

**TOWN OF MCADENVILLE COUNCIL AGENDA  
TUESDAY, MARCH 11, 2025 @ 6:00 PM  
163 MAIN STREET, MCADENVILLE, NC**

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- 1. CALL TO ORDER, PLEDGE OF ALLEGIANCE & INVOCATION**
- 2. ADJUSTMENT & APPROVAL OF THE MARCH AGENDA:** Items will only be added or removed upon approval of the Mayor and Town Council.
- 3. CONSENT AGENDA:** The items of the “Consent Agenda” are adopted on a single motion and vote, unless the Mayor or Council wishes to withdraw an item for separate vote and/or discussion:
  - a) Approval of Minutes: Regular Meeting of February 11, 2025 and Special Meeting / Budget Work Session of February 25, 2025.
  - b) Amend Meeting Schedule: Set Special Meeting for the purpose of a Budget Work Session in the lower level of Town Hall for Wednesday, March 19, 2025 at 12 noon.
  - c) Budget Amendment: Ordinance No 2025-001 amending the General Fund budget for Fiscal Year 2024-2025. Changes will result in no change in the net appropriations for the General Fund with a total budget of \$1,312,700.
  - d) Resolution No 2025-002 adopting the Cleveland Gaston Lincoln Regional Hazard Mitigation Plan. Town Council was provided the comprehensive plan for review at the February 11<sup>th</sup> regular meeting.
- 4. GASTON 250 PRESENTATION:** The Gaston County 250 Committee will give a slide presentation on the America 250 Project and how grant funding is being utilized locally to commemorate and celebrate the 250<sup>th</sup> anniversary of the signing of the Declaration of Independence.
- 5. NCLM PRESENTATION:** Julie Scherer and Autumn Lyvers will give a presentation on behalf of the NC League of Municipalities to recognize and celebrate the Town as a successful participant in the Municipal Accounting Services Program.
- 6. ARP GRANT PROJECTS:** A representative from WithersRavenel will update the Council on engineer changes and the bid/construction timelines for the ARP funded Water System Improvements & Water Rehabilitation Project. The deadline for ARP grant expenditures is December 2026.
- 7. POLICE DEPARTMENT REPORT:** A representative from the Cramerton Police Department will be present to report on police activity for the month of February and address any concerns of the Town Council.
- 8. STAFF REPORT:** Lesley Dellinger will provide updates on town business & open projects and answer questions from the Town Council.

- 9. OPPORTUNITY FOR PUBLIC COMMENT:** This is an opportunity for members of the public to address items to the Mayor and Council. Speakers are asked to stand, state their name and address for the record, and limit comments to no more than five minutes.
- 10. COUNCIL GENERAL DISCUSSION:** This is an opportunity for the Mayor and Council to ask questions for clarification, provide information to staff, or place a matter on a future agenda.

**ADJOURN**

**TOWN OF MCADENVILLE MINUTES  
FEBRUARY 11, 2025**

The McAdenville Town Council met in regular session on Tuesday, February 11, 2025, at 6:00 PM in the Council Chambers of Town Hall located at 163 Main Street, McAdenville N.C.

**PRESENT:**

Mayor Jim Robinette and Mayor Pro-Tem Reid Washam; Council Members: Carrie Bailey, Jay McCosh, and Greg Richardson. Also in attendance: Attorney Chris Whelchel, Police Captain Debbold and Town Administrator/Clerk Lesley Dellinger. Councilman Joe Rankin was absent.

**CALL TO ORDER:**

Mayor Robinette called the meeting to order at 6:00 PM and led in the Pledge of Allegiance. Pastor Walter Griggs, McAdenville Baptist Church, opened the meeting with prayer.

**ADJUSTMENT & APPROVAL OF AGENDA:**

The February Agenda was approved as submitted by motion of Mayor Pro-Tem Washam, second by Greg Richardson and unanimous vote.

**APPROVAL OF CONSENT AGENDA:**

The items of the Consent Agenda were unanimously approved by motion of Jay McCosh, second by Carrie Bailey:

- a) **Approval of Minutes** - Council approved the regular meeting and closed session minutes of January 14, 2025.
- b) **Renewal of Gaston HOME Consortium Agreement** – Council authorized McAdenville’s continued participation in the U.S. Department of Housing and Urban Development’s HOME Investment Partnership Program for a three year period beginning 2026-2028.

**POLICE DEPARTMENT REPORT:**

Captain Debbold stated that the monthly report was included in the agenda packet and that he didn’t have anything additional to add. He then stated that he would be happy to answer questions from the Council. No questions/comments were presented by the Council.

**STAFF REPORT:**

Town Administrator, Lesley Dellinger, reported on the following:

New Business

- The Cleveland Gaston Lincoln Regional Hazard Mitigation Plan has been updated and municipalities within the region that wish to be covered will need to adopt the plan by resolution. The link to the plan is provided with the February agenda packet. Adoption of the plan will allow McAdenville access to NCEM/FEMA resources & funding. Please review the plan and submit questions to the Town Administrator. A Resolution for adopting the plan will be presented for consideration at the March 11<sup>th</sup> meeting.

- City Vision 2025 will be held in Greenville NC, April 29-May 1. This year's event offers learning sessions for elected officials interested in obtaining their AML certification. The deadline for early bird registration is February 14th. Please email the Town Administrator if you are interested in attending.

#### Water & Sewer

- Hallie Bentley PRV Project – Sealed bids for the PRV project were due on 2/6/2025 at 2:00 PM. Only one construction bid was received. (Sanders Utilities) According to G.S. 143-132, three bids are required for construction contracts so the projects will be re-advertised with an extended due date of 2/25/2025 for interested proposers. If no additional bids are submitted the town can consider awarding the contract to the one proposer.

#### Finance

- Request to schedule a FY2026 budget work session – Following discussion, a motion to schedule a special meeting on Tuesday, February 25<sup>th</sup> from noon-1:00 PM to work on the FY2026 budget was made by Mayor Pro-Tem Washam, seconded by Jay McCosh with unanimous vote.

#### **OPPORTUNITY FOR PUBLIC COMMENT:**

James Murphy, 503 Lakeview Drive, stated that the recent fuel spill on Lakeview Drive raises concerns about the current provider contracted for municipal solid waste collection services. He stated that it was his understanding that the current contract ends soon, and he hopes that the Council will do their due diligence when vetting new proposers including requesting information on the average age of their fleet and EPA recordable accidents. He added that smaller companies may be less expensive but struggle with proper maintenance which can result in safety issues.

#### **COUNCIL GENERAL DISCUSSION:**

Greg Richardson stated that the current solid waste provider contract is very cost competitive. He added that an RFP for Municipal Solid Waste Collection was advertised in January and the current provider contract ends May 31, 2025.

Mayor Pro-Tem Washam stated that the cleanup of the hydraulic fluid spill on Lakeview was contracted out to Spillcon, Inc and that the NC Division of Environmental Quality and Gaston County's Division of Natural Resources had been notified.

#### **ADJOURN:**

There being no further business to come before the board, the meeting adjourned at 6:17 PM upon motion of Carrie Bailey, second by Jay McCosh and unanimous vote.

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Jim Robinette, Mayor

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Lesley Dellinger, Town Clerk

**MCADENVILLE TOWN COUNCIL  
SPECIAL MEETING / BUDGET WORK SESSION  
FEBRUARY 25, 2025**

The McAdenville Town Council met in Special Session on Tuesday, February 25, 2025 at 12 noon in the lower level of McAdenville Town Hall, 163 Main Street. Proper notice was given.

Members Present: Mayor Jim Robinette; Mayor Pro-Tem Reid Washam; Councilmembers: Carrie Bailey, Joe Rankin, and Jay McCosh; Staff: Town Administrator/Clerk Lesley Dellinger. Councilman Greg Richardson was absent.

Mayor Robinette called the meeting to order at 12:02 PM. He stated the purpose of the meeting was to discuss expected General Fund revenues for FY2025-26, and the contract changes for Police Service and Trash Collection.

Lesley Dellinger presented Council with current budget vs actual reports and stated that FY2026 general fund revenues will be comparable to the current year based on data received from the Gaston County tax office. Revenue receipts of \$1.2 million are expected, which should be adequate to maintain the current level of services to residents.

The draft contract for Law Enforcement Services with Gaston County was reviewed. Lesley stated that the draft contract drawn by Chris Whelchel mirrors the services included in the current contract with Cramerton including cost. The only service cited as not being continued is the crossing guard for McAdenville Elementary School. Following discussion, Council members recommended communicating the loss of the crossing guard position to staff at McAdenville Elementary so they have time to make alternate arrangements if desired. Carrie Bailey asked if Gaston County has agreed to manage the Christmas Town Safety Planning. Staff confirmed that Gaston County staff shadowed Chief Adams during the 2024 event and feel prepared to handle the traffic needs and pedestrian management in 2025. A firm contract is expected to be presented for consideration at the April 8<sup>th</sup> regular meeting.

The MSW/Yard Waste RFP closed on February 14<sup>th</sup> at 2pm. Proposals were received from Harrison Sanitation, New Hope Waste, Waste Pro, and Waste Management. Several alternate proposals for Bulk Collection were submitted. Waste Pro was the only proposer who submitted a bid for curbside recycling collection. Staff plans to review and score proposals on March 4<sup>th</sup> and will present recommendations during the next budget workshop. Carrie Bailey stated that she has received feedback from residents who want to have recycling included in the new contract. She also asked that the town consider hiring a leaf vacuum service in the fall. Mayor Pro-Tem Washam directed staff to request accident reports and clean up protocols from the top two proposers.

Staff requested available dates for the next budget workshops. Consensus was to set the next workshop for March 19<sup>th</sup> from Noon to 1:30PM. The next workshop will focus on the Water/Sewer fund.

There being no further business to discuss, the meeting was adjourned at 1:18 PM by motion of Carrie Bailey, second by Mayor Pro-Tem Washam with unanimous vote.

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Jim Robinette, Mayor

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Lesley Dellinger, Town Clerk

**ORDINANCE AMENDING BUDGET  
FOR THE TOWN OF MCADENVILLE NORTH CAROLINA  
FOR THE FISCAL YEAR BEGINNING JULY 1, 2024**

**BE IT ORDAINED** by the Mayor and Town Council of the Town of McAdenville, North Carolina meeting in open session this 11<sup>th</sup> day of March 2025 that the following amendment to the Budget Ordinance for the Town of McAdenville, North Carolina for the Fiscal Year beginning July 1, 2024 is hereby adopted:

**SECTION I:** To amend the General Fund, the appropriations are to be changed as follows:

*\*Changes will result in no change in the net appropriations for the General Fund with a total budget of \$1,312,700.*

Admin	10-5210-526 (E)	Utilities & Communications	Increase	\$ 3,700
Admin	10-5210-534 (E)	Dues & Subscriptions	Increase	\$ 100
Parks/Rec	10-5510-526 (E)	Utilities & Communications	Increase	\$ 300
Streets	10-5740-526 (E)	Utilities & Communications	Increase	<u>\$ 15,000</u>
				<b>\$ 19,100</b>
Admin	10-5210-561 (E)	Capital Outlay	Decrease	<u>\$ 19,100</u>
				<b>\$ 19,100</b>

**This Ordinance is approved and adopted this 11<sup>th</sup> day of March 2025.**

\_\_\_\_\_  
**Jim Robinette, Mayor**

**Attest:**

\_\_\_\_\_  
**Lesley Dellinger, Town Clerk**

RESOLUTION  
ADOPTING CLEVELAND GASTON LINCOLN  
REGIONAL HAZARD MITIGATION PLAN

WHEREAS, the citizens and property within the Town of McAdenville are subject to the effects of natural hazards that pose threats to lives and cause damage to property, and with the knowledge and experience that certain areas of the county are particularly vulnerable to drought, extreme heat, hailstorm, hurricane and tropical storm, lightning, thunderstorm wind/high wind, tornado, winter storm and freeze, flood, hazardous material incident, and wildfire; and

WHEREAS, Gaston County desires to seek ways to mitigate the impact of identified hazard risks; and

WHEREAS, the Legislature of the State of North Carolina has in Article 5, Section 160D-501 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina has enacted General Statute Section 166A-19.41 (*State emergency assistance funds*) which provides that for a state of emergency declared pursuant to G.S. 166A-19.20(a) after the deadline established by the Federal Emergency Management Agency pursuant to the Disaster Mitigation Act of 2002, P.L. 106-390, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act; and.

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related assistance funding and that said Plan must be updated and adopted within a five year cycle; and

WHEREAS, the Town of McAdenville has performed a comprehensive review and evaluation of each section of the previously approved Hazard Mitigation Plan and has updated the said plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management.

WHEREAS, it is the intent of the Town Council of the Town of McAdenville to fulfill this obligation in order that Gaston County will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the County;

NOW, THEREFORE, be it resolved that the Town Council of the Town of McAdenville hereby:

1. Adopts the Cleveland Gaston Lincoln Regional Hazard Mitigation Plan.
2. Vests Gaston County Emergency Management with the responsibility, authority, and the means to:
  - (a) Inform all concerned parties of this action.
  - (b) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain areas, and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent exacerbation of existing hazard impacts.
3. Appoints Gaston County Emergency Management to assure that the Hazard Mitigation Plan is reviewed annually and every five years as specified in the Plan to assure that the Plan is in compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to the Town of McAdenville Town Council for consideration.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan.

Adopted this the 11<sup>th</sup> day of March, 2025.

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James Robinette, Mayor  
McAdenville Town Council

Attest:

(SEAL)

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Lesley Dellinger, Town Clerk  
McAdenville Town Council

Certified by: \_\_\_\_\_

Date: \_\_\_\_\_



# Gaston County Celebrates America 250

Presented by Gaston County 250 Committee



# America 250

- Launched at the Federal level, pushed to states
  - America 250 NC
- Gaston County was one of the first NC counties to form a committee
- Gaston received \$10K in first round of grants from the NC Department of Natural & Cultural Resources

# Who's doing the work?

- Gaston County 250 Committee
  - 40+ members with representation from multiple historical groups & most municipalities
  - Jane Kaylor, Gaston County Public Library Supervisor for Genealogy and Local History, Chair
  - Six Subcommittees: Marketing, Research, Grants, Budgeting, Events, Outreach & Education



**GASTON COUNTY**  
*Celebrates America 250*

**Logos approved by NC  
Department of Natural  
and Cultural Resources  
on September 23, 2024**



**GASTON COUNTY**  
*Celebrates America 250*

# GastonGov.com/America250Gaston



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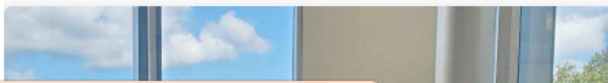


[Resources](#)

## America 250 Gaston

On July 4, 2026, our nation will commemorate and celebrate the 250th anniversary of the signing of the Declaration of Independence. The journey toward this historic milestone is an opportunity to pause and reflect on our nation's past, honor the contributions of all Americans, and look ahead toward the future we want to create for the next generation and beyond.

Hi there! How can we help?



Gaston County 250

A M E R I C A



# Grant money plans

- Printing of educational materials
  - Bookmarks (5,000 to start)
  - Brochures (In development)
- Branded items to raise awareness
  - Stickers
  - Magnets
  - Pins



# What can you expect to see?

- Videos highlighting key local historical events
- Bookmarks/brochures with information on Gaston County's history, including events, locations & people
- Gaston County 250 Committee initiated events and presence at other community events

# What's Next?

- Presentation to governing bodies
  - Gaston County Board of Commissioners, local municipal councils
- Worked with local nonprofits to apply for the latest round of grant funding (awaiting decision)
- Spreading the word!



# Questions?





**NCLM**  
NC LEAGUE OF MUNICIPALITIES

**WORKING AS ONE.  
ADVANCING ALL.**

# Town of McAdenville Municipal Accounting Services (MAS) Program Celebration

**March 11, 2025**

# Municipal Accounting Services (MAS) Program Interesting Facts



- Supported by American Rescue Plan Act (ARPA) funding awarded to the State of North Carolina and then subawarded to the League pursuant to The State Budget Act of 2021. This funding covers MAS participant costs in the program for the first 3 years including software licensing, conversion, and maintenance costs as well as the cost of the accounting assistance through the end of 2026.

**THANK YOU TO OUR STATE LEGISLATORS  
FOR THEIR SUPPORT OF THIS PROGRAM!!!!**

- Goal of the MAS Program is to promote better financial accountability and reliability for smaller governments by providing governmental accounting software, guidance on best financial practices, and accounting assistance to ensure year-end audit readiness.
- Designed for Smaller Towns – Primarily under 2500 in population with goal to provide software and accounting assistance to between 40 and 60 Towns – we have now converted 25 towns to Black Mountain Software (BMS), the governmental software company the League has partnered with.

# Major McAdenville Accomplishments Thus Far



- Went “live” on new accounting and payroll financial software – BMS – April 1, 2024.
- Went “live” on new utility billing software – BMS – May 1, 2024.
- General Ledger was converted to the MAS Program Standard Uniform Chart of Accounts.
- Purchase Orders are being done through the software allowing the Town to see not only what has been spent, but also obligated, from their budget.

# Major McAdenville Accomplishments Thus Far



- Now submitting “positive pay” files to the bank to prevent check fraud.
- Now accepting credit payments both in Town Hall and on line.
- Now emailing utility bills to customers.
- Allows “bank draft” option for Utility Billing Customers.
- MAS Program provided Town with year end audit readiness assistance.
- No issues related to software conversion during FY 2023-2024 audit.

# More to Come...



- Mentoring of Staff on accounting related matters
- Implementation of Best Practices and Policies
- Quarterly Oversight
- Available to Answer General Accounting Questions
- Networking of municipalities that use the software to create a resource for units to share experiences and knowledge
- Financial management training opportunities for Staff

# More to Come...



- Manuals providing information on financial tasks that must be done on a daily, weekly, monthly, quarterly, and annual basis along with information on how to complete those tasks.
- Consistent use of a Standard Chart of Accounts among participants could lead to more efficient and cost effective preparation of financial statements and audits to assist with the amount of time it takes to complete an audit.

# Equation for Financial Success



Enhanced Software Tool Effectively Used by Staff

+

MAS Accounting Assistance Program Efforts

+

Regular Reviews of 9 Key Accounting Factors

=

**Reliable Financial Records**

**and**

**Quality Services to Citizens**



# Thank You!



- To the State Legislature for their funding and support to allow the MAS Program to become a reality!
- To the Town of McAdenville Council for their support through the conversion!
- And last – but definitely not least – to

**Town Administrator/Clerk, Lesley Dellinger  
and Utility Billing Coordinator, Kim Carver**

for their commitment and determination to make the Town of McAdenville a successful, thriving, and supportive community for its families and citizens!



**CRAMERTON POLICE DEPARTMENT**  
**MONTHLY REPORT: February, 2025**

**McADENVILLE CONTRACT**

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTALS
<b>ARREST TOTALS</b>	1	1											2
Adult	1	1											2
Juvenile	0	0											0
Felony	1	0											1
Misdemeanor	0	0											0
<b>DWI ARRESTS</b>	1	1											2
<b>CALLS FOR SERVICE</b>	162	169											331
<b>CASE TOTALS</b>	5	1											6
Felony	3	0											3
Misdemeanor	2	1											3
<b>DRUG INVESTIGATIONS</b>	1	0											1
<b>TRAFFIC CITATIONS</b>	12	10											22
License Vios.	3	3											6
Registration Vios.	3	6											9
Restraint Vios.	0	0											0
Speeding Vios.	6	1											7
Sign/Signal Vios.	0	0											0
Other Traffic	0	0											0
<b>TRAFFIC CRASHES</b>	1	1											2
Damage	0	1											1
Injury	1	0											1

## **STAFF REPORT FOR COUNCIL MEETING 3/11/2025**

**Presented by Lesley Dellinger, Town Administrator/Clerk**

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### **New Business**

- **Personnel Policy:** The last revision to the Town's personnel policy was in February 2012. Town Staff partnered with the MAPS group for a comprehensive review and update of the Town's personnel policy to ensure that the policy aligns with modern human resource management practices, current laws and regulations, as well as standard practices among municipalities across the state. The new policy is being presented for Council's review. A memo from Erika Phillips with the Maps Groups is included to help Council navigate some of the key changes. Staff is recommending a policy effective date of 7/1/2025 so that the accruals of sick and vacation time align with the new budget year. Questions and/or revision suggestions by the board are requested and should be directed to Lesley Dellinger. Board consideration will be requested at the May 13, 2025 meeting.
- **Surplus Property:** The Administrator is authorized to declare surplus any personal property valued at less than thirty thousand dollars, to set its fair market value and to convey title for the property for the Town. Staff additions in 2024 required a clean out of unused items to create workable office space. A list of items declared surplus is being provided to Council and will be disposed of in compliance with town policy and G.S. 160A-266.
- **RFP for Audit Services:** Proposals from auditors qualified to perform government audits are due 3/7/2024. The staff's decision to solicit bids was made to better align with the best practices recommended by the LCG. Details will be provided at the meeting.

### **Water & Sewer Department**

- **Municipal Rate Increase from TRU:** The annual TRU Advisory meeting was held on 3/4/2025 for all municipal partners. It was announced that a 5% rate increase has been approved for municipal wholesale accounts beginning 7/1/2025 (FY2026). It is anticipated that 5% increases will be recommended in FY2027 & FY2028 to cover CIP projects. TRU staff cited the explosion of industrial, commercial, and residential growth in Gaston County and the expansion of infrastructure needed to service this growth as a contributing factor for rate increases.
- **Update on Hallie Bently PRV Project:** The first bid advertisement on January 17<sup>th</sup> only generated one construction bid. General Statutes require a minimum of three bids for

opening. Project was rebid February 13th. Three bids were received with the rebid. The low bid was received from Willis Contracting but was disqualified due to being incomplete. The second lowest bid was from NEP Contracting for \$821,396.00 with Performance and Payment Bonds. This bid is in line with project estimates prepared by Clayton Engineering. Staff requested that Clayton Engineering check references on the low bidder and request a schedule of values since the bid was lump sum. The PRV project was redesigned in 2023 at the request of Belmont Land to support future development of the River District. A Public/Private partnership will be sought to lower the overall project cost for the Town.

### **Finance Department**

Financial Performance Indicator of Concern from LGC. The FY2024 Audit generated an FPIC response for a loss in Operating Net Income in the Water/Sewer Enterprise Fund.

#### From audited financial statement:

Water & Sewer Revenue	\$580,644	
Less Water & Sewer Expenses	\$622,866	(actual \$522,866)
Add Depreciation expense	\$45,215	
Less Debt payments	\$ 0	
Less Interest expense	\$ 4,168	
Result	(\$1,175)	(actual is positive \$98,825)

#### **Operating Net Income (Loss) excluding depreciation, including debt service principal and interest. (Minimum threshold should be Greater than zero per LGC)**

During the year ended June 30, 2024, an adjusting journal entry was done to clear out a non-recurring item from an old account receivable balance in the amount of \$100,000. The discrepancy was found by the MAS staff during the Black Mountain Software conversion. This non-recurring item originated from monies due from Gaston County for the regional South Fork Sewer Project. The amount that was to be received from Gaston County was \$500,000 payable to the Town in the amount of \$100,000/year for five (5) years. Staff confirmed that the full amount of \$500,000 was received from Gaston County and the entry error was in the Due From /Due To accounts set up for the South Fork Sewer Project. Since the Town's accounting software inaccurately showed \$100,000 outstanding from Gaston County, Town Staff requested that a year-end adjusting entry be considered to clean this item up so that it would not continue to be on the books. An entry was approved by the Auditor to clear out the Due from Gaston County in the amount of \$100,000 and the offset was to Miscellaneous expense. This entry is the only reason that the Water/Sewer Enterprise Fund is showing a loss in Operating Net Income.

Staff prepared the FPIC response letter explaining the reason for the loss in Operating Net Income in the Water/Sewer Fund for FY2024. Town Council signatures are required to confirm notification and understanding of the FPIC issuance from the LGC.

## MEMORANDUM

**TO:** Town of McAdenville Town Council

**FROM:** Erika Phillips, The MAPS Group Consultant

**DATE:** February 27, 2025

**SUBJECT:** Updated Personnel Policy

The Town of McAdenville contracted with The MAPS Group for a comprehensive review and update of the Town's personnel policy to ensure that the policy aligns with modern human resource management practices, current laws and regulations, as well as standard practices among municipalities across the state.

The current Town policy is a compilation of individual policy statements. We have incorporated those policy statements into one document to provide clear guidelines and expectations for all employees while fostering a positive and productive work environment. The policy has been restructured to improve clarity and accessibility.

The following are some of the key changes in the updated Personnel Policy:

- Holiday schedule – Town Holidays will now follow the State of NC schedule *(pg.25)*
- Revised Sick Leave Accrual rates – employees accrue 8 hours per month and it will be cumulative. Sick leave is not paid out by the Town upon an employee's retirement or termination. It can be converted to service credit with LGERS upon retirement. *(pg. 28)*
- Revised the Accumulation of Vacation Leave - employees can accrue vacation leave without any applicable maximum until June 30. Only 200 hours of vacation leave may be carried forward to the next fiscal year and any balance over 200 will be converted to sick leave. *(pg. 26)*
- Removed Family Medical Leave Act section – until the Town has at least 50 employees the Town is not required to provide staff with the provisions of FMLA *(pg.29)*
- Updated the Military Leave section *(pg. 31)*
- Clarification of Workers' Compensation Leave policies *(pg. 30)*
- Inclusion of Bereavement Leave *(pg. 28-29)*
- Inclusion of Parental School Leave as required by the state *(pg. 32)*
- Added Disciplinary Actions article to the policy *(pg. 35-39)*
- Added a Grievance Procedure article to the policy *(pg. 40-42)*
- Revised retiree health benefits – only eligible for COBRA benefits for 18 months *(pg. 23)*
- Addition of language addressing the new state law regarding technology use *(pg. 20)*
- Added Longevity Pay to reward continuous years of service to the Town *(pg. 13)*
- Removed the Position Pay Grades policy statement and created a new pay plan with salary ranges and job descriptions separate from the Personnel Policy

The updated Personnel Policy reflects the Town's commitment to its employees and to maintaining a fair, equitable, and compliant workplace.

**TOWN OF MCADENVILLE  
PERSONNEL POLICY**

BE IT RESOLVED by the Town Council of the Town of McAdenville 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 McAdenville.

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## **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 Administrator. 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 McAdenville is an “at-will” employer. The employment relationship between the Town and the employee is terminable at the will of either at any time with or without cause and with or without advance notice. No employee, officer or representative of the Town has any authority to enter into any agreement or representation, verbally or in writing, which alters, amends, or contradicts this provision or the provisions in these policies or to grant any employee contractual rights of employment.

Nothing in this policy creates an employment contract or term between the Town and its employees. None of the benefits or policies set forth in these policies is intended, because of their publication, to confer any rights or privileges upon employees or entitle them to be or remain employed by the Town.

These personnel policies are not a binding contract, but merely a set of guidelines for the implementation of personnel policies. The Town explicitly reserves the right to modify any of the provisions of this policy at any time and without notice to employees.

### **Section 3. Merit Principle**

All appointments and promotions shall be made solely on the basis of merit. Decisions regarding appointments and promotions are within the Town’s discretion. 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, gender, national origin, sexual orientation, political affiliation, marital status, non-disqualifying disability, genetic information, veteran status, age, or on the basis of actual or perceived gender identity or expression.

### **Section 4. Responsibilities of the Town Council**

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

### **Section 5. Responsibilities of the Town Administrator**

The Town Administrator shall be accountable to the Town Council for the administration and technical direction of the personnel program. The Town Administrator shall appoint, suspend, and remove all Town employees, except those whose appointment is otherwise provided for by law, in accordance with the procedures spelled out in this policy.

The Town Administrator shall supervise or participate in:

- a) recommending rules and revisions to the personnel system to the Town Council 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 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) performing such other duties as may be assigned by the Town Council not inconsistent with this Policy; and

### **Section 6. Responsibilities of Department Directors**

Department Directors shall meet their responsibilities as directed by the Town Administrator, being guided by this policy and other Town ordinances. The Town will require all department directors 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 workflow and distribution of information;
- g) making proper performance documentation and maintaining current files; and
- h) abiding by the provisions of these policies and ensuring employees abide by same.

### **Section 7. Responsibilities of Employees**

Teamwork is an important part of an effective organization. Employees are responsible for keeping the Town Administrator informed on relevant work issues. Employees are responsible for:

- a) asking questions and learning their full scope of responsibilities and performing those diligently;
- b) following the chain of command in addressing work concerns and problems;
- c) showing courtesy and respect and work cooperatively with other employees;
- d) providing excellent customer service to citizens and visitors; and
- e) learning and following these personnel policies and procedures.

## **Section 8. 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. Members of the Town Council and advisory boards and commissions will be exempted except in sections where specifically included. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws which have been violated.

## **Section 9. Definitions**

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

**Full-time employee.** An employee who is in an allocated position for which an average work week equals at least 40 hours.

**Part-time employee.** An employee who is in an allocated position for which an average work week of at least 20 hours and less than 30 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 allocated position who has successfully completed the designated probationary period.

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

**Temporary employee.** An employee, not in a regular position, hired by the Town to perform additional work typically on a seasonal or short-term basis for a definite term. Temporary employees are paid on an hourly basis only for hours actually worked and the average work week is less than 25 hours and less than 12 months in a year. Temporary employees are not eligible for benefits except those mandated by State and Federal government. The temporary employee or the Town can at any time or for any reason terminate the employment relationship.

**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.

**Allocated position.** A position authorized by the Town Council in the budget for a full twelve months. All Town positions are subject to budget review and approval each year by the Town Council and all employees' work and conduct must meet Town standards.

## **ARTICLE II. POSITION CLASSIFICATION PLAN**

### **Section 1. Purpose**

The position classification plan provides a complete inventory of all authorized and permanent positions in the Town service, and an accurate description and specification for each class of employment. The plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities.

### **Section 2. Composition of the Position Classification Plan**

The classification plan shall consist of:

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

### **Section 3. Use of the Position Classification Plan**

The classification plan is to be used:

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

### **Section 4. Administration of the Position Classification Plan**

The Town Administrator shall allocate each position covered by the classification plan to its appropriate class and shall be responsible for the administration of the position classification plan. The Town Administrator shall periodically review portions of the classification plan and recommend appropriate changes to the Town Council.

### **Section 5. Authorization of New Positions**

New positions shall be established upon recommendation of the Town Administrator and approval of the Town Council. New positions shall be recommended to the Town Council with a recommended class title after which the Town Administrator shall either allocate the new position into the appropriate existing class or revise the position classification plan to establish a new class to which the new position may be allocated. The position classification plan, along with any new positions or

classifications shall be approved by the Town Council.

#### **Section 6. Request for Reclassification**

Any employee who considers the position in which classified to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall immediately transmit the request to the Town Administrator. Upon receipt of such request, the Town Administrator will study the request, determine the merit of the reclassification, and recommend any necessary revisions to the classification and pay plan to the Council.

#### **Section 7. Maintenance of the Classification and Pay Plan**

Because job duties change over time and the market pay rate changes at different rates for different jobs, comprehensive classification and pay plan reviews are needed periodically

## **ARTICLE III. THE PAY PLAN**

### **Section 1. Definition**

The pay plan includes the basic salary schedule and the "Assignment of Classes to Grades" adopted by the Town Council. Each position is assigned a classification title and each title is assigned to a salary grade with a specific salary range. Positions are assigned to grades within the pay plan based on the duties and responsibilities assigned. Positions with more complex tasks, more responsibility, or requiring more technical knowledge are assigned to higher salary grades. Salary ranges are set based on two components: competitiveness with the market and internal equity with similar positions and occupational groups. The pay classification system contains a salary range delimited by a minimum rate, midpoint and maximum rates of pay for all classes of positions. These rates are adopted by the Town Council upon recommendation of the Town Administrator and are updated at times determined by the Town Administrator.

### **Section 2. Administration and Maintenance**

The Town Administrator shall be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan shall be paid at a rate listed within the salary range established for the respective position classification, except for employees in trainee status or employees whose existing salaries are above the established maximum rate following transition to a new pay plan.

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the Town, and other factors. To this end, each budget year the Town Administrator may make comparative studies of all factors affecting the level of salary ranges including the consumer price index, anticipated changes in surrounding employer plans, and other relevant factors, and recommend to the Town Council such changes in salary ranges as appear to be pertinent. Such changes may be made in the salary ranges such that the minimum rate, midpoint, and the maximum rates change according to the market.

Periodically, the Town Administrator shall recommend that individual salary ranges be studied and adjusted as necessary to maintain market competitiveness. Such adjustments will be made by increasing or decreasing the assigned salary grade for the class and possibly adjusting the rate of pay for employees in the class when the action is approved by the Town Council.

### **Section 3. Starting Salaries**

All persons employed in positions approved in the position classification plan shall be employed at the minimum rate for the classification in which they are employed; however, exceptionally well qualified applicants may be employed above the minimum rate of the established salary range upon approval of the Town Administrator when deemed in the best interest of the Town, and will be based on such factors as exceptional qualifications of the applicant much higher than the required education and experience for the class, shortage of qualified applicants, or operational need.

### **Section 4. Trainee Designation and Provisions**

Applicants being considered for employment or Town employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred by the Town Administrator to a "trainee" status. In such cases, a plan for training,

including a time schedule, must be prepared by the supervisor.

"Trainee" salaries shall be no more than two salary grades below the minimum rate established for the position for which the person is being trained. A new employee designated as "trainee" shall be regarded as being in a probationary period. However, probationary periods shall be no less than six months and trainee periods may extend from three to eighteen months. A trainee shall remain a probationary employee until the trainee period is satisfactorily completed.

If the training is not successfully completed to the satisfaction of the Town, the trainee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the minimum rate established for the position for which the employee was trained.

### **Section 5. Performance Pay**

Upward movement within the established salary range for an employee is not automatic, but rather based upon annual performance reviews. Performance-related movement within the range may be established in procedures approved by the Town Council. Performance pay increases may vary annually based on funding in the budget and the discretion of the Town Council.

### **Section 6. Christmas Bonus**

Regular full-time employees that have completed six (6) full months of continuous employment with the Town by November 1 of each year, and are employed by the Town on the date of payment, may qualify for a Christmas bonus in an amount approved by the Town Council to be paid during the month of November. The amount of the bonus may vary annually based on funding and the discretion of the Town Council.

### **Section 7. Salary Effect of Promotions, Demotions, and Reclassifications**

**Promotion.** A promotion is a move to a position with a higher salary grade. The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility. When an employee is promoted, the employee's salary shall normally be advanced to the minimum rate of the new position, or to a salary which provides an increase of at least approximately 5% over the employee's salary before the promotion, whichever is greater. In the event of highly skilled and qualified employees, shortage of qualified applicants, or other reasons related to the merit principle of employment, the Town Administrator may set the salary at an appropriate rate in the range of the position to which the employee is promoted that best reflects the employee's qualifications for the job and relative worth to the Town, taking into account the range of the position and relative qualifications of other employees in the same classification. In no event, however, shall the new salary exceed the maximum rate of the new salary range. In setting the promotion salary, the Town shall consider internal comparisons with other employees in the same or similar jobs.

**Demotion.** Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary grade. Demotions can be either voluntary, where the employee chooses to take a position in a lower salary grade, or involuntary, resulting from inefficiency in performance or as a disciplinary action. When an employee is demoted to a position for which qualified, the salary shall be set at the rate in the lower pay grade salary range which provides a salary commensurate with the employee's qualifications to perform the job and consistent with the placement of other employees within the same classification. If the current salary is within the new range, the employee's salary may be retained at the previous rate if appropriate. If the demotion is the result of discipline,

the salary shall be decreased at least 5%. Salaries of demoted employees may be no greater than the maximum of the new range.

**Reclassification.** A reclassification is a change in a position's salary grade and title due to a significant increase or decrease in job responsibilities and duties. An employee whose position is reclassified to a class having a higher salary grade shall receive a pay increase of 5% or an increase to the minimum rate of the new pay range, whichever is higher. If the current salary is above the new salary range minimum, there may be a pay increase based on increased job responsibilities and commensurate with the employee's qualifications and is consistent with the placement of other employees within the same classification.

If the position is reclassified to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary.

### **Section 8. Salary Range Revisions**

When an individual class of positions is assigned to a higher salary range, employees in that class shall normally receive a pay increase consistent with the implementation strategy or to the minimum rate of the new range, whichever is higher. When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum rate established for the new class, the salary of that employee shall be maintained at that level until such time as the employee's salary range is increased above the employee's current salary.

### **Section 9. Transition to a New Salary Plan**

The following principles shall govern the transition to a new salary plan:

- 1) No employee shall receive a salary reduction as a result of the transition to a new salary plan.
- 2) All employees being paid at a rate lower than the minimum rate established for their respective classes shall have their salaries raised to the new minimum, or higher, for their classes.
- 3) All employees being paid at a rate above the maximum rate established for their respective classes shall be maintained at that salary level until such time as the employees' salary range is increased above the employees' current salary.

### **Section 10. Effective Date of Salary Changes**

Salary changes approved after the first working day of a pay period shall become effective at the beginning of the next pay period, or at such specific date as may be provided by procedures approved by the Town Administrator.

### **Section 11. Overtime Pay Provisions**

Employees of the Town can be requested and may be required to work in excess of their regularly scheduled hours as necessitated by the needs of the Town. All overtime work must be approved in advance by the Town Administrator or other designee. Employees are not to perform work during



any time that they are not scheduled to work unless they receive prior approval from their supervisor. Working unapproved overtime may result in disciplinary action, up to and including termination.

To the extent that local government jurisdictions are so required, the Town will comply with the Fair Labor Standards Act (FLSA). The Town Administrator shall determine which jobs are "non-exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

#### Non-exempt Employees.

Non-exempt employees, as defined by FLSA, are subject to overtime and will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7-day period). Employees are expected to work during all assigned periods exclusive of breaks or mealtimes. Employees are not to perform work at any time that they are not scheduled to work, unless they receive approval from the Town Administrator, except in cases of emergency.

Whenever practical, departments will schedule time off on an hour-for-hour basis within the applicable work period for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be paid in accordance with the FLSA. It is the policy of the Town that employees receive compensatory time off at a rate of one-and-one-half (1 ½) hours for each hour of overtime worked beyond the FLSA established limit. An employee must physically work over 40 hours to earn compensatory time. In determining eligibility for overtime in a work period, only hours actually worked shall be considered; in no event will vacation, sick leave, or holidays be included in the computation of hours worked for FLSA purposes.

Non-exempt employees may not accrue a compensatory time balance of more than forty (40) hours. Once a non-exempt employee has accumulated the 40-hour limit for comp time, the employee will receive a monetary payment of one-and-one-half (1 ½) times the employee's regular rate of pay for each hour in excess of the limit.

#### Exempt Employees

Employees in positions determined to be Exempt from the FLSA (as Executive, Administrative or Professional staff) are paid on a salary basis and will not receive pay for hours worked in excess of their normal work periods. Exempt employees may be granted "professional leave" by their supervisor on an hour-for-hour basis where the convenience of the Town allows and in accordance with procedures established by the Town Administrator. Such professional leave is not guaranteed to be taken and ends without compensation upon termination of employment.

In a declared disaster or emergency situations, where employees are required to work long and continuous hours, the Town Administrator may approve compensation at time and one half for those hours worked and/or grant time off with pay for rest and recuperation to ensure safe working conditions. In a FEMA declared emergency when extended long hours are required, exempt and nonexempt employees may be determined to be eligible for overtime compensation at a rate not to exceed double time at the authorization of the Town Administrator.

## **Section 12. Payroll Deductions**

Deductions shall be made from each employee's salary, as required by law. Additional deductions may be made upon the request of the employee on determination by the Town Administrator as to capability of payroll equipment, associated increase in workload, and appropriateness of the deduction.

### **Section 13. Hourly Rate of Pay**

Employees working in a part-time or temporary capacity for the Town with the same duties as full-time employees will normally work at a rate in the same salary range as the full-time employees.

The hourly rate for employees working 40 hours per week will be determined by dividing the average number of hours scheduled per year (2080) into the annual salary for the position.

### **Section 14. Acting Assignment Pay**

An employee who is formally designated by the Town Administrator to perform the duties of a job that is assigned to a higher salary grade than that of the employee's regular classification for a period of 30 days or more shall receive an increase for the duration of the interim assignment. The employee shall receive a salary adjustment to the minimum level of the job in which the employee is acting or an increase of 5%, whichever is greater. The salary increase shall be temporary and upon completion of the assignment, the employee shall go back to the salary he or she would have had if not assigned in the interim role, taking into account any increases the employee would have received if they had not been placed in the interim role.

### **Section 15. Holiday Pay**

Holidays are equivalent to 8 hours straight-time pay for all regular full-time employees regardless of their typical workweek schedule and are excluded from hours worked in calculating overtime. Benefits-eligible employees required to perform work on a regularly scheduled Town-recognized holiday shall receive holiday premium pay equivalent to 1.5 times the hourly rate for the hours actually worked in addition to 8 hours of straight time for the holiday.

### **Section 16. Longevity Pay**

Full-time, regular employees may be compensated for years of service to the Town by payment of a longevity pay supplement. Longevity pay is based on the total number of years of continuous service to the Town and will be issued in a lump sum in the month corresponding with the employee's anniversary date. Employees shall receive longevity pay based on the following table:

<u>Years of Service</u>	<u>Longevity Amount</u>
3 years	\$100.00

After three years of service, add \$100 per year for each year over three (3) capped at \$1,500 per year. The continuation of longevity pay as an employee benefit is subject on a year-to-year basis to the availability of funds.

## ARTICLE IV. RECRUITMENT AND EMPLOYMENT

### Section 1. Equal Employment Opportunity Statement

It is the policy of the Town of McAdenville to foster, maintain, and promote equal employment opportunity. The Town maintains a consistent recruitment program to promote equal employment opportunity and to identify and attract the most qualified applicants for all vacancies. This intent is achieved through consistency in announcing position vacancies, evaluating applicants on the same criteria, providing reasonable accommodations as needed, and by applying consistent testing methods when applicable. The Town shall select employees on the basis of the applicant's qualifications for the job and award them with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to race, religion, color, gender, national origin, sexual orientation, age, veteran status, marital status, political affiliation, disability, genetic information, on the basis of actual or perceived gender identity, or other protected class. Applicants with physical disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of essential duties with or without reasonable accommodation.

The Town Administrator and all personnel responsible for recruitment and employment will continue to review regularly the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination. Notices with regard to equal employment matters shall be posted in conspicuous places on Town premises in places where notices are customarily posted.

It is a violation of Town policy to retaliate in any way against an employee who assists, participates in, or supports this policy or anyone making a bona-fide complaint under this policy or who participates or assists in any EEOC, OSHA or other internal or external processes protected by law.

### Section 2. Recruitment, Selection and Appointment

**Recruitment Sources.** When position vacancies occur, the Town shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Information on job openings and hiring practices may be provided to a variety of recruitment sources, including professional organizations and news media available to minority applicants. Individuals shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure that well-qualified applicants are obtained for Town service. In rare situations because of emergency conditions, high turnover, etc., the Town may hire or promote without advertising jobs, upon approval of the Town Administrator.

**Job Advertisements.** Jobs may be advertised in local area newspapers, professional publications, and other relevant publications in order to establish a diverse and qualified applicant pool. Vacancy notices should be posted in Town employment locations. Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.

**Application for Employment.** All persons expressing interest in employment with the Town shall be given the opportunity to file an application for employment for positions which are vacant. The applications are typically screened by the Town Administrator.

**Selection.** The Town shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position,

including criminal history where job-related. Conviction of a crime is not automatically disqualifying. The Town will consider the severity of the crime, degree to which the crime is job related to the job for which the applicant is being considered, and length of time since the conviction to determine the degree to which there is a business necessity for choosing not to hire the applicant. All selection devices administered by the Town shall be valid measures of job performance.

**Appointment.** Before any commitment is made to an applicant either internal or external, the supervisor shall make recommendations to the Town Administrator including the position to be filled, the salary to be paid, and the reasons for selecting the candidate over other candidates. The Town Administrator shall approve appointments and the starting salary for all applicants.

### **Section 3. Probationary Period**

An employee appointed or promoted to a regular position shall serve a six month probationary period. Employees hired as trainees shall remain on probation until the provisions of their traineeship are satisfied.

The probationary period serves as an extension of the selection process. It is a trial period during which the employee can demonstrate his or her ability to perform the work effectively, demonstrate good work habits, and ensure the ability to work effectively with the public and coworkers before granting regular status.

During the probationary period, the Town Administrator shall monitor an employee's performance and communicate with the employee concerning performance progress.

Before the end of the probationary period, the supervisor shall conduct a performance conference with the employee to discuss accomplishments, strengths, and needed improvements. The supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. Probationary periods may be extended for a maximum of *six* additional months.

Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in this policy for disciplinary action.

A promoted employee who does not successfully complete the probationary period may be transferred or demoted to a position in which the employee shows promise of success. If no such position is available, the employee shall be dismissed. Promoted and demoted employees who are on probation retain all other rights and benefits such as the right to use of the grievance procedures.

### **Section 4. Promotion**

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary grade. The Town strives to create career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is best suited of all applicants, that applicant shall be appointed to that position. The Town will balance three goals in the employment process:

- 1) the benefits to employees and the organization of promotion from within;
- 2) providing equal employment opportunity and a diversified workforce to the community; and

- 3) obtaining the best possible employee who will provide the most productivity in that position.

Therefore, except in rare situations where previous Town experience is essential or exceptional qualifications of an internal candidate so indicate, the Town will conduct an open recruitment and consider external and internal candidates simultaneously rather than automatically promote from within. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Internal candidates shall apply for promotions using the same application process as external candidates.

### **Section 5. Demotion**

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary grade. Demotion may be voluntary or involuntary. An employee whose work or conduct in the current position is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. Such disciplinary demotion shall follow the disciplinary procedures outlined in this Policy.

An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a voluntary demotion by using the same application process as external candidates. A voluntary demotion is not a disciplinary action and is made without using the above-referenced disciplinary procedures.

## ARTICLE V. CONDITIONS OF EMPLOYMENT

### Section 1. Work Schedule

The working hours for Town administrative offices are 8:30 a.m. to 4:30 p.m., Monday through Friday. The Town Administrator shall establish work schedules which meet the operational needs of the department in the most cost-effective manner possible.

The workweek for payroll purposes is seven days starting on Monday through the following Sunday.

### Section 2. Political Activity

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

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

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

### Section 3. Outside Employment

The work of the Town shall have precedence over other occupational interests of employees. The Town understands that for various reasons employees may seek to hold other jobs while continuing to work for the Town. Outside employment is prohibited when it would create a conflict of interest or interfere with the employee's ability to perform work for the Town in a satisfactory manner. All outside employment for salaries, wages, or commissions and all self-employment must be reported in advance to the Town Administrator. The Town Administrator will review such employment for possible conflict of interest and then submit documentation of the approval of outside employment in the employee's personnel file. Conflicting or unreported outside employment are grounds for disciplinary action up to and including dismissal.

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

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

Employees are prohibited from other employment while on a leave of absence (Workers' Compensation Leave, Family Medical Leave, etc.) from the Town.

#### **Section 4. Dual Employment**

A full or part-time employee of the Town may simultaneously hold another position with the Town if the temporary position is in a different department and clearly different program area from that of the full or part-time position. The work of the temporary position must also be performed on an occasional or sporadic basis as identified in Fair Labor Standards Act regulations. However, the work of the full or part-time position shall take precedence over the temporary position, and such temporary work will not count toward the calculation of overtime for pay or time off.

#### **Section 5. Employment of Relatives**

The Town is committed to the highest standards of professional conduct and integrity and believes that familial relationships in the workplace can result in conflicts of interest, or an appearance of conflict of interest, and/or situations that might impair objective judgment or create a hostile work environment. Therefore, the Town prohibits the hiring and employment of relatives within the Town. The Town also prohibits the employment of any person who is a relative of individuals holding the following positions: Mayor, Mayor Pro Tempore, Town Council Member, or Town Attorney.

A relative, for the purpose of this policy, is defined as spouse, parent, guardian, children, siblings, grandparent, grandchild, plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named. This definition for this Article also includes individuals living in the same household who share a relationship comparable to immediate family members or intimate relationship.

#### **Section 6. Workplace Harassment Prohibited**

It is the policy of the Town of McAdenville to maintain a workplace that is free from harassment and other behaviors that threaten the health, safety, productivity and well-being of its employees and others. The Town of McAdenville prohibits, and will not tolerate, harassment in any form on the basis of race, religion, color, gender, national origin, sexual orientation, age, veteran status, marital status, political affiliation, non-disqualifying disability, genetic information, on the basis of actual or perceived gender identity, or other protected class. Harassment is defined as conduct that culminates in a tangible adverse employment action or is sufficiently severe or pervasive as to create a hostile work environment.

Harassment complaints or allegations will be investigated promptly and where it is determined that such inappropriate conduct has occurred, we will act immediately to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action up to and including dismissal.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- 1) an employee's acceptance or rejection of such conduct explicitly or implicitly forms the basis for an employment decision impacting the employee;
- 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;

- 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Harassment, other than sexual, is unwelcome intimidation, ridicule, verbal or physical conduct based on a person's protected class where the conduct is sufficiently severe or pervasive as to create a hostile work environment or to alter the terms, conditions, or privileges of the employee's employment.

Harassing conduct may include, but is not limited to, epithets, slurs, negative stereotyping, or threatening, intimidating, hostile acts. Written or graphic material which denigrates or indicates hostility or aversion toward an individual or group is prohibited from display on the employer's premises, or circulation in the workplace.

Any employee who feels harassed or who knows of or suspects the occurrence of forbidden harassment is responsible for informing the Town Administrator in writing of the facts regarding such harassment so that management may promptly and thoroughly conduct an investigation. All claims of harassment will be thoroughly investigated.

Harassment in the workplace undermines the integrity of the employment relationship, upsets morale, and interferes with productivity. Harassment is unacceptable and will not be tolerated. If an investigation confirms that unlawful harassment occurred, the Town will take immediate corrective action, including discipline up to and including immediate termination of employment of the harassing party as is appropriate. Employees making complaints of harassment are protected against retaliation from alleged harassers or other employees.

## **Section 7. Solicitation and Acceptance of Gifts and Favors**

The proper operation of Town government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. Therefore, no official or employee of the Town may willfully receive or accept gifts, favors, discounts, entertainment, or anything of monetary value, at any time, from vendors or persons who stand to derive some financial benefits from any action or decision of the Town or under circumstances where acceptance may have or may reasonably appear to have a tendency to influence that official or employee in the discharge of duties.

No official or employee may use their position with the Town to secure a contract for the purchase of goods or services from any firm or organization in which he or she has a direct financial interest.

## **Section 8. Performance Evaluation**

The Town Administrator may conduct performance evaluation conferences with employees at least once a year. These performance evaluations are intended to be comprehensive discussions of the accomplishments and successes as well as how employees can be more successful in their jobs. The performance evaluations shall then be documented in writing and placed in the employee's personnel file.

## **Section 9. Safety**

Safety is the responsibility of both the Town and the employees. It is the policy of the Town to



establish a safe work environment for employees. Supervisors are responsible for ensuring the safe work procedures of all employees and providing necessary safety training programs if required. Employees are responsible for ensuring safe work procedures and attending any required safety training programs as a condition of employment. Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal.

### **Section 10. Drug Free Work Place**

The Town of McAdenville is committed to a drug-free workplace to maintain a safe and healthy working environment for employees and a productive, effective workforce for the Town's citizens. The Town prohibits employees reporting to work impaired by alcohol, illegal drugs, intentionally and inappropriately used prescriptions, over-the-counter drugs, or other chemicals and substances. The Town has the right to perform drug testing as needed in order to ensure the safety and well-being of citizens and employees.

### **Section 11. Technology Policy**

Employees are expected to use Town technology resources responsibly, professionally, and respectfully. An employee's access to technology resources is a function of the business need of their position and is not a general employee benefit. All Town technology resources, electronic communication devices, and all information and records transmitted by, received on, captured by, or stored on technology resources are the property of the Town of McAdenville and, as such, may be monitored, audited and inspected for proper use without advance notice to any user. Employees have no privacy rights when using Town information technology resources. Information that is stored on or transmitted to or from Town technological resources may be subject to disclosure pursuant to the North Carolina Public Records Law.

The Town prohibits the inappropriate use of technology resources. Prohibited use includes, but is not limited to, inappropriate content; defaming activity; illegal activity; content that violates the Town's harassment, workplace violence, or other related policies; and any use that violates federal, state, or local law or regulation. In addition, the Town prohibits employees from viewing pornography, as defined by G.S. 143-805(b), via a government network or government-issued electronic device owned, leased, maintained or otherwise controlled by the Town. Exceptions to this policy may be determined for employees as allowed in the course of their official duties such as investigating crimes and other law enforcement purposes, etc.

Improper use of technology resources or violations of this policy will subject the employee to disciplinary action up to and including termination of employment.

### **Section 12. Confidential Information**

Employees are prohibited from disclosing confidential information concerning the property, government, or affairs of the Town. Nor shall they, under any circumstance, use such information to advance the financial or other private interest of themselves or others.

### **Section 13. Attendance and Tardiness**

The Town depends on employees to provide needed services every day. Regular attendance is mandatory and is part of the work standards for all jobs. Excessive absenteeism or chronic attendance/tardiness problems may lead to disciplinary action up to and including termination. All regular full-time employees, both non-exempt and exempt, are expected to work a 40-hour (or

assigned) workweek. Hours worked in excess of a 40-hour workweek by an exempt employee is considered accomplishment of assigned accountabilities for which there is no additional compensation.

#### **Section 14. Lactation Support for Nursing Mothers**

The Town is committed to a healthy work-life balance for its employees and therefore supports and protects new parents who wish to continue pumping breastmilk for their children upon their return to the workplace. In accordance with the PUMP for Nursing Mothers Act (PUMP Act) the Town provides reasonable break times to express break milk for the child for up to one year after the child's birth. Employees should advise management if they need break time and an area for this purpose.

The employee storing milk in the workplace refrigerator assumes all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and/or tampering.

Employees will not be discriminated against or retaliated against for exercising their rights under this policy. For more information regarding this issue, see the FLSA guidelines regarding lactation provisions.

#### **Section 15. Use of Tobacco Products**

The use of any and all tobacco products is prohibited in Town buildings, vehicles, indoor public spaces, parks, and grounds. This policy aligns with the stipulations of the Gaston County Tobacco Rule.

#### **Section 16. Weapons Prohibited**

No person employed by the Town, either paid or volunteer, is permitted to possess any firearm or other dangerous weapon while performing duties, including while on Town property or any Town-owned vehicle or in any personal vehicle used by the employee to perform duties.

Violation of this policy will result in disciplinary action, up to and including dismissal for the first offense.

#### **Section 17. Workplace Violence Prohibited**

The Town recognizes that the employees are its most important asset, and a safe, secure, and violence-free workplace is fundamental to their health and well-being during working hours. The Town fosters a work environment of respect and healthy conflict resolution. Employees should expect to be treated with courtesy, dignity, and respect by the management, co-workers, and citizens. It is the obligation of every employee to contribute to the safety of the work environment by refraining from threats, violence or activities that may provoke violence; being sensitive to cultural differences in all aspects of personal interactions; by conducting Town business with consideration and respect for co-workers and customers; and reporting actual or potential threats, both internal and external, immediately. The Town has a zero tolerance policy for violence during working hours, during business involving the Town, or while on Town-owned property by any employee, citizen, customer, visitor, or independent contractor.

## **ARTICLE VI. EMPLOYEE BENEFITS**

### **Section 1. Eligibility**

As an integral part of a comprehensive, competitive compensation program, the Town offers a variety of benefits. Specific benefit programs will vary from time to time and the type, level, eligibility, and cost of such programs are subject to change at any time at the sole discretion of the Town. To that end, the Town will periodically review employee benefits and may, with or without notification, modify, delete, or add benefits at its own discretion as may be deemed necessary.

All regular full-time employees of the Town are eligible for employee benefits, subject to any waiting period. Regular part-time employees are eligible for pro-rated benefits based on the number of hours worked weekly as well as the stipulations in benefit contracts. Part-time, seasonal employees are eligible only for legally mandated benefits such as workers' compensation and FICA. An employee must be in a "pay status" a minimum of 50% of the month in order to remain covered by insurance. Pay status means one is working or utilizing appropriate leave.

The following employee benefit sections provide a brief summary and are not intended to be an all-inclusive benefit description. Please contact the Town Administrator for more detailed information regarding current benefits, eligibility, coverage, and costs.

### **Section 2. Group Health and Hospitalization Insurance**

All regular full-time employees are eligible to purchase available group health insurance. The Town pays the full cost of the premium on individual coverage for the employee unless otherwise noted. Employees may purchase coverage for their dependents and are responsible for paying the full cost of the additional coverage. Information concerning cost and benefits shall be available to all employees.

Under the Federal Consolidated Omnibus Budget and Reconciliation Act, or COBRA, employees are eligible to continue health insurance at group rates for up to 18 months after employment. The employee must pay 100% of the Town's cost of both individual and dependent health insurance as well as any administrative fee charged by the plan administrator.

### **Section 3. Group Life Insurance**

The Town provides group life insurance for each full-time employee and employee dependents subject to the stipulations of the insurance contract. Life insurance will be provided by the Town in an amount approved by the Town Council, subject to appropriation.

### **Section 4. Other Optional Group Insurance Plans**

The Town may make other group insurance plans available to employees upon authorization of the Town Administrator and Town Council.

### **Section 5. Retirement**

The Town provides a retirement income plan for regular full-time and part-time employees under the North Carolina Local Governmental Employees' Retirement System. All regular employees assigned to work more than 1,000 hours in any 12-month period are required to participate as of the first day of employment. Currently, employees contribute 6% of salary (deducted from employee paycheck),

while the Town pays an amount determined annually by the Local Governmental Employees' Retirement System and as approved by the North Carolina General Assembly. The retirement plan is known as a "defined benefit plan" meaning that one can count on a guaranteed percentage of your income at retirement. The percentage will depend on your average final compensation, years of service, and the age at the time of drawing benefits.

After one year as a contributing member, active employees are covered by a death benefit equal to the highest salary for 12 consecutive months during the 24 months before you die, but at least \$25,000 and no more than \$50,000. This benefit is provided to your beneficiary if you die during employment or within 180 days of the last day for which you were paid salary. With five years of service, you are eligible for disability retirement if you become disabled.

## **Section 6. Supplemental Retirement Benefits**

The Town provides 401(k) benefits through the State's 401(k) program for its full and part time employees in the amount of 5% of annual salary, subject to appropriation by the Town Council. Employees may elect to have additional contributions withheld from paychecks to the extent permitted by law.

## **Section 7. Retiree Insurance**

A full-time employee who retires from Town of McAdenville service is eligible to remain on the Town's group health plans through COBRA for 18 months at the employee's expense.

## **Section 8. Social Security**

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

## **Section 9. Workers' Compensation**

All employees of the Town (full-time, part-time, and temporary) are covered by the North Carolina Workers' Compensation Act. Workers' Compensation benefits are paid under this coverage if you have an eligible on-the-job injury or illness.

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee. All employees are required to report any injuries arising out of and in the course of employment to the Town Administrator immediately at the time of the injury in order that appropriate action may be taken at once. The Town Administrator will assist the employee in filing the claim. Under NC Workers' Compensation law, the Town has the right to direct medical care for employees who suffer work-related injuries or illnesses.

A disability of over seven calendar days is required before payment of Workers' Compensation salary benefits under the Workers' Compensation Act begins. An employee may use accrued sick leave or vacation leave during the first seven calendar day waiting period. If the work-related disability exceeds seven calendar days, the employee will be placed on Workers' Compensation Leave. While out on workers' compensation leave of absence, an employee will retain all accumulated sick or annual leave.

During recovery from an accident, an employee may be able to work on light-duty assignments for all or part of the workday. Failure to report to a modified or light-duty assignment may result in

disciplinary action and/or the workers' compensation salary supplement may be stopped.

Before returning to work, a statement from the attending physician must be submitted to the Town Administrator giving permission for the employee to resume regular duties.

Upon return to work, the employee's salary will be computed on the basis of the last salary plus any salary increase to which the employee would have been entitled based upon performance and other compensation policies.

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

### **Section 10. Unemployment Compensation**

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

### **Section 11. Tuition Assistance Program**

Full-time employees who have completed the required probationary period may apply for tuition reimbursement for courses taken on their own time, which will improve their skills for their current job or prepare them for promotional opportunities within the Town service. Tuition, registration, fees, laboratory fees, and student fees are eligible expenses. Employees may be reimbursed for up to \$1,500 per fiscal year of eligible expenses. Satisfactory completion of the courses will be required for reimbursement. Requests for tuition assistance shall be submitted to the Town Administrator prior to course registration and are subject to the approval of the Town Administrator as well as subject to availability of funds.

## **ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE**

### **Section 1. Policy**

The policy of the Town is to provide vacation leave, sick leave, and holiday leave to all full-time employees, and to provide proportionately equivalent amounts to employees having average work weeks of different lengths. Employees shall accrue leave proportionately with each payroll.

### **Section 2. Holidays**

The Town of McAdenville observes the same holiday schedule as designated by the North Carolina State Government Holiday Schedule, currently with twelve paid holidays per year. The following are the designated holidays with full pay for employees of the Town:

New Year's Day	Labor Day
Martin Luther King Jr. Birthday	Veteran's Day
Good Friday	Thanksgiving Thursday & Friday
Memorial Day	Christmas (three days)
Independence Day	

Christmas holidays will coincide with North Carolina State government days observed.

When any recognized holiday falls on a Saturday, the preceding Friday shall be observed as the holiday. When any recognized holiday falls on Sunday, the following Monday shall be observed as the holiday.

In order to receive a paid holiday, an employee must have worked the day before and the day after the holiday(s) or have been given approved leave.

### **Section 3. Holidays: Effect on Other Types of Leave**

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

An employee on leave without pay on the day immediately preceding or following a holiday shall lose the holiday as well as pay for that day.

### **Section 4. Floating Holidays**

Employees will be granted three floating holidays per calendar year to allow employees to have an additional paid day off to use at their discretion for things such as religious observances, parent-teacher conferences, or to supplement vacation or sick leave. The use of floating holidays should be requested in advance. Floating holidays cannot be carried over to the next calendar year, cannot be cashed out if not taken, and will not be paid upon termination of employment. Days will be equivalent to the employee's normal workday.

### **Section 5. Vacation Leave**

Vacation leave is a privilege granted to employees by the Town. Vacation leave is intended to be used for rest and relaxation, school appointments, and other personal needs. Vacation leave may

also be used by employees who wish to observe religious holidays other than those granted by the Town. Employees who wish to use leave for religious observances must request leave from their respective supervisor. The supervisor will attempt to arrange the work schedule so that an employee may be granted vacation leave for the religious observance. Vacation leave for religious observance may be denied only when granting the leave would create an undue hardship for the Town. Vacation leave accrues from the first day of employment with the accrual rate determined by the length of service.

**Section 6. Vacation Leave: Use by Probationary Employees**

Employees serving a probationary period following initial employment may accumulate vacation leave but shall not be permitted to take vacation leave during the first six months of employment unless approved by the Town Administrator.

**Section 7. Vacation Leave: Manner of Taking**

Employees shall be granted the use of earned vacation leave upon request in advance at those times designated by the supervisor which will least obstruct normal operations of the Town. Supervisors are responsible for ensuring that approved vacation leave does not hinder the effectiveness of service delivery. Vacation may be taken in half-hour (1/2 hour) increments. Failure to request or take vacation leave without prior approval may result in disciplinary action. Notwithstanding the procedures in the Article, employees will use accrued comp time before using accrued vacation leave.

**Section 8. Vacation Leave: Accrual Rate**

Each full-time employee of the Town shall earn vacation at the following schedule, prorated by the average number of hours in the workweek:

<b>Years of Service</b>	<b>Days Accrued Per Year</b>
<b>0 – 2 years</b>	<b>10 days</b>
<b>2 – 5 years</b>	<b>12 days</b>
<b>5 – 10 years</b>	<b>15 days</b>
<b>10-15 years</b>	<b>20 days</b>
<b>15 + years</b>	<b>25 days</b>

**Section 9. Vacation Leave: Maximum Accumulation**

Vacation leave may be accumulated without any applicable maximum until June 30 of each year. Effective the first payroll in the new fiscal year, any employee with a vacation leave balance in excess of 200 hours shall have that excess balance converted to sick leave so that only 200 hours of vacation are carried forward to July 1 of the new fiscal year. Employees are not eligible to receive pay for excess vacation time not taken at this conversion time.

**Section 10. Vacation Leave: Payment upon Separation**

An employee who has successfully completed the six-month probationary period will normally be paid for accumulated vacation leave upon separation not to exceed 200 hours, provided the employee provides a written two-week notice to the supervisor. Additionally, the employee must

work each scheduled workday during the two-week notice period unless provided an exception by the Town Administrator.

An employee failing to give and work the two-week notice required by this section shall forfeit payment for accumulated leave. The notice requirement may be waived by the Town Administrator when deemed to be in the best interest of the Town. Employees who are involuntarily separated may receive payment for accumulated vacation leave subject to the 200-hour maximum. Employees dismissed for criminal conduct may be determined ineligible to receive vacation pay.

Employees retiring from local government cannot use vacation leave as time away prior to retirement except for the two weeks preceding the LGERS effective date of retirement.

### **Section 11. Vacation Leave: Payment upon Death**

The estate of an employee who dies while employed by the Town shall be entitled to payment of all the accumulated vacation leave credited to the employee's account not to exceed the maximum of 200 hours.

### **Section 12. Sick Leave**

Sick leave benefits are a privilege granted to employees by the Town, not a right, and may be used only for the purposes described in this policy. Sick leave may be granted to a probationary or regular employee absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others. Sick leave is not intended to provide time off for recreation, personal reasons, or to extend vacations. Abuse of sick leave privileges will subject the employee to disciplinary action.

Sick leave may be used when an employee must care for a member of his or her immediate family who is ill. For the purposes of this benefit, "Immediate family" shall be defined as spouse, child, parent, grandparent, grandchild, or the employee or spouse or guardian of the employee. This also includes various combinations of step and adopted relationships.

Notification of the desire to take sick leave should be submitted to the employee's supervisor prior to the leave. If an employee is unable to report to work, the employee must notify their supervisor as soon as practical after the beginning of the regular schedule workday. If the employee cannot call, the employee must have someone else call. If it is necessary for an employee to leave the work site because of illness, the employee must notify their supervisor before leaving.

The employee is responsible for keeping their supervisor informed on a regular basis of their status and when they expect to return to work. Supervisors may require that employees obtain a physician's statement attesting to one's capacity to resume work duties. Failure to properly notify the supervisor and/or Town Administrator or provide necessary medical documentation may result in disciplinary action up to and including dismissal.

The Town has the discretion to send an employee home on sick leave if he/she exhibits signs of a serious contagious illness or to send the employee to a physician to obtain a fitness for duty note before returning to work.

Sick leave shall be taken and recorded hour for hour, rounded off to nearest half hour.



Sick leave runs concurrently with other types of leave including Family Medical Leave.

Employees retiring from local government service cannot use sick leave as time away prior to retirement except for the two weeks preceding the LGERS effective date of retirement.

### **Section 13. Sick Leave: Accrual Rate and Accumulation**

Sick leave shall accrue at a rate of one day per month of service or twelve 8-hour days per year. Sick leave will be cumulative for an indefinite period of time. All sick leave accumulated by an employee shall 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.

Sick leave may be taken in half-hour (1/2 hour) increments.

Sick leave may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Government Employees' Retirement System (LGERS).

### **Section 14. Transfer of Sick Leave from Previous Employer**

The Town will accept sick leave balances when documented by a previous employer when the employee worked for a previous employer covered by the State or Local Government Retirement System and the employee did not withdraw accumulated contributions from that employer when leaving employment. The sick leave will be treated as though it were earned with the Town of McAdenville. The sick leave amount must be certified by the previous employer and it is the employee's responsibility to provide documentation from his or her previous employer within three (3) months of employment. Transferred sick leave will be credited to the employee upon completion of the probationary period.

### **Section 15. Sick Leave: Medical Certification**

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

- 1) Employees shall not be on duty when they might endanger their health or the health of other employees; and
- 2) There will be no abuse of leave privileges.

Claiming sick leave under false pretense to obtain a day off with pay shall subject the employee to disciplinary action up to and including dismissal.

### **Section 16. Bereavement Leave**

Up to three calendar days paid leave is granted each fiscal year for making funeral arrangements, traveling to, and attending the funerals of relatives. Bereavement leave does not accumulate from

year to year. Bereavement leave must be approved prior to use. Any additional time off may be charged as vacation or compensatory time, if available (or leave without pay). Extra days are granted based on the needs of the employee and the department. Relatives for the purpose of this policy include spouse, parents, guardian, grandparents, children, grandchildren, siblings, and in-laws of these relationships.

### **Section 17. Family and Medical Leave**

Until the Town has 50 employees, the provisions of the Federal Family Medical Leave Act (FMLA) do not apply. Employees of the Town may be granted FMLA leave when they become eligible. They become eligible when the Town employs fifty or more employees. However, the Town may elect to provide some of the same provisions.

### **Section 18. Leave of Absence**

A regular full-time employee who has completed the probationary period may be granted a leave of absence typically for up to three months by the Town Administrator for various reasons including medical leave, sickness/disability of immediate family member, continuing of education, special work that will permit the Town to benefit by the experience gained or the work performed, or for other reasons deemed justified by the Town Administrator.

Eligible employees will be required to exhaust their vacation leave, sick leave, and any accrued compensatory time prior to requesting leave without pay. No benefits are accrued during an unpaid leave of absence.

The employee shall apply in writing to their supervisor for leave no later than 30 days prior to the effective date of the leave. The 30-day notice may be waived when in the doctor's opinion the employee must leave their job earlier for medical reasons. The request should include the reason for leave, date expected for beginning leave, duration of leave, and the expected date to return to work. The Town Administrator approves any leave of absence request. The employee is obligated to return to duty within or at the end of the time determined appropriate by the Town Administrator. If the employee decides not to return to work, the supervisor shall be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested in writing and approved, shall be considered a voluntary resignation. The length of the leave will be determined by the circumstances surrounding the situation and each case will be considered on its own merit.

The Town cannot guarantee reinstatement to the employee's former position upon return from a leave of absence. However, every effort will be made to place an employee in their former position. Before being considered for a return to work after a medical leave of absence, employees must provide the Town with a physician's note stating that he/she is physically able to perform the job.

### **Section 19. Leave Without Pay**

Leave without pay is an administrative decision and may be granted by the Town Administrator. An employee must exhaust all applicable other leave before being placed on leave without pay status. An employee will not be permitted to rotate in and out of leave without pay status and paid leave status. While on leave without pay, an employee shall not accrue leave benefits. Under leave without pay status, employees are responsible for paying both the Town and employee contributions for premiums or benefit packages if they wish to maintain coverage, subject to any regulation by the Town Council and the regulations of the insurance carrier/benefit provider.

## **Section 20. Workers' Compensation Leave**

Under the North Carolina Workers' Compensation Act, employees may be compensated for absence from work due to injury or illness covered by the Act, subject to the following leave provisions:

- 1) There is a mandatory 7 calendar day waiting period before Workers' Compensation salary benefits begin. For this initial 7-day waiting period, employees may use accrued sick leave, vacation leave, compensatory time, or leave without pay. Beginning on the 8th calendar day following the injury or illness, employees who have not returned to work shall be placed in a Workers' Compensation Leave Without Pay status. Accrued leave cannot be used while in Leave Without Pay status.
- 2) Employees receiving Workers' Compensation benefits will not accrue vacation leave, sick leave or paid holidays and their local government retirement and 401k benefits are not paid during this period. Employees will retain all accumulated sick and vacation leave.
- 3) An employee on Workers' Compensation leave may be eligible for health benefits for three months. After three months the employee may elect to continue health benefits by electing COBRA. Other insurance and payroll deductions are the responsibility of the employee and the employee must make those payments for continued coverage of that benefit.
- 4) Upon reinstatement, an employee's salary will be computed on the basis of the last salary plus any salary increase to which the employee would have been entitled during the absence covered by Workers' Compensation benefits.
- 5) After returning to work, employees shall be required to use sick or vacation leave for any additional absences for doctor visits, physical therapy, and other required medical care except where any full or partial workday absence may be eligible for Workers' Compensation payment.
- 6) The Town of McAdenville's personnel policies shall continue to apply to an employee on Workers' Compensation leave in the same manner as they would apply to an employee who continues to work or is absent while on some other form of leave.
- 7) An employee is prohibited from moonlighting or performing other outside work during any kind of leave including workers' compensation leave.
- 8) The ability to return to work will be assessed individually, on a case-by-case basis. The Town will engage in an interactive process with the employee to carefully analyze whether accommodations requested are reasonable while not creating an undue hardship to the Town. If business necessity requires the Town to fill the position prior to the employee's return to work, the employee will receive priority consideration for qualified job openings for 6 months after their medical release to work.
- 9) Before an employee may return to work from a Workers' Compensation injury at full or light duty, the employee must provide a physician's note or Fitness for Duty certification to his/her supervisor indicating that he/she is released and capable of resuming duties, and what, if any restrictions are in place. The decision to allow an employee back on light duty and to

determine the location of the light duty rests with the Town.

## **Section 21. Military Leave**

The Town supports employees wishing to serve their country through participation in the military services as a reservist. The Town will fully comply with the guidelines of USERRA and other related federal regulations. In accordance with federal and state laws, the Town provides military leave to employees who are members of a United States Armed Forces Reserve organization or National Guard for absences to perform military duty, whether voluntary or involuntary.

Employees who are members of an Armed Forces Reserve organization or National Guard shall be granted ten (10) days per year for military duty (including active duty, active-duty training, inactive duty training, such as scheduled drills, full-time National Guard federal duty, fitness-for-duty examination, and funeral honors duty).

Employees should submit a request for military leave to the Town Administrator as soon as possible in advance of the military duty. The request should be in writing and should be accompanied by a copy of the military orders. Employees must report back to work as soon after military duty as possible, consistent with federal and state laws. If the reason for the employee's delay is not related to military duties, the employee is subject to the personnel policies and practices normally applied to employees with unexcused absences.

Employees may choose whether to use earned compensatory time, accrued vacation leave (leave with pay), leave without pay, or some combination thereof for these absences, and the provisions of that leave shall apply.

If the compensation received while on military leave is less than the salary that would have been earned during this same period as a Town employee, the employee shall receive partial compensation equal to the difference. The effect will be to maintain the employee's salary at the normal level during this period. If such duty is required beyond the twelve workdays, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status, and the provisions of that leave shall apply. While taking military leave, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the Town during this period. Employees who are eligible for military leave have all job rights specified by the Vietnam Veterans Readjustment Act.

## **Section 22. Reinstatement Following Military Service**

Employees who are separated or discharged from military service under honorable conditions and who apply for reinstatement within the established time limits are reinstated to the same position or one of like status, seniority, and pay with the Town. If, during military service, an employee is disabled to the extent that the duties of the original position cannot be performed, the employee is reinstated to a position with duties compatible with the disability, if available. The employee's salary upon reinstatement is based on the salary rate just prior to leave, plus any general salary increase(s) implemented while on leave. The addition of a performance salary increase may be considered. Employees who are eligible for military leave have all job rights specified by the Uniformed Services Employment and Reemployment Rights Act (USERRA).

An employee's entitlement to the provisions of this section terminates upon the occurrence of any of the following events:

- 1) Such employee is separated from uniformed service with dishonorable or bad conduct discharge;
- 2) Such employee is separated from uniformed service under other than honorable conditions, as characterized pursuant to regulations prescribed by the Secretary concerned;
- 3) The Town's circumstances have so changed as to make such reemployment impossible or unreasonable;
- 4) Such employee gives clear written notice she/he has no intention of returning to work.

### **Section 23. Civil Leave**

A Town employee called for jury duty or subpoenaed for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. An employee who receives notice of jury duty must notify their supervisor immediately in order to make arrangements to cover the absence. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the Town any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty. Employees required to be in court for their own case, defendant or plaintiff, must use vacation leave or compensatory time.

### **Section 24. Parental School Leave**

A Town employee who is a parent, guardian, or person standing in loco parentis (in place of the parent) may take up to four hours of unpaid leave annually to involve him or herself in school activities of his or her child(ren). This leave is subject to the three following conditions:

- 1) The leave must be taken at a time mutually agreed upon by the employee and the Town;
- 2) The Town may require the employee to request the leave in writing at least 48 hours prior to the time of the desired leave; and
- 3) The Town may require written verification from the child's school that the employee was involved at the school during the leave time.

Paid leave (vacation time) taken by an employee to attend school activities of his or her child shall count toward the fulfillment of this provision by the Town.

### **Section 25. Administrative Leave**

A Town employee may be placed on administrative leave with or without pay pending investigations including but not limited to motor vehicle accidents, alleged inappropriate actions on the job, or any other matter deemed necessary by the Town. Administrative leave is not to be construed as disciplinary action.

## **ARTICLE VIII. SEPARATION AND REINSTATEMENT**

### **Section 1. Types of Separations**

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

### **Section 2. Resignation**

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is two calendar weeks. Failure to provide minimum notice shall result in forfeit of payment for accumulated vacation unless the notice is waived upon recommendation of the Town Administrator.

Three consecutive days of absence without contacting the immediate supervisor may be considered job abandonment, a voluntary resignation. Sick leave will only be approved during the final two weeks of a notice with a physician's certification or comparable documentation.

### **Section 3. Reduction in Force**

Reduction in force is the involuntary separation of an employee due to lack of work or funds, outsourcing of services, decreased workload or elimination of the employee's position due to reorganization. In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance, organizational needs, and seniority in determining those employees to be retained. Employees who are separated because of a reduction in force shall be given at least two weeks' notice of the anticipated action. No regular employee shall be separated because of a reduction in force while there are temporary or probationary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary or probationary employee.

### **Section 4. Disability**

The Town will comply with the Americans with Disabilities Act and will make all responsible efforts to provide reasonable accommodation to employees who may be or become disabled unless the accommodation imposes an "undue hardship". An employee who cannot perform the essential duties of a position because of a physical or mental impairment may be separated for disability following an interactive process. Action may be initiated by the employee or the Town. In cases initiated by the employee, such action must be accompanied by medical evidence acceptable to the Town Administrator. The Town may require an examination, at the Town's expense, performed by a physician of the Town's choice.

Employees who meet the requirements of the North Carolina Local Governmental Employees Retirement System may qualify for a disability retirement. Information about this option is available from the Human Resources Officer or the Retirement System.

### **Section 5. Voluntary Retirement**

An employee who meets the conditions set forth under the provision of the North Carolina Local Government Employee's Retirement System may elect to retire and receive all benefits earned under the retirement plan. Employees cannot use sick leave or vacation leave as time away prior to retirement except for the last two weeks preceding the LGERS effective date of retirement.

#### **Section 6. Death**

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

#### **Section 7. Dismissal**

An employee may be dismissed in accordance with the provisions and procedures of this policy.

#### **Section 8. Reinstatement**

An employee who is separated because of reduction in force may be reinstated within one year of the date of separation upon approval of the Town Administrator. An employee who is reinstated in this manner shall be re-credited with his or her previously accrued sick leave.

#### **Section 9. Rehiring**

An employee who resigns while in good standing may be rehired with the approval of the Town Administrator, and may be regarded as a new employee, subject to all of the provisions, rules, and regulations of this policy. If an employee is hired back into the same position within one year from the date of separation, the employee may be hired back at the previous salary rate, including any salary increases for which he/she would have been eligible as well as a reinstatement of accumulated sick leave. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired into the same or a similar position.

## ARTICLE IX. DISCIPLINARY ACTIONS

### Section 1. Policy

A non-probationary employee may be reprimanded, suspended, demoted or dismissed as provided below; however, nothing contained herein shall replace, change or modify the employment-at-will status as first stated in Article 1 of these policies.

The Town generally administers a progressive disciplinary procedure in which discipline is administered in proportion to the degree of severity and frequency of unacceptable employee behavior. Progressive discipline is intended to allow the employee the opportunity to correct deficiencies in work behavior by clarifying and prescribing to the employee the appropriate behavior. All disciplinary actions are subject to the approval of the Town Administrator.

Employees may be disciplined for improper personal conduct or unsatisfactory performance of job duties, as described in this Article. The Town may also discipline employees for performance problems and/or conduct not specifically identified in this Article.

Probationary employees who have not attained regular status and temporary employees may be dismissed immediately for unsatisfactory job performance or improper personal conduct violations. There is no right of appeal. Appropriate documentation of the dismissal will be included in the employee's personnel file.

### Section 2. Procedure

Whenever, in the supervisor's judgment, employee performance, attitude, work habits, or personal conduct falls below the acceptable level, the supervisor shall inform the employee promptly and specifically of such performance problem(s) and give counsel and assistance. A reasonable period of time for improvement may be allowed before initiating disciplinary action and is within the discretion of the supervisor.

The Town generally follows the principles of progressive discipline. However, the supervisor, in consultation with the Town Administrator, may determine the appropriate level of discipline, separate and apart from the progressive discipline, taking into consideration the particular incident. Disciplinary actions will be recorded in the employee's personnel file.

Disciplinary action may consist of any of the following, not necessarily in this order:

- Written Warning
- Written Warning with Condition(s) of Continued Employment
- Suspension
- Demotion
- Dismissal

#### Written Warning(s)

A documented discussion of specific work-related concerns indicating unacceptable personal conduct or performance deficiencies will be made with corrective measures to be followed. The receipt of a written warning should be acknowledged in writing by the employee. If the employee



refuses to properly acknowledge the receipt of any written warning, the supervisor issuing the written warning shall note the employee's refusal on the employee disciplinary report and have an additional supervisor sign the disciplinary report as a witness to the fact that the employee refused to sign the disciplinary report.

#### Written Warning with Condition(s) of Continued Employment

If an employee continues to perform his or her duties in an unsatisfactory manner, after the receipt of a written warning about deficiencies in the employees' work performance, or if the employee engages in improper personal conduct that involves a mitigating factor or a combination of mitigating factors deemed by management to warrant disciplinary action short of dismissal, the employee may be issued a written warning that contains conditions with which the employee must comply in order to maintain his or her employment with the Town. These conditions of employment may include, but are not limited to, performance requirements as well as a defined goal for the employee to attain in order to demonstrate that the employee is conducting him/herself in a manner that meets the expectations of the Town of McAdenville.

The issuance of a written warning by the Town to an employee is for the convenience of the Town and is not a precondition of an adverse employment action. An employee may have an adverse employment action (including but not limited to suspension, demotion or dismissal) taken against them without prior written warning by the Town.

#### Suspension

If the behavioral infraction is extremely serious to the Town, other employees, or the public, the employee may be suspended without warning.

#### Demotion

An employee may also be demoted for unsatisfactory performance or for improper personal conduct without prior warnings (s). Before an employee is demoted for either reason, the supervisor shall submit a written summary of facts and circumstances leading to the decision to the Town Administrator for approval to proceed. The report should include previous disciplinary action taken, previous written warnings and other documents that support the decision.

#### Dismissal

The supervisor recommending dismissal shall discuss the recommendation with the Town Administrator. The Town Administrator shall schedule and conduct a meeting with the employee in which the employee will receive notice of the recommended dismissal, including specific reasons for the recommendation and summarize the information supporting that decision. The employee shall have an opportunity to respond to the recommended dismissal, to refute information supporting the dismissal action and to offer information or arguments to support his/her position. During this meeting no outside parties may participate. The Town Administrator shall transmit to the employee written notice of the dismissal.

### **Section 3. Non-Disciplinary Suspension**

During the investigation, hearing or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct, or during the course of any civil action

involving an employee when suspension would, in the opinion of the Town Administrator, be in the best interest of the Town, the employee may be suspended for part or all of the proceeding as a non-disciplinary action. In such cases, the Town Administrator may temporarily relieve the employee of all duties and responsibilities and place the employee on unpaid or paid leave for the duration of the suspension. If the employee is reinstated following the suspension such employee shall not lose any compensation or benefits to which otherwise the employee would have been entitled had the suspension not occurred. If the employee is terminated following suspension, the employee shall not be eligible for any pay from the date of unpaid suspension.

#### **Section 4. Rights of Appeal**

In the case of a demotion or dismissal, a regular employee can appeal to the Town Administrator in writing within seven (7) workdays following the effective date of the personnel action that is under appeal. The Town Administrator will review the written reports utilized by the supervisor to take the personnel action under appeal and may request additional information and documentation to consider the appeal. The Town Administrator may request meetings with the employee as well as others involved.

In deciding the issue on appeal, the Town Administrator may confirm or modify the recommendation of the supervisor and enter such order as the Town Administrator may deem appropriate. The Town Administrator's written decision shall be forwarded to the employee within ten (10) workdays from the date the written appeal was received. The decision entered by the Town Administrator shall be final.

#### **Section 5. Administrative Guidelines**

As mentioned above, the Town will determine the appropriate level of discipline for both unsatisfactory job performance and conduct issues. Examples of both unsatisfactory job performance and improper personal conduct which could result in discipline are listed below.

##### **(A) Unsatisfactory Job Performance**

Unsatisfactory job performance occurs when an employee fails to meet job requirements or performance standards as established by the Town Administrator. This policy does not require that progressive warnings address the same type of unsatisfactory performance.

*The following list is illustrative, and is not an exhaustive or exclusive list, of the types of unsatisfactory job performance that may lead to the termination of an individual's employment with the Town:*

- 1) Inefficiency or incompetence or negligence in performing duties;
- 2) Poor manner of work performance;
- 3) Failure to produce work of acceptable quality, quantity or accuracy;
- 4) Physical or mental incapability for performing duties after reasonable accommodation;
- 5) Careless, negligent or improper use of Town property;

- 6) Failure to maintain harmonious working relationships with fellow employees and the public;
- 7) Habitual pattern of failure to report for duty at the assigned time and place;
- 8) Absence without approved leave;
- 9) Improper use of sick or other leave privileges;
- 10) Failure to complete work within time frames established;
- 11) Repeated or serious incident of unsafe behavior at work;
- 12) Failure to obtain/maintain current license or certificate required as a condition of the job;
- 13) Failure to wear/use appropriate safety equipment or otherwise to abide by safety rules.

**(B) Improper Personal Conduct**

An employee who engages in a single act of improper personal conduct is subject to dismissal from employment with the Town of McAdenville regardless of whether the employee has previously received a warning of any kind during his/her career with the Town.

*The following list is illustrative, and is not an exhaustive or exclusive list, of the types of improper personal conduct that will lead to the termination of an individual's employment with the Town:*

- 1) Conduct unbecoming a Town employee;
- 2) Fraud, theft or other illegal activities;
- 3) Conviction of a felony or the entry of a plea of nolo contendere thereto;
- 4) Willful misuse or gross negligence in the handling of Town funds or missing Town funds;
- 5) Personal use of Town equipment or supplies;
- 6) Falsifying records for personal profit, to grant special privileges or to obtain employment;
- 7) Engaging in any action that would in any way seriously disrupt or disturb the normal operations of the Town;
- 8) Willful acts that would endanger the lives or property of others;
- 9) Willfully damaging Town property;
- 10) Possessing unauthorized weapons, alcoholic beverages, or illegal substances on the job;

- 11) Violence or other aggressive, threatening, intimidating, bullying or disruptive behaviors whether by means of communication devices or by means of physical visits to the grounds or home of the targeted individual, for the purpose of harassing an individual;
- 12) Insubordination;
- 13) Accepting gifts for “favors” or “influence”;
- 14) Without proper authorization, disseminating or otherwise releasing in any manner information that is lawfully maintained by the Town as confidential information;
- 15) Professional misconduct;
- 16) Leaving the work area repeatedly for excessively long periods without proper authorization;
- 17) Willful violations of Federal/State law or regulations or Town policies;
- 18) Violation of the Town’s policies prohibiting sexual harassment, unlawful discrimination, retaliation, workplace violence, and/or substance abuse;
- 19) Providing or maintaining false or improper records/documents;
- 20) Providing an untruthful statement or statements during an administrative investigation conducted by the Town and/or otherwise attempting to impede the ability of the Town to conduct an accurate and complete administrative investigation.

## **ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL**

### **Section 1. Policy**

The Town of McAdenville is committed to providing employees an effective and responsive grievance process. The purpose of this article is to outline the procedure and to assure all employees that a response to their complaints and grievances will be prompt and fair. Employees utilizing the grievance procedure shall not be subjected to retaliation or any form of harassment from supervisors or employees for exercising their rights under this policy. Supervisors or other employees who violate this policy shall be subject to disciplinary action up to and including dismissal from Town service.

### **Section 2. Grievance Defined**

A grievance is a claim or complaint by a current or a former employee based upon an event or condition within control of the Town, which adversely affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. An employee filing a grievance should be actually or potentially adversely affected by the condition or event being grieved.

### **Section 3. Purpose of the Grievance Procedure**

The purpose of the grievance procedure is to provide employees with a process by which their complaints can be considered promptly, fairly, and without reprisal. The grievance procedure provides employees with allegations of retaliation, discrimination, harassment, or inappropriate severe disciplinary action, a method of investigation and a remedy to the grievance concerns. The Town wants to create an environment free of continuing conflicts and wants to ensure employee confidence that personnel actions taken are in accordance with fair and uniform policies as well as encourage conflicts to be resolved between employees and supervisors to maintain effective working relationships. Although the Town has numerous processes in place to protect employees from these types of behaviors and actions in the workplace, the Town provides and fully supports a grievance process as a method of accountability and review for itself, its employees, and the community. Employees may access this process without fear of reprisal.

### **Section 4. Procedure**

Supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be occasional grievances which will be resolved only after a formal appeal and review. Accordingly, the following procedure is established to ensure fair and impartial review:

When an employee has a grievance, the following successive steps are to be taken unless otherwise provided. The number of calendar days indicated for each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent. The last step initiated by an employee shall be considered to be the step at which the grievance is resolved.

**Informal Resolution.** Prior to the submission of a formal grievance, the employee and the supervisor, or Town Administrator, should meet to discuss the problem and seek to resolve it

informally. This is to ensure that the supervisor knows about and has had the opportunity to consider and investigate the problem and allow the supervisor to resolve the problem informally before the formal grievance process is initiated.

In addition, the employee or supervisor may request mediation assistance from a neutral party to assist in identifying mutually agreeable solutions. Mediation may be used at any step in the process when mutually agreed upon by the employee and the Town Administrator.

**Step 1.** If no resolution to the grievance is reached informally, the employee who wishes to pursue a grievance shall present the grievance to the Town Administrator in writing. The grievance must be presented within ten (10) calendar days of the event or within ten (10) calendar days of learning of the event or condition. The grievance should contain the following: the decision or action the employee does not agree with, on what basis the action is wrong or unfair, and the proposed resolution the employee is seeking.

The Town Administrator shall respond to the grievance in writing within ten calendar days after receipt of the grievance. The Town Administrator should, and is encouraged to, consult with any employee of the Town in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the Town Administrator is required to cooperate to the fullest extent possible.

The employee shall sign a copy to acknowledge receipt of the grievance response. Copies of the grievance and response shall be filed in the employee's personnel file.

**Step 2.** If the grievance is not resolved to the satisfaction of the employee at the end of Step 1, the employee may appeal, in writing, to the Mayor, or assigned Council member, within ten calendar days after receipt of the response from Step 1. The Mayor shall respond to the appeal, stating the determination of decision in a timely manner, generally within ten calendar days after receipt of the appeal.

**The Mayor's decision shall be the final decision.**

The Town Administrator will notify the Town Council of any impending legal action.

Filing a lawsuit or seeking any other administrative remedy against the Town during this process on the same issue will end your appeal under the Town's grievance procedure.

**No Representation.** Since the grievance conference is not a legal process, but a facilitated discussion between two persons, neither the grievant nor the Town may be represented by legal counsel or any other person at the grievance conference.

## **Section 5. Grievance and Adverse Action Appeal Procedure for Discrimination**

When an employee, former employee, or applicant, believes that any employment action discriminates illegally (i.e. is based on race, religion, color, gender, national origin, sexual orientation, age, veteran status, marital status, political affiliation, disability, genetic information, gender identity, or other protected class), 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 shall also have the right to appeal directly to the Town Administrator. Employment actions subject

to appeal because of discrimination include promotion, training, classification, pay, disciplinary action, transfer, layoff, failure to hire, or termination of employment. An employee or applicant should appeal an alleged act of discrimination within thirty calendar days of the alleged discriminatory action, but may appeal for up to six months following the action. Nothing in this policy is intended to discourage or prevent an employee from filing a formal charge of discrimination or other illegal action with the appropriate state or federal agency having jurisdiction.

## ARTICLE XI. RECORDS AND REPORTS

### Section 1. Public Information

In compliance with GS 160A-168, 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 Town has the written contract or a record of the oral contract in its possession;
- 5) Current position title;
- 6) Current salary;
- 7) Date and amount of each increase or decrease in salary with the Town;
- 8) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the Town;
- 9) Date and general description of the reasons for each promotion with the Town;
- 10) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the Town. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the Town setting forth the specific acts or omissions that are the basis of the dismissal;
- 11) The office to which the employee is currently assigned.

The term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the Town.

Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Town may adopt.

### Section 2. Access to Confidential Records

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

- 1) The employee or his/her duly authorized agent may examine all portions of his/her personnel file except letters of reference solicited prior to employment, and information



concerning a medical disability, mental or physical, that a prudent physician would not divulge to the patient.

- 2) A licensed physician designated in writing by the employee may examine the employee's medical record.
- 3) A Town employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- 4) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- 5) An official of an agency of the State or Federal Government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the Town Administrator to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of the personnel records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
- 6) An employee may sign a written release to be placed in his/her personnel file that permits the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- 7) The Town Administrator, with the concurrence of the Town Council, may inform any person of the employment, non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a Town employee, and the reasons for that action. Before releasing that information, the Town Administrator shall determine in writing that the release is essential to maintaining the level and quality of Town services. The written determination shall be retained in the Town Administrator's office, is a record for public inspection, and shall become a part of the employee's personnel file.

### **Section 3. Personnel Actions**

The Town Administrator will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system. There shall be one set of official personnel files, centrally located as designated by the Town Administrator. Any document not located there is not an official part of that employee's personnel record. These files shall contain documents such as employment applications and related materials, records of personnel actions, documentation of employee warnings, disciplinary actions, performance evaluations, retirement and insurance records, letters of recommendation, and other personnel-related documents.

### **Section 4. Records of Former Employees**

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

## **Section 5. Remedies of Employees Objecting to Material in File**

An employee who objects to material in his/her file may place a statement in the file relating to the material considered to be inaccurate or misleading. In accordance with established grievance procedures, the employee may seek to have a record of upheld grievances relating to personnel records placed in the file and/or may seek removal of material in the file contingent upon approval of the North Carolina Department of Cultural Resources.

## **Section 6. Penalties for Permitting Access to Confidential Records**

Section 160A-168 of the General Statutes 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 shall be fined in an amount consistent with the General Statutes.

## **Section 7. Examining and/or Copying Confidential Material without Authorization**

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

## **Section 8. Destruction of Records Regulated**

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

## **ARTICLE XII. IMPLEMENTATION OF POLICIES**

### **Section 1. Conflicting Policies Repealed**

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

### **Section 2. Separability**

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

### **Section 3. Amendments**

This policy may be amended by action of the Town Council and by resolution appropriately approved. Any revisions or amendments adopted in conformance with this procedure shall become effective as of the date of such adoption.

Notice of any amendment to the policy or any portion thereof, shall be provided to employees. Adopted amendments should be posted on bulletin boards in employee work locations, emailed to employees, and/or placed in employee newsletters.

## McAdenville Surplus Asset List

Item Name	Description	Listed on GD?	Category	Status	Date Sold/Disposed	Selling Price	Notes
Toshiba Estudio232 Printer	CR1628408	Y	Electronics	SOLD	12/31/2024	\$90.00	
Dell Keyboard	KB216d	Y	Computer acc.	No bids	2/7/2025	N/A	No value-Should be donated
Dell Keyboard	SK-8120	Y	Computer acc.	No bids	3/3/2025	N/A	No value-Should be donated
Dell Mouse	MS111-P	Y	Computer acc.	No bids	2/7/2025	N/A	No value-Should be donated
Dell Mouse	MS116-C	Y	Computer acc.	No bids	2/7/2025	N/A	No value-Should be donated
HP Office Jet Pro 8600 Premium	CN2CH3HFD	Y	Electronics	SOLD	2/27/2025	\$14.00	Box of extra ink
Dell Monitor	E2211Hc	Y	Computer acc.	No bids	3/7/2025	N/A	No value-Should be donated
IBM Wheelwriter 1000 by Lexmark	11TKC28	Y	Electronics	No bids	-	N/A	No value-Should be donated
Wood Lawyer Desk	64x29.5x24	Y	Office Furniture	Listed	-		
Small Wood Desk	32x29x24	Y	Office Furniture	Listed	-		
Electric Stapler	GBC Bates 212OES2	Y	Office equip.	No bids	3/6/2025	N/A	No value-Should be donated
Cash Drawer		Y	Office equip.	SOLD	2/28/2025	\$30.00	New in box
Hamilton Beach Microwave	Door button broken	N	Electronics	No value	2/12/2025	N/A	No Value - Discard
Adjustable monitor stand	Broken	N	Computer acc.	No value	2/12/2025	N/A	No Value - Discard
Desk File organizer	Plastic / Damaged	N	Office equip.	No value	2/12/2025	N/A	No Value - Discard
Desk Pen + misc. organizer	Plastic / Damaged	N	Office equip.	No value	2/12/2025	N/A	No Value - Discard
Cork Board	Cork peeling off	N	Office equip.	No value	2/12/2025	N/A	No Value - Discard
Dell Optiplex 390	S/N 35184022849	N	Electronics	No value	-	N/A	Need to be properly disposed of with tech company
Dell Optiplex 390	S/N 35165453761	N	Electronics	No value	-	N/A	Need to be properly disposed of with tech company
Dell Optiplex 390	S/N 35187195457	N	Electronics	No value	-	N/A	Need to be properly disposed of with tech company
DELL Laptop Inspiron OT7570	CN0HC416-70166	N	Electronics	No value	-	N/A	Need to be properly disposed of with tech company
Laptop HP Pavilion DV9500	CNF7376354	N	Electronics	No value	-	N/A	Need to be properly disposed of with tech company
3 Harddrives		N	Electronics	No value	-	N/A	Need to be properly disposed of with tech company
Samgsung Phone	Lost & Found Item	N	Electronics	No value	-	N/A	Need to be properly disposed of with tech company
Burnable CD Stack w/ Cases		N	Office equip.	No value	-	N/A	No value-Should be donated
Mini Fridge	Does not turn on	N	Electronics	No value	3/6/2025	N/A	No Value - Discard

**DRAFT COPY 3/6/2025**  
**Pending review by Auditor**

March 11, 2025

NC Department of State Treasurer  
State & Local Government Finance Division  
3200 Atlantic Avenue  
Raleigh, NC 27604

Dear LGC FPIC Team:

This letter acknowledges receipt of and responds to the Financial Performance Indicators of Concern identified in the financial statements of the Town of McAdenville for Fiscal Year ended June 30, 2024 regarding a loss in Operating Net Income in the Water/Sewer Enterprise Fund.

During the year ended June 30, 2024, an adjusting journal entry was done to clear out a non-recurring item from an old account receivable balance in the amount of \$100,000. This non-recurring item originated from monies due from Gaston County for the regional South Fork Sewer Construction Project. The amount that was to be received from Gaston County was \$500,000 payable to the Town in the amount of \$100,000/year for five (5) years. The Town did in fact receive the full amount of \$500,000 from Gaston County. However, the Town's accounting program in FY2024 inaccurately showed that \$100,000 remained due from Gaston County. Town Staff requested that a year-end adjusting entry be considered to clean this item up so that it would not continue to be on the books. An entry was approved by the Auditor to clear out the Due from Gaston County in the amount of \$100,000 and the offset was to Miscellaneous expense. This entry is the only reason that the Water/Sewer Enterprise Fund is showing a loss in Operating Net Income.

Consideration is requested from the LGC because this was a one-time, unusual transaction that will not recur. It was a non-cash item similar to depreciation that staff and auditor feel should be allowed to be added back to get a true picture of the operations for the year ended June 30, 2024.

By signing below the McAdenville Town Council acknowledges that they are aware of the \$1,175 loss in Operating Net Income in the Water/Sewer Enterprise Fund for FY2025 and understand that a non-recurring entry is the reason for the loss and does not impact the future viability of the fund.

Sincerely,

Lesley Dellinger  
Town Administrator Finance Officer

Jim Robinette, Mayor

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Reid Washam, Mayor Pro-Tem

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Carrie Bailey, Council Member

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Joe Rankin, Council Member

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Greg Richardson, Council Member