

TOWN OF



PERSONNEL POLICY

**ADOPTED BY THE SELMA TOWN COUNCIL
NOVEMBER 14, 2000**

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**TOWN OF SELMA
PERSONNEL POLICY**

BE IT RESOLVED by the Town Council of the Town of Selma that the following policies apply to the appointment, classification, benefits, salary, promotion, demotion, dismissal, and conditions of employment of the employees of the Town of Selma.

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ARTICLE I. GENERAL PROVISIONS

Section 1. Purpose of the Policy

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

Section 2. At Will Employment

The Town of Selma is an “at will” employer. Nothing in this policy creates an employment contract or term between the Town and its employees. No person has the authority to grant any employee any contractual rights of employment.

All Town positions, benefits, and funding for salary advancement are subject to budget review and approval each year by the Town Council.

Section 3. Merit Principle

All appointments and promotions shall be made solely on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same salary range. No applicant for employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee because of such individual’s race, color, religion, sex, national origin, marital status, veteran status, political affiliation, non-disqualifying disability, age, or genetic information.

Section 4. Responsibilities in the Administration of the Personnel Program

Responsibilities of the Town Council

The Town Council shall be responsible for establishing and approving personnel policies, the position classification and pay plan, and may change the policies and benefits as necessary. They also shall make and confirm appointments when so specified by the North Carolina General Statutes.

Responsibilities of the Town Manager

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

The Town Manager shall supervise or participate in:

- 1) Recommending rules and revisions to the personnel system to the Town Council for consideration;
- 2) Making changes as necessary to maintain an up-to-date and accurate position classification plan;
- 3) Preparing and recommending necessary revisions to the pay plan;
- 4) Determining which employees shall be subject to the overtime provisions of the Fair Labor Standards Act (FLSA);
- 5) Establishing and maintaining a roster of all persons and authorized positions in the municipal service, setting forth each position and employee, class title of position, salary, any changes in class title and status, and such data as may be desirable or useful;
- 6) Developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
- 7) Developing and implementing such administrative procedures as are necessary to implement these policies provided the administrative procedures are not in conflict with these policies;
- 8) Performing such other duties as may be required by law or assigned by the Town Council not inconsistent with this Policy; and
- 9) Appointing an employee to the role of Administrative Services Director.

Responsibilities of the Administrative Services Director:

The Town Manager shall appoint an Administrative Services Director or perform this role him/herself. The responsibilities of the Administrative Services Director are to make recommendations to the Town Manager on the following:

- 1) Rules and revisions to the personnel system for the Town Manager's consideration;
- 2) Changes as necessary to maintain an up-to-date and accurate position classification plan;
- 3) Necessary revisions to the pay plan;
- 4) Which employees shall be subject to the overtime provisions of FLSA;
- 5) Maintenance of a roster of all persons in the municipal service;

- 6) Establishment and maintenance of a list of authorized positions in the municipal service at the beginning of each budget year which identifies each authorized position, class title of position, salary range, any changes in class title and status, category number, and other such data as may be desirable or useful;
- 7) Development and administration of such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
- 8) Development and/or coordination of training and educational programs for Town employees;
- 9) Development and recommendation of such administrative procedures as are necessary to implement these policies provided the administrative procedures are not in conflict with these policies;
- 10) Periodic evaluations of the operation and effect of the personnel provisions of this Policy; and
- 11) Such other duties as may be assigned by the Town Manager not inconsistent with this Policy.

Responsibilities of Supervisors and Department Heads:

Supervisors and Department Heads shall meet their responsibilities as directed by the Town Council and/or the Town Manager, being guided by this Policy and Town ordinances. The Town will require all supervisors and Department Heads to meet their responsibilities by:

- 1) Dealing with all employees in a fair and equitable manner and upholding the principles of equal employment opportunities;
- 2) Developing and motivating employees to reach their fullest potential through continued education and training;
- 3) Making objective evaluations of individual work performance and discussing these evaluations with each employee so as to bring about needed improvements;
- 4) Keeping employees informed of their role in accomplishing the work of their unit and of conditions or changes affecting their work;
- 5) Making every effort to resolve employee problems and grievances and advising employees of their rights and privileges;
- 6) Cooperating and coordinating with other staff members in the work flow and distribution of information; and

- 7) Making proper documentation and maintaining current files.

Section 5. Application of Policies, Plan, Rules, and Regulations

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

Section 6. Departmental Rules and Regulations

Because of the particular personnel and operational requirements of the various departments of the Town, each department is authorized to establish supplemental written rules and regulations applicable only to the personnel of that department. All such rules and regulations shall be subject to review by the Administrative Services Director and the approval of the Town Manager, and shall not in any way conflict with the provisions of this Policy, but shall be considered as a supplement to this Policy.

Section 7. Definitions

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

Full-time employee. An employee who is in a position for which an average work week equals at least 40 hours, and continuous employment of at least 12 months, as required by the Town.

Part-time employee. An employee who is in a position for which an average work week of at least 20 hours and less than 30 hours and continuous employment of at least 12 months are required by the Town.

Regular employee. An employee appointed to a full or part-time position who has successfully completed the designated probationary period.

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

Temporary or Seasonal employee. An employee, not in a permanent position, for which the average work week required by the Town is less than 30 hours and not over the course of six months in a year.

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

Permanent position. A position authorized for the budget year for a full 12 months and budgeted for at least 20 hours and less than 30 hours per week. All Town positions are subject to budget review and approval each year by the Town Council and all employees' work and conduct must meet Town standards. Therefore, reference to "permanent" positions or employment should not be construed as a contract or right to perpetual funding or employment.

ARTICLE II. POSITION CLASSIFICATION PLAN

Section 1. Purpose

The position classification plan provides a complete inventory of all authorized and permanent positions in the Town 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:

- 1) 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;
- 2) Class titles descriptive of the work of the class;
- 3) Written specifications for each class of positions; and
- 4) 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:

- 1) As a guide in recruiting and examining applicants for employment;
- 2) In determining lines of promotion and in developing employee training programs;
- 3) In determining salary to be paid for various types of work;
- 4) In determining personnel service items in departmental budgets; and
- 5) In providing uniform job terminology.

Section 4. Administration of the Position Classification Plan

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

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

New positions shall be established upon recommendation of the Town Manager and approved by the Town Council. New positions shall be recommended to the Town Council with a recommended class title, after which the Administrative Services Director, with the approval of the Town Manager, shall either allocate the new position into the appropriate existing class, or revise the position classification plan to establish a new class to which the new position may be allocated. The position classification plan, along with any new positions or classifications, shall be approved by the Town Council and will be on file with the Administrative Services Director. Copies will be available for review to all Town employees 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 transmit the request through the Department Head to the Administrative Services Director. Upon receipt of such request, the Administrative Services Director shall study the request, determine the merit of the reclassification, and recommend to the Town Manager and Town Council a revision to the classification and pay plan when necessary.

ARTICLE III. THE PAY PLAN

Section 1. Definition

The pay plan includes the basic salary schedule and the "Assignment of Classes to Grades" adopted by the Town Council. The salary schedule consists of a hiring rate, minimum (after completion of the probationary period), midpoint, and maximum rate of pay for all classes of positions.

Section 2. Administration and Maintenance

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

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the Town, and other factors. To this end, each budget year the Administrative Services Director shall make comparative studies of all factors affecting the level of salary ranges including the consumer price index, anticipated changes in surrounding employer plans, and other relevant factors, and will recommend to the Town Manager such changes in salary ranges that appear to be pertinent. Such changes shall be made in the salary ranges such that the minimum, midpoint, and maximum rates change according to the market and subject to approval by the Town Council.

Periodically, the Town Manager shall recommend that individual salary ranges be studied and adjusted as necessary to maintain market competitiveness. Such adjustments will be made by increasing or decreasing the assigned salary grade for the class and adjusting the rate of pay for employees in the class when the action is approved by the Town Council.

Section 3. Starting Salaries

All persons employed in positions approved in the position classification plan shall be employed at the hiring salary rate for the classification in which they are employed; however, exceptionally well qualified applicants may be employed at or above the minimum rate of the established salary range upon recommendation of the Department Head and Administrative Services Director and approval of the Town Manager.

Section 4. Trainee Designation and Provisions

Applicants being considered for employment, or Town employees who do not meet all of the requirements for the position for which they are being considered, may be hired, promoted, demoted, or transferred by the Town Manager to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the Department Head.

"Trainee" salaries shall be no more than two salary grades below the minimum salary rate established for the position for which the person is being trained. A new employee designated as "trainee" shall be regarded as being in a probationary period. However, probationary periods shall be no less than six months and trainee periods may extend up to 18 months. A trainee shall remain a probationary employee until the trainee period is satisfactorily completed.

If the training is not successfully completed to the satisfaction of the Town Manager, the trainee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the minimum rate established for the position for which the employee was trained.

Section 5. Probationary Pay Increases

Subject to the availability of funds, employees hired at the hiring rate shall be promoted into the minimum rate of the pay range upon successful completion of the probationary period or upon six months of satisfactory service if the employee is not on probation.

Employees serving a twelve month probationary period will be considered for this increase after six months of employment; employees with a twelve month probationary period who receive an increase at the six month review will not be eligible for an increase at the end of the twelve month probationary period. Employees hired or promoted at or above 5% of the minimum of the salary range are not eligible for a probationary increase.

Section 6. Performance Pay

Upward movement within the established salary range for an employee is not automatic, but rather based upon specific performance-related criteria. Procedures for determining performance levels and performance pay increases or other performance-related movement within the range shall be established in procedures approved by the Town Manager.

Section 7. Performance Pay Bonus

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

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

Promotions. The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility. When an employee is promoted, the employee's salary shall normally be advanced to the hiring rate of the new position, or to a salary which provides an increase of at least 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 Town 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 employee's qualifications for the job and relative worth to the Town, taking into account the range of the position and 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 Town Manager shall consider internal comparisons with other employees in the same or similar jobs.

Demotions. Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. When an employee is demoted to a position for which qualified, the salary shall be set at the rate in the lower pay range which provides a salary commensurate with the employee's qualifications to perform the job and consistent with the placement of other employees within the same classification in that salary range. If the current salary is within the new range, the employee's salary may be retained at the previous rate if appropriate. If the demotion is the result of discipline, the salary shall be decreased at least 5%. Salaries of demoted employees may not be greater than the maximum of the new range.

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

Reclassifications. An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase of 5% or an increase to the hiring rate of the new pay range, whichever is higher. If the employee has completed probation, the employee's salary shall be advanced to at least the probation completion amount in the new range.

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.

Section 9. Salary Effect of Salary Range Revisions

When an individual class of positions is assigned to a higher salary range, employees in that class shall normally receive a pay increase of 5%, or to the hiring rate of the new range, whichever is higher. If the employee has passed probation, the employee's salary shall be advanced at least to the probation completion amount in the new range. When a class of positions is assigned to a lower salary range, the salaries of employees in that

class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum rate established for the class, the salary of that employee shall be maintained at that level until such time as the employee's salary range is increased above the employee's current salary.

Section 10. Transition to a New Salary Plan

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

- 1) No employee shall receive a salary reduction as a result of the transition to a new salary plan.
- 2) All employees being paid at a rate lower than the hiring rate established for their respective classes shall have their salaries raised at least to the new hiring rate for their classes.
- 3) All employees being paid at a rate below the maximum rate established for their respective classes shall be paid at a rate within the salary schedule
- 4) All employees being paid at a rate above the maximum rate established for their respective classes shall have their salaries maintained at that salary level with no increases until such time as the employee's salary range is increased above the employee's current salary.

Section 11. Effective Date of Salary Changes

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

Section 12. Fair Labor Standards Act and Overtime Pay Provisions

Employees of the Town can be requested, and may be required, to work in excess of their regularly scheduled hours as necessitated by the needs of the Town and determined by the Department Head. Overtime work should normally be approved in advance by the Department Head, Town Manager, or other designee.

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

Non-Exempt Employees. Employees are expected to work during all assigned periods, exclusive of breaks or mealtimes. Employees are not to perform work at any time that they are not scheduled to work, unless they receive approval from their Department Head or supervisor, except in cases of emergency.

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period; 147 hours in a 24-day work period for law enforcement; 216 hours in a 28-day work period for firefighters). Hours worked beyond the FLSA established limit will be compensated in either time, or pay at the appropriate overtime rate.

In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, or holidays be included in the computation of hours worked for FLSA purposes.

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

Compensatory leave balances may not exceed 240 hours except for public safety employees who may not accrue more than 480 hours. Any overtime worked after such maximum balances must be compensated in pay.

In emergency conditions, when long and continuous work is required over multiple days, the Town Manager may approve special overtime compensation.

Exempt Employees. Employees in positions determined to be “exempt” from the FLSA (as Executive, Administrative or Professional staff) are paid on a salary basis and will not receive pay for hours worked in excess of their normal work periods. These employees may be granted occasional compensatory leave by their supervisor when the convenience of the department allows and in accordance with procedures established by the Town Manager. Exempt employees may not accumulate more than 40 hours of compensatory time and ends without compensation upon separation from the Town.

In declared disaster or emergency situations requiring long and continuous hours of work, exempt employees may be compensated at a rate of up to time and one half and/or be granted time off with pay for rest and recuperation to ensure safe working conditions for the duration of the emergency period, when authorized by the Town Manager or Town Council.

Section 13. Stand-by and Call-back Pay

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

Stand-by. Stand-by (“on-call”) time is defined as that time when an employee must carry a pager or other communication device and must respond immediately to calls for service.

Non-exempt employees required to be on "stand-by" duty will be paid for 5 ½ hours of work at the overtime rate or 1 day off with pay to be taken with the following pay period for each week of stand-by time they serve.

Stand-by time requiring an employee to remain at a designated location or otherwise substantially restrict personal activities in order to be ready to respond when called is considered work time under the provisions of the FLSA. When on Stand-by, the employee is required to be within the county limits to respond to emergencies quickly.

Call-back. Non-exempt employees will be guaranteed a minimum payment of two hours of wages or compensatory time for being called back to work outside of normal working hours. Hours actually worked while on call-back are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week. "Call-back" provisions do not apply to previously scheduled overtime work (scheduled in advance).

Section 14. Payroll Deductions

Deductions shall be made from each employee's salary as required by law. Additional deductions may be made for insurance or for other reasons as authorized by the Town Manager, considering the capability of the payroll system, associated increase in workload, and appropriateness of the deduction.

Section 15. Hourly Rate of Pay

Employees working in a part-time or temporary capacity with the same duties as full-time employees will normally work at a rate in the same salary range as the full-time employees.

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

Section 16. Longevity Pay

Each year the Town Council may elect to provide a lump sum payment to employees in recognition of their service to the Town. Longevity pay is discretionary and is subject to the availability of funds, budgetary constraints and the approval of the Town Council.

YEARS OF SERVICE	LONGEVITY AMOUNT
5 to 9	2%
10 to 14	3%
15 plus	4%

If approved and budgeted, longevity pay will normally be issued the first pay period in December to all full-time employees and all permanent part-time employees working 20 hours or more per week who have been employed at least five years by the Town as of

December 1st. Appropriate federal, state, retirement, etc. deductions will be taken out of the longevity pay.

Section 17. Pay for Interim Assignments in a Higher Level Classification

An employee who is formally designated, for a period of at least one month, by the Town Manager to perform the duties of a job that is assigned to a higher salary grade than that of the employee's regular classification shall normally receive an increase for the duration of the interim assignment. The employee shall receive a salary adjustment to the minimum level of the job in which the employee is acting or an increase of 5%, whichever is greater. Criteria involved in determining the amount of the compensation will include:

- 1) The difference between the existing job and that being filled on a temporary basis, and
- 2) The degree to which the employee is expected to fulfill all the duties of the temporary assignment.

The salary increase shall be temporary and upon completion of the assignment, the employee shall go back to the salary he or she would have had if not assigned in the interim role, taking into account any increase the employee would have received if not placed in the interim role.

Section 18. Certification Increases

The Town Manager will create a schedule of salary increases to reward employees for attaining and maintaining certifications that increase the employee's value to the Town.

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Equal Employment Opportunity Policy

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

It is a violation of Town policy to retaliate in any way against an employee who assists, participates in, or supports this policy, or anyone making a bona-fide complaint under the this policy or who participates or assists in any EEOC, OSHA, or other internal or external processes protected by law.

Section 2. Implementation of the Equal Employment Opportunity Policy

The Administrative Services Director and all personnel responsible for recruitment and employment will continue to review regularly the implementation of this Personnel Policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of age, sex, race, color, religion, disability, national origin, political affiliation, marital status, or genetic information. Notices with regard to equal employment matters shall be posted in conspicuous places on Town premises in places where notices are customarily posted.

Section 3. Recruitment, Selection and Appointment

Recruitment Sources. When position vacancies occur, the Human Resources Office shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Information on job openings and hiring practices will be provided to recruitment sources, including organizations and news media available to minority applicants. In addition, notice of vacancies shall be posted at designated conspicuous Town sites. Individuals shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that well-qualified applicants are obtained for Town services. In rare situations, because of emergency conditions, high turnover, etc., the Town may hire or promote without advertising jobs upon approval of the Town Manager.

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

Application for Employment. All persons expressing an interest in employment with the Town shall be given the opportunity to file an application for employment for positions which are being recruited. The Town accepts applications only for vacant advertised positions. Applications will be received by the Administrative Services Director who will pre-screen applications for minimum qualifications.

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

Selection. Department Heads, with the assistance of the Administrative Services Director, shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, experience, and qualifications required for the position, including criminal history where job-related. All selection devices administered by the Town shall be valid measures of job performance.

References and Background Investigations. Before any commitment is made to an applicant the Town will conduct reference checks regarding the employee's qualifications and work performance. In addition, physical examinations, drug screening and criminal background investigations may be performed. Conviction of a crime is not automatically disqualifying. The Town will consider the severity of the crime, degree to which the crime is related to the job for which the applicant is being considered, and length of time since the conviction to determine the degree to which there is a business necessity for choosing not to hire the applicant. A separate Criminal Background Check Policy is attached in Appendix A.

Appointment. Before any commitment is made to an applicant either internal or external, the Department Head shall make recommendations to the Administrative Services Director including the position to be filled, the salary to be paid, and the reasons for selecting the candidate over other candidates. The Administrative Services Director and Department Head shall recommend approval of appointments and the starting salary for all applicants to the Town Manager for approval.

Section 4. Probationary Period

An employee appointed or promoted to a permanent position shall serve a probationary period. Employees shall serve a six month probationary period, except that employees in sworn law enforcement positions shall serve a twelve month probationary period. Employees hired as "trainees" shall remain on probation until the provisions of their traineeship are satisfied. During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Employees serving the twelve month probation period shall have a probationary review at the end of six months as well as at the end of twelve months.

An important purpose of the probationary period is to provide an opportunity for the appointee to adjust to the new job. Likewise, it serves as a trial period during which the employee demonstrates his or her ability to perform the work, to demonstrate good work habits, and to work well with the public and co-workers. Before the end of the probationary

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

Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in this policy for disciplinary action. A probationary employee dismissed during the probationary period is not eligible for terminal pay for accrued annual leave

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

Section 5. Promotion

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary range. It is the Town's policy to create career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is best suited of all applicants, that applicant shall be appointed to that position. The Town will balance three goals in the employment process:

- 1) The benefits to employees and the organization of promotion from within;
- 2) Providing equal employment opportunity and a diversified workforce to the community; and
- 3) Obtaining the best possible employee who will provide the most productivity in that position.

Therefore, except in rare situations where previous Town experience is essential (such as promotions to Police Sergeant), or exceptional qualifications of an internal candidate so indicate, the Town will conduct an open recruitment process and consider external and internal candidates rather than automatically promoting from within. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Internal candidates shall apply for promotions using the same application process as external candidates.

Section 6. Demotion

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary range. Demotion may be voluntary or involuntary. An employee whose work or conduct in the current position is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in the

lower position. Such disciplinary demotion shall follow the disciplinary procedures outlined in this Policy.

An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a demotion. A voluntary demotion is not a disciplinary action and is made without using the above-referenced disciplinary procedures.

Section 7. Transfer

Transfer is the movement of an employee from one position to a position in a class in the same salary range. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the standard application process. A Department Head wishing to transfer an employee to a different department or classification shall make a recommendation through the Administrative Services Director to the Town Manager with the consent of the receiving Department Head. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this Policy. Notwithstanding the employee's right to file a grievance, the Town reserves the right to transfer employees either temporarily or permanently when doing so will serve the Town's best interest.

An employee who has successfully completed a probationary period may be transferred into the same classification without serving another probationary period.

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Work Schedule

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

Section 2. Political Activity

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the United States and the State of North Carolina. 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 a nomination or an election for office;
- 3) Be required as a duty of employment or as a condition for employment, promotion or tenure of office to contribute funds for political or partisan purposes;
- 4) Coerce or compel contributions from another employee of the Town for political or partisan purposes;
- 5) Use any supplies or equipment of the Town for political or partisan purposes; or
- 6) Be a candidate for nomination or election to office under the Town Charter;

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

Section 3. Outside Employment

The work of the Town shall have precedence over other occupational interests of employees. All outside employment for salaries, wages, or commissions and all self-employment must be reported in writing in advance to the employee's supervisor, who in turn will report it to the Department Head. The Department Head will review such employment for possible conflict of interest and then submit a record of the employment to the Town Manager for review and approval. Conflicting and/or unreported outside employment are grounds for disciplinary action up to and including dismissal. Documentation of the approval of outside employment will be placed in the employee's personnel file.

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

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

An employee who sustains an injury or illness in connection with outside employment and is receiving worker's compensation from that employer shall not be entitled to receive Town workers' compensation benefits or accrued Town sick leave.

Section 4. Dual Employment

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

Section 5. Employment of Relatives

The Town prohibits the hiring and employment of immediate family in full or part-time positions within the same work unit if such employment would result in one family member supervising another or if one member will occupy a position of influence over another member's employment or any condition of employment. Examples of potential influence include but are not limited to hiring, promotions, salary administration, and disciplinary action.

For the purposes of this Article, immediate family shall be defined as spouse, child, parent, sibling, grandparent, grandchild, aunt and uncle to include in-law, step, and half relationships. The definition for this Article also includes individuals living in the same household who share a relationship comparable to immediate family members.

The Town also prohibits the employment of any person into a position who is an immediate family member of individuals holding the following positions: Mayor, Town Council Member, Town Manager, Finance Director, Administrative Services Director, or Town Attorney. Otherwise, the Town will consider employing family members or related persons in the service of the Town, provided that such employment does not:

- 1) Result in a relative supervising relatives;
- 2) Result in a relative auditing the work of a relative;
- 3) Create a conflict of interest with either the relative and the Town; or
- 4) Create the potential or perception of favoritism.

This provision shall not apply retroactively to anyone employed when the provision was adopted by the Town.

Section 6. Harassment Prohibited

The Town prohibits harassment in any form that is based on sex, race, color, religion, national origin, age, disability, marital status, veteran status, or genetic information. Harassment is defined as conduct that culminates in a tangible employment action or is sufficiently severe or pervasive as to create a hostile work environment.

A particular form of harassment, sexual harassment, is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- 2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- 3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment includes repeated offensive sexual remarks, continual or repeated comments about an individual's body, and offensive sexual language.

Any employee who believes that he or she may have a complaint of harassment may follow the Grievance Procedure described in this Policy or may file the complaint directly with the Administrative Services Director or Department Head who will immediately notify the Town Manager. The employee may file the complaint directly with the Town Manager if it involves a Department Head. The Administrative Services Director will ensure that an investigation is conducted into any allegation of harassment and advise the employee and appropriate management officials of the outcome of the investigation.

Employees who are found to be engaged in harassment are subject to disciplinary action up to and including dismissal. Employees making complaints of harassment are protected against retaliation from alleged harassers or other employees.

Section 7. Expectation of Ethical Conduct

The proper operation of Town government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public has confidence in the integrity of its government. No official or employee of the Town shall solicit or accept any gift, favor, or thing of value (over \$50) that may tend to influence such employee in the discharge of the

employee's duties, or grant in the discharge of duty an improper favor, service, or thing of value.

Section 8. Performance Evaluation

Supervisors and/or Department Heads shall normally conduct performance evaluation conferences with each employee at least once a year. These performance evaluations shall be documented in writing and placed in the employee's personnel file. Procedures for the performance evaluation program shall be published by the Administrative Services Director with the approval of the Town Manager.

Section 9. Safety

Safety is the responsibility of both the Town and its employees. It is the policy of the Town to establish a safe work environment for employees. The Town shall establish a safety program including policies and procedures regarding safety practices and precautions and training in safety methods. Department Heads and supervisors are responsible for insuring safe work procedures, including the use of all required personal protective equipment and providing necessary safety training programs. A separate Safety & Loss Control Policy is attached is Appendix C.

Section 10. Use of Town Property and Equipment

Town equipment, materials, tools, and supplies shall not be available for personal use and are not to be removed from Town property except in the conduct of official Town business, unless approved by the Town Manager. All Town property issued to the employee shall be returned to the employee's supervisor upon termination of employment prior to the issuance of the final pay check.

Section 11. Substance Abuse Policy

The Town is committed to a drug-free workplace to maintain a safe and healthy working environment for employees and a productive, effective work force for the Town's citizens. The Town prohibits employees reporting to work with their ability to perform impaired by alcohol, illegal drugs, intentionally and inappropriately used prescriptions, over-the-counter drugs, or other chemicals and substances. A separate Substance Abuse Policy is attached in Appendix D.

ARTICLE VI. EMPLOYEE BENEFITS

Section 1. Eligibility

All full-time employees of the Town are eligible for employee benefits as provided for in this Article which are subject to change at the Town's discretion and annual budget appropriations. Temporary, seasonal, and part-time employees are eligible only for legally mandated benefits such as workers' compensation and FICA.

Section 2. Employee Group Health, Dental, Life/AD&D, and Short-Term Disability Insurance Programs

The Town provides group health, dental, life/AD&D (one and one-half times salary), and short-term disability insurance programs for full-time employees and their families, as specified under the terms of the group insurance contract. All insurance benefits require a 30-day waiting period.

The Town pays the entire cost of the above insurance programs for its full-time employees. The Town will comply with the Affordable Care Act by providing health insurance for all employees expected to work 1 or more hours per week. Full-time employees may, if they so desire, purchase available group health and dental coverage through the Town for qualified dependents within the stipulations of the insurance contract. Employees will pay the amount stipulated by the Town for their qualified dependents.

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

Section 3. Other Optional Insurance Plans

The Town may make other insurance plans available to employees upon authorization of the Town Manager or Town Council. For information about optional group benefit programs, employees may contact the Human Resources Office.

Section 4. Retirement

Each employee who is expected to work for the Town 1,000 hours or more annually shall join the North Carolina Local Governmental Employees' Retirement System (Local Law Enforcement Officers or Firefighters' & Rescue Squad, as applicable), starting with the employee's first pay period as a condition of employment.

Employees contribute six percent of salary each payroll with an actuarial match by the Town as determined by the North Carolina Local Governmental Employee's Retirement System.

The Town of Selma does not provide medical, dental, or life insurance benefits upon retirement to any Employee hired on or after August 22, 2014.

Any Full-time Town of Selma employee hired on or before August 21, 2014, who retires while employed with the Town, in accordance with the regulations established by the North Carolina Local Government Retirement System and have 20 years of service with the Town of Selma, shall be provided with group health insurance on themselves at no cost. The Town will determine the policies eligible for payment based on market availability and other factors. At age 65, or if retiree is on Social Security Disability for two (2) years, the retired employee shall be required to participate in Medicare Supplement and Medicare Part D drug policies. Eligible retirees are responsible for timely enrollment in Medicare, Medicare Supplement, and Medicare Part D coverage to avoid a gap in coverage after termination of the group health insurance plan. Retirees shall contact the Town at least three (3) months in advance of Medicare eligibility to enroll in the Medicare Supplement and Medicare Part D Coverage.

Volunteer firefighters who have been with the Selma Fire Department for 25 years, retire from the department, and are at the time of their retirement participating in the Town's group health insurance program will be granted group insurance on themselves at no cost. At age 65, or if the firefighter is on Social Security Disability for two (2) years, the firefighter shall be required to participate in Medicare Supplement and Medicare Part D drug policies. Eligible firefighters are responsible for timely enrollment in Medicare, Medicare Supplement, and Medicare Part D coverage to avoid a gap in coverage after termination of the group health insurance plan. Firefighters shall contact the Town at least three (3) months in advance of Medicare eligibility to enroll in the Medicare Supplement and Medicare Part D Coverage.

Section 5. Retirement Gift and Recognition

Upon retirement from the Town of Selma, in accordance with the regulations established by the North Carolina Local Government Retirement System, the employee shall receive a gift from the Town based on the employee's total years of service with the Town of Selma. Please refer to the Finance Policy for details. Additionally, the employee will receive a Resolution of Appreciation from the Town Council and be recognized at a Town Council meeting immediately prior to their retirement.

Section 6. Supplemental Retirement Benefits

The Town provides supplemental retirement benefits for its full-time employees. As prescribed by North Carolina State Law, the Town will contribute a percentage of salary to the State 401(k) plan for each sworn law enforcement officer (currently 5%) starting immediately. For all other employees the Town will contribute a percentage of salary (currently 3%) beginning six months after employment.

All full-time employees may make voluntary contributions to the 401-K plan up to the limits established by law and the 401(k) provider.

Section 7. Social Security

The Town, to the extent of its lawful authority and power, has extended Social Security benefits to its eligible employees.

Section 8. Worker's Compensation

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

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee, and such claims must be filed by the employee with the North Carolina Industrial Commission within two years from the date of injury. The Department Head and the Administrative Services Director will assist the employee in filing the claim.

Pursuant to a declaration invoking Section 304 of the Homeland Security Act, this provision will also apply to reactions to small pox vaccinations administered to Town employees under the Homeland Security Act. Such reactions shall be treated the same as any other Workers' Compensation claim.

Section 9. Unemployment Compensation

Local governments are covered by unemployment insurance. Town employees who are terminated due to a reduction in force or released from Town service may apply for benefits through the local Division of Employment Security office.

Section 10. Law Enforcement Separation Allowance

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

Currently the law enforcement separation allowance is *"equal to eighty-five hundredths percent (0.85%) of the annual equivalent of the base rate of compensation most recently applicable to the officer for each year of creditable service."* The Town will pay this benefit on a monthly basis through payroll.

Eligibility and continuation of these benefits are subject to the following conditions:

- 1) The officer shall have completed 30 or more year of creditable service, or have attained 55 years of age and completed five or more years of creditable service (as defined in N.C. General Statute §143-166.42); and
- 2) The officer shall not have attained 62 years of age;
- 3) The officer shall have completed at least five years of continuous service as a law enforcement officer immediately preceding a service retirement, as defined by N.C. Gen. Statute §143-166.41(a)(3) and §143-166.41(b); and

- 4) The law enforcement officer, after separation from Town employment, notifies the Town of any new employment involving local law enforcement duties. Such notification shall include the nature and extent of the employment, and any change of employment status.

Payment of separation allowance benefits to a retired officer shall cease at the first of:

- 1) The death of the officer;
- 2) The last day of the month in which the officer attains 62 years of age; or
- 3) The first day of re-employment in any position in any local government in North Carolina.

The Town may employ retired officers in a public safety position in a capacity not requiring participation in the Local Governmental Employees' Retirement System and doing so shall not cause payment to cease to those officers under these benefits. Participation in the retirement system is required by anyone scheduled to work 1000 hours or more per year.

Should the separation allowance for law enforcement officers, now required by law, be rescinded, this separation allowance shall be rescinded at the same time.

Section 11. Credit Union Membership

Employees of the Town of Selma are eligible for membership in the Local Government Federal Credit Union.

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Policy

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

Section 2. Holidays

The Town's holiday schedule is as follows:

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

*When Christmas falls on the day as indicated below, the following days shall be observed as holidays:

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

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

Employees wishing to schedule time off for religious observances, other than those observed by the Town, may request vacation leave from their respective Department Head. The Department Head will attempt to arrange the work schedule so that an employee may be granted vacation leave for the religious observance. Vacation leave for religious observances may be denied only when granting leave would create an undue hardship for the Town.

Section 3. Holidays: Effect on Other Types of Leave

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

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

If an employee is engaged in shift work and if the regular work schedule requires one to work on a holiday, the employee shall receive regular pay and a subsequent day off as compensation for the holiday worked; likewise, if a holiday falls on one's scheduled day off, the employee shall receive an additional day off. Non-shift employees who must work on a holiday who would normally be expected to observe the day off shall receive regular holiday pay, plus pay at his or her overtime rate for the holiday hours worked. For pay purposes, holiday time taken will equal the amount of time that the employee is away from scheduled work, except that a holiday equals 12 hours for Police Officers and 16 hours for Firefighters.

Section 5. Vacation Leave

Vacation is a privilege granted to employees by the Town. Vacation leave is intended to be used for rest and relaxation, school appointments, and other personal needs. Vacation should be requested in advance in methods determined by the supervisor and approved by the Department Head.

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

Vacation leave can be taken in increments of one hour.

Section 6. Vacation Leave: Use by Probationary Employees

Employees serving a probationary period following initial employment begin accruing vacation leave after 30 days of employment, but shall not be permitted to take vacation leave during the first six months of employment unless approved by the Town Manager. A probationary employee who is dismissed during the probationary period will not be eligible for termination pay for any accumulated vacation leave.

Section 7. Vacation Leave: Accrual Rate

Each full-time regular employee of the Town will accrue vacation on the following schedule:

Years Employed	General Employees	Police Officers	Firefighters
1 month - 5 years	8.00 hours/month	8.40 hours/month	8.80 hours/month
6 years - 10 years	10.00 hours/month	10.50 hours/month	11.00 hours/month
11 years - 15 years	12.00 hours/month	12.60 hours/month	13.20 hours/month
16 years or more	13.34 hours/month	14.00 hours/month	14.40 hours/month

Section 8. Vacation Leave: Maximum Accumulation

The maximum vacation leave that may be accumulated shall be 240 hours as of the end of each calendar year. On December 31st of each year, any employee with more than 240 hours of accumulated vacation leave shall have the excess accumulation of vacation leave converted to sick leave.

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

Section 9. Vacation Leave: Manner of Taking

Employees shall be granted the use of accrued vacation leave upon request in advance at those times designated by the Department Head which will least obstruct normal operations of the Town. Department Heads are responsible for insuring that approved vacation leave does not hinder the effectiveness of service delivery.

Section 10. Vacation Leave: Payment upon Separation

An employee who has successfully completed six months of the probationary period will normally be paid for accumulated vacation leave upon separation, not to exceed 240 hours, provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation and thirty days for Department Heads.

Any employee failing to give the notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the Town Manager when deemed to be in the best interest of the Town.

Employees who are involuntarily separated shall receive payment for accumulated vacation leave not to exceed 240 hours . At the discretion of the Town Manager, employees dismissed for serious violations of personal or criminal conduct may be determined ineligible to receive vacation pay.

Section 11. Vacation Leave: Payment upon Death

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

Section 12. Sick Leave

Sick Leave with pay is a privilege granted to employees by the Town Council, not a right, and may be used only for the purposes described in this Policy. Abuse of sick leave privileges will subject the employee to disciplinary action.

Sick leave will accrue during the probationary period but may not be used except with the approval of the Town Manager when inability to use sick leave would be considered an unusual hardship. Sick Leave may be used for the following reasons: sickness, non-job related bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease when continuing work might jeopardize the health of others.

Sick leave also may be used when an employee must care for a member of his or her immediate family who is ill. For the purposes of this benefit, immediate family is defined as spouse, child, parents of employee or spouse, grandparent, grandchild, brother or sister, or someone living in the home or in-law or step relations of the same. Sick leave may not be used to care for a healthy child.

Sick leave may also be used to supplement worker's compensation disability leave for the seven day waiting period before worker's compensation benefits begin.

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave or according to departmental procedures.

Section 13. Sick Leave: Accrual Rate and Accumulation

Sick leave shall accrue at a rate of eight hours per month of service or twelve days per year. Sworn law enforcement officers will accrue 8.4 hours per month and Firefighters will accrue 8.8 hours per month. Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Governmental Employees' Retirement System.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the Town, except as stated above for retirement or upon reinstatement with one year of separation.

Section 14. Transfer of Sick Leave from Previous Employer

The Town will accept sick leave balances when documented by a previous employer when the employee worked for a previous employer covered by the North Carolina State Employees' or Local Government Employees' Retirement Systems and the employee did not withdraw accumulated retirement contributions from that employer when leaving employment.

The sick leave will be treated as though it were earned with the Town of Selma and may be used as any other accrued sick leave by the employee. The sick leave amount must be certified by the previous employer and it is the employee's responsibility to provide documentation from his or her previous employer within three (3) months of employment. Transferred sick leave will be credited to the employee upon successful completion of the six months of employment.

Section 15. Sick Leave: Medical Certification

The employee's supervisor or Department Head may require a physician's certificate certifying the employee's or employee's family member's illness and the employee's capacity to resume duties, for each occasion on which an employee uses sick leave or whenever the supervisor observes a "pattern of absenteeism." The employee may be required to submit to such medical examination or inquiry as the Department Head deems desirable. The Department Head shall be responsible for the application of this provision to the end that:

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

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

Section 16. Funeral Leave

An employee may have up to three days at full pay granted in case of death in the immediate family. For the purposes of this benefit, immediate family is defined as spouse, child, parents of employee or spouse, grandparent, grandchild, brother or sister, or someone living in the home or in-law or step relations of same. Additional time or time to attend funerals of other family members may be charged to vacation leave, compensatory time, or leave without pay.

Section 17. Family and Medical Leave

The Town will grant up to 12 weeks of family and medical leave per twelve months to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid (coordinated with the Town's Vacation and Sick Leave policies), unpaid, or a combination of paid and unpaid. A paid leave will be approved on a case-by-case basis by the Town Manager. Earned compensatory time may also be used during FMLA leave. Additional time away from the job beyond the 12-week period may be approved on a case-by-case basis by the Town Manager.

To qualify for FMLA coverage, the employee must have worked for the employer 12 months or 52 weeks; these do not have to be consecutive. However, the employee must have worked 1,250 hours during the twelve-month period immediately before the date when the FMLA time begins.

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

- 1) The birth of a child and in order to care for that child;
- 2) The placement of a child for adoption or foster care;
- 3) To care for a spouse, child, or parent with a serious health condition;
- 4) The serious health condition of the employee; or
- 5) Military exigency.

A serious health condition is defined as a condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider. This policy covers illness of a serious and long-term nature resulting in recurring intermittent or lengthy absences. Generally, a chronic or long-term health condition which results in a period of incapacity for more than three days would be considered a serious health condition.

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

An employee taking leave for the birth of a child may use paid sick leave for the period of actual disability, based on medical certification. The employee shall then use all paid vacation, accrued compensatory time, and leave without pay for the remainder of the 12-week period.

Employee Responsibility

- (1) The employee shall apply in writing to his/her department head, unless an emergency situation arises, for leave requested under this policy. The department head shall forward the request to the Town Manager for approval. The guidelines for employee responsibility are as follows:

Planned Medical Treatment - When there is a necessity for leave to care for the employee's child, spouse, or parent or because the employee has a serious health condition, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt operations, subject to the approval of the employee's health care provider or the health care provider of the employee's child, spouse, or parent. The employee must also give 30 days' written notice of the intention to take leave, subject to the actual date of the treatment. If the reasons for the employee's planned medical treatment do not allow 30 days written notice of the intention to take FMLA leave, the employee should provide such notice as soon as possible. Failure to provide proper notice and/or proper certification and documentation may result in denial or delay of the leave request.

- (2) Paid leave will be taken by exhausting all sick leave, then vacation leave or vacation leave with short-term disability (STD). Use of vacation leave with STD will be approved on a case-by-case basis.
- (3) After the period of leave, pursuant to this policy, if the employee does not intend to return to work, the Town should be notified immediately. Failure to report at the expiration of the leave, unless an extension has been requested and approved, shall be considered a resignation.

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

- 1) Deployment of service member with seven or fewer days' notice;
- 2) Military ceremonies and events such as family-assistance or informational programs related to the family member's active duty or call to active duty;
- 3) Urgent, immediate childcare or arranging for alternative childcare for the children of service members;
- 4) Attending school or daycare meetings relating to the child of the service member;
- 5) Making financial or legal arrangements related to a family member's active duty status or call to active duty;
- 6) Taking up to five days leave to spend with a covered military member who is on short-term temporary rest and recuperation leave during deployment;

- 7) Attending counseling provided by someone other than a health provider for oneself, the covered military member, or the child of the military member, the need for which arises from the active duty service or call to active duty status or the covered military member; or
- 8) Post-deployment activities for a period of ninety days after the termination of the service member's active duty status.

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

The request for the use of Military Caregiver Leave must be made in writing by the employee and approved by the Department Head or Town Manager.

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

Section 18. Family Medical Leave – Certification

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

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

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

Section 19. Family Medical Leave: Retention and Continuation of Benefits

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

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

After using all paid leave for which the employee qualifies, the employee on FMLA may use Leave Without Pay for the remainder of the FMLA 12/26 week entitlement. An employee ceases to earn holiday or leave credits on the date Leave Without Pay begins.

Section 20. Leave Without Pay

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

The employee shall apply in writing to the Town Manager for Leave Without Pay. The employee is obligated to return to duty within or at the end of the time determined appropriate by the Town 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 Without Pay was granted or to one of like classification, seniority, and pay.

If the employee decides not to return to work, the Department Head shall be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested and granted, shall be considered a resignation.

An employee shall retain all unused vacation and sick leave while on Leave Without Pay. An employee ceases to earn holiday or leave credits on the date Leave Without Pay begins. The employee may continue to be eligible for benefits under the Town's group insurance plans at his or her own expense, subject to any regulation adopted by the Town and the regulations of the insurance carrier. If the Leave Without Pay is for a circumstance that coincides with FMLA or USERRA then the provisions of those policies will apply.

Section 21. Workers' Compensation Leave

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave, vacation, or compensatory time only during the first waiting period of seven days. The employee will not be required to reimburse the Town for this paid leave in the event the absence extends

beyond twenty-one days and the first seven days is paid by Worker's Compensation. If the employee elects to use accrued sick leave, vacation, or compensatory time for the initial waiting period, he/she will be placed on Leave Without Pay at the end of the seven days; full-time employees who do not elect to use paid leave for the initial waiting period will be placed on Leave Without Pay effective with the date of injury. Once the waiting period is over, Workers' Compensation covers approximately two thirds of regular pay.

Any Workers' Compensation disability that qualifies under the requirements of FMLA shall run concurrently with FMLA. An employee on Workers' Compensation Leave Without Pay will be permitted to continue to be eligible for benefits under the Town's group insurance plans during the period of Workers' Compensation leave that is concurrent with FMLA.

Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit. Any amounts owed are due and payable by the first of the month.

An employee shall retain all unused vacation and sick leave while on Workers' Compensation Leave Without Pay. An employee ceases to earn holiday or leave credits on the date Workers' Compensation Leave without Pay begins. After the period of FMLA eligibility ends, the employee may continue to be eligible for benefits under the Town's group insurance plans at his or her own expense subject to the regulations of the insurance carrier.

Section 22. Military and other USERRA Leave

The Town will fully comply with the requirements of the 1994 Uniformed Services Employment and Re-Employment Rights Act (USERRA) and related federal regulations.

For the purposes of USERRA covered employees are the following:

- 1) Armed Forces Active and Reserve (Army, Navy, Marine Corps, Air Force, Coast Guard)
- 2) Army National Guard and Air National Guard
- 3) FEMA's Disaster Assistance Teams
- 4) Commissioned Corps of the Public Health Service
- 5) Military Service Academies
- 6) Reserve Officer's Training Corps (ROTC)

Employees taking leave under USERRA shall be eligible to take accumulated vacation leave, accrued compensatory time, or be placed in a Leave Without Pay status, and the provisions of that leave shall apply. While taking USERRA leave, the employee's unused leave balances will be retained and any seniority based benefits such as leave accrual rates will continue to accrue.

Employees performing USERRA duty of more than 30 days may elect COBRA coverage to continue the Town's health benefits for up to 24 months but will be responsible for paying the insurance premiums up to 102% of the premium costs. Employees whose USERRA duty is less than 31 days will have their health insurance coverage paid as if they were at work with the Town.

Military Training. In addition to complying with the requirements of USERRA, the Town provides additional benefits for military training. Full-time employees who are members of an Armed Forces Reserve organization or National Guard shall be granted fifteen calendar days per year for Military Leave With Pay. If the compensation received while on military leave is less than the salary that would have been earned during this same period as a Town employee, the employee shall receive partial compensation equal to the difference. The effect will be to maintain the employee's salary at the normal level during this period.

If such duty is required beyond the fifteen calendar days, the employee shall be eligible to take accumulated vacation leave or be placed in a Leave Without Pay status, and the provisions of that leave shall apply. While on military leave, seniority-based benefits such as leave accrual rates shall continue to accrue as if the employee was actively at work. Employees on extended military leave will remain COBRA eligible for health benefits on a voluntary basis, at the employee's expense for a period of 24 months.

Part-time and temporary employees will be granted time off without pay to meet their military reserve or National Guard training obligations.

Section 23. Reinstatement Following Military and other USERRA Service Leave

An employee who volunteers or is called to active duty with the United States military forces, and who returns to work in less than five years will be returned to the same or like position he or she occupied prior to the active duty enlistment with full seniority, status, leave accrual rates and pay as if there had been no break in employment. A military discharge form "DD214" with an honorable discharge must be submitted with the notification of intent to return to work.

Time limits for employees to reapply for return to work after release from military service are:

- 1) Less than 31 days absence – employee must report to employer by the next business day;
- 2) 31 days-180 days absence – notification to the supervisor must be submitted within 14 days; or
- 3) More than 180 days absence – notification to the supervisor must be submitted within 90 days.

All reporting deadlines are extended for two years if the employee is injured during USERRA service.

Section 24. Civil Leave

A full-time Town employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the Town any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty.

Section 25. Parental School Leave

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

- 1) The leave must be taken at a time mutually agreed upon by the employee and the Town;
- 2) The Town may require the employee to request the leave in writing at least 48 hours prior to the time of the desired leave; and
- 3) The Town may require written verification from the child's school that the employee was involved at the school during the leave time.

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

Section 26. Voluntary Shared Leave

The Town Manager has the authority to create administrative procedures whereby employees may donate sick leave to other employees who have major illnesses or need leave to care for family members with major illnesses.

Section 27. Birthday Leave

All full-time employees, in a budgeted position after one year of employment with the Town of Selma, are eligible for one day of paid birthday leave per year. The day birthday leave is taken must be approved in advance by the department head and must be taken in the month in which the employee's birthday occurs, but does not have to be taken on the actual birth date. The leave must be taken on a scheduled workday and recorded as birthday leave on the time sheet submitted to payroll. The employee must be in a pay status (cannot be on any form of leave without pay) on the day before and the day after leave is taken. The time off cannot be taken before or after an observed Town employee holiday. Birthday time off does not count towards hours worked for the computation of overtime pay and will be paid as regular pay. Birthday leave is not compensable upon

termination and cannot be transferred, banked or carried over to another month. Birthday leave cannot be divided into hourly increments or half days but must be used in full on the day approved. If birthday leave is not used within the appropriate time frame and in accordance with these guidelines, it will be forfeited.

ARTICLE VIII. SEPARATION AND REINSTATEMENT

Section 1. Types of Separations

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

Section 2. Resignation

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

Three consecutive days of absence without contacting the immediate supervisor or Department Head may be considered to be a voluntary resignation. Sick leave will only be approved during the final two weeks of a notice with a physician's certification or comparable documentation.

Section 3. Reduction in Force

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

Section 4. Disability

The Town will comply with the Americans with Disabilities Act (ADA) and will make all responsible efforts to provide reasonable accommodation to employees who may be or may become disabled. An employee who cannot perform the essential duties of a position because of a physical or mental impairment may be separated for disability. Action may be initiated by the employee or the Town. In cases initiated by the employee, such action must be accompanied by medical evidence acceptable to the Town Manager. The Town may require an examination, at the Town's expense, performed by a physician of the Town's choice.

Employees who meet the requirements of the North Carolina Local Government Employees' Retirement System may qualify for a disability retirement. Information about this option is available from the Administrative Services Director or the Retirement System.

Section 5. Voluntary Retirement

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

Section 6. Death

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

Section 7. Dismissal

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

Section 8. Reinstatement

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

Section 9. Rehiring

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

ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT

Section 1. Disciplinary Action for Unsatisfactory Job Performance

A regular employee may be placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory. The Administrative Services Director will be available to assist all parties with the procedures in taking or responding to disciplinary actions. All cases of disciplinary suspension, demotion, or dismissal must be approved by the Town Manager prior to giving final notice to the employee.

Section 2. Unsatisfactory Job Performance Defined

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

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

- 1) Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- 2) Careless, negligent or improper use of Town property or equipment;
- 3) Physical or mental incapacity to perform duties after reasonable accommodation;
- 4) Discourteous treatment of the public or other employees;
- 5) Absence without approved leave;
- 6) Improper use of leave privileges;
- 7) Failure to report for duty at the assigned time and place;
- 8) Failure to complete work within time frames established in work plan or work standards;
- 9) Failure to meet work standards over a period of time;
- 10) Failure to follow the chain of command to address work-related issues; or
- 11) Failure to maintain certifications required by the job.

Section 3. Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance

When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor shall meet with the employee as soon as possible in one or more counseling sessions to discuss specific performance problems. A brief summary of these counseling sessions shall be noted by the supervisor and put in the employee's personnel file.

An employee whose job performance is unsatisfactory over a period of time should normally receive at least two documented warnings, one of which may be in the final written warning, from the supervisor before disciplinary action resulting in dismissal is taken by the Town Manager. In each case, the supervisor should record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set. If the employee's performance continues to be unsatisfactory, then the supervisor should use the following steps:

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

Disciplinary suspensions are for the purpose of communicating the seriousness of the performance deficiency, not for the purpose of punishment, and should not generally exceed three work days (24 hours) for non-exempt employees. Suspensions for exempt employees shall be for one full work week in accordance with FLSA requirements to maintain exempt status. Under FLSA, suspensions of less than a week are authorized for major safety violations or infractions of workplace conduct rules (detrimental personal conduct).

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

If, after suspension or demotion, the employee's performance does not reach an acceptable level, the employee may be dismissed. Dismissals are appropriate when the employee has shown he/she is unwilling or unable to perform work in a manner that meets the work and conduct standards of the Town.

Section 4. Disciplinary Action for Detrimental Personal Conduct

Normally, the Department Head or Town Manager would place the employee on non-disciplinary suspension prior to making a disciplinary determination to allow time to gather facts regarding the detrimental personal conduct and make a determination regarding the severity of the conduct.

With the approval of the Town Manager, an employee may be placed on disciplinary suspension, demoted, or dismissed without prior warning for causes relating to personal conduct detrimental to Town service in order to:

- 1) Avoid undue disruption of work;
- 2) To protect the safety of persons or property; or
- 3) For other serious reasons.

In exigent circumstances, a Department Head or designated supervisor may, with or without prior approval, suspend employees for the remainder of the work day. In such cases, the Department Head shall immediately notify the Town Manager.

Section 5. Detrimental Personal Conduct Defined

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

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

- 1) Fraud or theft;
- 2) Conviction of a felony or the entry of a plea of *nolo contendere* thereto;
- 3) Falsification of records for personal profit, to grant special privileges, or to obtain employment;
- 4) Willful misuse or gross negligence in the handling of Town funds or personal use of equipment or supplies;
- 5) Willful or wanton damage or destruction to property;
- 6) Willful or wanton acts that endanger the lives and property of others;
- 7) Possession of unauthorized firearms or other lethal weapons on the job;
- 8) Brutality in the performance of duties;
- 9) Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary;
- 10) Engaging in incompatible employment or serving a conflicting interest;

- 11) Request or acceptance of gifts in exchange for favors or influence;
- 12) Engaging in political activity is prohibited by this Policy;
- 13) Harassment of an employee and/or the public on the basis of sex or any other protected class status;
- 14) Harassment of an employee or the public with threatening or obscene language and/or gestures or any incidence of workplace violence; or
- 15) Stated refusal to perform assigned duties, flagrant violation of work rules and regulations, or serious malfeasance of work.

Section 6. Pre-Dismissal Conference

Before dismissal action is taken, whether for failure in personal conduct or failure in performance of duties, the Department Head or Town Manager (in the case of disciplinary action of a Department Head) will conduct a pre-dismissal conference. At this conference, the employee may present any response to the proposed dismissal to Department Head. The Department Head will consider the employee's response, if any, to the proposed dismissal, and will, within three work days (24 hours) following the pre-dismissal conference, notify the employee in writing of the final decision after obtaining approval of the decision from the Town Manager. If the employee is dismissed, the notice shall contain a statement of the reasons for the action and the employee's appeal rights.

Section 7. Non-Disciplinary Suspension

During the investigation, hearing, or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct, or during the course of any civil action involving an employee, when suspension would, in the opinion of the Department Head or the Town Manager, be in the best interest of the Town, the Department Head, with the approval of the Town Manager, may suspend the employee for part or all of the proceedings as a non-disciplinary action. In such cases, the Town Manager may:

- 1) Temporarily relieve the employee of all duties and responsibilities and place the employee on paid or unpaid leave for the duration of the suspension, or
- 2) Assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities.

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

ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Section 1. Policy

It is the policy of the Town to provide a just procedure for the presentation, consideration, and disposition of employee grievances. The purpose of this Article is to outline the procedure and to assure all employees that a response to their complaints and grievances will be prompt and fair. The Administrative Services Director will be available to assist all parties with the procedures during the grievance process.

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

Section 2. Grievance Defined

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

Section 3. Purposes of the Grievance Procedure

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

- 1) Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
- 2) Encouraging employees to express themselves about the conditions of work which affect them as employees;
- 3) Promoting better understanding of policies, practices, and procedures which affect employees;
- 4) Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures;
- 5) Increasing the sense of responsibility exercised by supervisors in dealing with their employees;
- 6) Encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship, and therefore, encouraging conflicts to be resolved at the lowest level possible of the chain of command; and
- 7) Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the Town or its leaders, thus freeing up employee motivation, productivity, and creativity.

Section 4. Grievance Procedure

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

Informal Resolution. Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the respective Department Head or the Administrative Services Director as a resource to help resolve the grievance.

In some instances, if both parties agree, and with the approval of the Town Manager, the parties may request mediation assistance from a neutral party to assist in identifying mutually agreeable solutions or understandings. Mediation may be used at any step in the process if agreed to by the parties and with the approval of the Town Manager.

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

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

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

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

Department Heads. In the case of Department Heads or other employees where the Town Manager has been significantly involved in determining disciplinary action, including dismissal, the Town may wish to obtain a neutral outside party to either:

- 1) provide mediation between the grieving Department Head and the Town Manager (see definition of mediation in "informal resolution" above); or
- 2) consider an appeal and make recommendations back to the Town Manager concerning the appeal. Such parties might consist of human resource professionals, attorneys trained in mediation, mediators, or other parties appropriate to the situation.

The Town Manager's decision shall be the final decision. The Town Manager will notify the Town Council of any impending legal action.

Section 5. Role of the Administrative Services Director

Throughout the grievance procedure, the role of the Administrative Services Director shall be as follows:

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

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

Section 6. Grievance and Adverse Action Appeal Procedure for Discrimination

When an employee, former employee, or applicant, believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, national origin, religion, creed, political affiliation, non-job related disability, marital status, veteran status, or genetic information), he or she has the right to appeal such action using the grievance procedure outlined in this Article (Section 4 above). While such persons are encouraged to use the grievance procedure, they shall also have the right to go directly to the Administrative Services Director or to appeal directly to the Town Manager.

Employment actions subject to appeal because of discrimination include promotion, training, classification, pay, disciplinary action, transfer, layoff, failure to hire, or termination of employment. An employee or applicant should appeal an alleged act of discrimination within thirty calendar days of the alleged discriminatory action, but may appeal for up to six months following the action.

ARTICLE XI. RECORDS AND REPORTS

Section 1. Public Information

In compliance with N. C. Gen. Statute §160A-168, the following information with respect to each Town employee is a matter of public record:

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

Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Town may adopt. An individual examining a personnel record may copy the information. The cost of photocopying may be assessed to the individual who requests the copies.

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

A record will be maintained of all disclosures of personnel records, except for authorized personnel processing personnel actions or supervisors in the line of authority of the employee. Upon request the records of disclosure will be made available to the employee to whom it pertains.

Section 2. Access to Confidential Records

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

- 1) The employee or his/her duly authorized agent may examine all portions of his/her personnel file except letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to the patient.
- 2) A licensed physician designated in writing by the employee may examine the employee's medical record.
- 3) A Town employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- 4) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- 5) An official of an agency of the State or Federal Government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the Town Manager to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of the personnel records may release the employee's name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
- 6) An employee may sign a written release to be placed in his/her personnel file that permits the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- 7) The Town Manager, with the concurrence of the Town Council, may inform any person of the employment, non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a Town employee, and the reasons for that action. Before releasing that information, the Town Manager shall determine in writing that the release is essential to maintaining the level and quality of Town services. The written determination shall be retained in the Human Resources office, is a record for public inspection, and shall become a part of the employee's personnel file.

Section 3. Personnel Actions

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

Section 4. Records of Former Employees

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

Section 5. Remedies for Employees Objecting to Material in File

An employee who objects to material in his/her personnel file may place a statement in the personnel file relating to the material considered to be inaccurate or misleading. In accordance with established grievance procedures, the employee may seek to have a record of upheld grievances relating to personnel records placed in the file and/or may seek removal of material in the personnel file contingent upon approval of the North Carolina Department of Cultural Resources.

Section 6. Penalties for Permitting Access to Confidential Records

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

Section 7. Examining and/or Copying Confidential Material without Authorization

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

Section 8. Destruction of Records Regulated

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with NC Gen. Statutes §121.5, without the consent of the North Carolina Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever, alters, defaces, mutilates or destroys it will be

guilty of a misdemeanor and upon conviction will be fined in an amount provided in N.C. Gen. Statute §132.3.

ARTICLE XII. 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 hereunder 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 or such rules, regulations, or orders to persons or circumstances other than those held invalid will not be affected thereby.

Section 3. Amendments

This policy may be amended by action of the Town Council and by resolution appropriately approved. Any revisions or amendments adopted in conformance with this procedure shall become effective as of the date of such adoption.

Notice of any amendment to the policy or any portion thereof, shall be provided to employees.

APPENDIX A. CRIMINAL BACKGROUND CHECK POLICY AND CRIMINAL CHARGES/CONVICTIONS REPORTING PROCEDURES

CHAPTER 1. ESTABLISHMENT OF POLICY

Section 1. Purpose

Many jobs held by Town of Selma employees are identified as security sensitive. Employees in these positions affect the health of others, the safety of others, and/or evoke a high degree of trust and confidence.

The Town of Selma seeks to hire qualified individuals to limit its risk of hiring unsuitable employees and to safeguard its assets, current employees, and the public.

This Policy will assist in reaching that goal by requiring that all volunteers and final candidates for employment are subject to pre-employment background checks and will require that current employees be checked as outlined and be required to report any criminal charges and convictions.

Section 2. Definitions

Security Sensitive Positions. Positions having significant supervisory and management duties; access to credit card numbers, checks or currency; having keys to sensitive work areas where security could be compromised; having access to computer data files that could result in alteration, deletion or unauthorized access to sensitive information; having access to health information or other confidential records of employees or customers; requiring the operation of Town vehicles and/or equipment; and being responsible for the care and instruction of children.

Fair Credit Reporting Act (FCRA). Federal regulations pertaining to the collection and use of information contained in consumer reports prepared and assembled by a consumer reporting agency.

American Disabilities Act (ADA). A civil rights law guaranteeing an equal opportunity of jobs for qualified individuals with disabilities.

Municipal Records Retention and Disposition Schedule. A records schedule that identifies and provides retention and disposition instructions for many records that have been identified as being produced and maintained in municipal administrative offices. These records are defined under Chapter 132 of the N.C. General Statutes. Chapter 121-5 mandates that these records be disposed of only in accordance with an official records retention schedule. Standard 13 of the Municipal Records Retention and Disposition Schedule addresses personnel records to include application and selection of files.

Criminal Conviction Record. The record of an individual's criminal conviction(s) obtained from the states and counties where the applicant lives or has lived in the past seven (7) years.

Motor Vehicle Records (MVR). An individual's driving history obtained from the North Carolina Department of Motor Vehicles or the state where the applicant's/employee's driver's license is or was issued or through licensed agencies to obtain these reports on the Town's behalf.

Educational Verification. Confirmation that the final candidate has the degree or educational level as stated on the application or résumé.

Employment History Check. A basic profile from a past work experience reference provided by the applicant, generally consisting of title, basic responsibilities, relationship, professional skills, and interpersonal skills.

Sexual Offender Registry. A report containing all information available in the applicant's state data repository.

Social Security Verification. A report verifying the issue date of the Social Security Number; if the Social Security Number has been reported deceased or has not yet been issued; other names used by the applicant, such as maiden names or aliases; and addresses listed by subject when he or she has applied for credit.

Credit History. A profile of the applicant's credit history for the last seven (7) years as reported by a major credit bureau to include charge-offs, collection accounts, public records, trade lines, bankruptcies, judgments, and monthly payment histories.

CHAPTER 2. POLICY GUIDELINES

Section 1. Responsibility

It shall be the Administrative Services Director's responsibility to obtain and evaluate all background checks within the guidelines described in this Policy. The Town Manager will be the final authority on all volunteers/candidates/employees disqualified as a result of a background check.

- 1) The Town of Selma's job opportunity advertisement will include a statement that a background check is required on all volunteers and final candidates upon a conditional offer of employment with the Town of Selma.
- 2) The Administrative Services Director is responsible for determining the job duties for which an additional background check is conducted and is responsible for ensuring there is a job-related need for conducting the additional checks.

Section 2. Restrictions and Guidelines

Background checks will be conducted on all new volunteers and all final job candidates who have been extended a "Conditional Offer of Employment" for any position with the Town of Selma and on current employees as stipulated. Volunteers for Town committees and elected officials will be excluded from this Policy.

- 1) The North Carolina Department of Justice sets the qualifications for the employment and retention of police officers including but not limited to standards addressing the minimum age, education, physical standards and mental status, citizenship, and moral character (N.C.G.S. §17C-10). In addition, Chapter 12 of the North Carolina Administrative Code controls the extent, scope and use of a background investigation and further places specific eligibility limitations on an applicant's prior criminal and motor vehicle history. In the event that one of the mandatory State standards conflicts with this Policy, the State standard shall control and shall be followed by that of the Town of Selma and the Selma Police Department.
- 2) This Policy shall provide for fair and unbiased treatment regardless of gender, race, color, disability, national origin, marital status, religion, or other protected class. Background checks will be conducted in compliance with all Federal and State statutes to include the Fair Credit Reporting Act (FCRA), American Disabilities Act (ADA), and the Municipal Records Retention Schedule. This Policy will be consistent with the guidelines requiring organizations to obtain a volunteer's/candidate's/employee's written authorization before conducting a background check, to properly notify the volunteer/candidate/employee of the results, and to store and/or dispose of the information derived from such reports.
- 3) The Town of Selma will ensure that all information obtained from the background check process will only be used as part of the employment process and kept strictly confidential according to the FCRA. Those having knowledge of the specific

results will be limited to the volunteer/candidate/employee, the Administrative Services Director, and the Town Manager.

CHAPTER 3. SCOPE

Section 1. Volunteers and Final Candidates

The Town of Selma requires a background check for all full-time, part-time, temporary, intern, or volunteer applicants at the point of a conditional offer of employment being extended.

Prior to conducting the pre-employment background check the following must be presented to and completed by the volunteer or final candidate:

- 1) Application to Volunteer or a Town of Selma Employment Application with all signature lines completed.
- 2) Applicant's Authorization and Consent for Release of Information Form.
- 3) The Summary of Rights under the Fair Credit Reporting Act and Consumer Notification.

The Town staff has been authorized to conduct some types of background checks. All other background checks will be conducted by an approved vendor under contract with the Town of Selma and results provided within a reasonable timeframe.

Confirmation that the candidate has the degree or educational level as stated on their résumé or application may be conducted through the approved background checking vendor or the candidate may be required to submit an official transcript. Official transcripts must be received in a sealed envelope from the college, university or school system in question and must be a certified copy.

The information that will be collected as part of the final candidate's background check will include an employment history check, social security verification, education verification, and a criminal conviction records check.

- 1) Extended background investigations will be conducted for candidates who are to be in jobs where Town funds are handled, where the employee will have access to credit card account numbers, and when they will have significant supervisory and management duties. These extended background checks include a credit report investigation in addition to those of a final candidate check.
- 2) Candidates for employment whose job duties will require them to drive Town vehicles or drive as part of their employment will be subject to a motor vehicle records check in addition to those of a final candidate check.
- 3) Candidates for employment when the job duties include entering a private household, interaction with children, or other related duties will be subject to a national sexual offender registry check in addition to the other checks required.

The information that will be collected as part of a Recreation volunteer's background check will include a criminal conviction records check, national sex offender registry check, and a motor vehicle records check if they will be required to drive Town vehicles.

The information that will be collected as part of a Volunteer Fireman's background check will include a criminal conviction records check and a motor vehicle records check.

Upon receipt of the results of the background check, the Administrative Services Director determines whether the volunteer/candidate is to be qualified or disqualified for employment. The Town Manager will be the final authority on disqualifying all volunteers/candidates/employees.

If a volunteer or candidate is found at any point of the hiring process to have deliberately withheld information with the intent to mislead or is found to have falsified information pertaining to previous convictions, education, employment history, or any information deemed pertinent to employment, the applicant will be disqualified from further employment consideration in any position with the Town due to falsification of an employment application; or if this is discovered post-employment, the employee will be terminated.

Other adverse results of the background check will not be used as a basis for denying employment unless the denial of employment is determined to be due to job-related issues or business necessity. The factors to be considered in determining whether to hire the volunteer or candidate whose background check reveals adverse results are the nature, severity, and intentionality of the offense(s) including but not limited to:

- 1) Statutory elements of the offense (rather than the individual's account of the facts of the offense);
- 2) Age at the time of the offense(s);
- 3) Number and type of offenses (felony, misdemeanor, traffic, other);
- 4) Time elapsed since the last offense;
- 5) Probation or parole status;
- 6) Whether the circumstances arose out of an employment situation;
- 7) If there is a pattern of offenses; and
- 8) Whether hiring the volunteer/candidate would pose a risk to the Town.

Additionally, the duties, responsibilities and circumstances of the position applied for including but not limited to would also be considered:

- 1) The nature and scope of the position, including key access to residential facilities or other facilities, access to cash, access to vulnerable populations including minor children;
- 2) The nature and scope of the position's contact with children, the public or other interpersonal contact;
- 3) The nature and scope of the position's autonomy and discretionary authority;
- 4) The amount and type of supervision received in the position or provided to subordinate staff;
- 5) The sensitive nature of the data or records maintained or to which the position has access;
- 6) The extent to which the position holds a measure of fiscal responsibility;
- 7) The opportunity presented for committing additional offenses; and
- 8) The extent to which acceptable job performance requires the trust and confidence of the Town or the public.

Professional discretion and consistent application will be used to ensure that only job-related or business necessity disqualifications occur (i.e., a fraud or embezzlement conviction of a finance employee, applicant, a sexual harassment judgment against a supervisory candidate).

Before taking an adverse action that is based in whole or in part on the information collected as part of the pre-employment background check, the volunteer or candidate must be notified and informed of the adverse results of the check.

In the event that disqualifying information is revealed during the background check process, applicants shall be notified in writing by certified mail that the conditional offer of employment is being withdrawn. Applicants shall have the right to appeal the disqualifying decision to the Town Manager in writing within five (5) business days from the date of receipt of the rejection notification letter.

Section 2. Current Employees

Employees of the Town of Selma who are promoted or transferred to other positions within Town employment, who were not already subject to the extended background check provisions of this Policy, shall be required to have an extended background check prior to moving into the position if the position is identified as a security sensitive position as defined in Chapter 1, Section 2 of this Appendix A.

The Town shall have the right to conduct a background check on any current employee for reasonable suspicion or cause and to conduct annual motor vehicle records checks on employees who drive Town vehicles or are required to drive as part of his or her employment. Employees will be notified in writing of the convictions/charges found in a background check.

Section 3. Criminal Charges/Convictions Reporting Procedures

All employees, beginning on the effective date of this Policy, are required to report any criminal or civil charge or conviction to the Administrative Services Director or the Town Manager by the end of the following business day of the charge or conviction, not to exceed 48 hours. A written statement will be taken from the employee.

Charges/Convictions to be reported include but are not limited to:

- 1) Detention;
- 2) Criminal summons;
- 3) Civil summons;
- 4) Expired driver's license;
- 5) Warrant for arrest;
- 6) Order for arrest; and/or
- 7) Traffic violations, excluding minor citations

Charges/Convictions shall be evaluated in terms of the nature of the essential job functions versus the charge/conviction to determine disciplinary action or continued employment as defined in Chapter 3, Section 1 of this Appendix A.

Section 4. Non-Compliance Penalties and Appeals

Employees failing to submit to a background check for reasonable suspicion or cause, yearly motor vehicle records checks, if applicable, or failure to report charges or convictions shall receive disciplinary action up to and including termination from employment.

Employees shall have the right to appeal any disciplinary action or employment decisions related to convictions/charges using the guidelines set forth in the Town of Selma's Personnel Policy, Article X – Grievance Procedures.

CHAPTER 4. RECORDKEEPING

Section 1. Maintenance of Records

Evidence that a background check was conducted, the date and type of check, and a sufficient record of a disqualifying outcome will be maintained. A copy of the disqualification notification to the volunteer or candidate, and the background check record will be sealed and retained in the position vacancy file.

Evidence of a background check that results in an applicant being approved for hire and current employee checks will be filed separately from the employee's personnel file.

Background check information that includes infractions and other personal information will not be retained beyond its usefulness unless a specific need for the record exists and will be kept and disposed of in accordance with the guidelines stated in Chapter 2 of this Policy.

Section 2. Effective Date

This Policy will be effective upon notification to all current employees.

APPENDIX B. DRESS AND PERSONAL APPEARANCE POLICY

CHAPTER 1. PURPOSE AND POLICY

Section 1. Purpose

Town of Selma employees are expected to represent the Town to its citizens and general public in an exemplary manner both in conduct and appearance at all times. Town employees should always be well-groomed and dressed in a manner suitable for the public service environment and in attire that allows the employee to work comfortably in the workplace.

As all casual clothing is not suitable for the office, these guidelines will help employees determine what is acceptable to wear to work. Clothing that works well for leisure time may not be appropriate for a professional appearance at work.

The purpose of this policy is to establish the Town's guidelines for the appearance of the Town of Selma employees when performing duties and conducting business for the Town and to ensure all employees project and maintain a positive public image at all times. Because of the changing nature of fashion, regulations pertaining to acceptable employee attire and grooming are flexible; however, there are certain expected norms of professional appearance, personal neatness, cleanliness, and good grooming which are applicable to all employees.

Section 2. General Minimum Guidelines

All clothing should be neat, clean, pressed or wrinkle-free, in good condition, without any holes or fraying, with finished seams, and in keeping with the nature of the duties performed.

Any clothing that has words, terms or pictures that may be offensive to other employees is unacceptable. Also inappropriate is clothing that promotes alcoholic beverages, tobacco, and the use of controlled substances, depicts violence, and is of a sexual nature, of a disruptive nature, or political nature.

Clothing with the Town logo is encouraged; and sports team, university, and fashion brand names on clothing are generally acceptable.

Clothing that reveals too much cleavage, your back, your chest, your stomach, or your underwear is not appropriate for a place of business. Clothing must not be provocative, revealing, low-cut, indecent, vulgar, obscene, or profane.

Clothing that is tight-fitting, see-through or otherwise revealing, including skirts and dresses that are too short; blouses too low or too short, is not appropriate at any time. Dress and skirt length should be at a length at which the wearer can sit comfortably in public without being revealing.

Extravagance and extremes of style and attire are not in good taste in a public service environment.

Employees in departments requiring uniforms must adhere to the uniform code of dress appropriate for that department.

Reasonable accommodations shall be made for employees who, because of a sincerely held religious belief of a recognized religious organization, cultural heritage, or medical reason, request a waiver of a particular part of this policy for dress or appearance.

Section 3. Examples of Appropriate and Inappropriate Dress

Slacks, Pants, Suit Pants

1) Appropriate

- Similar to Dockers and other makes of cotton or synthetic material pants
- Wool or flannel pants
- Dressy crop/Capri pants

2) Inappropriate

- Pants worn below the natural waist, i.e., hip huggers, low riders
- Denim blue jeans, unless approved for a specific event or job task, i.e. casual Fridays; must be without holes or fraying, with finished seams
- Sweatpants, athletic outfits, jogging suits, wind suits, exercise pants
- Shorts, skorts, culottes, Bermuda shorts, short shorts, cutoffs, jean shorts
- Bib overalls
- Leggings
- Any spandex or other form-fitting pants such as people wear for biking

Skirts, Dresses, Jumpers, Skirted Suits

1) Appropriate

- Casual dresses and skirts
- Skirts split at or below the knee
- Jumpers

2) Inappropriate

- Micro-mini skirts, mini-skirts, sun dresses, beach dresses, or any other dresses higher than three (3) inches above the knee
- Dresses with spaghetti straps
- Backless dresses without a jacket or cover-up
- Dresses with inappropriate cutouts, excessive armpit cutouts, or see-through elements

- Dresses that do not cover the back, waist and midriff

Shirts, Tops, Blouses, Jackets

1) Appropriate

- Casual shirts
- Dress shirts
- Sweaters
- Golf-type/Polo shirts
- Turtlenecks
- Suit or sport jackets
- Holiday sweatshirts, shirts and sweaters – in season

2) Inappropriate

- Tank tops
- Midriff tops
- Shirts with potentially offensive words, terms, logos, pictures, cartoons, or slogans
- Halter tops or tube tops
- Tops with bare shoulders
- Sweatshirts
- Tee shirts – unless worn under another blouse, shirt, jacket, or dress or approved for a specific event or job task, i.e. casual Fridays
- Camisoles or tops with spaghetti straps, backless tops, or see-through tops without a jacket or cover-up
- Shirts or blouses with inappropriate cutouts, see-through elements, or excessive armpit cutouts
- Shirts, blouses, or tops that do not cover the back, waist and midriff

Shoes, Footwear

1) Appropriate

- Conservative athletic or walking shoes
- Loafers
- Clogs
- Boots
- Flats, open & closed toe
- Dress shoes & dress heels, open & closed toe
- Leather deck-type shoes
- Sandals

2) Inappropriate

- Flashy athletic shoes
- Flip-flops
- Bedroom slippers
- Bare feet

Hats, Head Coverings, Head Gear

1) Appropriate

- Head gear designed for safety or protection when employee works outdoors or when performing duty indoors that requires such protection
- Head coverings that are required for religious purposes
- Head coverings worn to honor cultural traditions

2) Inappropriate

In accordance with common courtesy and tradition, all hats, including baseball caps, shall be removed upon entering a Town facility or building, and shall remain off until the employee leaves the building.

Section 4. Examples of Appropriate and Inappropriate Grooming

1) Jewelry

- Conservative earrings, necklaces, bracelets, watches, rings, and ankle chains are permitted
- Jewelry must not interfere with an employee's ability to perform his/her job duties
- All jewelry should be in good taste
- Jewelry should not be worn in excessive amounts
- Jewelry should not be overly gaudy or ostentatious
- Visible body piercing should be limited and the wearing of facial jewelry, such as nose rings, tongue rings, and lip and eyebrow rings, are not allowed at work or at any Town function

2) Makeup, Perfume, Cologne

Because some people are allergic to the chemicals in perfumes and make-up, these substances should be worn with restraint.

3) Hair, Hairstyles

Extreme hairstyles and hair colors, such as hair dyed pink, purple, green, blue, etc., are inappropriate for the workplace.

4) Tattoos

Tattoos bearing offensive language or logos that are or could be seen by others as profane, racist, sexist or discriminatory in nature are to be covered.

Section 5. Enforcement

An employee's Department Head and/or supervisor will discuss the subject of personal appearance with the employee if it is felt it does not positively reflect the image of the Town. Any employee deemed to be inappropriately dressed or groomed will be asked to return home in order to correct the unacceptable infraction. Employees will not be compensated for the time they do not work as a result unless vacation leave or compensation time is used. Repeated violations will be subject to further disciplinary action up to and including dismissal.

Section 6. Conclusion

This Dress and Personal Appearance Policy shall remain flexible and shall be reviewed and updated on an annual basis. It has been formulated to be fair and uniform, not overly restrictive, and still allow employees to retain their personal style. This policy is also intended to take into consideration any health, medical or religious needs that employees may encounter with the guidelines herein established.

APPENDIX C. SAFETY AND LOSS CONTROL POLICY

CHAPTER 1. POLICY RESOLUTION

WHEREAS, the Town of Selma realizes that it has the responsibility to provide a safe work environment for its employees so that each employee can pursue the highest standards in his/her assigned activities, and all municipal employees must recognize that the well-being of persons involved in the protection of our physical resources are as important as the activity and work being performed.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Selma as follows:

The Town has established a safety and loss control program, implemented and monitored on a continuous basis. A safety coordinator, assigned the responsibility of organizing the overall safety and loss control efforts, has been appointed and is reappointed on an annual basis.

A safety committee was created to establish loss control policy, investigate major losses and loss trends, and assign other safety responsibilities as needed. This committee is chaired by the safety coordinator and its membership is comprised of employees from each department.

Each municipal Department Head is responsible for the safety and well-being of the workers in his/her department as well as the required maintenance of facilities and equipment in his/her area of responsibility. Each municipal employee is responsible for his/her own personal safety and for the safe completion of assigned tasks. The Town requires its employees to respond to all planned safety efforts and to perform their assigned jobs in the safest manner possible.

The Town of Selma is committed to doing all in its power to make its safety and loss control program a success and expects all municipal employees to assist in this effort by contributing expertise and by following all established rules and procedures.

CHAPTER 2. SAFETY AND LOSS CONTROL PROGRAM

Section 1. Responsibilities

Mayor, Town Council, and Town Manager

- 1) The Mayor and Town Council support a Town-wide safety program through personnel policies and budgetary considerations.
- 2) The Town Manager, through the safety committee, is responsible for overall management and administration of the comprehensive safety program.

Safety Committee

This committee will function as an advisory body to develop and recommend to the Town Manager matters of policy and procedure affecting administration of the Town of Selma's safety program. Specifically, the committee is responsible for:

- 1) Planning and recommending policies and procedures affecting the development and administration of an aggressive safety program; and
- 2) Reviewing statistical data, records and reports of safety matters to determine the effectiveness of the program.

Safety Coordinator

The safety coordinator is directly responsible for the implementation and operation of the safety program which will include training, accident and insurance follow-up, vehicle safety, and building safety. The safety coordinator will represent the Town Manager in all safety matters and can stop a work operation temporarily when serious injury or property damage is possible.

Department Head

Each Department Head is designated as responsible to the Town Manager for employee safety. The Department Head has supervisory responsibility for all safety functions and activities within his/her area. Each Department Head will:

- 1) Hold each supervisor accountable for injuries incurred by his/her employees.
- 2) Provide leadership by setting a proper example for all employees.
- 3) Be responsible for successfully operating the department safety program and completing the department's safety objectives.
- 4) Develop policies and procedures and ensure they are complied with by all personnel under his/her direction.

- 5) Ensure that all employees, new and current, are trained or retrained in the accepted methods.
- 6) Provide personal protective equipment and instruction when necessary and follow up on proper use of equipment.
- 7) Encourage safety suggestions and written comments from employees and adopt those that are feasible.
- 8) Require accidents to be promptly reported, thoroughly investigated by supervisory personnel, and properly recorded.
- 9) Ensure that prompt, corrective action is taken whenever unsafe conditions are recognized and unsafe acts are observed.
- 10) Ensure that all employees are physically and mentally capable of performing their assigned tasks.

Supervisor

Supervisors will assume the responsibility of thoroughly instructing their personnel in safe practices to observe in their work situations. They will consistently enforce safety standards and requirements to the utmost of their ability and authority. Supervisors will act positively to eliminate any potential hazards within any activities under their jurisdiction and they will set the example of good safety practices in all spheres of their endeavors. Safety records shall be measured along with other phases of supervisor performance. Therefore, it is absolutely essential that such records are complete and accurate and that all accidents be fully reported. Principal duties of supervisors are as follows:

- 1) Enforce all safety rules and procedures.
- 2) Make certain all injuries are reported promptly and treated properly, and all accidents are reported, even if injury is not apparent.
- 3) Conduct thorough investigations of all accidents and take necessary steps to prevent recurrence through employee safety education, operating procedures, or modifications of equipment.
- 4) Provide employees with complete safety instructions regarding their duties prior to the employees actually starting to work.
- 5) Conduct regular safety checks, including careful examinations, of all new and relocated equipment before it is placed in operation.
- 6) Properly maintain equipment and issue instructions for the elimination of fire and safety hazards.

- 7) Continuously inspect for unsafe practices and conditions and properly undertake any necessary corrective actions.
- 8) Develop and administer an effective program of good housekeeping and maintain high standards of personnel and operational cleanliness throughout all operations.
- 9) Provide safety equipment and protective devices for each job based on knowledge of applicable standards or on recommendations of the safety coordinator.
- 10) Conduct safety briefings and encourage the use of employee safety suggestions.
- 11) Give full support to all safety procedures, activities and programs.

Employees

Employees will be required, as a condition of employment, to exercise care in the course of their work to prevent injuries to themselves and to their co-workers. Employees are required to:

- 1) Use the safety equipment which has been provided for use in performing daily work assignments.
- 2) Wear the prescribed uniform and safety shoes, as required.
- 3) Not operate equipment for which training or orientation has not been received.
- 4) Warn co-workers of unsafe conditions or practices they are engaged in which could lead to or cause an accident.
- 5) Report defective equipment immediately to a supervisor.
- 6) Report dangerous or unsafe conditions that exist in the workplace as well as throughout the municipality including but not limited to:
 - Sidewalks
 - Broken curbs
 - Hanging tree limbs
 - Loose handrails
 - Open manholes
 - Sunken basins and sewers
 - Missing or damaged traffic signs or signals
- 7) Report all injuries and accidents regardless of the severity as soon as practical.
- 8) Protect employees and citizens from unsafe conditions that result from municipal work that could present a hazard to the public by utilizing adequate warning devices to notify the public of such hazards.

- 9) Take care not to abuse tools and equipment so that these items will be in usable condition for as long as possible as well as to ensure that they are in the best possible condition while being used.
- 10) Participate in all required safety and occupational health training, and be certain that instructions are understood completely before starting work.
- 11) Serve on a safety committee or inspection team when appointed or elected.

Section 2. Operations

Safety Committee Meetings

The safety coordinator will provide an agenda and maintain minutes of the meeting. Meetings will be held once each month at a pre-designated time and place or as deemed necessary.

Monthly Safety Training/New Employee Orientation

The safety coordinator will provide periodic safety training. Attendance and subject matter should be properly documented. All new employees will be provided with a copy of the Town's safety manual.

Accident Investigation

Accident investigation will be performed by the safety coordinator. Any accident involving death, permanent disability, temporary disability, hospitalization, medical treatment, loss of time from work by Town employee, damage to or destruction of any property, or any injury to a visitor will be investigated. The purpose of accident investigation is to prevent the recurrence of accidents by identifying contributing causes, determining corrective measures necessary to eliminate causes, and disseminating information on accident prevention to all employees. Accurate, complete accident reports are essential to identify and remedy causes. The accident investigation should be initiated as soon as possible after the occurrence of the accident.

Self-Inspections

The purpose of self-inspections is to identify hazardous work conditions and materials or methods that may result in an accident so that these hazards can be corrected. Each activity and facility will be inspected not less than once every three (3) months. The Department Head will take whatever corrective action is deemed appropriate. A form for documentation of the inspection will be provided.

Safety Bulletin Board and Safety Suggestion Box

Each department will be responsible for maintaining a safety bulletin board and a safety suggestion box. The bulletin board will be maintained in a neat and orderly manner at all times. A safety suggestion box will be maintained for employees to submit safety suggestions.

Section 3. Discipline

It is recognized that some Town employees will violate work rules and policies and commit unsafe acts that may or may not result in an accident causing injury or damage. As a result, each violation or action will require immediate corrective action by supervisors and administrators. It should be emphasized that safety rules and policies, and driving procedures must be enforced for the protection of the employee and the Town.

The cost of the accident should not dictate the corrective action to be administered. Management should discourage any implication that it is acceptable to have an inexpensive accident but it is unacceptable to have an expensive accident occur. The same action that causes little accidents also causes the big accidents; therefore, the **emphasis** is placed on ***accident prevention***.

Careful consideration has been given to the wide range of Town employees whose job classifications include the responsibility of operating motor vehicles and motorized equipment. It has been determined, therefore, that all employees who operate a vehicle or other equipment are obligated to take the necessary precautions to avoid accidents and injuries. Distinctions will not be made as to the frequency and distance that a vehicle or other equipment is operated.

The fact that one job classification requires more driving or operating hours than another job classification is not adequate justification to provide different expectations for safe vehicle and motorized equipment operation. Although one job classification may require a more highly skilled operator than another, it is the supervisor's responsibility to insure that all equipment operators are properly trained to operate the assigned equipment safely and efficiently. It is also the supervisor's responsibility to enforce the applicable safety rules and review each employee's previous accident record to determine the need for additional training.

For disciplinary purposes, only accidents or safety violations occurring after the inception of this program will be considered. However, if an employee is on probation or suspension for violations at the inception of this program, there will be no change in status until the disciplinary period has been completed.

Disciplinary Actions

An employee's unsafe act that results in:

- 1) Personal injury (without justification) to another individual;
- 2) Personal injury to the employee; or
- 3) Damage to vehicle or other property.

Shall require at least minimum disciplinary action as follows:

First Occurrence – The employee will be counseled by the supervisor and the next level supervisor to determine the need for additional training, instruction and/or other corrective action. The Town's records will reflect the counseling sessions.

Second Occurrence – Within a consecutive three-year period, the employee will be suspended without pay for one day and will be counseled by the supervisor and the division/Department Head.

Third Occurrence – Within a consecutive three-year period, the employee will be counseled by the supervisor and the Department Head and be suspended without pay for three (3) days.

Fourth Occurrence – Within a consecutive three-year period, the employee will be suspended without pay with a recommendation for termination or other severe corrective action as deemed necessary by management.

Supervisors shall administer these same disciplinary actions when employees violate the general and departmental safety rules that have been established and are listed in Chapter 4 of this Appendix C, Safety and Loss Control Policy. An employee who willfully inflicts or attempts to inflict bodily harm to another individual while on duty shall be suspended, with recommendation for termination or other severe corrective action as deemed necessary by management.

CHAPTER 3. GENERAL RULES FOR ALL EMPLOYEES

Section 1. General Safety Rules

Employees will be required, as a condition of employment, to exercise care in the course of their work to prevent injuries to themselves and to their co-workers.

- 1) Caution signs will be posted in shop areas and on major mobile equipment warning employees that eye protection must be worn where eye hazards exist.
- 2) Emergency eyewash and showers will be available to employees who may be exposed to hazardous chemicals and substances.
- 3) First aid kits will be available to employees at all times.
- 4) Designated employees will be properly trained and certified in first aid.
- 5) Water will be available to employees at all job sites.
- 6) Adequate portable lighting will be available to employees for use during emergency situations.
- 7) Employees are to use handrails installed on permanent stairs leading to overhead storage areas.
- 8) Standard guardrails, toe boards and wire mesh will be installed along the front of overhead storage areas for employees.
- 9) All exits will be properly marked for the public and employees' use and the exits will be free of obstructions.
- 10) An evacuation plan will be developed and posted in every public building for use during an emergency. Employees are to be familiar with the evacuation plan.
- 11) There will be an adequate number of appropriate and properly located fire extinguishers that will be inspected monthly or after each use. Employees will be trained on proper use.
- 12) "No Smoking" signs will be located in appropriate areas and obeyed by all employees and visitors, i.e., storage areas for compressed gases or combustible/flammable materials, refueling pumps, battery-charging areas, etc.
- 13) All flammable or combustible materials will be properly stored by employees and bonded.
- 14) All compressed gas cylinders will be properly secured by employees in an upright position.

- 15) All gasoline, which is to be transported by employees in vehicles, will be contained in approved safety containers.
- 16) Whenever two employees are available, one will assist the other in backing all Town vehicles with limited sign visibility.
- 17) Employees will close and properly mark all electric switch boxes and electrical panels.
- 18) All electric fans will be equipped with proper guarding before being used by an employee.
- 19) All tools and electrical equipment will be either double-insulated or equipped with three-prong plugs to ensure proper grounding for the safety of employees.
- 20) All flat belts, V-belts, chains, and sprockets will be properly guarded before use by an employee.
- 21) Overhead cranes and hoists will be equipped with a hook safety latch mechanism and labeled with the maximum safe load limit.
- 22) Adequate overhead and rollover protection will be installed on Town's mobile equipment.
- 23) Bench grinders will be securely mounted, protective eye shields provided, have a properly adjusted foot rest, and have an adequate guard over the spindle before use by an employee.
- 24) Employee behavior can often contribute to an injury. Employees should not engage in any horseplay and should adhere to accepted work practices.
- 25) The Town has a policy of zero tolerance for violence. If any employee engages in or threatens any violence in the workplace immediate and appropriate disciplinary action will be taken. No talk of violence or joking about violence will be tolerated.
- 26) The Town prohibits employees from the unlawful manufacture, dispensation, possession, use, or distribution of a controlled substance of any kind in any amount on Town property or while conducting Town business. Appropriate disciplinary action, up to and including termination, will be taken against any employee who violates this policy.

Section 2. Required by all Employees

- 1) Wear eye and ear protection provided when exposed to related hazards, i.e., grinding, cutting, chipping, welding, battery-charging, jack-hammering, mowing, weed-eating, etc.

- 2) Wear hard hats (electrical Class B required) where there is a possibility of head injury from impact, falling objects or electrical shock or burns.
- 3) Wear gloves provided when conditions dictate.
- 4) Wear a shirt that covers the width of the shoulders and upper part of the body at all times while on the job.
- 5) Wear long pants during **any** operation that could cause injury to the leg area, i.e., weed-eating, using a push mower, handling acids, using chipper or jack-hammer, etc. (Short pants may be allowed in some areas of employment at the discretion of the Department Head and the safety coordinator ONLY.)
- 6) Wear high-visibility clothing, i.e., reflective vests, when working near vehicular traffic.
- 7) Wear appropriate footwear as determined by the departmental safety committee.
- 8) Wear seatbelts at all times.
- 9) Use the safety equipment which has been provided for use in performing daily work assignments.
- 10) Be trained in proper lifting techniques and body mechanics and avoid lifting any object where proper lifting techniques cannot be used.
- 11) Use hand carts, hoists, dollies, or other devices for lifting or moving heavy objects or materials.
- 12) Use a significant number of provided available fluorescent plastic cones, signs, and warning devices when work activities are near vehicular traffic.
- 13) Inspect all vehicles and equipment before starting each shift.
- 14) Inspect all hand tools to ensure they are in safe working condition.
- 15) Ensure guards and safety devices are kept in place and in working condition on all equipment, tools, etc.
- 16) Report defective equipment immediately to a supervisor.
- 17) Be properly trained before assuming routine duties.
- 18) Do not operate equipment for which training or orientation has not been received.

- 19) Report dangerous or unsafe conditions that exist in the workplace as well as throughout the municipality, to include but not limited to:
 - Defective sidewalks
 - Broken curbs
 - Hanging tree limbs
 - Loose handrails
 - Open manholes
 - Sunken basins and sewers
 - Missing or damaged traffic signs or signals
- 20) Warn co-workers of unsafe conditions or practices they are engaged in which could lead to or cause an accident.
- 21) Correct unsafe conditions that result from municipal work that could present a hazard to the public.
- 22) Maintain good housekeeping throughout all operations.
- 23) Report all injuries and accidents, regardless of the severity, as soon as practical.

CHAPTER 4. DEPARTMENTAL SAFETY RULES AND PROCEDURES

Section 1. Administrative Employees

The following rules and procedures apply to all Town of Selma employees with administrative-type positions:

- 1) No personal protective equipment is required unless an employee is working in an area that requires personal protective equipment.
- 2) Employees should use proper lifting procedures when carrying, stacking, pushing, pulling, rolling, sliding, and lifting heavy boxes, furniture, equipment, or other objects.
- 3) Keep floor spaces clear of materials, equipment, objects, electrical leads, computer and telephone cables, and/or debris that would create a slipping, tripping or falling hazard.
- 4) Equipment using hand-fed processes such as electric staplers and paper cutters should have guards.
- 5) Keep all filing cabinets and desk drawers closed when not in use.
- 6) To reduce stress and prevent fatigue, change tasks at least once every two hours. Stretch arms, neck and legs often if you do the same type of work for long periods of time. Rest your eyes often by closing them or looking at something other than the work at hand.
- 7) Noise is an unavoidable component of most offices. It can cause stress, loss of concentration and reduced productivity. In general, every effort should be made to keep nuisance noise to a minimum.

Section 2. Electric Department Employees

The following rules and procedures apply to employees working in the Town of Selma's Electric Department:

- 1) All rubber goods will be electrically tested on regularly scheduled intervals.
- 2) Aerial bucket lines and boom will be electrically tested at intervals of six months to one year, depending on use.
- 3) Only trained employees with adequate supervision will be allowed to work on energized lines.
- 4) Hard hats will be worn by all workers on maintenance and construction crews.
- 5) Safety harnesses will be properly maintained and inspected before each use.

- 6) Outriggers will always be in the lowered position when the aerial bucket is in use.
- 7) Aerial vehicles will be adequately grounded when working near energized lines.
- 8) Wheel chocks will be used on aerial vehicles.
- 9) All vehicles designed as personnel carriers with articulating and extendable booms will be equipped with both upper and lower platform controls.
- 10) Workers will be required to wear safety harnesses with the lanyard attached at the boom while working from an aerial bucket.
- 11) Rubber gloves will be worn by all employees working on energized lines.
- 12) Employees will cover the nearest and lowest wires first when applying protective rubber equipment.
- 13) All grounds will be placed and removed with hot sticks.
- 14) All energized lines will be isolated with protective equipment when employees are working in the vicinity.
- 15) Hand lines will be used for raising and lowering materials.

Section 3. Fire Department Employees

The following rules and procedures apply to all of the Town of Selma's Fire Department personnel:

- 1) Firefighters will be properly trained in the use of personal protective equipment.
- 2) Firefighters will wear NFPA-approved protective equipment and clothing during training sessions and while firefighting.
- 3) The diaphragm in the control valve of breathing apparatus will be inspected in accordance with manufacturer's specifications.
- 4) Firefighters will wear a self-contained breathing apparatus when entering a potentially hazardous area.
- 5) Wheel chocks and outriggers will be used anywhere except on apparatus floor.
- 6) The department will participate in a comprehensive pre-planning system in determining hazardous chemicals and explosives.
- 7) Drivers will be trained in safe defensive/emergency driving techniques.

- 8) Responding vehicles will be visually inspected at the beginning of each week.
- 9) Vehicles will be inspected on a yearly basis and inspections will be properly documented.
- 10) Firefighters will comply with North Carolina traffic laws, rules, and regulations.
- 11) Firefighters will use appropriate warning devices (audio and visual) when responding to an emergency call.
- 12) Firefighters will don personal equipment prior to an emergency response on all vehicles.

Section 4. Maintenance, Garage, Warehouse, and Shop Employees

The following rules and regulations pertain to all of the Town of Selma employees working in the Public Works maintenance facility, garage, warehouse, and shop:

- 1) A protective cage will be used when changing or filling split rim tires.
- 2) An exhaust ventilation system will be installed in areas designated for vehicular repair and used when a vehicle engine is operated for more than 60 seconds.
- 3) A designated area with a "NO SMOKING" sign and clear of all spark-producing devices will be used for charging automotive-type batteries.
- 4) Safety lights will be used for drop cords while working under vehicles.
- 5) All welders will be properly grounded, located in a dry area, and equipped with properly insulated terminals.
- 6) Safety devices will be used to prevent the dump beds and bodies falling while maintenance is being performed.
- 7) Safety devices will be used when working on hydraulic cylinders while under pressure (i.e., backhoes, loaders, etc.).
- 8) All items or materials will be stacked in a safe manner.
- 9) Personal protection equipment will be worn by employees whose job function has been identified as needing such equipment.

Section 5. Street Department Employees

The following rules and regulations apply to employees of the Town of Selma's Street Department:

- 1) All employees should be properly trained in the use and handling of insecticides, herbicides, and toxic, corrosive, and caustic materials. Containers should be properly labeled.
- 2) Supervisors should be provided with, and required to use, appropriate equipment to determine the amount of oxygen and toxic or flammable gases in confined underground areas.
- 3) Employees should be properly trained in the use of monitoring devices, rescue equipment, and other safety equipment.
- 4) Excavations and trenches will be designed by a "competent person" in accordance with OSHA standards.
- 5) An adequate means of exit should be provided (ladder) in excavations and trenches. This is required for excavations and trenches of four feet or deeper.
- 6) All excavated materials should be stored at least two feet from the trench.
- 7) Backup alarms should be installed and operable on all mobile equipment with limited sight visibility.
- 8) Supervisors should ensure that all workers are properly trained in the use of their respective personal protective equipment.
- 9) Vehicles should be equipped with adequate warning lights, including a rotating beacon.
- 10) Trucks will park on the proper side of the road at all times.
- 11) All limb/bush chippers will be equipped with a protective flap to minimize the possibility of an employee being struck by flying debris unless equipment is designed to eliminate hazard.
- 12) Equipment and materials being hauled should be tied down properly.
- 13) Personal protective equipment will be worn by employees whose job function has been identified as needing such equipment.

Section 6. Police Department Employees

The following rules and procedures apply to all police officers and others working at the Town of Selma's Police Department:

- 1) All candidates for employment as sworn law enforcement personnel will be administered a thorough physical examination prior to employment, as specified by the Town.
- 2) All officers should receive regular physicals.
- 3) The department should have written guidelines regarding operations, i.e., apprehension, searches, handcuffing, weapons handling, use of deadly and non-deadly force, high speed pursuits, etc.
- 4) All officers will be properly trained and supervised in the safe performance of their duties prior to being allowed to perform routine activities. Training shall be documented.
- 5) The department prohibits horseplay involving officers while on duty.
- 6) Officers will be required to use seat belts while driving official vehicles.
- 7) Officers will inspect their vehicles prior to beginning their shifts.
- 8) All vehicles will be inspected by a qualified mechanic on at least a quarterly basis.
- 9) The department will have a policy prohibiting the transportation of a shotgun with a shell in the chamber.
- 10) Officers will be required to qualify with the firearms used and with live ammunition on at least an annual basis.
- 11) The qualifying exercise will include night firing.
- 12) Officers will be provided with bulletproof vests that will be worn at all times the officer is on duty, except when specifically authorized by the supervisor.

Section 7. Parks & Recreation and Cemetery Employees

The following rules and regulations apply to all Town of Selma employees of the Parks & Recreation Department and the Cemetery:

- 1) All employees should be properly trained in the use and handling of insecticides, herbicides, and toxic, corrosive and caustic materials. Containers should be properly labeled.
- 2) Playgrounds will be inspected monthly. Inspections will be documented.

- 3) A designated area with a “NO SMOKING” sign and clear of all spark-producing devices will be used for charging automotive-type batteries.
- 4) Equipment and materials being hauled should be tied down properly.
- 5) “CAUTION—MEN AT WORK” or “CAUTION—MEN WORKING” signs should be placed in public parks during maintenance.
- 6) Personal protective equipment will be worn by employees whose job function has been identified as needing such equipment.

APPENDIX D. SUBSTANCE ABUSE POLICY

CHAPTER 1. ESTABLISHMENT OF POLICY

Section 1. Purpose

As part of its commitment to safeguard the health of its employees, to provide a safe place for its employees to work, and to promote a drug-free community, the Town of Selma (hereinafter "Town") establishes this policy on the use or abuse of alcohol and illegal drugs by its employees.

Substance abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity, and a decline in the quality of services provided by the Town.

The Town has established this policy to detect users and remove abusers of alcohol and illegal drugs from the workplace. It is also the policy of the Town to prevent the use and/or presence of these substances in the workplace and to assist employees in overcoming any dependence on drugs and/or alcohol in accordance with the following guidelines.

The purpose of this policy is to communicate the Town's position on alcohol and drugs in the workplace and to provide guidance for the implementation of related programs.

Section 2. Scope

All Town employees are covered by this policy. As a condition of employment, employees are required to abide by the terms of this policy. This Substance Abuse Policy primarily governs actions in the areas of alcohol and drugs. Other Town policies may be applicable in these areas to the extent that they do not conflict with this policy.

Certain employees may be subject to additional requirements under State and/or Federal regulations.

Section 3. Substance Abuse Policy Dissemination

All employees are to be informed of the Town's Substance Abuse Policy and be made aware of its contents. Employees shall be given a summary of the Town's Substance Abuse Policy and be required to sign an Acknowledgment of Receipt and Understanding.

All full-time and permanent part-time applicants shall be informed in writing of the Town's policy of pre-employment testing and shall be required to sign an Applicant Drug Testing Consent Agreement prior to referral for a physical or drug test or an offer of hire.

Section 4. Definitions

Illegal Drugs. Drugs or controlled substances which are: (1) not legally obtainable or (2) legally obtainable but not obtained or used in a lawful manner. Examples include, but are not limited to, cocaine and marijuana, as well as prescription drugs which are not lawfully obtained or properly utilized. The term “illegal drug” also refers to mind-altering and/or addictive substances which are not sold as drugs or medicines but are used for mind or behavior altering effect.

Legal Drugs. Those drugs prescribed or over-the-counter drugs which are legally obtained by the employee and used for the purpose for which they were prescribed and sold.

Town Property. Includes work sites; parking lots; vehicles; offices owned, rented, utilized, or serviced by the Town or by any customer of the Town; employee-owned or employee-rented vehicles on the property of the Town or of any customer of the Town while on Town business; and locations where the employee represents the Town in any capacity.

On Duty. Includes all working hours, as well as meal periods and break periods, regardless of whether or not on Town premises, and all hours when the employee represents the Town in any capacity.

CHAPTER 2. PROHIBITIONS

Section 1. Drug Use

The use, sale, purchase, possession, manufacture, distribution, or dispensing of illegal drugs on Town property or during work times is against Town policy and is cause for immediate discharge.

It is also against Town policy for any employee to report to work or to work with the presence of illegal drugs in his or her body. Employees who violate this policy are subject to disciplinary action, up to and including discharge.

Legal drugs may also affect the safety of the employee, co-workers or members of the public. Therefore, any employee who is taking any legal drug which may impair safety, performance or any motor functions must advise his or her supervisor before reporting to work under such medication. A failure to do so may result in disciplinary action. Improper use of "legal drugs" is prohibited and may result in disciplinary action, up to and including discharge.

Refusal to submit to, efforts to tamper with, or failure to pass a drug test will result in disciplinary action, up to and including discharge, and/or referral to the Town's Employee Assistance Program (EAP).

Section 2. Alcohol Use

The consumption of alcohol on Town property or while on duty is prohibited and will result in disciplinary action, up to and including discharge. There may be occasions, however, removed from the usual work setting, at which it is permissible to consume alcohol in moderation with Town approval on Town property.

It is against Town policy to report to work or to work under the influence of alcohol.

An employee will be considered under the influence when, in the judgment of the employee's supervisor or other management official, and the employee's ability to perform the job safely and effectively is affected by the use of alcohol. An alcohol test by breathalyzer, blood test, or other scientifically acceptable method may be performed. An alcohol test of 0.04 or higher will be considered positive. If the results of the alcohol test are between 0.02 and 0.04, then the employee shall not be permitted to perform safety sensitive functions for 24 hours following the administration of the test.

Refusal to submit to, efforts to tamper with or failure to pass an alcohol test will result in a disciplinary action, up to and including discharge, and/or referral to the Town's EAP.

CHAPTER 3. TESTING

Section 1. Pre-Employment Testing of Applicants

All full-time and permanent part-time applicants considered final candidates for a position will be tested for the presence of illegal drugs as a part of the application process.

These applicants will be advised of the Town's pre-employment testing requirements in writing prior to an offer of hire or referral for a physical. Applicants will be asked to sign the Applicant Drug Testing Consent Agreement. If an applicant refuses, he or she will not be considered for employment, and the employment application process will be terminated.

Any applicant who refuses to submit to, tampers with, or fails to pass the pre-employment drug test shall be ineligible for hire for a period of one year.

Section 2. Reasonable Suspicion

All employees may be asked to submit to an alcohol and/or drug test if cause exists to indicate that their ability to perform work safely or effectively may be impaired. Testing for cause should be based on specific objective facts and reasonable inferences drawn from these facts in the light of experience. Testing for cause does not required certainty; however, mere "hunches" are not sufficient to meet this standard. Factors which could establish cause include, but are not limited to:

Direct observation of an individual who may be engaged in alcohol/drug-related activity:

- 1) A pattern of abnormal conduct.
- 2) Unusual, irrational or erratic behavior.
- 3) Unexplained, increased or excessive absenteeism or tardiness.
- 4) Sudden changes in work performance.
- 5) Repeated failure to follow instructions or operating procedures.
- 6) Violation of Town safety policies or failure to follow safe work practices.
- 7) Unexplained or excessive negligence or carelessness.
- 8) Discovery or presence of drugs in an employee's possession or near an employee's workplace.
- 9) Odor or residual odor peculiar to some drugs.
- 10) Arrest or conviction for a drug-related crime.

- 11) Information provided either by reliable and credible sources or independently corroborated.
- 12) Evidence that an employee has tampered with a prior alcohol/drug test.

Commercial Driver's License (CDL) holders will be required to receive at least 60 minutes of training on alcohol misuse and at least 60 minutes of training on controlled substance use.

Alcohol testing is authorized only if the observations are made during, just before, or just after the period the driver is required to be in compliance. If a reasonable suspicion alcohol testing is not administered within two hours, the procedures followed in post-accident testing should be followed.

If a supervisor believes cause exists, the supervisor should report his or her findings and observations to the Town Manager or his designee. A written record must be made of the observations leading to an alcohol and/or controlled substances test and be signed by the supervisor who made the observations.

Section 3. Random Testing

Employees holding a CDL will be required to submit to alcohol and drug testing on a random basis. Covered individuals will be informed in writing that they are subject to random testing due to the U.S. DOT Alcohol and Drug Testing regulations effective January 1, 1996.

Alcohol testing will be administered at a minimum annual rate of 50% of the average number of driver positions, will be unannounced, and will be spread reasonably throughout the calendar year. The drivers can be tested only during, immediately prior to, or immediately after they are required to be in compliance.

If the driver selected is on vacation or other leave, either another driver will be selected or the original selection will be kept confidential until the driver returns to work.

Selection of employees for random testing shall be conducted through the use of a random number generator or other neutral selection process.

Section 4. Post-Accident Testing

CDL employees may be tested for the presence of alcohol and/or drugs following an accident or other occurrence that involves one or more of the following covered events: (1) a fatality; (2) an injury to an employee or other individual; (3) substantial damage to vehicles; (4) substantial damage to other property; (5) and/or when the driver receives a citation for a moving traffic violation arising from an accident.

Section 5. Follow-up Testing

Employees who have been determined to have used alcohol and/or illegal drugs and who have accepted the opportunity to enter a drug counseling or rehabilitation program will be subject to unannounced follow-up tests for a two-year period after returning to work or completion of any rehabilitation program, whichever is later. Before returning to duty an employee must render a 0.02 alcohol test and a verified negative result for controlled substances. They must also participate in any assistance program prescribed by a substance abuse professional.

Section 6. Additional Testing

Additional testing may also be conducted as required by applicable state or federal laws, rules or regulations or as deemed necessary by the Town. CDL employees will be subject to a minimum of six follow-up controlled substance and/or alcohol tests in the first 12 months. Upon initial implementation of this Substance Abuse Policy, all current employees will comply with testing as applicable.

Section 7. Testing Procedures

The Town will determine for which drugs testing will be performed.

If the employee refuses to consent to testing, fails to appear for testing, tampers with the test, or fails to cooperate with the testing procedures, he or she may be referred to the Town's EAP or may be discharged.

The Town will employ a very accurate testing program. Urine and blood samples and/or breathalyzer results will be analyzed by a highly qualified independent laboratory certified by the National Institute on Drug Abuse (NIDA) which has been selected by the Town. All urine samples will be tested according to the following sequence:

- 1) All urine samples will first be subjected to an initial screening process to detect the presence of illegal drugs.
- 2) Those samples having a negative screen (no illegal or illicitly used substances present) will be considered to have tested negative, and no further testing will be done on that sample.
- 3) Those samples that test positive on the first screen will be tested more extensively by means of Gas Chromatography/Mass Spectrometry (GC/MS) to eliminate any false-positive tests and confirm the presence of illegal drugs.

Employees who consent to testing will be informed of the results by the Town's designated Medical Review Officer (MRO) or the appropriate Town official. As set forth herein, a positive test will result in disciplinary action up to and including discharge or referral of the employee to the EAP.

Any employee who adulterates a specimen or who otherwise attempts to invalidate a test shall be terminated.

Urine collection procedures shall allow individual privacy unless there is reason to believe that a particular individual may adulterate or substitute the specimen to be provided, based upon knowledge of prior substance use (e.g., a previous positive test), or based upon the circumstances.

Employees who test positive may appeal the test result in accordance with the procedure listed herein.

Section 8. Appeal of Confirmed Positive Test

After receipt of a report confirming a positive test result report from the testing laboratory, the Town's MRO will inform an employee of the positive test.

An employee may request and receive from the Town a copy of the test result report.

Within three (3) working days after receiving notice of a confirmed positive test result, the employee may submit information to the Town of its designated MRO explaining the positive test result and the reason(s) why the result does not constitute a violation of the Town's Substance Abuse Policy.

The employee may request that a retest be performed on the initial specimen by a NIDA-certified laboratory. The employee shall be responsible for all costs associated with conducting this retest.

Section 9. Confidentiality

Results of an applicant's or employee's test for the use of illegal drugs or alcohol shall be given to the Town Manager or his designee. In order to effectively address the employees with drug or alcohol problems, it will be necessary for the Town Manager to consult with other persons in the process; however, results will be disseminated to others on a need-to-know basis only.

CHAPTER 4. RESPONSES AND SANCTIONS

Section 1. Disciplinary Action

In the case of a first time violation of the Town's Substance Abuse Policy, including a positive drug or alcohol test result (without evidence of use, sale, possession, distribution, or purchase of drugs or alcohol on Town property or while on duty), the following will apply:

- 1) The employee will receive a written warning and be referred to the EAP.
- 2) The employee must contact the Town's EAP within 24 hours and participate in professional drug and/or alcohol evaluation, counseling and/or rehabilitation as prescribed by the EAP. The employee must cooperate with the EAP staff in carrying out its responsibility to coordinate the evaluation, counseling, treatment, and follow-up process.
- 3) Employees who: (1) do not cooperate with the EAP; (2) refuse to participate in or do not satisfactorily complete a drug or alcohol abuse assistance or rehabilitation program; or (3) subsequently violate this policy will be discharged.
- 4) The employee may require in-patient or out-patient treatment. If in-patient treatment is required, the employee will be placed on Leave Without Pay during his or her absence after the employee has exhausted all paid leave. Any leave may apply toward the employee's Family Medical Leave benefit if applicable.
- 5) Any employee referred to the EAP for alcohol and/or drug use must sign a Last Chance Agreement prior to returning to work and agree to submit to unannounced alcohol and/or drug testing for a period of up to two (2) years.
- 6) After signing the Last Chance Agreement and before returning to work, the employee must also comply with Chapter 3, Section 5 – Follow-up Testing and Section 6 – Additional Testing.

The Town may suspend employees under this policy pending the results of an alcohol and/or drug test or investigation.

Any employee having a second positive alcohol and/or drug test during his or her employment with the Town will be discharged.

Any employee using, selling, purchasing, possessing, distributing, or dispensing drugs or alcohol while on duty or on Town property will be subject to disciplinary action, up to and including discharge.

Section 2. Employee Assistance Program (EAP)

The Town regards its employees as its most important asset. Accordingly, the Town maintains an EAP which provides help to employees who suffer from alcohol or drug abuse and/or other personal or emotional problems. Employees with such problems

should seek confidential assistance from the EAP or other community resources before drug or alcohol problems lead to disciplinary action.

Employees referred to the EAP as a result of a violation of the Town's Substance Abuse Policy may continue their employment with the Town provided:

- 1) They contact the EAP and strictly adhere to all the terms of treatment and counseling prescribed by the EAP;
- 2) Immediately cease any and all use of alcohol and/or drugs; and
- 3) Consent in writing to periodic unannounced testing for a period of up to two (2) years after returning to work or completion of any rehabilitation program, whichever is later, and comply with Chapter 3, Section 5 – Follow-up Testing and Section 6 – Additional Testing.

In keeping with the Town's need for safety and security, the Town Manager will determine whether the Town should grant a leave of absence or reassign an employee following a positive test or during the period of evaluation, treatment, or counseling.

Participating in any evaluation, treatment, or counseling program will be at the employee's expense unless the employee is entitled to such benefits under the terms of the Town's group health plan or by other available benefits. Time lost from work for such a program shall be without pay after the employee has exhausted all paid leave and any leave may apply toward the Family Medical Leave Act benefit where applicable.

Section 3. Investigations

To ensure that illegal drugs and alcohol do not enter or affect the workplace, the Town reserves the right to search all vehicles, containers, lockers, or other items on Town property in furtherance of this policy. Individuals may be requested to display personal property for visual inspection upon Town request.

Searches will be conducted under this policy only when the Town management has reason to believe that the employee has violated the Town's Substance Abuse Policy.

Failure to consent to a search or to display personal property for visual inspection will be grounds for discharge or denial of access to Town premises.

Section 4. Arrest or Conviction for Drug-Related Crime

If an employee is arrested for or convicted of a drug-related crime, the Town management will investigate all of the circumstances, and Town officials may utilize the drug-testing procedure if cause is established by the investigation. In most cases, an arrest for a drug-related crime constitutes cause under this policy.

As a condition of employment, an employee shall notify the Town of any criminal drug statute conviction for a violation which occurred on Town premises. The employee must give notice in writing to the Town within five (5) days of such conviction.

CHAPTER 5: DRUG-FREE AWARENESS PROGRAM

Section 1. Implementation

The Town will conduct drug-free awareness programs on a regular basis. These programs will inform employees about the following:

- 1) The dangers of drug and alcohol abuse in the workplace;
- 2) The Town's policy of maintaining a drug and alcohol free workplace;
- 3) Available drug and alcohol counseling, rehabilitation, and employee assistance programs; and
- 4) The sanctions that may be imposed for alcohol- and drug-abuse violations.

Section 2. Assistance Available

Employees are encouraged to approach their supervisor or the Administrative Services Director at any time with any questions they have about the Town's Substance Abuse Policy as stated herein.

APPENDIX E. TRAVEL POLICY

CHAPTER 1. PURPOSE AND POLICY

Section 1. Purpose

The intent of this policy is to make a uniform provision for the reimbursement of necessary expenses of Town employees or officials of the Town who are required to travel within or outside of the Town boundaries in the performance of their duties and in the interest of the Town's affairs.

Section 2. Policy Administration

The respective Department Heads are responsible for the administration of the provisions of this policy. Department Heads are authorized to approve travel reimbursements for the employees under their supervision except where otherwise stated.

Section 3. General Policy

Travel. The Town of Selma recognizes that employees and officials are required to travel both within and outside of the State of North Carolina for the purpose of representing the Town at meetings and professional associations, as well as for training to enhance their skills regarding the performance of their various positions within the Town government.

It is inherently understood in this policy that an individual traveling on official Town business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Excess costs, indirect routes, delays, or luxury accommodations and unnecessary services, unjustified, or solely for the convenience or personal preference of the traveler in the performance of official Town business are not acceptable under this standard, and travelers will be held responsible for unauthorized costs and additional expenses incurred for personal preference or convenience.

Travel Reimbursement. The travel reimbursement form provided for the traveler must be turned in for reimbursement within ten (10) days of the employee's return. This form lists all mileage, private or public transportation, lodging, meals, registration, and other travel expenses which are reimbursable. Itemized receipts for lodging, meals, registration, and private or public transportation are to be attached to and made a part of the reimbursement form. For taxis, airport shuttles and buses, receipts may not be available or provided; therefore, attach if possible. The reimbursement form must be approved by the Department Head and signed by the employee before being presented to the Finance Office for reimbursement.

Transportation Cost for Employee. This is the payment for mileage allowance or actual cost of public transportation as applicable. If rental vehicles are used for both business and non-business purposes, reimbursement to the Town for the non-business portion will apply.

CHAPTER 2. AUTHORIZED TRAVEL MODES

Section 1. Town-Owned Vehicle

This method of transportation is to be used whenever a Town vehicle is available. The Department Head may authorize reimbursement to the employee for exact operation expenses in circumstances where direct credit charges cannot be made to the Town.

Section 2. Privately-Owned Vehicle

When no Town vehicle is available, this mode may be used if specifically authorized by the appropriate Department Head. Reimbursement for operation expense shall be limited to the mileage allowance mandated by the IRS.

Section 3. Transportation by Common Carrier

Reimbursement for air, rail or bus fare is limited to business or coach fare, substantiated by a receipt. Quotes must be obtained from more than one (1) common carrier if multiple carriers exist; and (2) documentation that the lowest fare available was used must be submitted on the trip sheet.

Section 4. Rental Vehicles

Reimbursement of rental vehicle expenses will not be authorized without prior approval by the Town Manager. If approved, the rental vehicle should be secured at the lowest practical cost.

CHAPTER 3. TRAVEL DESINATIONS

Section 1. Local Travel

Town employees, who by the normal nature of their duties are required to travel regularly within the Town and are individually authorized by the appropriate Department Head, are eligible for reimbursement of transportation expense on a monthly basis.

Section 2. In-State/Out-of-County Travel

Approved travel expenses outside the county but within the state for Town purposes or purposes in the best interest of the Town, such as training, conferences, professional meetings, etc., may be reimbursed to the limits of the policy for:

- Transportation Costs
- Lodging
- Meals
- Registration Costs
- Necessary Incidental Expenses (parking, tolls, taxis, etc.)

Section 3. Out-of-State Travel

Out-of-state travel begins when the employee leaves the state and remains in effect until the employee returns to the state. Out-of-state travel requests by employees and Department Heads must be pre-approved by the Town Manager.

CHAPTER 4. REIMBURSABLE EXPENSES

Section 1. Mileage Allowance

The amount authorized to be paid on a per-mile basis for travel by privately-owned vehicle will be determined by the IRS mileage rate at the time of travel.

Section 2. Meal Reimbursement Rates

Please see the Finance Policy for the current Meal Reimbursement Rates.

*Meals that are provided in the registration costs will not be reimbursed to employees who choose to eat on their own elsewhere. A spouse's or other relative's meal must be paid with private funds; the only exception being when a spouse accompanies a Town representative to an official breakfast, luncheon, or dinner to which the spouse was invited. **Itemized receipts must be turned in for reimbursement.***

Tips are considered to be included in the above meal reimbursement rates.

Section 3. Lodging

To receive reimbursement for lodging expenses, an itemized hotel bill must be attached to the reimbursement form.

Section 4. Registration Costs

Registration costs should be paid directly by the Town. When an employee personally pays a registration fee, a receipt for payment should be obtained and is preferable to a cancelled check for reimbursement purposes. Additional registration costs for recreational and entertainment activities will not be paid by the Town. Meal functions are not included in this requirement and are eligible for payment by the Town in lieu of the meal reimbursement payment.

Section 5. Other Costs

Reasonable parking fees, tolls, taxi charges, and expenses of a similar nature when appropriate to the travel are reimbursable upon submission of appropriate documentation of the same. The Town Manager shall approve or disapprove all other expense reimbursements not clearly defined in this Policy or those which have been questioned.

Section 6. Telephone Calls

Employees are not allowed to charge long distance telephone calls to the Town for calls of a personal nature. All long distance calls that are to be paid by the Town are those made pursuant to the employee conducting official Town business.

Section 7. Non-Reimbursable Items

The following list of non-reimbursable items is not all-inclusive. The Town Manager shall approve or disapprove all other expense reimbursements not clearly defined in this Policy or those which have been questioned.

- Any miscellaneous expense not supported by a receipt
- Meals included in registration
- Travel to and from workplace
- Souvenirs from the trip
- Items purchased to be used as door prizes or raffle items
- Non-employee expenses
- Alcoholic beverages
- Movie rentals
- Traffic fines

CHAPTER 5. MISCELLANEOUS

Section 1. Credit Card

Employees and officials authorized to use a Town credit card may elect to use it instead of the reimbursement option; however, meals are still subject to the meal rates listed in Chapter 4, Section 2, of this Appendix E, Travel Policy. All itemized receipts for expenditures must be submitted with the travel reimbursement form to the Finance Office in order for the expenditures to be approved.

Section 2. Travel with Others

When two or more employees are traveling to the same destination, maximum use shall be made of special group travel discounts and joint use of transportation including taxi cabs, Town-owned vehicles or privately-owned vehicles. Travel with representatives of other government units is encouraged whenever possible.

Section 3. Commuting

No reimbursement shall be made for use of a personal vehicle in commuting from an individual's home to his or her workplace.

Section 4. Extraordinary Travel or Cost

In instances of travel not covered by this Policy, or where the actual necessary costs exceed the maximum reimbursement allowed and the travel is in the best interest of the Town, the Town Manager may approve reimbursement of actual costs beyond the maximums stated herein.

Section 5. Travel Expenses Not Addressed by This Policy

Any travel expenses falling outside the realm of this Policy must be approved by the Town Manager.

Section 6. Travel Advances

Hotel accommodations may be paid directly to the hotel in advance. The itemized receipt must be turned in with your travel reimbursement form. Any other travel advance must be approved by the Town Manager.

CHAPTER 6. REIMBURSEMENT PROCEDURES

Section 1. Form & Receipts

The travel reimbursement form and supporting receipts must be submitted to the Department Head for approval. After approval by the Department Head, the form should be forwarded to the Town Manager who will then forward the form to the Finance Department for payment.

Section 2. Accuracy Check

The Finance Department will determine that the travel form and receipts have been properly approved, that they are mathematically correct, that requested reimbursements agree to submitted receipts, and that they are within the limits set by the Policy. If an error in the reimbursement request is found, the requesting party will be informed and the error will be corrected before payment is made.

Section 3. Trip Cancellation

When an employee cancels an approved trip and the Town has paid airfare, registration and/or other related fees or issued a travel advance, a memo must be sent to the Finance Department explaining the cancellation. The Finance Office will be responsible for refunds due to the Town. Non-refundable expenditures will be reviewed on a case-by-case basis by the Town Manager.

APPENDIX F. WORKPLACE VIOLENCE PREVENTION POLICY

CHAPTER 1. ESTABLISHMENT OF POLICY

Section 1. Policy Statement

The Town of Selma recognizes that the employees are its most important asset, and a safe, secure, and violence-free workplace is fundamental to their health and well-being during working hours.

The Town is striving to foster a work environment of respect and healthy conflict resolution. Employees should expect to be treated with courtesy, dignity, and respect by the management, co-workers, and citizens.

Likewise, the Town believes that it is the obligation of every employee to contribute to the safety of the work environment by refraining from threats, violence or activities that may provoke violence; being sensitive to cultural differences in all aspects of personal interactions; by conducting Town business with consideration and respect for co-workers and customers; and reporting actual or potential threats, both internal and external, immediately.

To this end, the Town of Selma has adopted a zero tolerance policy for violence during working hours, during business involving the Town, or while on Town-owned property by any employee, citizen, customer, visitor, or independent contractor.

Section 2. Objectives

The objectives of this policy are to:

- 1) Promote a safe workplace environment for employees and citizens free of violence, threats of violence, and all other disruptive behavior; and
- 2) Establish, confirm and communicate the Town of Selma's position that it will not tolerate workplace violence in any form, actual or potential.

Section 3. Purpose

The purpose of this policy is to educate employees by providing guidelines to increase their awareness of:

- 1) How to recognize workplace violence, actual and potential.
- 2) How to prevent or minimize the occurrence of violent incidents.
- 3) How to react and deal with violent incidents.
- 4) The reporting procedures that are required.

- 5) The repercussions and consequences that can be expected as a result of a violent workplace incident perpetrated or committed by any employee.

Section 4. Applicability

This policy shall apply to all Town employees, including full-time and part-time (regular, temporary, volunteer, and contract), while engaged in activity related to their employment with the Town, whether on Town property or elsewhere.

However, this policy does not include actions related to or situations arising from actions that are a necessary part of the performance of an employee's job. For example, fire, police, and other response employees acting with an appropriate use of force in the line of duty are exempt from this policy.

Section 5. Crisis Management Team

A Crisis Management Team shall be established and charged with responding to acts of violence in the workplace. The role of the Team varies depending on the type of incident. For every violent act reported, the Team will investigate the situation to determine appropriate future action in regard to that specific situation and to prevent similar situations.

It shall be the responsibility of the Crisis Management Team to periodically audit the program by reviewing and amending, if necessary, any portions of this policy as is deemed advisable.

The Crisis Management Team shall be comprised of the following:

- 1) Town Manager
- 2) Safety Committee Representative
- 3) Each Town Department Head

Section 6. Definitions

Workplace Violence. Threatening behavior and violence that can be demonstrated in many ways and can easily escalate from mild to severe, such as from intimidating or insulting comments to statements to harm a specific person, place or thing; to stalking or graphic communications; to physical attacks or actual assault. Workplace violence includes, but is not limited to:

- Threats
- Harassment
- Intimidation
- Property damage
- Shoving

- Pushing
- Brandishing a weapon
- Abusive language
- Fighting
- Extreme physical force or action
- Physical force for the purpose of violating, abusing or damaging property or person
- The display of intentional abuse aimed at provoking mental or emotional force or harm
- Actions that are perceived to be severe, offensive or threatening and which investigation confirms were reasonably interpreted to be violent
- Any aggressive action, whether verbal, written, gestured, or insinuated by body or facial expression that communicates a direct or indirect threat of harm
- Actions taken or inflicted on individuals “off-the-clock” if the actions grew out of work-related conflicts or issues
- Any other disruptive or aggressive behavior

Threat. an expression or communication of intent to cause physical, emotional or mental harm regardless of whether or not the person has the ability to carry it out presently or in the future; without regard to the overt or subtle nature of the expression; without regard to whether the expression is made on a present, conditional, or future basis; and whether or not it is the person’s true intent as perceived by a reasonable person. A threat includes any verbal, written or graphic communication where retaliation or intimidation is suggested or promised. In determining whether the action was intended as a threat, the totality of the circumstances shall be considered.

Reasonable Person. A person who exercises those qualities of attention, knowledge, intelligence, and judgment which society requires of its members.

Intimidation. Includes, but is not limited to, threats, stalking, engaging in actions intended to frighten or coerce another person or induce stress.

Stalking. Harassing surveillance; the willful, malicious and repeated following of another person intended to scare or intimidate.

External Threat. A threat by citizens or other non-employees.

Indirect Threat. Behavior such as frequent hostile arguments, belligerence, aggression, swearing, or producing graphic material.

Physical Attack or Altercation. Unwanted or hostile physical contact such as touching, hitting, striking, pushing, grabbing, holding, or throwing objects that are likely to cause injury. In determining whether the physical contact constitutes a physical attack, the totality of the circumstances shall be considered.

Property Damage. Includes intentional damage arising out of workplace violence to property of the Town, its employees, vendors, or citizens.

Town Property. Includes all structures, grounds, parking lots, parks, vehicles, and all other facilities owned or controlled by the Town.

Weapon. Any object or device intended to be used or designed specifically to cause injury to, intimidate or attack any person. Examples include, but are not limited to:

- Any type of firearm, pistol, shotgun, rifle
- Martial arts weapons
- Brass, iron or metallic knuckles
- Sling shots
- Caustic chemicals
- Loaded canes
- Straight razors
- Explosives
- Ammunition
- Knives, pocketknives, switchblades, dirks, or daggers with blades that are not issued by the Town for specific tasks or purposes

NOTE: Small knives (such as Swiss Army knives), tools (such as axes, hammers, and screwdrivers), furniture, and office equipment are not considered weapons unless used in a threatening manner.

Section 7. Examples of Workplace Violence

Examples of conduct and behavior strictly prohibited by this policy include, but are not limited to:

- Any act or threat of bodily harm, including subtle or implied threats
- Fighting, hitting, shoving, or other physical altercations
- Sabotage of work or equipment
- Use, threat of use, or possession of any type of weapon, whether concealed or visible, on or in Town property, except by sworn law enforcement personnel
- Use of language that would be regarded by a reasonable person as likely to provoke violence
- Stalking or threatening another person with the intent to place the other person in reasonable fear for his or her safety, or the safety of his or her family, friends, associates, or property
- Making harassing or threatening telephone calls
- Sending harassing or threatening letters or other forms of written or electronic communication
- Intentionally damaging or threatening to damage any property owned by the Town or any Town employee.
- Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the Town.

Examples of conduct and workplace behavior that may be inappropriate but do not constitute workplace violence as defined in this policy include, but are not limited to:

- Inappropriate contact of a sexual nature that should be dealt with under the Town's Sexual Harassment Policy.
- Incidents of bullying or inappropriate horseplay should be dealt with under the Personnel Policy section on Disciplinary Actions.
- Incidents of the use of excessive force in the course of the jobs of emergency personnel should be dealt with through the appropriate department's policies.

Section 8. Mandatory Compliance

It is a violation of the policy to:

- Engage in threats, intimidation, physical attacks, and any other form of workplace violence as defined in this policy.
- Carry on one's person and/or use an unauthorized weapon during work time or related to an individual's employment.
- Withhold information concerning any actual or potential form of workplace violence as defined in this policy.
- Falsely accuse an individual or falsely report any form of workplace violence that could affect an innocent person.

Violations of this policy by any individual on Town property, or by any individual involved in Town business off of Town property when his or her actions affect the public interest or the Town's business interests will not be tolerated and will be followed by legal action as appropriate.

Violation by an employee of any provision of this policy may lead to disciplinary action up to and including termination. This policy and any sanctions related thereto are to be deemed supplemental to the Town's Personnel Policy and its provisions and to applicable State and Federal laws.

CHAPTER 2. RESPONSIBILITIES AND GUIDELINES

Section 1. Guidelines for All Employees

An employee should discuss with a supervisor or Department Head any fear that a personal or work relationship has the potential to deteriorate into a threatening situation affecting his or her co-workers. If the employee does not feel comfortable confiding in the Department Head, the Administrative Services Director or the Selma Police Department should be called. An investigation will be performed in a confidential manner whenever possible; however, public safety will have the first priority.

All employees are encouraged to be alert to the possibility of violence on the part of employees, former employees, customers, and strangers. Verbal threats, the displaying of weapons, or suspicious briefcases and/or packages may be cause for concern.

Whenever an employee feels at immediate risk, the Selma Police Department may be called. The communication of a threat towards an employee or a citizen is cause to call the Police Department. The Police Department will decide on the appropriate level of response.

The Police Department will take the lead in responding to an incident with the assistance of staff members or outside expertise as deemed necessary by the Police Department. Any report of violence will be handled in a confidential manner, with information released only on a need-to-know basis.

The Town believes that it is the obligation of every employee to contribute to the safety of the work environment by refraining from threats, violence or activities that may provoke violence; by being sensitive to cultural differences in all aspects of personal interactions; by conducting Town business with consideration and respect for co-workers and customers; and by reporting actual or potential threats, both internal and external, immediately.

This policy does not, in effect, promise to offer security from violence. By adopting this policy the Town of Selma makes no promise, assurance or guarantee, expressed or implied, that an employee will be free from workplace violence.

Section 2. Communication

New employees will receive information concerning the expected behavior on the job towards co-workers and the public, as well as the availability of the Employee Assistance Program (EAP) services.

Money handling operations departments involved in handling money will separately develop procedures and provide training to employees to assure that employee safety is the primary concern, not the security of the money.

Section 3. Responsibilities

Employee Responsibilities

- 1) Any employee who experiences or witnesses any act, conduct, behavior, or communication by another employee or by a non-employee, which is in direct violation of the policy prohibiting workplace violence must *immediately* contact his or her supervisor and/or the Administrative Services Director and, if needed, the Selma Police Department. Employees should not try to handle a violent or potentially violent incident themselves.
- 2) When reporting an imminent threat and/or act of violence, an employee should first secure his or her own safety, immediately contact the Selma Police Department and, if possible, alert other persons in the immediate area.
- 3) Any employee who is threatened, assaulted or attacked while on official duty in the field should immediately report such incident to both the Selma Police Department and his or her immediate supervisor.
- 4) If anyone commits a violent act or makes a direct threat while on Town property, that person will be asked to leave by a supervisor. Should the person refuse to leave, the Selma Police Department will be called to assist in removing the person from Town property. The person may not return to any Town property until authorized. The Crisis Management Team will begin an administrative investigation and take appropriate action.
- 5) Each employee has the personal responsibility to abide by this policy every time he or she comes to work. Any employee who violates this policy will receive appropriate disciplinary action, which may include termination, arrest, prosecution, and/or other criminal penalties.
- 6) Any employee who knows of information about workplace violence but does not report it in accordance with this procedure will be subject to appropriate disciplinary action.
- 7) Any employee who receives a suspicious package should notify his or her supervisor and, if necessary, the supervisor will call the Selma Police Department.
- 8) Employees should be aware and sensitive to cultural and racial differences in all aspects of interaction with co-workers, customers, and vendors.
- 9) All employees have the responsibility to report any suspicion or knowledge of a current or potential incident of workplace violence to a Town supervisor.
- 10) All employees must refrain from any words, actions or threats that may provoke violence.

- 11) Town business should be conducted with consideration and respect toward co-workers and non-employees.

Management Responsibilities

- 1) Support the Town's principle of and rationale for encouraging work environments that are safe from violence, threats and harassing or aggressive behavior, and keep employees informed regarding the Town's efforts to ensure the safety and security of its employees.
- 2) Inform all employees that workplace violence or other abusive, aggressive or disruptive behavior in any form will not be tolerated.
- 3) Treat all employees with respect and demonstrate the type of model behavior for employees to emulate.
- 4) Enforce work rules uniformly and consistently.
- 5) Be alert to the possibility of workplace violence on the part of former employees, customers, and other third parties, and take preventive and/or corrective action when necessary.
- 6) Be aware of any patterns or changes in employee behavior that exhibit the potential for workplace violence or disruption or could pose concern for co-workers. All such behavior or actions should be documented for the record. Such changes should be addressed in private counseling sessions with the employee and EAP literature should be given to the employee.
- 7) Be aware of the services available, the telephone number and location of the EAP, and make appropriate and timely referrals for assistance for employees who threaten or engage in violence or other abusive, aggressive or disruptive behavior.
- 8) Notify an employee immediately upon discovery of a threat or imminent danger of violence toward that employee.
- 9) Take all threats, even those made in a joking manner seriously and, immediately notify the Town Manager and Administrative Services Director.
- 10) Take appropriate action to remove employees and/or citizens from harm if there is an immediate sense of danger.
- 11) Respond promptly and effectively when notified of an incident, including conducting a complete and prompt investigation and applying disciplinary action as appropriate.
- 12) Respond with equal concern and diligence to incidents involving non-employees as well as Town employees.

- 13) Completely document all actions taken regarding noticeable changes in an employee's behavior, incidents or threats of incidents, confrontations with employee concerning any form of workplace violence, and/or any disciplinary actions applied.

Town Responsibilities

- 1) Provide training for employees, supervisors and managers to help them recognize the signs of potentially violent situations.
- 2) Take all employee reports of violent threats or actions seriously and ensure such reports are investigated thoroughly.
- 3) Encourage employees to seek help for personal or medical problems that may lead to acts of violence or aggression.

CHAPTER 3. STRATEGIES FOR PREVENTION

Section 1. Training and Education

At the time of policy implementation, all employees will attend a training session. Training will be included in new employee orientation.

Employee training will include the following information:

- 1) A review of the definition of workplace violence.
- 2) A review of the program.
- 3) What to do if workplace violence occurs.
- 4) How to report incidents.
- 5) Encouragement to report potential workplace security hazards.
- 6) Availability of the Employee Assistance Program (EAP).

Supervisors and managers shall also be trained to

- 1) Learn techniques for recognizing potentially volatile personalities and apply such recognition techniques during applicant interviews.
- 2) Learn the steps to prevent incidents of workplace violence.
- 3) Recognize the signs of a potentially violent situation.
- 4) Learn how to diffuse potentially violent situations.
- 5) Learn measures to be taken if a violent incident occurs.
- 6) Provide counseling if required.
- 7) Dispense appropriate discipline when necessary.
- 8) Efficiently document all pertinent matters related to workplace violence in the affected employee's personnel record.

Section 2. Prevention Strategies

The Employee Assistance Program (EAP) is available for regular Town employees and their dependents for a certain number of counseling visits. Employees are encouraged to seek help for personal or emotional problems for themselves and their families. Employees can find information about the current EAP practice by contacting the Human Resources Office.

Pre-employment drug testing assures that candidates for applicable Town of Selma positions understand that the Town expects a drug-free workplace. This should lessen the chance of substance abuse-related violence or behavioral problems.

Disciplinary actions will be consistently and fairly applied towards employees who engage in threatening behavior or workplace violence.

Dismissal for possession of unauthorized weapons while performing Town business used in a threatening behavior, physical assault, or any other form of severe workplace violence or intimidation are all reasons for immediate dismissal.

Termination Procedures. Whenever possible, an employee's dignity should be respected during any pre-dismissal or termination process. Department Heads should discuss the proposed action with the employee during a time when few co-workers are present so that the employee is not embarrassed in front of co-workers. If violent behavior is likely, Department Heads may choose to take extra precautions such as having a second person in the room and, if necessary, asking for assistance from the Police Department. It is important to exercise good judgment and discretion in making these decisions.

CHAPTER 4. INCIDENT PROCEDURES AND REPORTING

Section 1. Before an Incident

Mediation. If an employee is experiencing conflict, Department Heads or a Human Resources representative shall offer counseling. Should internal counseling sessions fail to dissipate the conflict, the EAP is available to perform mediation services. Department Heads can recommend an employee to this service if work conflict is creating problems for productivity, morale or safety.

Indirect Threats. If an employee's behavior involves indirect threats or other inappropriate behavior, Department Heads shall interview the employee whose behavior is in question. Department Heads shall discuss the behavior and share what they have heard with the employee. Never threaten or name call. Department Heads must keep an open mind. All discussions shall be thoroughly documented. Department Heads shall talk to co-workers in order to develop a more complete understanding of the subject employee's reported conduct.

Provide Guidance to Employees who Feel Threatened. Department Heads shall inform employees that there is an open door policy to confide personal conflict issues which have the potential to become a public safety problem. The only individual who will be informed initially is a high-ranking Police Department official. Whether or not to inform additional personnel will be left to the discretion of the Department Head, his or her designee, the Administrative Services Director, or the Police Department official. The confidentiality of the employee will be respected as much as possible; however, public safety will not be compromised to protect that confidentiality.

Disciplinary Action shall be consistently and fairly applied toward all employees who engage in workplace violence:

- 1) A physical attack on any employee combined with the use of a weapon will result in termination. In the event a threatened employee resorts to physical violence, and it is determined that the employee acted in self-defense with no other means of protection available, termination may not apply.
- 2) Any physical attack, whether or not in self-defense, with or without a weapon, or property damage to any Town property may result in some form of disciplinary action, up to and including termination. Typically, aggressors will receive more severe sanctions than the attacked. Other violations, including threats and harassment, will be punishable by appropriate disciplinary action, up to and including termination.

Treat All Threats Seriously. Any employee who observes or has knowledge of a threat should not hesitate to notify the Police Department and his or her supervisor. Supervisors and Department Heads should remember that during incidents of workplace violence, if the target of the attack is not available, employees not involved in the initial dispute are often the victims because they are accessible. Brushing off concerns for your own personal safety could put your employees at risk.

Section 3. During an Incident

Level 1 – An Act of Violence that Results in Injuries or Death

- 1) Evacuate employees, if possible, or advise employees to seek whatever protective place of concealment is available.
- 2) Attend to the immediate danger and injuries by contacting emergency response personnel at the Selma Police Department.

Level 2 – Danger Is Imminent

- 1) If an immediate sense of danger exists, evacuate employees from harm, if possible, or advise employees to seek whatever protective place of concealment is available.
- 2) Notify the Selma Police Department.
- 3) Contact the Administrative Services Director to notify all members of the Crisis Management Team to prepare for a possible violent incident by completely emptying the danger site immediately, if possible, and formulating a plan to protect employees and the public.

Level 3 – Threats

- 1) In the event an individual presents or implies a threat of violence, the employee receiving the threat shall immediately contact his or her supervisor and describe the situation. The supervisor in turn will notify other departments and personnel as appropriate.
- 2) Supervisors informed of an actual or implied threat of violence shall notify the Department Head and other departments and personnel as appropriate.

Section 3. After an Incident

Level 1 – An Act of Violence that Results in Injuries or Death

- 1) Assemble the Crisis Management Team to ensure the following:
 - a) Secure the scene by removing all employees and non-employees not directly involved in the incident.
 - b) Ensure injured persons have received appropriate care.
 - c) Debrief personnel by explaining restrictions on information they may inadvertently disseminate to inappropriate persons and/or sources (i.e., media) and to diminish unhealthy or erroneous rumors.

- d) Notify and communicate with families of all employees involved directly in the violent incident.
 - e) Provide internal counseling or contact EAP to arrange for their involvement to provide anger management, grief counseling, post-traumatic stress guidance, etc.
 - f) Respond to media requests.
 - g) Investigate the incident thoroughly. Talk to witnesses.
 - h) Formulate and document measures to prevent recurrence of the incident and/or improve response.
- 2) The Selma Police Department will assume control of the scene and arrange whatever cleanup may be necessary.
 - 3) Informal briefings shall be fully supported by management. Employees should be given the opportunity to talk informally with one another when they feel a need to discuss the experience. Management shall show respect for employees' efforts to care for one another.
 - 4) Management needs to spend a lot of time with employees following a serious incident in order to demonstrate management support and to be available to listen to concerns and answer questions. Unessential administrative burdens will be put aside so Department Heads, and/or supervisors can devote quality time to employees should the need arise or be requested.

Level 2 – Danger Is Imminent

- 1) Assemble the Crisis Management Team to ensure the following:
 - a) Secure the scene by removing all employees and non-employees not directly involved in the incident.
 - b) Debrief personnel by explaining restrictions on information they may inadvertently disseminate to inappropriate persons and/or sources (i.e., media) and to diminish unhealthy or erroneous rumors.
 - c) Investigate the incident thoroughly. Talk to witnesses.
 - d) Formulate and document measures to prevent recurrence of the incident and/or improve response.
 - e) Respond to media requests, if required.

- 2) Should the danger fail to develop, the situation should be fully explained to all employees who were made aware of the possible incident and post-traumatic stress counseling should be offered for employees affected by the warning of possible danger.

Level 3 – Threats

- 1) When threats are made by an employee, Department Heads must follow procedures for disciplinary action, dependent on the type and severity of the threat, including but not limited to counseling, mandatory anger management guidance, documentation in employee's personnel record, termination, arrest, or prosecution.
- 2) When threats are made against an employee, Department Heads shall make every effort to assist the employee in regaining a sense of security in the workplace. They will offer internal counseling or post-traumatic stress counseling, resist interference with employee support groups, arrange professional counseling, and provide whatever the employee feels he or she needs to personally deal with the threat.

Section 4. Reporting Procedures

Any employee who experiences or witnesses any acts, conduct, behavior, or communication which is against this policy must immediately contact his or her supervisor. For their own protection, employees should not attempt to handle a violent or potentially violent incident on their own.

If reporting an imminent threat and/or act of violence, an employee should first secure his or her own safety and then contact the Selma Police Department.

Any employee who is threatened, assaulted or attacked while on official duty but not at a Town facility should report such incident to both the local law enforcement agency and his or her immediate supervisor.

If a violent act has been threatened or committed, the Selma Police Department shall be notified immediately so the individual perpetrating the violent act can be removed from Town property.

Any employee who knows of workplace violence but does not report such information in a manner consistent with these procedures may be subject to appropriate discipline, up to and including termination.

All reports shall be kept confidential except in a case in which the information is needed to prevent workplace violence, is required for court hearing, or when dissemination is vital for any other reason.

CHAPTER 5. RESPONSES AND SANCTIONS

Section 1. Responses and Sanctions

Some incidents are limited in scope and may be responded to by a brief investigation with the involved parties and witnesses. Others require a more thorough investigation and may involve the Town Manager, Town Attorney, Police Chief, Administrative Services Director, or others in determining the appropriate response. The kinds of incidents where investigation and response are definitely called for include:

- 1) Whenever threatening behavior is displayed. For example, when a weapon is shown or explicit threats are made against specified individuals.
- 2) Whenever a physical attack occurs in the course of work involving one or more employees, such as fights, shootings and/or knifings.
- 3) Other behaviors that show an employee is crossing the boundary between what is acceptable physical behavior in the workplace and what is not. For example, "horseplay" with a violent edge, continued picking on a co-worker, a pattern of aggressive and hostile response to supervisors and co-workers.

All behaviors are considered or may be considered criminal acts and should be reported to the Selma Police Department; police investigations may supplement or supersede administrative procedures.

The Town should communicate and enforce an atmosphere of zero tolerance for violence in the workplace and guarantee a quick disciplinary response to such incidents.

A violation of this policy is considered detrimental personal conduct as outlined in this policy and the Selma Personnel Policy. A physical attack on any employee combined with the use of a weapon will result in termination.

Any physical attack whether or not in self-defense, with or without a weapon, or property damage to any Town property, may result in some form of disciplinary action. Aggressors will receive more severe sanctions than the attacked. Other violations, including threats and harassment, will be punishable by appropriate disciplinary actions, up to and including termination.

Retaliation. The Town will not retaliate against any employee for honest reporting of instances of workplace violence. Employees who act in good faith by reporting real or implied violent behavior or violations of this policy will not be subjected to harassment or any form of retaliation.

Co-workers are encouraged to offer suggestions on ways to improve safety and security in the workplace. Suggestions and comments may be presented to any member of the Crisis Management Team.

APPENDIX G. SMOKING POLICY

CHAPTER 1. PURPOSE AND POLICY

Section 1. Purpose

Because smoking and side stream smoke can be annoying and pose a significant risk to the health of both smokers and non-smokers, the Town of Selma is committed to providing a healthy, smoke-free work environment for its employees. In the interest of the comfort, health and safety of all employees and visitors, the Town is adopting this Policy concerning smoking in municipal buildings or Town-owned vehicles. Adherence to this Policy will improve the indoor air quality, reduce fire hazards, and minimize any health risks or facilities' damage associated with smoking.

Section 2. Policy Statement

- 1) For the purpose of this Policy, "smoking" shall mean the inhaling, exhaling, burning or carrying a lighted pipe, cigar, cigarette, e-cigarette, or other combustible tobacco product.
- 2) It shall be a violation of this Policy for any person to smoke in any building, facility, portion of a building or facility owned, leased, operated, occupied, managed, or controlled by the Town. This includes Town-owned vehicles.
- 3) Department Heads are authorized to designate outside areas to accommodate employees who smoke.
- 4) Questions regarding an employee's rights and obligations under this Policy are to be directed to the Town Manager or Administrative Services Director.

Section 3. Smoking Cessation Programs

The Town will use its best efforts to assist employees who request assistance in their attempt to stop smoking by making available or assisting employees in finding smoking cessation programs, health screenings, and information about the risk factors associated with smoking.

Section 4. Dissemination of Policy

This Policy will become effective upon dissemination by the Administrative Services Director to all employees.

Section 5. Violations of Policy

Enforcement of this Policy shall be the responsibility of each Department Head. Any violation of this Policy may result in disciplinary action up to and including termination.

APPENDIX H. ELECTRONIC COMMUNICATIONS AND TECHNOLOGY POLICY

CHAPTER 1. ESTABLISHMENT OF POLICY

Section 1. Policy

This policy covers the use of all technology resources owned, leased, used, managed or operated by the Town of Selma. It includes, but is not limited to pagers, radios, computer software, all computer systems of any size and function and their attached peripherals, landline telephones, cellular telephones, faxes, voice mail systems, electronic messaging systems (i.e., email), network resources, and Internet resources. This policy applies to any user of Town technology resources and applies at all times and all places, whether the user is on or off the job site.

This policy also covers the creation and use of personal web pages or sites on any electronic communications device where individuals are allowed to express themselves and seek communication with other individuals for personal relationships, friendships, or just pen pal correspondence.

All Town technology resources are the property of the Town and are provided to enable employees and officials to provide services in a timely, efficient and effective manner. Any activity, use, or action that is inconsistent with this Policy is prohibited. Because technology systems are constantly evolving, the Town of Selma requires all employees to use a common sense approach to the rules set forth in this Policy, complying with not only the letter but also the intent of this Policy.

This Policy delineates acceptable uses of Town technology resources and specifies certain prohibited uses. It also serves as notice to employees and officials that there is no expectation of personal privacy in the use of Town technology resources. This Policy is intended to illustrate the range of acceptable, unacceptable, and prohibited uses of the Town's technology resources and is not exhaustive.

This policy is intended for internal use by all Town employees defined as full-time, part-time, and temporary. Failure to adhere to this Policy places the employee at risk for legal liabilities, potential embarrassment, and disciplinary action, up to and including dismissal.

Section 2. Policy Dissemination

All employees are to be informed of the Town's Electronic Communications and Technology Policy and be made aware of its contents. Employees shall be given a copy of the policy and be required to sign an Acknowledgment of Receipt. All employees shall be expected to familiarize themselves with this Policy and to abide by all established rules and guidelines.

Section 3. Administration

Each Department Head shall administer this Policy and ensure that it is fully implemented. It shall also be the responsibility of each Department Head to ensure his or her department abides by the requirements and guidelines set forth in this document.

Technology users should have no expectation of privacy in anything they create, store, send or receive using the Town's computer equipment. Department Heads have the authority to inspect and access the contents of any equipment, files or email, for reasons to include but not limited to a network slowdown; system hardware or software problems; reasonable suspicion of a crime or violation of policy or breach of security; the need to perform work or provide a service when an employee is not available; and general system failure.

The Town has the right to monitor and log any and all aspects of its computer system and equipment including but not limited to Internet sites visited by users, file downloads and all communications sent and received by users in any form. All communication system users acknowledge that the Town may, at its discretion, inspect, use, audit, or disclose any electronic communications and/or data without notice to the employee. Employees must also be aware that the Town may utilize monitoring software that makes it possible to identify and block access to Internet sites that it deems inappropriate in the workplace in order to administer this Policy.

All employees should be aware that electronic communication is a public record like any other public document in accordance with North Carolina Public Records Laws (NCGS §132). Therefore, any communications created or received on the Town's computer system are to be assumed to be public documents and thus may be subject to legal requests for public disclosure, including what users may incorrectly think of as personal and private. Detailed public record information may be reviewed at the North Carolina Office of Archives and History website.

Employees should respect the legal protection provided by copyright and licensing of programs and data when using electronic communications.

Immediately upon separation, suspension or termination of an employee, access to all systems shall be suspended.

Section 4. Definitions

Anti-Viral Software. Computer programs that attempt to identify, thwart and eliminate computer viruses and other malicious software.

Chain Letter. Message that induces the recipient to forward copies of a document to other users which may contain viruses, false information, threats, etc.

Chatroom. A form of digital conferencing that can involve real time online conversations.

Disclaimer. When using Internet services provided by the Town, employees need to be mindful that they are always representing the Town of Selma and should avoid being drawn into discussions where disclaimers like “this represents my personal opinion and not that of the employee’s department or the Town of Selma” need to be used.

Electronic Communication Device (ECD). Includes but not limited to personal computers, electronic mail systems, voice mail systems, paging systems, Internet services, mobile digital terminals, facsimile transmissions, radios, cellular telephones, etc.

Electronic Mail (email). Messages, usually text, sent from one person to another via computer.

Hacking/Cracking. The unauthorized entry or attempted entry into any computer or system.

Hardware. The physical components of a computer system, i.e., monitor, CPU, keyboard, mouse.

Internet. A worldwide computer network with which users can send a letter electronically, chat with people electronically, or search for information on almost any topic.

Media. To include but not limited to optical disks, CDs, DVDs, thumb drives, diskettes, tapes, memory cards, standard computer hard drives, portable hard drives, digital voice recorders, and Internet air cards.

Mobile Devices. Computing appliances that are typically handheld, such as cellular telephones, radios, pagers, personal digital assistant (PDA), etc.

Online Games. Video games that are played over some form of computer network, most commonly the Internet, which can be either single-player (i.e., Solitaire, Minesweeper), two-player (i.e., Chess, Backgammon), or multi-player (i.e., Poker, Spades).

Peripheral Devices. Any equipment that attaches to a computer or the network, such as printers, copiers, facsimile machines, or scanners.

Personal Computer. An electronic machine which performs rapid calculations and processes text, affords access to stored information, and can be used to send and receive electronic mail.

Software. Collection of computer programs, procedures and documentation that perform some task on a computer system.

Town of Selma Website. The Town’s collection of web pages hosted by a server.

Virus. A computer generated message used to debilitate, destroy or disrupt the proper functioning of a computer or system without permission or knowledge of the user.

CHAPTER 2. MAINTENANCE AND OPERATION PROCEDURES

Section 1. Internet/Email/Computers

The Internet is a resource granted to employees and employees are encouraged to use the Internet to its fullest potential in order to provide effective Town services of the highest quality and to discover innovative and creative ways to use resources as well as to enhance staff development.

At all times when an employee is using the Town of Selma's technology or technology resources, he or she is representing the Town. The same good judgment should be applied in all resource use as in written correspondence, verbal discourse or in determining appropriate conduct. While in the performance of work-related functions, while on the job, or while using publicly-owned or publicly-provided technology resources, Town employees are expected to use them responsibly and professionally in accordance with the following guidelines:

- 1) Respect the privacy of other users. Do not intentionally seek information on, obtain copies of, or modify files, data, or passwords belonging to other users without obtaining explicit permission to do so.
- 2) Employee users are responsible for safeguarding their own computer access and are directly accountable for all activity connected to their user ID.
- 3) Each employee is responsible for maintaining the security and integrity of data and equipment with which he or she has been entrusted.
- 4) Passwords should be kept confidential and not shared with co-workers, with the exception of Department Heads and other upper management. Passwords should be memorized and not be written down where they may be found.
- 5) Passwords shall be changed at any time a user who believes his or her password has been compromised and affected management notified.
- 6) Any file, program or document received on any media, through the Internet or through file transfer must be checked for viruses immediately to prevent an infection of an individual computer or an entire network. Be cautious when receiving an unexpected email message containing an attachment. Do not open email if you have any doubt about the type of file, content or sender.
- 7) All media should be stored in protective cases in a secure location when not in use. Media should be kept away from all heat sources, direct sunlight any sources of extreme cold, and all liquids.
- 8) Never touch the magnetic surfaces of storage media or protective sliding shields. Never place any clip on any storage media – if media must be attached to a document, place the media in an envelope and attach the envelope.

- 9) Keep all media away from magnets or equipment that may produce magnetic fields such as magnetic paper clip holders, speakers, electric pencil sharpeners, etc.
- 10) Employee users shall disclose to their Department Heads any suspected or confirmed unauthorized use or misuse of technology resources.
- 11) Any employee who visits a restricted or prohibited site by accident shall forward the website address to his or her Department Head.
- 12) Privately-owned computer systems, laptop computers or peripherals may be added to the Town system only with prior authorization from the Department Head.
- 13) Employee users must logoff all computer systems at the end of each work day.

Section 2. Telephones/Cellular Telephones/Mobile Devices

The telephone systems (landlines and cellular phones) are a primary source for accomplishing the Town's business. Providing service to internal and external customers is always a priority. Remember that public perception is extremely important, and when using landline or cellular telephone systems employees must abide by the Town's policy on sexual harassment and use common sense, professionalism, proprietary, ethical behavior, confidentiality, and everyday courtesy. Treat others as you wish to be treated.

Personal use should be limited and personal long distance calls on landlines are prohibited. Personal use is deemed excessive use when it prevents an employee from managing customer inquiries, complaints and requests for service in a timely manner or if it interferes with the employee's ability to accomplish his or her responsibilities.

The use of cellular phones while driving Town-owned vehicles is potentially hazardous and is discouraged, especially when driving conditions are poor or traffic is heavy.

- 1) Only necessary calls should be made or received while driving and the calls should be kept brief.
- 2) If an employee must place a call while driving, it is advised that he or she pull off the road and park.
- 3) To minimize the risk of accidents, Town employees should not use **personal** cellular telephones while operating Town vehicles and the use of **Town** cell phones should be kept to a minimum.
- 4) In all cases, adherence to current laws regarding cell phone use and distracted driving will prevail.

Telephone voice mail messages on both systems should be checked regularly and all calls should be returned promptly.

Section 3. Printers/Copiers/Fax Machines

Photocopy machines, printers and facsimile machines shall be used for the transaction of Town business only. Any personal use must be pre-approved by the Department Head and reimbursement for personal use should be arranged prior to use.

Unauthorized copying of copyrighted material is strictly prohibited.

Equipment should be treated with care and respect. Employees should not sit or lean on machines, or have food and drink around any Town equipment or peripherals that could cause damage or destruction.

CHAPTER 3. USES AND RESTRICTIONS OF TECHNOLOGY RESOURCES

Section 1. Acceptable Uses of Technology Resources

Communication and information exchange directly related to the work tasks of a Town department are permitted.

Communication and exchange for professional development, to maintain currency of training or education, or to discuss issues related to the employees, Town activities are permitted and encouraged.

Use in applying for or administering grants or contracts for the Town's research and programs is allowed and advised.

Use for advisory, standards, research, analysis, and professional society activities related to the employee's work tasks and duties are allowed.

Any other governmental communications not requiring a high level of security is acceptable.

Section 2. Restrictions and Unacceptable Uses of Technology Resources

Restrictions and Unacceptable Uses of Technology Resources are defined as those that do not conform to the purpose, goals, and mission of the Town of Selma or to each user's authorized job duties and responsibilities.

Employees shall not transmit, solicit or forward threatening, obscene, harassing, derogatory, inflammatory, racial, offensive, abusive, or politically natured messages or images by means of any Town technology resource.

No unauthorized users, including an employee's family or friends, shall be permitted to use or access any Town technology resources.

Attempting to and/or sending any email/faxed/telephone message anonymously, using a false or fictitious name or without a name is a violation of this Policy.

No employee shall use or develop computer programs that harass other users or infiltrate a computer or computing system and/or damage or alter software components of a computer or computing system, or otherwise interfere with data, hardware or system operation. Nor shall any employee transmit or forward any email message that will fully propagate computer viruses.

No pornography, nudity or sexually-oriented material such as jokes or images shall be viewed, except as deemed necessary to conduct criminal or child welfare investigations (as approved by the Department Head).

Websites that are offensive or discriminatory based on race, gender, religion, national origin, or any other protected classification of persons shall not be accessed by Town employees, except as part of a police investigation.

Vandalism of any hardware, software, computers, electronic communications, or Internet access is prohibited.

Personally-owned software or software downloaded from the Internet which has not been authorized by the Town shall not be installed on any Town equipment.

Town computers, electronic communications and Internet access shall not be used for transmitting or receiving messages that violate the Town's policies prohibiting sexual harassment or workplace violence.

No confidential information shall be sent or forwarded by means of any Town technology resource including but not limited to juvenile records, certain information contained in personnel files (i.e., salary, performance reviews, complaints, grievances, misconduct, and disciplinary information), medical files, criminal history files, veteran information, and other data as defined by state and federal laws and agency regulations.

Computer hacking or cracking is strictly prohibited regardless of motivation or damage.

Attempting to access and/or use another person's password is prohibited.

Computer resources are not unlimited. Network bandwidth and storage capacity have finite limits and all users have a responsibility to conserve these resources. As such, the user must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to configuration of a web browser's home or default page to allow online continuous flow of information, such as stock quotes, photographs, or sports scores; participation in Internet or browser-based chat rooms or news groups; sending or forwarding chain letters; downloading Internet-based computer games; uploading or downloading large files; accessing streaming audio and/or video files; creating unnecessary loads on the Town's system associated with non-business related uses of the Internet and spending excessive amounts of time on the Internet for any purpose whether business or otherwise

Screen savers and backgrounds are allowed but must be appropriate and in good taste.

Section 3. Personal Use of Technology Resources

Use of Town technology resources for operating a personal business or soliciting of any kind is prohibited. This includes any private or personal for-profit activities (i.e. consulting for pay). Furthermore, no employee shall use Town resources to engage in commercial advertising, union and bargaining association activities, political, civic or religious causes or activities, solicitation or fund-raising.

Use of the Town communications systems by employees for personal use must be restricted to occasional use that does not interfere with the conducting of Town business.

Personal use should be limited to personal time (breaks, lunch time) and personal use of the Internet and email should be minimal.

Personal use of any Town technology resources must be at no cost to the Town.

Personal use must not interfere with other employees performing their jobs, undermine the use of the Town's resources for official purposes nor violate any policies, provisions, guidelines or standards of the Town.

Email must not be used to advertise, notify or announce any personal item for sale or to give away.

Personal use of Town resources by an employee neither expresses nor implies sponsorship or endorsement by the Town of Selma.

Personal use of personal cellular phones and personal email accounts while working is only allowable in cases where there is no alternative form of communication and the need for personal use is immediate and compelling. If personal email accounts are accessed through Town-owned equipment, they are subject to the requirements of this Policy.

Section 4. Personal Web Pages and Internet Sites

Employees who have personal web pages or other types of Internet postings that promote and allow individuals to express themselves and seek communication with other individuals for personal relationships, friendships or just pen pal correspondences (such as YouTube, My Space, Facebook, Hall Pass, etc.) which can be accessed by the public shall use appropriate discretion in their use of references to the Town of Selma and not discredit themselves or the Town.

Unless approval has been received in writing by his or her Department Head, an employee shall not identify themselves directly or indirectly as an employee of the Town of Selma nor have photographs or other depictions of the Town of Selma buildings, vehicles, uniforms, emblems, or the Town seal. An employee wishing to use any such references, photographs and/or depictions shall:

- 1) Submit a request in writing to their Department Head;
- 2) Describe the proposed reference to the Town and its purpose; and
- 3) Provide any verbiage, graphic, photograph, artwork, etc. to be used.

Employees may not post any sexual, violent, racial, ethnically derogatory material, comments, pictures, artwork, video, or any other reference along with any Town-approved reference.

Employees should consider the possible adverse consequences of Internet postings, such as future employment, and public or private embarrassment.

Changes made to a previously approved web page, site or posting must be submitted for re-approval through the same approval process as described above.

CHAPTER 4. VIOLATIONS

Section 1. Violations

It is the user's responsibility to read and abide by the regulations and guidelines set forth in this Policy.

If any Town employee violates any of the provisions of this Policy or a Department Head knowingly permits a violation of this Policy, the employee and/or Department Head will be subject to disciplinary action up to and including dismissal as provided in the Town's Personnel Policy. Violation of local, state and federal laws may carry additional penalties.

Employees who do not make or fail to meet their arrangements to reimburse the Town for the personal use of technology resources will be subject to garnishment of their payroll.