

TOWN OF EAST SPENCER
PERSONNEL ORDINANCE

Town of East Spencer
105 South Long Street
East Spencer, NC 28039

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Personnel Ordinance For The Town Of East Spencer

Be it ordained by the Board of Aldermen of the Town of East Spencer that the following rules and regulations shall govern the personnel practices of the Town of East Spencer with respect to employee recruitment, selection, promotion, training and career development, and equal employment opportunity under the general supervision of the Board of Aldermen and the Mayor of the Town of East Spencer.

Article 1

Personnel System

Section 1: Purpose

The purpose of the Ordinance is to establish procedures which will serve as a guide to administrative action concerning the various personnel activities and transactions of the Town of East Spencer. They are intended to indicate customary practices and objectives and the means by which the objective might be accomplished.

Section 2: Employees Subject to the Ordinance

The provisions of this Ordinance will be applicable to all permanent and probationary employees except as specially exempted. The town attorney, members of the Board of Aldermen, and various boards and commissions and temporary employees will be exempted except where specifically included.

Section 3: Use of the Merit Principle

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

Section 4: Organization-Board of Aldermen

The Board of Aldermen will be responsible for approving all personnel policies and procedures; and for making and confirming appointments where so specified by law or policy.

Section 5: Organization- Personnel Officer

The Town Administrator is hereby designated by the Board of Aldermen as the Personnel Officer and shall be the responsible official for the administration and technical direction of the personnel policies.

The Personnel Officer shall be responsible for:

- a) Ensuring compliance with the provisions for the personnel policies and all other constitutional and statutory provisions that are and may be enacted from time to time to govern personnel practices of the Town of East Spencer.
- b) Recommending the appointments, promotions, salary adjustments and discipline of employees as provided for herein upon recommendation of the department heads and subject to the approval of the Board of Aldermen.
- c) Recommending to the Board of Aldermen additions to and revisions of the personnel policies for the Town of East Spencer.
- d) Establishing and maintaining a roster of municipal employees, setting forth each official and employee official job position, payroll status, and such other data as may be required by law or deemed desirable.
- e) Performing such duties as may be assigned by the Board of Aldermen not inconsistent with this Ordinance.

Section 6: Departmental Committees

The Board of Aldermen has established the following committees:

- Fire Committee
- Police Committee
- Public Works

For purposes of policy coordination.

Department heads shall report to the Town Administrator. The Town Administrator, in turn reports to the Mayor and the Board of Aldermen, and executes or implements policies established by the Board, including the scheduling of any committee meetings deemed necessary for policy coordination purposes.

Section 7: Definitions

- a) **Complete Month** – Any month in which an employee works at least one half of the workdays.
- b) **Completed Year** – A period of twelve calendar months in which an employee is in active pay status or is receiving worker's compensation payments.
- c) **Full-Time Employee** – An employee, either permanent or temporary, who is scheduled to work the number of hours per work week designated by the Board of Aldermen as full-time.

- d) **Immediate Family** – Immediate family is defined as spouse, mother, father, guardian, children, sister, brother, including half sisters and brothers, step parents and adopted or legitimate children.
- e) **Overtime** – Work performed which exceeds the number of hours normally considered to be the established workweek.
- f) **Part-Time Employee** – An employee either permanent or temporary who is scheduled to work less than the number of hours designated as a full workweek.
- g) **Permanent Employee** - An employee appointed to serve in a position for an indefinite duration and who has successfully served a period of six calendar months with a recommendation and approval from the employee's department head for permanent classification. Sworn law enforcement personnel will be required to serve successfully a period of at least twelve calendar months as prescribed by the regulations of the North Carolina Criminal Justice Training and Standards Council.
- h) **Probationary Employee** – An employee appointed or promoted to a position who has not yet satisfactorily completed the prescribed probationary six month period or an employee whose performance or conduct has failed to meet required standards and who is placed on probation.
- i) **Reinstatement** – a privileged position allowing certain former employees who have been terminated due to a reduction in the Town work force or who resigned from extended active duty with United States military forces to begin immediate continuances of all Town benefits upon re-employment, including annual and sick leave, participation in the retirement systems and restoration of seniority.
- j) **Schedule Hours of Work** – Those hours established by the Board of Aldermen to make a workday. Such hours shall be uniform for employees in the same unit assigned to perform the same duties.
- k) **Standard Workweek** – The hours that employees are normally scheduled to work during a period of seven (7) consecutive days, or a fourteen (14) day pay period.
- l) **Temporary Employee** – An employee appointed to serve in a position for a period of less than six (6) months or for some other definite duration.
- m) **Workday** – Those hours normally designated on any day or shift which the employee works or would have under normal circumstances.

Article 2

Equal Employment Opportunity

Section 1: Statement of Policy

It is the policy of the Town of East Spencer that all applicants for employment and all employees be treated fairly and afforded equal employment opportunity without discrimination based on race, color, sex, religion, national origin, age or handicap. This policy includes all areas of employment and specifically includes recruitment, testing, placement, training, promotion, performance evaluations, disciplinary actions, and tenure and employee benefits.

Section 2: Equal Employment Notices

Equal employment notices shall be posted in conspicuous places at all Town buildings and departments where notices are customarily posted.

Section 3: Implementation of Equal Employment Opportunity Policy

The Town will examine existing practices, establish reasonable goals, develop a timetable for implementation, periodically evaluate the program, and prepare reports as needed and as required by law. To eliminate and prevent barriers, real or artificial, that tend to favor one individual or group over another, the Personnel Officer shall include among his recruitment sources, organizations and media that are utilized by and available to all applicant groups. Detailed information about job positions with the Town shall be provided to those recruitment sources.

Section 4: Job Advertisements

Employment advertisements shall contain assurances of equal employment opportunities and will comply with applicable federal and state statutes regarding age, race, sex, and other factors that could lead to discrimination.

Article 3

Recruitment and Employment

Section 1: Policy

The Town will recruit from a geographic area as wide as is necessary to obtain well-qualified candidates for positions throughout the Town structure. In cases where applicants are equally qualified for a particular position a resident of the Town will

receive first consideration in filling the vacancy. Employees subject to emergency recall must live within or near Rowan County and have a toll-free telephone.

Section 2: Employment Opportunities

As vacancies occur in the various departments, the department heads shall obtain approval from the Personnel Officer for the employment of Persons to fill the vacancies. After approval by the Personnel Officer, the Personnel Officer shall publicize notices of the vacancies. As appropriate, the Personnel Officer shall advise interested applicants of the salary ranges and employment qualifications for the job positions.

Section 3: Recruitment

Each department head shall be responsible for assisting the Personnel officer in recruiting employees who are authorized by the department. Before any job offer is made to an applicant, the department head after interviewing the applicants, shall forward to the appropriate committee and the personnel officer copies of the completed applications and a recommended salary. The personnel Officer shall review the application to ensure that the applicant being recommended and the proposed salary comply with the personnel policies and shall advise the appropriate committee and department head of his findings.

Section 4: Appointments

Except as otherwise provided by Town Charter and by statute, the Personnel officer shall be responsible for approving the appointments of employees as recommended by the department heads, subject to the confirmation of the Board of Aldermen.

Section 5: Employment Standards

Employees of the Town shall meet standards established by the Board of Aldermen. No employee will be required to belong to a political organization as a condition of employment.

Section 6: Substance Abuse Policy

a) The Town of East Spencer is a municipality committed to safeguarding the safety, health and well-being of its employees. Because substance abuse can seriously endanger the safety, health and job performance of employees, adversely affect the safety of the general public and/or other employees, and may be detrimental to the Town of East Spencer's business and commitment to providing its residents with the highest quality of services possible, the Town of East Spencer has established a Substance Abuse Policy in an effort to maintain a work force that is free of drug and alcohol abuse.

The following rules represent the Town of East Spencer's policy concerning substance abuse. They are effective immediately, and will be enforced uniformly with respect to all Town of East Spencer employees:

1. The Town of East Spencer prohibits the presence or use of alcohol, illegal drugs as defined by North Carolina General Statutes.
2. The sale, possession, transfer or purchase of alcohol and illegal drugs on Town of East Spencer property, or while performing Town of East Spencer business, is strictly prohibited and cause for termination. Such action will be reported to appropriate law enforcement officials.
3. No prescription drug will be brought onto Town of East Spencer premises by any person other than the one for whom it is prescribed. Such drug may be used only by the person for whom it is prescribed and only as prescribed.
4. Illegal drug use, whether on or off the job may adversely affect an employees job performance, jeopardize the safety of other employees and/or the public, and the reliability of Town operations or equipment and is just cause for disciplinary action up to and including termination.
5. Each employee will not consume alcohol less than 12 hours before they report for their shift.

b) Definitions

Alcohol: constitutes any beverage, mixture, or preparation (including medication) containing as intoxicating agents any low molecular weight alcohol such as ethyl, methyl or isopropyl alcohol.

Confirmation Test: a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen. The confirmation test must be different in scientific principle from that of the initial test procedure. At this time gas/chromatography/mass spectrometry (GC/MS) shall be used.

Consent and Acknowledgment Form: provides employee's consent for drug and/or alcohol testing.

Drug Screen / Test: initial testing procedure that constitutes an analytical procedure or chemical test to determine if specific drugs or their metabolites are present at a given time in a person's system.

Employee Assistance Program (EAP): a confidential and professional service designed to assist employees with a variety of personal concerns; including alcohol and drug problems. An EAP provides assessment and referral services to help employees resolve problems that could have an adverse effect on job performance.

Illegal Drug: a drug, substance or immediate precursor as defined in N.C.G.S., including, but not limited to, marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines.

Immediate precursor: a substance which the Commission has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit such manufacture (N.C.G.S. §90-87).

Impairment: behavior which indicates having a diminished capacity or inability to perform duties.

Negative Drug Test: the result of a testing process which has not found evidence of the presence of any designated substance or its metabolite at thresholds established by the U. S. Department of Health and Human Services.

Prescription Drug: constitutes a substance prescribed to a specific individual by an authorized health care professional with that substance being used in the prescribed manner.

Random Drug Test: random substance screening may be conducted at the town's discretion. Testing conducted on an employee chosen by a method that provides an equal probability that any employee from a group of employees will be selected; or, testing one employee at random intervals. Any employee testing positive for a controlled substance will be terminated.

Reasonable Cause: evidence which forms a reasonable basis for concluding that it is more likely than not that a person has engaged in substance abuse. Facts which could give rise to reasonable suspicion include, but are not limited to: the odor of alcohol or drugs, slurred speech, decreased motor coordination, marked changes in job performance or personality, and unexplained accidents. In addition, reasonable suspicion may be met where information is provided either by reliable and credible sources, or independently collaborated, which would suggest on-duty impairment.

Refusal to Submit (to an alcohol or drug test): the failure to provide, upon request and without a valid medical explanation, an adequate saliva, breath, urine, hair or blood specimen for testing, or such conduct which clearly interferes with the testing process.

c) General Information

1. All testing will be done by a physician; State approved laboratory, hospital or medical professional selected by the Town of East Spencer.

2. If a test is positive, a confirmation test may, at the discretion of the Town of East Spencer, be performed on the same specimen.
3. If a specimen has been tampered with in any way by the donor, it will be treated as a positive result.
4. Each employee must disclose any medications prescribed by a physician that may have side effects that may affect their performance or create a safety hazard to themselves or others.

d) Testing of Employees

1. Applicants for employment will be required to complete a Pre-Employment Drug Test Consent Form and will undergo drug and/or alcohol screening accordingly.
2. An employee involved in an on-the-job accident will be required to submit to drug screening.
3. Employees are subject to random testing for psychoactive substances without any prior notification, accompanied by his/her supervisor or designee within one hour of notification.
4. Where reasonable cause exists to believe that an employee is impaired by an Observable Behavior Reasonable Suspicion Form will be completed by the employee's supervisor and given to the Town Administrator. The Town Administrator will determine whether or not a confidential investigation, including screening, will be undertaken.
5. The employee may be sent home, without pay, during the time required for a specimen to be evaluated for reasonable cause testing. If the test is found to be negative, the employee will return to work and the Town of East Spencer will reinstate pay for time missed while waiting for test results. Factors which establish reasonable cause include but are not limited to:
 - A. Sudden changes in work performance.
 - B. Repeated failure to follow instructions or operating procedures.
 - C. Violation of municipal safety policies or failure to follow safe work practices.
 - D. Odor of alcohol and/or residual odor peculiar to some chemical or psychoactive substance.
 - E. Unexplained or frequent absenteeism.
 - F. Personality changes or disorientation.
6. Any employee required to submit to drug screening will be asked to sign a Consent and Acknowledgement Form. The Consent and Acknowledgement Form shall be filed in each employee's personnel file. If the employee refuses to sign the Consent and Acknowledgement Form when knowingly able or if the person

refuses to submit to a drug screening after signing the Consent and Acknowledgement Form, he or she will be discharged.

7. All results will be kept confidential. The Town Administrator will inform the employee of the results.

8. Any employee testing positive for controlled substance will be terminated.

I certify that this is a true and correct copy of Section 6 of the Town of East Spencer's Personnel Ordinance as adopted and amended by the Board of Aldermen on June 30, 2017.

Attest:

ShaTaira Bailey
ShaTaira Bailey, Acting Town Clerk

6-30-17
Date

Section 7: Probationary Period Employment

Employees appointed to job positions within the Town structure will receive a probationary period of six (6) months. All law enforcement officers are subject to the provisions of the North Carolina Criminal Justice Training and Standards Council and will receive a probationary period of at least twelve (12) months.

Employees serving a probationary period will receive benefits in accordance with this Ordinance with the following exceptions:

- a) A new employee may accumulate annual sick leave but will not be permitted to take sick leave during the probationary period of employment.
- b) An employee leaving the organization for any reason during the initial probationary period will not be eligible to receive pay for accumulated annual leave nor will the employee be entitled to exercise the right of appeal under the Grievance Procedure described in Article 11 of this Ordinance.

Employees serving a probationary period following promotion to a higher position will continue to receive all benefits provided in accordance with this Ordinance.

Section 8: Limitations of Employment of Relatives

a) The members of an immediate family of a Town employee shall not be employed by the Town at the same time. For the purpose of Section 8, members of the Board of Aldermen will be considered the same as Town employees.

Exemptions from this policy include summer youth employment and short-term or one-time employment for a special event or program the Town is sponsoring.

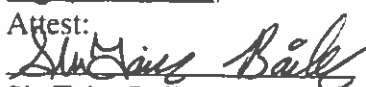
b) This policy shall not be retroactive, and no action will be taken concerning any members of the same family employed in conflict with (a) above prior to the adoption of this policy. The policy does not apply to volunteer members of the Fire Department or volunteers of other services that may be created by the Town at some future time.

c) Immediate family is defined for the purpose of this section as spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named, or anyone living as a part of the same household.

I certify that this is a true and correct copy of Section 8 of the Town of East Spencer's Personnel Ordinance as adopted and amended by the Board of Aldermen on

June 30, 2017.

Attest:



ShaTaira Bailey, Acting Town Clerk

6-30-17

Date

Article 4

The Pay Plan

Section 1: Policy for Paying Overtime

The Town has adopted the following policy for paying overtime to employees:

- a) Overtime opportunities will be distributed as equally as practicable among qualified employees without regard to age, sex, color, creed, religion, national origin or physical handicap.
- b) Employees required to work overtime will be compensated by overtime pay for any hours over eighty (80) hours worked in a fourteen (14) day pay period. The rate of pay will be pursuant to the regulations of the North Carolina Department of Labor Wage and Hour Division and the established policies of the Town of East Spencer.

Section 2: Overtime for Administrative and Professional Personnel

During or following emergency conditions caused by unusual weather conditions or other extraordinary problems, the Personnel Officer may grant overtime pay to administrative and professional personnel who participate in such activities subject to the approval of the Board of Aldermen.

Section 3: Call Back Pay

An employee eligible to receive overtime compensation as described in this policy shall be guaranteed a minimum payment of one and one-half times regular wages for being called back to work outside of normal working hours.

Section 4: Payroll Deductions

Payroll deductions shall be made as required by law and as may be provided by ordinances of the Town Board.

Section 5: The Pay Period

Employees will be paid on a bi-weekly or semi-monthly basis or as otherwise directed by the Board of Aldermen.

Article 5

Conditions of Employment

Section 1: The Workweek

The normal workday and workweek for employees of the Town of East Spencer are set forth in the table shown in Appendix A.

Section 2: Gifts and Favors

No official or employee will be permitted to accept gifts of value in any form from persons, firms or organizations which to their knowledge are interested, directly or indirectly, in business dealings with the Town; nor shall any such official or employee accept a gift, favor or thing of value that may not tend to influence them in the proper discharge of their duties.

Section 3: Purchasing from Employees and their Family Members

a) All procurement activities must be conducted according to applicable laws, rules, regulations, and policies of the Town and the State of North Carolina, specifically General Statutes 14-234 and 133-32.

All procurement activities must maintain integrity at all times, keep free from any personal obligations to vendors or contractors and respect their confidence.

b) The Town of East Spencer shall not enter into any contract for purchase of goods or services from any employee, or employees' immediate family member. For the purpose of Section 3, members of the Board of Aldermen will be considered the same as Town employees. Immediate family is defined as spouse, mother, father, guardian, children, sister, brother, plus various combinations of half, step, in-law, and adopted relationships that can be derived from those named. Employees cannot purchase goods or services from their secondary employer on behalf of the Town.

c) Any Town employee having knowledge of or a reason to know of a potential personal conflict of interest or upon discovery of a potential personal conflict of interest has an affirmative duty to disclose such personal conflict of interest to their department head or the Town Administrator. Any attempt by any person, firm, or corporation to influence the decision of a Town employee with regard to Town business must be reported to the Town Administrator.

d) Exceptions to this policy can be made when determined and approved by the Town Administrator that it would be in the best interest of the Town.

I certify that this is a true and correct copy of Section 3 of the Town of East Spencer's Personnel Ordinance as adopted and amended by the Board of Aldermen on

July 11, 2017.

Attest:


ShaTaira Bailey, Town Clerk

Date

Section 4: Outside Employment

The work of the Town of East Spencer has precedence over all other occupational interests of the employees. All outside employment, including self-employment, must be reported and approved by the employer or the employer's representative. Unauthorized outside employment by an employee of the Town may be grounds for disciplinary action up to and including dismissal from employment.

Section 5: Restrictions on Political Activity

Every employee has a civic responsibility to support good government by appropriate means. An employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations not inconsistent with the Constitution and laws of the State of North Carolina or the United States, however, no employee may:

- a) Engage in political or partisan activity while on duty.
- b) Use official authority or influence for the purpose of interfering with or affecting the result an election or a nomination for office.
- c) Be required as a duty of their office or employment, promotion or tenure of office to contribute of office to contribute funds for political or partisan purposes.
- d) Be coerced or compelled to contribute to political causes or purposes.
- e) Use supplies or equipment of the Town for political or partisan purposes.

Town employees in certain federally aided programs may also be covered by the "Hatch Act," as amended. This federal act, in addition to prohibiting conduct or practices described subsections a, b, c, and d above also prohibit candidacy for elective office in a partisan election.

Section 6: Use of Vehicles by the Town

Vehicles owned by the Town will be provided to certain employees. Vehicles used for emergency recall may be taken to the employee's home. All others will remain at the work location during off-duty hours. Town vehicles are for the official business and are not to be used for personal purposes, including the transportation of non-authorized persons. If a vehicle owned by the Town is involved in an accident, the police department

must be notified immediately. Any variation from this policy must be approved by the Board of Alderman.

Section 7: Standards of Dress and Personal Appearance

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business and professional image that the Town of East Spencer presents to clients and visitors.

During business hours or when representing the Town of East Spencer you are expected to present a clean, neat, and tasteful appearance. You should dress and groom yourself according to the requirements of your position and accepted social standards. This is particularly true if your job involves dealing with customers and or visitors in person.

If your personal appearance is inappropriate, you may be asked to leave the workplace until you are properly dressed or groomed. Under such circumstances, you will not be compensated for the time away from work.

Without unduly restricting individual tastes, the following personal appearance guidelines should be followed:

- a) Shoes must provide safe, secure footing, and offer protection against hazards.
- b) Flip flop sandals and bedroom slippers are not appropriate professional attire.
- c) Unacceptable clothing includes: tank, tube, off the shoulder, halter, and midriff length tops, see-through or low-cut blouses, t-shirts with logos (Town of East Spencer not included) or offensive wordings, cut-offs or short-shorts, any provocative attire may not be worn under any circumstances.
- d) Ripped or worn clothing are not appropriate professional attire.
- e) Mustaches and beards must be clean, well trimmed and neat.
- f) Hairstyles are expected to be in good taste.
- g) Offensive body odor and poor personal hygiene is not professionally acceptable.
- h) Perfume, cologne, and after-shave lotion should be used moderately, as some individuals may be sensitive to strong fragrances.
- i) Tattoos and similar body art must be covered during business hours or when representing the Town of East Spencer.
- j) Facial jewelry, such as eyebrow rings, nose rings, lip rings, and tongue studs, must not be worn during business hours or when representing the Town of East Spencer.

Section 8: Inclement Weather

Purpose: To establish procedure and guidelines for local government employee concerning the potential closing or delays in opening the Municipal office buildings.

Applicability: Applies to all employees.

Definitions:

- 1) **Essential Employees:** Those employees (full-time and part-time) who are designated as such by the Town Administrator for the purpose of providing essential services to our citizens.
- 2) **Non Exempt Employees:** (FLSA) – Non-exempt employees are entitled to overtime pay.
- 3) **Exempt Employees:** (FLSA) – Exempt employees are not entitled to overtime pay i.e. Department Heads (salaried employees).
- 4) **FLSA:** Fair Labor Standards Act

Procedure: The Town Administrator or Personnel Director will make and disseminate all official decisions concerning closing of town offices due to inclement weather or other emergencies.

Town Administrator will make a decision which employees are needed to maintain essential services when town office is closed.

Department Heads will be notified by the Town Administrator or his/her designee of office closings. Each Department Head will be responsible for notifying their staff.

Department Heads will ensure the policy and procedure contained herein are fully disseminated and understood by all employees in their departments.

Delayed Openings:

The Town Administrator or Personnel Director will make and disseminate all official decisions concerning delayed opening or early closing of town offices due to inclement weather or other emergencies. Town Administrator will make a decision which employees are needed to maintain essential services when town office is closed.

Department Heads will be notified by the Town Administrator or his/her designee of office delayed opening or early closing. Each Department Head will be responsible for notifying their staff.

Employees who voluntarily arrive at work prior to office opening will be paid at their regular rate of pay and will not be paid overtime or given compensatory leave for such time unless they have received prior approval from the Town Administrator or their Department Head.

Employee (full-time and part-time) that call in sick during emergency or inclement weather conditions will have the time automatically reported as sick leave. At the discretion of the supervisor, an employee may be asked to provide a physicians' note. In the event that the employee has a zero balance in their sick bank then the employee will be given leave without pay for the entire workday.

Early Closing of Office:

The Town Administrator or Personnel Director will make and disseminate all official decisions concerning delayed opening or early closing of town offices due to inclement weather or other emergencies. Town Administrator will make a decision which employees are needed to maintain essential services when town office is closed.

Department Heads will be notified by the Town Administrator or his/her designee of office early closing. Each Department Head will be responsible for notifying their staff. All employees (full and part-time) designated as non-essential will be excused from work. These employees will have the option of using vacation time if available or excused absence if no vacation is available.

Essential employees who remain on duty for the duration of their regular shift will be compensated at their regular rate of pay for the employees who depart prior to an official announcement will be subjected to disciplinary action.

Conditioning Preventing Opening of Office:

The Town Administrator or Personnel Director will make and disseminate all official decision regarding closing of town office under the policy.

In the event that the Town of East Spencer Municipal Office will not open because of inclement weather, the staff will be notified by the Town Administrator. All town employees non-exempt (full and part-time) will report for their normal shift. Essential employees will be paid at their regular rate of pay for their regular scheduled shift.

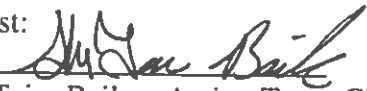
Essential employees (full and part-time) who fail to report to work will be considered as negligent in the performance of their duties and will subject to disciplinary action.

Essential employees (full and part-time) employees who are late due to weather conditions will be given the option of vacation time or excused absence.

Essential employees (full and part-time) who are instructed by the Town Administrator not to report to work or who are excused from work will have the option of receiving vacation time or an excuses absence.

Essential Employees:

Town Administrator
East Spencer Fire Department
East Spencer Police Department
Public Works Department Head & Supervisor

Attest: 
ShaTaira Bailey, Acting Town Clerk

Date of Adoption:
6-30-17

Article 6

Travel Expense

Section 1: Coverage

The provisions of this Article are applicable to all Town employees, plus other individuals officially designated to travel on business trips on behalf of the Town.

Section 2: Travel Authorization

Travel on official business outside the Town must be authorized by the travel requested, the purpose of the trip, the amount of funds needed and the period of time from the Town provided that the Mayor may authorize travel in case of emergency on Town business.

Section 3: Travel Reimbursement

- a) Use a Town vehicle – the Town will pay the total cost of operation and maintenance.
- b) Use of personal vehicle – the established rate is based on the IRS rate per mile for the use of a personal vehicle.
- c) Travel by public conveyance – actual cost of the fare will be paid.
- d) The Board of Aldermen reserves the right to determine the mode of travel for which the Town will pay expenses.

Section 4: Living Expenses

Personnel traveling outside the Town limits on official business will be compensated for all living expenses paid out of pocket, including meals hotel or motel accommodations, tips taxis, buses, baggage handling, etc. Living expenses will also include such things as registration fees, tuition, books and other related expenses. Employees will be expected to begin and end business as soon as practical after the conclusion of their stated business. Daily or per meal maximum may be set by resolution and adopted by the Board of Aldermen from time to time when needed.

Section 5: Travel Expense Accounting

- a) Employees receiving travel advances or claiming reimbursement for living and travel expenses will be required to fill out a travel reimbursement form showing starting and ending times of the trip, purpose of the trip and those legitimate expenses outlines above.
- b) Employees and officials on business for the Town will be covered by worker's compensation insurance and other forms of protective insurance provided to town employees and officials by the Town.
- c) Employees away from the job who participate in authorized training courses or professional conferences and meetings are considered to be officially at work during the duration of the meetings.

- d) Employees returning from an official business trip will be expected to return unused funds advanced prior to the trip along with a detailed expense accounting report to the Town Clerk no later than five (5) calendar days following their return.

Article 7

Employee Benefits

Section 1: Medical Insurance

The Town will provide group hospitalization insurance to all permanent, full-time employees of the Town and will pay the total costs of individual coverage. Employees electing to carry family coverage may do so at their own expense and the Town will pay toward the cost of individual coverage, as adopted in the annual budget ordinance. Employees electing to carry family coverage may be required through payroll deduction to underwrite the cost of such coverage. Information concerning the medical insurance program will be determined by the Board of Alderman and employees will be notified of all such changes as soon as practical.

Section 2: North Carolina Local Government Employee's Retirement System

Because East Spencer participate in NC LGERS, each full-time employee is required by state law to enroll in Local Government Employee's Retirement System as a condition of employment. Part-time employees who work more than 1,000 hours per year must also enroll. Law enforcement officers may choose between this plan, or the Law Enforcement Officer's Benefit and Retirement Fund.

Section 3: North Carolina Law Enforcement Officer's Benefit and Retirement Fund

Law enforcement officers are eligible for membership in the Law Enforcement Benefit and Retirement Fund. Officers not joining this program are required to join the Local Government Employees System.

Section 4: Worker's Compensation

Town employees are covered by worker's compensation and are required to report all injuries arising out of and in the course of employment to their immediate supervisor at the time of the injury in order that the appropriate action may be taken. Department heads must file a report with the Town Clerk no later than twenty-four (24) hours after becoming aware of an accident or injury. This coverage does not include accidental injuries sustained while performing services as a self-employed person or for another employer.

Section 5: Wage Continuation Payments

Employees who become ill or injured as a result of work related incidents may be granted wage continuation payments without charge against sick leave at regular rates of pay not to exceed seven (7) workdays per injury. Request for wage continuation payments will be made by the department head and approved by the Personnel Officer and Board of

Aldermen. Employees unable to return to work at the end of seven (7) days will be placed on worker's compensation leave.

Employees approved for worker's compensation leave may:

- a) Elect to receive only those payments made under worker's compensation laws without using accumulated annual or sick leave.
- b) Elect to use accumulated annual or sick leave as a supplement for the difference between regular salary and payments made under Worker's Compensation laws. Employees will have deducted from his or her leave account that time which represents the supplemental payment required to make up the difference.

Article 8

Leave of Absence

Section 1: Holidays

The following days will be designated as holidays for all Town employees;

- 1 New Year's Day
- 1 Martin Luther King Jr.
- 1 Easter Monday
- 1 May 30th (Memorial Day)
- 1 July 4th
- 1 Labor Day
- 2 Thanksgiving
- 3 Christmas Eve and Christmas Day

Section 2: Holidays Falling During Off-Duty Periods

- a) Holidays falling during an employee's off-duty time will be observed the proceeding Friday or as directed by the Board of Aldermen.
- b) Holidays falling on Sunday will be observed on the following Monday or as directed by the Board of Aldermen.
- c) Holidays falling on Sunday will be observed on the following Monday or as directed by the Board of Aldermen.

In such cases, the day on which the holiday is observed will be considered the paid holiday for payroll purposes.

Section 3: Holidays Falling During an Employee's Annual or Sick Leave

Paid holidays falling during annual or sick leave are not charged against the employee's leave account.

Section: 4 Employee's Required to Work on a Holiday

Employees required to work during an observed holiday will receive compensatory time upon the department head's approval or will receive holiday pay plus compensation at regular rates of the hours worked during the declared holiday period.

Section 5: Policy on Annual Leave

A permanent employee is eligible to receive and accumulate annual leave. To use annual leave, an employee must successfully complete the six months' probationary period of all new employees and must give the appropriate supervisor a notice of at least one week of the desire to take leave time. Exceptions to this policy must be approved by the

department head and reported to the Personnel Officer. Exceptions will be granted only under special circumstances.

For the purposes of this ordinance, permanent part-time is defined as regularly scheduled employee that works 20 hours or more per week.

Section 6: Accumulation of Annual Leave

- a. An employee who begins work prior to the fifteenth day of the month will receive credit for the one day of annual leave at the end of that month of employment and one day for each month thereafter until the completion of ten years of service.
- b. An employee with ten or more years of continuous service will earn annual leave at the rate of one and one-half days per calendar month for a total of eighteen workdays per year.
- c. Accumulation of annual leave for permanent part-time employees will be prorated according to number of hours worked per week.

Section 7: Maximum Accumulation of Leave

Annual leave not used in a calendar year may be accumulated to a maximum of twenty-four (24) days for employees with less than ten years of service and thirty (30) days for employees with ten years of service or more.

Annual leave not used in a calendar year by permanent part-time employees may be accumulated at a maximum of 24 days that have been prorated according to the number of hours worked per week.

Section: 8 Scheduling of Annual Leave

The use of annual leave is permitted on a year-round basis, recognizing that each department must provide and maintain adequate service to the public on a year basis which means it must always be adequately staffed. In establishing leave schedules, the department head shall determine the staffing needs for the department, subject to final approval by the Personnel Officer. Accordingly, leave time will be scheduled in each department to the fullest extent possible, first choices going to those with the greatest seniority. After annual leave has been requested and scheduled by an employee, another employee in the same department with more seniority cannot cause the employee with less time to lose scheduled leave. The vacation year begins January 1 and continues through December 31.

Section 9: Employee Transfer

An employee transferred from one administrative unit or department to another between the times of annual leave is scheduled and the time it is to take place will receive consideration from the new department to keep the commitment. Should another member of the employee's new administrative unit or department have the same leave time

scheduled, the employee with greatest seniority with the Town will have the right to request the leave.

Section 10: Payment for Unused Annual Leave

Permanent employees who are separated from service with the Town in good standing will be entitled to receive annual leave pay at regular rates for days accumulated as follows:

- a) Employees with less than ten (10) years of service may receive up to twenty-four (24) days credit, based on his or her unused leave balance.
- b) Employees with ten (10) years of service or more may receive a maximum of thirty (30) days credit.
- c) At no point, will a permanent part-time receive a cash payment for unused annual or sick leave, including separation of employment.

An employee who is separated from service during the probationary period will not be eligible for such cash benefits. In case of death, the amount due to employee for unused annual leave will be paid to the legal heir or estate.

Section 11: Annual Leave and Emergency Recall

Employees on annual leave may not be called back to work except under emergency conditions. Should an employee be called back, the regular rate of pay will be paid for time worked. The employee would be allowed to reschedule the unused portion of leave.

Section 12: Leave Time Record Keeping

Official leave records will maintained by the Personnel Officer. A record of individual leave time will be reflected on the pay stub of each employee. At the beginning of each calendar year, the Personnel Officer will request employees to personally verify the correctness of leave records as of December 31.

Section 13: Sick Leave

Sick leave with pay is not a right which an employee may demand but a privilege granted by the Board of Aldermen for the benefit of an employee when sick. Sick leave may be granted due to any of the following reasons:

- a) Personal Injury;
- b) Bodily Injury
- c) Required physical or dental examinations;
- d) Examinations of treatments by a physician; and

- e) Exposure to a contagious disease when continuing work might affect the health of others.

Absence from work resulting from intemperance, immorality or willful misuse of sick leave will not be charged against the employee's sick leave but will be deducted from the employee's pay and will result in disciplinary action by the department head. Claiming sick leave under false pretenses to obtain a day off with pay is subject to disciplinary action up to and including dismissal. Notification of the desire to take sick leave should be submitted to the employee's supervisor as soon as possible and not later than one hour prior to the beginning of the scheduled workday.

Section 14: Sick Leave Accumulation

Each full-time employee hired prior to the fifteenth day of the month will begin accumulating sick leave at the end of the first month and will accumulate one day per month so long as employment with the Town continues. Permanent part-time employees will earn sick leave on a prorated basis.

Section 15: Maximum Accumulation of Sick leave

Sick leave earned may be accumulated for an indefinite period with not limit on the maximum accumulations.

Section 16: Sick leave for Retirement Credit

As part of the North Carolina Governmental Employees Retirement System, sick leave may be used as creditable service from retirement purposes. One month of credit is allowed for each twenty (20) days of accumulated sick leave or any portion thereof and is credited upon retirement to the employee.

Section 17: Sick Leave Certification Requirements

A physician's certificate may be required as to the nature of an employee's illness and ability to resume normal duties for each occasion in which sick leave is used. The employee may be required to submit such medical examination or inquiry, as a department head may be deemed necessary. The department head is responsible for administration of this policy to the extent that:

- a) An employee should not be on duty when it might endanger the employee's health or the health of other employees.
- b) There will be no abuse of sick leave privileges.

Section 18: Retention of Sick Leave Credits

Sick leave previously accumulated by each employee allowed for each twenty (20) days of accumulated sick leave or any portion thereof is credited upon retirement to the employee.

Section 19: Termination of Employment and Accumulated Sick Leave

All sick leave accumulated will terminate when employee retires, resigns or is dismissed from employment except as provided by the Retirement to the employee.

Section 20: Maternity Leave

Maternity leave will be granted to all female employees of the Town. The limitation on employment prior to childbirth will be based on the nature of work performed by the employee and the advice of her personal physician. Each department head is responsible for determining the details for a specific case and for reporting, in writing, to the Personnel Officer. The time period for maternity leave should not exceed six (6) months; however, leave may be extended to twelve (12) months in cases of actual physical disability. Extension to twelve (12) months will be granted based on certification by the employee's personal physician and the personnel needs of the department, all of which are subject to approval of the Board of Aldermen.

Section 21: Responsibility for Requesting Maternity Leave

An employee must apply in writing to her department head for maternity leave. She is obligated to return to work at the end of the designated time. If unable to return as agreed, she must notify the department head immediately. Failure to do so will be considered as a resignation.

Section 22: Maintaining Benefits During Maternity Leave

During the period of maternity leave an employee will retain all accumulated and unused benefits.

Section 23: Personal Leave Without Pay

Upon the recommendations of a department head and with the approval of the Board of Aldermen, an employee may be granted a leave of absence without pay for a period not to exceed one year for reason of personal or family illness, completion of education or special work, however, all decisions on requests for personal leave without pay will be made in the best interest of the Town.

Section 24: Military Leave

A department head shall grant military leave without pay to any Town employee or reserve or National Guard training. Military leave shall not be charged against annual leave to which the employee may be eligible, except that the employee may elect to use annual leave in lieu military leave, in which case the ordinance pertaining to annual leave shall be in effect.

Section 25: Civil Leave

An employee called for jury duty or subpoenaed as a court witness for the federal or state government will be entitled to leave pay for such in addition to keeping fees received from the duty. Law enforcement officers may not receive or keep witness fees for appearing in a criminal court in connection with their duties except for court outside the country.

Section 26: Funeral Leave

Funeral leave may be granted with pay to all permanent employees by requesting permission from the department head under the following conditions not to exceed five (5) workdays per calendar year:

- a) Three days will be granted for members of the immediate family defined as mother, father, brother, sister or child of the employee or employee's spouse.
- b) One day of funeral leave will be granted for member other than those stipulated as immediate. Others will include grandparents, sisters-in-law, brothers-in-law, nieces, nephews, aunts, and uncles.
- c) Two hours of funeral leave with no time charged will be granted to employees for the purposes of attending the funeral of another Town employee with whom they directly worked or to employees who act as pallbearers for fellow town employees.

Section 27: Reimbursement for Training Expenses

A Town employee who enters a job related training program with the approval of the department head and Board of Aldermen will be reimbursed for such expenses as tuition and books upon successful completion of the course. Successful completion is defined as completion with a passing grade.

An employee who is required to participate in job related training will have all expenses including tuition books, travel and living expenses provided by the Town.

Article 9

Promotions, Demotions and Transfers

Section 1: Promotion to Higher Classification

Insofar as practical, vacancies in classifications about entry-level positions will be filled by the promotion of incumbent employees of the Town.

- a) When a vacancy occurs the department head will request that the Personnel Officer give notice of the vacancy. Requests for promotion or transfers from other departments may be submitted to the department head. The department head shall review all requests for promotion or transfer and shall recommend his choice of the candidates to the Personnel Officer for his approval and confirmation by the Board of Aldermen.
- b) If the department head and Personnel Officer find that the incumbent employees who request promotions or transfers are not qualified or fail to meet departmental standards, the department head and Personnel Officer may solicit requests for promotion or transfer from other qualified employees. If no qualified employee applies, the Personnel Officer shall advertise the vacancy pursuant to subsection a) above and Articles 2 and 3.
- c) Promotion within the Police and Fire departments. Except the department head shall be filled from promotion eligibility lists described in the departmental regulations for those departments.
- d) An employee who has successfully completed the six (6) month probationary period and who transfers to another department pursuant to subsections 1 (a)(b) above, shall not be required to serve another six (6) month probationary period except pursuant to Article 10, Section 8 and Article 9, Section 2.

Section 2: Interdepartmental Transfer

Employees desiring to transfer from one department to another may submit request for transfers, in writing, to the Personnel Office. As vacancies occur in the departments or job positions to which the employees request transfer, the personnel office shall submit their name to the department head or heads with the vacancies for consideration along with other applicants. If the requests are allowed, Section 1 (d) of this Article shall govern the transfer.

Section 3: Demotions

Employees may be demoted for the reasons set forth in Article 10, Section 8 below. Additionally employees may be demoted or reassigned to another job position for budgetary reasons shall be effective only after at least one (1) month notice. Employees demoted may challenge such adverse actions through the provisions for Article 11 of this Ordinance.

Article 10

Employee Separation, Reinstatement, Disciplinary Action and Suspension

Section 1: Employee Separations

Employee separations from the Town will be designated as one of the following and will be accomplished in the manner indicated; resignation, layoff, disability, death, retirement, and dismissal.

Section 2: Employee Resignations

- a) An employee may resign by submitting a resignation to the department head as far in advance as possible with a minimum notice of two weeks desirable. Failure to comply with the requirement may be cause for denying future employment with the Town.
- b) An employee who is absent three consecutive workdays without notifying the department head will be assumed to have voluntarily resigned his job and will be dropped from payroll.

Section 3: Layoffs and Reductions in the Workforce

In the even of a layoff or reduction in work force becomes necessary; three (3) factors will be considered.

- a) The needs of the organization or department.
- b) The employee's past performance as reflected in Town Records or performance appraisal ratings.
- c) Seniority based on permanent, full-time employment with the Town.

Section 4 Employee Disability

An employee maybe separated for disability reasons when he or she is no longer able to perform the required duties for a position because of physical or mental impairment. Such action may be initiated by the employee or by the Town, but in all cases must be supported by medical evidence acceptable to the Board of Aldermen. The Town may require the examination of an employee to be performed by a physician of its choice and its expense (before the separation is granted).

Section 5: Death

Separation will become effective on the date of death. All compensation or death benefits due in accordance with the ordinance shall be paid to the estate of employee or designated beneficiary.

Section 6: Voluntary Retirement

An employee who meets the conditions set forth under the provisions of the North Carolina Local Government Employees Retirement System or the North Carolina Law Enforcement Officers Retirement and Benefit Fund may elect to retire and receive all benefits earned under these retirement plans.

Section 7: Compulsory Retirement

Excluding disability or voluntary retirement, an employee will be expected to retire on December 31, following his or her seventieth (70) birthday.

- a) When deemed in the best interest of the Town, the Personnel Officer may petition the Board of Aldermen to consider a variance of this section.
- b) Extensions granted by the Board of Aldermen must be reviewed each year.
- c) Employment extensions for appointed positions within the Town structure will only be initiated and granted by the Board of Aldermen.

Section 8: Disciplinary Action

- a) A department head or the Personnel Officer may suspend, demote or dismiss an employee due to failure in the performances or assigned duties or failure in personal conduct. Such actions must be reported immediately to the Personnel Office who will expeditiously notify the Board of Aldermen, who shall affirm or disaffirm the action.
- b) An employee whose work is unsatisfactory will, prior to any suspension, demotion or dismissal, first be notified by the department head in what way the work is deficient and what must be done in order to continue employment with the Town.
- c) The following causes related to failure in the performance of duties may be adequate grounds for suspension, demotion, or dismissal.
 - 1) Demonstrated inefficiency or incompetence in the performance of duties.
 - 2) Careless, negligent, improper use of the Town property or equipment.

- 3) Physical or mental incapacity to perform assigned duties as certified by a physician.
 - 4) Abusive treatment of the public or other employees.
 - 5) Unexcused absence without leave.
 - 6) Habitual failure to report for duty at the assigned time and place.
 - 7) Habitual misuse of leave privileges.
 - 8) Insubordination.
 - 9) Improper disclosure of municipal records and documents.
 - 10) Failure to comply the Town's standards of dress and personal appearance in accordance with Article 5 Section 6.
 - 11) Other reasons which adversely affect the Town's ability to discharge its' responsibilities.
- d) The following causes relating to failure in personal conduct may be adequate grounds for suspension, demotion, or dismissal.
- 1) Fraud in securing employment with the town of East Spencer.
 - 2) Conviction of a felony or a misdemeanor involving moral turpitude or the entry of a plea nol contender to either.
 - 3) Falsification of Town records for personnel profit or to gain special privileges.
 - 4) Willful misuse of Town funds.
 - 5) Improper disclosure of municipal records or documents.
 - 6) Reporting to work under influence of alcohol or drugs or partaking of such intoxicants while on duty or while on public property except that prescribed medication may be taken within the limits set by a physician so long as medication is necessary. If the medication prevents the employee from discharging his or her duties during any portion of the day, he or she shall be required to take sick leave or be subject to discipline for a cause.

- 7) For other reasons which adversely affect the Town's ability to discharge its responsibilities.

Section 9: Dismissal

An employee who is to be dismissed by department heads for disciplinary cause will not be immediately relieved of responsibilities except in circumstances where continuation of his or her employment will endanger or cause injury to the Town or its employee or the citizens of or visitors to the Town. Rather, the procedure for discharge shall be governed by Article 11 below.

Section 10: Suspension From Duty

An employee may be suspended for disciplinary reasons for cause with or without pay but only pursuant to the provisions of article 11 below. However, an employee may be suspended immediately for causes relating to personal conduct detrimental to the Town, its employees, citizens or visitors pending compliance with Article 11.

Section 11: Suspension for Non-Disciplinary Reasons

During the investigation, hearing or trial of an employee on a criminal charge or during the course of a civil proceeding involving an employee when suspension would, in the opinion of the Personnel Officer and the Board of Alderman, be appropriate, the employee may be suspended as a non-disciplinary action. In such cases, the Personnel Officer may at the direction of the Board of Aldermen:

- a) Temporarily relieve the employee of all duties and responsibilities for a definite period.
- b) Temporarily assign the employee to new duties and responsibilities for a definite period.
- e) Compensate the employment during the period of non-disciplinary suspension unless for cause the Personnel Officer and the Board of Aldermen determine that compensation during such period should be suspended with the possibility to recover the compensation at end of suspension period if the employee is innocent of wrong doing or fault.

Section 12: Reinstatement

An employee who has been terminated due to a reduction in the Town's work force or who has resigned for extended active duty with the United States Military forces may be reinstated within one year after the separation with the approval of the appropriate department head, the Personnel Officer and the Board of Aldermen. An employee who is called to extended active duty with United States Military forces and who does not volunteer for service beyond the period for which he or she is called may also be reinstated provided:

- a) Application for reinstatement is made within ninety (90) days following release from military service.
- b) The employee is still capable of performing the duties of the former position or a similar position. An employee who is unable to perform the duties of his or her former position or a similar position due to military disability, but who is able to perform the duties of some other position will be granted such employment as he or she is capable of performing, provided vacancies exist.

Employees who have been demoted, suspended or discharged may be considered for reinstatement on such terms as the Personnel Officer and department head deem appropriate.

Article 11

Grievance Procedure

Grievance procedure: In the event of a suspension, demotion, or dismissal, an employee may be heard in closed session at the next regular scheduled Board of Aldermen meeting to appeal the personnel action.

I certify that this is a true and correct copy of Article 11 of the Town of East Spencer's Personnel Ordinance as adopted and amended by the Board of Aldermen on June 30, 2017.

Attest:


ShaTaira, Town Clerk

6-30-17
Date

Article 12

Personnel Records and Reports

Section 1: Personnel Records Maintenance

The Personnel Officer shall maintain such personnel records as are necessary for the proper administrations of the personnel system. The following information on each Town employee will be maintained:

- a) Name
- b) Age
- c) Date of original employment or appointment to Town service.
- d) Initial job position, department and employment status.
- e) Current salary
- f) Date and amount of most recent change in salary.
- g) Vacation leave and other employee benefits to which the employee is entitled.
- h) Date of most recent promotion, transfer, demotion, suspension, separation or other discipline or other change in position classification.

Section 2: Access to Personnel Records

As required by General Statute 160a-168, employee personnel files may be inspected during regular business hours subject to such rules and regulations for safekeeping or public records as may be set by the Personnel Officer or as may be adopted by the Board of Aldermen. Access to such records shall be governed by the following provisions:

- a) All disclosures of records will be accounted for by keeping a written record (except for authorized persons processing personnel action) of the following information: name and address of the person to whom the disclosure is made; purpose for which information is requested. This information must be retained for a period of two (2) years.
- b) Upon request, records of disclosure will be made available to the employee to whom it pertains.
- c) An individual examining a personnel record may copy the information. Available photocopying facilities may be provided and the cost may be assessed to the individual.
- d) A person properly denied access to personnel records will have a right to seek compliance with the provisions of General Statute 160A-168 by application to a court for appropriate relief.

Section 3: Confidential Information

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

- a) An employee or a duly authorized agent may examine all portions of his or her personnel file, except (1) letters of reference solicited prior to employment and (2) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient.
- b) A licensed physician designated, in writing, by the employee may examine all material in the employee's file.
- c) A Town employee having supervisory authority over an employee may examine all material in the employee's personnel file.
- d) By order of a court of competent jurisdiction, any person may examine material in the employee's personnel file.
- e) Each person requesting access to confidential personnel information will be required to submit satisfactory proof of identity to the Personnel Officer.
- f) A record will be made of each disclosure and placed in the employee's file, except disclosure to the employee or the employee's supervisor.

Section 4: Records of Former Employees

Access procedures to records of former employees shall be the same as for current employees.

Section 5: Remedies for Employees Who Have Objection to Material in File

An employee who objects to any material in his file may submit a written statement to the Personnel Officer discussing the material considered to be inaccurate or misleading. The employee may seek removal of such material in accordance with established grievance procedures of the Town.

Section 6: Safeguarding Confidential Information

To ensure the security and confidentiality of records, the Personnel Officer will establish administrative, technical and physical controls to protect such information from unauthorized access, disclosure, or loss of records.

Section 7: Penalty for Permitting Access to Confidential File by Unauthorized Person

General Statute 160A-168 provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who knowingly and willfully examines, removes or copies any portion of a confidential personnel file is guilty of a misdemeanor and upon conviction may be fined an amount not to exceed five hundred dollars (\$500.00).

Section 8 Penalty for Examining or Copying Confidential Material without Authorization

General Statute 160a-168 provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who knowingly and willfully examines, removes or copies any portion of a confidential personnel file is guilty of a misdemeanor and upon conviction may be fined an amount not to exceed five hundred dollars (\$500.00).

Section 9: Personnel Action Forms and Reports

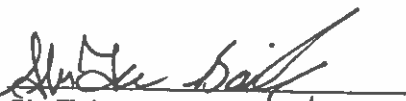
The Personnel Officer will prescribe necessary forms and reports for all personnel actions.

Section 10: Destruction of Records Regulated

No official or employee may destroy, sell, loan or otherwise dispose of any public record, except in accordance with General Statute 121-5, without the consent of the State Department of Archives and History. Anyone who unlawfully removes a public record from an office or who alters, defaces, mutilates or destroys it is guilty of a misdemeanor and upon and upon conviction will be fined an amount not to exceed five hundred dollars (\$500.00).

I certify that this is a true and correct copy of the Town of East Spencer Personnel Ordinance as adopted by the Board of Aldermen on November 7th, 2011.

Attest:


ShaTaira Bailey, Acting Town Clerk

Section 3: Confidential Information

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

- a) An employee or a duly authorized agent may examine all portions of his or her personnel file, except (1) letters of reference solicited prior to employment and (2) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient.
- b) A licensed physician designated, in writing, by the employee may examine all material in the employee's file.
- c) A Town employee having supervisory authority over an employee may examine all material in the employee's personnel file.
- d) By order of a court of competent jurisdiction, any person may examine material in the employee's personnel file.
- e) Each person requesting access to confidential personnel information will be required to submit satisfactory proof of identity to the Personnel Officer.
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An employee who objects to any material in his file may submit a written statement to the Personnel Officer discussing the material considered to be inaccurate or misleading. The employee may seek removal of such material in accordance with established grievance procedures of the Town.

Section 6: Safeguarding Confidential Information

To ensure the security and confidentiality of records, the Personnel Officer will establish administrative, technical and physical controls to protect such information from unauthorized access, disclosure, or loss of records.

Article 13

Implementation of the Ordinance

Section 1: Conflicting Policies Repealed

That all ordinances or parts of ordinances, in conflict are hereby repealed to the extent of such conflict.

Section 2: Separability

If any provision, rule or regulation of this Ordinance is held to be invalid, the remainder of the Ordinance and the application of such rules, regulations or policies other than those held invalid will not be affected.

Section 3: Violations of Policy Provisions

An employee violating the provisions of this Ordinance will be subject to suspension or dismissal, in addition to any civil or criminal penalty, which may be imposed for the violation of the same.