

ARTICLE I. GENERAL PROVISIONS

Section 1. Purpose of the Policy

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

Section 2. At Will Employment

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

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

Section 3. Merit Principle

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

Section 4. Responsibilities in the Administration of the Personnel Program

Responsibilities of the Town Board

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

Responsibilities of the Town Manager

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

The Town Manager shall supervise or participate in:

- a) recommending rules and revisions to the personnel system to the Town Board for consideration;
- b) making changes as necessary to maintain an up-to-date and accurate position classification plan;
- c) preparing and recommending necessary revisions to the pay plan;

- d) determining which employees shall be subject to the overtime provisions of Fair Labor Standards Act (FLSA);
- e) establishing and maintaining a roster of all persons and authorized positions in the municipal service, setting forth each position and employee, class title of position, salary, any changes in class title and status, and such data as may be desirable or useful;
- f) developing and administering such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
- g) developing and implementing such administrative procedures as are necessary to implement these polices provided the administrative procedures are not in conflict with these policies;
- h) performing such other duties as may be required by law or assigned by the Town Board not inconsistent with this Policy; and
- i) appointing an employee to the role of Human Resources Officer.

Responsibilities of the Human Resources Officer

The Town Manager shall appoint a Human Resources Officer or perform this role personally. Any portion of these responsibilities may be delegated as deemed best by the Town Manager. The responsibilities of the Human Resources Officer are to make recommendations to the Town Manager on the following:

- a) rules and revisions to the personnel system for the Town Manager's consideration;
- b) changes as necessary to maintain an up-to-date and accurate position classification plan;
- c) necessary revisions to the pay plan;
- d) which employees shall be subject to the overtime provisions of FLSA;
- e) maintenance of a roster of all persons in the municipal service;
- f) establishment and maintenance of a list of authorized positions in the municipal service at the beginning of each budget year which identifies each authorized position, class title of position, salary range, any changes in class title and status, position number and other such data as may be desirable or useful;
- g) development and administration of such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
- h) development and/or coordination of training and educational programs for Town employees;
- i) development and recommendation of such administrative procedures as are necessary to implement these polices provided the administrative procedures are not in conflict with these policies;
- j) periodic evaluations of the operation and effect of the personnel provisions of this Policy; and

- k) such other duties as may be assigned by the Town Manager not inconsistent with this Policy.

Responsibilities of Supervisors and Managers:

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

- a) dealing with all employees in a fair and equitable manner and upholding the principles of equal employment opportunities;
- b) developing and motivating employees to reach their fullest potential through continued education and training;
- c) making objective evaluations of individual work performance and discussing these evaluations with each employee so as to bring about needed improvements;
- d) keeping employees informed of their role in accomplishing the work of their unit and of conditions or changes affecting their work;
- e) making every effort to resolve employee problems and grievances and advising employees of their rights and privileges;
- f) cooperating and coordinating with other staff members in work flow and distribution of information;
- g) making proper documentation and maintaining current files.

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

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

Section 6. Departmental Rules and Regulations

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

Section 7. Definitions

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

Full-time employee. An employee who is in a position for which an average work week equals at least 37.5 hours, and continuous employment of at least 12 months, as required by the Town.

Part-time employee. An employee who is in a position for which an average work week of at least 20 hours and less than 37.5 hours and continuous employment of at least 12 months are required by the Town.

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

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

Temporary or Seasonal employee. An employee, not in a permanent position, for which either the average work week required by the Town over the course of a year is less than 20 hours, or continuous employment required by the Town is less than 12 months.

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

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

Administrative Leave -- Situation where an employee is relieved of his or her regular job duties for a specific period of time, but continues to receive pay for those duties.

Compensatory Time -- Leave time that is provided to an employee in lieu of overtime pay.

Completed Month -- A period consisting of thirty consecutive days, during which an employee has been in active pay status and/or has received Workers' Compensation payments while on leave without pay.

Completed Year -- A period consisting of twelve consecutive months, during which an employee has been in active pay status and/or has received Workers' Compensation payments while on leave without pay.

Demotion -- A reduction in an employee's assigned duties, classification, and pay range, generally in conjunction with disciplinary action.

Disciplinary Action -- Any negative action that is imposed upon an employee and is taken in response to the poor performance and/or personal misconduct of that employee. Disciplinary actions generally include reprimand, suspension, reduction in pay, demotion, and/or dismissal.

Disciplinary Probation -- An employee is placed on notice that, unless the employee's performance improves within a specified period of time, further disciplinary action may be imposed without additional offenses being committed.

Dismissal -- The involuntary separation of an employee from Town employment that is initiated by the Town as a result of the employee's unsatisfactory work performance or misconduct.

Exempt and Non-Covered Employees -- Certain classes of employees are not covered by the Fair Labor Standards Act. Non-covered employees who are outside the provisions of the Act include: elected officials and their personal staffs; political appointees and legal advisors; seasonal staff; bona fide volunteers; independent contractors; and prison laborers. Exempt employees are covered by the record-keeping requirements of the Act, but are exempt from the overtime and minimum wage requirements. Exempt employees include executive, administrative, and professional employees (as defined by the specific provisions of the Act).

Fair Labor Standards Act -- The Fair Labor Standards Act (FLSA) is a federal law that sets minimum wage, overtime pay, equal pay, and record-keeping requirements for employees who are covered by the Act and not exempt from its specific provisions.

Grievance -- A complaint or dispute by an employee concerning: (1) disciplinary actions of a serious nature (suspensions, demotions, and dismissals); (2) the application or interpretation of personnel policies, rules, and regulations; (3) discrimination or harassment on the basis of race, color, creed, political affiliation, age, disability, national origin, or sex; (4) alleged safety or health hazards; or (5) other complaints related to conditions of work.

Job Description -- A detailed, written description of the essential factors related to a particular employment position. The description generally includes the job title, duties and responsibilities, examples of work performed, and minimum or desirable qualifications.

Job Title -- A descriptive name given to a position, which shall be reflected on all official records of the employee.

Layoff -- Involuntary separation from employment for non-disciplinary reasons, including lack of funds, lack of work, abolishment of the position, reorganization, reduction in the work force, or elimination of the work force.

Manager -- Town Manager. The Chief Administrative Officer for the Town.

Non-Exempt Employees -- Employees covered by the provisions of the Fair Labor Standards Act, and who are subject to the minimum wage, equal pay, overtime, and record-keeping requirements of that Act.

Officials -- Officials include, but are not necessarily limited to, the Mayor, the Mayor Pro-Tem, and members of the Town Council.

Personnel Officer -- The Town Manager or his/her designee is in charge of administering/oversight of personnel policies and/or records.

Probation -- The trial period of employment during which an employee is trained and evaluated on fitness and ability to perform the duties of the appointed position.

Probationary Period -- A designated period of time, and any extension thereof, in which an employee is trained and evaluated for suitability to a position.

Probationary Release -- The dismissal or removal of an employee during the probationary period. Where an employee has been promoted to a higher-level position and is being removed from that position during the probationary period, the employee may be restored to a lower level position if that lower level position still exists and if the employee had obtained regular status in that lower level position.

Promotion -- A change in employment status from one position to another position that requires higher minimum qualifications, more complex duties and responsibilities, and is assigned a higher pay range.

Reclassification -- The modification of a job title or classification to reflect the actual job duties associated with a position.

Reprimand, Verbal -- A discussion between a supervisor and an employee, during which the employee is advised and cautioned about unsatisfactory work performance or misconduct.

Reprimand, Written -- A letter or memorandum to an employee from a supervisor, in which the employee is advised and cautioned about unsatisfactory work performance or misconduct.

Resignation -- Voluntary separation from employment. A minimum of two weeks' notice is expected of all resigning personnel; and a minimum of four weeks' notice is expected of all Department Heads

Retirement, Early/Reduced Benefits (Local Government) -- as defined by the NC Local Government Employees' Retirement System- You may retire early with a reduced retirement benefit after:

- you reach age 50 and complete 20 years of creditable service, or
- you reach age 60 (age 55 if you are a fireman) and complete five years of creditable service.

Retirement, Early/Reduced Benefits (Local Law Enforcement) -- as defined by the NC Local Government Employees' Retirement System - You may retire early with a reduced retirement benefit after you reach age 50 and complete 15 years of creditable service as an officer.

Retirement, Service/Unreduced Benefits (Local Government) -- as defined by the NC Local Government Employees' Retirement System - You may retire with an unreduced service retirement benefit after:

- you reach age 65 and complete five years of creditable service,
- you reach age 60 and complete 25 years of creditable service,
- you complete 30 years of creditable service, at any age

Retirement, Service/Unreduced Benefits (Local Law Enforcement) -- as defined by the NC Local Government Employees' Retirement System - You may retire with an unreduced service retirement benefit after:

- you reach age 55 and complete five years of creditable service as an officer, or
- you complete 30 years of creditable service, at any age.

Separation -- The ending of an employment relationship with the Town. Separation from employment may occur through resignation, reduction in force, disability, retirement, death, or dismissal.

Service Year -- Twelve calendar months from the date of hire. Each year of continuous service from that date will be considered another service year. Each year bought back from the NC Retirement System for previous employment at the Town of Blowing Rock will also be considered another service year.

Suspension -- A situation where an employee is relieved of his or her job duties for a specific period of time, is prohibited from performing those duties, and does not receive pay for that period of time.

Termination -- The involuntary separation of an employee from employment.

Town Council -- The Town Board of Commissioners or the Town Board, including the Mayor and Mayor Pro-Tem.

Transfer -- The movement of an employee from one job position to a similar job position within the same department or in another department. Although a transfer may be voluntary or involuntary, it should not be considered a form of disciplinary action.