TOWN OF Summerfield
Town Hall: POB 970, 4117 Oak Ridge Road, Summerfield, NC 27358
ph: 336-643-8655 / fax: 336-643-8654 / www.summerfieldgov.com

TOWN COUNCIL MEETING MINUTES, OCTOBER 8, 2024

SUMMERFIELD COMMUNITY CENTER (5404 CENTERFIELD DRIVE, SUMMERFIELD, NC 27358)

1. **CALL TO ORDER.** The meeting was called to order at 6:30pm by Mayor Sessoms.

2. **INVOCATION AND PLEDGE OF ALEGIANCE.** Mayor Pro-Tem DeVaney provided the invocation, followed by Council Member Robinson leading the Pledge of Allegiance.

3. **INTRODUCTIONS.** The following were present:

Council

Tim Sessoms, Mayor
Lynne Williams DeVaney, Mayor Pro-Tem
Heath Clay
John Doggett
Jonathan Hamilton
Janelle Robinson

STAFF

Jeff Bacon, Acting Town Clerk
Matt Talbott, Planning Director
Dana Luther, Interim Town Manager and Interim Finance Officer
Jim Hoffman, Town Attorney

4. **CONSENT AGENDA.**

Mayor Pro-Tem DeVaney made a motion to add item 12-I to the consent agenda. This item added committee appointments for the Historical Committee and the Founder's Day Committee. The motion was seconded by Council Member Hamilton and passed unanimously. Mayor Pro-Tem Devaney then made a motion to approve the consent agenda as amended. Council Member Clay seconded the motion, and it was passed unanimously.

5. **ANNOUNCEMENTS.**

A. Mayor Pro-Tem DeVaney:
- Thanked the Town of Summerfield and the surrounding areas for coming to our SumerCycle event. About 500-600 people attended. The staff did a great job, and it was a great event.
- Reminded everyone about the upcoming Movie in the Park, "IF", on Saturday, October 12 at 7:30pm in the Summerfield Athletic Park.
- On Saturday, October 26, the movie, Despicable Me 4, will be playing at the Athletic Park at 7:30 pm.
- Northwest Guilford Farmer's Market will be open until October 30th; after that date orders can be placed online, and they will be meeting for "pick-ups" on Wednesdays.
- On Saturday, November 9th from 10:00am–1:00pm the town will be holding its annual Touch a Truck Event.
- Has heard from many citizens about what they are excited and passionate about. The Mayor Pro-Tem would like a way to get feedback from the town for the Council to consider and suggested that citizens reach out to the new Town Manager if they have any ideas. She used the example of a think tank for ideas, networking, and discussions about issues such as Bandera Farms, fundraising, creating a foundation or anything else they are passionate about.
- Spoke to Archer Lodge and thanked them for writing a resolution to support our town in its efforts to stop de-annexation.
- Kyle Stalls has been out personally thanking towns that supported us.

B. Council Member Clay reminded the town that there will be a reception for the new Town Manager, Charles "Twig" Rollins Jr., this Sunday from 2:00–4:00 in the Community Center.

C. Council Member Hamilton thanked Dana Luther for serving as Interim Town Manager.

D. Mayor Sessoms announced that Trudy Whitacre passed away on Saturday. She was 80 years old, and a long-time member of the planning board. Trudy has been a citizen of Summerfield since 1996. It is a big loss for her family and our town.

E. Interim Town Manager Dana Luther wanted to remind everybody about early voting at the Community Center. She also said that some of the upcoming meetings will be held at Town Hall due to the voting equipment being stored at the Community Center and to check the Town's website for the latest information regarding the location of future meetings.

6. EMERGENCY SERVICES REPORTS.

A. Summerfield Fire District: In August, the Summerfield Fire District ran 28 fire-related calls, 60 EMS-related calls, and 59 "other" calls. The total for September was 147 calls. 11 child safety seats were installed.

B. Guilford County Sheriff's Department: In August, the Sheriff's Office responded to a total of 258 calls within Summerfield's town limits resulting in 18 formal case reports being filed.

7. ATTACHMENTS FOR THE COUNCIL'S INFORMATION.

A. The Council received the Committee/Board/Draft Financial reports.

B. Council Member Hamilton asked about the ABC Board and wanted to know how long the appointment lasts. Interim Town Manager Luther said she will investigate it.

8. PUBLIC COMMENTS.

A. Beth Kaplan, 7979 Highfill Rd., Summerfield, spoke regarding the passing of Trudy Whitacre on Saturday and said, "we lost a valuable member of this community." She spoke about her optimism and dedication to this town. Trudy will be greatly loved and missed.

B. Cheri Pikett, 7804 Robinson Rd, Summerfield spoke about supporting Michael Logan for School District 3. Cheri has known Michael and his wife for years but is supporting him because of how he votes. He puts the student's safety and learning before money. He is currently on the School Board and is a former teacher.

C. Kathy Sterling, 1445 Highway 150 W, Summerfield, spoke in favor of Michelle Morrow who is running for the position of Superintendent of Public Instruction for North Carolina. Michelle has a nursing degree and has taught many different classes. She will be a strong advocate for school choice. Michelle's platform is "educate instead of indoctrinate" and she will promote critical thinking.

D. Paul Schumaker, 519 Park Terrace, Greensboro, spoke about running against Michael Garrett for the State Senate seat in District 27. Paul is a veteran and a former pilot, who has also received a national award for being part of an outstanding air crew. Paul attributes include using innovative ideas and creativity to come up with new ways of doing a job, and that's what he wants to bring to state government. Paul said the state government's job is to keep the federal government in check and that is why he wants to run for the State Senate. Paul spoke against the recent de-annexation of property in the town.

E. Maria Adams, 5999 Morganshire Dr., Summerfield, spoke about the upcoming election. She is supporting Republican Michael Logan, who is our current School Board District 3

representative. He is a retired teacher of 26 years and has dedicated himself to his role as a public-school representative. Bill Goebel, publicly admitted to a secret meeting with the Board Chair and the Board Attorneys to steal the seat from the Republican party. The incident required legislative intervention to remove him and rightfully install Mr. Logan. Goebel spoke against Logan and was disrespectful to Mr. Logan. Maria is encouraging people to take the time to research the candidates.

9. COUNCIL, MANAGER, AND/OR ATTORNEY RESPONSE TO COMMENTS.

A. Council Member Hamilton thanked everybody for coming out and sharing their opinions. and requested that if Mr. Schumaker was elected that he introduces legislation that would re-annex the land into Summerfield. Mr. Schumaker said that was his plan.

10. PUBLIC HEARING AND THE ACTION OF VOTING ON THE FISCAL YEAR 24-25 BUDGET

Mayor Sessoms opened the budget hearing asked if anyone from the public would like to speak about the 24-25 budget (or anything to do with the Town's finances).

A. Don Wendelken, 3406 Windswept Dr, Summerfield spoke on the money that the Town currently has, reminding the Council that the Town's money belongs to all of us who live here and is not a place where money can just be grabbed to pay for things.

With no more public comment offered, Mayor Sessoms closed the public hearing and asked if any Council Member had anything to discuss or if they would like to make a motion.

A. Town Attorney Hoffman recommended that if anyone makes a motion, that it should not only include the adoption of the budget but a ratification of all the actions by the town between the adoption of the budget initially and now. Council Member Hamilton asked about clarification surrounding the dates. Interim Town Manger Luther said that the interim budget was approved on June 25th and went into effect on 7/1. Mayor Sessoms clarified that it would ratify everything that happened on the interim budget.

B. Council Member Hamilton asked Interim Town Manager Luther if two of the larger line items on the budget (water and Bandera) were the reason that it was significantly larger. Interim Town Manager Luther agreed that was the cause. She stated that the Bandera project was on hold until the new Town Manager started and that it was going to be one of his priorities. The estimates were larger than the grants and would require some value engineering based on the Council and new Manager's thoughts about what could be scaled down and possible cost savings ideas.

C. Interim Town Manager Luther pointed out that the budget does not include all of the grant revenues related to those projects because the previous Finance Officer put a portion of it into this year's budget and a portion into next year's. She reiterated that the large budget in relation to previous budgets is due to those projects (water, Bandera and the A&Y) because those expenses are going to be hitting this year which will be the start of the expenses, with the remaining expenses budgeted in the subsequent years, unless the Town decides to go to Capital Budgeting, which is a thought for the future.

D. Council Member Clay asked for an update on the additional grant funding that she presented at a past meeting. Interim Town Manager Luther said they extended the grant date and she will be discussing it with the new Town Manager.

Council Member Hamilton moved to approve the budget as presented and to ratify any action since the previously approved July 1st budget, with the addition of moving $70,000 from planning salaries to services. Mayor Pro-Tem Devaney seconded the motion, and it was passed unanimously.

11. BUSINESS FROM MANAGER.

A. Audit Update: Interim Town Manager Luther advised that the Town audit was delayed due to us not being able to find an auditor. However, the Town, after getting three bids, has secured an auditor, Tony Brewer, that will be able to get the audit completed in time to meet the State's deadlines.

Council Member Hamilton moved to approve the audit contract with Tony Brewer for $8000 with the potential reduction of $2000 for staff preparation and the potential addition of $2000 for each major program. Mayor Pro Tem Devaney seconded the motion, and it was passed unanimously.

B. Personal Policies Update: Updates to the personnel policy were discussed. The proposed changes included updated terminology on the Equal Opportunity statement, transfer of leave terms, sick leave, probationary periods, employment of relatives, overtime requirements, 2-week notice requirements, disciplinary requirements, rehiring, benefits, holidays, vacation, retirement, insurance, leave, and raises.

Council Member Hamilton made a motion to make the Health Savings Account contribution from the Town $200 a month and to amend the Personnel Policies (POL-2005-002) per the attached markup. Interim Town Manager Luther stated the actual amount was $208.33, and Council Member Clay made a motion to amend the amount to $208.33 per month. After some discussion a vote was taken. Mayor Sessoms read the motion to amend the benefits package/employee policies as discussed with the $208.33 monthly HSA contribution, vision, disability, and dental for the employee, the dependent/spouse receiving zero. The amended motion carried 4-1 with Council Members Hamilton, Clay, Doggett, and Robinson voting in favor of the amendment and Mayor Pro-Tem Devaney voting against the amendment.

C. Park/Facility Repairs and Potential Budget Amendments: Interim Town Manger Luther provided the Council with a comprehensive list of all the parks and recreation related repairs and maintenance that has been completed; along with items that will need to be addressed soon. She explained that budget amendments will be needed in the future to cover the additional costs of repairs.

12. BUSINESS FROM MAYOR & COUNCIL

A. Water Project (Clay): Council Member Clay spoke on the need to be self-supporting, meaning that the money that comes in for the water system is what should be used to pay for it (as opposed to just grabbing money from our own governmental account). He heard suggestions from the fire department that the tower and pipes should be large enough to expand out to the community. Mr. Clay said the expectation right now is that the water system will be used for fire suppression, and that we do not currently have the funds to expand to potable water. Mr. Clay does not want the project to affect anyone's wells and does not think it will. He said that moving to the 12" lines would have a $45,000 design cost. He showed a map of Summerfield that compared the 8" lines to the 12" ones. Council member Hamilton asked what the plan for the future was regarding water. He wanted to know if it was just for fire suppression and inquired about the prior Town Councils' decisions regarding the tank and pipe sizes. The Mayor recommended using the 12" lines and a bigger tank to prepare for the future. Mr. Clay wanted to make it clear that he does not want to force anyone to hook up to the water system if they do not want to, and he does not want their wells to be affected. Mr. Clay says the system must be designed to accommodate potable water to get the funding. Council Member Doggett

said eventually sometime down the road (maybe 20-30 years) it will be used for potable water. Council Member Robinson pointed out that we are not putting down lines to other communities right now, only a loop around Summerfield, although that loop could someday go to other towns. Mayor Pro Tem Devaney spoke about the need to protect our underground aquifers while also preparing for future growth. The Mayor said that potable water is not a pressing issue since the Couch project is no longer in Summerfield. Council Member Robinson thinks that there is enough support to go with the 12" lines and a big tank; she used Oak Ridge as an example and said she would support the larger system. Council Member Doggett said he supports 12" lines and a 150,000-gallon tank and Council Member Robinson said she could go with that. Don Wendelken, a local citizen and reporter, asked to read a statement from the Fire Chief. He said there was a need to design a system with potable water in mind. He says a solitary line serving a minor section of the district is inadequate for fire suppression, and he said he preferred to have water points where he could bring his trucks out to different locations. Mayor Sessoms clarified that at one point the idea was to have different pumping stations around Summerfield with the 1.1 million dollars of funding that we received. When more money (6.6 million total dollars) became available the plan changed to bigger lines to protect existing wells. The Mayor said he really cares about the 12" lines and that we will need to get to 750,000 gallons at some point. The Interim Town Manager Dana Luther reiterated Council's intentions of using the money to prepare for future growth and the resulting potential need for a water system, but Council is not looking to affect anyone's well. She does not foresee the need for a municipal water system in her lifetime.

Mayor Pro Tem Devaney made a motion that we move forward with the water project using 12" lines with the 150,000-gallon tank and follow the yellow line (on the map) which will have a redesign cost of $45,000. Council Member Doggett seconded the motion, and the motion carried unanimously.

B. Board Terms (Doggett): Council Member Doggett noted that there are no maximum consecutive terms or limits when it comes to serving on a board. His understanding was that Trudy was made an Alternate because she had served her terms on the board, and he wanted clarification. Interim Town Manager Luther said there is no maximum number of terms, but board members do have terms requiring Council to vote for each term. Luther's understanding was that the Council wanted to give an Alternate the chance to serve and get the experience of being on a Board, and that the hope was that Trudy would have been an Alternate. Ms. Luther had spoken with Trudy. She did not want to be an Alternate, but she had expressed willingness to come back as a board member in the future.

C. Rabies Clinic (Hamilton): Council Member Hamilton spoke about Guilford County Animal Services offering clinics that offer one year rabies vaccinations for dogs and cats at no cost.

Mr. Hamilton made a motion that the Town Manager work with Guilford County Animal Shelter to host a vaccination clinic and to approve a $200 addition to the budget to provide snacks and drinks for the volunteers. Mayor Pro Tem DeVaney seconded the motion, and it passed unanimously.

D. Community Center Meeting Space (Clay): Council Member Clay spoke about the Community Center usage. 81 applicants have used the Community Center recently and about 60% of them were non-Summerfield residents. Approximately $5,000 came in from rental fees in 2024. The conclusion was that the staffing required to rent out the Community Center was net neutral, and it doesn't include the cost for things such as

equipment take down, utilities and repairs. He proposed that the Community Center be used as a permanent meeting space for all the boards, committees, Council, and town sponsored groups. The benefits would include less equipment wear and tear and less staffing to setup the tables, chairs and electronics. He showed pictures of the proposed changes. Council Member Doggett asked if the organizations associated with the Town such as the Senior Resources Group could still use the Center. Ms. Luther said that the proposed changes would allow them to still meet. Mr. Hamilton was not in favor of the idea and said the Community Center fosters a sense of community and serves as a hub for local gatherings. Mr. Clay thinks that the changes would allow the community to see all the boards, Council, and committees (that have not been publicized) in person or at home and it would allow them a chance to give more input. Council Member Robinson likes the idea but would also like to get more input from the community. The Mayor asked Mr. Clay if his intent was to introduce the idea. Mr. Clay said he wanted to present the data and have a healthy discussion over it.

E. Bandera Lease Discussion (Doggett): Council Member Doggett expressed the opinion that the rent on the Bandera Farms house has not gone up in two years and is below market value. Council Member Robinson did not think we should raise the rent just to raise it. Council Member Robinson stated that going by the HUD guidelines for affordable housing and the median income in Guilford County, that the current rent is right on target. Mayor Pro Tem. Devaney thinks it's helpful to have someone living there to help with maintenance, such as if a tree falls. Mrs. Luther recommended yearly inspections to make sure the housing is kept in good shape. Mayor Sessoms said that if we increase the cost, the expectations will be increased and that we are in a unique situation.

Jonathan Hamilton moved that we keep the rental contract for Bandera Farms as is for the next period. Council Member Robinson seconded the motion.

Mayor Pro Tem DeVaney said she thought that the current tenant helps with the maintenance, and used an example that if a tree falls, he will clean it up. Dana Luther said that we pay for the general repairs, such as a recent well repair. Mr. Hamilton said that good renters can be hard to find. The Mayor said the only thing he was aware of is that the renter had trouble getting utilities in his name and is not sure that was all his problem, and that it has been cleared up. Council Member Robinson thinks it is our attempt to help with affordable housing. Ms. Luther suggested adding something about inspecting the property. Council Member Robinson says the tenant has been keeping up the property on the outside but that we do have the right to go in and inspect the property. Ms. Luther recommended planning an annual inspection.

A vote on the motion to leave the contract in its current form passed 4-1, with Hamilton, Robinson, Devaney and Clay voting for it and Doggett voting against it.

F. A&Y Discussion (Jonathan Hamilton): Mr. Hamilton came across the original 2012 Municipal agreement involving the A&Y Greenway and saw Dana Luther's name on it. Discussion was held on what had, and what had not, occurred since the original agreement. No conclusion or action resulted during the discussion.

G. Donation for Hurricane Relief (Doggett): Council Member Doggett spoke on the recent hurricane in western North Carolina. He is aware that the Town cannot make donations and wanted to know if the Council wanted to do a resolution or something. He thinks we need to support the towns. Council Member Robinson asked if he had a resolution. He said that he has not worked on one but will certainly work on it. Council Member Doggett thinks that us being quiet as a Town and not saying anything on the website or Facebook is not good. Mayor Pro Tem DeVaney has heard about the need for dog and cat food, as

well as monetary and other food donations. Town clerk, Jeff Bacon, said that if the Council can give us their donation connections that we can put something up on our website and Facebook Page.

H. Citizen Input and Town Hall Meeting (Hamilton): Council Member Hamilton thinks we need to provide citizens with an opportunity to voice their opinions and goals for the Town. Council Member Hamilton noted that citizens might need more than three minutes to talk, and it would help Council make better decisions while allowing for more transparency. He acknowledged there could be drawbacks such as low participation, but that we won't know until we try. Council Member Robinson is open to that and would like to discuss it with the new Manager. The decision was made to table the idea until the new Manager comes in.

I. Committee Appointments (DeVaney): Recommended Sonja Turner for the History Committee and Maria Adams for the Founders' Day Committee. To avoid confusion due to not having all the applications, the appointments were tabled until next month's agenda.

13. CLOSED SESSION

Council Member Robinson made a motion to enter into Closed Session to: i) consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege as provided under NCGS 143-318.11(a)(3); ii) address the amount of compensation and other material terms of an employment contract and to instruct staff or negotiating agents concerning the price and other material terms concerning real property as provided under NCGS 143-318.11(a)(5); and/or iii) consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee under NCGS 143-318.11(a)(6). The motion was seconded by Council Member Clay, was approved unanimously, and Council moved into Closed Session at 9:45pm.

Mayor Pro Tem DeVaney made a motion a 10:15 pm to return to Open Session which was seconded by Council Member Clay. Without discussion, the Council approved the Motion unanimously.

Council Member Robinson made a motion to certify that during Closed Session the Council only addressed topics i), ii), and iii) as specified in the Motion to move to Closed Session and Mayor Pro Tem DeVaney seconded the Motion. With no discussion offered, the Motion passed unanimously.

14. CLOSED SESSION

Mayor Pro Tem DeVaney made a motion to adjourn which was seconded by Council Member Doggett. Without discussion, the Council approved the Motion unanimously and the Council adjourned at 10:19pm.

Tim Sessoms, Mayor

Jeff Bacon, Acting Town Clerk

	Policy: Town of Summerfield Personnel Policies and Manual	**Originally Adopted:** December 6, 2005 **Effective Date:** January 1, 2006
	Policy Number: POL-2005-002	**Last Revised:** October 8, 2024
	Responsible Party: Town Manager	See Appendix A for revision dates and page numbers

TOWN OF SUMMERFIELD
Personnel Policies and Manual

TABLE OF CONTENTS

TABLE OF CONTENTS

TABLE OF CONTENTS

TABLE OF CONTENTS

INTRODUCTION

The purpose of this policy manual is to provide officials and employees of the Town of Summerfield (hereinafter referred to as the Town) with a concise document which contains all of the policies governing town personnel. This policy manual replaces and supersedes all previously issued manuals, policies, memoranda, and directives.

This personnel manual represents the "official" personnel policies of the Town and should be used to conduct employee orientation and resolve disputed matters. Each employee of the Town shall receive a copy of this manual and shall be responsible for maintaining it as policies are revised.

The issuance of this policy manual does not constitute a contractual relationship with employees. The Town has the right to change or suspend any provisions of this manual.

Reference is made throughout this manual to the personal pronouns "his," "him," and "he." The use of these words is not intended to imply gender and consequently such reference means both male and female.

ORGANIZATION OF THE PERSONNEL SYSTEM – ARTICLE I

Section 1. Purpose

The purpose of this policy is to establish a personnel system which will recruit, select, develop and maintain an effective and responsible work force for the Town of Summerfield (the Town). The policy is established under the authority of Chapter 160A-164 of the General Statutes of the State of North Carolina.

Section 2. Coverage

This policy shall cover all regular, full-time, temporary, part-time, seasonal, and probationary employees except as specifically exempted. Members of the Town Council and any other task force, advisory board or commission are exempted from these policies unless specifically stated.

Section 3. Definitions

Classification or class: A set of work activities and functions so similar and related as to be able to group together, categorize, and label with a common title so that all incumbent employees within the class may be treated generally the same regarding salary and compensation.

Designee: An employee who has been designated to make decisions or conduct business on behalf of another employee.

Exempt employee: An employee who is not subject to the provisions of the Fair Labor Standards Act.

Full-time employee: An employee, either regular, trainee, probationary, or temporary, who is regularly scheduled to work the standard number of work hours per week.

Immediate family: This shall include the employee's spouse, children, mother, father, sister, brother, grandparent, grandchildren, plus the various combinations of half, step, in-law, adopted, and custodial guardianship relationships that can be derived from those named. Immediate family is further defined in the policies which involve the immediate family.

Part-time employee: An employee, either regular or temporary, who is regularly scheduled to work less than the standard number of work hours per week.

Position: A budget allotment to support the employment of a person(s) to fulfill the classified specifications.

Regular employee: A person appointed to serve in a position for an indefinite duration and who has successfully served a probationary period.

Reserve position: A budget allotment to support the employment and training of a temporary, part-time employee to serve in support, back-up, or auxiliary capacity to a skilled and specifically trained and/or certified regular employee position.

Seasonal employee: A person hired to temporarily work a set period or periods of time that correspond(s) to annually reoccurring seasons of work. Generally, seasonal employees are not entitled to employee benefits, grievance coverage, or any type of leave, unless specifically indicated upon hiring.

Temporary employee: An employee regularly scheduled to work a standard number of hours per week but for a definite period. Generally, temporary employees are not entitled to employee benefits, grievance coverage, or any type of leave, unless specifically indicated. This classification can include full-time, part-time, and intern positions.

Temporary position: A budget allotment to support the employment for a temporary employee.

Section 4. Merit Principle

All appointments, promotions, and other personnel transactions shall be made solely on the basis of merit and fitness.

Section 5. Responsibility of Town Manager

The Town Manager shall be responsible to the Town Council for the administration and direction of the personnel program. The Town Manager shall be responsible for interpreting policies when necessary and recommending to the Town Council policy changes, new policies, and changes in the position classification and pay plan, setting salary, and making adjustments to employees' salary according to Council guidance-and the annual budget ordinance. The Town Manager is responsible for the daily operational supervision of employees per State Statute GS 160A-148.

The Town Manager or his designee is responsible for maintaining all official personnel files which include, but are not limited to, the following: employment applications, conditions of employment, reference checks, periodic documentation of performance evaluation, attendance records, disciplinary actions taken, commendations received, and documentation of all other personnel actions as deemed pertinent.

Section 6. Responsibility of Town Council

The Town Council shall establish and amend personnel policies and rules, including positions, and shall make and confirm appointments when so specified by law. The Town Council is the appointing authority and the point of final disposition for all grievances and appeals.

RECRUITMENT AND SELECTION STANDARDS – ARTICLE II

Section 1. Equal Employment Opportunity Statement

It is the policy of the Town to foster, maintain, and promote equal employment opportunity. The Town shall select employees on the basis of applicants' qualifications and without regard to age, sex, race, color, religion, national origin, genetic information, or disability.

Section 2. Recruitment Sources

All recruitment sources shall be advised of the Town's equal employment opportunity policy. The Town shall include among its recruitment sources organizations and news media which are utilized by and are available to minority group applicants. Recruitment shall be

from a geographic area as wide as is necessary to ensure that well qualified applicants are obtained.

There will be certain situations where all recruitment sources will not be used, such as urgent situations where speed is of the essence in filling the vacancy or when internal promotion is appropriate.

Section 3. Posting of Vacancies

When job vacancies occur within the Town, the Town Manager shall be responsible for adequately publicizing such vacancies. It is the Town's policy to create career opportunities for its employees wherever possible. Therefore, present Town employees will be given priority consideration in filling the vacancy, provided they are qualified for the position. Vacancy notices shall be posted in the Town Hall and other conspicuous places where notices of Town activities are customarily posted.

Section 4. Job Advertisement

When job advertisements are used, they shall contain assurance of equal employment opportunity and provide basic information about the position being advertised. The information shall include salary range once established, employment qualifications, and a brief description of the duties of the position. All positions advertised will also be listed with the Employment Security Commission.

Section 5. Applications for Employment

Persons applying for employment with the Town may be required to complete an official Town employment application. However, all information provided on the application must be true and correct with the provision of false information being grounds for elimination from consideration and/or dismissal from Town employment. Additional punishment may be received as provided in G.S. 14-3 (G.S. 14-122.1). See Appendix I for application form.

Section 6. Testing

Applicants for certain positions may be required to take various tests which measure ability, aptitude, or skill. All tests given to applicants shall be administered and evaluated by qualified individuals. All tests administered will conform to all applicable legal regulations. All test criteria will be job related and consistent with business necessity and in full compliance with the Americans with Disabilities Act (ADA).

Section 7. Medical and/or Psychological Examination

Applicants for certain specific classifications, prior to being employed by the Town, may be required to undergo a physical and/or psychological examination for the purpose of determining fitness for the position. If an applicant is required to undergo a physical examination, or if the examination is a condition of employment, the examination shall be at the expense of the Town.

Section 8. Substance Abuse Policy

The Town of Summerfield will not tolerate any alcohol or drug use or abuse which is or may be detrimental to job performance or the reputation of Town of Summerfield. Drug abuse is defined, for this purpose, as the misuse or illegal use of any natural or synthetic substance--including prescription drugs--which alters mood, perception or consciousness, and impairs

performance. Additionally, the illegal distribution of drugs will result in immediate discharge.

Section 9. Identification

If the position requires it, personnel employed by the Town must present a valid North Carolina driver's license at the time of employment.

All new appointments to the Town shall present proof of identification and employment eligibility before they are placed on the Town payroll. New appointments are required to present acceptable documentation in accordance with the Immigration Reform and Control Act of 1986 or any other applicable federal or state laws. The Town Manager, or designee, shall be responsible for obtaining adequate identification for satisfying the requirements of the Act. Documentation will be maintained on file in accordance with the Act.

Section 10. Selective Service Compliance

All new appointments to the Town who are U.S. male citizens, born after December 31, 1959 and 18 to 25 years of age must certify that they have registered for Selective Service. This requirement applies to all positions.

Applicants not in compliance are ineligible for employment. After notification of ineligibility, the applicant has 30 days to provide the Town with proof of compliance with the federal law. The applicant may secure an advisory opinion by sending a description of circumstances to the Selective Service System, Office of General Counsel, Washington, DC, 20435. If it is determined that failure was not knowing and willful, he may be considered for employment by the Town.

Section 11. Appointment

It is the policy of the Town to employ according to merit and suitability. The Town shall use all available means to attract qualified candidates for employment and make such investigations and examinations as are deemed appropriate to assess fairly the aptitude, education, experience, knowledge, skills, character, physical fitness ability, and other qualities required for positions in the service of the Town.

After all interviews and an investigation of the qualifications and experience of the applicants, the Town Manager or their designee shall have the authority to make the final appointment including the salary to be paid and the authority to determine any conditions of employment.

Section 12. Transfer of leave accrued under previous employment

For purposes of the North Carolina Local Governmental Employees' Retirement System, the Town will accept and credit to an employee's leave accrual records the number of sick leave days/hours accrued under a previous NC state or local government employer leave plan if all conditions as stipulated by the Retirement System are met. The leave accrual must be verified by the previous employer in writing. Credited sick leave will not be available for use until six (6) months of employment have been served. Transferred sick leave, when available for use, is treated as sick leave earned with the Town of Summerfield.

EMPLOYMENT STANDARDS – ARTICLE III

Section 1. Probationary Period of Employment

An employee appointed to a regular position shall serve a probationary period of six (6) months. The probationary period may be extended up to an additional six (6) months if performance is deemed unsatisfactory after the initial probationary period. An employee serving a probationary period may be dismissed by the Town Manager at any time it is determined the employee is not satisfactorily performing the assigned duties and performance is not likely to improve. A probationary employee dismissed may appeal such action in accordance with the grievance procedure outlined in Article VII.

The Town Manager shall have the option of requiring an additional probationary period for employees who have been promoted or transferred to another position.

An employee serving a probationary period shall receive all benefits provided in accordance with these policies except employees serving an initial probationary period may not take vacation leave unless approved in advance by the Town Manager as a result of special circumstances.

If a probationary employee is terminated, payment will not be made for accumulated vacation leave.

Employees serving a probationary period following initial appointment will not be allowed to take paid military leave. Such required leave must be taken without pay (see Article IX, Section 20).

Section 2. Promotion

It is the policy of the Town to encourage qualified Town employees to apply for higher rated positions. Candidates for promotion shall be chosen on the basis of their qualifications and work records. (See Article II, Section 3 for priority to current employees).

Section 3. Demotion

An employee whose work in the present position is unsatisfactory or whose personal conduct is detrimental to service with the Town may be demoted by the Town Manager provided the employee shows promise of becoming a satisfactory employee in another position. Such a demotion shall be preceded by the warning procedures outlined in Article VI, Section 8.

If the demotion is for failure in performance of duties or failure in personal conduct, the Town Manager shall provide the employee with written notice citing the recommended effective date and reasons for demotion and appeal rights available to the employee.

Section 4. Transfer

An employee may request or be given the choice to voluntarily accept employment in a different capacity either by department or classification without change in classification and/or salary and/or employment status because of an available vacancy, performance issues, budget considerations, or employee/employer preference.

CONDITIONS OF EMPLOYMENT – ARTICLE IV

Section 1. Work Schedule and Attendance

Regular attendance is critical in order to meet Town needs and individual performance. It is the employee's responsibility to report to work on time and in accordance with their assigned work schedule. The employee is responsible for notifying their supervisor as soon as possible if they will be absent or delayed from work. Failure to maintain regular attendance due to unexcused absences, unscheduled tardiness, or absenteeism may involve corrective action, up to and including termination.

The standard workweek is 35-40 hours within seven days. The normal daily schedule for Town Hall is between 8:30 a.m. and 4:30 p.m. with additional hours attributable to after-hours meetings. Because of the nature of the various Town activities, some departments do not operate on the normal Town Hall work schedule. Adjustments may be made in schedules only with the approval of the Town Manager. No adjustment will be authorized which provides less than one-half hour for lunch for non-shift personnel.

Employees working at the time when time changes from Eastern Standard Time to Daylight Savings Time shall be held accountable for the hour that no work is performed. The time may be charged to vacation leave or the employee may be allowed to make up the time if it can be worked out satisfactorily with the immediate supervisor.

Conversely, when the time changes from Daylight Savings Time to Eastern Standard Time, the Town, under the Wage and Hour Law, must compensate for this additional hour.

Section 2. Use of Town Property

Use of Town-owned property is intended for official Town business only. Town-owned property including supplies, tools, materials, equipment, and vehicles is not for personal use and should not be removed from Town property except when conducting official Town business. Town owned property shall be cared for in a responsible way. Such property is to be used exclusively for Town business, except in special circumstances when the Town Manager may authorize an employee to take home property and equipment if it is in the best interest of the Town to do so. De Minimis (very small or trifling matters) use of Town property, such as making a phone call to schedule a doctor's appointment, will be allowed at the discretion of the Town Manager.

Section 3. Use of Personal Car for Business

When it is necessary to use a personal car for Town business, with prior approval of the Town Manager, the Town will reimburse the employee at the prevailing rate allowed by the Internal Revenue Service for business mileage. A travel expense form must be completed by the individual and submitted to the Town Manager for approval.

Section 4. Employment of Relatives

Employment of an immediate family member of any member of the governing body or administrative official of the Town is prohibited. No person shall be hired or assigned to work under the administrative influence or supervision of an immediate family member.

Section 5. Political Activity

The Town encourages an employee to exercise his civic responsibility in supporting good government by voting for the issues and candidates of his choice.

An employee may join or affiliate with political organizations, may attend political meetings, and may advocate and support political principles and policies in accordance with the Constitution and laws of the State of North Carolina and of the United States of America. However, an employee shall not do the following:

1. Engage in political activity while on duty;
2. Be required to contribute funds or support for political or partisan purposes as a condition of employment, pay raise, or promotion;
3. Solicit or act as custodian of funds for Town related political or partisan purposes;
4. Use Town-owned supplies, equipment, or facilities to display political slogans, posters, or stickers, or for any other political purpose;
5. Be a candidate for or hold political office of the Town of Summerfield;
6. Openly support a candidate or participate, in any way, in the campaign of a candidate running for the position of Town Council or Mayor; or
7. Use any promise of reward or threat of loss to encourage or coerce any employee to support or contribute to any political issue, candidate, or party.

Section 6. Secondary Employment

Full-time employment with the Town shall take precedence over all other employment opportunities of employees. Any income producing employment, including self-employment, other than employment with the Town, is considered secondary. In order to participate in secondary employment, an employee shall have the prior approval of the Town Manager. The purpose of the approval procedure is to determine the effect on the employment with the Town and to ensure a conflict of interest will not exist. There shall be periodic reviews during the time of secondary employment to determine if there have been any adverse effects on Town employment.

Secondary employment shall not be permitted in the following situations:

1. It creates, either directly or indirectly, a conflict of interest with the primary employment; or
2. It impairs the employee's ability to perform all expected duties, to make decisions, and to carry out, in an objective fashion, the responsibilities of the employee's position.

Section 7. Gifts and Favors

An employee shall not accept any gift or gratuity, whether in the form of service, loan, meal, thing of value, or promise from any person, business concern, or organization who is interested directly or indirectly in business dealings with the Town. These limitations are not intended to prohibit the acceptance of articles of nominal value which are distributed generally, or to prohibit employees from obtaining personal loans from regular lending institutions. This guideline is not intended to isolate employees from normal social practices where gifts among friends, associates, and neighbors are appropriate for certain occasions.

An employee shall not grant, in the discharge of his official duties, any improper favor, service, or thing of value.

Section 8. Uniform, Dress Code and Personal Appearance

The image of the Town is directly related to the employees of the Town and the way in which they conduct and present themselves.

All employees are expected to dress at all times in an acceptable and professional manner which is consistent with good business practice and the provisions of the safety policy. In departments where uniforms are required, supervisors shall be responsible for making sure employees wear the designated uniform in a clean and neat manner. Altering a uniform without prior approval is a violation of the dress code. The Town Manager is responsible for determining what acceptable attire is for Town employees.

Section 9. Employee Ethics

Town employees are expected to discharge their duties conscientiously and to conduct themselves in a manner, both on and off the job, which will reflect favorably upon the Town. Additionally, employees shall do the following:

1. Avoid any use of their position which is motivated by the desire for private gain for themselves or other persons. They must conduct themselves in such a manner that there is no suggestion of the extracting of private advantage from their employment with the Town.
2. Exercise discretion in the care of their personal financial activities to avoid any legal liabilities which would reflect unfavorably upon the Town.
3. Not use their positions in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to the employee or to other persons.
4. Avoid any action which might result in giving preferential treatment to any organization or person; losing his independence or impartiality of action; or affecting adversely the confidence of the public in the integrity of the Town.
5. Avoid any action or speech which inappropriately disparages other Town employees, Volunteers, Town Council, and the general public.
6. Report another employee engaging in an unlawful act on the job to the supervisor.

Section 10. Breaks

It is the policy of the Town to provide its employees with two daily 15-minute breaks (one in the morning and one in the afternoon). These breaks are not required by law and consequently should be considered as a privilege and limited to the time indicated.

Breaks should not interfere with the employee's work and should not be taken unless work circumstances warrant. Generally, breaks should be taken at the work site, in the break room, or in the employee's office, if applicable. The 15-minute break period includes travel time to and from the break location. Supervisors have the authority to alter the break policy for their employees when it is in the Town's best interest.

Office personnel and other employees responsible for answering the telephone and serving walk-in visitors shall arrange to have their duties handled by another employee while they are on break. Under no circumstance is the Town office to be left unattended without authorization from the Town Manager.

Breaks shall be used only as rest periods and under no circumstances may they be carried over into another time period, saved for another day, combined with other types of leave, or added together to make one long break.

Considering guidelines of the Fair Labor Standards Act, a non-exempt employee's meal break must be taken away from the work area and should not be taken in the Town's public

reception areas unless instructed otherwise with specific prior approval. The meal break will be for no less than 30 minutes.

Section 11. Sexual Harassment

No employee of the Town shall engage in conduct that can be defined as sexual harassment. No personnel decisions shall be made on the basis of the granting or denial of sexual favors. All employees are guaranteed the right to work in an environment free from sexual harassment.

Sexual harassment is defined as any deliberate, unsolicited, and unwelcome verbal and/or physical conduct of a sexual nature or with sexual implications by a supervisor or co-worker which; (1) has or may have direct employment consequences resulting from the acceptance or rejection of such conduct; (2) creates an intimidating, hostile, or offensive working environment; or (3) interferes with an individual's work performance.

Employees who feel that they have been sexually harassed in violation of this policy may file grievances through the Town's grievance procedures. Prior to filing a formal grievance, any applicant for Town employment or any current or past employee who feels they have been sexually harassed may request a meeting with the Town Manager or Mayor.

Section 12. Age Limitations

The minimum age for employment with the Town is eighteen for all positions. Exceptions to the minimum age are provided for under the law if the applicant procures an employment certificate from the Guilford County Department of Social Services. The Town does not have a mandatory retirement age.

Section 13. Solicitation

Employees are prohibited from participating in any type of solicitation during work time or while in a Town issued uniform or in any manner which would convey the implicit sponsorship or support of the Town to such solicitation. Solicitation may occur during breaks, lunch, and before and after work if done on a strictly volunteer basis. Solicitation must be conducted in such a way that no employee feels pressure to participate. Solicitation includes selling items for fund raising or for personal profit.

Section 14. Safety

Personal safety is the responsibility of all concerned. The Town Manager, department heads, and supervisors share responsibility for the following:

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

Each Town employee is responsible for the following:

1. Developing and maintaining safe work habits.
2. Promptly reporting all accidents and injuries.

3. Pointing out dangerous practices and working conditions.
4. Assisting with investigations of accidents.
5. Taking proper care of safety equipment.
6. Wearing proper clothing and avoiding loose sleeves, cuffs, rings, bracelets and long hair around moving machinery.
7. Knowing the location and use of fire extinguishers, the location of fire exits and the best method for reporting a fire.

Section 15. Personal Conduct

All candidates for employment with the Town are subject to thorough background checks including credit and criminal history. The Town will abide by the Fair Credit Reporting Act guidelines.

The Town also reserves the right to take disciplinary action including dismissal if an employee is determined by Town management to have violated any Town policy or ordinance, state law, or failure in personal conduct. Some examples of failure in personal conduct include but are not limited to the following: conviction of or pleading no contest to a felony or misdemeanor involving moral turpitude or which could adversely affect performance of duties; theft or defacing of Town of Summerfield property or the property of Town of Summerfield employees; and the use, sale, or possession of illegal drugs on duty in any location or off duty on Summerfield premises.

HOURS OF WORK AND OVERTIME – ARTICLE V

Section 1. Overtime Policy and Overtime Compensation

The Town will compensate non-exempt employees for overtime work with overtime pay for hours physically worked in excess of forty hours. Hours in excess of forty physical hours worked will be paid according to the Fair Labor Standards Act's (FLSA) provision for overtime pay.

Executive, administrative, professional, and other employees exempt from the FLSA and from overtime compensation are expected to perform the duties required in their jobs, regardless of the amount of time involved.

For questions concerning overtime provisions related to the FLSA, 29 CFR, Part 553, "Application of the FLSA to Employees of State and Local Governments" should be consulted.

Section 2. Exemptions

The exempt or non-exempt status of any particular employee must be determined on the basis of the nature of work performed, the duties and responsibilities assigned, and the terms or conditions of employment. The Town Manager is responsible for determining exempt positions.

Section 3. Hourly Rate of Pay

The hourly rate of pay, maintained by the Town Manager, is obtained by dividing the annual salary by 2080 hours.

All employees must be paid at least the State's minimum wage.

Section 4. The Workweek

A workweek is a regular recurring period of 168 consecutive hours. The workweek need not coincide with the calendar week. It may begin any day of the week and any hour of the day, but it must in each case be established in advance. The workweek may be changed, but only if the change is intended to be permanent and is not made to evade the policy. The Town shall operate under one workweek period. All employees shall have an established workweek of Sunday through Saturday for the purpose of computing overtime compensation. The workweek shall run from midnight to midnight.

Section 5. Reporting Schedule

Prior approval to work overtime must be obtained from the Town Manager. Overtime reporting for those employees under an established seven-day workweek shall be reported on the employee's time sheet.

Section 6. Unauthorized Work

Hours worked by an employee without his supervisor's prior permission or contrary to his instructions may or may not be considered as hours worked. Unrecorded hours worked during a workweek by an employee at the job site or at his home must be counted as hours worked if the supervisor knows or has reason to know of such practice. The Town may not unjustly benefit from work performed without prior knowledge.

Section 7. Hours Worked

"Hours worked" is defined as the time during which an employee is required, suffered or permitted to be on duty on the Town's premises or at a prescribed workplace. Ordinarily, an employee's working hours will include all hours from the beginning of the workday to the end, with the exception of periods when the employee is relieved of all duties for the purpose of eating meals.

Section 8. Leave and Holidays

In determining the number of hours worked by an employee within a workweek or established pay period, time spent on vacation, sick, jury, military, or other leave will not be counted as time worked. Such time off must be included in straight-time pay, but it is not included in computing hours of work for overtime pay.

Section 9. Meal Period

A bona fide meal period is a span of at least 30 consecutive minutes (never less) during which an employee is completely relieved of duty and free to use the time for his purposes. It is not counted as hours worked or paid time. Any meal period of less than 30 consecutive minutes and not taken away from work area must be paid as hours worked.

Section 10. Training Time

Required attendance at training sessions, workshops, and other meetings, whether before, during, or after the employee's regular work schedule, is work time. Voluntary attendance at training sessions, workshops, and other meetings is not work time. Attendance is voluntary only if the employee is not led to believe that his working conditions or continued employment would be adversely affected by non-attendance.

Section 11. Travel Time

An employee who travels from home before his regular workday and returns to his home at the end of the workday is engaged in ordinary home-to-work travel which is a normal incident of employment. This is true whether he works at a fixed location or at different job sites. Normal travel from home to work is not work time.

When an employee who regularly works at a fixed location, such as Town Hall, is given a special one-day assignment in another town, such travel cannot be regarded as home-to-work travel. Travel performed for the Town's benefit and at the Town's request to meet the needs of the particular assignment is time worked.

The usual meal time will not be considered time worked.

Time spent by an employee in travel as part of his principal activity, such as travel from job site to job site during the workday, must be counted as hours worked. When an employee is required to report at the Town's premises or at a meeting place to receive instructions or to perform other work there, the travel time from this designated place to the workplace is part of the day's work and must be counted as hours worked.

Travel that keeps an employee away from home overnight is travel away from home. Travel time is compensable when it occurs during the employee's regular working hours, whether the employee actually performs work or not. Time spent driving, or if required to ride or assist with driving, or performing work while traveling, is compensable work time. If the travel occurs during normal working hours on nonworking days the time is compensable. Time spent in travel away from home outside of regular working hours (8:30 - 4:30) as a passenger on an airplane, train, bus, or automobile is not considered as work time. Time spent driving a town-owned vehicle or the employee's private automobile counts as hours worked even if outside of regular working hours. Time spent away from work and traveling duties such as on a bona fide meal break or in provided sleeping facilities is not considered work. If an employee chooses to drive versus taking public transportation the employer may count as hours worked either the time spent driving or the time that would have had to be counted if public transportation had been taken.

Section 12. Recordkeeping for Hours Worked

Records of hours worked and wages paid are required to be kept for each employee subject to this policy. Records must be preserved for at least three years. The following records shall be kept by the Town Clerk:

1. Name
2. Home address
3. Date of birth, if under 19
4. Position classification in which employed
5. Day of week the workweek begins
6. Total wages paid each pay period
7. Date of payment and pay period covered
8. Basis on which wages are paid (such as "$5.15 hr.", $180.25 wk.", or "$721.00 mo.")
9. Regular hourly rate of pay for any week in which overtime is worked
10. Amount and nature of each payment excluded from regular rate
11. Hours worked each workday and total hours worked each workweek
12. Total straight-time earnings or wages for the pay period
13. Total overtime earnings for the pay period

14. Total additions to or deductions from wages paid each pay period plus the dates, amounts, and nature of the times which make up the total additions and deduction.

Section 13. Volunteers

Excluded from the definition of "employee" and thus from coverage of the Fair Labor Standards Act are individuals who volunteer services to the Town and who volunteer services without compensation, but are paid expenses, reasonable benefits, or a nominal fee.

SEPARATION AND DISCIPLINARY ACTION – ARTICLE VI

Section 1. Types of Separation

All separations of employees from positions in the service of the Town shall be designated as "separation/termination of service;" however, one of the following types shall be accomplished in the manner indicated: resignation, reduction in force, retirement, dismissal, or death.

Section 2. Resignation

An employee who desires to terminate their employment with the Town must give written notice to his immediate supervisor and Town Manager two (2) weeks prior to their last intended day of employment. An employee who does not provide the required notification shall have recorded on their service record that they resigned without giving proper notice and are not eligible for rehire. The final paycheck may be delayed for up to one (1) week for employees failing to give proper notice to ensure that all charges for equipment, uniforms, etc. have been deducted. An employee who is absent from work three (3) consecutive days without reporting the reason for the absence to the supervisor may be considered to have terminated employment without notice, and notation to this effect shall be recorded on the employee's service record.

Section 3. Reduction in Force

The Town Manager, with the approval of the Town Council, has the authority to call for a reduction in force. In the event a reduction in force becomes necessary, consideration shall be given to the quality of each employee's past performance, the need for the employee's service, and seniority in determining those employees to be retained. Employees who are laid off because of a reduction in force shall be given at least two (2) weeks notice of anticipated lay-off and will be given first opportunity to return to work should an opening become available that is commensurate with their skills. No regular employee shall be separated while there are temporary employees serving in the same class in the department unless the regular employee is not willing to transfer to the position held by the temporary employee. Under the provisions of a reduction in force, the Town Manager has the option to make changes in work time and/or work load to accomplish the reduction.

Section 4. Retirement

Town employees participate in and are eligible to retire under the North Carolina Local Governmental Employees Retirement System. Any employee who is planning to retire should submit a written request to the Town Clerk two (2) months prior, but no later than one (1) month prior, to the planned effective retirement date, (Note: The Local Government Employees Retirement System may require more or less time than the Town to process retirement benefits). Those employees retiring from Town service shall be paid for all annual vacation leave not used. Employees may convert unused sick leave to additional retirement service credit.

Section 5. Death

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

Section 6. Disciplinary Actions

Disciplinary actions may be enforced if an employee's work performance or personal conduct is unsatisfactory. Depending upon the circumstances, one or more of the following kinds of disciplinary actions may be taken: counseling, oral reprimand, official written reprimand, withholding of merit pay increase, suspension, demotion, transfer, or dismissal. The Town Manager has the primary responsibility to conduct and administer disciplinary actions including withholding of merit pay increase, suspension, demotion, transfer, or dismissal.

An employee whose work performance is unsatisfactory shall receive three warnings, the second and third in writing, before disciplinary action resulting in dismissal is taken.

Because of substantial differences between failure in performance of duties and failure in personal conduct, the disciplinary actions for each may be carried out differently. In all cases, the employee shall receive a written summary of charges and actions taken, a copy of which shall go into the personnel file.

See Section 10 for Immediate Disciplinary Suspension and/or Dismissal.

Section 7. Disciplinary Actions for Failure in Performance of Duties

An employee whose work is unsatisfactory over a period of time shall be notified in writing by the employee's immediate supervisor. The written notification must state in what way the employee's work is deficient and what must be done if the work is to be satisfactory. Unsatisfactory work performance includes aspects of the employee's job which do not meet the standards set by the supervisor and the Town Manager.

Section 8. Progressive Steps of Discipline

The progressive steps of discipline outlined below should normally be taken with an employee whose performance is unsatisfactory:

a. Oral Warning(s) - The supervisor, or Town Manager, shall talk privately with the employee to include the following:

1. Inform the employee that the discussion is a warning and not some other non-disciplinary process such as counseling.
2. Inform the employee how they have not met the performance requirements of the job and why their performance has been unsatisfactory.
3. Tell the employee specific actions they need to take and the time frame for taking such actions to improve performance to a satisfactory level.
4. Tell the employee of the consequences of failing to make the required improvements.
5. Record the date of the meeting and other necessary information for any future use and place a copy of the notes in the employee's personnel file.
6. Allow the employee to respond to the specific reasons why performance has been

unsatisfactory. In some cases, this may affect the supervisor's decision on whether to discipline an employee.

7. Maintain notes of the oral warning in an employee's file for 18 months unless otherwise noted.

b. Written Warning - If the oral warning(s) have not caused an improvement in the employee's performance, the supervisor or Town Manager shall prepare a written summary of the performance problem(s) as outlined below. The supervisor or Town Manager shall present the written warning to the employee and discuss its contents, which should include the following:

1. Date(s) and points covered in previous warning(s);
2. A description of specific performance problem(s);
3. Specific actions the employee needs to take to improve performance to a satisfactory level;
4. A general time frame allowed for improvement;
5. A strong notice that continuation of the performance problem(s) will result in more severe disciplinary action up to and including dismissal; and
6. Notice that the warning will remain in effect for 18 months, unless otherwise noted, even if the employee's performance improves. Any violation of the personnel policy within this period may result in dismissal.

The written warning should be signed by the employee with a copy being placed in the employee's personnel file. The employee's failure to sign the written warning does not affect the validity of the warning. The supervisor or Town Manager should indicate on the warning that the employee refused to sign it.

If all efforts have failed to improve the performance of the employee, the following steps should be taken to dismiss an employee:

1. A written summary of the case shall be prepared by the Town Manager along with a decision for the action to be taken;
2. A pre-dismissal conference shall be held between the Town Manager and the employee for the purpose of presenting the employee with the specific reason(s) for the dismissal. The employee shall have the right to respond at the pre-dismissal conference;
3. The Town Manager will notify the employee of the action taken and will provide the employee with a written copy of the decision. Such written notice shall include an explanation of the employee's right to appeal. A copy of the action shall be placed in the employee's file.

Section 9. Disciplinary Actions for Failure in Personal Conduct

An employee may be suspended or dismissed for causes relating to personal conduct detrimental to service with the Town in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons.

Section 10. Immediate Disciplinary Suspension and/or Dismissal

An employee may be suspended or dismissed by the Town Manager without warning for reasons relating to personal conduct detrimental to the Town and gross dereliction of duties or job performance. In less serious or disruptive situations, or if there is doubt as to whether there are grounds for immediate suspension or dismissal, steps similar to those listed under Section 8 of this Article should be followed.

When an employee is suspended immediately, the following steps shall be taken by the Town Manager or designee:

a. They will tell the employee to leave the worksite at once and either report back the next day or remain away until further notice.
b. They should determine if the suspension is with or without pay.
c. They shall clearly document all facts leading to the suspension. A written summary should be prepared giving the circumstances and facts which led to the decision for suspension including final decision on whether the employee should be dismissed or retained. A final decision should be made within 30 days of the initial suspension. A copy of the written action should be filed in the employee's personnel file and a copy furnished to the employee.

Section 11. Right of Appeal

An employee may appeal disciplinary action taken against him through the Town's grievance procedure as described in Article VII of this manual.

Section 12. Non-Disciplinary Suspension

During the investigation, hearing, or trial of an employee on any criminal charge or during the course of civil action involving an employee, the Town Manager or designee may suspend the employee without pay for the duration of the proceeding as a non-disciplinary action. However, the investigation, hearing, trial, or civil action must involve matters that may form the basis for disciplinary suspension, demotion, or dismissal in order for the non-disciplinary suspension to be allowed.

Section 13. Reinstatement

An employee who resigns while in good standing or who is separated because of a reduction in force may be reinstated within one (1) year of the date of separation. An employee who is reinstated shall be credited with previous years of service and previously accrued sick leave and will receive all benefits provided in accordance with this policy.

GRIEVANCE PROCEDURES – ARTICLE VII

Section 1. Policy Statement

The Town desires to resolve employee complaints and grievances in a fair and equitable manner. Employees whose grievances result from work situations deserve and have the right to submit grievances for orderly resolution with complete freedom from discrimination, coercion, recrimination, restraint, or reprisal. The resolution of grievances promotes more effective employer-employee relationships and is in the best mutual interests of all affected parties.

The following are objectives of the Town's grievance procedure:

1. Assure employees of a way in which they can get their problems or complaints considered rapidly, orderly, fairly, and without fear of reprisal.
2. Encourage the employee to express themself about how the conditions of work affect them as an employee.
3. Foster better employee understanding of policies, practices, and procedures.

4. Provide employees with assurance that actions are taken in accordance with policies.
5. Provide a check on how policies are carried out.

Section 2. Coverage

The provisions of this procedure shall apply to all the Town's employees. As allowed under State Statute GS 160A-148, the Town Manager has the authority to hire, supervise, discipline, and dismiss employees.

Section 3. Grievance - Definition

A grievance is a claim or complaint based upon an employment action, event, or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. A grievance might involve alleged safety or health hazards, unsatisfactory physical facilities, surroundings, materials, or equipment, unfair or discriminatory supervisory or disciplinary practices, unjust treatment by fellow workers, unreasonable work quotas, or any other grievance relating to conditions of employment.

Section 4. Grievance Procedure

All grievance disputes, as defined in the preceding sections, will be administered in the specified manner and processed within the stated time limits unless a time extension is mutually agreed upon. Failure by the employee to process a complaint within the stated time limits or agreed upon extension shall constitute termination of the complaint. At each step of the grievance process where written documentation is required, the Town Manager shall receive a copy to put in the employee's permanent file. The employee filing a grievance shall have the right to have a representative present at each step of the process to observe, but not directly participate. The employee should first present the grievance in writing to the Town Manager within two weeks of a specific occurrence. The Town Manager may consult with any employee or officer necessary to prepare an accurate, impartial, and objective report of the matter.

The Town Manager shall notify the employee of a date and time for a hearing which shall be no later than 10 working days following the completion of the report. Within five working days of the hearing, the Town Manager shall render a decision on the grievance.

All employees have the legal right to appeal decisions of the Town Manager to the Town Council. An appeal must be made in writing within ten working days to the Mayor for consideration by Town Council. The Town Council shall consider the matter at the next regularly scheduled Council meeting. The Town Manager shall submit all documentation regarding the grievance to the Town Council.

The Town Council shall notify the employee of the meeting date and shall notify the employee of the status of the grievance within five days of the meeting.

All employees have the legal right to appeal decisions to a court of appropriate authority.

EMPLOYEE BENEFITS – ARTICLE VIII

Section 1. Group Insurance Benefits

The Town shall make group insurance plans for medical insurance coverage, life insurance, and other insurance plans available to all regular, full-time and part-time employees working more than 24 hours a week as necessary and efficacious for Town operations. Such coverage may be subject to further stipulations of the contract with the vendor providing coverage and/or services and Town policy regarding the extent of the Town's contribution to the cost of such benefits.

Employees shall be classified part-time or full-time (see Section 3. Definitions) based upon the standard number of work hours per week. Group insurance benefits are available to regular employees working a minimum of 24 hours per week on a pro-rated basis. Coverage is based upon the following schedule:

Part time 24-29 hours per week	50% of employee coverage paid by the Town
Part time 30-34 hours per week.	75% of employee coverage paid by the Town
Full time 35-40 hours per week.	100% of employee coverage paid by the Town

Open enrollment will occur annually in May for changes effective July 1 of each fiscal year. Annual elections will remain in effect and cannot be revoked or changed during the plan year unless the revocation and new election are on account of and consistent with a legal change in family status (i.e. marriage, divorce, death of spouse or child, birth or adoption of a child, an unpaid leave of absence by employee or spouse, termination of employment of spouse, etc.). A request to change an election must be made within 30 days from the date of the status change.

Under the Consolidated Omnibus Budget Reconciliation Act (COBRA), health benefits, when offered, must be continued at the employee's or dependent's request and expense after termination of employment in certain circumstances. Health insurance coverage must be extended at the employee's expense for 18 months if:

a. employment is terminated or an employment agreement is not renewed (unless terminated due to gross misconduct); or
b. hours worked are reduced causing the employee to be ineligible under the terms of the plan.

Coverage for dependents, at the dependent's expense, may be extended for 36 months if their coverage is terminated due to:

a. death of covered employee;
b. divorce or legal separation;
c. employee's entitlement to Medicare; or
d. a dependent child ceasing to be a dependent under the terms of the plan.

Section 2. Retirement Plan

NC LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM

All regular employees working a minimum of 1,000 hours per year are required to enroll in the North Carolina Local Governmental Employees' Retirement System.

The Town will pay the employer's portion and deduct the employee's portion from their paycheck. Enrollment is effective upon the employee's first day of employment with the Town. Under the retirement plan, employees are entitled to disability retirement after five

years of creditable service. If an employee becomes totally and permanently disabled for work, they become eligible for disability retirement benefits.

The North Carolina Local Governmental Employees' Retirement System is described in a handbook periodically published by the State Treasurer's Office. This booklet is available to all Town employees at www.nctreasurer.com.

NC 401(k) SUPPLEMENTAL RETIREMENT PLAN

All regular employees working a minimum of 1,000 hours per year are eligible to enroll in the North Carolina 401(k) Supplemental Retirement Plan. From time to time, the Town Council has the option, through an appropriation of the general fund operating budget, to supplement the voluntary contribution of the employees of the Town. The match is determined by Town Council during the annual budget approval process.

Section 3. Training and Educational Incentives

The Town recognizes the need to encourage its employees to acquire job-related training and to further their education through accredited programs and institutions. Therefore, with the prior knowledge and concurrence of the Town Manager, the Town will, if funds are available, provide reimbursement for expenses incurred in completing job-related training sessions, seminars, or workshops which relate directly to the employees' duties and responsibilities with the Town. Reimbursement for expenses will be limited to registration fees, reimbursement for use of private vehicle at the prevailing rate allowed by the Internal Revenue Service for business mileage, lodging expenses which must be documented by receipts and meal costs which must also be documented by receipts. Claims for reimbursement of expenses must be approved by the Town Manager before submission to the Finance Officer for reimbursement.

Section 4. Workers' Compensation

Employees 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 supervisor at the time of the injury so that appropriate action can be taken at once.

If possible, the injured employee should be seen by the Town's approved medical practice, which is Bethany Medical Center located at 3402 Battleground Avenue in Greensboro (zip 27410). It is understood that certain injuries or situations could require emergency medical care requiring another facility. Appropriate forms as required by the Town's Workers' Compensation insurance company must also be completed.

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may receive Workers' Compensation benefits. Vacation or sick leave may be charged during the first week during which an employee is absent due to an event covered by Workers' Compensation.

Upon reinstatement, an employee's salary will be computed on the basis of the last salary earned plus any increment or other salary increase to which the employee would have been entitled during the disability covered by Workers' Compensation.

Temporary employees will be placed in a leave without pay status and will receive all benefits for which they may be adjudged eligible under Workers' Compensation.

LEAVES OF ABSENCE – ARTICLE IX

Section 1. Holidays Observed

The following days and such other days as the Town Council may designate, are holidays with pay for regular town employees.

New Year's Day	January 1 (follow current State of NC schedule if on weekend)
Martin Luther King, Jr. Day	*Third Monday in January*
Good Friday	Friday before Easter Sunday
Note: Employees may request to have a "floating" day and take off the Monday after Easter Sunday with the approval of the Town Manager.	
Memorial Day	Last Monday in May
Independence Day	July 4 (follow current State of NC schedule if on weekend)
Labor Day	First Monday in September
Veterans Day	Actual holiday (follow current State of NC schedule if on weekend)
Thanksgiving	Fourth Thursday and Friday in November
Christmas Eve and Day	Actual holiday or according to the schedule shown below:

When Christmas Day falls on:	The Town observes:
Sunday	Friday and Monday
Monday	Monday and Tuesday
Saturday	Thursday and Friday
New Year's Eve	December 31

When a holiday other than Christmas falls on a Saturday or a Sunday, Monday shall be observed as a holiday unless otherwise amended by the Town Manager.

Holiday pay for regular part-time employees having a workweek of 24 hours or more shall be paid on a prorated hourly basis based upon their normal workweek hours. For example, an individual that is scheduled to work 25 hours per week, which equates to five hours per day, will be paid for five hours of Holiday pay. Employees who have a workweek less than 24 hours will not be paid Holiday pay.

Section 2. Forfeiture of Right to Holiday

Employees forfeit their rights to payment for a holiday plus the day missed if they have an unexcused absence on the last regular workday preceding the holiday or on the first regular workday following the holiday.

Section 3. Effect of Work on Holidays on Other Types of Paid Leave

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

Section 4. Vacation Leave - Policy

Vacation leave shall be used for rest and relaxation, for medical appointments, and absences due to sickness when sick leave is exhausted, and for unexcused absences due to adverse weather conditions.

Employees are encouraged to request leave during each year to renew their physical and mental capabilities. All employees should take at least five (5) consecutive days of vacation leave in each calendar year.

Requests for vacation must be received by the supervisor at least twenty-four (24) hours in advance of the time vacation leave is to start. Some departments may have advance notice requirements greater than twenty-four hours depending on the demands of the operational schedule.

Section 5. Vacation Leave - Accumulation

All full-time regular, probationary, and trainee employees of the Town shall accrue monthly vacation leave as determined by years of service and hours worked at the following rate:

Length of Service	Days Earned per Year
Up to 5 years	15 days
6 to 10 years	18 days
11 - 15 years	21 days
16+ years	24 days

Vacation leave may accumulate to a maximum of 15 days as measured at the end of the calendar year. Vacation leave accumulated over 15 days shall be forfeited at the end of the calendar year.

Time taken off by employees using approved leave with pay or receiving Workers' Compensation benefits shall be counted as time worked for the purpose of earning vacation leave.

Persons hired on or before the 15th of the month shall earn vacation leave for that month. Those hired after the 15th of the month begin earning vacation leave on the first of the following month.

Part-time employees having a workweek of 24 hours or more shall earn a prorated amount of vacation based upon their normal workweek hours. For example, an individual that is scheduled to work 25 hours per week, which equates to five hours per day, will earn five hours of vacation. Employees who have a workweek less than 24 hours will not earn vacation leave.

Section 6. Vacation Leave - Advancement

Under extenuating circumstances, an employee may be advanced vacation leave. Such advancement of leave will be made only with the approval of the Town Manager.

Section 7. Vacation Leave - Use and Reporting

Vacation leave may be taken as earned by the employee, subject to the approval of the Town Manager or immediate supervisor, except in the case of a new employee. New employees may earn but may not take vacation leave during their probationary period. However, if a new employee has accrued vacation leave, he may be allowed to take it in extenuating circumstances with the approval of the Town Manager.

All requests for vacation leave must be approved in advance by the supervisor or Town Manager. An employee will not be permitted to work for the Town at the same time he is on vacation leave.

Section 8. Vacation Leave - Payment of Leave Upon Termination of Employment

Upon termination of employment with the Town for whatever reason, an employee must have worked through the 15th of the month of termination to earn vacation leave for that month. At the time of an employee's separation, any advanced vacation leave owed the Town shall be deducted from the employee's final compensation.

Upon submission of a resignation, an employee shall be eligible to be paid for vacation leave accumulated to the date of separation.

An employee who is separated from employment shall be paid for vacation leave accumulated to the date of separation.

Section 9. Vacation Leave - Payment of Vacation Leave Upon Death

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

Section 10. Sick Leave - Policy

Sick leave with pay is a privilege granted by the Town for the benefit of an employee when sick or injured or when tending to an immediate family member. Sick leave may also be used for medical appointments, death in the immediate family, and exposure to a contagious disease when continuing to work could jeopardize the health of others.

An employee may take up to three (3) days of sick leave for a death in the immediate family. Additional sick leave may be granted with the approval of the Town Manager.

Temporary employees are not entitled to earn sick leave. Temporary employees must take leave without pay for days missed due to sickness.

Section 11. Paternity and Maternity Leave

In accordance with the Town's policy on Equal Employment Opportunity, female employees shall not be penalized in their employment because they require time away from work caused by or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery. Disabilities resulting from pregnancy shall, for sick leave purposes, be treated the same as any other temporary disability suffered by an employee. Accumulated sick leave may be used for the period of actual disability. Since there is no certainty as to when disability actually begins and ends, a doctor's certificate shall be required verifying the employee's period of temporary disability.

In addition to the time of actual disability, an employee is entitled to take additional paternity/maternity leave. Total leave time may not exceed six (6) months, which is to include paid and unpaid leave. An employee may use any combination of sick leave, vacation leave, and unpaid maternity leave to make up the total six (6) months. Leave may be taken for purposes of adoption and childcare.

Section 12. Sick Leave - Accumulation

Each full-time regular and probationary employee shall earn sick leave at the rate of 0.75 days per month. Part-time regular and probationary employees having a workweek of 24 hours

or more shall earn a prorated amount of sick leave based upon their normal weekly hours. For example, an individual that is scheduled to work 25 hours per week or five hours per day will earn 3.75 hours per month. Employees who have a workweek less than 24 hours will not earn sick leave. Employees hired on or before the 15th of the month earn sick leave for that month and those hired after the 15th of the month begin earning sick leave on the first of the following month.

Time taken off by employees using approved leave or time off under Workers' Compensation shall be counted as time worked for the purpose of sick leave accumulation.

There is no maximum accumulation for sick leave. Unused sick leave may be applied toward retirement credit, at the rate of one month's credit for every 20 days of unused sick leave, under the rules of the North Carolina Local Governmental Employees' Retirement System.

Section 13. Sick Leave - Use and Reporting

Sick leave must be charged as used. All employees shall be eligible to use sick leave as soon as it is earned. Sick leave must be reported in 30-minute increments.

Employees are required to notify their supervisors as soon as possible at the beginning of the regular workday if they are unable to be at work because of illness.

Section 14. Sick Leave - Physician's Certification

For absences due to illness extending three (3) or more days, a physician's certificate providing proof the employee was unable to work due to illness, injury, or illness in the employee's family may be required. A physician's certification regarding an employee's ability to return to work after an illness or injury may also be required. The Town Manager has the authority to request the certifications. The Town Manager may also require a doctor's certificate for any sick leave taken if circumstances warrant. Any requested certifications must be provided within 3 days of the request.

Section 15. Sick Leave - Payment Upon Separation

Employees will not be paid for any portion of unused sick leave when they leave the employment of the Town, for any reason.

Section 16. Leave without Pay - Policy

A regular employee may be granted a leave of absence without pay for up to three (3) calendar months by the Town Manager. The granting of such leave is at the discretion of the Town Manager and does not have to be granted. The employee must use appropriate accrued leave before going on leave without pay status for reasons of personal or family disability or special work that will permit the Town to benefit by the experience gained or the work performed. Such leave may be extended by the Town Manager for up to an additional three (3) calendar months at the convenience of the Town.

An employee will not be allowed to use leave without pay privileges for vacation purposes while maintaining accumulated vacation leave. Accrued vacation leave must be used before requesting leave without pay.

Leave without pay may also be used by the Town as a form of disciplinary action against employees in the following situations:

a. employee takes vacation leave without authorization; or
b. employee does not notify his supervisor of the need to take sick leave.

The employee shall apply in writing to his supervisor and then to the Town Manager for leave without pay. The employee is obligated to return to duty within or at the end of the time determined appropriate by the Town Manager. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority, and pay. However, the employee's time of service will be changed to reflect the amount of time out of work.

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

Section 17. Leave without Pay - Retention and Continuation of Benefits

An employee shall retain all unused vacation and sick leave while on leave without pay, except in cases where leave without pay is requested for vacation purposes or outside work as described previously in which case all accrued vacation leave must be used first. An employee ceases to earn vacation and sick leave credits on the date leave without pay begins.

The employee may continue to be eligible for benefits under the Town's group insurance plans, subject to any regulations adopted by the Town Council and the regulations of the respective insurance companies, while on leave without pay. However, the employee will be responsible for paying premiums monthly to the Town for leave without pay in excess of ten continuous working days.

Section 18. Military Leave

Employees entering active military duty shall have their job status protected in full compliance with federal and state requirements.

Regular employees not serving an initial probationary period who are members of the National Guard or Armed Forces Reserve will be allowed up to 80 working hours per fiscal year military training leave with pay for summer guard duty. If such military duty is required beyond this period, the employee shall be allowed to take accumulated vacation leave or be placed in a leave without pay status. In rare cases where two (2) annual training sessions may be required in one (1) fiscal year, the employee shall be allowed to take an additional 80 hours of military leave: however, it shall be without pay.

Part-time employees who are in a regular status shall be allowed to take military leave in proportion to the number of hours regularly scheduled to work. Part-time employees taking military leave shall not be paid for more than the regularly scheduled work hours in a day.

While taking military leave, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the Town during this period.

Employees serving a probationary period and all temporary employees must take leave without pay to serve any required duty. Employees serving military duty will be allowed to keep pay received from such duty.

Section 19. Civil Leave

Employees may be granted up to two hours of time off with pay at the beginning or end of their regular workday so that they may vote in national, state, and local elections. This leave is only available to employees whose normal work hours would not otherwise allow them an opportunity to vote.

Civil leave may also be granted when an employee is called for jury duty or as a witness in any civil or criminal legal proceeding providing neither the employee nor the Town is a party to the lawsuit and the employee is not being compensated for testimony in an expert capacity. An employee who is a party to a private litigation shall not be entitled to civil leave but may take vacation leave or leave without pay if vacation leave is exhausted for necessary court appearances with the approval of the Town Manager. This policy is not intended to cover employees testifying in court through the course of their normal and official duties of employment with the Town. The employee shall receive leave with pay for such duty during the required absence without charge to accumulated vacation.

An employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation, except that employees must turn over to the Town Clerk any witness fees or travel allowances awarded by the court for court appearances in connection with official duties.

When an employee's obligation for jury or witness duty ends before the end of that employee's normal workday, the employee is expected to return to work for the remainder of the workday.

While on civil leave, benefits and leave shall accrue as though on regular duty.

Section 20. Administrative Leave

Leave with pay may be authorized by the Town Manager for purposes considered to be in the public interest, in cases of civil disturbances, or in such other circumstances as good judgment and common practice would dictate.

Section 21. Adverse Weather Conditions

The Town Manager has authority to alter the regular business day in the event of severe weather. Town offices shall remain open for the full scheduled workday unless authorization for early closing or other deviation is received from the Town Manager. All employees will be given, when possible, advance notice of any authorized schedule changes. Following severe weather conditions occurring during the night, it is the responsibility of each employee to report to work as soon as possible after the normal workday begins.

If the office closes early or opens late due to adverse weather, employees who leave or arrive, respectively, at the scheduled time shall still be paid for their full, regular hours that day. Employees who, of their own volition, leave early before announcement of an official early closing time or arrive late after announcement of an official late opening time may do the following to compensate for lost time: 1) use earned vacation; 2) take leave without pay; 3) work additional hours within the same work week with supervisor approval, provided work is available; and/or 4) make arrangements with their supervisor to telecommute, provided work is available and time is properly tracked.

If the office is closed the entire day due to adverse weather, regular full and part-time employees shall be paid for their full, regular hours or prorated hours, respectively, for the day (the use

of earned sick or vacation leave is not needed).

Section 22. School Leave

Employees who are parents, guardians, or persons standing in loco parentis (in place of a parent) of a school-age child are entitled to four (4) hours of unpaid leave per year so that the employee may attend or be involved with the child's school activities. "School" means public, private, church, pre-school, and child day care facilities.

The leave shall be at a mutually agreed upon time between the employer and the employee; the employee must provide a written request for the leave at least 48 hours before the time desired for the leave, and the employee may be required to provide written verification from the child's school.

Section 23. Family and Medical Leave

The Town is a covered employer in accordance with the Family and Medical Leave Act (FMLA), but until such time as the Town employs more than fifty (50) employees, no employees will meet the eligibility requirements for FMLA.

COMPENSATION AND PAYROLL – ARTICLE X

Section 1. Pay Philosophy

The pay of Town employees shall be administered in a fair and systematic manner in accordance with work performed. The Town shall pay employees in a manner that is externally competitive, that maintains proper internal relationships among all positions based on the relative level of duties and responsibility, and that recognizes performance levels as the basis for pay increases within the established pay ranges. The positions authorized are subject to approval by the Town Council. The work to be completed and the assignment of salary are established by the Town Manager.

Section 2. Preparation of Payroll

Payroll for town staff shall be prepared by the Finance Officer from timesheets approved by the Town Manager and appropriate supervisors. Payroll amounts shall be paid by direct deposit. Stipends for Town Council members will be paid by direct deposit as well.

If due to special circumstances an employee wishes to receive part of their salary on a date other than the designated pay date, the employee must submit a written request and receive approval from the Town Manager. Such a payment could be disbursed by check.

Section 3. Payroll Deductions

The Town Manager, or his designee, is authorized to make established deductions from an employee's gross pay to cover federal and state income taxes, contributions for retirement systems, and for employee group premiums. With the authorization of the employee, the Town Manager, or his designee, may also make payroll deductions for United Way, credit union payments, and other deductions for qualified programs. Individual deductions requested by the employee for other than qualified programs shall be made only with the approval of the Town Manager.

Section 4. Termination Pay

Upon termination of employment, an employee is entitled to payment, in the regular scheduled paycheck, for regular pay and for unused vacation leave, less any deductions for debts outstanding to the Town. No special checks will be written for termination pay. No sick leave shall be paid upon termination of employment. The Town Manager shall deduct and withhold from the final paycheck any amount owed to the Town for group insurance premiums or advanced leave. The final payment for unused vacation leave will be combined with the last paycheck.

TRAVEL AND TRANSPORTATION EXPENSES – ARTICLE XI

Section 1. Policy

It is the policy of the Town to reimburse its employees, council members, volunteers, and appointed officials for out-of-town travel and transportation expenses directly related to official business of the Town.

This policy is intended to address out-of-pocket expenses for employees, council members, volunteers, and appointed officials on official Town business. It is not intended to replace travel allowances given to employees as a condition of employment who are required to provide a vehicle in their work. The Town Manager is responsible for determining if additional reimbursement of travel expenses is appropriate.

Section 2. Prior Approval for Travel

The Town recognizes the need for flexibility in obtaining approval for travel. It is the Town Manager's responsibility to determine if travel is necessary and reasonable and to set standards for approval. All travel out-of-state and travel requiring an overnight stay shall be approved in advance by the Town Manager. It is the responsibility of the Town Manager to ensure that a sufficient unexpended appropriation remains to cover all travel expenses.

Section 3. Eligible Transportation Expenses

Transportation expenses that are ordinary and necessary while conducting official business for the Town are eligible. Eligible transportation expenses include the cost of travel by air, rail, bus, taxi, and personal auto. All transportation by commercial carrier must be less than first class unless no other travel options are available.

Reimbursement for use of an employee's personal auto is allowable at the prevailing rate allowed by the Internal Revenue Service for business mileage. Generally, reimbursement for the use of an employee's private auto is limited to travel incurred in the general area or within the state.

Expenses for personal entertainment are not allowable. Employees attending functions where certain meals are provided, at no charge to the employee, shall not be reimbursed for those meals purchased elsewhere.

If an employee is attending a function that requires an overnight stay where meals are not provided, the actual costs of meals and incidental expenses (M&IE) will be reimbursed up to the federal per diem rates as established by the General Services Administration (GSA).

One day travel longer than 12 hours will be capped at 75% of the respective M&IE. Please refer to www.gsa.gov for the current per diem rates.

The M&IE rates apply unless pre-approval from the Town Manager is sought to cover extra-ordinary travel circumstances.

Receipts for meals are required.

Section 4. Reporting Expenses for Reimbursement

All employees authorized to travel should keep all receipts and memoranda of actual expenditures from which they can prepare an official travel voucher. Receipts for meals, transportation other than auto, tolls, parking fees, registration fees, etc., must accompany the travel voucher.

Claims for mileage reimbursement should indicate the point of departure and destination and shall be computed in a manner that is most reasonable and favorable to the Town. The business purpose of each trip for which reimbursement is claimed must be clearly stated. Travel vouchers, which have been approved by the Town Manager, are to be submitted sufficiently in advance for reimbursement.

Section 5. Travel Advances

If a travel advance is necessary to conduct official Town business, the request for such advance must be previously approved by the Town Manager and submitted no later than five working days prior to the time travel is anticipated. Travel advances may not exceed the estimated cost of travel and must be accounted for on the travel voucher.

Home-to-work travel, as defined by this policy as travel to and from work, is not eligible for reimbursement.

PERSONNEL RECORDS – ARTICLE XII

Section 1. Personnel Records Maintenance

The Town Manager shall be responsible for maintaining such personnel records as are necessary for the proper administration of the personnel system. As required by North Carolina General Statute 160A-168, any person may have access to the information listed in items 1 through 12 below for the purpose of inspection, examination, and copying during the regular business hours, subject to such rules for the safekeeping of public records as the Town Council may adopt.

(1) Name.
(2) Age.
(3) Date of original employment or appointment to the service.
(4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the Town has the written contract or a record of the oral contract in its possession.
(5) Current position.
(6) Title.
(7) Current salary.
(8) Date and amount of each increase or decrease in salary.

(9) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification.
(10) Date and general description of the reasons for each promotion.
(11) Date and type of each dismissal, suspension, or demotion for disciplinary reasons. If the disciplinary action was a dismissal, a copy of the written notice of the final decision setting forth the specific acts or omissions that are the basis of the dismissal.
(12) The office to which the employee is currently assigned.

All disclosure of records shall be accounted for by keeping a written record (except for authorized persons processing personnel actions) of the following information: name of employee, information disclosed, date information was requested, name and address of the person to whom the disclosure is made, and purpose for which information is requested.

Additional information regarding pay, as described in Article V, Section 12 on Hours of Work and Overtime, shall also be maintained.

Section 2. Access to Personnel Records

As required by North Carolina General Statute 160A-168, All information contained in a city employee's personnel file, other than the information made public by Section 1 above, is confidential and shall be open to inspection only in accordance with North Carolina General Statute 160A-168.

Section 3. Records of Former Employees

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

Section 4. Remedies of Employees Objecting to Material in File

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

Section 5. Penalty for Permitting Access to Confidential File by Unauthorized Person

G.S. 160A-168 provides that any public official or employee who knowingly, willfully, and with malice permits any person to have access to information contained in an employee personnel file, except as expressly authorized by G.S. 160A-168, is guilty of a Class 3 misdemeanor and upon conviction shall only be fined in an amount not to exceed five hundred dollars ($500.00).

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

G.S. 160A-168 provides that any person not specifically authorized to have access to a personnel file designated as confidential who shall knowingly and willfully examine in its official filing place, remove, or copy any portion of a confidential personnel file shall be guilty of a Class 3 misdemeanor and upon conviction shall be fined in the discretion of the court but not in excess of five hundred dollars ($500.00).

Section 7. Destruction of Records Regulated

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G.S. 121-5, without the consent of the North Carolina Department of

Natural and Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates, or destroys it shall be guilty of a Class 3 misdemeanor and upon conviction will only be fined not less than ten dollars ($10.00) nor more than five hundred dollars ($500.00) as provided by G.S. 132-3.

IMPLEMENTATION OF POLICY – ARTICLE XIII

Section 1. Conflicting Policies Repealed

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

Section 2. Separability

If any provision of this policy is held invalid, the remainder of this policy and the application of such remaining provisions of this policy, other than those held invalid, will not be affected.

Section 3. Violations of Policy Provision

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

Section 4. Amendments

Amendments to these personnel policies shall be recommended by the Town Manager and approved by the Town Council.

EQUAL EMPLOYMENT / APPLICANT DATA

The Town of Summerfield is an Equal Opportunity Employer. The Town of Summerfield prohibits discrimination based on race, color, sex, national origin, religion, age, genetic information, or disability in employment or the provision of services.

The information below is requested for data collection purposes and will be used only to evaluate how well our recruitment efforts are reaching all segments of the population.

The information on this form will in no way affect you as an applicant. This data will be physically separated from the remainder of your job application before the application is considered for possible employment.

We would appreciate you providing this information. However, completing this form is strictly voluntary. Please return this section even if not completed.

Date of Birth: / /
(mo) (day) (yr)

Gender: Male. Female

Ethnicity:
White (Caucasian, Non-Hispanic)
Black (African-American, Non-Hispanic)
Hispanic (Mexican, Puerto Rican, Cuban, Central or South American, other Spanish origin regardless of race)
Asian (including Pacific Islander)
American Indian (including Alaskan native)

Disability:
Yes
No

Note: A disability is any impairment which substantially limits a major life function.

How did you become aware of this position?

Newspaper, which one
Employment Security Commission
E-Mail
Friend
Town of Summerfield's Web Site
Other Internet site, which site
Employment Agency
Trade Journal, which one
Other (please specify)

PERSONNEL POLICY ACKNOWLEDGEMENT FORM

I acknowledge that revisions to the personnel policy may occur and that any revisions might supersede, modify, or eliminate existing policies. I understand that no employee or representative of the Town of Summerfield, other than by vote of the Town Council, has the authority to adopt any revisions to this policy. I understand that the Town of Summerfield interprets this policy in its sole discretion and may change it at any time without prior notice.

I understand and acknowledge that this personnel policy does not constitute a contract of employment or establish a just-cause termination standard. I understand that just as I may terminate my employment at any time, the Town of Summerfield may terminate my employment at any time, with or without cause or notice. I understand that no employee or representative of the Town of Summerfield, other than the Town Council, has the authority to create a contract of employment with me and that such contract must be in writing signed by both parties.

In signing this document, I certify that I have received a copy of the Town of Summerfield Personnel Policies and Manual and that I understand that it is my responsibility to read the policy and any revisions made to it.

_____ _____

Employee's Name Date

_____

Employee's Signature

This form should be signed and returned to the Summerfield Town Manager.

Appendix A: Revisions

Revision Date	Revision Description	Page Number
7/1/10	Major amendments (see minutes)	*(multiple)*
10/9/12	Changed employee group insurance benefits (revisions not incorporated in policy text; see attached 10/10/12 memo)	*49*
11/13/12	Added Veterans Day as staff holiday effective beginning 2013	*21*
1/8/13	See 1/8/13 Council minutes for complete listing of changes	*15, 23, 24, 25*
8/13/13	Changes to Personnel Records allowed for public records release based on October 2010 changes to NCGS160A-168	*31*
12/10/13	Added third day to Christmas vacation schedule	*22*
2/10/15	Added def. of "seasonal employee," changed wording re: when Veterans Day is observed; changed wording and policy re: adverse weather conditions	*2, 21, 28*
6/9/15	Rescinded stand-alone 2/8/11 adverse weather policy but added that policy's items 4) a–d to the manual	*28*
6/14/16	Reworded all of "Prepartion of Payroll" section: main effect was to accommodate employee direct deposit, which resulted in changed pay date; other changes better clarified process	*29*
2/13/18	Reworded "Preparation of Payroll" section to: 1) pay salaries "during the first week" instead of "on the 7th day"; and, 2) accommodate direct deposit of Council stipends	*29*
6/12/18	Added longevity pay policy; incorporated insurance benefits that needed additional detail; added medical practice provider for worker's comp; deleted Appendix A and unused forms	*(multiple)*
12/10/19	Added that January 1 and July 4 holidays follow state schedule when fall on weekend; corrected number of items publicly available re: personnel files ("12" instead of "8")	*22,32*
12/8/20	Changed Christmas holiday schedule to reflect 5 days off instead of 3	*22*

3/9/21	Deleted 4-hour-minimum increment for vacation leave; changed adverse weather policy to pay employees when town hall is closed the entire day (they don't need to use vacation or sick leave)	*24, 29*
4/13/21	Added 8-hour personal time off benefit; required direct deposit for Council members	*29, 30*
10/08/24	Major amendments (see minutes)	(*multiple*)