



**CITY OF GOLDSBORO
PERSONNEL POLICY**

**Effective Date: July 12, 2007
Last Revision Date: February 7, 2011**

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

Article	Title	Page
ARTICLE I.	GENERAL PROVISIONS.....	<u>6</u>
Section 1.	Purpose of the Policy	<u>6</u>
Section 2.	At Will Employment.....	<u>6</u>
Section 3.	Merit Principle	<u>6</u>
Section 4.	Responsibilities of the City Council	<u>6</u>
Section 5.	Responsibilities of the City Manager.....	<u>6</u>
Section 6.	Responsibilities of the Human Resources Director	<u>7</u>
Section 7.	Application of Policies, Plan, Rules and Regulations.....	<u>8</u>
Section 8.	Departmental Rules and Regulations	<u>8</u>
Section 9.	Definitions.....	<u>8</u>
ARTICLE II.	POSITION CLASSIFICATION PLAN	<u>10</u>
Section 1.	Purpose.....	<u>10</u>
Section 2.	Composition of the Position Classification Plan	<u>10</u>
Section 3.	Use of the Position Classification Plan.....	<u>10</u>
Section 4.	Administration of the Position Classification Plan.....	<u>10</u>
Section 5.	Authorization of New Positions and the Position Classification Plan.....	<u>11</u>
Section 6.	Request for Reclassification	<u>11</u>
ARTICLE III.	THE PAY PLAN	<u>12</u>
Section 1.	Definition	<u>12</u>
Section 2.	Administration and Maintenance.....	<u>12</u>
Section 3.	Starting Salaries	<u>12</u>
Section 4.	Trainee Designation and Provisions	<u>13</u>
Section 5.	Probationary Pay Increases	<u>13</u>
Section 6.	Performance Pay	<u>13</u>
Section 7.	Performance Pay Bonus	<u>13</u>
Section 7a.	Performance Pay Eligibility Requirements	<u>14</u>
Section 8.	Salary Effect of Promotions, Demotions, Transfers and Reclassifications Promotions	<u>15</u>
Section 9.	Salary Effect of Salary Range Revisions	<u>16</u>
Section 10.	Transition to a New Salary Plan	<u>16</u>
Section 11.	Effective Date of Salary Changes	<u>17</u>

Section 12. Overtime Pay Provisions.....	17
Section 13. Call-back and Stand-by Pay	18
Section 14. Payroll Deduction	19
Section 15. Hourly Rate of Pay.....	19
Section 16. Pay for Interim Assignment in a Higher Level Classification.....	19
Section 17. Longevity Benefits.....	19
ARTICLE IV. RECRUITMENT AND EMPLOYMENT	21
Section 1. Equal Employment Opportunity Policy.....	21
Section 2. Implementation of Equal Employment Opportunity Policy	21
Section 3. Recruitment, Selection and Appointment.....	21
Section 4. Probationary Period	22
Section 5. Promotion.....	23
Section 6. Demotion.....	23
Section 7. Transfer.....	24
ARTICLE V. CONDITIONS OF EMPLOYMENT	25
Section 1. Work Schedule.....	25
Section 2. Political Activity	25
Section 3. Outside Employment	25
Section 4. Dual Employment	26
Section 5. Employment of Relatives.....	26
Section 6. Harassment.....	27
Section 7. Acceptance of Gifts and Favors.....	27
Section 8. Performance Evaluation.....	27
Section 9. Safety	28
Section 10. Direct Deposit.....	28
Section 11. Use of City Supplies and Equipment.....	28
ARTICLE VI. EMPLOYEE BENEFITS.....	29
Section 1. Eligibility	29
Section 2. Group Health and Hospitalization Insurance.....	29
Section 3. Group Life Insurance	29
Section 4. Other Optional Group Insurance Plans and Benefits	29
Section 5. Retirement.....	29
Section 6. Supplemental Retirement Benefits	30
Section 7. Social Security	30
Section 8. Workers' Compensation	30
Section 8a. Return to Work (Personal Injury/Illness)	31
Section 9. Unemployment Compensation.....	31
Section 10. Tuition Assistance Program.....	31
Section 11. Law Enforcement Separation Allowance	32
ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE	34
Section 1. Policy	34
Section 2. Holidays.....	34
Section 3. Holidays: Effect on Other Types of Leave	35

Section 4. Holidays: Compensation When Work is Required or Regularly Scheduled Off for Shift Personnel	35
Section 5. Vacation Leave	35
Section 6. Vacation Leave: Use by Probationary Employees.....	35
Section 7. Vacation Leave: Accrual Rate	35
Section 8. Vacation Leave: Maximum Accumulation.....	36
Section 9. Vacation Leave: Manner of Taking	37
Section 10. Vacation Leave: Payment upon Separation or Retirement	37
Section 11. Vacation Leave: Payment upon Death.....	37
Section 12. Sick Leave.....	37
Section 13. Sick Leave: Accrual Rate, Accumulation, and Manner of Taking	38
Section 14. Transfer of Sick Leave from Previous Employer	38
Section 15. Sick Leave: Medical Certification	39
Section 16. Leave Pro-rated.....	39
Section 17. Family and Medical Leave.....	40
Section 18. Medical and Family Leave Certification	41
Section 19. Family Medical Leave and Leave Without Pay: Retention and Continuation of Benefits	42
Section 20. Leave Without Pay	42
Section 21. Workers' Compensation Leave	43
Section 22. Military Leave.....	44
Section 23. Reinstatement Following Military Service	44
Section 24. Civil Leave.....	45
Section 25. Parental School Leave.....	45
Section 26. Educational Leave.....	45
Section 27. Adverse Weather and Emergency Conditions Policy.....	45
Section 28. Voluntary Shared Leave	46

ARTICLE VIII. SEPARATION AND REINSTATEMENT	49
Section 1. Types of Separations.....	49
Section 2. Resignation	49
Section 3. Reduction in Force.....	49
Section 4. Disability.....	49
Section 5. Voluntary Retirement.....	50
Section 6. Death.....	50
Section 7. Dismissal.....	50
Section 8. Reinstatement.....	50
Section 9. Rehiring.....	50

ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT.....	51
Section 1. Disciplinary Action for Unsatisfactory Job Performance	51
Section 2. Unsatisfactory Job Performance Defined	51
Section 3. Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance	52
Section 4. Disciplinary Action for Detrimental Personal Conduct.....	52
Section 5. Detrimental Personal Conduct Defined	52

Section 6. Pre-dismissal Conference.....	53
Section 7. Non-Disciplinary Suspension	54
Section 8. Substance Abuse Policy	54
ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL	55
Section 1. Policy	55
Section 2. Grievance Defined	55
Section 3. Purposes of the Grievance Procedure	55
Section 4. Procedure	56
Section 5. Role of the Human Resources Director	57
Section 6. Grievance and Adverse Action Appeal Procedure for Discrimination.....	58
ARTICLE XI. Drug and Alcohol Testing.....	59
Section 1. Purpose.....	59
Section 2. Drugs and Alcohol Abuse and Testing Policy for all Employees	59
Section 3. Supervisory Responsibilities.....	66
Section 4. Employee Responsibilities.....	66
Section 5. Definitions.....	67
ARTICLE XII. Tobacco Free Policy	73
Section 1. Purpose.....	73
Section 2. Objective.....	73
Section 3. Compliance	74
ARTICLE XIII. RECORDS AND REPORTS	75
Section 1. Public Information	75
Section 2. Access to Confidential Records	75
Section 3. Personnel Actions	76
Section 4. Records of Former Employees.....	76
Section 5. Remedies of Employees Objecting to Material in File.....	77
Section 6. Examining and/or Copying Confidential Material without Authorization.....	77
Section 7. Destruction of Records Regulated	77
ARTICLE XIV. IMPLEMENTATION OF POLICIES	78
Section 1. Conflicting Policies Repealed.....	78
Section 2. Separability	78
Section 3. Effective Date	78
Section 4. Amendments	78
APPENDIX A. Safety Sensitive Positions Subject to Random Drug Testing.....	79
Building and Traffic.....	79
Cemetery.....	79
Engineering	79
Fire Department	79
Garage	79
Human Resources Management	79
Inspections	80

Planning..... [80](#)
Police Department..... [80](#)
Public Works..... [80](#)
Distribution and Collections..... [80](#)
Sanitation..... [81](#)
Streets and Storms..... [81](#)
Recreation & Parks [81](#)
Golf Course [81](#)
Water Reclamation Facility [82](#)
Water Treatment Plant..... [82](#)
Compost Facility..... [82](#)

ARTICLE I. GENERAL PROVISIONS

Section 1. Purpose of the Policy

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

Section 2. At Will Employment

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

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 on employment opportunities or otherwise adversely affected as an employee because of such individual's race, color, religion, sex, national origin, sexual orientation, political affiliation, non-disqualifying disability, or age.

Section 4. Responsibilities of the City Council

The City 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 general statutes.

Section 5. Responsibilities of the City Manager

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

The City Manager shall:

- a) recommend rules and revisions to the personnel system to the City Council for consideration;

- b) make changes as necessary to maintain an up to date and accurate position classification plan;
- c) recommend necessary revisions to the pay plan;
- d) perform such other duties as may be assigned by the City Council not inconsistent with this Policy; and
- e) appoint an employee to the role of Human Resources Director; in the absence of a Human Resources Director, the City Manager shall appoint an interim or fulfill the role.

Section 6. Responsibilities of the Human Resources Director

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

- a) recommend rules and revisions to the personnel system to the City Manager for consideration;
- b) recommend changes as necessary to maintain an up to date and accurate position classification plan;
- c) recommend necessary revisions to the pay plan;
- d) determine which employees shall be subject to the overtime provisions of FLSA;
- e) maintain a roster of all persons in the municipal service
- f) establish and maintain 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, position number and other such data as may be desirable or useful;
- g) develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the City;
- h) develop and coordinate training and educational programs for City employees;

- l) investigate periodically the operation and effect of the personnel provisions of this policy; and
- j) perform such other duties as may be assigned by the City Manager not inconsistent with this Policy.

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

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

Section 8. Departmental Rules and Regulations

Because of the particular personnel and operational requirements of the various departments of the City, each department is authorized to establish supplemental written rules and regulations applicable only to the personnel of that department. All such rules and regulations shall be subject to the approval of the City 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 9. Definitions

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

Full-time employee. An employee who is in a position that is authorized for an average work week of at least 37.5 hours and budgeted for at least 12 months.

Part-time employee. An employee who is in a position that is authorized for an average work week of at least 20 hours but less than 37.5 hours and budgeted for at least 12 months.

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 employee. An employee appointed to a position for which either the average work week required by the City over the course of a year is less than 20 hours,

or continuous employment required by the City is less than 12 months.

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 twelve months and budgeted for twenty or more hours per week. All City positions are subject to budget review and approval each year by the City Council and all employees' work and conduct must meet City 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 City service and an accurate description and specification for each class of employment. The plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities.

Section 2. Composition of the Position Classification Plan

The classification plan shall consist of:

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

Section 3. Use of the Position Classification Plan

The classification plan is to be used:

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

Section 4. Administration of the Position Classification Plan

The City Manager, assisted by the Human Resources Director, shall allocate each position covered by the classification plan to its appropriate class and shall be

responsible for the administration of the position classification plan. The City Manager shall periodically review portions of the classification plan and make minor revisions to ensure that classifications accurately reflect current job duties and responsibilities. The City Manager shall also periodically review the entire classification plan and, when needed, recommend major changes to the City Council.

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

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

Section 6. Request for Reclassification

Any employee who considers the position in which he/she is classified to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall immediately transmit the request through the department head to the Human Resources Director. Upon receipt of such request, the Human Resources Director shall study the request, determine the merit of the reclassification, and recommend any necessary revisions to the classification and pay plan to the City Manager. The City Manager will respond to this request with a plan of action within ten working days.

Department heads are responsible for identifying changes in job duties that may result in a position being misclassified and making the Manager aware of the need for a review of the position classification.

ARTICLE III. THE PAY PLAN

Section 1. Definition

The pay plan includes the basic salary schedule and the "List of Classes Arranged by Grades" adopted by the City Council. The salary schedule consists of minimum or beginning, maximum, and intervening rates of pay for all classes of positions.

Section 2. Administration and Maintenance

The City Manager, assisted by the Human Resources Director, shall be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan shall be paid at a rate listed within the salary range established for the respective position classification, except for employees in trainee status or employees whose existing salaries are above the established maximum rate following transition to a new pay plan. Each year, the City Manager shall recommend a cost of living or market adjustment amount based on an analysis of the consumer price increase and of the increases in other local governments. When cost of living or market adjustments are approved by the Council, the salary plan should adjust by that amount so that hiring rates and maximum rates of pay remain competitive in the market.

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the City, and other factors. To this end, from time to time, the City Manager shall request the Human Resources Director to make comparative studies of all factors affecting the level of salary ranges and may make minor adjustments in the allocation of positions to salary grades. Approximately every three to five years the City will conduct a comprehensive classification and pay study to update the plan insuring internal equity and external competitiveness. When major adjustments encompassing numerous positions are needed, or when a general adjustment is needed to the pay plan, the City Manager shall recommend such changes in salary ranges as appear to be warranted to the City Council. The City Council shall adopt the "Assignment of Classes to Grades and Ranges," including any minor adjustments made by the City Manager during the previous budget year, annually as part of the budget process.

Section 3. Starting Salaries

All persons hired or promoted into positions approved in the position classification plan shall be compensated at the hiring rate for the classification in which they are employed; however, exceptionally well qualified applicants may be paid above the hiring rate of the established salary range based upon recommendation of the hiring department head and Human Resources Director and approval of the City Manager.

Section 4. Trainee Designation and Provisions

Applicants being considered for employment or City 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 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 one or (no more than) two grades below the hiring rate established for the position for which the person is being trained. A new employee designated as "trainee" shall concurrently serve a probationary period. However, probationary periods shall be at least six months and trainee periods may extend from three to eighteen 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 City, the trainee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the hiring rate established for the position for which the employee was trained.

Section 5. Probationary Pay Increases

Employees hired or promoted shall receive a salary increase within the range of 5% if the employee is below the midpoint of the salary range, and 2.5% if the employee is above midpoint of the salary range upon successful completion of probation. Employees serving a twelve-month probationary period are eligible for consideration for this pay increase after six months of successful employment.

Section 6. Performance Pay

An annual performance evaluation shall be scheduled for each employee at least once each year. Consultation between the employee and supervisor regarding performance at times other than the annual performance evaluation is anticipated and encouraged under this policy and shall be considered to supplement rather than replace the annual performance evaluation. Upward movement within the established salary range for an employee is not automatic but rather based upon specific performance-related reasons. Employees may be considered for advancement within the established salary range based on the quality of their overall performance. Procedures for determining performance levels and performance pay increases shall be established in procedures approved by the City Manager. Performance pay is subject to annual appropriation.

Section 7. Performance Pay Bonus

Employees who are at the maximum of the salary range for their position classification are eligible to be considered for a performance bonus at their regular performance evaluation time. Performance bonuses shall be awarded based upon the performance

of the employee as described in the performance evaluation and shall be the same percentage of annual salary as employees within the salary range with the same performance level. Performance bonuses do not become part of base pay and shall be awarded in a lump sum payment.

Section 7(a). Performance Pay Eligibility Requirements

Employees may be compensated based on merit due to the performance of their duties. Employees must meet the following criteria to be eligible for merit pay.

1. Employee must be a permanent full-time or permanent part-time employee who has completed the one year probationary period (new hire/promotion). For example, if the employee was hired or promoted on June 15, of the previous year, the probationary period would have ended on June 15, of the current year and the employee would be eligible for a merit increase January of the following year.
2. Employees who are at the maximum of the salary range for their position classification are eligible for a performance bonus during the evaluation period. Bonuses shall be awarded at the same percentage of annual salary as employees within the salary range with the same performance level. This means that based upon rating, employee would receive percentage of salary applicable to rating (i.e., 1%, 2%, 4%). Performance bonuses do not become part of base pay and shall be awarded in a lump sum payment.
3. Employees will receive a merit increase based upon their previous salary in the following circumstance:

If appointed to an interim position during the appraisal period:

Example: Firefighter Don was appointed Fire Engineer at a base rate of \$36,055 on September 15, 2010. His annual salary prior to the appointment was \$34,380. Don's new salary will be based upon the merit percentage from his old salary (\$34,380 x 3%) plus his new salary: \$1,031.40 + \$36,055 = \$37,086.40.

4. Eligibility for merit is based upon the following criteria:
 - **Employee must have an overall appraisal rating of 3.5.**
 - **Employee should score at least 3.0 in function categories. Any function category < 3.0 will result in employee's ineligibility.**

5. Merit pay will be as follows:
 - a. Overall rating of 3.5-3.99 and no function rating < 3.0: 1% increase
 - b. Overall rating of 4.0-4.49 and no function rating < 3.0: 2% increase
 - c. Overall rating of 4.5-5.00 and no function rating < 3.0: 4% increase

NOTE: All merit percentage increases are subject to Council approval based upon the availability of funds.

6. Employee must have had no disciplinary action (including written reprimand or suspension) within the past 12 months and/or any safety violation/accident (vehicle or personal injury) that resulted in the employee being given four (4) points or more.
7. The appraisal period is from October 1, to September 30. Merit pay will be distributed the following January.
8. Employees must have worked at least 40 of the 52 weeks of the evaluation period. If an employee is out of work for more than 12 weeks, he/she will not be eligible for merit pay unless the leave is protected by Federal law. Examples of federally protected leave include **Family and Medical Leave Act (FMLA)** and **Uniformed Services Employment and Reemployment Rights Act (USERRA)**.

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

Promotions. 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; provided, however, that the new salary may not exceed the maximum rate of the new salary range. The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility.

Demotions. 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 when the demotion is not the result of discipline. If the current salary is within the new range, the employee's salary may be retained at the previous rate, if appropriate. Consideration should be given to whether the employee is receiving the same pay for decreased workload or responsibility level

and action should be appropriate to this consideration. If the demotion is the result of discipline, the salary shall be decreased at least 5%, but may be no 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's salary is below midpoint of the new range. If the employee has completed probation, the employee's salary shall be advanced to at least the minimum (probation completion) amount in the new range. If the employee's salary is above the midpoint of the new range, the employee shall receive an increase of 2.5%.

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 a class of positions is assigned to a higher salary range, employees in that class shall receive a pay increase of at least 5%, or to the hiring rate of the new range, whichever is higher, if the employee's current salary is below the midpoint of the new salary range. If the employee has passed probation, the employee's salary shall be advanced at least to the probation completion amount (minimum rate) in the new range. If the employee's salary is above the midpoint of the new range, the employee shall receive an increase of 2.5%.

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 established for the new class, the salary of that employee shall be maintained at that level until such time as the employee's salary range is increased above the employee's current salary.

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; all employees not at a listed rate shall have their salaries raised to a listed rate.
- 4) All employees being paid at a rate above the maximum rate established for their respective classes shall be maintained at that salary level until such time as the employees' 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 City Manager.

Section 12. Overtime Pay Provisions

Employees of the City can be requested and may be required to work overtime hours as necessitated by the needs of the City and determined by the Department Head. All overtime hours worked must be authorized by appropriate management or City officials. To the extent that local government jurisdictions are so required, the City will comply with the Fair Labor Standards Act (FLSA). The Human Resources Director shall recommend which jobs are "non-exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7 day period; 171 hours for police and 212 for fire personnel in a 28 day cycle). Hours worked beyond the FLSA established limit will be compensated in 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, holiday time or compensatory leave hours be counted toward the total hours for the purpose of overtime compensation.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees (work period is seven days except for law enforcement and 28 days for applicable fire personnel) instead of paying

overtime. A maximum of 80 hours of comp-time may be held at any given time.

When time off within the applicable work period cannot be granted, overtime worked will be compensated in accordance with the FLSA, not to exceed 80 hours total. All accumulated compensatory time may be scheduled off at the will of the department.

In emergency situations, where employees are required to work long and continuous hours, the City Manager may approve compensation at time and one half for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe working conditions. In FEMA declared emergencies, exempt employees may be compensated for overtime as approved by the City Manager.

Employees in positions determined to be "exempt" from the FLSA (as Executive, Administrative, or Professional staff) do not accrue comp-time and are not paid for extra hours worked in excess of their normal work periods.

Section 13. Call-back and Stand-by Pay

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

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

Stand-by. Non-exempt employees required to be on "stand-by" duty will be paid \$100 per week of stand-by time they serve. Hours actually worked while on stand-by are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week. Stand-by 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.

Stand-by time is normally assigned in seven day increments. Employees designated for stand-by time must be fit for duty (not under the influence of any alcohol or drugs and able to respond within 15 minutes). Stand-by schedule changes must be approved by the department head.

Section 14. Payroll Deduction

Deductions shall be made from each employee's salary, as required by law. Additional deductions may be authorized by the City Manager as to capability of payroll equipment 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 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 working an average 42.75 hours per week or firefighters working an average of 56 hours per week, will be determined by dividing the average number of hours scheduled per year into the annual salary for the position.

Section 16. Pay for Interim Assignment in a Higher Level Classification

An employee who is formally designated for a period of at least one month to perform the duties of a job that is assigned to a higher salary grade than that of the employee's regular classification shall receive an increase for the duration of the acting assignment effective upon appointment. The employee shall receive a salary adjustment to the entry level (Hiring rate) of the job in which the employee is acting or an increase of 10%, whichever is greater. Criteria involved in determining the amount of compensation shall 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 the employee shall go back to the salary he or she would have had if not assigned to the acting role upon completion of the assignment.

Section 17. Longevity Benefits

Full time employees of the City may be compensated for years of service by payment of a longevity supplement based on the employee's date of most recent employment. Longevity pay will be issued on the first non-payroll Friday in December or as designated by the City Manager. Continuous service is defined as continuous employment including any approved leave or involuntary reduction in force. Other breaks in service are not included in calculation of continuous service. Employees must be employed by December 1 in order to be eligible for longevity pay.

Longevity amounts shall be as follows:

<u>Years of Service</u>	<u>Amount</u>
5 - 9 years	\$ 2.5%
10 - 14 years	\$ 3.0%
15 - 19 years	\$ 3.5%
20 plus years	\$ 4.0%

Effective July 1, 2007, new employees with the City of Goldsboro will receive longevity pay based upon a flat rate, according to years of service. Distributions will be as follows:

<u>Years of Service</u>	<u>Amount</u>
5 - 9 years	\$ 500
10 - 14 years	\$ 800
15 - 19 years	\$ 1100
20 plus years	\$ 1500

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Equal Employment Opportunity Policy

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

Section 2. Implementation of Equal Employment Opportunity Policy

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

Section 3. Recruitment, Selection and Appointment

Recruitment Sources. When position vacancies occur, the Human Resources Director shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Information on job openings and hiring practices will be published in local and/or other news media as necessary to inform the community and create a quality and diverse pool of applicants. In addition, notice of vacancies shall be posted at designated conspicuous sites within departments. Individuals shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that well-qualified applicants are obtained for City service. The North Carolina Employment Security Commission shall normally be used as a recruitment source. In rare situations because of emergency conditions, high turnover, etc., the City may hire or promote without advertising jobs, upon approval of the City Manager.

Job Advertisements. Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.

Application for Employment. All persons expressing interest in employment with the

City shall be given the opportunity to file an application for employment for positions which are currently being recruited.

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

Selection. Department heads, with the assistance of the Human Resources Director, shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position. All selection devices administered by the City shall be valid measures of job performance. Any selection devices that create adverse impact with minority races or women will be subject to replacement or validation.

Physical Examination. The City, at its own expense, may require that a selected candidate successfully complete a medical examination prior to starting work with the City.

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

Section 4. Probationary Period

An employee appointed or promoted to a permanent position shall serve a probationary period. Employees 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, the supervisor of the employee serving in a probationary status shall closely monitor the progress of that employee and shall frequently discuss with the employee his or her performance. Before the end of the probationary period, the supervisor shall conduct a performance evaluation conference with the employee and discuss accomplishments, strengths, and needed improvements. A summary of this discussion shall be documented in the employee's personnel file. The supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. Probationary periods may be extended for a maximum of six additional months.

Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in this Policy for disciplinary action. 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 employees retain all other rights and benefits such as the right to use of the grievance procedures and to graduated disciplinary procedures.

Section 5. Promotion

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

Department heads are responsible for developing staff capacity to provide back-up for coworkers and higher level positions; to prepare staff and the organization for smooth transitions; and to ensure capability to cover interim absences and vacancies.

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 chapter.

An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a voluntary 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 may apply for the transfer using the usual application process. The Department Head wishing to transfer an employee to a different department or classification shall, with the consent of the receiving department head, make a recommendation to the Human Resources Director who shall review and make a recommendation to the City Manager. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this policy. An employee who has successfully completed a probationary period may be transferred into the same classification without serving another probationary period.

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Work Schedule

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

Section 2. Political Activity

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

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

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

Section 3. Outside Employment

The work of the City shall have precedence over other occupational interests of employees. All outside employment for salaries, wages, or commission and all self-employment must be reported in advance to the employee's supervisor, who in turn will

report it to the Department Head. The Department Head will review such employment for possible conflict of interest and decide whether to approve the work. Conflicting or unreported outside employment are grounds for disciplinary action up to and including dismissal. Documentation of the approval of outside employment will be placed in the employee's personnel file.

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

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

Section 4. Dual Employment

Dual employment is prohibited in the City of Goldsboro. Dual employment is defined as employees working more than one job with the City regardless of whether the job is full-time, part-time or temporary.

Section 5. Employment of Relatives

The City prohibits the hiring and employment of immediate family in permanent positions within the same work unit. "Immediate Family" is defined in Article VII, Section 12. The City also prohibits the employment of any person into a permanent position who is an immediate family member of individuals holding the following positions: Mayor, Mayor Pro Tem, City Council Member, City Manager, Finance Director, Human Resources Director, City Clerk, or City Attorney. Otherwise, the City will consider employing family members or related persons in the service of the City, provided that such employment does not:

- 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 relative and the City ; or
- 4) create the potential or perception of favoritism.

This clause shall not be retroactive concerning any relative currently working for the City at the time of adoption.

Should a family member (as defined in Article VII, Section 12) of a current employee be

elected to the City Council, the employee must resign within six months of the relative taking office.

Section 6. Harassment

Harassment on the basis of race, color, religion, gender, national origin, age, sexual orientation, or disability constitutes discrimination. The City opposes harassment by supervisors and co-workers in any form. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, national origin, age, or disability, or that of his or her relatives, friends, or associates.

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. Harassment may come from coworkers, supervisors, subordinates or non-employees.

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 City Manager, Human Resources Director, or any department head who will advise the Human Resources Director of the complaint. The Human Resources 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 witnessing harassment shall also report such conduct to an appropriate City official.

Section 7. Acceptance of Gifts and Favors

No official or employee of the City shall accept any gift, favor, or thing of value (more than \$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 conduct performance evaluation conferences with each employee at least once a year to review the employee's accomplishments and strengths, areas for improvements goals for the next year, and overall performance level. These performance evaluations shall be documented in

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

Section 9. Safety

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

Section 10. Direct Deposit

Employees are required to participate in the City's direct deposit program.

Section 11. Use of City Supplies and Equipment

City equipment, materials, tools and supplies shall not be available for personal use nor be removed from City property except in conduct of official City business.

City employees shall provide reasonable care for any City vehicle as a duty and function of their job requirements and will be accountable for the vehicle. Such vehicles are to be used exclusively for official City business, except that by special approval by the Manager, an employee may be directed to take the vehicle home when doing so shall serve the best interest of the City. Use of City vehicles for commuting to and from work shall usually be limited to an employee who is subject to emergency call-back work. IRS guidelines will dictate any charges which shall accrue to the employee.

ARTICLE VI. EMPLOYEE BENEFITS

Section 1. Eligibility

All full-time and part-time employees (see definitions) of the City are eligible for employee benefits as provided for in this policy. These benefits are subject to change at the City's discretion. Temporary employees are eligible only for workers' compensation and FICA.

Section 2. Group Health and Hospitalization Insurance

The City provides group health and hospitalization insurance programs for full-time employees, subject to annual appropriation by the City Council.

Part-time employees (see definitions) who are scheduled to work 20 hours or more per week on a continuous year-round basis may, if they so desire, purchase available group health through the City for themselves or for themselves and qualified dependents. A pro-rated amount of the cost of coverage paid for a full-time employee shall be paid by the City with the remainder of the cost being paid by the employee. This pro-rated amount shall be based on regularly scheduled hours.

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

Section 3. Group Life Insurance

The City may elect to provide group life insurance for each employee subject to the stipulations of the insurance contract. Employees may elect to purchase additional coverage and/or to ensure other family members at their expense subject to the stipulations of an insurance provider.

Section 4. Other Optional Group Insurance Plans and Benefits

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

Section 5. Retirement

Each employee who is expected to work for the City more than 1,000 hours annually shall join the North Carolina Local Governmental Employees' Retirement System upon employment as a condition of employment.

Section 6. Supplemental Retirement Benefits

The City may provide supplemental retirement benefits for its full and part-time employees. Each law enforcement officer shall receive 401-K benefits as prescribed by North Carolina State Law and beginning on the first day of employment. Each general employee shall receive supplemental benefits as determined by the City Council.

Section 7. Social Security

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

Section 8. Workers' Compensation

All employees of the City (full-time, part-time, and temporary) are covered by the North Carolina Workers' Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisors at the time of the injury in order that appropriate action may be taken at once. This provision also applies to reactions to small pox vaccinations administered to City employees under Section 304 of the Homeland Security Act. Such reactions shall be treated the same as any other workers compensation claim as regards leave and salary continuation.

Transitional duty may be provided when possible to aid an employee injured on the job to return to work as quickly as possible.

Before returning to work, a statement from the attending physician should be submitted to the Human Resources Director giving permission for the employee to either return to perform restricted duties or resume regular duties.

Upon return to work, the employee's salary will be computed on the basis of the last salary plus any merit increment or other salary increase to which the employee would have been entitled during the disability covered by Workers' Compensation benefits. An employee continues to earn annual leave and sick leave and will retain all accumulated sick or annual leave.

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

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee, and such claims should be filed with the North Carolina Industrial Commission within five days of the date of injury. The Human Resources Department is available if employees need assistance.

NOTE: Retirement Service Credit (Workers' Compensation Leave)

If you are granted a leave of absence to receive benefits under the North Carolina Workers' Compensation Act, you may purchase credit for the period of time you received those benefits. Your cost for Workers' Compensation leave must be paid in a lump sum and will include the total amount required to cover the employee and employer funding. Upon request by the employee, the Retirement System provides a statement of the cost and a date by which purchase must be made. If purchase is not made by that date, the cost will have to be recomputed.

Section 8(a). Return to Work (Personal Injury/Illness)

The purpose of this section is to inform management and employees of the guidelines for returning to work following a personal injury/illness.

Transitional duty, if available, may be provided to accommodate a **temporary** illness or injury when an employee has not reached maximum medical improvement but is ready to return to restricted duty work with the approval of the treating physician. The department may provide transitional duty work for the employee suitable to the employee's capacity to work which is both meaningful and productive to the employee and the City. The City reserves the right to exercise its prerogative to protect itself against excessive future liability and insurance risk, and the employee against further aggravation and/ or injury.

The transitional duty work shall be temporary and not exceed 30 days, per personal injury/illness within a 12-month period. Department Heads are responsible for the administration of transitional duty assignments within their respective departments.

When the employee reaches maximum medical improvement, the employee should be returned to his/her original position with regular duties.

Section 9. Unemployment Compensation

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

Section 10. Tuition Assistance Program

Full-time employees who have completed initial probation may apply for tuition reimbursement for courses taken on their own time or during educational leave which will improve their skills for their current job or prepare them for promotional opportunities with the City. The Employee must complete an Educational Incentive Assistance Application, attach acceptance letter, course registration or other documentation for

proof of enrollment and forward to appropriate approval authority for processing prior to attending. Tuition, registration, fees, laboratory fees, and student fees are eligible expenses.

Employees may be reimbursed eligible expenses up to a total of eleven hundred dollars (\$1100) per fiscal year. Satisfactory completion of the courses with at least a “C” in graded courses will be required for reimbursement. The employee will complete a Tuition and Book Reimbursement Application, attach grade(s) and receipts, and forward to appropriate approval authority for processing. Employees must be enrolled in an accredited college or university to receive tuition reimbursement. Departments may budget sufficient funds to allow employees to participate in this program.

Section 11. Law Enforcement Separation Allowance

A. In accordance with NC G.S. 143-166.42, the City shall provide a special separation allowance to qualified law enforcement officers, as defined by NC G.S. 128-21(11b) or NC G.S. 143-166.50, who retire early or who leave service early and meet all of the following qualifications:

1. The officer must have completed thirty (30) years or more of creditable service or have attained fifty-five (55) years of age and completed five (5) or more years of creditable service; and
2. The officer must not have attained sixty-two (62) years of age; and
3. The officer must have completed at least five (5) years of continuous service as a law enforcement officer immediately before service retirement as defined by G.S. 143-166.41(a)(3) and 143-166.41(b).

B. Payment of the separation allowance will cease at the first of:

1. The last day of the month in which the officer attains age sixty-two (62); or
2. Death of the officer; or
3. The first day of reemployment by a local government employer in any capacity.

Notwithstanding the provisions of subdivision (3) of this subsection, a local government employer may employ retired officers in a public safety position in a capacity not requiring participation in the Local governmental Employees’ Retirement System, and doing so shall not cause payment to cease to those officers under the provisions of this section. Once payment is terminated, the officer shall not be entitled to further special separation allowance unless he shall otherwise once again meet the requirements of subsection (A) hereof.

C. Any officer who is entitled to receive a special separation allowance from the City shall, within five (5) days of any change in employment status, report the same to the Human Resources Department.

NOTE: This Section is revised by Session Law 2009-396, House Bill 816, effective July 23, 2009.

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Policy

The policy of the City is to provide vacation, sick leave, and holiday leave to all full-time and part-time employees and to provide proportionately equivalent amounts to employees having average work weeks of different lengths. Leave balances should be printed on payroll checks or provided to employees with each paycheck, including net accrued sick leave, vacation, compensatory time, etc.

Employees will not be approved for short-notice leave requests that have not been accrued.

Section 2. Holidays

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

New Years Day	Independence Day
Martin Luther King Jr.'s Birthday	Labor Day
Easter Friday	Thanksgiving Thursday & Friday
Memorial Day	Christmas
Veterans Day	

When a holiday falls on a Saturday or a Sunday, Monday shall be observed as a holiday except for Christmas.

When Christmas:

<u>Falls on</u>	<u>Work Days Off</u>
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 be on paid status before and after the holiday.

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

Employees required to perform work on regularly scheduled holidays may be granted compensatory time off or be paid at their hourly rate for hours actually worked in addition to any holiday pay to which they are entitled. If a holiday falls on a regularly scheduled off-duty day for shift personnel, the employee shall receive the hours for paid holiday leave. Departments with employees working a shift schedule may elect to compensate those employees for working on the true holiday rather than the designated holiday. Holiday pay will be calculated according to the formula in Section 16 of this article. This means employees working a 40 hour week are compensated for an 8 hour holiday; employees working a 42.75 hour week are compensated with a 8.55 hour holiday, and employees working a 56 hour week are compensated with 11.2 hour holiday.

Section 5. Vacation Leave

Vacation leave may be used for rest and relaxation, school appointments, and other personal needs. Employees whose duties require them to collect money from customers may be required to take five (5) consecutive days of vacation each calendar year subject to procedures developed by the Finance Director.

Section 6. Vacation Leave: Use by Probationary Employees

Employees serving a probationary period following initial employment may accumulate vacation leave and may be permitted to take vacation leave during the first six months of the probationary period.

Section 7. Vacation Leave: Accrual Rate

Each full and part-time employee of the City shall earn vacation, sick and holiday at the following schedule, respectively, prorated by the average number of hours scheduled in the workweek:

Regular Personnel (based upon 40 hour Week)

Years of Service	Vacation Days Accrued Per Year	Hours Accrued Per Month	Sick and Holiday Accrual Hours/Month
0 - 4 years	12	8	8
5 - 9 years	15	10	8
10 - 14 years	18	12	8
15 - 19 years	21	14	8
20 + years	23	15.33	8

Police Personnel (based upon 42.75 Week)

Years of Service	Vacation Days Accrued Per Year	Hours Accrued Per Month	Sick and Holiday Accrual Hours/Month
0 - 4 years	12	8.55	8.55
5 - 9 years	15	10.69	8.55
10 - 14 years	18	12.83	8.55
15 - 19 years	21	14.96	8.55
20 + years	23	16.39	8.55

Fire Personnel (based upon 56 hour Week)

Years of Service	Vacation Days Accrued Per Year	Hours Accrued Per Month	Sick and Holiday Accrual Hours/Month
0 - 4 years	12	11.20	11.2
5 - 9 years	15	14	11.2
10 - 14 years	18	16.80	11.2
15 - 19 years	21	19.60	11.2
20 + years	23	21.47	11.2

Vacation should be accrued in each payroll period. Employees working greater or fewer than forty hours will have accrual rates prorated based upon the formula in Article VII Section 16.

Section 8. Vacation Leave: Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until December 31 of each year. However, if the employee departs from service, payment for all accumulated vacation leave shall be distributed. Effective the last payroll in the calendar year, any employee with more than this maximum amount of accumulated leave shall

have the excess accumulation removed so that only 30 days are carried forward to January 1 of the next calendar year. Employees are not eligible to receive pay for vacation time not taken.

Employees may have the excess vacation leave (over the above maximum) converted to sick leave provided that they have taken 5 days of vacation in the calendar year.

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

Section 9. Vacation Leave: Manner of Taking

Employees should request vacation leave two weeks in advance, if time permits. Employees shall be granted the use of earned vacation leave at those times designated by the Department Head which will least obstruct normal operations of the City. Department heads are responsible for ensuring that approved vacation leave does not hinder the effectiveness of service delivery. Vacation may be taken in one-quarter hour increments.

Section 10. Vacation Leave: Payment upon Separation or Retirement

An employee who has successfully completed six months of the probationary period will be paid for accumulated vacation leave upon separation.

An employee retiring under the provisions of the North Carolina Local Government Retirement System may have vacation converted to sick leave and used for retirement service credit or may be paid the vacation balance.

Section 11. Vacation Leave: Payment upon Death

The estate of an employee who dies while employed by the City shall be entitled to payment of all the accumulated vacation leave credited to the employee's account.

Section 12. Sick Leave

Sick leave is a privilege granted to an employee by the City and not an employee right. Sick leave may be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, temporary disabilities, required physical or dental examinations or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others.

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

Sick leave may also be used for a death in the immediate family (see below). Up to three days of sick leave may be used for in-state funerals and up to 5 days for out of state funerals. For additional time or other funerals, employees may use vacation or accrued compensatory time.

Sick leave may also be used to supplement Workers' Compensation Disability Leave both during the waiting period before Workers' compensation benefits begin, and afterward to supplement the remaining one third of salary, except that employee may not exceed the regular gross salary amount using this provision.

"Immediate family" shall be defined as spouse, child, parent, brother, sister, grandparent, grandchild, guardian, various combinations of step, half and in-law, and adopted relationships of the employee, and others living in the same household.

Section 13. Sick Leave: Accrual Rate, Accumulation, and Manner of Taking

Sick leave shall accrue at a rate of one day per month of service or twelve days per year; however sick leave for full-time and part-time employees working other than the basic 40 hours work schedule shall be pro-rated as described in Article VII, Section 7.

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave. Failure to so notify the appropriate supervisor within an appropriate time frame may result in disciplinary action.

The minimum amount of sick leave that may be taken is one half hour and leave must be taken in increments of one quarter hour.

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 Government Employees' Retirement System.

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

Section 14. Transfer of Sick Leave from Previous Employer

The City will accept the transfer of sick leave for employees from other employers who are participants of the North Carolina Local Government or State Employees Retirement System. The sick leave will be treated as though it were earned with the City of

Goldsboro. The sick leave amount must be certified by the previous employer. This sick leave may be taken after the employee successfully completes the initial hire probationary period.

Section 15. Sick Leave: Medical Certification

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

- 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 pretense to obtain a day off with pay shall subject the employee to disciplinary action up to and including dismissal.

Section 16. Leave Pro-rated

Holiday, annual, and sick leave earned by full-time and part-time employees with fewer or more hours than the basic work week shall be determined by the following formula:

- 1) The number of hours worked by such employees shall be divided by the number of hours in the basic work week (usually 40 hours).
- 2) The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic work week.
- 3) The number of hours in step 2 divided by 12 shall be the number of hours of leave earned monthly by the employees concerned, divided by 52 shall be the number of hours of leave earned per weekly payroll period.

This means, for example, that law enforcement officers scheduled for an annual average 42.75 hour week earn 8.55 hours for each day of sick, vacation, or holiday leave they earn. Fire staff who are scheduled for 56 hours per week earn an average of 11.2 hours for each day of sick, vacation or holiday leave they earn.

Section 17. Family and Medical Leave

The City 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 City's Vacation, Compensatory Time and Sick Leave policies), unpaid, or a combination of paid and unpaid. Unpaid leave will be granted only when the employee has exhausted all appropriate types of paid leave. Additional time away from the job beyond the 12-week period may be approved in accordance with the City's Leave without Pay policy.

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

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.

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

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

"Military Exigency" is a specific 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 service member;
5. making financial or legal arrangements related to a family member's active duty status or call to active duty; or
6. post-deployment activities for a period of ninety days after the termination of the service member's active duty status.

Military Caregiver Leave: An employee whose spouse, son, daughter, parent or next of kin is a current service member who is undergoing treatment, therapy, recuperation or outpatient treatment or has temporary disability retirement for injury or illness sustained in the line of duty, is eligible for 26 weeks of leave in a single 12 month period. During a single 12 month period, the employee is eligible for a total of 26 weeks of all types of FMLA leave. The request for the use of leave must be made in writing by the employee and approved by the Department Head or City Manager.

Section 18. Medical and Family Leave - Certification

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

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

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

For Military exigency leave, a copy of active duty orders or other documentation is required including facts supporting the employee's need for leave; the approximate starting date on which the qualifying exigency began or will begin; the beginning and ending dates of the absence for which the employee is requesting the leave; and if the

employee is meeting with a third party, identifying contact information for the third party and a description of the meeting's purpose.

Section 19. Family Medical Leave and Leave Without Pay: Retention and Continuation of Benefits

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

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

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

An employee who is taking accrued sick leave may receive paid health insurance for the first six months of sick leave (including the first three months which may qualify as FMLA). After six months of sick leave, the employee may continue to be eligible for the City's group health insurance coverage but must pay for the cost of the employee coverage.

Section 20. Leave Without Pay

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

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

Leave Without Pay (unpaid leave) may be granted **only** when the employee has exhausted all appropriate types of paid leave with the exception of Workers Compensation, Short Term Disability and military commitment.

Section 21. Workers' Compensation Leave

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accrued sick leave, vacation, or compensatory time during the first waiting period. The employee may also elect to supplement workers' compensation payments after they begin with sick leave, vacation, or compensatory time, provided that the combination of leave supplement and workers' compensation payments does not exceed normal compensation. An employee on workers' compensation leave may be permitted to continue to be eligible for benefits under the City's group insurance plans. When workers' compensation leave extends long enough for the waiting period to be reimbursed, the employee shall return the reimbursement check to the City and have leave hours re-instated for all time covered by paid leave. In such cases, the City will pay the employee for any unpaid time that is owed the employee.

- (a) All injuries arising out of, and during, the course of employment should be reported by the injured employee to the immediate supervisor as soon as possible. The supervisor or department head shall file an injury report to the Safety Officer immediately. The employee must use sick leave or annual leave for the first seven (7) days of disability. These days will be reimbursed only if the disability continued for more than twenty-one (21) days.
- (b) Before returning to work, a statement from the attending physician should be submitted to the Human Resources Director giving permission for the employee to resume regular duties.
- (c) Upon return to work, the employee's salary will be computed on the basis of the last salary plus any merit increment or other salary increase to which the employee would have been entitled during the disability covered by Workers' Compensation. While receiving workers' compensation benefits, an employee continues to earn annual leave, sick leave, and will retain all accumulated sick or annual leave.

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

Section 22. Military Leave

This section relates to Military Leave which is limited to 2 or 3 weeks per year. When employees are called for active duty, the City will follow all federal regulations including USERRA related to job, wage, and benefits protections.

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

If the compensation received while on military leave is less than the salary that would have been earned during this same period as a City employee, the employee shall, for a maximum period of three months, receive partial compensation equal to the difference in base salary earned as a reservist or guardsman and the salary that would have been earned during this same period as a City employee. The effect will be to maintain the employee's salary at the normal level during this period.

Section 23. Reinstatement Following Active Duty Military Service

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

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

Section 24. Civil Leave

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

Section 25. Parental School Leave

A City employee who is a parent, guardian, or person standing in loco parentis (in place of the parent) may take up to four hours of paid leave (vacation or accrued compensatory leave) or 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 City;
- 2) The City may require the employee to request the leave in writing at least 48 hours prior to the time of the desired leave; and
- 3) The City may require written verification from the child's school that the employee was involved at the school during the leave time.

Section 26 Educational Leave

The City Manager may grant educational leave to an employee. Educational leave may be granted with or without pay to an employee and is limited to one course at a time (per semester, quarter, etc.).

Section 27. Adverse Weather and Emergency Conditions Policy

The City has responsibility for providing emergency services. Adequate staff is required to operate these critical services seven days per week and 24 hours per day in all weather. Department Heads should designate which staff in critical positions is required to report to work regardless of weather or other hazardous conditions.

The adverse weather/hazardous conditions policy is established to be as fair as possible to all employees applying the following principles:

- a) maintain adequate staffing at all times of emergency services;
- b) provide for as much safety as possible for all employees in traveling to and from

work in hazardous conditions; and

- c) not pay regular salaries to some employees for *not working* when others are required to be at work.

City offices and departments shall remain open for the full scheduled working day unless authorization for closing or other deviation is received from the City Manager's office. The City Manager will consider the hazard of driving conditions and other relevant factors in determining whether to close City offices. All departments and offices will be given sufficient advance notice of any authorized closing of non-critical City functions. Upon authorizing a closing, non-critical staff who do not work do not get paid but may use vacation, earned compensatory time, or time without pay for the hours not worked. Employees who leave work before an official early closing time, as well as employees who report for work late or do not report for work because of hazardous conditions, may also use earned vacation or compensatory leave for days or hours not worked.

Critical staff is required to report in emergency situations and should make preparations for care of family and personal needs to allow them to report for duty when required. Any employee in a position designated as critical who does not report to work as directed by the City Manager or appropriate department head will be subject to disciplinary action.

Section 28. Voluntary Shared Leave

This policy provides an opportunity for employees to assist another affected by a medical condition that requires absence from duty for a prolonged period of time resulting in possible loss of income due to lack of accumulated leave.

Non-qualifying conditions: The policy shall not ordinarily apply to short-term or sporadic conditions or illnesses. This would include such things as sporadic, short-term recurrences of chronic allergies or conditions; short-term absences due to contagious diseases; or short-term recurring medical or therapeutic treatments. These examples are illustrative, not all inclusive. Each case must be examined and decided based on its conformity to policy intent and must be handled consistently and equitably.

Access the City of Goldsboro's employee website to obtain a leave donation request form. Contact Human Resources with any questions.

Recipient Eligibility:

- employee must be in a regular (permanent) status;
- employee must have completed one year of full-time service (1250 hours) or permanent part-time service (625 hours)
- submit required doctor's statement and supporting documentation describing estimated length of absence to participate in the program; except under extenuating circumstances
- shared leave is not available for caring of family members
- employee must apply for voluntary shared leave no later than 2 weeks prior to exhausting sick and/or vacation; except under extenuating circumstances
- employee will not accrue any leave time while on donated leave
- employee can receive up to a maximum of 160 hours/20 days(permanent full-time) 80 hours/10 days (permanent part-time) of shared leave in a 12 month period
- employee illness must be greater than two weeks; however leave request can be any amount past the exhaustion of employee's leave (i.e. one hour up to 160 hours/20 days or 80 hours/10 days)
- employee may use donated leave in 1/2 hour increments
- recipient separation – if a recipient separates due to resignation, death, termination or retirement from local government, participation in the program ends. Unused sick leave shall be returned to the donor(s) on a prorated basis and credited to the sick/vacation leave account from which it originally came.

Donating Eligibility:

- employee must have completed one year of full-time or permanent part-time service
- employee can only donate in hour increments
- employee must submit paperwork to authorize a leave transfer; donations geared to a specific employee may be listed on the donation form
- full-time employees may donate up to 75 hours of a combination of sick/annual leave in a 12 month period
- permanent part-time employees may donate up to 37.5 hours of a combination of sick/annual in a 12 month period
- all donations must be in writing and must be signed by the donating employee. The employee receiving the leave must be named and the amount and type of leave donated must be specified.

- if donating sick or annual leave, the donation cannot cause the employee's current sick or annual leave balance to fall below 75 hours (full-time or 37.5 permanent part-time employees)
- If an employee request 160 hours/80 hours (maximum allowed) and uses only 75 hours/37.5 hours, the remaining unused sick leave shall be returned to the donor(s) on a prorated basis and credited to the sick/vacation leave account from which it originally came.

ARTICLE VIII. SEPARATION AND REINSTATEMENT

Section 1. Types of Separations

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

Section 2. Resignation

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible.

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.

Employees must return any required City property upon resignation. Employees are required to participate in an exit interview to complete important papers and for other processes prior to receiving pay for any unused vacation days.

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

Section 5. Voluntary Retirement

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

Section 6. Death

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

Section 7. Dismissal

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

Section 8. Reinstatement

An employee who resigns while in good standing or who is separated because of reduction in force may be reinstated within one year of the date of separation, upon recommendation of the Department Head, and upon approval of the City Manager. An employee who is reinstated in this manner shall be re-credited with his or her previously accrued sick leave and previous service. An employee may be reinstated if the separation occurred less than 12 months previously and re-hired if the separation occurred more than 12 months previously.

Section 9. Rehiring

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

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

Section 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. All cases of disciplinary suspension, demotion, or dismissal must be approved by the City Manager prior to giving final notice to the employee.

Section 2. Unsatisfactory Job Performance Defined

Unsatisfactory job performance includes any aspect of the employee's job which are not performed as required to meet the standards set by the Department Head including written performance standards, verbal performance coaching, and performance review discussions. *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 City 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) Repeated improper use of leave privileges;
- 7) Habitual pattern of 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; or
- 9) Failure to meet work standards over a period of time.
- 10) Failure to maintain required license(s) and/or certification(s)

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 should 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 should be noted in the employee's file by the supervisor. An employee whose job performance is unsatisfactory over a period of time should normally receive at least two counseling sessions followed with written warnings from the supervisor before disciplinary action is taken. 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 counseling session followed by a 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 or City Manager for disciplinary action such as suspension, demotion, or dismissal.

Disciplinary suspensions for nonexempt employees should not generally exceed three days (24 hours). Disciplinary suspensions for exempt employees should be for one week in order to retain the exempt status under FLSA. Copies of all disciplinary actions should be sent through the Human Resource Officer to the personnel file.

Section 4. Disciplinary Action for Detrimental Personal Conduct

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

Section 5. Detrimental Personal Conduct Defined

Detrimental personal conduct includes behavior of such a serious detrimental nature that the functioning of the City may be or has been impaired; the safety of persons or property may be or have been threatened; or the laws of any government may be or have been violated. *Examples of detrimental personal conduct include, but are not limited to, the following:*

- 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 City funds;
- 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 prohibited by this policy;
- 13) Harassment of an employee or the public with threatening or obscene language and/or gestures;
- 14) Harassment of an employee(s) and/or the public on the basis of sex or any other protected class status;
- 15) Stated refusal to perform assigned duties or flagrant violation of work rules and regulations; or
- 16) Disclosure of confidential information.

Section 6. Pre-dismissal Conference.

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

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

Section 8. Substance Abuse Policy

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

ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Section 1. Policy

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

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

Section 2. Grievance Defined

A grievance is a claim or complaint by an employee based upon an event or condition which affects the circumstances under which an employee works and is 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 through collaboration and/or mediation; and

- 7) Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the City or its leaders, thus freeing up employee motivation, productivity, and creativity.

Section 4. Procedure

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

Informal Resolution. Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the Human Resources Department as a resource to help resolve the grievance. Mediation may be used at any step in the process and is encouraged. Mediation is the neutral facilitation of the conflict between or among parties where the facilitator helps the parties find a mutually agreeable outcome. The mediator should be a party agreed upon by all parties to the grievance. Mediation will not occur if a mediator cannot be agreed upon.

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 (the person who took the action which created the grievance issue, could be immediate supervisor, division head, department head, etc.) in writing. The grievance must be presented within seven calendar days of the event or within seven calendar days of learning of the event or condition. The written grievance should identify the action that is deemed unfair and the reason the grieving employee believes it to be unfair. The supervisor shall respond to the grievance within seven calendar days after receipt of the grievance. The supervisor should, and is encouraged to, consult with any employee of the City in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible.

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

Step 2. If the grievance is not resolved by the first level supervisor to the satisfaction of the employee by the supervisor, the employee may appeal in writing to the next level supervisor (Division Head, Department Head, City Manager, etc.) within seven calendar days after receipt of the response from Step 1. The next level supervisor shall respond to the appeal stating the determination of decision within seven calendar days after receipt of the appeal.

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

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

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

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

Section 5. Role of the Human Resources Director

Throughout the grievance procedure, the Human Resources Director shall:

1. Advise parties (including employee, supervisors, and City Manager) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistency of application;
2. Be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents.
3. Give notices to parties concerning timetables of the process, etc.;
4. Assist employees and supervisors in drafting statements;
5. Facilitate the resolution of conflicts in the procedures or of the grievance at any

- step in the process; and
6. Help locate mediation or other resources as needed.

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

Section 6. Grievance and Adverse Action Appeal Procedure for Discrimination

When an employee, former employee, or applicant, believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, national origin, religion, creed, political affiliation, or non-job related handicap), he or she has the right to appeal such action using the grievance procedure outlined in this Article (Section 4 above). While such persons are encouraged to use the grievance procedure, they shall also have the right to appeal directly to the Human Resources Director, Assistant City Manager, City Manager, or other designee. 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 Drug and Alcohol Testing

I. Purpose

- A. It is the policy of the City of Goldsboro to maintain a drug and alcohol free work environment. To achieve this purpose, drug and alcohol tests will be administered in accordance with the City's Drug and Alcohol Testing Policy. Employees with substance-abuse problems are encouraged to voluntarily seek help from the Employee Assistance Program.
- B. All testing will be conducted in a manner that will protect the rights of employees and applicants subject to testing. Therefore, the City of Goldsboro will take all necessary steps to safeguard the dignity and self-esteem of those being tested, and will follow all procedures pertaining to the implementation of this Policy. The City of Goldsboro will adhere strictly to all standards of confidentiality and assure all employees that testing records and results will be released only to those authorized to receive such information.

II. Drug and Alcohol Abuse and Testing Policy for all Employees

- A. The unlawful manufacture, distribution, dispensation, possession, purchase, or use of drugs by employees is prohibited and constitutes grounds for immediate termination.
- B. The manufacture, distribution, dispensation, possession, storage, purchase, or use of alcohol by employees while at the workplace is prohibited and constitutes grounds for immediate termination.
- C. Positive Drug Tests
 - (1) Any employee holding a safety-sensitive position as defined by this policy that has a positive drug test shall be terminated. Safety-sensitive positions are defined in Appendix A, entitled *Safety Sensitive Positions Subject to Random Drug Testing*.
 - (2) Any employee holding a non-safety-sensitive position as defined by this policy that has a positive drug test may be terminated. Upon determination by that employee's Department Head, the Human Resources Manager, and/or the City Manager, the employee may be allowed to remain employed with the City of Goldsboro pursuant to the conditions set forth below.

(3) An employee who is allowed to remain employed with the City of Goldsboro after a positive drug test shall be employed on a probationary basis. The time period for this probationary period of employment will be for a minimum of twelve (12) months to a maximum of sixty (60) months. After that time period, the employee shall be subject to the original conditions of this policy regarding drug and alcohol testing. A second positive drug test for this employee, either during or after this probationary period, shall result in immediate termination.

(4) During this probationary employment period, the employee shall be given unannounced drug and alcohol tests. These tests may be on a random basis at the discretion of the Department Head, the Human Resources Manager, and/or the City Manager. A positive drug test shall result in immediate termination.

Comment [p1]: Remove

(5) Employees who have a positive drug test and are allowed to remain employed with the City of Goldsboro shall be evaluated by a substance abuse professional. As a condition of their continued employment during and after their probationary period, the employee shall comply with any and all substance abuse treatment recommended by this substance abuse professional.

D. Applicant Drug Testing

- (1) Applicants for employment shall be required to take a drug test during the application process. Current employees who are selected for a new position shall also be drug tested. This test shall be administered no more than thirty (30) days prior to the date of employment.
- (2) Applicants shall be disqualified from further consideration for employment under the following circumstances:
 - (a) Refusal to submit to a required drug test;
 - (b) A confirmed positive drug test indicating prohibited drug use;
 - (c) Failure to submit to a drug test within 24 hours after notification by Human Resources Management that a test is needed.

E. Promotion Drug Testing

Any employee being promoted to a higher position shall be required to take a drug test as a condition of the promotion process. This shall take place within fifteen (15) days prior to the effective date of the promotion.

F. Post-Vehicular Accidents and Injuries

- (1) An employee will be drug and alcohol tested when involved in a vehicular accident or workplace injury if:
 - (a) A life is lost;
 - (b) If operating a motor vehicle and the driver is cited for a traffic moving violation AND any individual is transported for medical treatment; or
 - (c) If operating a motor vehicle, the driver is cited for a moving violation.
- (2) Post-accident drug and alcohol tests shall be administered within eight hours following the accident. No employee to be tested following an accident shall consume any alcohol for eight hours following the accident or until a post-accident alcohol test is performed, whichever comes first.
- (3) The supervisor of any driver of any City vehicle involved in an accident will determine whether or not the driver should be allowed to continue with his/her duties for the remainder of that workday. The employee should not be sent home but should be assigned other duties as determined by his or her Department Head. If reasonable suspicion of substance abuse exists, the employee will be sent home.
- (4) If a driver of a City vehicle tests positive for drugs or alcohol when tested pursuant to this post-accident testing section of the Drug Policy, that driver will be immediately terminated. This post-accident termination applies to both safety-sensitive employees and non-safety sensitive employees who are driving City vehicles and are then involved in an accident.

Comment [p2]: Remove all

G. Reasonable Suspicion

Employees will be required to submit to a drug and/or alcohol test as a condition of continued employment in any case where there exists an individualized reasonable suspicion that the employee has used or is under the influence of illegal drugs or alcohol. The following may be considered when determining whether or not there is reasonable suspicion:

1. Direct observation of drug or alcohol use;
2. The physical symptoms or manifestations of being under the influence of a drug (e.g. slurred speech, odor of a drug or alcoholic beverage on body or breath, incoherence, loss of coordination, etc.) while at work;
3. Abnormal conduct or erratic behavior while at work such as deterioration in work performance, or participation in a physical or verbal altercation, under suspicious conditions;
4. Information from a reliable and credible source or other similar evidence that an employee may be or may have been impaired in the performance of his or her duties by recent use of alcohol or drugs, whether on or off the job. Attempts should be made to independently corroborate this information;
5. Supervisors should be alert to the conduct and job performance of an employee based on the supervisor's long-term knowledge of the employee; and
6. In combination with observations of current and/or contemporaneous conditions, the following may alert the supervisor to be watching for signs of substance abuse:
 - A prior history of confirmed substance abuse by the employee during employment with the City, such as recent convictions of driving while impaired. (Prior history shall not be considered sufficient on its own to constitute a reasonable suspicion).
 - A pattern of excessive absenteeism, tardiness, or deterioration in work performance.
 - A pattern of unexplained and unusual vehicle or personal accidents or injuries on or off the job.

H. Protocol for Testing for Reasonable Suspicion

1. The supervisor shall contact his/her Department Head (or designee) to advise regarding why he/she believes there is reasonable suspicion for a drug test and complete the "Alcohol & Controlled Substance Reasonable Suspicion Checklist for Testing" form .
2. The Department Head shall immediately contact the Human Resources Management Director (or his/her designee in his/her absence) and provide him/her with this information.
3. In the event the City Manager receives sensitive or confidential Information indicating reasonable suspicion, he/she shall consult with the HRM Director or his/her designee regarding this information.
4. If the HRM Director or his/her designee then determines there is a reasonable suspicion, he/she directs the supervisor or a designee to transport the employee for a drug or alcohol test.
5. After Hours: If a supervisor on a weekend or night shift has reasonable suspicion that an employee may be under the influence of alcohol or drugs, the employee will be removed from any duties. The Department Head or his/her designee will be informed and the normal procedure followed to determine if there is reasonable suspicion that will allow a drug test. If the Department Head or his/her designee feels that there is reasonable suspicion, the employee will be subject to a drug test.
6. No employee who voluntarily seeks help from the Employee Assistance Program (EAP) will be given a drug or alcohol test based solely on the fact that help has been sought from EAP. If that employee meets other criteria to be tested for reasonable suspicion, he/she may be tested.
7. Any employee having a reasonable basis to believe that another employee is illegally using, or is in possession of, any controlled substance shall immediately report the facts and circumstances to his/her supervisor.

Comment [p3]: Entire section reworded.

Comment [p4]: Sentence reworded.

I. Random Testing for Safety Sensitive Positions and Federally Mandated Positions

Employees assigned to positions that are determined to be safety sensitive will be randomly tested for alcohol and drugs. Safety-sensitive positions are defined in Appendix A, entitled *Safety Sensitive Positions*

Subject to Random Drug Testing. Selected employees will be transported to the designated testing location the day that they are chosen to be randomly tested. Random testing shall be conducted at the rate mandated by DOT or city policy. Such rate will provide an equal probability of any employee from the Safety Sensitive Positions list to be selected.

J. Disclosure of Alcohol or Drug Related Charges and Convictions

If an employee is charged with or convicted of a violation of a criminal drug statute or of any kind of criminal offense involving alcohol, including but not limited to "Driving While Impaired", the employee must notify his or her Department Head of the charge or conviction within twenty-four (24) hours of receiving the charge or conviction. Failure to comply with this requirement will result in termination.

K. Positive Tests for Alcohol

- (1) An employee who is tested (exclusive of the return to duty test) and is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform or continue to perform his or her job functions until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test. The employee shall be removed from duty without pay for this 24 hour period and shall receive a notation in his or her personnel file about the requirement of reporting to work without the presence of alcohol in his or her system.
- (2) An employee who tests positive for alcohol must submit to a return to duty breath alcohol test before resuming the performance of safety sensitive functions following a disciplinary suspension. The return to duty alcohol test must indicate an alcohol concentration of less than 0.02. A return to duty breath alcohol test result of 0.02 – 0.039 will result in a five day suspension without pay. A return to duty breath alcohol test result of 0.04 or greater will be considered as the second positive alcohol test within a five-year period and will result in termination.
- (3) If an employee alleges that, because of medical reasons, he or she is unable to provide a sufficient amount of breath to permit a valid breath test, the breath alcohol technician shall instruct the employee a second time to attempt to provide an adequate amount of breath. If the employee continues to allege an inability to provide a sufficient amount of breath for the test, the department shall be notified that the employee has refused to be tested. The employee

will be directed to obtain, as soon as practicable after the attempted provision of breath, an evaluation from a licensed physician acceptable to the City of Goldsboro addressing the employee's medical ability to provide the adequate amount of breath. If there is not a medical reason acceptable to the City for the employee's inability to provide the breath, the employee will be considered to have refused to submit to the alcohol test and will be disciplined according to the guidelines established by this Policy.

L. Refusal to Submit to Testing

An employee who refuses to submit to, fails to follow through with, or tampers with a drug or alcohol test when testing is required by this Policy will be terminated. However, before proceeding with disciplinary action, the employee's Department Head will have the facts of the case reviewed by the Human Resources Department.

M. Re-Employment After Failed Test and Termination

An employee who does not pass the drug or alcohol test and is terminated will not be considered for re-employment for a two-year period following the date of the test and then will be considered only when:

- (1) He or she provides documentary proof of successful completion of a drug and/or alcohol abuse treatment or rehabilitation program,
AND
- (2) He or she passes a pre-placement drug and/or alcohol test.

N. Duty to Disclose Impairment

An employee shall inform his or her supervisor if, prior to beginning work or while he or she is on duty, that he or she has used or intends to use any prescription drug, over-the-counter drugs, or other substance that might impair his or her ability to satisfactorily perform his or her duties. Employees are responsible for a thorough understanding of the effects and potential side effects of medications or other chemicals taken. Failure to notify the supervisor under these circumstances may result in disciplinary action up to and including termination. However, before proceeding with disciplinary action, the employee's Department Head will have the facts of the case reviewed by the Human Resources Department.

III. **Supervisory Responsibilities**

Every supervisor shall:

- A. Consistently apply this policy to all employees under his or her supervision. A supervisor who fails to apply this Policy when he or she believes, or reasonably should believe, that an employee under his or her supervision has committed a violation will be disciplined. Supervisors will be provided with the appropriate training by the City of Goldsboro in order for the supervisor to be able to accurately detect the different behaviors and observations that indicate an employee may be under the influence of alcohol or drugs.
- B. Initiate the process for having an employee drug or alcohol tested if there is reasonable suspicion that an employee under his or her supervision, when such employee is on duty, has an illegal drug or alcohol in his or her system or is using any legal drug in a manner other than it was intended.
- C. Educate employees under his/her supervision and make them aware of the requirements and consequences of this Policy.
- D. Follow the procedure established by the Department Head for ensuring that an employee who is tested for alcohol or other drugs is transported to the designated test site, and that those employees for whom there is reasonable suspicion of substance abuse or who have had a breath alcohol test result of 0.02 or greater are transported home – either by personal family/friends or by arranged transportation.

IV. **Employee Responsibilities**

Every employee shall:

- A. Abide by this policy as a condition of employment.
- B. Comply with all applicable laws regulating the manufacture, distribution, dispensation, use or possession of illegal drugs, alcohol, or prescription drugs.

- C. Ensure that his or her ability to perform his or her job duties is not negatively affected due to the use of a drug or alcohol when scheduled to report to work or when "on call" status. Should any employee be requested to report to work for a safety-sensitive job earlier than his or her normal or previously assigned time, it is the employee's responsibility to advise his or her supervisor of an inability to perform his or her job duties or that he or she had consumed alcohol within the last four hours prior to reporting for duty. If the employee has received prior notice that he or she might be called back into work, the employee will be considered absent without leave if he or she is unable to report to duty. An employee may be subject to other disciplinary action due to inability to report for duty.
- D. Submit immediately to a drug or alcohol test when requested by his or her supervisor.
- E. Notify his or her Department Head if convicted of a violation of a criminal drug statute and such violation occurred while the employee was on duty, within five calendar days of such conviction, as required by the Drug-Free Workplace Act.

V. Definitions

Accident – An occurrence involving property damage or bodily injury while conducting business for the City of Goldsboro.

Alcohol Test – A test for the presence of alcohol in the body as determined through the use of a Breath Alcohol Test (BAT), evidential breathalyzer test, or blood screening.

Applicant – A person who applies for employment with the City of Goldsboro.

Commercial Motor Vehicle – A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- a. has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle rating of more than 10,000 pounds; or
 - b. has a gross vehicle weight rating of 26,001 or more pounds;
- or

- c. is designed to transport 16 or more passengers, including the driver; or
- d. is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and that requires the motor vehicle to be placarded under the Hazardous Materials Regulations.

Conviction – A finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judge or judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.

Criminal Drug Statute – A criminal statute relating to the manufacture, distribution, dispensation, use, or possession of any drug.

Drug – Any controlled substance, immediate precursor or metabolite thereof included in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. § 812) or the North Carolina Controlled Substances Act, Chapter 90, Section 87(5) of the North Carolina General Statutes.

Drug Test – A test, including providing the necessary sample of body fluid by the employee to be tested, for the presence of any of the following drugs or drug metabolites in the urine or blood an employee or applicant for employment:

- a. Amphetamines
- b. Barbiturates
- c. Benzodiazepines
- d. Cannabinoids
- e. Cocaine
- f. Methaqualone
- g. Opiates
- h. Phencyclidine
- i. Propoxyphene
- j. Other drugs that may be determined to reduce work efficiency.

Negative Results – A test indicating that there are no drugs or drug metabolites in the urine at a level specified to be a positive test. In alcohol testing a negative result would be a breath alcohol concentration of less than 0.02.

No Notice Testing – Periodic surprise drug and or alcohol tests given to an employee over a period of two years following his or her return to work after a positive drug or alcohol screen. The City Nurse or Human Resources

Management Director (HRMD) will determine the timing and frequency of this testing.

On Call – The period of time when an employee is subject to a call to report immediately to work for the City of Goldsboro.

On Duty – The period of time when an employee is at the workplace, performing job duties, on call, or during any other time frame for which he or she is entitled to receive pay from the City of Goldsboro.

Outside Provider – An agency selected by the City of Goldsboro to handle all drug and alcohol screening.

Orientation Period – A one (1) year term during which a newly hired regular employee is required to demonstrate the ability to perform the essential functions of his/ her position.

Positive Results – With respect to the results of a drug test, indicates a laboratory finding of the presence of a drug or a drug metabolite in the urine sample of an employee or applicant at the levels identified by the Substance Abuse and Mental Health Services Administration (SAMHSA), or for drugs not subject to SAMHSA guidelines, at levels identified by the City of Goldsboro. All positive tests will be confirmed using a different technology than was used for the first test, such as the gas chromatography/mass spectrometry (GC/MS) process. In alcohol testing a positive result would be a breath alcohol concentration of 0.04 or greater.

Promote – an employee who is selected for advancement to a higher position.

Random Testing – testing conducted on an employee assigned to a safety sensitive position. Such testing is chosen by a method that provides an equal probability that any employee from a group of employees will be selected.

Reasonable Suspicion – the occasion when a supervisor detects the signs and symptoms of probable drug and/or alcohol use and can substantiate specific contemporaneous, objective observations concerning appearance, behavior, speech, body odor or other physical indicators of probable drug or alcohol use. By way of example and not limitation, any one or a combination of the following may constitute reasonable suspicion:

- a. Slurred speech
- b. The odor of marijuana or alcohol about the person
- c. Inability to walk a straight line

- d. An accident resulting in damage to property or personal injury
- e. Physical altercation
- f. Verbal altercation
- g. Behavior that is so unusual that it warrants summoning a supervisor or anyone else in authority (i.e. confusion, disorientation, lack of coordination, marked personality changes, irrational behavior)
- h. Possession of drugs
- i. Verifiable information obtained from other employees based on their observations
- j. Arrests, citations and deferred prosecutions associated with drugs or alcohol
- k. A documented pattern of abnormal conduct or erratic behavior, including abnormal leave patterns

Refuse to Submit – the occurrence when an employee or applicant:

- a. Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing
- b. Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing
- c. Refuses to sign the breath alcohol confirmation test certification
- d. Engages in conduct that clearly obstructs the testing process
- e. Fails to remain readily available for testing after an accident

Revenue Service Vehicle – Any vehicle available to the general public where there is an expectation of carrying passengers on such vehicle. These passengers either: directly pay fares, are subsidized by public policy, or provide payment through some contractual arrangement. Vehicles operated in fare free service are considered in revenue service.

Safety Sensitive Positions – A position will be designated safety sensitive only where the City of Goldsboro has a compelling need, on the basis of safety concerns, to ascertain on-the-job impairment on the part of the employees who hold the position. Such a compelling need may arise when the duties of the position create, or on or are accompanied by, such a great risk of injury to other persons or property of such magnitude that even a momentary lapse of attention, judgment, or dexterity could have disastrous consequences.

Examples of these positions include:

- a. Positions (full or part-time) requiring the use of weapons (or potential use of weapons) or the operation of vehicles, machinery, or equipment as a primary task (does not include routine office equipment).
- b. Positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees, or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace.
- c. Other positions as determined on a case-by-case basis.

The following includes activities defined as safety sensitive by the Federal Highway Administration or Federal Transit Administration portions of the DOT guidelines:

- a. Driving.
- b. Inspecting, servicing, or conditioning any commercial motor vehicle.
- c. Waiting to be dispatched at a carrier ship or plant, terminal, facility, or other public property.
- d. Performing all other functions in or upon any commercial motor vehicle except resting in a sleeper berth.
- e. Loading or unloading a vehicle, supervising or assisting in the loading or unloading of the vehicle, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or giving or receiving receipts for shipments being loaded or unloaded.
- f. Performing driver requirements relating to accidents.
- g. Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle
- h. Operating a revenue service vehicle, including when not in revenue service.
- i. Operating a non-revenue service vehicle when required to be operated by the holder of commercial driver's license.

- j. Controlling the natural movement of a revenue service vehicle.
- k. Maintaining a revenue service vehicle or equipment used in revenue service.
- l. Carrying a firearm for security reasons.

Determination as to which positions are safety sensitive will be based on the DOT guidelines or the recommendation of the Department Head and approval by the Human Resources Department.

Supervisor – Any employee who has the authority to direct the job activities of one or more other employees. With respect to a particular employee, the term means such employee's immediate supervisor and all persons having indirect supervisory authority over such employee.

Workplace – location or facility where an employee performs tasks related to the requirements of his or her job including, but not limited to, break rooms and restrooms, outdoor work sites, City of Goldsboro vehicles or personal vehicles (while personal vehicle is being used for City of Goldsboro business), computer work stations, conference rooms, hallways, offices, open/partitioned work areas, public contact/customer service areas, medical services areas and parking lots.

Article XII Tobacco Free Policy

Purpose

The purpose of this policy is to protect the health of individuals in public places and places of employment and riding in City government vehicles from the risks related to secondhand smoke. The North Carolina General Assembly finds that secondhand smoke has been proven to cause cancer, heart disease, and asthma attacks in both smokers and nonsmokers. In 2006, a report issued by the United States Surgeon General stated that the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke. Preferences of both nonsmokers and smokers should be considered, whenever possible. However, when conflict arises, the health and consideration of nonsmokers should come first. Since the City of Goldsboro is dedicated to the provision and maintenance of a healthy and safe work environment for all of its employees, the use of all tobacco products is prohibited in all City facilities and vehicles.

Objective

As a responsible business and employer, the City of Goldsboro has implemented the following policy for City facilities:

1. To establish the City's policy concerning the use of tobacco products in City buildings. This includes cigarettes, cigars, pipes or chewing tobacco.
2. To establish a uniform tobacco free workplace environment for all City employees.
3. To promote health-awareness and improve the health of City employees.
4. The use of tobacco products will not be permitted in buildings owned or in space leased by the City. These buildings include City Hall, City Hall Annex, Police/Fire Complex, to include all fire and police substations, Central Maintenance Complex, DGDC office, Golf Course, Herman Park Center and Office Complex, Paramount Theatre, WA Foster Center and all other interior recreation facilities and offices, Wastewater Treatment Plant, Compost Facility and Water Treatment Plant. An exception is made at the police stations in the interview room for the interviewee, provided the department's interviewing policy is followed.
5. "No Smoking" areas shall be clearly identified and designed both to reduce safety hazards and protect the health of individuals. Signs shall be conspicuously posted that clearly state that smoking is prohibited. The signs may include the international "No Smoking" symbol. It is essential that no-smoking regulations be observed.

6. The use of tobacco products will be allowed outside except where restricted by safety considerations. Where smoking is allowed, employees are required to use ashtrays or similar receptacles to guard against fire and maintain good housekeeping. Cooperation is most important in this regard.

On January 1, 2009, the North Carolina General Assembly gave local governments' statutory authority, per NC General Statute 130A-498(5), to prohibit smoking in locally owned, leased or otherwise controlled vehicles. As a responsible business and employer, the City of Goldsboro has implemented the following policy regarding city vehicles:

1. Smoking is prohibited inside all City vehicles (leased and/or owned).
2. The individual or the individual's designee in charge of assigning vehicles shall place one or more signs in conspicuous areas of the vehicle.
3. The signs shall state that "smoking is prohibited" and may include the international "No Smoking" symbol.

Compliance

All employees are responsible for ensuring compliance with the letter and spirit of this policy. Compliance is expected and will be sought with compassion, tact, diplomacy and the exercise of good judgment. All employees, particularly supervisors, share in the responsibility of adhering to and enforcing this policy. Employees who violate the provisions as outlined will be subject to disciplinary action, up to and including dismissal.

Article XIII Records and Reports

Section 1. Public Information

In compliance with GS 160A-168, the following information with respect to each City employee is a matter of public record: name; age; date of original employment or appointment to the service; current position title; current salary; date and amount of the most recent increase or decrease in salary; date of the most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and 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 City may adopt. For the purposes of this subsection, the term "salary" includes pay, benefits, incentives, bonuses, deferred and all other forms of compensation paid by the City.

Section 2. Access to Confidential Records

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

- 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 City employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- 4) By order of a court of competent jurisdiction, any person may examine 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 City Manager to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of the personnel records may release the name, address, and

telephone number from a personnel file for the purpose of assisting in a criminal investigation.

- 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 City Manager, with the concurrence of the City Council, may inform any person of the employment, non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a City employee, and the reasons for that action. Before releasing that information, the City Manager shall determine in writing that the release is essential to maintaining the level and quality of City services. The written determination shall be retained in the City Manager's office, is a record for public inspection, and shall become a part of the employee's personnel file.

Section 3. Personnel Actions

The Human Resources Director, with the approval of the City Manager, will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system. The official personnel files are those which are maintained by the Human Resources Department. These files shall contain documents such as employment applications and related materials, records of personnel actions, documentation of employee warnings, disciplinary actions, performance evaluations, retirement and insurance records, letters of recommendation, and other personnel-related documents. Any documents not contained in these files or maintained as designated by the Human Resources Director is not an official part of the personnel file.

Departments are required to complete personnel transaction forms and have them approved by the Human Resources Department and City Manager prior to any personnel action becoming valid.

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 of Employees Objecting to Material in File

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

Section 6. Examining and/or Copying Confidential Material without Authorization

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

Section 7. Destruction of Records Regulated

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

Article XIV Implementation of Policies

Section 1. Conflicting Policies Repealed

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

Section 2. Separability

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

Section 3. Effective Date

These policies shall become effective on a date approved by the City Council.

Section 4. Amendments

This policy may be amended by action of the City Council and by resolution appropriately approved. Notice of any suggested amendment to the policy, or any portion thereof, should be provided to employees and opportunities for employee comment and reaction. Every effort will be made available prior to the amendments going to the City Council for action. Proposed amendments should be posted on bulletin boards in all employee work locations and/or in employee newsletters. Any revisions or amendments adopted in conformance with this procedure shall become effective as of the date of such adoption.

APPENDIX A.

Safety Sensitive Positions Subject to Random Drug Testing

Building and Traffic

1. Building & Traffic Maintenance Superintendent
2. Building & Traffic Maintenance Technician
3. Building & Traffic Maintenance Worker
4. Senior Building & Traffic Technician
5. Sign Technician
6. Signal System Maintenance Supervisor
7. Signal System Maintenance Technician

Cemetery

1. Cemetery Supervisor
2. Equipment Operator II
3. Senior Maintenance Worker

Engineering

1. City Engineer
2. Civil Engineer
3. Construction Inspector
4. Engineering Property Technician
5. Engineering Technician
6. Survey Technician

Fire

1. Assistant Fire Chief
2. Fire Captain
3. Fire Chief
4. Fire Engineer
5. Fire Fighter
6. Fire Inspector

Garage

1. Fleet Maintenance Superintendent
2. Fleet Mechanic I
3. Fleet Mechanic II
4. Fleet Mechanic Supervisor
5. Fleet Service Technician
6. Senior Fleet Mechanic

Human Resources Management

1. Safety Coordinator

Inspections

1. Building & Codes Inspector III
2. Minimum Housing Inspector
3. Plans Examiner

Planning

1. Environmental Codes Inspector
2. Planning Technician I
3. Planning Technician II
4. Senior Planning Technician

Police

1. Animal Control Officer
2. Crime Analyst
3. Crime Scene Specialist
4. Police Chief
5. Police Corporal
6. Police Desk Officer
7. Police Division Commanders
8. Police Equipment Maintenance Coordinator
9. Police Investigative Unit Supervisor
10. Police Investigator
11. Police Investigator-Juvenile
12. Police Officer
13. Police Park Officer
14. Police Resource Officer
15. Police Sergeant
16. Police Shift Supervisor
17. Police Support Services Supervisor
18. Senior Maintenance Worker

Public Works (Administration)

1. Public Works Director

Distribution & Collection System

1. Distribution & Collection System Superintendent
2. Materials Controller
3. Meter Maintenance Mechanic
4. Senior Utility System Operator
5. Utility Field Service Technician
6. Utility Maintenance Crew Leader
7. Utility Maintenance Mechanic
8. Utility Maintenance Worker
9. Utility System Operator
10. Warehouse Specialist

Sanitation

1. Equipment Operator II
2. Equipment Operator III
3. Sanitation Superintendent
4. Sanitation Supervisor
5. Sanitation Worker

Streets and Storms

1. Equipment Operator I
2. Equipment Operator II
3. Equipment Operator III
4. Equipment Operator IV
5. Mason
6. Senior Maintenance Worker
7. Storm Water Maintenance Superintendent
8. Storm Water Maintenance Supervisor
9. Street Maintenance Superintendent
10. Utility Maintenance Mechanic
11. Utility Maintenance Worker

Recreation and Parks Department

1. Facilities/Grounds Supervisor
2. Park Superintendent
3. Park Technician I
4. Park Technician II
5. Recreation Facility Maintenance Supervisor
6. Recreation Center Assistant
7. Recreation Center Leader
8. Recreation Program Supervisor-Recreation Center
9. Recreation Therapist
10. Recreation Superintendent
11. Recreation Supervisor (Special Populations)
12. Recreation Supervisor (Athletics)
13. Sr. Park Technician I
14. Sr. Park Technician II

Golf Course Department

1. Assistant Golf Course Superintendent
2. Assistant Golf Operations Manager
3. Equipment Operator II
4. Golf Course Superintendent
5. Golf Operations Manager
6. Senior Maintenance Worker

Water Reclamation Facility

1. Chief Treatment Plant Operator
2. Laboratory Supervisor
3. Laboratory Technician
4. Pretreatment Coordinator
5. Public Utilities Director
6. Senior Plant Maintenance Mechanic
7. Utility Plant Mechanic
8. Utility Plant Mechanic Assistant
9. Treatment Plant Operator (All Levels)
10. Water Reclamation Facility Superintendent

Water Treatment Plant Department

1. Chief Treatment Plant Operator
2. Laboratory Supervisor
3. Treatment Plant Operator (All Levels)
4. Water Plant Maintenance Mechanic/Operator
5. Water Plant Specialist
6. Water Treatment Plant Superintendent

Compost Department

1. Compost Facility Operator
2. Compost Plant Superintendent
3. Plant Maintenance Mechanic/Operator