	moderate	40	Continuing Education	NA	Y	Line Maint Crew Leader, and Plant Maint Mech	NIB	0.0
	Water Pollution Control Collection Operator Class III	Yes	very	40+	Continuing Education	Must possess Class II for 1 year	Y	Line Maint Crew Leader, and D&C Super.	IB	2.5
	Water Pollution Control Collection Operator Class IV	Yes	very	40+	Continuing Education	Must possess Class III for 1 year	Y	Dist & Collection Superintendent	IB	5.0
	Water Distribution System Operator A Backflow and Cross Connection Certificate	Yes	moderate	40	Continuing Education	NA	Y	No	IB	0.0
	Water Distribution System Operator B	Yes	very	40+	Continuing Education	Must possess Class C for 1 year	Y	Line Maint Crew Leader	IB	5.0
	Water Distribution System Operator A	Yes	very	40+	Continuing Education	Must possess Class B for 1 year	Y	Sr. Line Maint Crew Leader, and D&C Super.	IB	5.0
Wastewater Treatment	Biological WW Treatment Operator Class I	Yes	moderate	40	Continuing Education	NA	Y	No	IB	2.5
	Biological WW Treatment Operator Class II	Yes	Moderate	40+	Continuing Education	Must possess Class I for 1 year	Y	No	IB	2.5
	Biological WW Treatment Operator Class III	Yes	Very	40+	Continuing Education	Must possess Class II for 1 year	Y	Pre-Treatment Technician	IB	5.0
	Biological WW Treatment Operator Class IV	Yes	Very	40+	Continuing Education	Must possess Class III for 1 year	Y	WWTP Superintendent	IB	5.0
	Laboratory Analyst I	Yes	Very	40	Continuing Education	1 year WWTP Lab experience to test	Y	No	IB	5.0
	Laboratory Analyst II	Yes	Very	40+	Continuing Education	Varies based upon educ and yrs exp	Y	No	IB	5.0
	Laboratory Analyst III	Yes	Very	40+	Continuing Education	Class II + educ + years exp	Y	No	IB	5.0
	Laboratory Analyst IV	Yes	Very	40+	Continuing Education	Class III + educ + years exp	Y	No	IB	5.0
	Pre-treatment Compliance Technician I	Yes	Moderate	40	Continuing Education	NA	Y	No	NIB	0.0
	Pre-treatment Compliance Technician II	Yes	Very	40+	Continuing Education	Must possess Class I for 1 year	Y	No	IB	5.0
	Pre-treatment Compliance Technician III	Yes	Very	40+	Continuing Education	Must possess Class II for 1 year	Y	No	IB	5.0
	Incentive does not apply if part of the job description requirement.									