

**Town of Waynesville**  
**PERSONNEL POLICY MANUAL**  
**Employee Handbook**



**Revisions, additions and/or deletions to Policy Manual are approved  
and adopted by the Mayor and Board of Aldermen**

**Last updated: October 22, 2024**

## Welcome

Welcome to the Town of Waynesville! We are delighted that you have chosen to join our organization and hope that you will enjoy a long and successful career with us. As you become familiar with our culture and mission, we hope you will take advantage of opportunities to enhance your career and further the Town of Waynesville's goals.

You are joining an organization that has a reputation for outstanding leadership, innovation, and expertise. Our employees use their creativity and talent to invent new solutions, meet new demands, and offer the most effective services/products in the industry. With your active involvement, creativity, and support, the Town of Waynesville will continue to achieve its goals. We sincerely hope you will take pride in being an important part of the Town of Waynesville's success.

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

***The issuance of this personnel policy manual does not constitute a contractual relationship with employees and is adopted by Resolution by the Mayor and Board of Aldermen.*** The Town has the right to change or suspend any provisions of this manual at any time at the Town's discretion. No term of this personnel policy manual will be binding on the Town.

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

Please take time to review the personnel policies contained in this manual. If you have questions, feel free to ask your supervisor or to contact the Human Resources Department.

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

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**TOWN OF WAYNESVILLE**

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J. Gary Caldwell, Mayor

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## **Personnel Policy (in general) – Approved via Resolution of the Board of Aldermen on November 13, 2018**

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. The policy is established under the authority of Chapter 160A-164 of the General Statutes of the State of North Carolina.

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

### **Employment at Will**

Employment at Town of Waynesville is on an at-will basis unless otherwise stated in a written individual employment agreement signed by the Mayor on behalf of the Board of Aldermen.

This means that either the employee or the Town may terminate the employment relationship at any time, for any reason, with or without notice.

Nothing in this employee handbook is intended to or creates an employment agreement, express or implied. Nothing contained in this, or any other document provided to the employee is intended to be, nor should it be, construed as a contract that employment or any benefit will be continued for any period of time. In addition, no Town representative is authorized to modify this policy for any employee or to enter into any agreement, oral or written, that changes the at will relationship.

Any salary figures provided to an employee in annual or monthly terms are stated for the sake of convenience or to facilitate comparisons and are not intended and do not create an employment contract for any specific period of time.

Nothing in this statement is intended to interfere with, restrain, or prevent concerted activity as protected by the National Labor Relations Act (NLRA). Such activity includes employee communications regarding wages, hours, or other terms or conditions of employment. Town of Waynesville employees have the right to engage in or refrain from such activities.

### **Responsibility of Town Manager**

The Town Manager will be responsible to the Board of Aldermen for the administration and direction of the personnel program. The Town Manager will make appointments, dismissals and suspensions in accordance with the policies and procedures spelled out in later sections of this policy. Appointment, dismissal, and suspension policies will apply to all employees. The Town

Manager will be responsible for interpreting policies when necessary and recommending to the Board of Aldermen policy changes and new policies. The Town Manager will also be responsible for determining conditions of employment.

### **Responsibility of Board of Aldermen**

The Board of Aldermen will establish and amend personnel policies, position classifications and pay plans, and related rules and will make and confirm appointments when so specified by law.

### **Responsibility of Human Resource Department**

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

### **Departmental Rules and Regulations**

Due to the particular personnel and operational requirements of the various departments of the Town, each department is authorized to establish supplemental written rules and regulations applicable only to the personnel and operating procedures of that department. All such rules and regulations will be subject to the approval of the Town Manager and will not in any way conflict with the provisions of this policy but will be considered as a supplement to this policy.

## **Equal Opportunity and Commitment to Diversity**

### **Equal Opportunity**

It is the policy of the Town of Waynesville to foster, maintain and promote equal employment opportunities. The Town of Waynesville provides equal employment opportunities to all employees and applicants for employment without regard to race, color, ancestry, national origin, gender, sexual orientation, marital status, religion, age, disability, gender identity, results of genetic testing, or service in the military. Equal employment opportunity applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

Town of Waynesville expressly prohibits any form of unlawful employee harassment or discrimination based on any of the characteristics mentioned above. Improper interference with the ability of other employees to perform their expected job duties is absolutely not tolerated.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Human Resources Department or Town Manager. The Town will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. If an employee feels he or she has been subjected to any such retaliation, he or she should bring it to the attention of the Human Resources Department or Town Manager.



Retaliation means adverse conduct taken because an individual reported an actual or perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described below.

“**Adverse conduct**” includes but is not limited to:

- (1) shunning and avoiding an individual who reports harassment, discrimination or retaliation;
- (2) express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination or retaliation; or
- (3) denying employment benefits because an applicant or employee reported harassment, discrimination or retaliation or participated in the reporting and investigation process.

Complaints of discrimination should be filed according to the procedures described in the Harassment and Complaint Procedure found under Grievance Procedure on page . Notices with regard to equal employment matters will be posted in conspicuous places on the premises in places where notices are customarily posted.

### **Posting of Vacancies**

When job vacancies occur within the Town, the Human Resources office will be responsible for informing each department manager and placement in conspicuous places where notices of Town activities are customarily posted such as the Town of Waynesville website. Postings for vacant positions may be posted internally and externally at the same time. Internal job postings will be listed in-house for at least five (5) working days. Current employees must file a written internal application with the Human Resources office to be considered for the vacant position. The Human Resources office is responsible for such distribution of vacancy notices that will provide a reasonable opportunity for all employees to be aware of vacancies.

### **Applications for Employment**

All persons applying for employment with the Town will be required to complete an official Town employment application, which will be made available to all applicants for all position listings.

Applications will be accepted at any time a job vacancy exists. Applications may be submitted through NC Works (formerly NC Office of Employment Security) or the Human Resources office. All information provided in 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 disciplinary procedures can be instituted as provided in G.S. 143 and G.S. 14-122.1. (Adopted by the Mayor and Board of Aldermen, 10/7/98)

Applications will be kept in an inactive reserve file for a period of one year, in accordance with Equal Employment Opportunity Commission and North Carolina Municipal Records Retention and Disposition schedule guidelines. **Background Checks amended 10-22-2024** All employees who go through the Town’s hiring process will complete a background check. Such background checks may also apply to internal candidates who are being considered for a

promotion or transfer. A background check form is part of the onboarding paperwork and will be provided to those who are offered a position with the Town of Waynesville.

Background screening will not be used as a way to disqualify someone or reduce the number of applicants for a position. Background checks are meant to reinforce a hiring decision and ensure candidates who have been selected for a job are suitable. Any person found guilty of driving while intoxicated/impaired, or any other felony within two (2) years of their application for employment with the Town of Waynesville, or during their employment with the Town of Waynesville, shall be disqualified from employment with the Town of Waynesville.

### **Testing**

Applicants for certain positions may be required to take various job-related tests which measure ability, aptitude, agility or skill. The Town may also require a polygraph examination for law enforcement applicants. Law enforcement personnel will be required to have been administered a psychological screening examination by a clinical psychologist or psychiatrist licensed to practice in North Carolina in accordance with 12 NCAC 9B.0101. Law enforcement personnel who carry firearms may be subject to periodic evaluation for mental and physical fitness for duty. All tests given to applicants will be administered and evaluated by qualified individuals chosen by the Town and at the Town's expense. All tests administered will conform to all applicable legal regulations.

### **Medical Examination/Fitness for Duty**

All applicants will be required to undergo a drug screening and physical examination by a licensed physician after receiving a conditional offer of employment. Such examinations will be at the expense of the Town.

### **Identification**

All personnel employed by the Town must present a valid North Carolina driver's license or other acceptable form of identification at the time of employment.

All new appointments to the Town will 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. The Human Resource office will be responsible for obtaining adequate identification for satisfying the requirements of the Act. Documentation will be maintained on file in accordance with the Act.

### **Selective Service Compliance**

All new appointments to the Town, who are U.S. male citizens, 18 to 26 years of age, must certify they have registered for Selective Service. This applies to all positions, whether full-time, part-time or seasonal.

Applicants not in compliance are ineligible for employment. After notification of ineligibility, the applicant has thirty (30) days to provide the Town with information that he is now in compliance with the federal law.

The Town Manager may then give the applicant a hearing and if the applicant proves that the failure to register "was not a knowing and willful failure," he may be hired by the Town. This procedural requirement only applies to applicants hired by the Town after October 1, 1989 (G.S. 143B-421.1).

### **Americans with Disabilities Act (ADA) and Reasonable Accommodation**

To ensure equal employment opportunities to qualified individuals with a disability, the Town of Waynesville will make reasonable accommodations for the known disability of an otherwise qualified individual, unless undue hardship on the operation of the business would result. Employees who may require a reasonable accommodation should contact the Human Resources Department.

The Town has designated a coordinator to handle issues related to the Americans with Disabilities Act of 1990 (ADA). All requests for reasonable accommodation, auxiliary communication aids and services, alternative accessible formats for notices, policies and other information, as well as complaints regarding the Town's ADA program should be directed to the ADA Coordinator:

Human Resource Department  
 Town of Waynesville  
 16 S. Main Street/PO Box 100 Waynesville,  
 NC 28786  
 Telephone # (828) 456-2028  
 Fax # (828) 456-2000

Any complaint or grievance relating to disability must be filed in writing directly with the ADA Coordinator, and can be appealed, if necessary, to the Town Manager.

## **Employment Relationship**

### **Employee Pay and Classification**

Each employee shall be compensated according to their position on the Town of Waynesville Pay and Classification Table. The Town of Waynesville Pay and Classification Table is located as "Appendix A" of the personnel policy. Placement of an employee within the pay range of their respective position will depend upon their prior job experience in similar positions.

### **Employment Classification**

In order to determine eligibility for benefits and overtime status and to ensure compliance with federal and state laws and regulations, Town of Waynesville classifies its employees as shown below. Town of Waynesville may review or change employee classifications at any time.

### **Exemptions – General (Amended Board of Aldermen 07-01-2016)**

The exempt or non-exempt status of any particular employee must be determined on the basis of the nature of work performed, the duties, responsibilities assigned, and the terms or conditions of employment and in accordance with the Fair Labor Standards Act (FLSA) testing.

### **Definitions:**

**Exempt.** Exempt employees are paid on a salaried basis and are not eligible to receive overtime pay.

**Nonexempt.** Nonexempt employees are paid on an hourly basis and are eligible to receive overtime pay for overtime hours worked.

**Full-Time.** Employees who are not in a temporary status and work a minimum of 30 hours weekly and maintain continuous employment status. Generally, these employees are eligible for the full-time benefits package and are subject to the terms, conditions, and limitations of each benefits program.

**Part-Time.** Employees who are not in a temporary status and who are regularly scheduled to work fewer than 30 hours weekly, but at least 20 hours weekly, and who maintain continuous employment status. Part-time employees are eligible for some of the benefits offered by the Town and are subject to the terms, conditions, and limitations of each benefits program.

**Temporary or Seasonal, Part-Time.** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work fewer than 30 hours weekly for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status.

**Volunteers.** Excluded from the definition of “employee” and thus from coverage of the FLSA, individuals who volunteer services to the Town, such as volunteer fire fighters and who volunteer services without compensation, but are paid expenses, reasonable benefits, or a nominal fee.

### **Minimum Age Requirement (Amended Board of Aldermen 07-01-2016)**

The minimum age for employment with the Town is eighteen (18) for all full-time positions. Exceptions to the minimum age are provided for under the law if the applicant procures an employment certificate from the Haywood County Health and Human Services Department and is hired in a part-time or seasonal capacity. For example: Lifeguards. No individual under the age of 16 will be employed by the Town of Waynesville in any capacity.

### **Authorization of New Positions**

New positions will be established upon recommendation of the Town Manager and approval of the Town Board of Aldermen during the budget process. New positions will be recommended to the Board of Aldermen with a recommended class title, salary, job description and rationale for the addition of a position. Only the Board of Aldermen can approve additional positions.

### **Employment of Relatives (Nepotism) (Amended Board of Aldermen 03-13-2018)**

It is the policy of the Town that persons considered for employment or promotion shall be evaluated on the basis of individual merit, including qualifications, experience and training, without reference to considerations of race, gender, color, religion, disability, age, sexual orientation, national origin, or any other factors not involving personal professional qualifications and performance. Notwithstanding this policy, the Town retains the right to refuse to appoint a person to any position wherein his/her relationship to another employee has the potential for creating adverse impact on supervision, safety, security or morale or involves a potential conflict of interest. The purpose of this Nepotism Policy is to prevent improper favoritism in employment based upon family or personal relationships within the Town.

**Objectives:**

- To promote fairness in employment, supervision, discipline, transfer, promotion, salary administration and other human resource management considerations.
- To prevent improper favoritism, real or perceived conflicts of interest, or undue influence based upon family or personal relationship.
- To enhance the overall internal control system and reduce the probability of placing public assets in jeopardy.

A relative may not occupy a position which has influence over another related family member's employment, transfer or promotion, salary administration, or other human resource management consideration, including any position having responsibility for the direct supervision of the other related person.

If relatives are considered for employment, transfer, or promotion by the Town, it is necessary for Human Resources Manager to certify that such action will not result in one family member supervising another member of the family, or in any other violation of this section.

Relatives of current employees (permanent or temporary) may not be employed within the same department, except as provided by exception below. A person related to an incumbent employee may not be employed if the professional qualifications of other candidates for the available position are demonstrably superior to those of the related person.

“Family member” is defined as one of the following: relationships by blood or legal adoption—parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece and first cousin; and relationships by marriage—husband, wife (as defined by state law), step-parent, step-child, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half brother, half-sister, uncle, aunt, nephew, niece, spouse/partner of any of the above, and cohabitating couples or significant others.

In addition, the Town also prohibits the employment of a person into any position who is a relative of individuals holding the following positions: Mayor, Mayor Pro Tem, Alderman, Town Manager, Assistant Town Manager, Town Attorney, Finance Director or Human Resources; with the exception noted below related to a limited duty assignment.

**Existing Employees**

If an existing employee of the Town becomes subject to this policy as a result of the election of a relative, the Town Manager will assess whether or not there would be any conflict of interest prior to requesting the resignation of an existing employee. Changes in marital, domestic partner/cohabitant or relationship status will result in one of the related persons resigning his/her position within 180 days. Every effort will be made to accommodate the displaced employee with a transfer to another position within the Town for which he/she is qualified, if such a position becomes available during the 180-day period. If the change in relationship status also results in a direct supervisory relationship between two relatives, the Town Manager shall arrange for an alternate supervisory relationship for the duration of the 180-day period, after consultation with the employees' Department Director or Human Resources.

It shall be each employee's affirmative duty to immediately disclose any circumstances which may constitute a violation of this policy. Failure to do so will result in disciplinary action.

Any employees who may be related to any elected official prior to the approval of this revised policy would be considered grandfathered in and not subject to Town Manager assessment related to conflicts for as long as such employee is employed by the Town.

**Exception:** Unpaid volunteers and individuals hired for temporary positions, with duration of 100 days or less within any one-year period, e.g. student internships or limited professional consulting relationships, are exempt from this section. Also exempt are part-time public safety employees in fire and police, who generally are full-time employees of other agencies, and who occasionally and voluntarily provide supplemental staffing in the form of off-duty or overtime routine staffing or special event coverage or response to emergency calls for service. Any other exceptions to this policy shall be made only with the expressed and documented approval of the Town Manager.

### **Probationary Period of Employment**

An employee appointed to a regular position will serve a probationary period of six (6) months. The probationary period may be extended up to an additional six months if performance is deemed unsatisfactory after the initial probationary period. Disciplinary action, including demotion or dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in the policy for disciplinary action. Promoted employees retain all other rights and benefits such as the right of use of the grievance procedures.

An employee serving a probationary period will receive all benefits provided in accordance with these policies except employees serving a probationary period following initial appointment will not be permitted to take vacation leave during the probationary period.

If a probationary employee is terminated during the probationary period, the employee will not be paid for accumulated vacation leave.

During a performance evaluation prior to completion of the probationary period, the employee's immediate supervisor will indicate in writing the following:

1. That the employees progress (accomplishments, strengths, and weaknesses) have been discussed with the new employee;
2. Whether the new employee is performing satisfactory work;
3. Whether the employee should be retained in the present position or should be released and whether the probationary period should be extended for up to an additional six (6) months. If an employee's probation is extended, a work plan for achieving satisfactory performance should be included with the evaluation, including specific requirements and/or parameters, such as expected time to complete certain tasks.

Following successful completion of the 6-month probationary period, an employee's pay will be adjusted to allow for an increase of (5%) in accordance with the Town's pay plan. Likewise, the employee becomes eligible to take accumulated vacation leave.

### **Probationary Period - Water/Wastewater Operations**

An employee appointed to a regular apprenticeship position in Wastewater or Water Operations ultimately requiring State certification of a minimum grade C license or a class I certification will serve an extended probationary period to allow time for testing and written notification from the State, that the employee has successfully passed the certification process. This extended probationary period may last up to one (1) year but may not exceed one (1) year. Failure to pass the certification process within one (1) year will result in the apprentice being dismissed. Initial testing will occur approximately six (6) months following training. Upon receiving written certification from the State, pay will be adjusted in steps to achieve a pay increase of (5 %). Apprenticeship trainees will be hired at 10% below the regular starting rate. Following state certification, the apprentice will be promoted to an Operator I and advanced to the minimum grade and step in accordance with the pay plan. Upon satisfactory completion of a 6-month period following promotion to an operator, the employee will be advanced by the pay steps necessary to allow for an increase of five (5%) of the current grade.

### **Probationary Period - Law Enforcement**

Sworn law enforcement personnel are required to serve a 12-month probationary period (1 2 NCAC 9C.0302).

## **Time Records**

All employees are required to complete accurate bi-weekly time reports showing all time actually worked. These records are required by governmental regulations and are used to calculate regular and overtime pay. At the end of each pay period, the employee and his or her supervisor must sign the time record attesting to its correctness before forwarding it to the Finance Department for payroll activity.

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. Such records will be kept by the Human Resource office.

## **Overtime**

When required due to the needs of the Town, you may be asked to work overtime. Overtime is actual hours worked in excess of 40 in a single workweek. Nonexempt employees will be paid overtime compensation at the rate of one and one half their regular rate of pay for all hours over 40 actually worked in a single workweek. \*Fire fighters' overtime will be paid when hours exceed 212 hours in a 28-day consecutive period. Law enforcement personnel overtime will be paid when hours exceed 171 in a 28-day consecutive period.

Paid leave, such as holiday, vacation, sick, bereavement, and jury duty does not apply toward work time. All overtime work must be approved in advance by a department manager.



**Call-back and Stand-by Pay (Amended Board of Aldermen 07/01/2016)**

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

**Call back** - Non-exempt employees will be guaranteed a minimum of two hours of wages for being called back outside of normal working hours when not on stand-by. "Call back" provisions do not apply to previously scheduled overtime work (scheduled one or more days in advance). On-call duty will not be assigned to employees who are on approved vacation leave, sick leave, civil leave, or military leave without authorization from the Town Manager.

**Stand-by** - Hours actually worked while on stand-by are calculated beginning when the employee reports to the work site and are added to the regular total of hours worked for the week. In addition, employees on stand-by will be paid an established flat stand-by rate. Stand-by time is defined as that time when an employee must remain near an established telephone or otherwise substantially restrict personal activities in order to be ready to respond when called.

Time spent by an employee who is required to remain on-call/stand-by on the Town's premises or so close thereto that he cannot use the time for his own purposes is considered working time. However, if he is required only to leave word where he may be reached, or has the use of the Town's cell phone, the hours spent on call-or on stand-by are not regarded as working time.

Stand-by duty will not be assigned to employees who are on approved vacation leave, sick leave, civil leave, or military leave without authorization from the Town Manager.

**Police Department's Field Training Officer Program**

Each new incoming Police Officer to the Town of Waynesville will spend time under a Field Training Officer (FTO). The Town acknowledges that an FTO must prepare and complete Daily Observation Reports, plan for tasks to be completed, prepare training scenarios, develop remedial strategies, etc.. To compensate an FTO for their time spent conducting the extra duties required while performing in the role of FTO, an FTO assigned to a new incoming officer will record one (1) hour of Compensatory Time for each 12-hour shift worked in the capacity of FTO. Compensatory Time under the FTO program will be recorded in the appropriate OT/ Compensatory Time column on the FTO's timecard each work period.

**Longevity Pay (Added 07/01/2001 and Amended 07/01/2020)**

Effective 7/1/01, employees will receive longevity pay in the last week of October, for each year that reflects the years of service as of July 1, of that fiscal year. Any employee that retires from service with the Town between July 1, and the date when that last payroll of October is issued, will receive the longevity check at their time of retirement. An employee will only be entitled to receive one longevity check in any fiscal year.

Employees will receive longevity pay in the last week in October (unless it is a payroll week; in which case it would be the first week in November) that reflects years of service as of July 1, of each year according to the following schedule:

**Hired on or after July 1, 2020**

**No longevity pay between 0 – 5 years**

Hired before July 1, 2020	Base of \$25 and add \$10 per year (\$75 max)
6 to 10 years	Base of \$100 and add \$25 per year (\$200 max)
11 to 15 years	Base of \$250 and add \$25 per year (\$350 max)
16 to 20 years	\$500 per year (same amount each year)
21 to 25 years	\$750 per year (same amount each year)
26 years and beyond	\$1,000 per year (same amount each year)

## **Work (general terms)**

### **Work Week**

A work week is a regular recurring period of 168 consecutive hours. The work week 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 work week may be changed, but only if the change is intended to be permanent and is not made to evade the policy. The Town will operate under a one work week period. All employees will have an established work week of Thursday through Wednesday for the purpose of computing overtime compensation. The work week will run from midnight to midnight. Exception: Law enforcement personnel and fire fighters will work a 28-day work cycle.

### **Unauthorized Work**

Hours worked by an employee without his supervisor's 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 must enforce the no-work rule and may not unjustly benefit from work performed without prior knowledge. **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.

### **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 are not for personal use and should not be removed from Town property except in the conduct of official Town business. Vehicles owned by the Town will be cared for in a responsible way. Such vehicles are to be used exclusively for Town business, except, in special circumstances the Town Manager may authorize an employee to take a vehicle home if it is in the best interest of the Town. Use of Town vehicles for commuting to and from work usually will be limited to an employee who is subject to

emergency call-back work. Employees who drive Town owned vehicles back and forth to work will be subject to all provisions of the Internal Revenue Service regarding private use of Town vehicles and will provide information on their driving record prior to being hired.

### **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 pay the prevailing Internal Revenue Service rate for business mileage for use of the private vehicle. A travel expense form must be completed by the individual and submitted to the department head for approval.

### **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. 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, while on duty an employee will not:

- (1) Engage in any political or partisan activity;
- (2) Be required to contribute funds or support for political or partisan purpose as a condition of employment, duty, pay raise, or promotion;
- (3) Coerce or compel contributions for political or partisan purposes by another Town employee;
- (4) Use Town supplies, equipment or funds for political or partisan purposes;
- (5) Be a candidate for or hold a federal or state publicly elected office; be a candidate for or hold a position on the Haywood Board of Commissioners or any governing board of a municipality within Haywood County. Any employee holding or being a candidate for an office not prohibited herein, will observe the other Conditions of Employment stated in this Article. Current non-conflicting offices to this policy are Haywood County School Board, Maggie Valley Sanitary District, Junaluska Sanitary District and Haywood County Soil & Water Conservation District.
- (6) Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office.

Any violation of this policy may subject the employee to disciplinary action up to and including dismissal.

### **Gifts and Favors**

An employee will not accept any gift or gratuity, whether in the form of service, loan, 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, nor to prohibit employees from obtaining personal loans from regular lending institutions.

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

## Meal and Rest Breaks

Employees are entitled to a 30-minute unpaid meal break each day. If a nonexempt employee is required to work through a meal break, he or she will be paid for the 30-minute period.

Employees are also entitled to two 15-minute rest periods each day. Meal and rest breaks will be scheduled by the department manager.

## Pay Information

The Town of Waynesville's pay period for all employees is bi-weekly on Thursday. If pay day falls on a federal holiday, employees will receive their paycheck on the preceding workday, when possible. Pay is directly deposited into the employee's checking or savings account as set up during the onboarding process. The only exception is the first check following employment may be in the form of a check to allow for proper direct deposit routing to be confirmed by the Finance Department.

### **Disaster Overtime Pay Added 10.22.2024 by Town Council**

#### *Emergency Situations – non-exempt employees*

In emergency situations, non-exempt employees will be compensated at their usual overtime rate of time and one half for hours worked in excess of (40) forty hours per week and double time for hours worked on weekends and holidays. Police Officers are paid regular pay for hours worked up to 171 in a 28-day cycle and any hours over 171 are paid at time and one half. Fire Fighters are paid regular pay for hours worked up to 212 in a 28-day cycle and any hours over 212 are paid at time and one half.

#### *Emergency Situations – exempt employees*

For exempt employees (including Department Heads) required to work extended hours during an emergency, the Town Council shall compensate for hours worked over and above the regular workweek at their regular hourly rate.

## Personnel Files

Employee files are maintained by the Human Resources department and are considered confidential. Managers and supervisors may only have access to personnel file information on a need-to-know basis. Personnel file access by current employees and former employees upon request will generally be permitted within 3 days of the request unless otherwise required under state law. Personnel files are to be reviewed in the Human Resources department. Employee files may not be taken outside the department. Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to file information. Employees requiring photocopies of their personnel file must make such a request in writing and pay the

Town's established printing costs. The Human Resources office will comply to appropriate requests within seven (7) working days from receipt of the request.

### **Personnel Files as a Public Record**

As required by North Carolina General Statute 160A-168, Privacy of Employee Personnel Records, any person may have access to the information listed in the above section for the purpose of inspection, examination, and copying, during the regular business hours.

The following information with respect to each Town employee is a matter of public record:

1. Name.
2. Age.
3. Date of original employment or appointment to the service.
4. The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the city 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 with that municipality.
9. Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that municipality.
10. Date and general description of the reasons for each promotion with that municipality.
11. Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the municipality. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the municipality setting forth the specific acts or omissions that are the basis of the dismissal.
12. The office to which the employee is currently assigned.

### **Confidential Personnel File Information**

All information contained in a Town employee's personnel file, other than the information listed above will be maintained as confidential in accordance with the requirement of G.S. 160A-168 and will be open to public inspection only in the following instances:

The employee or his duly authorized agent may examine all portions of his personnel file except:

- (a) Letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient. A licensed physician designated in writing by the employee may examine the employee's medical record.
- (b) A Town employee having supervisory authority over the employee may access employee's personnel file for information listed above, if job related; excludes medical and psychological records which are maintained under strict confidentiality separate from the personnel records.
- (c) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.

- (d) An official of any agency of the state or federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such information is deemed by the Town Manager to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information will be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employees tax liability.
- (e) An employee may request a written release, to be placed with his personnel file that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- (f) The Town Manager may inform any person of the employment, or non-employment, promotion, demotion, suspension, or other disciplinary action, reinstatement, transfer, or termination of a Town employee and the reasons for that personnel action. Before releasing the information, the Town Manager will determine in writing that the release is essential to maintaining public confidence in the administration of Town services or to maintain the level and quality of Town services. This written determination will be retained in the Human Resources Department and is a record available for public inspection and will become part of the employee's personnel file.
- (g) Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.
- (h) A record will be made of each disclosure and placed in the employee's file (except disclosures to the employee and the supervisor

### **Records of Former Employees**

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

### **Remedies of Employees Objecting to Material in File**

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

### **Penalties for Permitting Access to Confidential Records**

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

### **Examining and/or Copying Confidential Material without Authorization**

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

**Destruction of Records Regulated**

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

**Separation from Employment**

In all cases of voluntary resignation (one initiated by the employee), employees are asked to provide a written notice to their supervisor at least 10 working days (two weeks) in advance of the last day of work. Holidays and/or vacation will not be counted toward the 10-day notice. Employees who provide the requested amount of notice will be considered to have resigned in good standing and generally will be eligible for rehire. For Department Directors or Supervisors, a minimum of 30 days is requested as a notice of resignation to allow for proper succession transitioning.

**Types of Separation**

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

**Resignation**

An employee who desires to terminate his employment with the Town should give written notice to his department head two weeks prior to his last intended day of employment. Resigning department heads will give one month's notice. An employee who does not provide the required notification will have recorded on his service record that he resigned without giving proper notice. An employee who is absent from work three consecutive days without reporting to his supervisor the reason for his absence will be considered to have terminated his employment without notice, and notation to this effect will be recorded on the employee's service record.

**Reduction in Force**

Should it become necessary because of economic conditions to reduce the number of employees or work hours, this will be done at the discretion of the Town. The Town Manager with the approval of the Board of Aldermen has the authority to call for a reduction in force. In the event a reduction in force becomes necessary, consideration will be given to the quality of each employee's performance, as documented by current performance appraisals, organizational needs, the need for the employee's service, and seniority in determining those employees to be retained. Employees who are laid off because of reduction in force will be given at least two weeks' notice of the anticipated lay-off and will be given first opportunity to return to work should an opening become available commensurate with his skills. No regular employee will 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 reduction in force, the Town Manager has the option to make changes in work time and/or workload to accomplish the reduction.

### **Reinstatement (Amended Board of Aldermen 11-10-2015; August 25, 2020)**

An employee who resigns while in good standing or who is separated because of a reduction in force, may be reinstated within six months of the date of separation. An employee, who is reinstated, within six months, will be credited with previous service and previously accrued sick leave and will receive all benefits provided in accordance with this policy. The salary paid a reinstated employee will be as close as reasonably possible, given the circumstances of each employee's case, to the salary previously attained by the employee, plus any across-the-board pay increases.

### **Disability**

An employee may be separated when the employee cannot perform the essential functions of his/her job with or without accommodations because of physical or mental impairment which substantially limits the employee's ability to perform the essential job functions.

Action may be initiated by the employee or the Town, but in all cases consideration for disability separation will be supported by medical evidence or psychological evidence as certified by a competent physician or psychologist.

Before an employee is separated for disability, a reasonable effort will be made to locate vacant positions within Town service for which the employee may be suited. The Town will comply with the Americans with Disabilities Act of 1990 (ADA) in this matter.

In most cases, Human Resources and/or the Department Director will conduct an exit meeting on or before the last day of employment to collect all Town property, and to discuss final pay. If applicable, information regarding benefits continuation through the Consolidated Omnibus Budget Reconciliation Act (COBRA) will be sent to the employee's home address.

### **Retirement**

Town employees participate in and are eligible to retire under the North Carolina Local Governmental Employees Retirement System (LGERS). Any employee who is planning to retire should work with the Human Resource office three months prior to the planned effective retirement date to complete necessary paperwork for LGERS. Those employees retiring from Town service will be paid up to 240 hours of vacation time not used. Employees may apply unused sick leave toward their retirement credit.

Any necessary paperwork for retirement should be completed with Human Resources at least ninety (90) days in advance to allow for proper processing by LGERS.

### **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 will be recorded as the separation date for computing compensation due to the estate.

### **Eligibility for Rehire (Amended Board of Aldermen – 11-10-2015)**

Individuals who are dismissed from the Town of Waynesville for cause are ineligible for rehire with the Town of Waynesville in any capacity (permanent full-time, part-time or seasonal).



# Workplace Safety

## Safety

Safety is the responsibility of both the Town and all employees. It is the policy of the Town to establish a safe work environment for employees. The Town will establish a safety program including policies and procedures regarding safety practices and precautions and training in safety methods. Occupational Safety and Health Administration (OSHA) training is provided with onboarding and annually as required.

Each Town employee is responsible for following:

- (1) Developing and maintaining safe work habits.
- (2) Reporting all accidents and injuries promptly.
- (3) Pointing out dangerous practices and working conditions.
- (4) Assisting with investigations of accidents.
- (5) Taking proper care of equipment.
- (6) Wearing proper clothing, and avoiding loose sleeves, cuff, 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.

## Drug-Free and Alcohol-Free Workplace updated on 10-22-2024

It is the policy of Town of Waynesville to maintain a drug- and alcohol-free work environment that is safe and productive for employees and others having business with the Town. Any person found guilty of driving while intoxicated/impaired, or any other felony within two (2) years of their application for employment with the Town of Waynesville, or during their employment with the Town of Waynesville, shall be disqualified from employment with the Town of Waynesville.

The unlawful use, possession, purchase, sale, distribution, or being under the influence of any illegal drug and/or the misuse of legal drugs while on Town or client premises or while performing services for the Town is strictly prohibited. Town of Waynesville also prohibits reporting to work or performing services under the influence of alcohol or consuming alcohol while on duty or during work hours. In addition, the Town of Waynesville prohibits off-premises abuse of alcohol and controlled substances, as well as the possession, use, or sale of illegal drugs, when these activities adversely affect job performance, job safety, or the Town's reputation in the community.

To ensure compliance with this policy, substance abuse screening may be conducted in the following situations:

**Pre-employment:** As required by the Town for all prospective employees who receive a conditional offer of employment

**For Cause:** Upon reasonable suspicion that the employee is under the influence of alcohol or drugs that could affect or has adversely affected the employee's job performance.

**Random:** As authorized or required by federal or state law – the most common requirement is for those individuals holding a Commercial Driver’s License (CDL).

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**Post-Accident:** Following an accident involving any Town vehicle or an on-the-job injury requiring more than just first aid care. A supervisor will accompany the employee to the requisite facility for testing.

Compliance with this policy is a condition of employment. Employees who test positive or who refuse to submit to substance screening will be subject to termination. Notwithstanding any provision herein, this policy will be enforced at all times in accordance with applicable state and local law.

Any employee violating this policy is subject to discipline, up to and including termination, for the first offense.

### **Substance Abuse Policy**

The Town has established policies and procedures related to employee substance abuse in order to ensure the safety and well-being of citizens and employees and to comply with any federal, state or other laws and regulations. The Town has resources available to assist employees with treatment options. Employees should contact Human Resources for a list of these options.

### **Tobacco-Free Workplace**

Smoking and use of tobacco products is not allowed in Town buildings, vehicles or work areas at any time. Tobacco products include chewing tobacco, electronic smoking devices, and e-cigarettes. See Town of Waynesville Tobacco Ordinance for definitions and specific public areas where tobacco products are prohibited.

## **Commitment to Safety**

Protecting the safety of our employees and visitors is the most important aspect of running our business.

All employees have the opportunity and responsibility to contribute to a safe work environment by using commonsense rules and safe practices and by notifying management when any health or safety issues are present. All employees are encouraged to partner with management to ensure maximum safety for all.

## **Workplace Violence Prevention**

The Town of Waynesville is committed to providing a safe, violence-free workplace for our employees. Due to this commitment, we discourage employees from engaging in any physical confrontation with a violent or potentially violent individual or from behaving in a threatening or violent manner. Threats, threatening language, or any other acts of aggression or violence made

toward or by any employee will not be tolerated. A threat may include any verbal or physical harassment or abuse, attempts to intimidate others, menacing gestures, stalking, or any other hostile, aggressive, and/or destructive actions taken for the purposes of intimidation. This policy covers any violent or potentially violent behavior that occurs in the workplace or at Town sponsored functions.

All Town of Waynesville employees bear the responsibility of keeping our work environment free from violence or potential violence. Any employee who witnesses or is the recipient of violent behavior should promptly inform their supervisor, manager, or the Human Resources Department. All threats will be promptly investigated. No employee will be subject to retaliation, intimidation, or discipline as a result of reporting a threat in good faith under this guideline. Any individual engaging in violence against the Town, its employees, or its property will be prosecuted to the full extent of the law. All acts will be investigated, and the appropriate action will be taken. Any such act or threatening behavior may result in disciplinary action up to and including termination.

The Town of Waynesville prohibits the possession of weapons on its property at all times, including our parking lots or Town vehicles. Additionally, while on duty, employees may not carry a weapon of any type; excluding sworn law enforcement officers. Weapons include, but are not limited to, handguns, rifles, automatic weapons, and knives that can be used as weapons (excluding pocketknives, utility knives, and other instruments that are used to open packages, cut string, and for other miscellaneous tasks), martial arts paraphernalia (throwing stars, nun chucks), stun guns, and tear gas. Any employee violating this policy is subject to discipline up to and including dismissal for any offense.

The Town reserves the right to inspect all belongings of employees on its premises, including packages, briefcases, purses and handbags, gym bags, and personal vehicles on Town property. In addition, Town of Waynesville may inspect the contents of lockers, storage areas, file cabinets, desks, and workstations at any time and may remove all Town property and other items that are in violation of Town rules and policies.

In the event of an emergency, notify the appropriate emergency personnel by dialing 9 for an outside line, then dial 911 to activate the medical emergency services.

The Town of Waynesville's Safety Policy in its entirety is available in Human Resources.

## **Adverse Weather/Emergency Closings**

Town of Waynesville will always make every attempt to be open for business in order to serve our citizens. In situations in which some employees are concerned about their safety, management may advise supervisors to notify their departments that the office is not officially closed, but anyone may choose to leave the office if he or she feels uncomfortable.

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. The employee must charge time away from work during adverse weather to vacation leave unless other specific

arrangements are made with the Town Manager. The Town Manager has the authority to alter the regular business day in the event of severe weather conditions.

If the Town offices are officially closed during the course of the day to permit employees to leave early, nonexempt employees who are working on-site as of the time of the closing will be paid for a full day. If employees leave earlier than the official closing time, they will be paid only for actual hours worked, or they can take vacation time. Exempt employees will be paid for a normal full day but are expected to complete their work at another time.

## **General Workplace Guidelines**

### **Attendance**

All employees are expected to arrive on time, ready to work, every day they are scheduled to work.

If unable to arrive at work on time, or if an employee will be absent for an entire day, the employee must contact the supervisor as soon as possible. Voice mail and e-mail messages are not acceptable except in certain emergency circumstances. Excessive absenteeism or tardiness will result in discipline up to and including termination. Failure to show up or call in for a scheduled work shift without prior approval may result in termination. If an employee fails to report to work or call in to inform the supervisor of the absence for 3 consecutive days or more, the employee will be considered to have voluntarily resigned employment.

### **Job Performance**

Communication between employees and supervisors or managers is very important. Discussions regarding job performance are ongoing and often informal. Employees should initiate conversations with their supervisors if they feel additional ongoing feedback is needed. Generally, formal performance reviews are conducted annually. These reviews include a written performance appraisal and discussion between the employee and the supervisor about job performance and expectations for the coming year. However, performance discussion may occur at any time.

## **Dress and Grooming**

Town of Waynesville provides a casual yet professional work environment for its employees. Even though the dress code is casual, it is important to project a professional image to our customers, visitors, and coworkers. All employees are expected to dress in a manner consistent with good hygiene, safety, and good taste. Please use common sense.

**Dress Code/Personal Appearance (portions Amended Board of Aldermen 05-18-03)** Much of the public image of the Town of Waynesville and its employees is based upon the impression citizens make as a result of their contact with Town employees. Appearance, as well as conduct, is a part of that initial impression.

Employees are expected to dress at all times in an acceptable and professional manner which is consistent with good business practices and the provisions of the safety policy. Employees who are issued Town uniforms by their respective departments are expected to wear uniforms at all times, while on duty. Additionally, employees working on private property or out in the community are readily identified by wearing a Town uniform and/or ID Badge; both forms of identification allow citizens to identify employees when service is needed. Uniforms are not to be worn off-duty. All other employees are expected to dress appropriately, wearing clothes that are neat, clean and well-arranged in appearance.

While not all inclusive, unacceptable or inappropriate work attire would be: short shorts; low rise jeans, hip hugger jeans; T-shirts bearing writing and/or logos (other than the Town of Waynesville logo) and short wasted T-shirts; halter, tank, tube and spaghetti strap tops worn without a sweater or jacket and; any low cut clothing that expose or reveal personal body parts, i.e. midriff area.

(1) Hygiene: All employees shall be aware that appropriate hygiene and undergarments (underwear and bras) are required at all times. Hair should be clean and appropriately kept. Beards and mustaches should be kept clean and neatly trimmed. Clothing and shoes should be clean and neatly worn (absent of holes). Grooming accessories including perfumes, colognes or sprays should be applied as to not affect other employees who may have allergies or sensitivities to scent.

(2) Jewelry and body art: Visible tattoos may be required to be covered at director or department manager discretion, if the tattoos is offensive in its general nature or presentation. No tongue rings, brow rings, facial piercings, or visible belly-button rings will be allowed. Individuals in safety sensitive areas with ear piercings should wear a clear stud or no earring while on duty. Conventional dress generally allows for pierced ears; however, earrings should be conservative and in good taste.

(3) Religious accommodations may be made for some form of body jewelry or piercings but will be discussed with department management and human resources should a religious accommodation be requested by the employee.

Department heads will be responsible for assuring that dress code guidelines set forth in this policy are followed, as well as they may further define dress codes for administrative and office personnel, should the need arise. Employees that are deemed to be in violation of this policy will be subject to appropriate disciplinary measures, as well as being sent home without pay to change into appropriate professional attire.

Uniforms are issued to employees in certain departments with the understanding that upon receipt, they are the property of the Town. If uniforms are damaged as a result of neglect or abuse, individuals will be required to replace them at their own expense. The Town will replace uniforms damaged as a result of job requirements or performance. Damaged uniforms should be reported immediately to employee's supervisor. Employees leaving Town employment must turn in all uniforms and/or any Town property acquired. Items not returned will be deducted from employee's final paycheck.

## Outside Employment

Employees are permitted to work a second job as long as it does not interfere with their job performance with Town of Waynesville. Employees with a second job are expected to work their assigned schedules. A second job will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours.

A Dual Employment Form should be completed and filed in the employee's personnel file to ensure that there is no conflict of interest or access to information for other employees that may be considered confidential.

If outside work activity causes or contributes to job-related problems, it must be discontinued, or the employee may be subject to disciplinary action, up to and including termination.

## Social Media

The Town of Waynesville encourages employees to share information with co-workers and with those outside the Town for the purposes of gathering information, generating new ideas, and learning from the work of others. Social media provide inexpensive, informal, and timely ways to participate in an exchange of ideas and information. However, information posted on a website is available to the public and, therefore, the Town has established the following guidelines for employee participation in social media.

*Note:* As used in this policy, "social media" refers to blogs, forums, and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, Instagram, and Snap Chat, among others.

### **On-duty use of social media**

Employees may engage in social media activity during work time provided it is directly related to their work, approved by their manager, and does not identify or reference Town clients, customers, or vendors without express permission. The Town monitors employee use of Town computers and the Internet, including employee blogging and social networking activity. There are four approved social media accounts for on-duty use – one for Administration, Fire Department, Police Department and Recreation Department. Individuals appearing on these approved sites may have identifying Town of Waynesville uniforms, logos or other identifiers in images posted here.

### **Off-duty use of social media**

Employees may maintain personal websites or weblogs on their own time using their own facilities. Employees must ensure that social media activity does not interfere with their work. In general, the Town considers social media activities to be personal endeavors, and employees may use them to express their thoughts or promote their ideas; however, no individual shall be appearing on social media in any identifying uniform, badge or other item identifying them as a Town of Waynesville employee.

### **Social Media Expectations**

*Respect.* Demonstrate respect for the dignity of the Town, its owners, its customers, its vendors, and its employees. A social media site is a public place, and employees should avoid inappropriate comments. For example, employees should not divulge Town of Waynesville confidential information such as trade secrets, client lists, or information restricted from disclosure by law on social media sites. Similarly, employees should not engage in harassing or discriminatory behavior that targets other employees or individuals because of their protected class status or make defamatory comments. Even if a message is posted anonymously, it may be possible to trace it back to the sender.

*Post disclaimers.* If an employee identifies himself or herself as a Town employee or discusses matters related to the Town on a social media site, the site must include a disclaimer on the front page stating that it does not express the views of the Town and that the employee is expressing only his or her personal views. For example: “The views expressed on this website/Weblog are mine alone and do not necessarily reflect the views of my employer.” Place the disclaimer in a prominent position and repeat it for each posting expressing an opinion related to the Town or the Town’s business. Employees must keep in mind that if they post information on a social media site that is in violation of Town policy and/or federal, state, or local law, the disclaimer will not shield them from disciplinary action.

*Competition.* Employees should not use a social media to criticize the Town’s competition and should not use it to compete with the Town.

*Confidentiality.* Do not identify or reference Town clients, customers, or vendors without express permission. Employees may write about their jobs in general but may not disclose any confidential or proprietary information. For examples of confidential information, please refer to the confidentiality policy. When in doubt, ask before publishing.

Violations of this policy may result in discipline up to and including immediate termination of employment.

*Note:* Nothing in this policy is meant to, nor should it be interpreted to, in any way limit your rights under any applicable federal, state, or local laws, including your rights under the National Labor Relations Act to engage in protected concerted activities with other employees to improve or discuss terms and conditions of employment, such as wages, working conditions, and benefits.

### **Solicitation**

Employees should be able to work in an environment that is free from unnecessary annoyances and interference with their work. In order to protect our employees and visitors, solicitation by employees is strictly prohibited while either the employee being solicited or the employee doing the soliciting is on “working time.” “Working time” is defined as time during which an employee is not at a meal, on break, or on the premises immediately before or after his or her shift. Employees are also prohibited from distributing written materials, handbills, or any other type of literature on working time and, at all times, in “working areas,” which includes all office areas.

“Working areas” do not include break rooms, parking lots, or common areas shared by employees during nonworking time.

Nonemployees may not trespass or solicit or distribute materials anywhere on Town property at any time.

### **Computers, Internet, Email, and Other Resources**

The Town provides a wide variety of communication tools and resources to employees for use in running day-to-day business activities. Whether it is the telephone, voice mail, fax, scanner, Internet, intranet, e-mail, text messaging, or any other Town-provided technology, use should be reserved for business-related matters during working hours. All communication using these tools should be handled in a professional and respectful manner.

Employees should not have any expectation of privacy in their use of Town computer, phone, or other communication tools. All communications made using Town-provided equipment or services including email and internet activity, are subject to inspection by the Town. Employees should keep in mind that even if they delete an email, voicemail or other communication, a copy may be archived on the Town’s systems.

Employee use of Town-provided communication systems, including personal e-mail and internet use, that are not job-related have the potential to drain, rather than enhance, productivity and system performance. You should also be aware that information transmitted through e-mail and the internet is not completely secure or may contain viruses or malware, and information you transmit and receive could damage the Town’s systems as well as the reputation and/or competitiveness of the Town. To protect against possible problems, delete any e-mail messages prior to opening that are received from unknown senders and advertisers. It also is against Town policy to turn off antivirus protection software or make unauthorized changes to system configurations installed on Town computers. Violations of this policy may result in termination for a first offense.

The Town encourages employees to use e-mail only to communicate with fellow employees, suppliers, customers, or potential customers regarding Town business. Internal and external emails are considered business records and may be subject to federal and state recordkeeping requirements as well as to discovery in the event of litigation. Be aware of this possibility when sending e-mails within and outside the Town.

All use of Town-provided communications systems, including e-mail and internet use, should conform to our Town guidelines/policies, including but not limited to the Equal Opportunity, Harassment, Confidential Information, and Conflicts of Interest. So, for example, employees should not engage in harassing or discriminatory behavior that targets other employees or individuals because of their protected class status or make defamatory comments. Similarly, employees should not divulge confidential information such as trade secrets, client lists, or information restricted from disclosure by law on social media sites.

Because e-mail, telephone and voice mail, and internet communication equipment are provided for Town business purposes and are critical to the Town’s success, your communications may be



accessed without further notice by Information Technology department administrators and Town management to ensure compliance with this guideline.

The electronic communication systems are not secure and may allow inadvertent disclosure, accidental transmission to third parties, etc. Sensitive information should not be sent via unsecured electronic means.

Office telephones are for business purposes. While the Town recognizes that some personal calls are necessary, these should be kept as brief as possible and to a minimum. Personal use of the Town's cell phones, long-distance account, or toll-free numbers is strictly prohibited. Abuse of these privileges is subject to corrective action up to and including termination.

The Town reserves the right to monitor customer calls to ensure employees abide by Town quality guidelines and provide appropriate levels of customer service. Employees working in sales and customer service will be subject to telephone monitoring and e-mail. [move to above] Should the subject matter of any telephone conversation become personal while monitoring is taking place, monitoring of the call will immediately be discontinued.

### **Network and Device Usage Policy**

Effective Date: December 12, 2024

**Purpose:** The Town of Waynesville is committed to ensuring the integrity and security of its network and devices while complying with North Carolina law S.L. 2024-26. This policy outlines the acceptable use of Town-owned networks and devices to prevent unauthorized viewing of pornography and to promote a professional work environment.

**Scope:** This policy applies to all Town of Waynesville employees, officials, and representatives who use Town-owned networks and devices, including but not limited to computers, tablets, smartphones, and other electronic devices.

**Policy Statements:**

- 1. Prohibition of Pornography:** Effective October 1, 2024, viewing, accessing, or downloading pornography on Town-owned networks and devices is strictly prohibited. This includes any material defined as pornography under S.L. 2024-26.
- 2. Deletion of Unauthorized Material:** All employees and officials must delete any pornography currently stored on Town-owned devices by January 1, 2025. Failure to comply may result in disciplinary action.
- 3. Reporting Requirements:** Employees are required to report any unauthorized viewing or attempted viewing of pornography immediately to their supervisor or the designated IT department. All reports will be taken seriously and investigated accordingly.

4. Policy Development: Departments must adopt their own specific policies governing the usage of networks and devices in accordance with this overarching policy. These policies should detail acceptable practices and any additional guidelines necessary for their operations.

5. Exceptions: Specific exceptions may be made for employees or officials who need to view material defined as pornography under this law as part of their official duties. Such exceptions require prior written approval from department heads and must be adequately documented.

6. Consequences of Violations: Violations of this policy will result in disciplinary action, up to and including termination of employment, depending on the severity of the violation.

*Nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment as protected under the National Labor Relations Act. Employees have the right to engage in or refrain from such activities.*

## **Disciplinary Procedures**

The Town expects employees to comply with the Town's standards of behavior and performance and to correct any noncompliance with these standards.

### **Disciplinary Actions for Failure in Performance of Duties**

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

### **Disciplinary Actions for Failure in Personal Conduct**

An employee may be suspended or dismissed without prior notice by the Department Head or Town Manager 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 person or property, or for other serious reasons.

Inappropriate personal conduct such as insubordination, reporting to work under the influence of alcohol or illegal drugs, or conduct that threatens the health and safety of persons or property or any other disruptive behavior the Department Head, or Town Manager deems unbecoming the Town are examples, but are not an inclusive list of reasons for immediate suspension or dismissal.

## **Progressive Steps of Discipline**

Under normal circumstances, the Town endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to administer discipline in any manner it sees fit. This policy does not modify the status of employees as employees-at-will or in any way restrict the Town's right to bypass the disciplinary procedures suggested.

The following steps are suggested in the discipline procedure. All steps should be documented in the employee's personnel file.

Step 1: Informal Discussion. When a performance problem is first identified, the nature of the problem and the action necessary to correct it should be thoroughly discussed with the employee.

Step 2: Counseling. If a private informal discussion with the employee has not resulted in corrective action, following a thorough investigation, the supervisor should meet with the employee and (a) review the problem, (b) permit the employee to present his or her views on the problem, (c) advise the employee that the problem must be corrected, (d) inform the employee that failure to correct the problem will result in further disciplinary action which may include discharge, and (e) issue a written counseling notice to the employee.

Step 3: Reprimand. If satisfactory performance and corrective action are not achieved under Steps 1 and 2, the supervisor and his or her superior should meet with the employee in private and proceed via (a) through (d) above and issue a written reprimand notice to the employee.

Step 4: Suspension. Supervisors have the authority to temporarily remove employees from the workplace, with or without pay, if approved in advance by the department director and/or Town Manager. An exempt employee generally may not be suspended without pay for less than a full day, and the suspension must be related to written workplace conduct rules applicable to all employees, e.g., such as a written policy prohibiting sexual harassment or workplace violence.

Step 5: Failure to improve. Failure to improve performance or behavior after the written warning or suspension will result in termination.

In cases involving serious misconduct, or any time the supervisor determines it is necessary, such as a major breach of policy or violation of law, the procedures contained above may be disregarded. Typically, the supervisor should suspend the employee immediately (with or without pay) and an investigation of the incidents leading up to the suspension should be conducted to determine if any further action, such as termination, should be taken.

## **Dismissal of Employee**

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 will be prepared by the Department Head along with a decision for the action to be taken;

2. A pre-dismissal conference will be held between the Department Head and the employee for the purpose of presenting the employee with the specific reason(s) for the dismissal. The employee will have the right to respond at the pre-dismissal conference.
3. The Department Head will notify the employee of the action taken and will provide the employee with a written copy of the decision. Such written notice will include an indication of the employee's right to an appeal. A copy of the action will be placed in the employee's file.

### **Right of Appeal**

An employee may appeal disciplinary action taken against him through the Town's grievance procedure as described on page 50 of this manual.

## **Time Off and Leaves of Absence**

### **Holidays**

The Town observes and allows time off with pay for the following holidays:

- New Year's Day
- Martin Luther King Jr. Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Workday directly before or after Christmas (depending on day of the week for Christmas)
- Christmas

The Town follows the North Carolina State Holiday schedule.

If one of these holidays falls on a Sunday, it will be observed on the following Monday. If the holiday falls on a Saturday, the Town will select either the following Monday or the preceding Friday as a substitute holiday. The Town reserves the right to pay eligible employees in lieu of time off if the holiday falls on Saturday.

### **Holiday Pay**

Full-time regular employees are eligible for holiday pay. Part-time and temporary employees, including summer employees, are not eligible for holiday pay.

Holiday pay shall be at the employee's regular straight-time rate, inclusive of shift premiums, times his regularly scheduled hours (not to exceed 8 hours).

A holiday shall be considered as 8 hours worked for the purpose of computing overtime; with the exception of police and fire employees whose holiday pay is based on their shift hours.

To receive holiday pay, an employee must be at work or taking an approved absence on the workdays immediately preceding and immediately following the day on which the holiday is observed. An approved absence is a day of paid vacation or paid sick leave. If an employee is absent on one or both of these days because of an illness or injury, the Town may require verification of the reason for the absence before approving holiday pay.

### **Religious Observances**

Employees who need time off to observe religious practices or holidays not already scheduled by the Town should speak with their supervisor. Depending upon the Town's needs, the employee may be able to work on a day that is normally observed as a holiday and then take time off for another religious day. Employees may also be able to switch a scheduled day with another employee, or take vacation time, or take off unpaid days. The Town will seek to reasonably accommodate individuals' religious observances.

## **Vacation Leave**

Town of Waynesville recognizes the importance of time off from work to relax, spend time with family, and enjoy leisure activities. The Town provides paid vacation time to full-time employees for this purpose and employees are encouraged to take vacation during the year.

### **Vacation Leave - Accumulation (Amended Board of Aldermen 08-01-2016)**

Full-time employees will accrue paid vacation according to the following schedule (annual totals should be rounded to the nearest whole day):

Length of Service	Hours Earned Each Month	Days earned each month	Days Earned Each Year
0-5 years	6.67	.83	10
5-10 years	8.00	1.00	12
10- 15 years	10.00	1.25	15
15-20 years	11.33	1.41	17
20+ years	13.33	1.67	20

Vacation leave may accumulate to a maximum of thirty (30) days. When the maximum has been accumulated, all additional leave over thirty (30) days must be taken by December 31st. On January 1st the accumulated leave balance will be reduced back to the thirty (30) day maximum.

Vacation days reduced in excess of 30 days on January 1, will be transferred to the employee's accrued sick leave benefits. Time taken off by employees using approved leave with pay, or receiving workers compensation benefits, will be counted as time worked for the purpose of earning vacation leave.

Probationary employees will accrue vacation leave but are not entitled to take such leave until completion of the probationary period.

Newly hired employees will receive credit for years of service in calculating annual leave for total years served in any unit of government which participates in NCLGERS. For example: if an individual has served for 10 years with another unit and transfers to Waynesville, they would accrue annual leave based on their 10 years of service, rather than that of an employee with no NCLGERS service (i.e. 10 hours per month rather than 6.67). An individual who has a break in service longer than six (6) months is ineligible to accrue at a rate different from a newly hired employee.

An employee that has at least one (1) year of service may request for an advancement in vacation leave to a maximum of 40 hours with the approval of the Town Manager. Approval or denial is at the Town Manager's discretion.

#### **Vacation Leave - Use and Reporting**

Vacation leave may be taken as earned by the employee, subject to the approval of the department head, except in the case of a probationary employee. Probationary employees may earn but may not take vacation leave during their six-month probationary period.

All requests for vacation leave must be approved, in writing, in advance, by the department head. Minimum vacation leave that can be taken is in one-half day increments or four (4) hours.

An employee will not be permitted to work for the Town at the same time he is on vacation leave. Under no circumstances will an employee be paid for accumulated or unused vacation leave while still in the employment of the Town.

#### **Transfer of Vacation Leave to Another Employee**

Vacation time can be transferred to fellow employees under certain conditions on a voluntary basis, when a deserving employee is threatened with loss of income due to extended illness or a family crisis. Transfer of time will require approval by the employee's supervisor and must be reviewed by the Town Manager and Human Resource office.

No employee may transfer more than one-half of their time to a deserving employee. Time transferred/donated will be converted from the donating employee's dollar value to the receiving employee's dollar value in hours. This is a voluntary program in which no employee will coerce any employee to donate vacation time. Confidentiality between donor and recipient will be maintained.

#### **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 last day 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 will be deducted from the employee's final compensation.

Upon submission of a resignation, an employee will be eligible to be paid for vacation leave accumulated to the date of separation, not to exceed the maximum thirty (30) days or 240 hours.

### **Vacation Leave - Payment of Vacation Leave Upon Death**

The estate of an employee who dies while employed by the Town will be entitled to payment of all of the accumulated vacation leave credited to the employee's account, not to exceed thirty (30) days or 240 hours.

## **Sick Leave**

Sick days are not intended to be used as a substitute for vacation days, but sick days may be used if an employee needs to provide care for a family member who is ill. Sick days may also be used if an employee needs time off for scheduled medical procedures.

Sick leave with pay is a privilege granted by the Town for the benefit of an employee when sick or when tending to an immediate family member who is sick. "Immediate family member" will be defined as a spouse, parent, child, stepparent, brother, sister, grand parent, grandchild, daughter-in-law, son-in-law, mother-in-law, or father-in-law of the employee or legal guardian. As well as various combinations of half-brothers/sisters and legally adopted relationships that can be derived from the family members named herein. Sick leave is also available when an employee has been exposed to a contagious disease when continuing to work could jeopardize the health of others.

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

### **Sick Leave – Accumulation (Amended Board of Aldermen 06-23-2015)**

Each regular and probationary employee will earn sick leave at the rate of eight (8) hours per month. Employees hired on or before the 15th of the month earn one-half day 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. Permanent part-time employees will accrue sick leave benefits on a pro-rated schedule, based on hours worked.

Time taken off by employees using approved leave, or time off under workers compensation, will 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 of credit for every twenty (20) days of unused sick leave, under the rules of the North Carolina Local Governmental Employees Retirement System (NCLGERS).

Newly hired employees who are transferring from another unit of local or state government may transfer Unused Sick Leave if their former unit participated in the NCLGERS and proper documentation is provided from the previous employer.

### **Sick Leave - Use and Reporting**

Sick leave must be charged as used. All employees will be eligible to use sick leave as soon as it is earned. Minimum sick leave that can be taken is one-half day or four (4) hours.

Employees are required to notify their supervisors as soon as possible, but no later than two hours after the beginning of their regular workday, if they are unable to report to work due to illness.

### **Sick Leave - Physician's Certification**

For all absences due to illness extending beyond three (3) days, a physician's certificate providing proof the employee was unable to work due to illness or injury is required before returning to work. A physician's certification regarding an employee's ability to return to work after an illness or injury may also be required. The Human Resources office and/or department head has the authority to request the certification. The Town Manager, at his discretion, may require a doctor's statement for any sick leave taken.

Failure of an employee to provide requested proof will constitute a reason for nonpayment of the days taken. Such action may also be construed as grounds for further disciplinary action.

### **Sick- Leave - Payment upon Separation**

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

### **Transfer of Accrued Sick Leave to Another Employee**

Sick leave benefits may be transferred to fellow employees under certain conditions on a voluntary basis, when a deserving employee is threatened with loss of income due to extended illness or family crisis. Transfer of time will require approval by the employee's supervisor and must be reviewed by the Town Manager and Human Resource office. No employee may transfer more than one-half of their time to a deserving employee.

Time transferred/donated will be converted from the donating employee's dollar value to the receiving employee's value in hours. This is a voluntary program in which no employee will coerce any employee to donate sick leave time. Confidentiality between donor and recipient will be maintained.



## Family and Medical Leave

Town of Waynesville complies with the federal Family and Medical Leave Act (FMLA), which requires employers to grant unpaid leaves of absence to qualified workers for certain medical and family-related reasons. The Town also abides by any state and local leave laws. The more generous of the laws will apply to the employee if the employee is eligible under both federal and state laws.

Please note there are many requirements, qualifications, and exceptions under these laws, and each employee's situation is different. Contact the Human Resources department to discuss options for leave.

The FMLA requires private employers with 50 or more employees and all public agencies, including state, local, and federal employers, and local education agencies (schools), to provide eligible employees up to 12 weeks of unpaid, job-protected leave in any 12-month period for certain family and medical reasons. The 12-month period is a rolling period measured backward from the date an employee uses any FMLA leave, except for leaves to care for a covered servicemember with a serious illness or injury. For those leaves, the leave entitlement is 26 weeks in a single 12-month period, measured forward from the date an employee first takes that type of leave.

***Basic Leave Entitlement.*** The FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons: (1) for incapacity due to pregnancy, prenatal medical care, or child birth; (2) to care for the employee's child after birth or placement for adoption or foster care; (3) to care for the employee's spouse, son or daughter, or parent who has a serious health condition; or (4) for a serious health condition that makes the employee unable to work.

***Military Family Leave Entitlements.*** Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include addressing issues that arise from (1) short notice of deployment (limited to up to seven days of leave); (2) attending certain military events and related activity; (3) arranging childcare and school activities; (4) addressing certain financial and legal arrangements; (5) attending certain counseling sessions; (6) spending time with covered military family members on short-term temporary rest and recuperation leave (limited to up to five days of leave); (7) attending post-deployment reintegration briefings; (8) arranging care for or providing care to a parent who is incapable of self-care; and (9) any additional activities agreed upon by the employer and employee that arise out of the military member's active duty or call to active duty.

The FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties and for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

**Benefits and Protections During FMLA Leave.** During FMLA leave, the Town will maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. However, an employee on FMLA leave does not have any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Certain highly compensated key employees also may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to the Town's operations. A "key" employee is an eligible salaried employee who is among the highest paid ten percent of the Town's employees within 75 miles of the worksite. Employees will be notified of their status as a key employee, when applicable, after they request FMLA leave.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

**Employee Eligibility.** The FMLA defines eligible employees as employees who: (1) have worked for the Town for at least 12 months; (2) have worked for the Town for at least 1,250 hours in the previous 12 months; and (3) work at or report to a worksite which has 50 or more employees or is within 75 miles of Town worksites that taken together have a total of 50 or more employees.

**Definition of Serious Health Condition.** A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school, work, or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

**Use of Leave.** An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced work schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies also may be taken on an intermittent or reduced work schedule basis.

**Substitution of Paid Leave for Unpaid Leave.** Employees may choose or employers may require the use of accrued paid leave while taking FMLA leave. Accordingly, the Town requires employees to use any accrued paid vacation, personal, and sick days during an unpaid FMLA leave taken because of the employee's own serious health condition or the serious health condition of a family member or to care for a seriously ill or injured family member in the military. In addition, the employee must use any accrued paid vacation or personal days (but not sick days) during FMLA leave taken to care for a newborn or newly placed child or for a qualifying exigency arising out of a family member's active duty or call to active duty status in

support of a contingency operation. In order to use paid leave for FMLA leave, employees must comply with the Town's normal paid leave procedures found in its Vacation and Sick Leave policies.

***Employee Responsibilities.*** Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the Town's normal call-in procedures. The Town may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave, absent unusual circumstances preventing the notice.

Employees must provide sufficient information for the Town to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the Town if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also are required to provide a certification and periodic recertification supporting the need for leave. The Town also may require a second, and if necessary, a third opinion (at the Town's expense) and, when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. The Town also may delay or deny approval of leave for lack of proper medical certification.

***Town Responsibilities.*** The Town will inform employees requesting leave whether they are eligible under the FMLA. If they are, the notice will specify any additional information required as well as the employees' rights and responsibilities. If employees are not eligible, the Town will provide a reason for the ineligibility.

The Town will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's FMLA leave entitlement. If the Town determines that the leave is not FMLA-protected, the Town will notify the employee.

***Other Provisions.*** Under an exception to the Fair Labor Standards Act (FLSA) in the FMLA regulations, hourly amounts may be deducted for unpaid leave from the salary of executive, administrative, and professional employees; outside sales representatives; certain highly-skilled computer professionals; and certain highly compensated employees who are exempt from the minimum wage and overtime requirements of the FLSA, without affecting the employee's exempt status. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of FMLA leave.

Employees may not perform work for self-employment or for any other employer during an approved leave of absence, except when the leave is for military or public service or when the Town has approved the employment under its Outside Employment policy and the employee's reason for FMLA leave does not preclude the outside employment.

***Unlawful Acts by Employers.*** The FMLA makes it unlawful for any employer (1) to interfere with, restrain, or deny the exercise of any right provided under the FMLA; or (2) to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

***Enforcement.*** An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

### **Military Leave**

Town of Waynesville supports the military obligations of all employees and grants leaves for uniformed service in accordance with applicable federal and state laws. Any employee who needs time off for uniformed service should immediately notify the Human Resources department and his or her supervisor, who will provide details regarding the leave. If an employee is unable to provide notice before leaving for uniformed service, a family member should notify the supervisor as soon as possible.

Upon return from military leave, employees will be granted the same seniority, pay, and benefits as if they had worked continuously. Failure to report for work within the prescribed time after completion of military service will be considered a voluntary termination.

All employees who enter military service may accumulate a total absence of 5 years and still retain employment rights.

### **Bereavement Leave**

Employees with more than 3 months' service may take up to 3 days of paid bereavement leave upon the death of a member of their immediate family. "Immediate family members" are defined as an employee's spouse, domestic partner, parents, stepparents, siblings, children, stepchildren, grandparent, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or grandchild. All regular, full-time employees may take up to one (1) day off with pay to attend the funeral of an extended family member (aunts, uncles, and cousins).

The Town may require verification of the need for the leave. The employee's supervisor and Human Resources will consider this time off on a case-by-case basis.

Payment for bereavement leave is computed at the regular hourly rate to a maximum of 8 hours for 1 day. Time off granted in accordance with this policy shall not be credited as time worked for the purpose of computing overtime.

### **Jury Duty/Court Appearance**

The Town supports employees in their civic duty to serve on a jury. Employees must present any summons to jury duty to their supervisor as soon as possible after receiving the notice to allow advance planning for an employee's absence.

Nonexempt employees will be paid for up to 2 weeks of jury duty service at their regular rate of pay minus any compensation received from the court for the period of service. Exempt employees are subject to the same 2-week limitation except that they will also receive pay for any days they serve as a juror or witness in a workweek in which they actually perform work. All employees may use any accrued time off if required to serve more than 2 weeks on a jury. If an employee is released from jury duty after 4 hours or less of service, he or she must report to work for the remainder of that workday.

Time for appearance in court for personal business will be the individual employee's responsibility. Vacation hours will be used for this purpose.

### **Time Off for Voting**

Town of Waynesville recognizes that voting is a right and privilege of being a citizen of the United States and encourages employees to exercise their right to vote. In almost all cases, you will have sufficient time outside working hours to vote. If for any reason you think this won't be the case, contact your supervisor to discuss scheduling accommodations.

## Employee Benefits

Town of Waynesville recognizes the value of benefits to employees and their families. The Town supports employees by offering a comprehensive and competitive benefits program. For more information regarding benefit programs, please refer to the Town Summary Plan Descriptions (SPD), or contact the Human Resources department. To the extent of the information provided here conflicts with the SPD or full plan document, the full plan document will control.

The Employee Benefits Program Guide is updated each year and employees are provided a copy at the time of onboarding or open enrollment. Copies may be obtained at any time from Human Resources. The Town reserves the right to re-evaluate healthcare benefits and to make changes in coverage and rates at its discretion without prior notice to employees.

### **Group Health Insurance for Active Employees (Amended by Board of Aldermen 02-10-2015)**

Medical coverage will be made available to all regular full-time employees and their eligible dependents. Medical coverage is generally provided at no cost for the employee, although employees may be charged a premium for coverage of certain lifestyle risks, or voluntary participation in certain health-related programs and activities.

Dependent coverage is provided at a cost to employees. Employees with working spouses whose employers offer group health coverage must elect medical coverage through their employer and are therefore ineligible to participate in the Town's health plan. Non-working spouses can be covered as eligible dependents and are subject to the Town's fee structure plan for dependents.

Medical coverage will be effective on the first day of the month, following thirty (30) days of consecutive employment.

The Town will comply with all federal, state or other regulations including but not limited to the Health Insurance Portability and Accountability Act of 1996, (HIPAA) regarding protected health information and other requirements and the Affordable Care Act (ACA) of 2014.

### **Group Health Insurance for Retirees (Amended by Board of Aldermen 02-10-2015)**

Retirees must meet the NC Local Governmental Employees Retirement System or the NC Law Enforcement Officers Retirement System's eligibility guidelines for retirement.

- 1) A Retiree who has achieved at least ten (10) or more consecutive years of service with the Town, not including any accumulated sick or vacation time, and has reached 55 years of age, will receive health insurance coverage, at no cost to the retiree, until the retiree reaches Medicare eligibility through age or disability.
- 2) A Retiree of any age, who has achieved thirty (30) or more years of creditable service under the N. C. Local Governmental Employees Retirement System or the N.C. Law Enforcement Officers Retirement system, with at least half of that time (15 or more years) having been in active service with the Town of Waynesville, will receive health insurance coverage, at no cost to the retiree, from the date of separation from the Town of Waynesville,

regardless of age at the time of separation, until the retiree becomes Medicare eligible through age or disability.

The Town reserves the right to change benefits at its discretion without prior notice to retirees.

**Eligible Retiree Dependents (Amended by the Board of Aldermen on 10-07-98)**

Retirees may obtain coverage for eligible dependents from the Town by paying the full premium for dependents as established by the insurance carrier. Employees who retire under conditions set forth in Subsection 1 or 2 above, may purchase coverage for their spouse, at their own expense, until the retiree's coverage terminates, then spouse would be eligible for medical coverage based on COBRA guidelines.

The coverage option in place on the day immediately prior to retirement is the coverage that is available to continue unless there is a qualifying event, or a change is made during the annual open enrollment period.

When the retiree reaches the age of 65 and the Town's regular health insurance coverage terminates. The spouse/dependents would be eligible for medical coverage based on COBRA guidelines.

**Group Dental Insurance for Active Employees**

Dental coverage will be made available to all regular full-time and permanent part-time employees and their eligible dependents. Dental coverage for all employees will become effective on the first day of the month following 30 (thirty) days of continuous employment. Coverage for eligible employees is paid by the Town, dependent coverage is provided at the group rate.

**Group Dental Insurance for Retirees**

Dental benefits are not available to retirees as a paid benefit; however, dental benefits may be purchased by retirees at a rate determined by the Human Resource and Finance offices. Dependents may retain dental continue coverage as outlined for group health coverage for retirees above and will be billed via a third party.

**Group Life Insurance for Active Employees (Amended by the Board of Aldermen 06-23-2015)**

The Town will provide fully paid life insurance for full-time regular employees. Coverage amounts will be equal to one (1) times the annual salary of the employee with a minimum of \$25,000 and a maximum of \$100,000. Coverage will be effective on the first day of the month following 30 (thirty) days of continuous employment. Dependent coverage is optional at the employee's cost.

**Retirement Plan (Amended by Board of Aldermen 06-23-2015)**

All regular, full-time positions that are budgeted as permanent positions for a minimum of 1,000 hours per year are required to enroll in the North Carolina Local Governmental Employees Retirement System. The Town contributes to this tax-sheltered plan in addition to the six (6%) percent payroll deduction from employees. The Town will pay the employer's portion and deduct the employee's portion from his paycheck each pay period.

Specific information on the retirement plan is available during employee onboarding. Additional information may also be obtained from the Human Resource office.

The North Carolina Local Governmental Employees Retirement System has online resources available by visiting the North Carolina Local Governmental Employees Retirement System - <https://orbit.myncretirement.com/> or other information available to all Town employees from the Human Resources office.

### **401(k) Plan**

Town of Waynesville recognizes the importance of saving for retirement and offers eligible employees a 401(k) plan. Employer will contribute 5% of gross earnings into the Town sponsored 401(k) account effective from first day of employment. Employees may also contribute to the 401(k) account from date of hire.

Eligibility, vesting, and all other matters relating to these plans are explained in the SPD that can be obtained from Human Resources.

### **Law Enforcement Officers Separation Allowance (LEOSA): Supplemental Retirement Income Plan**

The Town will provide a special separation allowance to qualified officers who retire early and meet all of the following qualifications:

- 1) The officer must have completed 30 years or more of creditable service or have attained 55 years of age and have completed 5 or more years of creditable service;
- 2) The officer must not yet be age 62; and
- 3) The officer must have completed at least 5 years of continuous service as a law enforcement officer immediately before service retirement.

Payment of the separation allowance will cease if the officer 1) reaches age 62; 2) dies; or 3) is re-employed in any capacity by the State of North Carolina or any of its political sub-divisions. All law enforcement officers automatically become members of the State Supplemental Retirement Income Plan on the date of hire.

### **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 approval of the department head and authorization from the Town Manager, the Town will provide reimbursement for expenses incurred in completing job-related training sessions, seminars, or workshops which relate directly to the employee's duties and responsibilities with the Town.

Reimbursement for expenses will include registration fees, books, meals, transportation costs, reimbursement for use of private vehicle at the prevailing IRS rate and lodging expenses, which must be documented by receipts. Claims for reimbursement of expenses must be approved by



the department head before submission to the finance officer for approval. All claims for reimbursement are subject to budget appropriation and should receive approval in advance of taking the training. The total annual reimbursement cannot exceed \$2,000 without written approval by the Town Manager.

Career Track Progression also includes training and educational components specific to individual positions and job classifications and would be considered for reimbursement providing the individual can prove the relationship to the career track.

### **Workers' Compensation**

Workers' compensation is a "no-fault" system that provides compensation for medical expenses and wage losses to employees who are injured or who become ill because of employment.

Town of Waynesville pays the entire cost of workers' compensation insurance. The insurance provides coverage for related medical and rehabilitation expenses and a portion of lost wages to employees who sustain an injury on the job.

The Town abides by all applicable state workers' compensation laws and regulations. If an employee sustains a job-related injury or illness, it is important to notify the supervisor and Human Resources immediately. The supervisor will complete an injury report with input from the employee and return the form to the Human Resources department. Human Resources will file the claim with the insurance Town. In cases of true medical emergencies, report to the nearest emergency room.

Workers' compensation benefits (paid or unpaid) will run concurrently with FMLA leave, if applicable, where permitted by state and federal law. In addition, employees will not be paid vacation or sick leave for approved absences covered by the Town's workers' compensation program, except to supplement the workers' compensation benefits such as when the plan only covers a portion of the employee's salary as allowed by state law.

## **Travel**

It is the policy of the Town to reimburse its employees for out-of-town travel and transportation expenses directly related to the official business of the Town. All travel costs will be paid directly to the individual incurring the expense.

This policy is intended to address out-of-pocket expenses for employees and Aldermen 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 for their work. The Town Manager is responsible for determining if additional reimbursement of travel expenses is appropriate.

### **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 will be approved in advance by the Town Manager. It is always the responsibility of the department head to ensure that a sufficient unexpended appropriation remains to cover all travel expenses.

### **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 such rates are not available and no other travel options are available.

Whenever possible Town vehicles should be used for auto travel. In the event a Town vehicle is not available, personal auto may be used with prior approval from the Town Manager.

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.

Occasionally, either for personal preference or for the benefit of the Town, an employee may take his personal auto for out-of-town travel when transportation by other means would be more economical. In those cases, reimbursement will be limited to the governmental mileage rate or an equivalent air fare, whichever is less.

Other transportation expenses that are allowable are:

- Taxi fares or other costs of transportation between the airport or station and employee's hotel or from one place of business to another. Taxi fares are also allowable between the hotel and temporary work assignment.
- Baggage charges.
- Reasonable tips that are incidental to any of the above transportation expenses.

### **Eligible Travel Expenses**

Expenses for lodging and other expenses incurred while traveling away from home and related to official duties, are eligible for reimbursement if reasonable and supported by receipts. Travel items eligible for reimbursement are as follows:

- Meals served as part of a convention or conference will be reimbursed at actual cost. Required night meetings and dinner meetings will also be reimbursed if supported by receipts.
- Actual cost of lodging at the single room rate if supported by receipts. Employees are encouraged to obtain governmental rates whenever possible.
- Telephone expenses that are related to official business.
- Tips associated with the costs listed above.

Expenses incurred for personal entertainment and alcoholic beverages *are not* allowable. Employee will be reimbursed for meals if reasonable and supported by receipts.

### **Reporting Expenses for Reimbursement**

All employees authorized to travel should keep all receipts and memoranda of actual expenditures, with the exception of normal subsistence costs, from which they can prepare an official travel voucher. Receipts for lodging, 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 will 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 department head are to be submitted sufficiently in advance for reimbursement. Reimbursement expenses are for out-of-town, official Town business only.

### **Travel Advance**

If a travel advance is necessary to conduct official Town business, the request for such advance must be submitted to the finance officer by no later than five (5) 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.

Travel expenses to and from work is not eligible for reimbursement.

## **Grievances**

A grievance is a claim or complaint by an employee based upon: (a) an event or term or condition which affects the circumstances under which an employee works, including employment practices, policies or programs or benefits; (b) involuntary termination of employment; or (c) any allegedly illegal discrimination by the Town.

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 in accordance with these procedures, with or without a representative, from interference, penalty, discrimination, coercion, recrimination, restraint, reprisal or retaliation. Employees utilizing the grievance procedures will not be subjected to retaliation or any form of harassment from supervisors or employees for exercising their rights under this policy. The resolution of grievances promotes more effective employer-employee relationships and is in the best mutual interests of all affected parties.

Employees will be allowed such time off from their regular duties, as may be necessary and reasonable as determined by the department head or Town Manager to prepare and present a grievance.

### **Objective of the Town's grievance procedure is to:**

- a. Assure employees of a way in which they can get their problems and complaints considered rapidly, orderly, fairly and without fear of retaliation.
- b. Encourage the employee to express himself about how conditions of work affect him as an employee.
- c. Foster better employee understanding of policies, practices and procedures.
- d. Provide employees with assurance that actions are taken in accordance with policies.
- e. Provide a check on how policies are carried out.

The provisions of this procedure will apply to all the Town's employees. The Town Manager has the authority to hire, supervise, discipline and dismiss employees.

### **Grievance Procedure**

All grievances 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 will constitute termination of the complaint. At each step of the grievance process where written documentation is required, the Human Resource office will receive a copy to put in the employee's permanent file. The employee filing a grievance will have the right to have a representative present at each step of the process.

#### **Step One - Department Head**

An employee with a grievance will present the matter orally or in writing to his department head within fifteen (15) working days of its occurrence with the objective of resolving the matter informally. The department head will consult with the employee within ten (10) working days of receipt of the grievance. If the matter cannot be resolved informally, the department head will give the employee a written decision of the grievance within ten (10) working days after the meeting.

#### **Step Two - Appeal to the Town Manager**

If the response from step one is not acceptable to the employee, within ten (10) working days of the Department Head's written decision, the grievant may file a written grievance with the Town Manager. The written grievance will state concisely the basis for the complaint and if based on alleged discrimination, indicate whether the basis for the alleged discrimination was based on race, color, religion, sex, national origin, age, or disability. The Town Manager will promptly notify the employee and the department head of a date and time for a meeting which will be no later than fifteen (15) working days following receipt of the grievance by the Town Manager. Within fifteen (15) working days from the date of the meeting, the Town Manager will render a decision on the grievance. The decision of the Town Manager is final. No grievance will be accepted after separation from employment with the Town.

### **Exempt Employee (Supervisor) Appeal Process**

In the event the immediate supervisor is the Town Manager, the appeal process is filed with the Board within fifteen (15) working days of the occurrence. The Board will consult with the employee within ten (10) working days of receipt of the grievance. Within fifteen (15) working

days following the meeting between the Board and the employee, the Board will render a decision on the grievance. The decision of the Board is final.

### **Grievance Procedure for Discrimination**

When an employee, former employee, or applicant, believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, national origin, religion or disability), he or she has the right to appeal such action using the grievance procedure outlined in this Article. While such persons are encouraged to use the grievance procedure, they will also have the right to appeal directly to the Human Resource office or Town Manager. Employment actions subject to appeal because of discrimination include hiring, promotion, training, classification, pay, disciplinary action, transfer, layoff, or termination of employment.

### **Harassment**

Sexual and other unlawful harassment is a violation of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, as well as many state laws. Harassment based on a characteristic protected by law, such as race, color, ancestry, national origin, gender, sex, sexual orientation, gender identity, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law, is prohibited.

It is Town of Waynesville's policy to provide a work environment free of sexual and other harassment. To that end, harassment of Town of Waynesville's employees by management, supervisors, coworkers, or non-employees who are in the workplace is absolutely prohibited. Further, any retaliation against an individual who has complained about sexual or other harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. Town of Waynesville will take all steps necessary to prevent and eliminate unlawful harassment.

**“Unlawful harassment”** is conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities because of the individual's membership in a protected class.

Unlawful harassment includes, but is not limited to, epithets; slurs; jokes; pranks; innuendo; comments; written or graphic material; stereotyping; or other threatening, hostile, or intimidating acts based on race, color, ancestry, national origin, gender, sex, sexual orientation, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law. While all forms of harassment are prohibited, special attention should be paid to sexual harassment.

**“Sexual harassment”** is generally defined under both state and federal law as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of any individual's employment or as a basis for employment decisions; *or* • Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, intimidating, or humiliating to workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct that, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwanted sexual advances, whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comments about an individual's body, comments about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, or cartoons;
- Unwelcome leering, whistling, brushing up against the body, sexual gestures, or suggestive or insulting comments;
- Inquiries into one's sexual experiences; *and*
- Discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment and retaliation against individuals for cooperating with an investigation of sexual harassment complaint is unlawful and will not be tolerated at Town of Waynesville.

### **Harassment Complaint Procedure**

Any employee who believes he or she has been subject to or witnessed illegal discrimination, including sexual or other forms of unlawful harassment, is requested and encouraged to make a complaint. You may complain directly to your immediate supervisor or department manager, the HR director, or any other member of management with whom you feel comfortable bringing such a complaint. Similarly, if you observe acts of discrimination toward or harassment of another employee, you are requested and encouraged to report this to one of the individuals listed above.

No reprisal, retaliation, or other adverse action will be taken against an employee for making a complaint or report of discrimination or harassment or for assisting in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to one of the persons identified above.

All complaints will be investigated promptly and, to the extent possible, with regard for confidentiality.

If the investigation confirms conduct contrary to this policy has occurred, Town of Waynesville will take immediate, appropriate, corrective action, including discipline, up to and including immediate termination.

### **Commitment to Diversity**

Town of Waynesville is committed to creating and maintaining a workplace in which all employees have an opportunity to participate and contribute to the success of the organization and are valued for their skills, experience, and unique perspectives. This commitment is embodied in Town policy and the way we do business at Town of Waynesville and is an important principle of sound management.

## **Conflicts of Interest and Confidentiality**

### **Conflicts of Interest**

Town of Waynesville expects all employees to conduct themselves and Town business in a manner that reflects the highest standards of ethical conduct, and in accordance with all federal, state, and local laws and regulations. This includes avoiding real and potential conflicts of interests.

Exactly what constitutes a conflict of interest or an unethical business practice is both a moral and a legal question. Town of Waynesville recognizes and respects the individual employee's right to engage in activities outside of employment which are private in nature and do not in any way conflict with or reflect poorly on the Town.

It is not possible to define all the circumstances and relationships that might create a conflict of interest. If a situation arises where there is a potential conflict of interest, the employee should discuss this with a manager for advice and guidance on how to proceed. The list below suggests some of the types of activity that indicate improper behavior, unacceptable personal integrity, or unacceptable ethics:

1. Simultaneous employment by another firm that is a competitor of or supplier to Town of Waynesville.
2. Carrying on Town business with a firm in which the employee, or a close relative of the employee, has a substantial ownership or interest.
3. Holding a substantial interest in, or participating in the management of, a firm to which the Town makes sales or from which it makes purchases.
4. Borrowing money from customers or firms, other than recognized loan institutions, from which our Town buys services, materials, equipment, or supplies.
5. Accepting substantial gifts or excessive entertainment from an outside organization or agency.
6. Speculating or dealing in materials, equipment, supplies, services, or property purchased by the Town.

7. Participating in civic or professional organization activities in a manner that divulges confidential Town information.
8. Misusing privileged information or revealing confidential data to outsiders.
9. Using one's position in the Town or knowledge of its affairs for personal gains.
10. Engaging in practices or procedures that violate antitrust laws, commercial bribery laws, copyright laws, discrimination laws, campaign contribution laws, or other laws regulating the conduct of Town business.

### **Confidential Information**

The protection of confidential business information and trade secrets is vital to the interests and success of Town of Waynesville. Confidential information is any and all information disclosed to or known by you because of employment with the Town that is not generally known to people outside the Town about its business.

An employee who improperly uses or discloses trade secrets or confidential business information will be subject to disciplinary action up to and including termination of employment and legal action, even if he or she does not actually benefit from the disclosed information. All inquiries from the media should be referred to the Town Manager.



## Social Function Policy

The Town of Waynesville recognizes that employees may wish to arrange social functions on Town premises during regular business hours to celebrate special events and other special occasions. This policy sets out parameters and procedures for such events. Nothing in this policy should be read to limit the rights of employees under federal, state or local labor and employment laws. Further, the Town of Waynesville reserves its right to maintain and enforce valid no-solicitation and no-distribution rules consistent with federal labor laws.

1. Social events held on Town premises and during regular business hours are to be limited to special occasions only. For the purposes of this policy, special occasions are birthdays, baby showers, retirement receptions, recognition events for profession designated weeks (i.e. XYZ Week), and up to two (2) luncheons for department staff annually.
2. Departmental birthday events should be held within the departmental area or off Town premises during regular morning break or lunch break times. Such organized birthday events should be limited to the normal time allowed for breaks or lunch and should not utilize any Town of Waynesville funds.
3. No event should result in a reduction or disruption in customer service in any department or function.
4. Town of Waynesville funds will not be available for use for functions with the exception of the Town of Waynesville Annual Holiday Party and up to two (2) annual meals per department.
5. Invitations to other departments are not required for all events; however, department directors are encouraged to include the elected officials as part of their celebrations, when appropriate.
6. Any event utilizing Town of Waynesville funds will be open to any Town employee without exception if consumables (food/snacks) are available.
7. Functions that last greater than the normal lunch break time (one hour) require advance approval from the Town Manager.
8. The department director and/or staff for the area holding any event that is discovered to be in direct contradiction of this policy will be subject to paying the Town of Waynesville back for those event costs paid with Town funds.
9. Town of Waynesville funds may be utilized related to official duties, if they are found to be eligible for reimbursement in accordance with the Travel and Training policies, if reasonable and supported by receipts. This does not include meals between co-workers unless attending a travel and training event.

10. The Finance Director and/or Town Manager have the right to request additional documentation related to any receipt where Town of Waynesville funds have been expended.

## GLOSSARY OF TERMS

**Affordable Care Act** - The Patient Protection and Affordable Care Act (PPACA) – also known as the Affordable Care Act or ACA, is the landmark health reform legislation passed by the 111th Congress and signed into law in March 2010. It is intended to extend coverage to millions of uninsured Americans, to implement measures that will lower health care costs and improve system efficiency, and to eliminate industry practices that include rescission and denial of coverage due to pre-existing conditions.

**Americans with Disabilities Act (ADA)** – gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications.

**COBRA** – (Consolidated Omnibus Reconciliation Act) A health insurance plan which allows an employee who leaves a company to continue to be covered under the company's health plan, for a certain time period and under certain conditions. The system is designed to prevent employees who are between jobs from experiencing a lapse in coverage.

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

**Eligible Dependent** - An eligible person, other than the member (generally a spouse or child), who has health care benefits under the member's policy.

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

**Fair Labor Standards Act (FLSA)** - is a federal labor law of general and nationwide application, including Overtime, Minimum Wages, Child Labor Protections, and the Equal Pay Act.

**Family Medical Leave Act (FMLA)** – is a federal program that entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. (see FMLA pages 53-55)

**Full-Time employee** - An employee who is regularly scheduled to work the standard number of work hours per week, who has successfully completed the probationary period, and is budgeted for at least 12 months.

**Grievance** - A claim or complaint by an employee based upon: (a) an event or term or condition which affects the circumstances under which an employee works, including employment

practices, policies or programs or benefits; (b) involuntary termination of employment; or (c) any allegedly illegal discrimination by the Town.

**HIPAA** – Health Insurance Portability and Accountability Act of 1996

**Law Enforcement Officers Retirement System (LEORS)** – provides retirement benefits to law enforcement personnel through a program established by North Carolina.

**Local Governmental Employees' Retirement System (LGERS)** - provides retirement benefits to employees of cities, towns, counties, boards, commissions, and other entities of local government in North Carolina.

**Permanent Position**- A position authorized for the budget year for a full twelve months and budgeted for twenty or more hours per week. All positions are subject to budget review and approval each year by the Board of Aldermen. All employees' work and conduct must meet Town standards, therefore, reference to "permanent" positions or employment should not be construed as a contract or right to perpetual funding or employment.

**Probationary Period** - A working test period of six months, extendable for an additional six months, for all new employees except law enforcement which are subject to a 12-month probationary period. Wastewater and Water Operations apprenticeship employees may be subjected to a probationary period of 12 months, but not to exceed 12 months contingent upon operator licensure by the state.

**Retiree** - an individual who leaves the Town of Waynesville's employment at the conclusion of a minimum of ten (10) years of benefits-eligible service and for whom benefits are available until Medicare eligible at age 65 or through disability at an earlier age.

**Spouse** – a legally valid, existing marriage between persons of the opposite sex; or a person of the same sex with whom you have entered into a marriage that has been recognized under applicable state law.

**Temporary/Seasonal Employee** - An employee regularly scheduled to work the standard number of hours per week but for a limited period. Temporary/seasonal employees are not entitled to employee benefits or any type of leave, unless specifically indicated.

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

# PERSONNEL POLICY MANUAL/ EMPLOYEE HANDBOOK ACKNOWLEDGMENT AND RECEIPT

I hereby acknowledge receipt of the Personnel Policy Manual/Employee Handbook of Town of Waynesville. I understand and agree that it is my responsibility to read and comply with the policies in the handbook.

I understand that the personnel policy manual and all other written and oral materials provided to me are intended for informational purposes only. Neither it, Town practices, nor other communications create an employment contract or term. I understand that the policies and benefits, both in the handbook and those communicated to me in any other fashion, are subject to interpretation, review, removal and change by the Board of Aldermen any time without notice.

I further understand that I am an at-will employee and that neither this document nor any other communication shall bind the Town to employ me now or hereafter and that my employment may be terminated by me or the Town without reason at any time. I understand that no representative of the Town has any authority to enter into any agreement for employment for any specified period of time or to assure any other personnel action or to assure any benefits or terms or conditions of employment, or make any agreement contrary to the foregoing.

I also understand and agree that this agreement may not be modified orally and that only the Town Manager may make a commitment for employment. I also understand that if such an agreement is made, it must be in writing and signed by the Town Manager.

\_\_\_\_\_ Employee's  
Name in Print

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date Signed by Employee

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE

